Inland Wetlands Commission

MINUTES Regular Meeting April 11, 2018

7:00 p.m. main level meeting room

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

ALTERNATES ABSENT: Mr. Kassis, Mr. Matthews

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Bedini, Mr. Neff, Mr. Halfon, Mr. Turner Mr./Mrs. Gilmore, Mr. Angell, Mr. Sabin, Mrs. Solomon

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

MOTION: To include the following subsequent business not already posted on the Agenda: V. New Applications: D. Ingrassia/292 Bee Brook Road/#IW-18-14/Extend Driveway, E. Lake House Trust/208 West Shore Road/ #IW-18-15/Move Dock, Install Concrete Pad, F. Town of Washington/16 Titus Road/#IW-18-16/Restore, Regrade Old Town Garage Site. By Mr. Papsin, seconded by Mr. LaMuniere, and passed 5-0.

Consideration of the Minutes

The 3/28/18 Regular Meeting minutes were accepted as corrected. On page 2, 7th line from the bottom, “Section 8.1.2” should be “Section 8.12.”

MOTION: To accept the 3/28/18 Regular Meeting minutes as amended. By Mr. LaMuniere, seconded by Mr. Davis, and passed 5-0.

Pending Applications

The Gunnery, Inc./Lake Waramaug/#IW-18-03/Removal of Race Course Pins: Mr. Wadelton noted the receipt of the 4/6/18 email from Mr. Hayden of the Lake Waramaug Task Force, which detailed how the iron pins would be removed. Mr. Turner, Gunnery coach, stated the work would be done in the fall or when the drawdown to repair the dam takes place. Mr. Wadelton stated a two year permit would be granted and an extension could be applied for if necessary.

MOTION: To approve Application #IW-18-04 submitted by The Gunnery, Inc. remove the race course pins in Lake Waramaug; the permit shall be valid for 2 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, 2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and 3. any changes to the plans as approved must be submitted immediately to the Commission for review; 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. Papsin, seconded by Mr. Davis, and passed 5-0.

101 Wykeham Road, LLC./101 Wykeham Road/#IW-18-04/Inn with Appurtenances: It was noted the public hearing had been continued to Wednesday, April 18, 2018.

Teicholz/110 Blackville Road/#IW-18-10/Pond Treatment: Mr. Wadelton reported that the contractor had submitted a letter dated 4/10/18 to answer the questions raised at the last meeting. Regarding the Commission’s request that the outlet pipe be capped for the half life of the chemical and the applicant’s response that capping the outlet would be difficult to do, Mr. LaMuniere thought it still should be capped and did not know why this would be difficult. Mr. Papsin agreed and asked that the MSDS sheets for each of the chemicals to be used be submitted. Mr. Bennett also requested the product labels. It was noted the IWC always receives this information. Mr. Davis stated the contractor had stated that the DEEP requires pond outlets to be capped only when the pond is in a watershed area or there are downstream documented endangered species, but Mr. LaMuniere noted the Commission always requires the pond egress to be blocked while the treatment chemicals are active. Mrs. Hill will contact The Pond and Lake Connection to ask for the MSDS and label information.

Erben Partners, LLC./169 West Shore Road/Revision of Permit #IW-17-26/Change Walkways, Deck, Septic System: Mr. Szymanski had sent an email dated 4/11/18 asking that discussion be tabled to the next meeting.

New Applications

Bowman/44 Plumb Hill Road/#IW-18-11/Garage: Mr. Neff, engineer, presented his map, “Proposed Garage Site Plan,” dated 4/2/18. He pointed out the proposed garage location near the existing driveway, existing site conditions, and the limit of disturbance. The garage will be constructed on a concrete slab in a regulated area having an approximate 5% slope. Mr. Papsin asked if the garage would have gutters. Mr. Neff said it would not. He also stated that tree cutting would be kept to the minimum needed and pointed out where boulders would be placed around the southwest corner of the garage. It was the consensus that a site inspection was not necessary.

Kavaler/69 Upper Church Hill Road/#IW-18-12/Barn, Drainage, Septic System, Driveway, etc.: Mr. Neff, engineer, represented the applicant. The map, “Soil Erosion and Sediment Control Plan,” dated 3/20/18 and revised to 4/2/18 was reviewed. Mr. Neff stated that most of the proposed work was outside the regulated area in a flat, grassed part of the property and said all of the regulated activities were listed on the plan. He also noted there would be no tree cutting. Mr. LaMuniere asked if the driveway would be pervious. Mr. Neff stated it would be gravel and explained there would be regravelling of the low sections. He also stated there was room for the stockpiling of materials on the north side of the site, out of the regulated area. Mr. Davis asked if the demolition materials would be hauled off site. Mr. Neff said they would. It was noted the roof leaders for the proposed house would flow to footing drains and then to the existing culvert under the driveway. Mr. Davis asked about the drainage for the poolhouse. Mr. Neff stated there would be sheet flow off both the barn and poolhouse roofs and that the poolhouse was more than 100 feet from the wetlands. He noted the potential for erosion was minimal because the land was so flat. It was noted a water tight concrete holding tank was proposed for the barn and that it would require to be pumped out when full. Mr. LaMuniere noted a small septic system was proposed for the barn. Mr. Neff said the Health Dept. had approved the septic systems. Mr. LaMuniere said the proposed activities were no threat to the wetlands.

27 Plumb Hill, LLC./27 Plumb Hill Road/#IW-18-13/Extend, Rebuild Deck: Mr. Halfon, property owner, proposed to extend the existing deck 4 feet closer to the wetlands on the property. He noted the only digging required would be for the installation of the concrete piers and the excavated material would be used elsewhere on site. The site plan, which was drawn by hand on a portion of the survey map, dated 2/3/18 was reviewed. Mr. Wadelton noted there was no construction sequence included with the application. He requested that a written construction sequence and the other items listed in Mrs. Hill’s 4/11/18 review be submitted so the Commission would have a complete file for the record. He also explained that per state statute the IWC could not act on the application until the next meeting.

Ingrassia/292 Bee Brook Road/#IW-18-14/Driveway Crossing: Mr. Neff, engineer, presented the plan, “Proposed Driveway Extension Plan,” dated 4/7/18 and also a copy of the approved subdivision plan. He pointed out the 20 ft. wide driveway access to three of the lots, saying it was mostly outside of the regulated area. Mr. Davis asked if the driveway would be pervious. Mr. Neff stated it would be gravel. Mr. LaMuniere explained that although subdivision feasibility had been approved, a wetlands permit was required when specific activities, such as the extension of the driveway, were proposed. Mr. Neff explained that a culvert would be installed in the manmade wetland area and that the area between the road and the open field was wooded, but that tree cutting would be kept to a minimum. It was the consensus that a site inspection was not needed.

Lake House Trust/208 West Shore Road/#IW-18-15/Relocate Dock, Install Concrete Pad: Mr. Gilmore, property owner, presented a portion of a survey map, dated October 1945, on which he drew in the proposed dock location and he pointed out the location of the existing stonewall. He proposed to take out 6 inches of stone off the top of the 6 ft. wide wall, pour a 6’ X 10’ X 6 inch high cement top without any extension of the wall, and to surface it with flat stones. He said 30 cubic feet of stones would be hauled out using a small tractor and that barriers would be installed so that no cement would reach the lake. A floating dock; an 10’ X 8’ dock with 10’ X 3’ ramp, would be attached to the concrete pad. Mr. Bennett recommended a turbidity curtain be installed and Mrs. Hill said it should be indicated on the plan. Mr. Gilmore stated the only disturbance would be to the existing wall; there would be no ground disturbance. Mr. Davis asked if all of the proposed work would be above the high water level of the lake and Mr. Gilmore said it would. Mr. Papsin noted that a construction sequence had not been included with the application. Mr. Gilmore was asked to submit a construction sequence and erosion control plan prior to the next meeting.

Town of Washington /16 Titus Road/Restore, Regrade Old Town Garage Site: Mr. Talbot, president of the Washington Art Assoc. and agent for the First Selectman, presented an aerial photo of the property. He explained that the Town had agreed to clean up the site so it can be used for this summer’s sculpture walk. Fifty large art pieces and several earth forms are planned. He noted the previous 2007 application to clean up the site and that some of the approved restoration work had been done before more fill had been brought in. The plan, “Restoration of Former Town Garage Site,” sheet SP.101, by Mr. Sabin, dated 4/10/2018 was reviewed. Mr. Talbot said that a significant amount of the stockpiled material and debris would be removed, and some of the clean material would be used on the parking area and to create the permanent mounds of earth that would undulate with the landscape. He noted that if the Town wanted to remove them at a later date, it would have to apply for another permit. He said that hopefully as of July 1 the entire site would be graded, seeded, and reconfigured, changes to the parking area implemented, and mown paths installed. Using the aerial photo, he pointed out which piles of debris would be removed from the site and stated no asphalt tailings would be used within 200 feet of the Shepaug River. Mr. Sabin described a swale and rain garden that would be installed in the southeast side of the property to handle runoff and prevent erosion of the existing gravel driveway. Mr. Wadelton noted the violation had never been corrected and the Commission was not willing to act on the current application until that was accomplished. Mr. Talbot said the proposed activity was a way to address and correct the violation. Mr. Wadelton asked for a complete proposal with a detailed construction sequence, specific plans for the proposed swale and rain garden, and a drawing showing exactly where asphalt was proposed. Mr. Papsin said the construction sequence should include the start date for the removal of the debris and also asked for a planting plan. Mr. Sabin agreed to provide these, but first asked if the Commission agreed to the general concept of stabilizing the site so it could be used in an interesting way. It was the consensus that the general concept was a good idea, but that the Commission needs specific details in writing before it can act on the application. A lengthy discussion followed regarding whether the violation had to be resolved first or whether the clean up and proposed activities could be done simultaneously. Mr. Talbot was concerned about the timing in order to get all of the work done by July 1 and so argued that the work to address the violation and the work on the sculpture walk should take place simultaneously. Mr. LaMuniere said the Commission must be sure the proposed work would not impact the floodway and wanted to know how the proposed earthen mounds would impact sheet flow. Mr. Sabin said that he and Mr. Talbot would work with the Board of Selectmen to get the required information in for the next meeting so that the application could be approved at that time. Mr. Wadelton noted the Commission has to follow its regulations and would not make any exceptions for the Town, which it would not make for any other applicant.

Enforcement

Angell/47 West Shore Road/Unauthorized Lake Shore Construction: Mr. Angell and Mr. Sabin, landscape architect, were present. The plan by Mr. Sabin, dated 4/11/2018 was circulated. It was noted this plan with additional buffering and remediation added, was drafted after a preceding plan had been denied by the Lake Waramaug Assn. Mr. Sabin explained the proposal was to remove the existing stone terrace, restore and rip rap the shoreline to its preconstruction condition, move the terrace back farther from the shore, and add a plant buffer to create a transition area with native shoreline plants. Mr. Angell noted this latest plan had been submitted to Mr. Hayden, Lake Waramaug Task Force, for review. Mrs. Hill reported that Mr. Hayden had advised her he had not yet had time for a thorough review, but he thought the plan would probably need revisions. Mr. Angell reviewed the history of the violation and enforcement order and said when he had received the latest 3/20/18 enforcement order from Mr. Ajello he had already done what had been required in the original enforcement order. Mr. Wadelton explained that Mr. Angell had misunderstood what had been required. He said Mr. Angell had not been issued a two year permit, but had been required to remove the terrace in low water or by Sept. 15, 2017 or to apply for an extension. When Mr. Angell noted that there hasn’t been a low water condition so the terrace could be removed, Mr. Wadelton stated the Commission has the right to require it be removed anyway and noted the current enforcement order says it must be taken out by May 1. Mr. Angell asked why the Commission would require removal during high water if its goal was to protect the lake. He noted again he was working with the LWA and said he would keep Mrs. Hill up to date on any progress made. Mr. Sabin asked that the record state that Mr. Angell never stopped trying to resolve the matter. Mr. Angell asked if a 60 day extension to wait for the LWA review would be possible. Mr. Sabin said he hoped that by the next IWC meeting on 4/25/18 he would be able to report on the LWA feedback or submit a revised plan, but noted the applicant had no control over the LWA schedule. After a brief discussion it was the consensus to grant a 60 day extension in which to comply with the enforcement order. It was noted this would be the final extension of the order granted.

MOTION: Regarding Angell/47 West Shore Road/Unauthorized Lake Shore Construction: to grant an extension of time for compliance with the 3/20/18 enforcement order from May 1, 2018 to July 1, 2018 in which time removal of the terrace is to be complete and the terms of the enforcement order satisfied. By Mr. Davis, seconded by Mr. Bennett, and passed 5-0.

Administrative Review: It was noted Mrs. Hill had emailed her review to the commissioners the day before the meeting. She asked anyone who noticed a violation before a new EO was hired to bring it to her attention so that she could make an inspection and address the matter.

There being no other business, Mr. Wadelton adjourned the meeting at 9:00 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

By Janet M. Hill Land Use Administrator