Inland Wetlands Commission

MINUTES Special Meeting July 18, 2018

7:00 p.m. main level meeting room

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

MEMBER ABSENT: Mr. Davis

ALTERNATE PRESENT: Mr. Matthews

ALTERNATE ABSENT: Mr. Kasis

STAFF PRESENT: Ms. Hodza, Mrs. Hill

ALSO PRESENT: Mrs. Solomon, Mr. Monteleone, Mr. Johnson, Ms. Zinick, Mr. Wyant, Mr. Reighard

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

Consideration of the Minutes

MOTION: To accept the 7/11/18 Regular Meeting minutes as presented. By Mr. LaMuniere, seconded by Mr. Papsin, and passed 5-0.

MOTION: To accept the 6/20/18 Special Meeting minutes as written. By Mr. Papsin, seconded by Mr. Bennett, and passed 5-0.

Mr. Bennett corrected the 7/10/18 Auth/329 West Shore Road site inspection minutes to state the inspection began at 5:00 p.m.

MOTION: To accept the 7/10/18 Collins/323 West Shore Road, Seaborn/327 West Shore Road, and Auth/329 West Shore Road site inspection minutes as amended. By Mr. Papsin, seconded by Mr. LaMuniere, and passed 5-0.

Pending Applications

101 Wykeham Road, LLC./101 Wykeham Road/#IW-18-04/Inn: Mr. Wadelton reported that the public hearing had been closed and that the Commission was waiting for Mr. Allan’s review of the documents submitted at the last session of the public hearing. He said the Commission would first focus on the question of whether the application should be treated as a totally new application or whether it should be considered as a modification and consider only the changes from the expired original permit. He asked the commissioners to review Atty. Olson’s guidance on this matter. He also asked the commissioners to consider whether the current application contained significant changes or new information. He said the commissioners should have an understanding of these issues before a discussion could begin. In response to a question from Mr. Bennett, he stated the intervener and Mr. Barnet had argued this is a new application. Mr. Wadelton again asked the Commissioners to read Atty. Olson’s memorandum and said if they had any questions, to get them to Mrs. Hill, who would relay them to Atty. Olson.

West Mt. Farm, LLC./6 West Mt. Road/#IW-18-22/Application for Exemption/Tree Clearing for Farm: Mr. Kassis had not yet submitted the required application to correct a violation and so consideration of this application was tabled to the next meeting.

Jacobs/257 West Shore Road/#IW-18-23/Repair Wall, Install Patio: Mr. Monteleone, contractor, stated the owner had revised the proposal, agreeing to decrease the size of the patio and to leave the grade as it is. He submitted a sketch plan with sheet entitled, “Pin Descriptions,” dated 7/18/18, a revised sketch plan indicating a smaller patio, revised sequence of construction, and 9 photos of the site with hand written notations. He proposed to spread top soil all around the patio and to top it with sod, doing this at least 4 feet back from the shoreline. He said the patio stone would be placed in the existing sand, 1 to 2 inches apart and that the land would not be built up. He also proposed to 1) replace the existing cement ramp with field stone, 2) restack and clean up the rocks along the shoreline, and 3) replace the existing wooden retaining wall with a stonewall. Mr. Bennett asked what was meant by restacking the shoreline rocks. Mr. Monteleone said the existing stones would be placed flat against the bank, only the existing stones would be used, and there would be no second course of stone on top. Regarding construction of the new stonewall, Mr. Monteleone stated there would be no soil disturbance and that the finished wall would be the same height but a little wider than the wall it would replace. Mr. Papsin asked for the distance between the patio and the shoreline rocks. Mr. Monteleone said it was 4 feet. Mr. Matthews asked for confirmation that the pitch of the land would not change. Mr. Monteleone said any change would be very minimal. Mr. Papsin asked what equipment would be used and Mr. Monteleone said the work would all be done by hand. He also noted the stockpile area would be where the boats are now located and that silt fence would be installed.

MOTION: To approve Application #IW-18-23 submitted by Ms. Jacobs/257 West Shore Road to repair a wall, install a patio, and restack shoreline rocks per the 7 sheets of plans and photos by Mr. Monteleone, dated 7/18/18; 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, 2. that the property owner give the contractor copies of both the motion of approval and approved plans prior to the commencement of work, 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.

Seaborn/327 West Shore Road/#IW-18-26/Place Boulders and Install Stone Seating Area

Auth/329 West Shore Road/#IW-18-27/Place Boulders and Install Stone Seating Area

There was no representative present for either of these applications. Ms. Hodza said that Mr. Martinez, contractor, was working on revisions to the plans. Discussion was tabled to the next meeting.

New Applications

Cowles/210 West Shore Road/#IW-18-28/Demolish and Rebuild Shed: Mr. Reighard, contractor, proposed to demolish and enlarge the existing shed located 24 feet from the water’s edge. In addition to enlarging the footprint by approximately 80 sq. ft. so that a kayak could be stored there, he said he would add a roof overhang on the lake side of the building. The sketch plan, no signature or date, was reviewed. He said the shed would be set on cinder blocks and have a pressure treated floor and there would be no need for erosion controls because there would be no ground disturbance and because the land slopes up slightly between the shed and the lake. Mr. Wadelton asked if utilities would be installed. Mr. Reighard said there would be no new utilities, only the wiring already in the existing shed. It was noted the existing concrete dock would remain. Mr. Wadelton asked if there were any zoning issues. Mrs. Hill said there were and that there was an application currently before the Zoning Board of Appeals. Mr. Wadelton noted the Commission could not act on the application until the August 8th meeting.

Bowen/121 West Shore Road/#IW-18-31/Repair Boathouse: Mr. E. Johnson, contractor, read his letter dated 7/5/18 in which he proposed to fully replace the siding and roof shingles on the boathouse due to storm damage. He said the duration of work would be 10 days and there would be no soil disturbance. He proposed to install a boom curtain in the lake to catch any debris that might fall in. Parking and stockpiling would be done across the road. He added that the new siding was pre finished and so would require no painting or liquid adhesives near the lake. He stated the building envelope would remain the same. The map, “Proposed Well Installation Plan,” by Mr. Neff, dated 3/15/16 was reviewed. Mr. Johnson briefly mentioned other projects, which he would apply for with separate applications. It was the consensus that a site inspection was not needed and that Mr. Johnson would not have to attend the August 8th meeting.

Enforcement

Status Report: Ms. Hodza, WEO, circulated her report listing the status of all of the pending files that had been waiting for her review when she started her new job. She noted these projects were at various stages of completion and that she would have to inspect each. Due to the extraordinary number of files that were pending or completed, but not officially closed out, she asked the commissioners to review her report and to update her on the status of any projects with which they were familiar. She noted she would focus on current work and bring the old files up to date as time permits.

Collins/323 West Shore Road/Noncompliance with Permit #IW-17-31: Ms. Hodza stated she had issued a notice of violation and would also issue a fine. So that she could determine the amount of the fine, she asked the commissioners whether they considered the violation to be in wetlands or in the upland review area. It was the consensus it was located in the upland review area. It was noted that a cease and desist order had not been issued at this time and so it was not necessary to schedule a show cause hearing.

New Applications

Mason/140 Wykeham Road/#IW-18-30/Install Inground Pool: Ms. Zinick, authorized agent, presented the sketch map showing the approximate location of the pool and pool equipment. She said she had received Mrs. Hill’s application review and understood additional information was required. She stated the pool was 37 feet inside the regulated area and was 80 feet from wetlands soils. (That is what she stated, but if you subtract 37 feet from the 100 ft. setback, wouldn’t you get 63 feet, not 80?) She added that hay bales would be installed, that the work was planned for mid August and would take 3 weeks, and that the limit of disturbance would be 8 feet from the pool. She also noted the pool could not be located on the opposite side of the house due to the location of the septic system. Ms. Zinick stated the 3 ft. by 5 ft. pool equipment area would be located where the stockpile is shown on the plan. In response to questions by the commissioners, she stated the pool would be 4.5 ft. deep, that 100 cubic yards of material would be trucked off site, the pool would have a cartridge system and it would be heated. She said for the next meeting she would find out the exact size and location for the pool equipment and what kind of construction equipment would be used. Mr. Papsin noted that hay bales were needed around the stockpile and that should be included on the plan and in the construction sequence. Ms. Zinick will also update the application form and get the owner’s signature before the next meeting.

Washington Club, Inc./8 Golf Course Road/#IW-18-29/Streambank Stabilization and Silt Removal: Mr. Wyant, contractor, explained during heavy rains the upper pond overflows into the intermittent stream and this has caused the streambanks to erode. He proposed to dig out 5 to 7 yards of sediment, shore up the eroded banks, and install rocks along the washed out areas, which would take approximately 4 or 5 days. Photos were circulated. Mr. Matthews cautioned that the work should be done during the driest time of year so the sediment would not wash downstream. Mr. Wyant said that 225 feet of the stream would be lined with native stones and pointed out the section on an aerial map. Ms. Hodza asked if the stream would be rerouted. Mr. Wyant said it would be returned to where it had originally flowed. Mr. LaMuniere asked if he would backfill first and then place the stones. Mr. Wyant responded that he would “knuckle down” first because the banks had been undermined 2 to 3 feet and would then place the boulders. Ms. Hodza asked how the work site would be accessed. Mr. Wyant said there was an existing access road and pointed out its location on the map. When asked what equipment would be used, Mr. Wyant said a mid sized excavator. Mr. Papsin noted the track equipment would also cause disturbances that would have to be repaired, and Mr. Wyant responded that he hoped to do the work when the ground was partly frozen to minimize any damage. Mr. LaMuniere asked how much earth would be brought in. Mr. Wyant said not much because it could wash away; he planned to build up the sides with stone instead. Mr. Papsin asked if there would be a dewatering area for the silt. Mr. Wyant pointed out the stockpile area and said it would be surrounded by silt fence. Mr. Papsin said this should be included on the plan. Ms. Hodza noted the water would probably find another area downstream to scour once the stones had been put in place. Mr. Wyant said he hoped to contain the erosion to this one area and he was willing to take suggestions from the Commission about how to prevent it from occurring elsewhere. Mr. LaMuniere asked how much stone would be deposited. Mr. Wyant said there was already 15 yards of stone on site and the total required would be 20 to 30 yards. In response to a question from Mr. Matthews, Mr. Wyant said he would only remove loose silt, he would not dig down below the hardened stream bottom.

Communications

Lekaj/276 New Milford Turnpike/#IW-18-25: Mr. Wadelton read the 7/15/18 email from Mr. Neff, engineer, reporting the substitution of a 36 inch diameter culvert pipe for the 35 inch X 24 inch culvert arch pipe that had been approved. It was the consensus that this was not a problem.

Meyer/106 Shearer Road/Dam Repair: It was noted that tentative approval to repair and modify the existing dam had been issued by the DEEP. An application to the IWC = is expected.

101 Wykeham Road, LLC./101 Wykeham Road/#IW-18-04/Inn: Mr. Wadelton again asked the commissioners to review the materials presented so that a discussion could begin at the next meeting. Mr. LaMuniere asked when the report from Mr. Allan was expected. Mrs. Hill said that on July 11, Mr. Allan said it would be submitted within 2 weeks.

Mr. Wadelton adjourned the meeting at 8:30 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill Land Use Administrator