

Inland Wetlands Commission

MINUTES

Regular Meeting

June 26, 2019

7:00 p.m.

Main Level Meeting Room

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

ALTERNATES PRESENT: Ms. Branson, Mr. Kassis

STAFF PRESENT: Ms. White, Mr. Tsacoyannis

ALSO PRESENT: Atty. Ebersol, Mr. Hrica, Mr. Ciarlone, Mr. Worcester, Mr. Larson, Ms. Turoczi, Mr. Szymanski, Mr. Charles, Mr. & Mrs. Haested, Ms. Smith, Ms. Rodgers, Members of the Public

Call to Order

Mr. Wadelton called the meeting to order at 7:00 p.m. and seated Mr. Papsin, Mr. Davis, Mr. Bennett, and Mr. LaMuniere. He informed the Commissioners that his term expires in 4 days and suggested they get right to the Election of Officers as they are required to elect officers for the Commission in the month of June. He noted that all Commissioners and Alternates can nominate and vote.

Election of Officers

The Commissioners voted as follows:

MOTION: To nominate Mr. Papsin as Chairman by Mr. Kassis, seconded by Ms. Branson, passed unanimously.

MOTION: To nominate Mr. Bennett as Vice Chairman, by Mr. Papsin, seconded by Ms. Branson, passed unanimously.

The Commission thanked Mr. Wadelton for his service and guidance with the Inland Wetlands Commission through the years.

Mr. Wadelton turned the meeting over to Mr. Papsin and left the meeting.

[End of discussion 2:05]

Seated: Mr. Papsin, Mr. Bennett, Mr. LaMuniere, Mr. Davis, Mr. Kassis (for Wadelton)

Consideration of the Minutes

[Beg. of discussion 02:26]

The regular meeting minutes of June 12, 2019, were considered.

The following amendments were suggested:

Page 4, 5th paragraph, second line:

Also requested were the location of the trench from the pool to the **equipment shed**, more information...

MOTION: To accept the Regular Meeting Minutes of 6/12/19 as amended by Mr. LaMuniere, seconded by Mr. Davis, passed by 5-0 vote.

[End of discussion 03:22]

Subsequent Business

[Beg. of discussion 03:30]

MOTION: To add the Site Inspection Report from 6-19-19 site walk of 102 East Street under Consideration of the Minutes and Collins/323 West Shore/Discussion of remediating the shoreline under Other Business, by Mr. LaMuniere, seconded by Mr. Bennett, passed by 5-0 vote

MOTION: To approve the Site Visit Report for Roman- 102 East Street, dated 6-19-19, by Mr. LaMuniere, seconded by Mr. Bennett, passed by 5-0 vote

[End of discussion 04:22]

Pending Applications

CES Danbury Solar LLC (for Cole)/138 Litchfield Turnpike/Permit #IW-19-17/Ground Mount Solar Panels:

[Beg. of discussion 04:23]

The Commission did not receive any new documentation, and no one was present to speak about the application. Mr. Tsacoyannis stated that they are in the process of flagging wetlands and having the property surveyed. The Commission asked the Land Use Office to contact the applicant to inform them of the next steps they must take regarding this application

[End of discussion 05:36]

Sarjeant/9 Church Hill Rd/Permit #IW-19-21/Add shed roof to storage area and improve drainage:

[Beg. of discussion 05:38]

It was noted that Mr. Sarjeant would be proposing a new design and it has not been submitted as of this date. The expiration date of this application is 07-19-19. The Commission tabled this discussion until their next regularly scheduled meeting of 07-10-19.

[End of discussion 06:24]

Worcester/51 Wykeham Rd/Permit #IW-19-23/Grading and trench within the review area:

[Beg. of discussion 06:26]

Mr. Worcester, property owner, was present. Mr. Papsin asked if there were any changes made to the plan that was reviewed at the last meeting. Mr. Worcester stated that there were not. The Commissioners reviewed the plan titled "Site Analysis Plan," prepared for William W. Worcester, by William W. Worcester Architect, revision date 6-12-19, sheet SP-1. Mr. Worcester signed and dated the revised copy.

MOTION: To approve Permit #IW-19-23, for Worcester at 51 Wykeham Rd - grading and digging trench within review area, per the plan titled "Site Analysis Plan "prepared for William W. Worcester, hand dated 6-26-19 and signed by William W. Worcester, sheet SP-1, for two years

IWC MTG 6-26-19

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 and seconded by Mr. Davis, passed by 5-0 vote.
[End of discussion 10:55]

Roman/102 East St/Permit #IW-19-24/Proposed construction of a pool and grass sports court with associated appurtenances:

[Beg. of discussion 11:10]

Mr. Szymanski, Engineer, was present to review a revised version of the plan titled, "Proposed Site Development & Erosion Control Plan," prepared for Holly Parker & Marc Roman by Arthur H. Howland & Associates, P.C., revision dated 6-21-19, sheet SD.1, with the Commissioners. The revisions were based on comments from the last meeting and observations at the site walk. He stated that he found an opportunity to reclaim some wetlands on the existing lawn area and the revised plan shows areas on both sides of the wetlands where the lawn is to be removed and buffers to be planted with plugs and shrubs. The revised plan includes the location of the utility trench from the pool to the utility shed, topsoil stockpile on the west side of the ridge, and the dead 24" maple tree that will be removed.

Mr. Szymanski explained the reasoning behind the proposed location of the pool and the sports court. He stated that the sports court will require treatment where the porous patio around the pool would not. He described the layers of the proposed pervious patio that is comprised of pavers with different layers of gravel and stone underneath and the 6" x 12" pavers will have a 1" space between them that will act as a filtration system. The terrace is to be planted. It was noted that note 13 on the proposed plan regarding a new well could be crossed out because it will not be necessary. Mr. Szymanski confirmed that the lawn that will be removed and replaced with buffer plantings will be taken off-site and not reused and the new buffer area will be mulched.

There was a brief discussion regarding the maintenance plan.

MOTION: To approve Permit #IW-19-24, for Roman at 102- East Street – construction of in ground pool, associated grading, utility trench, stone walls, terraces and plantings within review area, per the plan titled "Proposed Site Development & Erosion Control Plan "prepared for Holly Parker & Marc Roman, by Arthur H. Howland & Associates, dated 04-25-19 with a revision date of 6-21-19, handwritten revisions signed and dated 6-26-19, sheet SD-1, for two years 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. Davis and seconded by Mr. LaMuniere, passed by 5-0 vote.
[End of discussion 20:52]

35 Potash Hill, LLC. /35 Potash Hill Rd/Permit #IW-19-27/Construction of a new residence:

[Beg. of discussion 20:55]

Mr. Tsacoyannis, Enforcement Officer, discussed the need for more silt fencing and the location of a tracking pad on the proposed plan.

The Commissioners reviewed the proposed plan and agreed with the EO. They added that they would like to see silt fencing around the entire area of disturbance.

Mr. Tsacoyannis stated that he would inform the agent that these additions are necessary and that it would be a condition of approval.

MOTION: To approve Permit #IW-19-27, for 35 Potash Hill, LLC at 35 Potash Hill Rd - construction of a new residence, per the plans titled "Site Plan" for A New Residence at 35 Potash Hill Rd, by G. P. Schafer Architect, DPC dated 6-7-19, sheet SP-1.01 and "Soil Erosion & Sediment Control Plan for Proposed House, by Brian E. Neff, dated 6-3-19, sheet 1 of 1, for two years with the following conditions: 1. Extension of silt fencing around entire area of disturbance and the addition of location of tracking pad per Enforcement Officers notes dated 6-26-19, 2. 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, 3. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, and 4. 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. Bennett and seconded by Mr. Davis, passed by 5-0 vote.
[End of discussion 28:50]

New Applications

Lloyd/149 Whittlesey Hill Rd/Permit #IW-19-29/Renewal of expired Permit #IW-14-03 for new home construction within review area:

[Beg. of discussion 29:25]

It was noted that this application is for a new permit that had expired in February 2019. The plan remains the same as it was originally proposed in 2006.

The Commissioners agreed that there should be a site visit because this is a very complicated piece of property and there are new commissioners that were not part of the original approval. They requested that Mr. Sabin, Landscape Architect, attend the next meeting to explain the project to the newer commission members.

[End of discussion 31:25]

Getnick/237 West Shore Rd/Permit #IW-19-30/Replace stairs within 100' of Lake Waramaug:

[Beg. of discussion 31:35]

Mr. Ciarlone, agent, was present to represent the property owners for this application. He explained to the Commissioners that they are proposing to remove the existing railroad tie stairs and replace them with bluestone stairs. It was noted that the proposed replacement of the stone stairs would be built straight as opposed to the existing curved railroad tie stairs. Mr. Ciarlone stated that the only machinery that will be used will be to place the 14' x 5' stone treads but all the other work will be done by hand. He added that there would be a base of $\frac{3}{4}$ inch gravel for drainage and that slight grading would be done by hand. The existing railroad ties will be removed from and disposed of off-site. Mr. Ciarlone corrected the dimension of the stairs from 6' to 5' on the plan and initialed it.

The Commissioners looked at the hand drawn side view of the stairs and the proposed location of the new stairs. It was noted that the proposed stairs will take up less area.

The Commissioners agreed that they would like a sequence of construction and that they will vote at the next meeting on July 10, 2019, and there was no reason for Mr. Ciarlone to attend.

[End of discussion 39:18]

Steep Rock Association/124 Christian St/Permit #IW-19-31/Beaver management:

[Beg. of Discussion 39:24]

Mr. Larson of Steep Rock informed the Commissioners of the beaver family that has moved into close proximity of the trail system at Macricostas Preserve. They have built a series of step dams above, at and below the footbridge. Steep Rock has consulted with DEEP and the Beaver Institute in Massachusetts. Mr. Larson informed the Commissioners that beaver trapping is lethal and not catch and release.

Mr. Larson stated that they are proposing to install a Flexible Pond Leveler. He explained the construction of the pond leveler and how it works. Steep Rock will monitor and breach the dams if necessary. Steep Rock is proposing to install the system by hand and they will bring the materials to the site by their truck. The monitoring will also be done by Steep Rock every other week. He informed the Commissioners that they will be monitoring the beaver activity through the fall and if there is an increase in activity then they will install the pond leveler.

The Commissioners feel they have all the information needed and will vote on this application at the next regularly scheduled IWC Meeting on July 10, 2019. Mr. Larson is not required to attend.

[End of discussion 53:54]

Isaavi/166 East Shore Rd/Permit # IW-19-32/Proposed dock and stair tread replacement & plantings:

[Beg. of discussion 54:05]

Mr. Szymanski, P.E., was present to represent the property owners of 166 East Shore Road for this application. He informed the Commissioners that beyond the existing retaining wall is a sand area. They are proposing a lawn instead of the sand area because the sand tends to migrate into the water. The plan also calls for planting a row of arborvitaes along the retaining wall. In addition, they are proposing to replace treads on the existing wooden steps, add a railing, cover the existing concrete pier that projects approximately 12 feet out with a wood platform and attach a dock to the platform. Mr. Szymanski noted that they meet the square footage requirements and that he will provide a revised plan showing how the dock will be anchored to the platform. He noted that they will not be depositing any additional material and that the sand will be removed by hand and a lawn will be planted.

The Commissioners agreed that they should schedule a site visit and asked that Mr. Szymanski also provide a sequence of construction for the proposed project.

A Copy of USGS topo quadrangle with property outlined or pinpointed is still needed to complete the application.

The Commissioners agreed to a site visit for Tuesday, July 2 at 4 pm.
[End of discussion 59:45]

24ONR, LLC/24a Old North Rd/Permit#IW-19-33/Installation of new driveway w/grass strip:
[Beg. of discussion 1:00:35]

Mr. Szymanski was present to represent the property owners. He informed the Commissioners that there is an existing processed gravel driveway and the property owners are proposing to remove a portion of the driveway and convert it to a narrow walking path at the area that is closest to the wetlands. They are also proposing to add a grass strip down the center of the rest of the driveway and add curbing. In addition, they will be adding a cobblestone parking area and apron both of which are out of the wetlands review area. A mini excavator will be used to dig out the center of the existing driveway and the edge for the curbing.

The driveway will remain 12 feet in width. The center will be 10 inches with soil, below that will be a crushed washed stone layer for drainage which will discharge upgrade of the wetlands. The drainage pipe will run through the center of the driveway and discharge into a rain garden that they will stake out for the Commission.

The Commissioners scheduled a site visit for Tuesday, July 2nd immediately after the 166 East Shore site visit.

It was noted that the Yellow Pre-App form is needed to complete this application.
[End of discussion 1:05:00]

Other Business

Haested/52-60 River Rd/Exemption for Silviculture – discussion of past, current, and proposed activity:

[Beg. of discussion 1:06:13]

Mr. and Mrs. Haested were present to discuss the work that is being done at their property on River Rd. Mr. Tsacoyannis stated that the Haesteds were granted a silviculture exemption to remove some of the trees, the invasives, and add native plantings along the Shepaug River. The WEO visited the site and found that the Haesteds are not doing anything outside of that exemption. Mr. Tsacoyannis stated that the Haesteds had to correct a large amount of work that Mr. Quaranta did because he did not do what he proposed to the IWC.

The Commission noted that many trees had come down. Mr. Haested explained that there were over 150 invasive Black Locust trees and they were cut down. He stated that they are focusing on a farming and agricultural use of the property, explained how they are getting rid of the knotweed, and have planted endophyte free grass. They have been working on a new plan with Earth Tones. Mr. Haested informed the Commission that they have not deposited any soil within 100 feet of the Shepaug. He explained that the former contractor put about a foot of chips to cover the stumps and they had to go back in and remove the chips and remove the stumps which were mostly Black Locust.

Mr. Haested displayed the current planting plan. He noted that it changes every day.

Mr. LaMunier expressed concern regarding losing the canopy over the Shepaug River edge when the Black Locusts were removed. He noted the deep water in that area that trout manage to survive.

Mr. Haested stated that they are planning on planting significantly sized trees to provide a canopy along the river's edge that would replace the Black Locusts. They are planning on planting 8-10-inch Pin Oaks, Maples, and Elms.

The Commissioners stated that they would like to see progress on redeveloping the canopy and to keep the WEO informed on the status of the project. It was noted that the Haesteds would need a permit for the planting within the 100' review area.

[End of discussion 1:24:20]

Erben Partners/169 West Shore Rd/Discussion of approved activity and proposed work:

[Beg. of discussion 1:24:22]

Mr. Szymanski was present to represent the property owners for this discussion. As part of the original approval, they proposed to modify the riprap along the base of the foundation to break up the wave action. It is his understanding that the Commission may not want them to pursue stone revetment of the reconstructed wall along the shoreline.

The Commission expressed concern regarding the angle of the rocks along the foundation wall. They believe that the current angle of the rocks will not suffice to break up the wave action and requested that it be built up more to a 45-degree angle. Mr. Szymanski agreed to add more rocks to increase the slope.

There was a brief discussion regarding whether the existing stones would break up the wave action.

Mr. Szymanski stated that they could add about two feet to the stones due to the elevation of the proposed deck.

There was a brief review of the original wall and the rebuilt version of the wall. The original proposal detail indicated 6-8 inch stones to be set at the base of this wall at the normal water elevation. Mr. Papsin stated that this is deposition into the Lake. Mr. Szymanski responded that if the Commission did not want them to proceed with that, then, they would not. He stated that the base of the new wall begins at the base of the original wall. Mr. Szymanski offered to talk to the contractor about stepping back the wall. He said he would take another look at it and come to the next meeting with possible solutions.

[End of discussion 1:38:00]

Collins/323 West Shore/ Discussion of remediating the shoreline:

[Beg. of discussion 1:40:02]

Atty. Ebersol gave a brief description of what work has been done since his last meeting with this IWC. He noted that the rocks have been removed from 323 West Shore and the original shoreline has been exposed. He and the Commissioners looked at photos of what exists today.

Mr. Hrica, Engineer, explained that they are proposing to leave the original shoreline rocks and take similar boulders stepping back about 3-4 feet to create a 45-degree slope. They would then do a patio surface on top of that.

Ms. Turoczi of Earth Tones referred to the pictures and stated that the shrubs on the slope are starting to grow again. She said that there are two piles of stone on either side of the road and feels that there are some original stones that were picked up from the shoreline and used with the stones that were brought in to build the wall that was recently taken down. She explained that she would like to reclaim these rocks and use them by strategically placing them to mimic the shoreline with space in between for vegetation. The plan calls for plantings on the slope and buffer plantings as well. The new plan removes the entire patio.

The Commission discussed the need for a site walk. Ms. Turoczi said that she would mark out the areas for the site walk.

The Commissioners discussed the site visit schedule for Tuesday, July 2, 2019, beginning at 4 p.m. It was decided that they would start at 24a Old North Rd, then proceed to 166 East Shore Rd. and end at 323 West Shore Rd. Ms. White stated that she would verify the schedule with Mr. Szymanski.

[End of Discussion 2:02:35]

Enforcement

Activity Report:

[Beg. of discussion 2:02:00]

Mr. Tsacoyannis, E.O. briefly reviewed his report with the Commissioners.

[End of Discussion 2:05:30]

Adjournment

MOTION: To adjourn at 9:05 pm, by Mr. Papsin, passed unanimously.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Shelley White
Land Use Administrator
07-02-19

*All documents are on file in the Land Use Office

**Digital recording of this meeting are available upon request