Inland Wetlands Commission

MINUTES Regular Meeting June 27, 2018

7:00 p.m. main level meeting room

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

ALTERNATES ABSENT: Mr. Kassis, Mr. Matthews

STAFF PRESENT: Mrs. Hill

ALSO PRESENT: Mrs. Solomon, Mr. E. Martinez, Mr. Martinez Mr. Neff, Ms. Zitter, Mr. Monteleone, Mr. Hayden

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

MOTION: To add the following subsequent business not already posted on the agenda: V. New Applications: A. Seaborn/327 West Shore Road/#IW-18-26/Place Boulders, Install Stone Seating Area, B. Auth/ 329 West Shore Road/#IW-18-27/Place Boulders, Install Stone Seating Area, VI. Other Business: A. DePerno and Fry/63 Wykeham Road/Permit #IW-17-01/ Review Plans for Wetlands Paths, B. Community Table/ 223 Litchfield Turnpike/Request to Cut Wetland Vegetation, C. Inquiry re: Farm Use. By Mr. Papsin, seconded by Mr. Davis, and passed 5-0.

Consideration of the Minutes

It was noted that under Angell/47 West Shore Road, although the 6/13/18 minutes correctly reported what had been stated at the meeting, Mr. Hayden, director of the Lake Waramaug Task Force, had asked for a correction. He wrote, “‘Mr. Sabin said that although the Lake Waramaug Association had not approved the plan, Mr. Hayden, director of the Lake Waramaug Task Force (LWTF) supported it.’ Neither I, nor the Lake Waramaug Task Force supported this project. Rather, the LWTF provided comments and technical assistance to the property owner’s design professionals in an effort to minimize the water quality impacts of the property owner’s wishes for his property, while maximizing the potential for revitalizing and expanding the existing demonstration buffer.”

MOTION: To accept the 6/13/18 regular meeting minutes as written and to add Mr. Hayden’s statement as an addendum to those minutes. By Mr. Papsin, seconded by Mr. Bennett, and passed 5-0.

MOTION: To accept the 6/19/18 Jacobs site inspection minutes as written. By Mr. Davis, seconded by Mr. LaMuniere, and passed 5-0.

Consideration of the 6/20/18 Special Meeting/Public Hearing minutes was tabled to the next meeting because the members had not had time to review them.

Pending Applications

101 Wykeham Road, LLC./101 Wykeham Road/#IW-18-04/Inn: Mr. Wadelton noted the public hearing had been continued to July 11, 2018 and so there would be no discussion at this time.

West Mt. Farm, LLC./6 West Mt. Road/#IW-18-22/Application for Exemption/Tree Clearing for Farm: An application to correct the current violation on the property had not yet been submitted and so this application was not discussed.

Jacobs/257 West Shore Road/#IW-18-23/Repair Wall, Install Patio: Mr. LaMuniere read Section 11.A.04.d of the Inland Wetlands Regulations, which states that failing stone retaining walls may be partially or completely rebuilt to their pre existing dimensions if half or more of the original wall is still standing and the base stones are firmly set in the lake bottom. Having inspected the site, neither he nor Mr. Papsin thought the shoreline stones looked like a stonewall. Mr. LaMuniere thought the stones were rip rap, said there were no base stones upon which an original wall would have stood, and noted vertical surfaces were not permitted on the lake. Mr. Papsin said the existing stones, which look like they had been placed to hold back the land, were approx. 18 inches from the water. He noted there was quite a slope on site, said the exact size and location of the patio should be marked on site, and noted no information about the amount of material to be deposited had been submitted. He thought the sketch plan should be redrawn and a second site inspection conducted. Mr. Davis noted the minutes had said the highest point of the wall would be 3 feet and would then taper down, but he thought if the area was to be leveled, the wall would have to be much higher. Mr. Monteleone, contractor, said he would eliminate the wall. Mr. LaMuniere noted the Commission’s thorough review of the Angell application and that it had been denied until plans for the protection of the shoreline were included. Mr. Davis asked how the fill to level the area would be placed without the wall. Mr. Monteleone said there was sand 4 ft. deep on site and that he would dig it out and slope it down. Mr. Davis asked what slope would be created, because if it was too steep, it would not hold. Mr. LaMuniere asked if the patio would be horizontal. Mr. Monteleone said it would. Mr. LaMuniere thought he would have to dig out a lot of sand to make the area flat and that this would bring it very close to the road. Mr. Papsin again asked for revised plans, a new construction sequence, deposition area for materials, and a cross section. Mr. Bennett said the plan should show that the area close to the shoreline would not be touched. Mr. Papsin thought an alternate location for the patio, where there would be less damage to the lake, should be discussed. Mr. Monteleone agreed to submit revised drawings for the next meeting. Mr. Davis asked that he submit the proposed height of the land at each corner pin of the patio. The second site inspection will be held when the pins are in. Mr. Monteleone asked if he could spread beach sand. Mr. Wadelton said this would be a regulated activity in the upland review area. He said the Commission had to know how much sand and where it would be deposited and asked Mr. Monteleone to indicate that on his plan.

Lekaj/276 New Milford Turnpike/#IW-18-25/Install Culvert Pipe: Mr. Neff, engineer, stated there had been no changes to the plan since the last meeting and that the pipe was needed so that an intermittent watercourse could be crossed to access the rear of the property. There had been no outstanding questions raised at the last meeting.

MOTION: To approve Application #IW-18-25 submitted for Lekaj/276 New Milford Turnpike to install a culvert pipe per the plan, “Culvert Pipe Installation Plan,” by Mr. Neff, dated 4/22/18; 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, 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. Papsin, seconded by Mr. LaMuniere, passed 5-0.

New Applications

Seaborn/327 West Shore Road/#IW-18-26/Place Boulders, Install Stone Seating Area: Mr. E. Martinez and his son, Mr. Martinez, contractors, were present and submitted photos of the property. Mr. Martinez circulated copies of the plans, sheet 1: showing existing conditions, sheet 2: the existing cross section, sheet 3: showing the proposed alternations, and sheet 4: the proposed cross section. Mr. Martinez pointed out on sheet 4 a “slight alternation” was proposed to made the grade flatter and to put in steps down the slope to the dock. He explained the proposed stone work would be set back 2 to 3 feet from the existing boulders along the shoreline. He planned a “soft, naturalistic” edge at least 16 inches above the current water line. Sheet 4 was reviewed for dimensions. Mr. Davis asked about the proposed backfill behind the proposed boulders. Mr. Martinez said landscape filter fabric would be used for stabilization. He stated that material to be dug from the proposed patio fire pit would be used elsewhere on site. Mr. E. Martinez said all of the stone work would be dry laid. Mr. Bennett asked about the construction of the stone bench. Mr. Martinez responded the natural depression was already there; that the soil would be held back and seating created using flat topped stones. He said no cement would be used. Mr. Davis asked what equipment would be used. Construction material would be off loaded from the road in small batches and moved by hand once off the truck. No heavy equipment would be used. Mr. Davis asked that erosion controls and stockpile areas be shown on the plans because when the area was leveled it would be disturbed and open to erosion. Mr. LaMuniere expressed his concern about maintaining the rip rap along the shoreline. Mr. Davis asked for a sequence of construction. It was the consensus that a site inspection should be conducted. This was scheduled for Tuesday, July 10, 2018 at 4:00 p.m.

Auth/329 West Shore Road/#IW-18-27/Place Boulders, Install Stone Seating Area: Mr. E. Martinez and his son, Mr. Martinez, contractors, were present and submitted diagrams similar to those they had submitted for the Seaborn application. Mr. Martinez noted the project’s scope and purpose were stated on sheet 3. He said this patio was a more lateral style than that for the Seaborn site. The cross section on sheet 4 was discussed. Mr. LaMuniere asked if they planned to build up the land behind the proposed boulders. Mr. Davis asked if the work would be done without disturbing the shoreline. Mr. Martinez stated the work would be more man made looking; not vertical, but still set back from the shoreline. The stones would be set on landscape fabric using stone dust. Mr. Bennett asked for the area to be built upon. Mr. Martinez said the entire site was .032 acres and not quite all of it would be built on. He pointed out the proposed patio area on one of the photos of the property. Mr. Papsin noted a lot of grass would be lost and that the patio would result in a lot of coverage. Mr. Martinez said the homeowner could maintain the grass in some areas or the patio could be constructed by the lake and the grass by the road saved. He said the area with existing hedges along the road would not be made into patio. Mr. Davis thought the owner should compromise and keep a larger grassed area. Mr. Wadelton noted the Commission did not want the shoreline paved. Mr. Bennett agreed, saying more vegetation was preferred. Mr. Martinez said perhaps as the patio got further from the lake, the distance between the stones could increase and eventually be filled with grass. He also noted many new plants were proposed along the lakefront. Mr. Papsin suggested the contractors consult with the homeowner and recommend less patio and that a plant list be submitted as part of the application. When it was suggested that material might be stockpiled across the road, Mrs. Hill said that might be wetlands as there are wetlands on the nearby Collins property across the road. Mr. Wadelton said the regulated area was within 100 feet of the lake. Mr. Davis noted the plans should show staked hay bales around any stockpiles. Mr. Wadelton advised the applicant that zoning permits would be needed for the Seaborn and Auth projects. A site inspection was scheduled for Tuesday, July 10 at 4:00 p.m. Mr. Martinez submitted “slightly more polished” versions of the plans for both Seaborn and Auth. Mr. Wadelton noted both the Auth and Seaborn properties are within 500 feet of the Kent border and so Kent would have to be notified of the applications.

Other Business

DePerno and Fry/63 Wykeham Road/Permit #IW-17-01/Review of Wetlands Paths: Ms. Zitter, landscaper, submitted a narrative, “Construction of Wetland Pathways,” dated 6/25/18 containing construction and material specifications and a sketch map indicating the location of the paths and where corduroy vs. mulch would be used. She noted that an amphibian expert had previously reported that the proposed paths would not adversely impact them. She noted no soil would be removed; that trap rock would be put down, filter fabric placed on top of that, and a couple inches of mulch put down on top of the fabric. The paths would be 36 inches wide with tapered sides. Ms. Zitter said the installation would be done during the driest time of the year. It was noted the permit had already been issued and that the commissioners had no issues with the details presented.

Community Table/223 Litchfield Turnpike/Inquiry re: Cutting Vegetation in Wetlands: Mr. Papsin read the 6/27 email requesting permission to trim and cut back vegetation in wetlands. While some of the commissioners thought this could be considered routine maintenance and landscaping, qualifying as a non regulated activity, others were concerned because they were not sure exactly what was meant by trimming and cutting back. Mr. Papsin will inspect the site with Ms. Hodza when she begins work and they will determine then what work will be appropriate and whether a permit is required.

Jurisdiction re: Farm Use: Mrs. Hill said she had a resident ask whether the IWC has the authority to make the determination about what qualifies as a farm and what doesn’t. Mr. Wadelton responded the Commission does not determine whether something qualifies as a farm, but does determine whether it falls under the agricultural exemption, which is broadly defined under the CT statutes. He noted farming is only a small portion of the activities, which fall under the agricultural exemption.

Enforcement

**Collins/323 West Shore Road/Permit #IW-17-31**: Mrs. Hill had inspected the site and questioned whether the work done was in compliance with the approved plan. She recommended the Commission conduct a site inspection to make that determination. Mr. Papsin, Mr. LaMuniere, and Mr. Davis said it appeared more vegetation had been cut and more regrading done than had been approved. Mrs. Hill thought there was less area left with grass. A site inspection was scheduled for Tuesday, July 10 at 4:00 p.m.

Communications

Mr. Hayden announced a class for aquatic invasive weed training on from 9:00-11:00 a.m. on 6/28/18 at the winery. He also reported on August 9 he would make a presentation on the 40 years of work by the Lake Waramaug Task Force and its impact on the water quality of the lake.

The meeting was adjourned at 8:25 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator