Inland Wetlands Commission

MINUTES

Regular Meeting

March 9, 2016

7:00 p.m. main level meeting room

MEMBERS PRESENT: Mr. Bedini, Mr. Davis, Mr. LaMuniere, Mr. Papsin, Mr. Wadelton

ALTERNATE PRESENT: Mr. McCormack

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Sabin, Mr. and Mrs. Kersten, Mrs. Frank,

Mrs. Payne, Mr. Johnson, Mr. Valzania

Mr. Bedini called the meeting to order at 7:00 p.m. and seated Members Bedini, Davis, LaMuniere, Papsin, and Wadelton.

Consideration of the Minutes

The 2/24/16 Regular Meeting minutes were accepted as corrected. On page 2, in the last paragraph, #3 was changed to: “Mr. LaMuniere asked about the access path between points B – C and whether the intervals between the sets of steps would be reinforced and whether Mr. Sabin thought that traffic would not damage the slope and erode it.”

MOTION: To accept the 2/24/16 Regular Meeting minutes

as corrected. By Mr. Wadelton, seconded by

Mr. Papsin, and passed 5-0.

Pending Applications

Bazos/90 Tinker Hill Road/#IW-16-52/Lake Access Path and Dock: Mr. Bedini recused himself and Mr. Wadelton chaired this portion of the meeting. Mr. Sabin, landscape architect, submitted two letters in response to the 2/23/16 letter from Mr. Trinkaus submitted at the last meeting; 1) the 3/9/16 letter with attachments from Mr. Szymanski and 2) the 3/9/16 letter from Mr. Sabin, which included his curriculum vitae. Mr. Sabin read both letters, which responded point by point to Mr. Trinkaus’s 2/23/16 letter, into the record. Mr. Davis asked Mr. Sabin what would be done if the soil wasn’t deep enough to stake the plywood. Mr. Sabin said the plywood could be shifted, other locations for stakes probed, the sheets could be nailed together, and that conditions would be dealt with as they are encountered. He added that the plywood was temporary so it would not be staked into rock. Mr. LaMuniere asked if the DOT had OK’d the test drilling in the narrow area at the bottom. Mr. Sabin said he was working with the DOT now. Mr. LaMuniere asked if drilling had been done below the cavity. Mr. Sabin answered this would be done because he did not want to create a “bathtub.” Mr. LaMuniere then asked Mr. Sabin if he would consider a pipe to the catch basin on West Shore Road. Mr. Sabin noted it is over 150 feet to that catch basin and said an alternate plan would be to get the state’s permission to tunnel under the road. Mr. LaMuniere thought the area at the bottom of the first set of steps was a weak point. He asked if at the bottom of these nine steps runoff could be captured and directed east with a level spreader. Mr. Sabin said he would consider this and consult with Mr. Szymanski, but he did not think there would be that much runoff in this area. Mr. Ajello warned that the Commission would not have time to review any major revisions presented at the next meeting because the time in which to act on the application would run out at that meeting. Mr. Papsin asked how far off the staked pathway might be developed. Mr. Sabin noted he has only a 25 ft. corridor in which to work and said he would avoid cutting trees. Mr. Papsin asked if the planting plan for the revised rain garden was the same as for the original garden. Mr. Sabin said it was. Mr. LaMuniere noted that since the plan had been revised, the Commission had asked for a revised estimation of the materials and quantities to be used. Mr. Sabin said he would submit the list and revise the application form. Mr. LaMuniere asked what would be done if ledge was encountered in a location where a stone step is proposed and whether 6 to 8 inches would be dug out for the base needed to stabilize each step. Mr. Sabin said he would probe first to determine where there is ledge and depending on its depth, would either modify the route of the path or reduce the amount of base material to stabilize the step. He noted that before any changes to the approved plan were made he would notify the WEO. Mr. LaMuniere asked about the stones that would be used to anchor the slab steps. Mr. Sabin stated they would be irregularly shaped and dug in so they would have a stable base. Photos taken by Mr. Szymanski of stairs near the lake built on land with similar conditions were circulated. Mr. Papsin said he had asked for the volume of water that flows down the hill so that it could be determined whether the rain garden had been properly sized. Mr. Sabin said the calculations had been provided in Mr. Szymanski’s 3/9/16 letter and explained the rain garden had been designed for a 10 year storm. It was the consensus that all new information from the applicant should be submitted by the end of the day on Friday, March 18 so that there would be time for the commissioners and the intervener to study it before the next meeting.

Mr. Bedini was reseated.

Milbauer/119 West Shore Road/#IW-16-09/Reside Dwelling: Mr. Johnson, contractor, was present. Mr. Bedini reviewed the minutes of the last meeting, which listed the use of the dumpster and driveway ruts as potential problems. He noted the WEO would monitor the site during construction. Mr. Johnson stated that no outside masonry work was proposed. Mr. Papsin recommended a condition of approval that the dumpster be covered at night and during rain storms.

MOTION: To approve Application #IW-16-09 submitted by

Mr. Milbaur to reside the dwelling at 119 West

Shore Road referencing the plan, “Map Prepared

for James A. and Julia F. Case,” by Mr. Bertaccini,

dated April 30, 1990; the permit shall be valid

for two years and is subject to the following

conditions:

1. that the Land Use office be notified at least

48 hours prior to the commencement of work so

the Wetlands Enforcement Officer can inspect

and approve the erosion control measures,

1. that the property owner give the contractor

copies of both the motion of approval and

approved plans prior to the commencement of work,

1. any changes to the plans as approved must be

submitted immediately to the Commission for

review, and

1. the dumpster must be covered at night and during

rain events to prevent runoff into the lake;

in considering this application, the Commission

has determined that no reasonable and prudent alternatives exist, and believes that there is no

reasonable probability of significant adverse impact

on any wetlands or watercourses.

By Mr. Wadelton, seconded by Mr. LaMuniere, and

passed 5-0.

New Applications

Swartz and Valzania/8 Painter Ridge Road/#IW-16-10/Construct Dormer: Mr. Ajello explained the proposed dormer was 50 feet from an intermittent stream and the house was situated on land that gently slopes towards the stream. Therefore, he recommended that erosion controls be installed and that they serve as the limit of disturbance line. Since there will be no soil disturbance, Mr. Valzania has decided to install hay bales, which he will stake, but not trench into the ground. Mr. Ajello thought this would be adequate. Mr. Davis asked if any equipment would be used and Mr. Valzania said there would be no machines and no vehicles near the wetlands. He also noted no chemicals would be used and there would be a dumpster for waste materials. He pointed out the location of the existing dwelling and stream on the map, “Subdivision of Property Owned by Daniel J. Golden,” dated 8/1960 with the location of the stream and hay bales drawn in by hand. The commissioners had no further questions.

Town of Washington/108 New Milford Turnpike/#IW-16-11/ Application of Herbicide: Mrs. Payne, chairman, and Mrs. Frank, vice chairman, of the Conservation Commission explained the application was to treat the New Preston open space to eradicate the phragmites there. The map, “Overall Existing Conditions Plan,” by CCA, dated 1/12/09 showing the location of wetlands as delineated by a soil scientist was reviewed. Mrs. Payne stated the property would be restored to its natural state and used as a model for other infested properties along Rt. 202. It was noted that All Habitat Services, LLC., who is also doing work at the Macricostos Preserve, would do the work and Mrs. Payne read from its 3/7/16 letter to Mr. Bernard about the two step treatment process that will be used. The phragmites will be cut in early spring, sprayed when it has regrown to approx. 3” - 4” tall, and then sprayed a second time a month or two later. Mr. Bedini asked what would be done with the cut material. Mrs. Frank said it would be left on site because it does not reroot. Mr. Ajello noted a copy of the DEEP permit should be submitted for the file. Mrs. Frank stated that the initial spraying would take one day, but that periodic maintenance spraying would be necessary and so a five year permit was requested. Mr. Davis advised the applicants that if any track equipment would be used, the Commission wanted its location shown on the site plan. Mr. Ajello noted the low impact equipment that would be used was addressed in All Habitat Services’s 3/7/16 letter. Mrs. Frank said the adjoining property owner had been notified of the proposed work and said use of GPS would ensure the spraying would be done only on Town property.

Enforcement

Kersten/11 Baldwin Hill Road/Unauthorized Soil Disturbance: Mr. Ajello circulated photos of the site and stated that sediment from unauthorized regrading near an intermittent stream had washed onto Baldwin Hill during the last storm. Mr. Kersten explained that he had been working for years to level a section of his property for a play area and that since the water flows for only three weeks a year, he had not realized that it was a stream. He said he had installed silt fence since Mr. Ajello’s inspection and that he had consulted a contractor who was going to finish the job, who said that he would seed and mulch the disturbed areas upon the completion of work. Mr. Kersten also said he had already planted some shrubs to hold the steeper slope. Mr. Bedini suggested that fabric be installed to hold the steeper, lower slope. Mr. Bedini noted an application to correct a violation was required and that it should be accompanied with a plan for what work will be done and how it will be accomplished. Mr. Ajello noted the order issued to the Kerstens included three points: 1) no more vegetation could be removed, 2) no further soil disturbance could be done, and 3) silt fence had to be installed. He was concerned about the potential for erosion of the steeper slope and said it might need more than a heavy growth of grass to stabilize it. Until an application is approved, the Commission recommended a double row of silt fence and heavy mulch to prevent further erosion.

Activity Report: Mr. Ajello reviewed his 3/8/16 report.

Administrative Business

Mr. Bedini noted that several recent applications for work within 100 feet of a wetlands or watercourse involved no soil disturbance and asked whether applications in such cases are really needed. It was the consensus of the commissioners that no exceptions could be made for work within the regulated area. Mr. Ajello pointed out that even for work with no soil disturbance there is the potential for accidents and so the proposed work should be reviewed and monitored.

MOTION: To adjourn the meeting. By Mr. Papsin.

The meeting was adjourned at 8:42 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator