Inland Wetlands Commission

MINUTES

Regular Meeting

June 28, 2017

7:00 p.m. Main Level Meeting Room

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

MEMBERS ABSENT: Mr. Davis, Mr. LaMuniere

ALTERNATES ABSENT: Mr. Bennett, Mr. Kassis

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Forese, Ms. Whitty, Mr. Szymanski, Mr. and Mrs. Hochberg, Ms. Anson, Mr. Neff,

Mr. Lekaj

Mr. Bedini called the meeting to order at 7:02 p.m. and seated Members Bedini, Papsin, and Wadelton.

MOTION: To include the following subsequent business

not already posted on the agenda: VII. Enforcement

H. Wykeham Rise, LLC./101 Wykeham Road/Unauthorized

Stonewall Repair, VIII. Administrative Business  
 A. July 12 Election of Officers, IX. Communications

1. Distribution of “The Habitat.” By Mr. Wadelton,

seconded by Mr. Papsin, and passed 3-0.

Consideration of the Minutes

MOTION: To accept the 6/14/17 Regular Meeting minutes as

submitted. By Mr. Wadelton, seconded by Mr. Papsin,

and passed 3-0.

MOTION: To accept the 6/20/17 Site Inspection minutes

as written. By Mr. Wadelton, seconded by Mr. Papsin,

passed 3-0.

Pending Application

Copley/96 West Morris Road/#IW-17-19/Pond Maintenance: Mr. Forese represented the applicant. He explained the proposal was to clean out the small pond that had filled with sediment due to a highway washout several years ago. He said the dredged material would be hauled to an open meadow where it would be spread and trees planted. He pointed out the location of the meadow on the topo map, #2, which was submitted with the application. It was noted both the pond and the meadow were quite a distance from the Shepaug River. He initialed and dated the maps submitted.

MOTION: To approve Application #IW-17-19 submitted by

Ms. Copley to dredge the pond at 96 West Morris

Road per drawings #1, #2, #3, and #4, dated 6/28/17;

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. Wadelton, seconded by Mr. Papsin, passed 3-0.

Town of Washington/Spring Hill Road at Kirby Brook/#IW-17-20/ Replace Bridge: It was noted there had been a thorough presentation at the last meeting and that the engineer had been told he did not have to attend this meeting because no additional questions had been raised.

MOTION: To approve Application #IW-17-20 submitted by the

Town of Washington to replace the bridge on Spring

Hill Road at Kirby Brook per the plans by Cardinal

Engineering Associates, 6 pages, dated April 2017;

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. Papsin, seconded by Mr. Wadelton, passed 3-0.

Lufkin/36 Hinkle Road/#IW-17-21/Dredge Pond: Mr. Neff, engineer, stated there had been no changes to the plan since the last meeting. The plan, “Pond Cleanout Plan,” by Mr. Neff, dated 3/16/17 was reviewed. Mr. Neff noted the 6/10/17 letter from Steep Rock Assoc. approving the proposed work and said the property owner was aware of the conditions set forth in that letter. Mr. Ajello said it would be the owner’s responsibility to notify Steep Rock when the work starts.

MOTION: To approve Application #IW-17-21 submitted by

Mr. Lufkin to dredge the pond at 36 Hinkle Road in

accordance with the plan, “Pond Cleanout Plan,” by

Mr. Neff, dated 3/16/17; 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. Wadelton, seconded by Mr. Papsin, passed 3-0.

Hochberg/15 Couch Road/#IW-17-22/Install Access Road: Mr. Hochberg stated the Selectman’s Office had approved the driveway cut and he presented evidence that he had posted the required bond. It was noted there had been no changes to the plans since the last meeting. Mr. Hochberg initialed and dated the plan. He asked if he would be able to get a two year extension if needed due to slow action by the USDA. Mr. Bedini responded he could if he applied for the extension before the permit expired.

MOTION: To approve Application #IW-17-22 submitted by Mr.

Hochberg to install an access road at 15 Couch Road

per the file plan dated 6/28/17 and two photos

submitted; one of a conservation map; 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. Papsin, seconded by Mr. Wadelton, passed 3-0.

Coleman/31 South Fenn Hill Raod/#IW-17-23/Fence, Wall, Drainage, Boardwalk, Path, Relocate Well: Mr. Neff, engineer, and Ms. Whitty, landscaper, were present. Mr. Neff presented the plan, “Soil Erosion and Sediment Control Plan – Pool and Site Improvements,” revised to 6/21/17 to which he had added swimming pool maintenance requirements per the discussion at the last meeting. He noted that when the pool is dewatered for the winter or for routine maintenance, no water would be inadvertently pumped into the wetlands. The site plan was reviewed and it was noted that the proposed pool was outside the regulated area, while the proposed well, path, and stonewall were within it. Mr. Neff reported that he did not yet have an approval letter from Steep Rock, the holder of the conservation easement on the property, but said all of the work proposed was within the development envelope where Steep Rock as no jurisdiction. Mr. Ajello suggested the permit could be approved pending receipt of a letter from Steep Rock. Ms. Whitty presented the planting plan, which she initialed and dated and explained the efforts that would be made to plant along the proposed wetland walk and along both sides of the existing meadow. The various plant types and sizes were noted.

MOTION: To approve Application #IW-17-23 submitted by

Ms. Coleman, 31 South Fenn Hill Road, for a fence,

wall, drainage, boardwalk, path, and to relocate

the well referencing the drawing by Mr. Neff, “Soil

Erosion and Sediment Control Plan,” dated 6/13/17

and revised to 6/21/17 and the planting plan by Ms.

Whitty, dated 6/28/17; 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,

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. Wadelton, seconded by Mr. Papsin, passed 3-0.

Village at Bee Brook Crossing Assoc./30 Juniper Meadow Road/

#IW-17-24/Remove Trees: Mr. Wadelton recused himself and so there was no quorum present to act on the application. It will be considered at the next meeting.

Kandel and Levine/28 Tinker Hill Road/#IW-17-25/Install Conduit Under West Shore Road: Mr. Szymanski, engineer, presented the plan, “Proposed Utility Road Crossing Plan,” by Arthur H. Howland and Assoc., dated 5/16/17 and revised to 6/28/17. He stated the plan had been revised based on the comments in Mrs. Hill’s 6/14/17 application review, that there was no conservation easement on the property, and he submitted the signed conservation easement form. Mr. Szymanski said the notes for this application were identical to those for the conduit crossings for both 214 and 169 West Shore Road, both recently approved by the Commission. He stated the total disturbed area would be approximately 60 sq. ft. Mr. Ajello asked that the map be corrected to confirm that the area so marked was not a grass pull off and Mr. Szymanski made that correction. In response to a question, Mr. Szymanski stated that no sewer line was proposed and so the conduit separation distances were OK and the total trench width would be no greater than 4 feet wide.

MOTION: To approve Application #IW-17-25 for Kandel and

Levine, 28 Tinker Hill Road to install a conduit

under West Shore Road per plans drawn by Arthur H.

Howland and Assoc., “Proposed Utility Road Crossing

Plan,” dated 5/16/17 and revised to 6/28/17; 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. Papsin, seconded by Mr. Wadelton, passed 3-0.

Erben Properties, LLC./169 West Shore Road/#IW-17-26/Reconstruct Dwelling and Accessory Building, Install Walkway and Appurtenances: Mr. Szymanski, engineer, noted a site inspection had been conducted last week and there had been no revisions to the plans since then. He submitted a signed conservation easement form. The plan, “Proposed Site Development Plan,” by

Arthur H. Howland and Assoc., dated 5/25/17 was reviewed. He noted these plans include the sequence of construction, drainage and coffer dam locations, and the reconstruction of both structures.

MOTION: To approve Application #IW-17-26 submitted by

Erben Properties, LLC. to reconstruct the dwelling

and accessory structure and install a walkway and

appurtenances at 169 West Shore Road referencing the

plans by Arthur H. Howland and Assoc., “Proposed

Site Development Plan, dated 5/25/17; 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. Wadelton, seconded by Mr. Papsin, passed 3-0.

New Application

Town of Washington/59 East Shore Road/#IW-17-27/Replenish Beach Sand: Ms. Anson, Park and Rec commissioner, was present. Mr. Wadelton asked if the sand to be used was clean beach sand and not road sand. Ms. Anson said it was and that 16 yards would be deposited. Mr. Papsin asked if the sand would be delivered and spread the same day. Ms. Anson said it would and that it would be kept 3 feet away from the water’s edge. The application materials and site plan dated 6/26/17 were reviewed. Mr. Ajello noted it was critical that the grass berm be maintained to prevent stormwater from washing across the beach. It was noted the Commission could not act on this application tonight and that there was no need for anyone to represent the Town at the next meeting.

Enforcement

Wykeham Rise, LLC./101 Wykeham Road/Unauthorized Stonewall Work: Mr. Lekaj, contractor, said he had not known it was not OK to begin work and apologized to the Commission. Mr. Ajello said he had sent a notice of violation and a fine to the property owner, had spoken to the First Selectman about the work done on Town property, and had required that the disturbed areas be hayed. Mr. Wadelton read from page 8 of the 6/14/17 minutes that stated the Commission had also expected the owner to appear before the Commission with a plan to correct the violation and that the owner must be informed that all work must stop until the bond is secured, the fine paid, and an environmental consultant hired. Mr. Ajello stated the fine had been paid and noted the Commission had not scheduled a show cause hearing. Mr. Wadelton asked that the record show exactly what is required before any work on the site may begin. It was noted the following is required: 1) the $50,000 bond, $10,000 for the demolition of the fire damaged buildings and the remainder of $40,000, be posted, 2) that the bond for the erosion control specialist be posted and that individual hired, and 3) that all applicable conditions of approval such as the required preconstruction meetings with engineers and staff be carried out. Mr. Lekaj asked if he could post his own bond so that he could complete the work he started. Mr. Wadelton noted the bond could not be released until all the work on the property had been successfully completed. Mr. Wadelton again stated the Commission had asked for a plan to correct the violation. Mr. Ajello said there was nothing to correct and this would merely serve as a senseless punitive measure. Mr. Papsin suggested the owner and Mr. Szymanski, engineer, work together with contractors to ensure similar violations did not occur in the future. Mr. Wadelton noted that if the owner was not clear about what requirements must be met prior to the start of work, she should attend the next Inland Wetlands meeting.

Mr. Ajello briefly reviewed his 6/28/17 activity report.

Administrative Business

Mr. Bedini advised the commissioners that the election of officers would take place at the July 12th meeting and he asked everyone to think about volunteering before the next meeting.

The latest issue of “The Habitat” was distributed.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator