Inland Wetlands Commission

MINUTES Regular Meeting July 25, 2018

7:00 p.m. main level meeting room

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

MEMBER ABSENT: Mr. Davis

ALTERNATES ABSENT: Mr. Kassis, Mr. Matthews

STAFF PRESENT: Mrs. Hill, Ms. Hodza

ALSO PRESENT: Mr. Martinez, Mr. King, Mr. Szymanski, Mr./Mrs. Solomon, Mr. Barnet, Ms. Nivison, Mr. Wilson, Mr. DePerno, Mr. Fry, Mr. Schwartz

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

Consideration of the Minutes

MOTION: To accept the 7/18/18 Special Meeting minutes as written. By Mr. Papsin, seconded by Mr. LaMuniere, and passed 4-0.

MOTION: To add the following subsequent business not already posted on the agenda: IV. New Applications: C. Erben Partners, LLC./169 West Shore Road/ #IW-18-33/Revision of Permit #IW-17-26/Reconfigure Walkways, Remove Concrete Seawall and Stairs and Replace with Boulders, Regrade and Increase Recharge Area, Put in Plants, D. Fowler/138 Nichols Hill Road/#IW-18-34/Driveway Maintenance and Install Parking Area, V. Other Business: B. 7/24/18 Report from Land Tech re: The Gunnery, Inc./ 22 South Street/Soccer Fields. By Mr. Papsin, seconded by Mr. LaMuniere, and passed 4-0.

Pending Applications

101 Wykeham Road, LLC./101 Wykeham Road/#IW-81/04/Inn: Mr. Wadelton stated this application would be discussed later in the meeting under Other Business.

West Mt. Farm, LLC./6 West Mt. Road/#IW-18-22/Application for Exemption/Tree Clearing for Farm: It was noted letters had been received from Mrs. Johnson, adjoining property owner, and Mr. Kassis, but an application to correct the violation had not yet been submitted. Mr. Wadelton noted that Mr. Kassis had ceased working when asked to do so, had paid a fine, and had hired Mr. Szymanski to prepare the application. He said Mr. Kassis could not be held responsible for delays that were not under his control and that the Commission did not have the authority to arbitrarily levy fines beyond those allowed per Town Ordinance.

Seaborn/327 West Shore Road/#IW-18-26/Place Boulders, Install Stone Seating Area, Shed: Mr. Martinez, contractor, circulated the plan, “Seaborn Planting Plan,” by Mr. King, no date. Mr. King stated that native species would be used and he circulated a plant list. When Mr. Wadelton advised the applicant that no planting could be done in the lake, those planting areas were deleted from the plan. It was noted the rhododendron bush and euonymus hedge would remain on site.

Ms. Hodza noted a shed was proposed on one of the plans, but that it had not been named on the application form. Mr. Martinez said the shed is included in the proposal, but he would reduce the size if the Commission directed him to do so.

Mr. LaMuniere said it had not been made clear on the plans how the placement of the boulders related to the planting plan. He asked if the entire area would be raised and whether the boulders would be stacked to make the equivalent of a stonewall. Mr. Martinez said stones would be added at a different angle on top of the rip rap so that a wall would not be built. Mr. LaMuniere thought the angle of incline was critical and should be made a condition of approval.

Ms. Hodza advised the applicant it would be helpful to have scaled elevations and an A2 survey to help the commissioners understand how the elevation of the shoreline would be changed and how the “massive” reclaiming of land would be accomplished. She wanted to know how much material would be brought in. Mr. Papsin noted the Commission did not want the rocks along the shoreline to be higher or steeper than they are now.

Mr. Papsin said he was concerned about the installation of the fire pit, which he thought was quite large. He asked how the lakeside would be protected. Mr. Martinez stated the existing large boulders would protect it. He asked if the Commission was saying the existing angle could not be changed because he had done research and thought there were other shoreline angles that would also work to dissipate wind and water motion. Mr. Wadelton noted he would be concerned if the intent was to move the line of stones out farther into the lake to increase the shoreline area. He said an ecologically sound and protected shoreline now existed and so very specific plans would have to be submitted if the applicant proposed to change it. Mr. Martinez said he was trying to level the area for garden beds and that he was not sure where he could begin to place the boulders to provide support for the garden. Mr. King said without this support and the proposed leveling, he feared soil would wash into the lake. Mr. Papsin and Mr. LaMuniere noted the existing shoreline in this area had held for years. No one voiced support for adding rip rap.

Preparing an area for the garden was discussed in more detail. It was understood the proposal was to place smaller boulders along the existing line where the grass meets the rip rap and then fill in a small amount of soil (less than 12 inches) behind the boulders to level off the area. Again, it was the consensus that the existing rip rap was working well.

Ms. Hodza asked if the applicant had reviewed Section 11.A of the Regulations and said it should be used for guidance.

The proposed fire pit was discussed. Mr. LaMuniere said there was not much room between its proposed location and the shoreline and said the shoreline should be maintained as it is because it was holding so well. Mr. Martinez pointed out the area where 18 inches of soil would be dug out for the fire pit. Mr. Wadelton stated the rock shoreline in this area could not be changed at all.

Mr. King noted a stand of alders to be removed because they block the view of the lake. Mr. LaMuniere wanted more information regarding where fill would be placed in area C. Mr. Martinez stated the rip rap was not so pronounced there and so proposed to add some and place boulders at an angle on top. Mr. Wadelton stated that specific plans were required. Mr. Papsin said they should include how high the boulders would be stacked and how much material would be deposited.

Ms. Hodza requested a detailed sequence of construction. She also asked that the extent of the fill be staked on site so that she could take photos for the commissioners to review at the next meeting.

Ms. Hodza asked how the lake would be protected while work was ongoing. Mr. King stated that hay bales and possibly coir logs would be installed. Ms. Hodza recommended silt fence also be installed.

The need for specific plans was briefly noted. Mr. Papsin asked that any invasives to be removed by hand be noted on the plan. Mr. LaMuniere asked that Mr. Martinez state on the record that the angle to be used when placing boulders will not exceed 1 part vertical to 1.5 parts horizontal.

Auth/329 West Shore Road/#IW-18-27/Place Boulders, Install Stone Seating Area: Mr. Martinez, contractor, submitted the information requested in Mrs. Hill’s 7/3/18 application review. He reported that Bartlett Tree Experts had inspected the site and found the wisteria was killing all of the trees except for the silver maple to the “left” of the dock, which he would try to save. Mr. King, landscaper, said a certified pesticide applicator from Bartlett would treat the wisteria. Mr. Papsin asked what would be planted to restore the shade canopy. Mr. Martinez submitted a plant list. An undated planting plan was reviewed. Mr. King noted there was a fair amount of room to plant trees and shrubs in area D and proposed plants similar to those proposed for the neighboring Seaborn property. Vegetation proposed to be planted in the lake was deleted from the plan. Mr. Papsin asked if the trees to be planted would be 4 to 6 feet tall with 2 inch calipers. Mr. King said they would.

Mr. LaMuniere asked what the elevation of the proposed patio area was in relation to the rip rap, noting the Commission has concerns about the preservation of the shoreline. Mr. Martinez said the applicant wanted to make a level area and so he proposed to go down 12 inches in the area beyond the euonymus. Mr. Bennett asked if the soil would be removed rather than graded down. Mr. Martinez said, yes, and that retaining boulders would have to be put in place because the existing rip rap was failing. Photos of the property were studied.

Mr. Martinez said area C would be leveled off, processed stone spread, and patio stones installed on top with ground cover in between the flat stones. Mr. LaMuniere and Mr. Papsin stated proposed elevations were needed and he asked that the fill area be staked out so it could be seen how far out he proposed to build up the land. Mr. Bennett noted it was a large area of land where he proposed to put down the stone and asked what the average width of the patio would be. Mr. Martinez said it was 13 feet. Mr. Bennett noted that often the material upon which the patio stone is placed compacts and is no longer porous. Mr. Martinez said he would not use stone dust; 3/4 inch processed stone would be used.

Mr. Martinez stated the existing rip rap looks like a ramp and he would like to raise it and angle it to blend in with the rest of the rip rap.

Mr. LaMuniere asked if Mr. Martinez would consider doing the work in phases. He thought if the wisteria and dead trees were removed first, the Commission would have a better idea of the conditions on the property and shoreline.

Mr. Papsin requested a more detailed sequence of construction, elevations, the exact locations of where boulders would be placed, how far forward he would go in area C, exactly what was proposed for area D, and the exact location of the stairs in area A.

Cowles/210 West Shore Road/#IW-18-28/Demolish and Enlarge Garage

Washington Club, Inc./8 Golf Course Road/#IW-18-29/Streambank Stabilization and Silt Removal

Mason/140 Wykeham Road/#IW-18-30/Install Inground Pool

Bowen/121 West Shore Road/#IW-18-31/Repair Existing Boathouse

Mr. Wadelton explained the Commission was required to wait 14 days before acting on these four applications. Action is expected at the August 8 meeting.

New Applications

Pinover/12 Senff Road/#IW-16-29/Application of Herbicide/Request for Extension and Revision: Ms. Nivison, of All Habitat Services, LLC., noted the 2016 permit was for the treatment of white water lilies, but she now proposed to also treat phragmites and another invasive weed as well as extend the permit for three years. The site plan, “Project Name: Pinover Pond,” dated 7/13/18, which indicated the portions of the pond where the species to be treated were located, was reviewed. Ms. Nivison explained the two to three year treatment process for eradicating these plants. Mr. Papsin asked if the DEEP had approved the revised plan. Ms. Nivison said the DEEP had approved the use of Polaris, but had not yet approved the amended application for the use of Reward. She explained Reward carries a five day irrigation restriction, but noted the site is not located in an aquifer protection area. It was noted that the chemical specification sheets had been submitted as well as an updated description of the work to be done. Ms. Nivison said the homeowner wanted to reestablish the natural balance in the pond and said the native plants would grow back once the invasives were treated. It was the consensus that a three year extension was appropriate.

MOTION: To grant a 3 year extension and revisions to Permit #IW-16-29 issued to Pinover for herbicide application to their pond at 12 Senff Road. By Mr. Papsin, seconded by Mr. LaMuniere, passed 4-0.

DePerno and Fry/17 East Shore Road/#IW-18-32/Building Renovation, Removal of Asphalt: Mr. DePerno proposed to remove the asphalt from the old fire truck entrance at Pavilion Hall, continue the curb along the front of the property, and remove a section of the ramp leading to the side entrance to made a planting bed. He also proposed to build a wooden porch to restore a historical aspect on the front of the building. He described the current drainage problem on the east side of the building where road runoff reaches the window wells and is damaging the foundation. Mr. DePerno said he had contacted contractors for ideas on how to solve this problem and would propose to either 1) excavate down along the wall and put in gravel and a drain to route the water away from the building or 2) asphalt over the existing asphalt to attempt to get the runoff to flow away from the building. Whichever work was done, he said the ultimate goal was to preserve the building. Architectural drawings by Mr. Tittman and a hand drawn site plan were reviewed. Mr. DePerno pointed out the location of the section of the ramp to be removed, where a dumpster would be placed, and the area where the runoff flows into the building. It was noted that the location of a pipe under an existing stoop, the pitch of East Shore Road, and the location of the access to nearby properties all contributed to the drainage problem. Mr. DePerno stated that all debris would be put in the dumpster and then removed from the site. Mr. Papsin asked how the East Aspetuck River would be protected. Mr. DePerno pointed out the location of a catch basin at the front of the building and proposed to put hay bales above it. Mr. Bennett asked if excavation is done, would the material be stockpiled on site. Mr. DePerno said it would, drew in a stockpile area surrounded by hay bales on the site plan, and said the excavated material would be used to refill the ditch as soon as possible. Mr. Papsin asked that this be added to the construction sequence. Mr. DePerno invited the commissioners to inspect the site, but it was the consensus that a site inspection was not necessary. Mr. Bennett asked if the runoff could possibly build up around the hay bales protecting the catch basin. Ms. Hodza said she was concerned about possible siltation and said she would inspect the site. Mr. DePerno stated he hoped to begin work as soon as possible and upon approval from the state DOT.

Erben Properties, LLC./169 West Shore Road/#IW-18-33/Revision of Permit #IW-17-26 – Reconfigure Walkways, Remove Concrete Seawall and Stairs and Replace with Boulders, Regrade and Increase Recharge Area, Put in Plants, etc.: Mr. Szymanski, engineer, summarized the proposed revisions to the existing permit: 1) changes to the walkways, 2) removal of a large section of lawn and replanting of 2450 sq. ft. with trees, shrubs, perennials, ferns, and groundcover, 3) removal of the entire vertical seawall along the shoreline and replacement with a large angular boulder system with plants between the boulders, 4) removal of the concrete steps and replacement with stepping stones, and 5) a significant increase of the size of the previously approved infiltration system. Mr. LaMuniere pointed out that increasing the size of this system would require leveling of the hillside. Mr. Szymanski said the area was already level and would be surfaced with large field stones similar to the surface of the terrace approved on the Angell property. Mr. Papsin asked for its size. Mr. Szymanski said 25 ft. X 50 ft. Mr. LaMuniere asked if it would be a pervious surface. Mr. Papsin asked if it would be planted between the field stones. Mr. Szymanski said he wanted to leave the joints open for infiltration purposes. Ms. Hodza asked if there was a required distance for the spaces between the flat stones. Mr. Szymanski stated there should be a minimum of 2 inches. The construction plan calling for an 18 inch thick layer of trap rock under 3 inches of surface material was reviewed. Mr. LaMuniere asked Mr. Szymanski to amend the plan, “Proposed Site Development Plan,” revised to 7/12/18 to specify there would be 2 inches between the stones on the surface of the system. Mr. Szymanski agreed to submit a revised plan.

Fowler/138 Nichols Hill Road/#IW-18-34/Driveway Maintenance and Install Parking Area: This application was not discussed because no one was present to represent the applicant.

Other Business

Peck/10 Slaughterhouse Road/Notice of Violation Filed on the Land Records: Mr. Wilson, property owner, was present. It was noted there had been a violation on the property in 2006 and since it had not been resolved at that time, the notice of violation had been filed on the Land Records. Photos of the property taken in 2006 were compared with recent photos taken by Mr. Wilson and Ms. Hodza. Mr. Wilson, who was not the property owner in 2006, said he had a closing on Monday and hoped the Land Records could be cleared by that time. Ms. Hodza had conducted a site inspection and submitted a report, which stated that although there were still some erosion problems on the property, she thought they were not related to the original violation, and recommended the notice be taken off the Land Records. She said the previous damage had been remediated. Mr. Bennett noted that nothing had been done to correct the violation and that the Commission has the same issue on other properties in Town. He asked how the removal of this notice from the Land Records might impact others in Town who have not taken any action to correct long standing violations. Mr. Wadelton thought this was a unique case, mainly because the current owner was not responsible for the violation.

MOTION: To remove the notice of violation filed on the Land Records on October 10, 2006 for Peck/10 Slaughterhouse Road and to close out that file. By Mr. Papsin, seconded by Mr. Bennett, and passed 4-0.

The Gunnery, Inc./22 South Street/7/24/18 Land Tech Report: It was noted that Mr. Allan had reported the construction site for the soccer fields was now fully stabilized and the Commission could proceed to the next phase of two years of post construction monitoring.

101 Wykeham Road, LLC./101 Wykeham Road/#IW-18-04/Inn: Mr. Wadelton noted the Land Tech review of the documents submitted at the last session of the hearing had been received earlier in the day and the commissioners had not yet had time to review it. Under the circumstances he recommended a special meeting be scheduled to discuss the application after there had been time to review this report. A special meeting was scheduled for Tuesday, July 31, 2018 at 6:30 p.m. in the main level meeting room.

Enforcement

Ms. Hodza briefly reviewed her 7/25/18 report. Regarding Haddad/141 West Shore Road, Mrs. Hill stated that Mr. Haddad had kept in touch with the Land Use Office, had met on site with Mr. Hayden, and had hired a soil scientist who had reflagged the wetlands and was working on a revised plan.

Mr. Wadelton asked Ms. Hodza to check out a property on Rt. 202 south of the White Horse to find out whether there was an active permit for ongoing work or whether it could be closed out.

Mr. Papsin referred to the runoff problem on 79 West Shore Road and asked if work done on the uphill Bazos property could be impacting the down grade property. Ms. Hodza said she saw many cut logs above 79 West Shore Road. Mr. Wadelton thought Mr. Bazos may have cut into the easement area, while others thought trees had been cut on the Babbio property without permission. Mr. Papsin noted there was no leaf litter to protect the soil on this steep hillside. He thought the Commission should find out what caused the runoff problem and who is responsible. It was not known whether the Bazos project to construct the access path and steps to the lake had been completed. Mr. Papsin asked Ms. Hodza to find out.

The meeting was adjourned at 9:30 p.m.

FILED SUBJECT TO APPROVAL Respectfully submitted, Janet M. Hill, Land Use Administrator