Inland Wetlands Commission

MINUTES

Show Cause Hearing – Regular Meeting

June 10, 2015

6:30 p.m. Main Floor Meeting Room

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

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Atty. Fisher, Atty. Coploff, Mr. Neff, Mr. Pinover, Ms. Pinover, Mr. Harris, Mr. Wyrick, Mr. Carpanzano

SHOW CAUSE HEARING

Sen/116 Shearer Road/Cease and Restore Order/Unauthorized Activity Within a Wetlands and Watercourse

Mr. Bedini called the show cause hearing to order at

6:30 p.m. and seated Members Bedini, Davis, LaMuniere, Papsin, and Wadelton. He said the purpose of the hearing was to give the property owner the opportunity to show cause why the 6/1/15 cease and restore order should not remain in effect.

Atty. Fisher stated that he was present on behalf of Mr. Roy. Mr. Ajello explained the property was listed under Ms. Sen’s name, but he had discussed the violation with Mr. Roy. Atty. Fisher said Mr. Roy had contacted him soon after he had received the cease and restore order and had told him the contractor had said that no permit was needed for the work to be done. Atty. Fisher said now that the property owner understands that a permit is required, he does not object to the order and he will stop work until the Commission allows him to continue.

Mr. Ajello noted that a notice of violation had been sent on 5/26, the violation had been discussed briefly at the 5/26 Commission meeting, and the cease and restore order had been sent on 6/1. He briefly reviewed the requirements listed in the order.

Atty. Fisher again stated the property owner was not contesting the order and understood the work done was a violation.

There were no questions or comments from the commissioners.

Mr. Bedini closed the hearing at 6:36 p.m.

REGULAR MEETING

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

MOTION: To add subsequent business not already posted

on the agenda: 1) Correction: V. New

Applications; A. Edwards/14 Church Hill Road

#IW-15-20/2 Story Addition and 2) VI. Other

Business; B. Berger/386, 392 Nettleton Hollow

Road/Request to Revise Permit #IW-14/20/Rebuild

Stonewalls. By Mr. Wadelton, seconded by Mr.

LaMuniere, and passed 5-0.

Consideration of the Minutes

The 5/27/15 Regular Meeting minutes were accepted as corrected.

Page 5: Under Corbo, the correct address is 42 Nettleton Hollow road.

Page 7: Bottom of page: the correct spelling is Sen.

MOTION: To accept the 5/27/15 Regular Meeting minutes

as corrected. By Mr. LaMuniere, seconded by

Mr. Davis, and passed 5-0.

Pending Application

Carter/141 Shinar Mt. Road(54 Walker Brook Road)/#IW-15-14/ Repair Retaining Wall: It was noted the Commission is still waiting for written approval from the holder of the conservation easement on the property.

New Applications

Edwards/14 Church Hill Road/#IW-15-20/Addition to Dwelling: Mr. Carpanzano, contractor, represented the property owner. He presented the plan, “Proposed Addition Plan,” sheet EC.1, by Arthur H. Howland and Assoc., dated 5/27/15 and pointed out the location of the property and where the addition was proposed. Photos of the existing house and property were circulated. Mr. LaMuniere noted the porch to be enclosed for the two story addition was 37.3 feet from the brook. Mr. Carpanzano noted the location of the silt fencing, stockpile areas, trees to be cut, and the general slope of the land. He said in some places the land slopes towards the house. He then briefly reviewed his supplemental notes for the file, “Additional Construction Details.” He described how the trees would be cut and removed to ensure they would not impact the streambanks, added details to the erosion and sedimentation control plan, and listed the equipment to be used. Sherman Building Design was cited as the party responsible for the inspection and maintenance of the erosion controls. Mr. Bedini asked if a basement was proposed. Mr. Carpanzano said there would be a 16 by 16 ft., 4 ft. deep crawl space requiring the removal of 60 to 70 yards of excavated material. Most would be hauled off site, but 20 yards would remain to be used for backfill. He also explained that silt fence covered with 4 inches of road base would be put down for the temporary construction access and taken up when the work is completed. There were no further questions and it was the consensus that a site inspection was not necessary.

Andryc/139 West Shore Road/#IW-15-21/Rebuild Boathouse and Wall: Mr. Wyrick, architect, and Mr. Neff, engineer, were present. Mr. Wyrick explained the existing boathouse, an empty room with power, would be rebuilt on its current footprint and portions of the seawall would be repaired. The plan, “Soil Erosion and Sediment Control Plan,” by Mr. Neff, dated 6/4/15 was reviewed. Mr. Ajello asked for the dimensions of the existing building. Mr. Neff responded that the square footage was listed on the plan; 170 sq. ft. building, 145 sq. ft. deck, and 16 sq. ft. stairs. Mr. Papsin asked for details about the boathouse foundation. Mr. Neff said the dry stone foundation would be replaced with concrete. It was noted the stockpile and staging area would be located on the other side of the road. Mr. Neff explained the repair work for the seawall would be a dry restack of the upper 2 ft. of the wall. The construction of the cantilevered deck and foundation was discussed at length. Mr. Wyrick proposed to increase how far the deck extends out over the lake from 4 ft. to 5 ft. Mr. Neff explained the deck would be a reinforced concrete slab with a grid of steel rebar and a galvanized steel angle around the perimeter. Temporary supports would be used during the pour, but would be pulled out after the curing period of 28 days. It was noted that in a worst case scenario, if the deck collapsed, the lake is very shallow in this area and the pieces of deck could easily be taken out using an excavator operating from the shoreline so there would be minimal impact to Lake Waramaug. Mr. Ajello asked what would support the NE corner of the building and Mr. Wyrick said it was all part of the cantilevered structure. The commissioners considered whether a wood deck would be appropriate, but it was noted that staining or painting over the water would be a concern. Mr. Neff stated the new foundation wall would be just behind the seawall but would be at a slightly different angle. Mr. LaMuniere did not think Mr. Neff’s plan coincided with Mr. Wyrick’s drawing and so requested a specific foundation plan be submitted. The commissioners will drive by the site, which can be easily seen from the road, prior to the next meeting.

Harris/254 and 258 New Milford Turnpike/#IW-15-22/Addition, New Parking Areas, Install New Septic System, River Walk, etc.: Mr. Harris noted the properties had been resurveyed in preparation of the proposed site plan, “Inland Wetland, Lot Line Revision, Proposed Development, Stormwater, and Erosion Control Plan,” sheet SD-1, by Studer Design Assoc., Inc., dated 6/9/15. Regarding the installation of the new septic systems, Mr. Harris said the existing systems under the parking lot and next to the apartment building would be abandoned and new systems installed on the hill on the west side of the river. These would be pumped systems. He said the Health Department had begun its review and had determined no fill would be necessary. He said the existing parking in front of the restaurant would be paved, a new paved parking lot would be added to the north of the existing building, and new crushed stone parking areas would be added on the opposite side of the river for staff and parking for the two existing residential buildings. The proposed addition would house a walk in refrigerator and a new kitchen and the existing kitchen would be converted to an office and used for storage. Mr. Bedini noted the location of the flood plain through the property and asked Mr. Harris if he had consulted with FEMA. Mr. Harris said he had not. The proposed silt fence and hay bales were noted as well as an area of invasives, which he proposed to remove. Mr. Davis asked if the existing bridge could handle heavy traffic. Mr. Harris said it could. The septic plans were discussed in more detail. The location of the pump chamber was pointed out and it was noted that a 2 inch diameter pipe would be double sleeved and run along the underside of the bridge. In response to a question from Mr. Davis, Mr. Harris was not sure where the new 2 inch pumped line ends up. Mr. Wadelton noted the plans included a cross section and planting plan for a rain garden. Mr. Harris proposed to plant a buffer between the parking lot and the river and said runoff would be directed towards the rain garden. The history of the property was briefly noted and an old state highway map dated 1934 was observed. A site inspection was scheduled for Wednesday, June 17, 2015 at 5:00 p.m.

Other Business

Sen/116 Shearer Road/Cease and Restore Order

MOTION: To uphold the 6/1/15 cease and restore order

issued to Ms. Sen/116 Shearer Road. By Mr.

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

Mr. Ajello said he would send the property owner a letter to notify her of this action.

Berger/386 and 392 Nettleton Hollow Road/Request to Revise Permit #IW-14-20/Rebuild Stonewalls: Mr. Neff, engineer, presented his revised plan, “Proposed Site Improvement Plan,” dated 3/31/14 and revised to 6/5/15. He proposed to extend the rip rap to the northeast along the edge of the watercourse because that area has been eroding. He noted there is rock material on site that could be used for 12 inch rip rap. Mr. Ajello asked how the south side of the stream could be armored without restricting the flow. Mr. Neff stated that there is already rock along the embankment; that the rip rap would just be extended. It was also noted the headwall for the culvert would be rebuilt and paid for by the property owner even though it is located on the Town right of way. Mr. LaMuniere noted that the rebuilding of the stonewalls and cutting of trees had been previously approved.

MOTION: To approve the request to revise Permit #IW-14-20

issued to Mr. Berger, 386 and 392 Nettleton

Hollow Road to rebuild stonewalls in accordance

with the plan, “ Proposed Site Improvement Plan,”

by Mr. Neff, dated 3/31/14 and revised to 6/5/15;

all previous conditions of approval to remain.

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

Activity Report

The Gunnery School/22 South Street: Mr. Ajello noted there had been recent heavy storms but these had not caused any down grade sedimentation. He said the fields were now rough graded and he expected the slopes would soon be seeded.

Steep Rock Assn./147 Sabbaday Lane: Mr. LaMuniere asked if Steep Rock had agreed to pump the cement to the bridge site and Mr. Ajello said it had. He noted this would be more efficient than numerous stream crossings.

Administrative Business

Revision of the Regulations: A special meeting to discuss the revision of the Regulations was scheduled for Thursday, June 18, 2015 at 6:30 p.m. in the lower level meeting room.

Communications

There were no communications to report.

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

Mr. Bedini adjourned the meeting at 8:11 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator