Inland Wetlands Commission

MINUTES

Regular Meeting

May 10, 2017

7:00 p.m. Main Level Meeting Room

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

 Mr. Wadelton

MEMBER ABSENT: Mr. Bedini

ALTERNATES ABSENT: Mr. Bennett, Mr. Kassis

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Atty. Kelly, Mr. Angell, Mr. Sabin,

 Mr. Szymanski, Mr. Zekas, Mr. Baker,

Ms. Turoczi, Mr. Neff, Mr. Elder, Mr. and Mrs. Metcalf, Mr. Elder, Mr. Richardson,

Mr. Alferi

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

MOTION: To include the following subsequent business not

 already posted on the Agenda: III. Consideration

 of the Minutes: B. Site Inspection/Angell/5/9/19,

 V. New Applications: D. Bijoor/123 Painter Ridge

 Road/#IW-17-17/Tree and Brush Clearing, E. Town of

 Washington/Romford Road at Shepaug River/#IW-17-18/

 Replace Bridge. By Mr. Papsin, seconded by Mr.

 LaMuniere, and passed 4-0.

Consideration of the Minutes

 The 4/26/17 Regular Meeting minutes were accepted as corrected. On page 3, 5th line from the bottom, the first word, “was,” was changed to “been” to read, “…application had been required….” On page 4, in the 5th line under Angell, Mr. LaMuniere was changed to Mr. Papsin.

MOTION: To accept the 4/26/17 Regular Meeting minutes as

 corrected. By Mr. Papsin, seconded by Mr. Davis,

 and passed 4-0.

 The 5/9/17 Angell site inspection minutes were also accepted as corrected. The correct spelling of Mr. Ajello’s name was noted.

MOTION: To accept the 5/9/17 site inspection minutes as

 corrected. By Mr. LaMuniere, seconded by Mr. Papsin,

 and passed 4-0.

Pending Applications

Angell/47 West Shore Road/#IW-17-11/Application to Correct A Violation: Atty. Kelly recapped what had transpired at the last meeting, noted he thought drawings were not necessary as the removal work proposed would be evident upon a site inspection, and noted an inspection had been conducted. He asked for the Commission’s feedback. Mr. LaMuniere stated he supported the plan to remove the stone patio and restore the quality of the bank to its original condition, but he did not think this restoration work should wait until winter; he said it should be done as soon as possible during a dry period. Mr. Papsin agreed, but added that he did want to review a site plan because he wanted to know where deposited material would be placed. Atty. Kelly and Mr. Sabin, landscape architect, said the construction of the patio had taken place during low water and that the least disruptive time to remove it, as would be the best time for any work around the lake, would be during a dry period with a low water level. Mr. Sabin said that using best management practices, work should not be done in flooded high water conditions. Atty. Kelly said the Commission should also consider that Mr. Angell will propose other changes along the shoreline in a future application and it would be best to do both the restoration and any new work approved in a single work event so there would be less risk of harm to the lake. Mr. Davis said the Commission must act on the application before it and could not act on what may or may not happen in the future. Atty. Kelly said he had advised Mr. Angell to resolve the violation before submitting the second application, but said he could submit a future site plan for the file. Mr. Angell stated the unauthorized work had been done during low water and had had no impact, whereas doing the work during high water would cause harm to the lake. Mr. Papsin stated this was an application to correct a violation and so as soon as the water recedes, booms should be installed and the shoreline restored to its original condition. Mr. LaMuniere agreed. Mr. Wadelton cautioned that the water would have to recede more than just a little before work could begin. Atty. Kelly noted that the time frame in which the restoration work was proposed was specified in the application, but said the Commission could require a different time frame if it thought it had the authority. Mr. Ajello suggested the Commission set a date by which the work must be done, saying it could be extended if there was rainy weather. He presented a photo taken on 1/23/17, which, he said, could be used as a point of reference regarding an appropriate water level. Mr. Davis thought it would be helpful if the Commission established the low water level for the lake and once the water receded to that point, require that the work be done. Mr. Sabin noted that when the sandy lake bottom is exposed, the water level is appropriate for the restoration work. Mr. Ajello said the dam would soon be repaired and so it could be expected that the water level would remain higher than in previous years. The time of year when the water level is lowest was briefly discussed. It was the consensus to require the work to be done before 9/15/17 when the sandy bottom is exposed and if this was not possible, the Commission would consider an extension of that date.

MOTION: Regarding Application #IW-17-11 submitted by Mr.

 Angell to correct a violation at 47 West Shore Road;

 that the work to correct the violation be

 accomplished when the sandy beach is visible on or

 before 9/15/17 and if there is a problem because the

 beach can’t be seen by then, Mr. Angell can come

 back to ask the Commission to reconsider the date

 set. By Mr. Davis, seconded by Mr. Papsin, and

 passed 4-0.

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. Szymanski, engineer, presented the plan, “Proposed Utility Road Crossing Plan,” which, he said, had been revised in response to Mrs. Hill’s 4/26/17 review and questions raised by the Commission at the last meeting and also submitted a revised page 3 of the application form and a revised State Activity Reporting form. Answers to the questions previously raised were: 1) There would be no stockpiles on site and the note regarding stockpiles had been deleted from the plan. 2) Approximately 10 cubic yards of material would be removed and then used to refill the trench. 3) Note 4a had been added to the construction sequence to specify the machinery to be used. 4) Also note 3a had been added to state the work would be done when dry weather is forecast. 5) #9 on the state form had been filled out. 6) The drainage pipe does discharge at the house on the lake. The house has an open bottom. He said this existing condition would be reviewed at a later time. 7) On the plans, the red box is a chimney and the round area is a sink hole. 8) A propane line was indicated, but currently there is no tank because it is seasonally removed. 9) No trees are to be cut. 10) The 15” reinforced concrete pipe at the lake shore comes from the catch basin at the corner of Loomarwick Road. 11) The catch basin to the west was added to the plan. Mr. Szymanski pointed out that two of the three proposed conduits had been shifted to the east, which decreased the area of disturbance and that no changes to the existing drainage patterns were proposed.

MOTION: To approve Application #IW-17-12 submitted by

 Erben Properties, LLC. and The Mark and Marie

 Schwartz Personal Residence Trust 2012, 169 and

 173 West Shore Road, for utility road crossings per

 the plan, “Proposed Utility Road Crossing Plan,”

 by Arthur H. Howland and Assoc., dated 4/20/17 and

 revised to 5/10/17; 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, and

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. LaMuniere, seconded by Mr. Papsin, passed 4-0.

New Applications

Town of Washington/Bryan Hall Plaza/#IW-17-14/Plaza Renovations:

Mr. Sacco, engineer, compared the existing Plaza conditions shown on sheet EX-03 with the plan, “Drainage and Erosion Control Plan,” by TPA Design Group, dated 4/11/17. He said the goal of the proposed work was to improve traffic circulation, create more efficient parking, add ADA compliant access, improve storm drainage, and plant landscaping to increase shade. The Plaza would be regraded so its low end would be at the back (SW) end so that the water would drain away from the stores. He said a stormwater infiltration system would be installed for groundwater recharge. This system was designed to handle the first inch of stormwater, 1 and 2 year storm events, before it would overflow. The runoff would then collect in the catch basin, flow to the discharge pipe, and outlet into the brook. He briefly discussed the proposed traffic pattern and parking. Mr. Sacco pointed out the 100 ft. setbacks from both the Shepaug River and Canoe Brook and the areas where the parking lot would be widened. Within the setback, some of the existing stonewall has been displaced, so enough of the wall will be dismantled to remove roots and stumps, and then it will be reconstructed and the proposed drainage system installed. Using sheet #5, he talked about the proposed catch basins and it was noted when the work is completed, the runoff will discharge into the brook closer to the river than it does now. The existing stone along the brook will be utilized as a splash pad. It was noted the catch basins will have trash hoods to prevent them from clogging with debris. Mr. LaMuniere asked how the roof drains from the existing buildings would be handled. Mr. Sacco said that was not in the scope of the project and so they would remain as is. He noted the catch basin behind the post office was the only work proposed in back of the buildings. Mr. LaMuniere asked about the capacity of the cul tech system to absorb normal storm runoff. Mr. Sacco said it was designed for 1” of runoff, adding that drainage from all storms up to a 25 year storm event would be reduced, with two to ten year storm events having the greatest reduction. Materials that will be used to construct the center island were noted. Mr. Davis asked if the planters would interfere with the water flow downhill. Mr. Sacco said they would not due to the grade and because some of the water would infiltrate. Mr. Sacco said there would be only minor changes to the Town Hall side of the Plaza and that the significant trees would be preserved. He said he would submit copies of the drainage report for review.

Metcalf/269 Nettleton Hollow Road/#IW-17-15/Relocate Driveway and Watercourse, Addition to Dwelling, Demolish Garage, Construct Barn: Mr. Baker, engineer, discussed the existing conditions on the property. Two wetlands systems are connected by an intermittent watercourse, which flows close to the existing garage and driveway. He proposed the change in the driveway location to decrease its grade and improve the sight lines when exiting. To accomplish this, he said the watercourse would have to be relocated to the other side of the driveway. Once this was done, all driveway runoff would be directed to rain gardens where it would be treated before being directed by swales into the wetlands and watercourse. It was noted the watercourse met the basic definition, but flowed only during storm events and looked like a drainage ditch. Mr. Baker stated an underground infiltration system would be installed to recharge roof runoff. He noted it would be a significant improvement to treat the stormwater before it flows to the wetlands and watercourse and said there were six areas where infiltration was proposed. Mr. Papsin asked if the new driveway would be gravel. Mr. Metcalf said it would be oil stone; hard surfaced to minimize erosion. Mr. Baker pointed out the locations of the garage to be demolished and where the proposed barn would be constructed. All excavated material would remain on site and would be used to fill low areas and if stockpiling is needed, the hard surfaced, old driveway will be used. Ms. Turoczi, landscaper, reviewed the proposed rain gardens and landscaping using her plans dated 5/8/17. She noted the rain gardens would have high level overflows with splash pad areas and overflows would bleed into the woods. She reviewed the plant list, which was comprised of only native plants and noted additional vegetation would be planted beyond the rain gardens and splash pads to slow the velocity of any flow and to capture silt. The soil composition for the rain gardens was noted. Mr. Davis asked which trees would be cut and how this would impact the canopy. Mr. Baker said the total swath cut would be a maximum of 20 to 25 ft. wide. Ms. Turoczi said plenty of canopy would remain and that some of the logs would be left on the ground to prevent erosion, increase habitat, and to replenish the soil. Mr. Baker said that in addition to moving 450 ft. of watercourse, 500 sq. ft. of wetlands would be impacted by filling. It was noted the wetlands were very wet in the spring and contained a lot of wetland species. Ms. Turoczi reviewed the planting plan for the areas along the watercourse and said the goal of this plan was to increase bio diversity. She said it also focused on replacing the understory trees in the stream corridor. She read the long term maintenance plan. Mr. LaMuniere said the Commission must carefully review any proposed change in the location of a watercourse, but said the proposal would improve both the channel and drainage. At the barn end of the proposed driveway, Ms. Turoczi pointed out that to stabilize the disturbed slope, it would be seeded first and then covered with an erosion control blanket. Mr. LaMuniere asked about the roof runoff from the barn. Mr. Baker said it would be directed to cul tech units. Mr. Papsin asked if the area above the barn would be mowed. Ms. Turoczi said it would be planted with shrubs. There were no further questions by the commissioners.

Washington Art Assoc./4 Bryan Plaza/#IW-17-16/Building Additions and Septic Repair: Mr. Neff, engineer, presented his plan, “Soil Erosion and Sediment Control Plan,” dated 4/28/17 and explained the proposed activities. He noted the septic design was the same as one previously approved, but it had been moved to the west side of the building. The old septic tank will be removed and taken off site. He said the septic plan would result in less disturbance than the previously approved plan because the water main would now be left in place. Mr. Neff pointed out the location of the proposed additions, handicapped access at the south end, and of the proposed sculpture court, which would be similar to the existing patio in the same location. He stated that any excavated material would be loaded onto trucks and taken off site. The staging area would be on Town owned property to the north. Mr. Neff noted the plan contained both the project narrative and sequence of construction. He said the Canoe Brook bank had been rip rapped a while ago and was in good shape and that variances were required for the proposed work due to the proximity of the watercourse.

Bijoor/123 Painter Ridge Road/#IW-17-17/Clear Brush and Trees: Mr. Richardson and Mr. Alferi, contractors, were present. They proposed to clean up and maintain a hedgerow along a drainage ditch. It was noted the ditch was dry now, but was feed by a catch basin with a pipe running under the road. Mr. Richardson stated that all work would be done by hand, there would be no soil disturbance, debris would be hauled off site, and that dead trees and vines would be removed. A photo of the area was circulated. It was noted there was no wetlands vegetation in the vicinity. From the description of the ditch and review of the photo and site plan, it was the consensus of the commissioners that the ditch did not qualify as an intermittent watercourse, the work proposed was not a regulated activity, and therefore, a permit was not required. The application fee was returned to Mr. Richardson.

Town of Washington/Romford Road at Shepaug River/#IW-17-18/ Replace Bridge: Mr. Elder, engineer, said the Town would replace the bridge, which has been inspected by the state and has been found to be in critical condition. The current plan called for Romford Road to be closed, work to begin on 10/6/17 and to continue through 12/30/17, the road to be reopened at that time, and paving and minor other work to be done in the summer of 2018.

The plan, “Replacement of the Romford Road Bridge Over the Shepaug River,” 6 sheets, by WMC Consulting Engineers, dated 4/28/17 was reviewed. Mr. Elder briefly reviewed the construction sequence, which included Phase 1: remove the bridge deck, bypass the flow away from the existing piers, remove the existing piers and footings and Phase 2: drive steel piles into the bedrock, install the precast concrete bridge and abutments, reroute the flow, complete minor structural work, and stabililze the disturbed areas. In addition to the bridge work, Mr. Elder noted the current substandard road would be widened to meet federal guidelines because federal funding would pay for 80% of the project. He also stated he had met with the Dept. of Fisheries regarding the temporary river bypass. Mr. LaMuniere stated the Commission’s main concern would be impact to the streambed under the bridge. Mr. Elder described in more detail the areas that would be temporarily impacted and said the only material that would be placed in the channel would be rip rap.

He then discussed the temporary coffer dam that would divert the flow during construction. It was noted the coffer dam had been designed for short duration use, approx. 3 weeks or less, and for a 2 year storm event. Mr. Ajello asked if there were concerns that the project would begin during hurricane season. Mr. Elder replied that the state had moved up the construction schedule when it had upgraded the condition of the bridge to critical and that was the reason for the October start date. He noted there was a possibility that the road would be closed and if that was done, the work might be rescheduled for a low flow period. The construction procedure was discussed further. Mr. Elder stated the abutment units were also precast so there would be only a limited amount of concrete to pour on site. Mr. Wadelton thanked Mr. Elder for his presentation and said the commissioners would study the plans and forward to him any questions they have.

Other Business

The Gunnery, Inc./22 South Street/Request to Revise Permit

#IW-11-40/Install Drainage Pipe and Erosion Control Blanket: Mr. Zekas. Gunnery Business Manager, explained the Commission’s consultant had been concerned about ponding in the level spreaders and so Smith and Company had been hired to design a solution. The plan, “Stone Trench for Level Spreaders,” by Smith and Company, dated 9/29/16 and revised to 4/25/17 was reviewed. A pipe was proposed to empty into a stone trench to alleviate the ponding in the level spreaders. Mr. Ajello read the 4/10/17 report from Mr. Allan, Commission consultant, who wrote that the proposed installation was required in order to restore the infiltration capacity of all of the level spreaders. The plan, “Stone Trench for Level Spreaders,” by Smith and Company, dated 9/29/16 and revised to 4/25/17 was reviewed. Mr. Ajello read the 4/10/17 report from Mr. Allan, Commission consultant, who wrote about draining and restoring the infiltration capacity of level spreaders #1 and #2. The design specifications were reviewed and Mr. Ajello noted that Mr. Allan approved them.

MOTION: To approve the request by The Gunnery, Inc. to

 revise Permit #IW-11-40 to install a drain pipe,

 stone trench, and erosion control blanket at 22

 South Street per the plan, “Stone Trench for Level

 Spreaders,” by Smith and Company, dated 9/29/16

and revised to 4/25/17. By Mr. Davis, seconded by

Mr. Papsin, and passed 4-0.

Maclean/22 Nichols Hill Road/Request to Revise Permit #IW-17-02/ Drill New Well: Mr. Neff, engineer, explained a new well was proposed between the garage and the east side of the house, which is a regulated area. His plan, “Soil Erosion and Sediment Control Plan,” revised to 4/24/17 was reviewed. Mr. Neff stated that silt fence would be installed around the drill site and there would be a pit for the spoils. He also said the existing driveway would provide access for the drilling rig.

MOTION: To approve the request by Mr. Maclean to revise

 Permit #IW-17-02 to drill a new well at 22 Nichols

 Hill Road per the plan,” Soil Erosion and Sediment

 Control Plan,” by Mr. Neff, dated 12/23/16 and

 revised to 4/24/17; all previous conditions of

 approval continue to apply. By Mr. LaMuniere,

 seconded by Mr. Papsin, and passed 4-0.

DEEP/Gate House Repairs to Lake Waramaug Dam: Copies of the following documents had been received: 1) DEEP Application for General Permit to Conduct Repairs and Alterations to Dams, dated 4/28/17, 2) “Gate House Repairs Lake Waramaug Dam,” by Lenard Engneering, Inc., revised to 2/6/17, and 3) Emails between Mr. Parsons of Lenard Engineering and Mr. Mysling, CT DEEP Inland Fisheries Division, dated 1/20/17 and 1/31/17. The project was not discussed because no one was sure if a local permit was required. The information will be on file and if the commissioners have any concerns, they will be forwarded to the Selectmen’s Office.

Information Re: Waste Water from Pools and Hot Tubs: The document, “General Permit for the Discharge of Swimming Pool Wastewater,” by the CT DEEP and the 5/9/17 email from Ms. Winthur, DEEP to Mr. Wadelton had been circulated prior to the meeting. It was noted that Mr. Bedini had referred this matter to Atty. Olson for her recommendations on whether revisions to the Regulations were needed to address wastewater. Mr. Wadelton thought this was already addressed in the Regulations. The Commission will wait for advice from Atty. Olson before discussing the matter further.

Enforcement

Activity Report: Mr. Ajello briefly reviewed his report dated 5/10/17.

Town Beach: Mr. Papsin reported that the track mechanism for launching the Town’s air boat had not been removed, and that grass had been taken out and chip stone deposited when it had been installed. Mr. Ajello noted that deposition of material at the shoreline was a regulated activity, and the Commission should have been consulted. After a brief discussion during which it was noted the track was a safety hazard, the commissioners asked Mr. Ajello to send a letter to Mr. Berner of the Lake Authority to notify him that activities around the lake require permits.

Sarjeant/28 Tinker Hill Road: Mr. Papsin said he had inspected the restoration area and found that the sedges were doing well, although they needed to be weeded, but 4 of the 5 clethra planted had not survived. It was noted there are funds in escrow to pay for replacement plants.

Administrative Business

Revision of the Regulations: Mr. LaMuniere reported that he and Mrs. Hill had reviewed the final revisions discussed at the last meeting and the only unresolved matter was whether to add language about wastewater from pools and hot tubs. Mrs. Hill asked if the Commission would consider adding the discharge of this wastewater to the definition of “regulated activity.” Mr. Wadelton thought there would be no way to enforce regulations concerning the discharge of wastewater. He asked each commissioner to review the DEEP materials on wastewater again and said this would be discussed when advice from Atty. Olson is received.

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

 The meeting was adjourned at 9:55 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator