Inland Wetlands Commission

MINUTES

Regular Meeting

July 22, 2015

7:00 p.m. main level meeting room

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

Mr. Wadelton

MEMBER ABSENT: Mr. LaMuniere

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Szymanski, Mr. Fanning, Atty. Fisher,

Mr. Neff, Mr. Sonnichsen, Mr. Talbot, Mr. Gambino, Mr. O’Leary, Atty. Coploff,

Atty. Ebersol, Mr. Charles

Mr. Bedini called the meeting to order at 7:00 p.m. and

seated Members Bedini, Davis, Papsin, and Wadelton.

MOTION: To add the following subsequent business to

the Agenda: V. New Applications: D. Shepaug

Valley Region #12/159 South Street/#IW-15-33/

Pond Maintenance. By Mr. Wadelton, seconded

by Mr. Papsin, and passed 4-0.

Consideration of the Minutes

The 7/8/15 Regular Meeting minutes were accepted as corrected. On page 10 under Lancaster, the clearing that took place was not “on” the Lancaster property, but “across from” it. Mr. Ajello noted the property where the work had been done was the Madoff property at 241 West Shore Road.

MOTION: To accept the July 8, 2015 Regular Meeting

minutes as corrected. By Mr. Wadelton,

seconded by Mr. Davis, and passed 4-0.

MOTION: To accept the July 16, 2015 Special Meeting

minutes as written. By Mr. Wadelton,

seconded by Mr. Davis, and passed 4-0.

Pending Applications

Kinney Hill Properties, LLC./43 Wykeham Road/#IW-15-23/Repair Septic System: Mr. Szymanski, engineer, submitted the 7/17/15 letter from Mr. Myles, Engineer, who responded to the Commission’s questions from the previous meeting regarding why a location farther from the wetlands had not been selected for the relocation of the septic system. In addition, Mr. Szymanski stated that per the CT Health Code, a septic system may be located within 50 feet of a wetlands and the water would be deemed to be safe, even for public drinking water. Therefore, he said the proposed septic would have no adverse impact on the wetlands. He also noted that the roof drains would not discharge over the abandoned septic fields and so there would be no cause for concern about potential erosion problems; a yard drain that was indicated on the plan. He said the proposal was a significant improvement and there would not be even a minimal impact to the wetlands because the abandoned system would be left in place and the mature trees would be maintained. He said the existing septic tank would be crushed and filled with sand. There were no additional questions from the commissioners. Mr. Szymanski submitted the plan revised to 7/7/15.

MOTION: To approve Application #IW-15-23 submitted by

Kinney Hill Properties, LLC. to repair the

septic system at 43 Wykeham Road per the plan,

“Proposed Sanitary Disposal System Plan and

Erosion Control Plan,” by Arthur H. Howland

and Assoc., revised to 7/7/15; 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. Davis, passed 4-0.

Mello/183 Woodbury Road/#IW-15-24/Replace Culvert: Mr. Szymanski, engineer, reviewed the revisions made to the plans since the last meeting. He noted the list of equipment to be used had been added, the bypass pipe would be buried in the area where there would be vehicular traffic, the length of the proposed culvert pipe was 22 feet, and the work would be done in two phases; the downhill side would be excavated first and then backfilled and then the uphill side would be done. He said he had met with Mr. LaPan from the DOT who would soon sign off on the project. The revised plan, “Culvert Replacement Plan,” by Arthur H. Howland and Assoc., Sheet SD.1, revised to 7/22/15 was reviewed. Mr. Bedini asked how much of the stonewall would be rebuilt. Mr. Szymanski said that only the disturbed areas shown on the plan would be rebuilt.

MOTION: To approve Application #IW-15-24 submitted by Mr.

Mello to replace the culvert at 183 Woodbury

Road per the plan, “Culvert Replacement Plan,”

By Arthur H. Howland and Assoc., Sheet SD.1,

revised to 7/22/15; 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. Davis, seconded by Mr. Papsin, passed 4-0.

Town of Washington/Walker Brook Road, Bridge #3/#IW-15-25/Replace Bridge: Mr. Fanning, engineer, briefly reviewed again the set of plans he had submitted at the last meeting. A colored version of “Roadway Plan,” Sheet 5 of 20, by WMC Consulting Engineers, dated 6/19/15 was studied and Sheet 10, “Water Handling Plans,” and “Structure Plan, Section, and Elevation” on Sheet 14 were also reviewed. Mr. Fanning explained many of the points that had been discussed at the last meeting including; 1) various alternatives had been considered, but this was the one preferred by the Town, 2) the existing metal culvert would be replaced with a larger sized culvert, 3) 130 feet of the road would be reworked in order to install the 75 ft. long culvert with concrete endwalls, 4) the construction would be done in phases, 5) to make the culvert fish friendly, metal baffles would be installed to keep in place one foot of native material which would be deposited on the bottom, 6) the diversion plans were designed for a two year storm, while the culvert was designed to accommodate a 100 year storm event, 7) there would be no wetlands impacts because there were no wetlands soils; all impacts would be to the watercourse, 8)

approximately 3000 sq. ft. of watercourse and 5000 sq. ft. of upland area would be impacted, and 9) the DOT would review the project for flood management certification and the Army Corps of Engineers would issue a category #2 permit. Mr. Davis asked what would be done with the material to be removed. Mr. Fanning noted there were staging areas and dewatering basins and said as much of the excavated material as possible would be reused. Mr. Fanning said the contractor would be required to submit both a water handling plan and an erosion control plan before work starts and that the contractor would be required to be on site at all times during construction. He also noted that the Army Corps limits work in the stream to June through September. Mr. Papsin asked that the dewatering areas be indicated on the plans. Mr. Ajello noted the plans were not stamped. Mr. Fanning said he would make sure the Commission received a stamped copy.

MOTION: To approve Application #IW-15-25 submitted by the

Town of Washington to replace bridge #3 on

Walker Brook Road in accordance with the WMC

Consulting Engineer’s 6/19/15 “Plan for Replacement

of Walker Brook Road #3 Bridge Over Walker Brook;”

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, and

4. that the dewatering area be indicated on the

final plan;

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. Wadelton, seconded by Mr. Papsin, passed 4-0.

Schein and Mostajo/2 Wykeham Road/#IW-15-26/Replace Septic System: Atty. Fisher represented the applicants. He stated there were no feasible and prudent alternatives due to the small lot size and the location of ledge elsewhere on the property. He noted that the stockpile location and the electrical trench

for the pump chamber had been added to plans revised to 7/8/15. There were no questions from the commissioners.

MOTION: To approve Application #IW-15-26 submitted by Mr.

Schein and Ms. Mostajo to replace the septic

system at 2 Wykeham Road in accordance with the

plan, “Septic System Repair,” by Smith and

Company, Inc., dated 6/22/15 and revised to

7/8/15; 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. Wadelton, seconded by Mr. Papsin, passed 4-0.

Pennell/33 Fenn Hill Road/#IW-15-27/Aquatic Weed Control: Mr. Gambino, agent, represented the applicant. He explained the application to kill duckweed with the herbicide, Clipper, had been submitted to the state. Photos of the pond were circulated and the location of the outflow pipe was noted. Mr. Gambino said he planned to apply the herbicide when no rain was forecast and the water level was low; below the level of the outflow pipe. He said there was no problem with recreational use, but that Clipper does have a five day no irrigation restriction and that it remains in the environment for five to seven days so if there was a heavy storm, there could be some downstream impact. Mr. Davis asked what precautions would be taken so that this would not happen. Mr. Gambino said he would put in a board at the outflow and that he, too, wanted to prevent downstream damage. He noted the state permit was pending and said he would notify the WEO when it is approved and would schedule the work during dry weather.

MOTION: To approve Application #IW-15-27 submitted by Mr.

Pennell for aquatic weed control at 33 Fenn Hill

Road; 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. Davis, seconded by Mr. Papsin, passed 4-0.

Meyer/106 Shearer Road/#IW-15-28/Aquatic Weed Control: Mr. Sonnichsen, engineer representing the applicant, stated an application had been submitted to the DEEP in May, but had not yet been approved. The plan, “Pond De-Vegetation,” by Mr. Lust, dated 5/23/15 was reviewed. It was noted that Ms. Raymond had submitted a letter, dated 7/21/15, to address the questions raised at the last meeting regarding how the water level of the pond would be controlled during the time the chemical would be active. Mr. Sonnichsen said the spillway at the north end of the pond would be sandbagged two feet high and lined with plastic sheeting to prevent water from escaping. He noted that Reward would be used because it works well on floating water weeds and has a short life; a maximum of 48 hours. He reviewed computations that showed the pond has an eight day storage capacity. Given that Reward has only a two day life, that the outflow would be controlled for five to six days and then the sandbags and plastic would gradually be removed so the water would slowly discharge into the stream, Mr. Sonnichsen said there would be no downstream surge or impacts. He also stated he was confident there would be a week long dry period in which to apply the chemical and that a random thunderstorm would have no impact. Mr. Wadelton asked for the material safety data sheet. Mr. Sonnichsen submitted the chemical treatment sheet and said he would provide the requested data.

MOTION: To approve Application #IW-15-28 submitted by Mr.

and Mrs. Meyer for aquatic weed control at 106

Shearer Road per the plan, “Pond De-Vegetation,”

by Mr. Lust, dated 5/23/15 and the 7/21/15 letter

to the Commission from Ms. Raymond; 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, and

4. that the applicant submit the material data

safety sheets for the file;

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. Wadelton, passed 4-0.

Lobianco/68-72 Old North Road/#IW-15-29/Aquatic Weed Control: Mr. Sonnichsen, engineer, explained the removal of a 15 ft. wide swath of phragmites was proposed. The plants would be mechanically cut down and removed to a stockpile area for dewatering. Then the root system would be dug out. Finally, the roots and plants would dry out and they would be buried in an appropriate location on the property. Mr. Sonnichsen said the perimeter of the pond would be planted with a 10 ft. wide band of upland meadow mix and/or wildflower mix and that this area would be a no mow zone to provide a buffer to protect the pond. He added that at the edge of the pond emergent vegetation such as pickerel weed and blue flag iris would be planted and that all plants used would be native and indigenous. It was noted that Ms. Raymond had sent a letter dated 7/21/15 to respond to questions asked at the last meeting. Mr. Papsin asked if the burial location had been shown on the plan. Mr. Sonnichsen said it had not because it had not yet been determined. The dewatering was briefly discussed. Mr. Sonnichsen stated the stockpile area would be surrounded with hay bales and silt fence.

MOTION: To approve Application #IW-15-29 submitted by

Mr. and Mrs. Lobianco for aquatic weed control

at 68-72 Old North Road per the plan, “Pond

De-Vegetation,” by Mr. Lust, dated 7/2/15; 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. Wadelton, seconded by Mr. Papsin, passed 4-0.

New Applications

Treadway/20 Nettleton Hollow Road/#IW-15-30/Pond Maintenance: Mr. Neff, engineer, explained the tenth of an acre pond was leaking through the berm at its southwestern edge. The plan, “Pond Maintenance Plan,” by Mr. Neff, dated 7/14/15 was reviewed. Mr. Neff proposed to excavate a trench in the berm, haul the excavated material off site, and pour cement into the trench. Sod would be replaced over the disturbed area and it would be mowed as is done now. Also a small amount of sediment at the south end of the pond would be removed. Mr. Neff said there was good access so that a truck could back right up to the berm to pour the cement into the trench. He added the leak was probably due to root damage and that there would be less disturbance to repair the berm in this manner than to rebuild it. Mr. Neff said the pond is spring fed so it would be easy to draw the water down below the level of the leakage area in order to complete the work. The equipment to be used was noted.

Sen/116 Shearer Road/#IW-15-31/Construct Tennis Court and Stonewall, Restore Wetlands: Mr. Neff, engineer, and Atty. Fisher represented the property owner. The plan, “Wetland Restoration and Site Work Plan,” by Mr. Neff, dated 7/18/15 was reviewed. Mr. Neff noted the court had been moved back 19 feet to the north to remove it from Zoning’s 50 foot wetlands setback. He said the unauthorized material deposited in the wetlands would be removed, the area restored, and a 25 foot wide buffer area between the wetlands and the tennis court would be maintained. This buffer area would increase to as much as 80 feet in width in the southeast corner of the property. He pointed out that although the wetlands had been disturbed, the canopy remained in place. Mr. Neff noted that an access bridge to be installed at the narrowest point of the wetlands was also proposed. He said the bridge would be set on rocks; there would be no permanent footings. Mr. Ajello asked if the bridge had been placed in a way that would prevent vehicular traffic from crossing the wetlands and Mr. Neff said it had. The restoration planting plan by Beth Whitty Landscaping, dated July 2015 was noted. Areas near the house and the pool to be maintained by mowing were noted. Mr. Neff said the restacking of the stonewall in the regulated area along Shearer Road was included in the application. Mr. Papsin asked if both sides of the watercourse would be planted. Mr. Neff said they would. In response to the question, why the court could not be moved farther from the wetlands, Mr. Neff stated that the regrading required for the court had already been done without a permit and to move the court elsewhere would require additional cut and fill work to be done. Mr. Neff said that while the work is in progress he will inspect it weekly and submit weekly reports to the Commission.

Atkins/159 West Shore Road/#IW-15-32.Boathouse and Driveway: Mr. Talbot, architect, presented the plan, “Site Plan,” Sheet SD.SP.1, by Peter Talbot Architects, dated July 20, 2015. He pointed out the proposed location of the 10’ X 14’ boathouse with ramp; in the regulated area ten feet off the lakefront and 14 feet from the lake and said it would be constructed on six 10” diameter concrete sono tubes and the disturbance kept to a minimum. On the other side of West Shore Road he said the existing driveway would be eliminated and a new driveway installed along the western property line. A portion of the new driveway would be within 100 feet of wetlands. Mr. Talbot briefly described the work to be done outside the 100 ft. regulated 135 area. Mr. Bedini asked if the boathouse would be elevated above the lake. Mr. Talbot said it would and that the proposed location had never experienced flooding. There were no further questions from the commissioners.

Shepaug Valley Region #12/159 South Street/#IW-15-33/Pond Maintenance: Mr. O’Leary, facilities director, presented an aerial photograph on which he had circled the pond and the intermittent stream that it would be drained into before the pond was dredged. He noted the water already drains in that direction due to a swale. He said that hay bales and silt fence would be installed and the water pumped from the pond would flow slowly to the intermittent stream. Four hundred yards of material would be removed, and the hydrant on the west side would be repaired. The dredged material would be stockpiled on the west side of the pond to dewater and would then be hauled off site. It was noted the work would be done as soon as possible and that the pond’s water sources are roof drains and runoff. Mr. O’Leary stated there were no plans to enlarge the pond and that the depth and slopes of the pond banks would be maintained. He agreed to add the dewatering area and limit of disturbance to the plan. It was noted the application fee was due.

Other Business

Straw Man, LLC./135 Bee Brook Road/Request to Revise Permit

#IW-09-44/Revision of Date by which to Remove Temporary Bridge and Seepage Envelope: Mr. Wadelton recused himself and left the table. Atty. Ebersol reviewed his letter to the Commission dated 7/20/15. He asked for a revision to the permit, which he stated was not a substantial change, to allow the temporary bridge to remain in place until September 30, 2016. He said that the applicant’s engineer said keeping the bridge in over the winter would not cause any adverse impacts, there was no justification for the current limitation because the Commission had not limited other more major projects this way, and it would do more harm to the wetlands to have to take out the bridge and seepage envelope and then have to reinstall them the following June. Mr. Ajello did not see the need to keep the temporary bridge in place for more than six weeks because he said its purpose was to build the permanent bridge. Atty. Ebersol said that access to the property was needed and that more field work had to be done before a site development plan could be drawn up. Mr. Bedini noted that only an extension of time had been requested; the Commission did not now have to reconsider the entire permit; and that the Commission had previously granted a time extension. He said he did not see why an extension through September 2016 could not be granted. Mr. Ajello said he did not think there was a good reason to grant an extension and noted permanent bridge related activity would still be limited to June 30 through September 30. Mr. Davis explained to Atty. Ebersol that the Commission has the right to place different conditions on different applications and a discussion followed regarding various conditions that may be considered when making conditions of approval. Atty. Ebersol agreed all projects differ, but noted the Straw Man project was a small one over a tiny brook. Mr. Ajello said the smaller the job, the more quickly he thought the work should be done. Mr. Bedini asked to be assured that Straw Man would use good judgement and pay attention to weather conditions. Atty. Ebersol said Straw Man’s contractor was reliable. Mr. Ajello noted the Commission was holding a bond that could be used should something go wrong. Atty. Ebersol said he understood that work on the permanent bridge was allowed only between June 30 and Sept. 30 unless the applicant came back to the Commission for a revision.

MOTION: To approve the request by Straw Man, LLC./135

Bee Brook Road to revise Permit #IW-09-44 to

grant a two year extension until 9/30/2016 for

the temporary bridge; all other conditions

continue to apply. By Mr. Papsin, seconded by

Mr. Davis, and passed 3-0.

Mr. Wadelton had recused himself.

Mr. Charles, agent for Straw Man, LLC., told the Commission the temporary bridge would be built to the highest standard and explained the need for additional site testing.

Mr. Wadelton was reseated at 9:00 p.m.

Activity Report

The Gunnery, Inc./22 South Street/Athletic Fields: Mr. Ajello noted Mr. Allan had inspected the site today. Construction progress was reviewed.

Hayes/59 South Fenn Hill Road/Remove Invasives: Mr. Papsin noted the Commission had approved removal of the invasives by hand. Mr. Ajello said the workers had recently asked to use a brush hog and were told to do so they would have to come back to the Commission for a revision of the permit. Mr. Bedini asked what would be done with the wood chips. Mr. Ajello said they would be taken off site.

Administrative Business

Revision of the Regulations: It was reported that the final draft would soon be ready for review.

MOTION: To adjourn the meeting. By Mr. Davis.

Mr. Bedini adjourned the meeting at 9:08 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator