Inland Wetlands Commission

MOTIONS Regular Meeting April 25, 2018

7:00 p.m. main level meeting room

MEMBERS PRESENT: Mr. Davis, Mr. LaMuniere, Mr. Wadelton MEMBERS ABSENT: Mr. Bennett, Mr. Papsin ALTERNATE PRESENT: Mr. Matthews ALTERNATE ABSENT: Mr. Kassis

ALSO PRESENT: Mr. Gilmore, Mrs. Solomon, Mr. Talbot, Mr. Neff, Mr. Sabin, Mr. Halfon, Mr. Merritt

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

MOTION: To add the following subsequent business to the agenda: V. New Applications: B. Babbio/73 West Shore Road/#IW-18-18/Repair and Renovate Waterfront. By Mr. LaMuniere, seconded by Mr. Davis, passed 4-0.

Consideration of the Minutes

MOTION: To accept the 4/11/18 Regular Meeting minutes as written. By Mr. LaMuniere, seconded by Mr. Davis, and passed 4-0.

MOTION: To accept the 4/3/18 Special Meeting/Public Hearing minutes as written. By Mr. Davis, seconded by Mr. LaMuniere, and passed 4-0.

MOTION: To accept the 4/18/18 Special Meeting/Public Hearing minutes as written. By Mr. Davis, seconded by Mr. LaMuniere, and passed 4-0.

Pending Applications

Teicholz/110 Blackville Road/#IW-18/10/Chemically Treat Pond: It was noted that 65 MSDS pages had been submitted as had been requested at the last meeting. Mr. LaMuniere stated that the Commission had asked that the outlet pipe be closed during the duration of the treatment, but the contractor had said this was not required. Mr. LaMuniere thought it should be required as the outlet flowed to Mallory Brook. Mr. Davis said the contractor had stated the chemicals to be used were not so toxic as to be harmful. Mr. LaMuniere said he had read the MSDS sheets and was not so sure about that. Mr. Matthews thought the pond could be treated when the water level was low or that the approval could be conditioned upon stopping the outflow while the chemical was active. Mr. Wadelton said usually egress is prohibited during the half life of the chemical, but in this case, the half life was not specified. He also said that all of the chemicals to be used had been approved by the DEEP. He added that the Commission must approve the application unless it has specific information upon which to base a denial.

MOTION: To approve Application #IW-18-10 for Teicholz/110 Blackville Road to chemically treat the pond; 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. Davis, seconded by Mr. LaMuniere, passed 3-0. Mr. Matthews recused himself because he had not attended previous meetings when this application had been discussed, and he had not read the report.

Erben Partners, LLC./169 West Shore Road/Revision of Permit #IW-17-26/Change Deck, Walkways, Septic System: Mr. Szymanski, engineer, presented the plan, Proposed Site Development Plan,” by Arthur H. Howland and Assoc., dated 4/25/18. He explained the plan had been revised to pump the effluent to the septic fields, which would be located over 600 feet from the lake. He said the only difference between this map and the one reviewed by the Commission when the application was last discussed was the leaching field and its associated grading. He reviewed the other proposed changes to the deck and walkway and said the existing stairs would be reconstructed. He noted the previously approved drainage improvements had been completed.

MOTION: To approve the application to revise Permit #IW-17-26 issued to Erben Partners, LLC. to change the walkways, dock, and septic system at 169 West Shore Road per the site plan, “Proposed Site Development Plan,” by Arthur H. Howland and Assoc., dated 4/25/18 with 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. LaMuniere, seconded by Mr. Davis, passed 4-0.

Bowman/44 Plumb Hill Road/#IW-18-11/Construct Garage: Mr. Neff, engineer, noted there had been no changes to the plan since the last meeting. A single car garage next to the driveway was proposed. It was noted the commissioners had had no questions at the last meeting and had determined that a site inspection was not necessary.

MOTION: To approve Application #IW-18-11 for Bowman/44 Plumb Hill Road to build a garage per the plan, “Proposed Garage Site Plan,” by Mr. Neff, dated 4/2/18; 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. Davis, seconded by Mr. LaMuniere, passed 4-0.

Kavaler/69 Upper Church Hill Road/#IW-18-12/Barn, Drainage, Septic System, Driveway, Demolition of Dwelling and Reconstruction, etc.: Mr. Neff, engineer, had presented his plan, “Proposed Site Plan,” dated 3/14/18 at the last meeting. Mr. LaMuniere noted there had been a thorough discussion at the last meeting and it was not likely that any sheet flow would negatively impact the wetlands. Mr. Neff reviewed the property’s contours, noting it is very flat. He noted no tree cutting was proposed.

MOTION: To approve Application #IW-18-12 for Kavaler/69 Upper Church Hill Road for driveway, drainage, and septic system work, to demolish and reconstruct the barn and dwelling, etc. per the plan, “Proposed Site Plan,” by Mr. Neff, dated 3/14/18; 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. LaMuniere, seconded by Mr. Davis, passed 4-0.

27 Pumb Hill, LLC/27 Plumb Hill Road/#IW-18-13/Rebuild, Extend Deck: Mr. Halfron reviewed the answers to the questions raised at the last meeting. 6.18 cubic ft. of material would be excavated from the four pier holes and spread elsewhere on the property. He was not sure, but said the holes would probably be hand dug. He said the distance from the extended deck to the wetlands was 76 ft. and than per Mr. Neff, engineer, no erosion control measures were necessary because the site was so flat. Mr. Neff stated there was no potential threat to the wetlands.

MOTION: To approve Application #IW-18-13 for 27 Plumb Hill, LLC./27 Plumb Hill Road to rebuild and extend the deck per the plan provided to the Commission signed by Mr. Halfon, and dated 2/3/2018; 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. Davis, seconded by Mr. Matthews, and passed 4-0.

Ingrassia/292 Bee Brook Road/#IW-18-14/Extend Driveway: It was noted that Mrs. Payne, chairman of the Conservation Commission, holder of the conservation easement, had written in her 4/17/18 email that the proposed driveway construction would not impact the conservation easement area. The map, “Proposed Driveway Extension Plan,” by Mr. Neff, dated 4/7/18 was reviewed. After several questions, Mr. Neff, engineer, briefly reviewed the approved subdivision plan dated 8/30/16. He noted the lower portion of the driveway extension would cross man made wetlands, but the upper section was “high and dry.”

MOTION: To approve Application #IW-18-14 for Ingrassia/292 Bee Brook Road to extend the driveway per the plan, “Proposed Driveway Extension Plan,” by Mr. Neff, dated 4/7/18; 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. LaMuniere, seconded by Mr. Davis.

Mr. Matthews asked when the work would be done. Mr. Neff responded that it would be done soon. Mr. Matthews thought its purpose was to access the upcoming festival on the property, but Mr. Neff said the driveway had been part of the approved subdivision plan, but could have a dual use. Mr. Wadelton said the use of the driveway was outside the Commission’s jurisdiction.

Vote: Approved 4-0.

Lake House Trust/208 West Shore Road/#IW-18-15/Relocate Dock, Install Concrete Pad: Mr. Gilmore, property owner, submitted a construction sequence, dated 4/25/18 and top and side elevation diagrams. The site plan was reviewed and

MOTION: To approve Application #IW-18-15 for Lake House Trust/ 208 West Shore Road to relocate the dock and install a concrete pad per the drawings submitted, dated 4/25/18 and the procedural letter submitted with it, signed by Mr. Gilmore, dated 4/25/18; 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. Davis, seconded by Mr. LaMuniere, passed 3-1. Mr. Matthews voted No because he thought there were reasonable alternatives to the concrete pad, which he thought would negatively impact the lake.

MOTION: To approve Application #IW-18-16 for the Town of Washington/16 Titus Road to restore and regrade the site per the sequence of construction, signed by Mr. Lyon, dated 4/24/18 and the plan, “Proposed Site Plan, 16 Titus Road,” dated 4/10/18 and revised to 4/24/18; 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. LaMuniere, seconded by Mr. Davis, and passed 4-0.

Dated 4/27/18

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Janet M. Hill, Land Use Administrator