Inland Wetlands Commission

MINUTES

Special Meeting

April 21, 2016

7:00 p.m. Upper Level Meeting Room

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

Mr. Papsin, Mr. Wadelton

ALTERNATES ABSENT: Ms. Cheney, Mr. McCormack

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mr. Szymanski

Mr. Bedini called the meeting to order at 7:00 p.m. and seated Members Bedini, Davis, LaMuniere, Papsin, and Wadelton. He stated the purpose of the meeting was to discuss the following application: Allin Cottage, LLC./217 West Shore Road/#IW-16-08/ Single Family Dwelling, Guest House, Pool, Driveway, Well, Septic System, Dock, Float, Accessory Building, and Parking Area. He noted representatives for both the applicant and the intervener stated at the last meeting they had no additional information to submit and said only input from staff and commissioners would be taken at this meeting. He asked if all of the commissioners had reviewed the file. They all said they had. He asked if any of the commissioners had any reason not to participate in tonight’s discussion. None did. He then explained a motion would be drafted to approve the application with appropriate conditions if conditions were determined to be necessary. The motion would be made, seconded, discussed, and voted on at the next regularly scheduled meeting. He stated that a motion of approval does not mean it must be approved, but that if not approved, the reasons for the denial must be stated for the record.

A draft motion of approval by Mr. Ajello, dated 4/21/16 had been circulated prior to the meeting and was the basis for discussion. Minor changes in language were agreed upon throughout the document. The following issues were discussed:

1. It was the consensus that the reference to a public hearing should be deleted because a hearing had not been conducted.
2. After a brief discussion, it was agreed that the applicant’s engineer had presented alternate plans, or different ways to accomplish the proposed work, and that he had explained the reasons why those alternatives were not prudent or feasible.
3. It was agreed the motion of approval should list all of the proposed activities included in the site development plan.
4. Any reference to work being permitted only during the dry time of year was deleted. It was noted that construction should depend on the prevailing weather conditions.
5. It was agreed that a condition regarding the removal of wood chips was not necessary because this was already addressed in the sequence of construction.
6. A condition of approval was added that only one acre of land may be disturbed at any one time and that the previous acre must be stabilized before the next acre is disturbed.
7. It was the consensus that neither a performance bond, consultant bond, nor a monitoring bond was needed. Mr. Papsin pointed out that there had previously been other permits issued for steeper properties around the lake and no performance bonds had been required. Mr. LaMuniere noted that the IWC had never required monitoring for single family dwellings; that it was used only for larger projects such as The Gunnery soccer fields and the Rumsey Hall hockey rink. He thought that requiring a professional to monitor the construction of a single family residence would set a bad precedent. It was the consensus that the WEO would monitor the site and that the construction sequence also addressed the maintenance of the erosion control measures after heavy storm events.

The following motion was drafted:

Whereas Application #IW-16-08 is to conduct regulated activities

in connection with the residential development of a lot on

the north side of 217 West Shore Road and an accessory parcel on the south side of West Shore Road;

Whereas the applicant provided information to the WIWC from qualified engineering and environmental consultants indicating that with proper installation and management the proposed regulated activities would have minimal impacts, if any, on wetlands and watercourse resources;

Whereas the evidence in the record demonstrates that the activities proposed in the application as revised and in accordance with the conditions stipulated below will have no significant adverse impacts on wetlands or watercourses on or in the vicinity of the subject property;

Whereas the applicant has sufficiently demonstrated that there will be no significant adverse impacts on wetlands and watercourses, it is not necessary for the WIWC to consider whether there are feasible and prudent alternatives to the proposed activities with less impact; the applicant has nonetheless explained to the WIWC’s satisfaction the alternatives that had been considered and the valid reasons for rejecting them;

Whereas the intervener submitted information and expressed concerns with regard to the proposed activities, this information was not sufficient to demonstrate that the proposed regulated activities would pose any significant or enhanced risk of harm to wetlands and watercourses;

Whereas the evidence received by the WIWC was considered and the determination was made that in total the regulated activities would not have or would be reasonably unlikely to have the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water, or other natural resources of the state; and

Whereas the WIWC has considered the petition of the intervener, his record submissions and supporting testimony and finds that he has failed to meet his burden of proving that the applicant’s proposed activities are reasonably likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in air, water, or other natural resources of the state; and after considering all of the evidence presented during the meetings, the WIWC finds that the applicant has satisfied the requirements for a permit as set forth in the Connecticut General Statutes and Washington Inland Wetlands and Watercourses Regulations;

Now therefore be it resolved that the Washington Inland Wetlands

Commission approves Application #IW-16-08 submitted by Allin Cottage, LLC. for a single family dwelling, guest house, pool, driveway, septic system, well, dock, float, accessory building, and parking area at 217 West Shore Road per the plans, “Proposed Site Development Plan,” sheet SD.1, dated 11/19/15 and revised to 4/13/16 and “Proposed Sedimentation and Erosion Control Details,” sheet SES.1, dated 2/4/16 and revised to 4/13/16, by Arthur H. Howland and Associates, with supporting documents; the permit shall be valid for five years and is subject to the following conditions;

1. A preconstruction meeting shall be held on site at the onset of construction attended by the construction manager, the engineering firm representative, and the WEO.
2. Any proposed change in the approved plans and/or the supporting documents shall be reviewed by the enforcement officer prior to implementation. The WEO may authorize minor changes or reductions in the scope of regulated activities provided that any such changes shall be reported to the Commission immediately, and further provided that the Commission may require a permit modification for such changes if it finds that they may have a previously unanticipated impact on wetlands or watercourses. Any substantial changes, such as changes in location, enlargements, or changes that may in any way impact wetlands and/or watercourses must be approved by the Commission prior to implementation.
3. All conditions of approval and at least one copy of the final plans shall be given to the general contractor(s) prior to the commencement of work.
4. The applicant shall notify the Land Use Office at least 48 hours prior to the commencement of work so that the WEO can inspect and approve the erosion control measures.
5. Only one acre of land may be disturbed at any one time. The previous acre must be stabilized before the next acre may be disturbed.

It was the consensus that the commissioners may present their reasons for their vote after the vote is taken, but the reasons would not be made part of the motion. The reasons would be considered supporting documentation and would mean that in the case of an appeal, the court would not have to search the record for the reasons for the vote.

No straw vote was taken.

Mrs. Hill was asked to circulate the motion for review prior to the 4/27 meeting.

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

Mr. Bedini adjourned the meeting at 8:00 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator