Inland Wetlands Commission

MINUTES

Regular Meeting

May 25, 2016

7:00 p.m. main level meeting room

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

Mr. Wadelton

MEMBER ABSENT: Mr. Bedini

ALTERNATE ABSENT: Mr. McCormack

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Clark, Mr. Ross

Mr. Wadelton called the meeting to order at 7:05 p.m. and seated Members Davis, LaMuniere, and Wadelton.

MOTION: To add the following subsequent business to the

Agenda: V. New Applications: A. Lara/45 New Milford

Turnpike/#IW-16-16/Septic Repair, B. 48 Barnes Road,

LLC./48 Barnes Road/#IW-16-17/Demolish, Construct Dwelling, Install Septic System, Pool, and Patio,

Grading. By Mr. LaMuniere, seconded by Mr. Davis,

passed 3-0.

Mr. Papsin arrived at this point and was seated.

Consideration of the Minutes

MOTION: To accept the 5/11/16 Regular Meeting minutes as

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

and passed 4-0.

Pending Application

Town of Washington/108 New Milford Turnpike/#IW-16-11/Application of Herbicide: Mr. Wadelton noted an extension had been requested and the DEEP had not yet issued a permit.

New Applications

Lara/45 New Milford Turnpike/#IW-16-16/Septic Repair: Mr. Ross, contractor, explained that the engineered system installed in 1989 had failed and the Health Department had approved the installation of a new system in the reserve area that had been approved in 1989. The plan, “Septic System Design Prepared for Albert Dumont,” by Carroccio-Covill and Assoc., Inc., revised to 3/2/89 was reviewed. Mr. Ross pointed out the location where hay bales would be installed below the reserve area and noted that since the existing system had failed, there was no alternative but to install the reserve design. He also noted excavated top soil would be temporarily stockpiled on top of the existing system and then spread over the new one and that the existing driveway would be used to access the site. He stated the old system would be abandoned, but would remain in the ground. Mr. Ajello read the proposed sequence of construction, amount of material to be deposited, and type of equipment to be used. The location of wetlands on the property was noted. Mr. Davis asked Mr. Ross if he thought there a better alternative. Mr. Ross responded that when the system had first been approved in 1989 the location of the well and wetlands had been considered, there were now numerous violations on record, and it was fortunate the new property owner was willing to make the necessary repair. The commissioners had no further questions and Mr. Ross was advised that he did not have to attend the next meeting.

48 Barnes Road, LLC./48 Barnes Road/#IW-16-17/Demolish, Construct Dwelling, Install Septic System, Pool, and Patio, Grading: It was noted that Mr. Szymanski, the property owner’s agent, was not able to attend tonight’s meeting. The plan, “Proposed Site Development and Soil Erosion and Sedimentation Control Plan,” by Arthur H. Howland and Assoc., dated 5/19/16 was reviewed. Mr. Ajello stated that 99% of the regulated activity was the demolition of the existing dwelling. Mr. Davis asked what would happen to the demolition material and Mr. Ajello said per the construction sequence, it would be removed from the site. Contours and drainage were reviewed. The commissioners asked that Mr. Szymanski attend the next meeting to answer the following questions: 1) How will the proposed house site be accessed? 2) Where is the existing and where is the new driveway? 3) What will be done in the area where the house is demolished; convert it to lawn? 4) How does the proposed green roof work? 5) How much of the ledge will be blasted out? 6) Does the spring house have running water? 7) No stockpile areas are shown. Will the blasted ledge be removed from the property? A site inspection was scheduled for Thursday, June 2, 2016 at 5:00 p.m.

Other Business

Haddad/141 West Shore Road/Request to Revise Permit # IW-16-06: Mr. Clark, engineer, presented his site plan revised to 5/18/16 and reviewed his letter dated 5/20/16. The proposed revisions were: 1) a 4’ X 11’ stone slab on top of the existing patio at the rear door for compliance with the Building Code, 2) the rear entry from the driveway was changed to eliminate construction within the side yard setback to the west, including changing the location of the concrete walkway by a few feet to the east, and 3) the rear covered entry was extended around the south wall to the west wall at the driveway. Mr. Clark explained the changes to the walkway would help to direct runoff away from the basement. Mr. Papsin asked if the berm would still be built at the rear of the property. Mr. Clark said it would. It was noted the $25 fee had not been paid.

MOTION: To approve the request by Mr. and Mrs. Haddad to

revise permit #IW-16-06 to construct a stone

stoop, change the concrete walkway, and install

a new covered area at 141 West Shore Road per

the document from Mr. Clark dated 5/20/16 and

the “Site Plan,” by Mr. Clark revised to 5/18/16;

the revision runs with the original permit and is

subject to the following conditions;

1. that the Land Use Office be notified at least
2. 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,

1. that the $25 fee be paid;

in considering the application, the Commission has

determined that no reasonable and prudent alter-

natives 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.

Enforcement

Mr. Ajello’s activity report dated 5/25/16 was circulated.

Steep Rock Assoc./Bee Brook Road: Photos of the rain garden were circulated. Mr. Papsin asked if the planting plan had been submitted as requested. Mr. Ajello will look into this.

Haight/45 Old North Road: Mr. Ajello reported several zoning issues; structures that had been installed without prior approval. He said he expected a landscaping plan would soon be submitted.

Administration

There was a lengthy discussion regarding the failure of the Board of Selectmen to appoint a hearing officer for the Inland Wetlands Commission, which the commissioners thought was a serious matter. The commissioners did not want to set a precedent by letting a past violator ignore his fine, but said they were powerless to act without a hearing officer to preside over an appeal hearing. The commissioners felt this undermined the Commission’s authority and detracted from the Commission’s goal of protecting the wetlands and watercourses.

Regarding Mr. Hochberg, the property owner who had appealed his fine, Mr. Papsin asked if the Commission could withhold his permit because he failed to pay. Mr. Wadelton said this could not be done. Mr. Ajello noted the only way to get payment from someone refusing to pay a fine would be to take him to court. Mr. Papsin asked if there was a note filed on the Hochberg land records. Mr. Ajello said there was not. Mr. Wadelton said the unauthorized work done by Mr. Hochberg had had a clear physical impact on the watercourse and so was deserving of a fine. Mr. Ajello reported that Mr. Hochberg had recently phoned to inform him that he would soon apply to extend his permit.

There being no further business, Mr. Wadelton adjourned the meeting at 7:58 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator