Inland Wetlands Commission

MINUTES

Regular Meeting

July 13, 2016

7:00 p.m. main level 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: Mr. Harris, Mr. Neff, Mr. Szymanski, Mr. Vejsel

Mr. Charles, Atty. Ebersol, Mrs. Canning,

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

MOTION: To include the following subsequent business not

already posted on the Agenda: V. New Applications:

F. Town of Washington/11 School Street/#IW-16-23/

Conserve Section of Shepaug River, VI. Other Business:

C. 9 Main Street Associates, LLC./9 Main Street/

Request to Extend Permit #IW-13-39/Repair Septic

System and to move StrawMan, LLC. to later on the

Agenda to accommodate Atty. Ebersol’s request. By

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

Consideration of the Minutes

MOTION: To accept the 6/22/16 Regular Meeting minutes as

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

and passed 5-0.

MOTION: To accept the 6/29/16 Harris site inspection minutes

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

and passed 5-0.

Pending Applications

Town of Washington/108 New Milford Turnpike/#IW-16-11/Herbicide Application: It was noted that there had been no new information submitted since the last meeting. Mr. Wadelton stated the specific documentation missing was DEEP approval.

MOTION: To deny without prejudice Application #IW-16-11 submitted by the Town of Washington to apply herbicide

at 108 New Milford Turnpike due to lack of information.

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

(Motion approved, Application denied)

New Applications

GSN, LLN./214 West Shore Road/#IW-16-18/Second Story Addition and Rain Garden: Mr. Szymanski, engineer, advised the Commission that a second floor addition to a small portion of the existing house and a rain garden to accommodate most of the runoff on site were proposed. He reviewed his 7/13/16 letter to the Commission in which he responded to questions raised in Mrs. Hill’s 7/11/16 review and he stated that also in response, notes had been added to the proposed plan. The map, “Site Development Plan,” by Arthur H. Howland and Assoc., dated 6/21/16 and revised to 7/13/16 was reviewed. He noted that any overflow from the rain garden would sheet flow down gradient towards the existing shed and that top soil would be used to form the proposed berm. He also noted that a splash block was proposed in front of the house and from there runoff would sheet flow and infiltrate. Mr. LaMuniere asked where the demolition material would be stockpiled. Mr. Szymanski it would be placed in a dumpster and removed from the property.

Ray and Tunis/227 Roxbury Road/#IW-16-20/Relocate Driveway: The “Driveway Relocation Plan,” by Mr. Neff, dated 6/15/16 was reviewed. Mr. Neff, engineer, explained the beginning section of the driveway had not been installed within the 50 ft. right of way. The proposed driveway entrance would have a flat apron area and then an 8 to 10% slope; the same grade as the current driveway. Mr. Neff explained there is a wetlands adjacent to the driveway and a 15 inch culvert crossing. He said the culvert would be cleaned out, but the proposed relocation would not require any changes to the culvert or existing crossing. He noted, too, that the woods and brush would remain intact near the culvert. Mr. LaMuniere asked if the wetlands collect water. Mr. Neff said, yes, but not very much. Although not an inland wetlands issue, Mr. Ajello recommended a bypass at the beginning of the driveway. There were no further questions.

Kurtz/10 West Morris Road/#IW-16-21/Dredge Pond, Repair Dam, Install Dock and Walkway: Mr. Neff, engineer, noted the pond was existing, but had not been cleaned for many years. He pointed out the 3 ft. high concrete dam across the east side of the pond and an area of cat tails along the southern and western shores. He said these would remain. His plan, “Pond Cleanout Plan,” dated 6/30/16 and revised to 7/13/16 was reviewed. He said the work site would be accessed from Romford Road over a non wetland area near the dam and that an anti tracking pad would be installed. An estimated 2500 yards of material would be dredged from the pond and the cracks in the dam would be repaired with hydraulic cement. A settling basin surrounded by a double row of hay bales would be installed for the dewatering pipe discharge and a dewatering area for the excavated material was shown at the west side of the pond. Mr. Neff stated there was no place on the property to spread the excavated material and so it would be hauled off site. Mr. Neff presented the specifications for the dock and walkway, stating they would be made of locust, which is resistant to insects and rot. Mr. LaMuniere asked if the wood would be treated. Mr. Neff said it would not. The walkway will be installed by hand, there will be no need for any disturbance, and it will be a low impact installation. Mr. Neff stated the planks would be placed on logs, which would elevate them approximately 6 inches above the wetlands. No other questions were raised.

Franjola/60 Wykeham Road/#IW-16/22/Dredge Pond: Mr. Neff, engineer, noted this very small pond could be accessed from the existing driveway. His plan, “Pond Cleanout Plan,” dated 6/12/16 was reviewed. He said the pond would be dredged to a maximum depth of 8 feet in the middle, that the work would take a week, and that the excavated material would be taken off site. He noted that hay bales would be installed around the south side of the dewatering/stockpile area. Mr. Neff stated that a dry hydrant is proposed and that its installation would be discussed with the Fire Dept. Mr. LaMuniere asked if there would be clearing around the pond. Mr. Neff said the phragmites on one side would be removed, but other vegetation would remain. He also noted that there was a conservation easement on the property, that the holder of that easement had been sent a letter as required, and that a letter to approve the proposed work was expected soon.

Other Business

Harris/181 West Shore Road/Request to Revise Permit #IW-13-40/Cut Additional Trees: Mr. LaMuniere stated his main concern was that in one area, the area west of the driveway and sloping towards West Shore Road, the proposed clearing would result in loss of the canopy over wetlands. He recommended some trees be planted to replace those that would be cut. Mr. Harris acknowledged that Mr. LaMuniere had discussed this matter with the arborist and agreed to plant replacement trees.

MOTION: To approve the request by Mr. Harris to revise Permit

#IW-13-40 to clear trees at 181 West Shore Road per

the plan dated 11/12/13, the trees marked on site,

and the 6/29/16 site inspection minutes, 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,

1. any changes to the plans as approved must be

submitted immediately to the Commission for review,

and

1. that two trees be planted west of the driveway that

slopes toward West Shore Road as referenced in the

6/29/16 site inspection report.

By Mr. Davis, seconded by Mr. Papsin, and passed 5-0.

A brief discussion followed about whether or not Mr. Harris was required to transfer the original permit to his name, but the commissioners decided this was not necessary.

Carron/58 Gunn Hill Road/Request to Revise Permit #IW-15-35/ Relocate Generator: Mr. Ajello explained the generator would be moved away from the pond, would be tucked next to a stonewall, and would be no closer to the wetlands on the property. The map, “Proposed Site Plan,” sheet A1.10, revised by Mr. Sabin on 6/20/16 was reviewed. Mr. Ajello noted the 6/24/16 letter from Mr. Sabin requesting the revision.

MOTION: To approve the request to revise Permit #IW-15-35

issued to Carron/58 Gunn Hill Road to relocate a

generator per the plan dated 8/7/15 and revised to

6/20/16; all other conditions of approval continue

to apply. By Mr. Papsin, seconded by Mr. Davis, and passed 5-0.

9 Main Street Associates, LLC./9 Main Street/Request to Extend Permit #IW-13-39/Repair Septic System: Mr. Ajello noted the 7/12/16 letter from Atty. Kelly requesting the extension. It was thought a two year extension would be appropriate.

MOTION: To grant a 2 year extension of Permit #IW-13-39

issued to 9 Main Street Associates, LLC./9 Main

Street to repair the septic system; all conditions

of approval remain. By Mr. Papsin, seconded by

Mr. LaMuniere, and passed 5-0.

New Applications

Town of Washington/11 School Street/#IW-16-23/Conserve Section of Shepaug River: Mr. Wadelton recused himself because he had advised Mr. Vejsel on his Eagle Scout project. Mr. Vejsel, a Gunnery student and Boy Scout, read a statement to the Commission regarding his intention to give back to the community by working to conserve a portion of the river. He planned to remove the remains of invasive plants in a section along the riverbank and to replant with native species that would discourage the regrowth of the invasives. The map, “Site Plan,” by Mr. Alex, revised to 1/7/2013 with undated handwritten additions by Mr. Vejsel was reviewed. Mr. Bedini asked what would be done with the plant material to be removed. Mr. Vejsel stated it would be bagged and left to sit in the sun and would be disposed of when it was dead. Mr. Davis asked about the height of the plants to be planted. Mr. Vejsel stated that none would be over 3 ft. high, to which Mr. Davis responded that they would provide erosion control while maintaining the view of the river. Mr. Vejsel added that the blue stem grass and ferns that would be planted closest to the riverbank would prevent erosion when the water level rises. Mr. LaMuniere discussed soil composition and Mr. Vejsel said he understood he would have to supplement the soil before planting. He listed the number, and type of plants that would be used. Mr. Davis asked if the dead plants would be removed at the end of each day. Mr. Vejsel said they would and that his work would not disrupt the walkway. Mr. LaMuniere noted the Shepaug is very low now and would rise at least 2 feet and so planting should not be done too close to the shoreline. Mr. Vejsel presented a topo map, pointed out the proposed work area, and submitted it for the file. It was noted that the First Selectman and Conservation Commission chairman had approved the plans. Mr. Vejsel was commended for his preparation and presentation.

Straw Man, LLC./135 Bee Brook Road/#IW-16-19/Culvert and Driveway: Mr. Wadelton recused himself and left the table. Atty. Ebersol noted a box culvert was proposed, which would result in a decrease in the number of units that would have to be built in order to defray the cost of the previously approved bridge. He said the engineer and contractor would attend the next meeting, noted the applicant had received questions from Mrs. Hill, and asked for questions from the commissioners in order to prepare for the discussion at next meeting. Mr. Ajello stated he endorsed the plan and that it fit the site, but had two major concerns. First, he thought that the condo associations’ authorization for Straw Man, LLC. to conduct activities within the right of way might be needed. Atty. Ebersol stated this had been addressed in the previous bridge application, that that applicant had a deeded right of way and the right to apply in her own name, and offered to submit the deeds and chain of title if the Commission wanted them. After a brief discussion it was the consensus of the commissioners that the applicant had the right to apply in her own name. Secondly, Mr. Ajello reviewed some of the construction details and suggested there might be a significant impact to the watercourse, which would require the Commission to hold a public hearing. Mr. LaMuniere stated that if the work was done as proposed and the bottom of the culvert would be like the bottom of the brook, he did not think there was a likelihood of a significant adverse impact, and so a public hearing would not be not required. Mr. Bedini agreed. Mr. Davis asked how downstream impacts would be minimized. Mr. Charles, agent, responded that the work would be done during a low flow period, that the water would be diverted from the area to be excavated, and that erosion control measures would be installed. He said the engineer and contractor would address this issue more thoroughly at the next meeting. Mr. Davis suggested that additional hay bales be available on site in case they are needed. Mr. LaMuniere reviewed Mrs. Hill’s questions and said the application was a good one, but more detail was needed. Mr. LaMuniere asked if the location of the proposed culvert meant that a change in the driveway location was needed. Mr. Charles explained the temporary bridge abutted the property line so that when the culvert was installed, portions of the driveway would straighten out. He also noted that no excavation of the existing grade would be needed on the east side of the brook between the culvert and the wetland seep; that the only work there would be the deposition of material. He stated that once the culvert was installed, the temporary bridge would be removed. Mr. LaMuniere noted the temporary bridge was part of the original application, had to be removed by 9/30/16, and could not be included in the current application unless the applicant requests that it be included and provides technical justification for it remaining. Atty. Ebersol said this would be provided. Mr. Davis thought that if the Commission allowed an extension of time for the temporary bridge, then the original application would remain in effect in all aspects until the bridge was removed. Mr. LaMuniere noted that Mr. Trinkaus, engineer, had written that in order to install the culvert, the bridge might have to be removed. Mr. Ajello stated he was confused by the time frame and how the temporary bridge and culvert would overlap, reviewed the construction sequence, stated the temporary bridge would be useless and in the way during the culvert installation, and again reminded the Commission the temporary bridge had to be removed by 9/30/16. Atty. Ebersol gave a few reasons for keeping the temporary bridge past 9/30; that the applicant might not be ready to install the culvert by that date and it would not make sense to have to rip it out and then have to reinstall it later and that there could be an appeal of the culvert approval, in which case, the applicant would proceed with the originally approved bridge. He asked that removal of the temporary bridge not be made a condition of approval. Mr. LaMuniere said the application stated the work would start within 60 days of approval, but Mr. Charles said what was actually stated was that the work may start within that time frame. Mr. Bedini asked the applicant to provide as much detail as possible regarding the construction plans, Mr. Davis again asked that the reasons for extending the time the temporary bridge may be in place be specified, and Mr. LaMuniere advised that it must all be submitted in writing. Mrs. Canning spoke briefly to the Commission about the possibility of an appeal and asked that removal of the temporary bridge not be made a condition of approval.

Mr. Wadelton was reseated.

Activity Report: Mr. Ajello reviewed his 7/12/16 report and also discussed the following matter.

Harker/248 West Shore Road/Unauthorized Waterfront Landscaping: Mr. Ajello reported that the removal of four trees had been authorized, but stone terraces had been built along the shoreline. He said he had not yet had a response from the contractor and that this was that contractor’s third violation. However, he had heard from the property owner in response to the notice of violation that had been sent and read his 7/7/16 letter to the Commission. It was noted that to order that the property be restored to its original condition would cause additional disruption near the lake. It was the consensus that the property owner should be fined.

MOTION: Regarding unauthorized work by Mr. Harker at 248

West Shore Road; to order Mr. Ajello to send a letter

of reprimand with a fine attached. By Mr. Papsin, seconded by Mr. Wadelton, and passed 5-0.

Mr. Bedini adjourned the meeting at 8:55 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted, Janet M. Hill, Land Use Administrator

By\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Janet M. Hill, Land Use Administrator