Inland Wetlands Commission

MINUTES

Regular Meeting

July 27, 2016

7:00 p.m. main level conference room

MRMBERS PRESENT: Mr. Bedini, Mr. Davis, Mr. LaMuniere, Mr. Papsin, Mr. Wadelton

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Charles, Mr. Trinkaus, Mr. DePerno,

Mr. Fry, Mr. Lopez, Mr. Lasar, Mr. Vejseli, Mr. Neff

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

Seated Members Bedini, Davis, LaMuniere, Papsin, and Wadelton.

MOTION: To add the following subsequent business to

 the agenda: VI. New Applications B. DePerno/

 63 Wykeham Road/#IW-16-25/Rebuild Gazebo and

 VIII. Communications A. Referral from Town of

 Morris/Drainage Plan for Smokey Hollow Road. By

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

Consideration of the Minutes

MOTION: To accept the 7/13/16 Regular Meeting minutes

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

 and passed 5-0.

Pending Applications

GSN, LLC./214 West Shore Road/#IW-16-18/Second Floor Addition to Existing Dwelling and Rain Garden: It was the consensus that this application had been thoroughly reviewed at the last meeting and there were no additional questions.

MOTION: To approve Application #IW-16-18 submitted by

 GSN, LLC./213-214 West Shore Road for a second

 floor addition and rain garden per the plan, “Site

 Development Plan,” by Arthur H. Howland and Assoc.,

 dated 6/21/16 and revised to 7/13/16; 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,

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 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, and passed 5-0.

Straw Man, LLC./135 Bee Brook Road/#IW-16-19/Culvert and Driveway: Mr. Wadelton recused himself and left the table. Mr. Bedini noted that the 7/21/16 letter from Mr. Trinkaus and revised plans had been submitted to address the questions raised at the last meeting. The plans, “Wetlands Crossing for Access Driveway,” by Mr. Trinkaus, revised to 7/21/16 were reviewed. Mr. LaMuniere asked if the cut off wall would be installed on both sides of the brook. Mr. Trinkaus said, no, it would be on the uphill side only and he explained the construction process. Mr. LaMuniere noted the construction narrative stated it might be necessary to remove the temporary bridge when the culvert was being installed. Mr. Trinkaus said that was possible, but if the temporary bridge was located tight to the northern boundary, then the culvert work at the south end might not interfere with it. Mr. Charles described the exact location of the temporary bridge and Mr. Ajello said if the pump was located under it, then there should be enough room to work on the cut off wall. Mr. Papsin asked about the timing of the project, noting the temporary bridge had to be removed by 9/30/16. Mr. Trinkaus said the applicant wanted to leave it in place until the box culvert was installed. He said it was not doing any harm and he gave access for Health Dept. soil testing as one reason for keeping it beyond 9/30/16. Mr. LaMuniere stated in order to keep the temporary bridge beyond 9/30/16, another revision of the bridge permit would be required. Mr. Charles noted the temporary bridge had been incorporated in the current application and was part of the construction narrative. Mr. LaMuniere said it was OK to include justification for keeping the temporary bridge past 9/30 in the narrative, but another revision of the original permit was required. Mr. Charles expressed his confusion, saying he had originally asked the Commission if he could revise the bridge application and he had been told a new separate permit was required and also the Commission had advised him that the bridge permit should be extinguished if and when the box culvert application was approved, but he had not wanted to do that until all appeal periods had passed. Mr. Davis agreed with Mr. LaMuniere that a revision of the original permit was required. After a discussion, it was the consensus that the applicant would submit a written request for a revision of Permit #IW-09-44 that the temporary bridge remain in place past 9/30/16 to facilitate construction of the box culvert, that this would be acted on at the next meeting, and that the approval of the box culvert would include all the other conditions of the original approval. Mr. Charles asked if a bond would be required, said he did not understand the reason for the bond, and said the Commission had not required bonds for other similar projects. Mr. LaMuniere explained that the current bond would not be released until the first project has been completed. Mr. Papsin reminded Mr. Charles that this had been stated at previous meetings.

MOTION: To approve Application #IW-16-19 submitted by

 Straw Man, LLC./135 Bee Brook Road to install a

 culvert and driveway per the plans, “Wetland Crossing

 for Access Driveway,” by Mr. Trinkaus, dated 7/5/15

 and revised to 7/21/16; 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 contactor 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,

1. all conditions of the previous application remain

in effect;

 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. LaMuniere, seconded by Mr. Papsin.

Mr. Charles asked if a 5 year permit could be granted in case there was another appeal. Mr. Trinkaus noted that generally when there is an appeal the clock is stayed. Mr. Bedini stated a 2 year permit would be granted and it could be extended later if necessary. Mr. LaMuniere suggested a condition that the approval be subject to the revision of Permit #IW-09-44. After a discussion, it was the consensus that this condition was not necessary; that if a written request for a revision was not submitted the temporary bridge would have to be removed on

9/30/16.

 Vote: Passed 4-0.

 Mr. Wadelton was reseated.

Ray and Tunis/227 Roxbury Road/#IW-16-20/Relocate Driveway: Mr. Neff, engineer, noted there had been no changes to the application since the last meeting. His plan, “Driveway Relocation Plan,” dated 6/15/16 was reviewed. Mr. LaMuniere asked if a bypass would be installed at the beginning of the driveway, although he noted it was not a wetlands issue. Mr. Neff stated the owners had no interest in a bypass and said again that the plans were unchanged.

MOTION: To approve Application #IW-16-20 submitted by

 Ray and Tunis/227 Roxbury Road to relocate the

 driveway per the plan, “Driveway Relocation Plan,”

 by Mr. Neff, dated 6/15/16; 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,

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 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, and passed 5-0.

Kurtz/10 West Morris Road/#IW-16-21/Dredge Pond, Repair Dam, Install Walkway: Mr. Neff, engineer, presented his plan, “Pond Cleanout Plan,” revised to 7/13/16 and noted there had been no revisions since the last meeting.

MOTION: To approve Application #IW-16-21 submitted by

 Mr. Kurtz/10 West Morris Road to dredge the pond,

 repair the dam, and install a walkway per the two

 pages of plans by Mr. Neff, dated 6/30/16 and

 revised to 7/13/16; 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,

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 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 5-0.

Franjola/60 Wykeham Road/#IW-16-21/Dredge Pond: Mr. Neff, engineer, noted this was a small pond. The plan, “Pond Cleanout Plan,” by Mr. Neff, dated 6/12/16 was reviewed. It was noted there had been no changes since the last meeting.

MOTION: To approve Application #IW-16-22 submitted by

 Ms. Franjola/60 Wykeham Road to dredge a pond per

 the plan, “Pond Cleanout Plan,” by Mr. Neff,

 dated 6/12/16; 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,

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 reasonable and prudent

 alternatives exist, and believes that there is no

 reasonable probability of significant adverse

 impact on any wetlands or watercourses.

 By Mr. LaMuniere, seconded by Mr. Papsin, passed 5-0.

Town of Washington/11 School Street/#IW-16-23/Conserve Section of Shepaug River: Mr. Wadelton recused himself because he was the mentor for this Eagle Scout project. Mr. Vejseli asked the Commission if there were any further questions and he submitted a more accurate drawing with measurements of the area to be planted. Mr. LaMuniere asked him if he was going to bring in the proper soil for the plants and he said he would once the invasives had been removed. Mr. Vejseli also noted that silt fencing had been shown on the plan.

MOTION: To approve Application #IW-16-23 submitted by

 the Town of Washington/11 School Street to conserve

 a section of the Shepaug River per the documents

 provided and the planting plan hand drawn by Mr.

Vejseli on a survey map by Mr. Alex, revised to

1/7/2013; 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,

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 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, and passed 4-0.

Mr. Papsin congratulated Mr. Vejseli on his Eagle Scout project, noting it is an admirable accomplishment.

 Mr. Wadelton was reseated.

New Applications

Peckerman/162 Sabbaday Lane/#IW-16-24/Dredge Pond: Mr. Neff, engineer, presented his plan, “Pond Cleanout Plan,” dated 7/28/12 and revised to 5/27/14. He noted the Commission has previously approved a permit to dredge this small pond, but it had expired. He explained the work would take several days. He said the excavated material would be loaded on a truck that would use the existing driveway for access and it would be immediately hauled off site. Mr. Davis asked if there had been any changes to the plan since it was first approved. Mr. Neff said there had not.

DePerno/63 Wykeham Road/#IW-16-25/Rebuild Gazebo: Mr. DePerno explained that he had begun work on the gazebo based on information from the Building Dept., but that Mr. Ajello had later learned of the project and had advised him that other permits were required. Mr. Ajello confirmed that Zoning and Wetlands permits were required and that he had asked for an after the fact IW application. He noted that the site was level so there was little chance of impact to the wetlands, but that silt fence had been installed immediately after he had ordered it. The map, “Property/Boundary Survey,” by Mr. Alex, revised to 7/26/16 showed the approximate location of wetlands on the property. Mr. Ajello stated the work done to date had not impacted the wetlands. Photos of the site were circulated. Mr. DePerno explained the work done was to restore an old, existing gazebo (lanai) that was in poor repair. Mr. Papsin asked if excavating equipment had been used. Mr. DePerno said the contractor had planned to use it to lift the roof back on the rebuilt structure, but the roof had not been structurally sound and had to be rebuilt instead. He said the new structure had the same footprint and size and was in the same location as the old one. Mr. Ajello presented photos, some current and some taken a few years ago, which, he said, if the roof overhangs of the dwelling and gazebo were compared, showed the gazebo had been moved. Mr. Davis questioned whether that was due to the angle at which the photos were taken that made it look like it had been moved. Mr. Ajello stated it had been 5 to 6 feet from the house until April of this year. Mr. Bedini asked whether the Commission had a problem with its current location. Mr. Ajello said it was closer to the wetlands and used as a carport it would have more impact. Mr. DePerno stated that the building has a raised floor, would be screened and had not and would not be used as a carport. Mr. LaMuniere said there had been no damage and was no threat to the wetlands. Mr. Papsin agreed as long as it was not going to be used as a carport. Mr. Davis said the issue of whether it had been moved was not as important as whether the move had impacted the wetlands. Mr. Wadelton stated there was a high quality wetlands on the property, but it had not been impacted. Mr. Ajello noted the property owner had previously come before the Commission and so he did not understand why he had not done so this time before starting work. Mr. DePerno responded that 1) the Building Dept. had not advised him to apply to the Wetlands Commission, 2) the work done was in a lawn area where he knew there would be no impact to the wetlands, and 3) the work had been done in view from the road, so it was evident he was not trying to hide it. Mr. Wadelton saw this as a breakdown in the system because the Building Dept. had issued its permit without checking with the Wetlands and Zoning Commissions, but Mr. Ajello said that Building does not check for rebuilds. Mr. DePerno asked if he could proceed with seeding and haying. Mr. Ajello advised against it until the zoning issues were resolved.

Other Business

Lopez/295 New Milford Turnpike/Request to Revise Permit #IW-16-03

Addition to Restaurant and Exterior Stairs: Mr. Lasar, architect, noted a previous addition had been approved for handicapped bathrooms and the owner was now asking for another small, 48 square foot addition to expand the kitchen as well as exterior stairs. The map, “Proposed Building Addition Site Plan,” by Mr. Neff, dated 3/26/16 with revisions by Mr. Lasar, dated 7/27/16 was reviewed. Mr. Lopez submitted the #25 fee. Mr. Lopez compared what had been previously approved with the current request and Mr. Lasar pointed out the 100 ft. setback from the East Aspetuck River. Mr. LaMuniere did not think the proposed activity would have any impact on the wetlands or watercourse. Mr. Ajello agreed. Mr. Lopez explained that the addition was also necessary due to Health Dept. requirements.

MOTION: To approve the request to revise Permit #IW-16-03

 submitted by Mr. Lopez for an addition to the

 existing restaurant and installation of exterior

 stairs at 295 New Milford Turnpike per the plan,

 “Proposed Building Addition Site Plan,” by Mr. Neff,

 dated 3/26/16 with revisions by Mr. Lasar, dated

 7/27/16; all original conditions of approval for

 the original permit apply. By Mr. Papsin, seconded

 by Mr. Davis, and passed 5-0.

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

#IW-09-44/Extesnion of Time Temporary Bridge May Remain in Place: Mr. Wadelton recused himself. Mr. Charles submitted a letter dated 7/27/16 to request a revision regarding the temporary bridge as had been discussed earlier in the meeting. It was noted the $25 fee was due and that the Commission would act at the next meeting.

Enforcement

 Mr. Ajello reviewed his 7/26/16 activity report.

Communications

Referral from the Town of Morris re: Drainage Work on Smokey Hollow Road: The 7/25/16 letter with attached 7/21/16 “Drainage Improvement Plan of Smokey Hollow Road,” from Mr. Doyle of the Morris Inland Wetlands Commission was briefly reviewed. The reason for the referral is that the proposed work is within 500 feet of the Town line. None of the commissioners noted any concerns about the project. Mrs. Hill was directed to send the Morris IWC a letter thanking it for the notification.

Administrative Business

 Mr. LaMuniere voiced his concern about how difficult it is to find members to serve on the Inland Wetlands Commission. He thought this was an urgent matter due to the number of vacant seats and the advancing age of some of the current commissioners. He noted it was difficult to find people who were interested in becoming members due to the responsibility, commitment, and amount of work involved. It was the consensus that potential new commissioners and alternates should meet with the chairman and First Selectman and attend some meetings before being appointed. Mrs. Hill was asked to write an article for Voices saying that the Commission is looking for interested residents to serve.

 Mr. Bedini adjourned the meeting at 8:45 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

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

 Janet M. Hill

 Land Use Administrator