Inland Wetlands Commission

MINUTES

Regular Meeting

April 26, 2017

7:00 p.m. Main Level Meeting Room

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

 Mr. Papsin, Mr. Wadelton

ALTERNATE PRESENT: Mr. Bennett

ALTERNATE ABSENT: Mr. Kassis

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Sherratt, Mr. Oskandy

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

MOTION: To include the following subsequent business

 not already posted on the agenda: V. New

 Applications: B. Erben Properties, LLC. and

 The Mark and Marie Schwartz Personal Residence

 Trust 2012/169 and 173 West Shore Road/#IW-17-12/

 Utility Road Crossing, C. John Dorr Nature Lab –

 Horace Mann School/220 Nettleton Hollow Road/

 #IW-17-13/Exemption for Tree Cutting. By Mr.

 Wadelton, seconded by Mr. Papsin, passed 5-0.

Consideration of the Minutes

MOTION: To accept the 4/12/17 Regular Meeting minutes

 as submitted. By Mr. Wadelton, seconded by

 Mr. Papsin, and passed 5-0.

Pending Applications

Maclean/22 Nichols Hill Road/#IW-17-10/Aquatic Weed Control: Mr.

Wadelton noted that there had been a thorough presentation at the last meeting and Mr. Gambino had been told he did not have to attend tonight’s meeting.

MOTION: To approve Application #IW-17-10 submitted by Mr.

 Maclean, 22 Nichols Hill Road for aquatic weed

 control per the maps that were presented; 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,

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;

 in considering this application, the Commission has

 determined that no feasible and prudent alternatives

 exist and believes that there is no reasonable

 probability of significant adverse impact on any

 wetlands or watercourses. By Mr. Davis and seconded

 by Mr. Wadelton.

A brief discussion followed. Mr. Ajello suggested the permit be issued for 3 years and the commissioners agreed. Mrs. Hill asked if the commissioners would add a condition that the outlet of the pond be blocked during the chemical treatment. It was the consensus to add a condition that the outflow be blocked with hay bales while the pond is treated.

Vote: Those two amendments to the motion were noted and it was approved 5-0.

New Applications

Angell/47 West Shore Road/#IW-17-11/Application to Correct a Violation: No one was present to represent the applicant.

Erben Properties, LLC. and The Mark and Marie Schwartz Personal Residence Trust 2012/169 and 173 West Shore Road/#IW-17-12/ Utility Road Crossing: Mr. Oskandy, engineer, presented the plan, “Proposed Utility Road Crossing Plan,” by Arthur H. Howland and Assoc., dated 4/20/17 and the topo map to show the location of the property. He explained the proposed underground conduits would be installed and catch basins replaced prior to the state repaving the road. He said the conduits would be capped for future use. Given that there was no other apparent access for drainage across West Shore Road and because it was not indicated on the plan, Mr. Papsin and Mr. LaMuniere asked where one of the pipes went, if it went under the house, and where was its outlet. Mr. Papsin noted there was a red box on the plan where the pipe goes into the house and asked what that was. He also asked what was shown in a circle west of the drainage pipe. Mr. Oskandy thought this was probably a septic clean out for the existing residence. Mr. LaMuniere read point #6 from the sequence of construction regarding trees to be cut, but noted the plan did not show any trees marked to be cut down. Mr. Oskandy thought this might be a generic statement always included in the construction sequence, but said he would check it out. Mr. Bedini asked for an enlargement of the eastern portion of the plan. Conduit sizes and separation distances were discussed. Mr. Bennett asked if it was known at this time the number and size of the conduits. Mr. Oskandy stated there would be a conduit for water, one for sewer, 2 inch conduits for phone and cable, and a spare conduit at each crossing. It was noted that no soil would be taken off site; it would be used to refill the trenches. Mr. Papsin asked about the propane line and whether a propane tank would be installed. Mr. Oskandy responded that the propane line was already there. Mr. LaMuniere asked for the locations of the septic systems. Mr. Ajello noted that on the west side there was a 15 inch reinforced concrete pipe at the lake shore and asked if it would connect to a catch basin. Mr. Oskandy said to his knowledge it would not connect. He added that there would be no change, in any way, in drainage or the hydrology of the area; just replacement of the existing facilities. Mr. Papsin asked if the catch basin to be replaced carries the water from all of the catch basins shown and also asked where its outflow was. The application will be discussed further at the next meeting.

John Dorr Nature Lab – Horace Mann School/220 Nettleton Hollow Road/#IW-17-13/Exemption to Cut Trees: Mr. Sherratt presented the map, “Overall Map,” by Arthur H. Howland and Assoc., dated 2/1/07 and revised to 10/11/07 and circulated copies of the 2009 forestry study that had been done by Mr. Branson, CT Forester. He explained that 35 to 40 ash trees had been cut down in the area indicated on the map because they were diseased and had been a hazard along the hiking trail in the area. He stated the land had not been completely cleared, but had been opened up so that the sugar and red maples could grow. He said the logs had been left on the ground, although some had been stacked and some invasive species had been removed so that the students could plant trees in the spring. He noted that wetlands surround this area and that the school thought it had to right to do this work and that was why it had done so. Mr. LaMuniere and Mr. Papsin thought the work done made sense, but stressed an application had was required before work could begin. Mr. Sherratt said the intent was to manage the forest. Mr. Ajello noted that an application for a jurisdictional ruling had been submitted and asked the Commission to consider whether this work would qualify for an exemption. He added this was not a timber harvest operation, but was stewardship as proposed by Mr. Branson in his study. Mr. Davis asked how much disturbance had resulted and what equipment had been used. Mr. Sherratt said an old farm road had been used to access the site, a skidder with a long tow cable had been used, and that the few areas that had been disturbed had been seeded and mulched with hay or wood chips. Mr. Papsin asked if the canopy would be restored. Mr. Sherratt said he would have to assess how the maples would do in the next few years. Mr. Wadelton asked the Commission whether it would require an application to correct a violation or if an exemption would be appropriate.

MOTION: Regarding Application #IW-17-13 submitted by the

 John Dorr Nature Lab-Horace Mann School for tree

 cutting at 220 Nettleton Hollow Road, the

 Commission makes a jurisdictional ruling that the

 work is an as of right activity under the Wetlands

 and Watercourses Act and therefore, no permit is

 required. By Mr. Wadelton, seconded by Mr. Davis,

 and passed 5-0.

Activity Report

 Mr. Ajello briefly reviewed his 4/26/17 Activity Report.

Angell/47 West Shore Road/Unauthorized Work on Shoreline and

#IW-17-11: Application to Correct a Violation: Mr. Ajello noted Mr. Angell had paid a $500 fine; $500 because although it was his first violation, work had been done in the watercourse and had had a direct impact on the watercourse. Regarding the current application, Mr. LaMuniere said a specific site plan was required. Mr. Ajello said he was not sure what a restoration site plan would show and that Atty. Kelly had addressed this at the last meeting. Mr. LaMuniere objected to waiting until winter for the restoration work to be done. Mr. Ajello agreed that a reasonable timeline must be established. Mr. Wadelton, Mr. Papsin, and Mr. Davis agreed the restoration work should not wait until winter. Mr. Bennett asked if the location of the original shoreline had been determined since it had not been clear from the photos submitted with the application. Mr. LaMuniere asked whether the Commission would go by the applicant’s photos or the WEO’s photos. Mr. Ajello recommended that the “seam” where the abutment ends approximately at the waterline should be used to mark the location of the shoreline and he pointed this out on one of his photos dated 11/2/15. Mr. LaMuniere and Mr. Papsin recommended a site inspection. Mr. Wadelton asked that the file photos be brought to the inspection so the commissioners would have a better understanding of what they were looking at. A site inspection was scheduled for Tuesday, May 9, 2017 at 5:00 p.m. It was the consensus that a deadline for the restoration work would not be set until after the site inspection was conducted.

Sarjeant/28 Tinker Hill Road/Unauthorized Clearing, Excavation: It was noted the restoration plantings were to be inspected in May before the WEO closed this matter. Mr. Papsin suggested the commissioners inspect this site on May 9 after the Angell site inspection.

Bazos/90 Tinker Hill Road/Access Path: Mr. Papsin asked if there was any work being done at the top of the path or with the leaf litter. Mr. Ajello said he would be notified in advance of any work done even though the top of the hill is not under the jurisdiction of the Commission.

Administrative Business

Revision of the Regulations: The commissioners had been emailed Atty. Olson’s review of the draft revisions to the Regulations. They were generally in agreement with her comments. Section 10.04 regarding noticing of public hearings was discussed in detail and it was the consensus that her recommended language should be used. Mrs. Hill’s 3/23/17 email regarding a possible revision of the fees for subdivision reviews was discussed. It was the consensus to revise the fee so that no matter what the circumstances or number of lots proposed, the usual $60 application fee would be charged.

Executive Session

MOTION: To go into executive session to talk about a

 procedural issue. By Mr. Papsin, seconded by

 Mr. Wadelton, and passed 5-0

The Commission went into executive session at 8:22 p.m. and ended the session at 8:36 p.m.

 The meeting was adjourned at 8:37 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator