Inland Wetlands Commission

MINUTES

Regular Meeting

August 10, 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. Kassis, Mr. Szymanski, Mr. Neff,

Atty. Ebersol, Mr. Charles, 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 subsequent business not already

posted on the agenda: V. New Application: A.

Hamilton/183 West Shore Road/#IW-16-26/Removal

of Decks and Stairs, Shoreline Stabilization,

Demolition and Construction of New Building and

Deck. By Mr. Wadelton, seconded by Mr. Papsin,

passed 5-0.

Consideration of the Minutes

The 7/17/16 Regular Meeting minutes were accepted as corrected. Under Straw Man, LLC. at the top of page 3, the first sentence was changed to, “…and he had been told a new separate permit was required for the box culvert and also the Commission had advised him that the initial bridge permit should be cancelled if and when the box culvert application was approved….”

MOTION: To accept the 7/27/16 Regular Meeting minutes

as corrected. By Mr. Wadelton, seconded by Mr.

Papsin, and passed 5-0.

Pending Applications

Peckerman/162 Sabbaday Lane/#IW-16-24/Dredge Pond: Mr. Neff, engineer, presented his plan, “Pond Cleanout Plan,” revised to 5/27/14 and said there had been no revisions since the last meeting. Mr. Bedini noted there had been no questions raised at the last meeting.

MOTION: To approve Application #IW-16-24 submitted by

Mrs. Peckerman to dredge the pond at 162 Sabbaday

Lane per the plan, “Pond Cleanout Plan,” by Mr.

Neff, revised to 5/27/14; 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 the

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. LaMuniere, passed 5-0.

DePerno/63 Wykeham Road/#IW-16-25/Rebuild Gazebo: It was noted this application had been previously reviewed and there had been no questions raised.

MOTION: To approve Application #IW-16-25 submitted by

Mr. DePerno to rebuild a gazebo at 63 Wykeham Road

referencing the section of the plan, “Property/

Boundary Survey,” by Mr. Alex, dated September 2013

and revised to 7/26/16; 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 the

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

New Application

Hamilton/183 West Shore Road/#IW-16-26/Removal of Decks and Stairs, Shoreline Stabilization, Demolition and Reconstruction of Building and Deck: Mr. Szymanski, engineer, presented the plan, “Proposed Shoreline Stabilization,” by Arthur H. Howland and Assoc., dated 8/3/16. He proposed to demolish by hand the existing boathouse, shift its location and construct a new building, remove the majority of the deck surrounding the existing building, and build a new deck east of the new building. He said that removing the old deck would result in less of the structure hanging over the lake. He noted there is currently erosion along the shoreline and so proposed to place large boulders on these slopes to prevent them from eroding further. He noted the Commission’s guidelines that encourage natural shorelines. Mr. Szymanski said he had received Mrs. Hill’s application review and would soon submit responses to all of the issues she raised. Mr. LaMuniere asked what material would be used for the deck. Mr. Szymanski said it would be wood on sono tubes and that treated wood would not be used. He noted the proposed plan would decrease the impervious area on the property by approximately 100 sq. ft. Mr. Ajello requested photos of the existing conditions for the file. There were no other questions or comments.

Other Business

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

#IW-09-44/Extend Time for Temporary Bridge: Mr. Wadelton recused himself and left the table. It was noted that at a previous meeting Mr. Trinkaus, engineer, had given justification for leaving the temporary bridge in place past the current 9/30/16 time limit.

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

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

the time the temporary bridge may remain in place

until July 27, 2018; all previous conditions remain.

By Mr. LaMuniere, seconded by Mr. Davis, passed 4-0.

Atty. Ebersol asked the Commission why the $20,000 bond posted for the construction of the bridge could not be reduced as the cost of removing the temporary bridge and seepage envelope would not total that much. Mr. LaMuniere stated the bond was required for the first permit and would remain until the temporary bridge was removed. Atty. Ebersol asked again why the entire $20,000 was required. Mr. Ajello said it had been six years since the amount of the bond had been determined, and that construction costs had risen since that time. Mr. Charles said he had an estimate of $11,000 to remove the temporary bridge and seepage envelope and so thought it would be fair to adjust the size of the bond. Atty. Ebersol noted that the portion of the bond that was refunded could be used now to work on the project. Mr. Ajello noted this matter was not on the agenda and that the Commission had just passed a motion, which stated that all previous conditions (including the bond) apply. Mrs. Canning stated the amount of the bond was more than the Commission has required for other permits. Mr. LaMuniere again said that it was clearly stated at the last meeting that the bond was a requirement of the initial permit and would be released when the temporary bridge was removed. Mr. Bedini agreed, saying there was no need for further discussion as the Commission had, indeed, just approved a motion, which included the provision that all previous conditions of approval remain the same.

Mr. Wadelton was reseated.

Haight/45 Old North Road/Request to Revise Permit #IW-14-46 / Terrace and Arbor: Mr. Szymanski reviewed the plan, “Site Development Plan,” by Arthur H. Howland and Assoc., dated 8/5/16. He pointed out the area on the north side of the property where the Commission had previously approved the removal of invasives. He now proposed to regrade the back yard to level off a 28’ X 85’ terrace area near the pool and install a 10’ X 16’ arbor. He said the terracing would allow for more infiltration of runoff. Mr. Szymanksi stated erosion controls would be installed downgrade from the proposed activities and that invasive barberry shrubs near the existing stonewall would be removed by hand and replaced with ferns. He said the grassed areas were fulling stabilized now and that there would be a double layer of staked silt fence. He estimated the work would take two weeks. Mr. Papsin asked if the area previously designated for limited mowing and been marked on site as had been required by the Commission. Mr. Szymanski said boulders had been placed to mark the boundary of this area. Mr. Ajello asked where the soil to be deposited would be brought in. Mr. Szymanski said it would be trucked in from the east side of the house and that all disturbed areas would be fully stabilized by fall. Mr. LaMuniere said it was unlikely that the proposed activities would have an adverse impact on wetlands or watercourses.

MOTION: To approve the request by Mr. Haight, 45 Old

North Road to revise Permit #IW-14-46 to construct

a terrace and arbor per the documents, “Site

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

dated 8/5/16 and map, “Planting Plan-Phase II,”

sheet L-2, by Mr. Pushlar, dated 8/5/16; all other

permit conditions remain in effect. By Mr.

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

Enforcement

Mr. Ajello reviewed his 8/10/16 Activity Report. Also the following matter was noted:

Mackesey/233 West Shore Road: The removal of a willow tree was proposed. Mr. Ajello will inspect the property and find out the reason for the removal. Mr. Davis advised that the roots should be left in the ground.

Administrative Business

Annual Report: Mrs. Hill had circulated the annual report to the commissioners for their review. Mr. LaMuniere recommended a revision to note that commissioners and staff had worked on the revisions to the Regulations. It will be noted, too, that the draft was sent to Atty. Olson for a legal review. The Commission is also waiting for updated model regulations from the DEEP. Mr. Wadelton stated it would not be necessary to send any further revisions based on the model regs to our attorney for review as they would have already been vetted by the DEEP and the state attorney general.

Membership: Mr. Bedini introduced Mr. Kassis, who has volunteered to serve as an alternate on the Commission. He also noted he will ask the First Selectman to contact a current alternate who does not attend meetings to ask her to resign. He added that another individual has also expressed an interest in serving on the Commission.

There was a general discussion with Mr. Kassis regarding the duties of commissioners, conflict of interest, Freedom of Information Act, mandate of the Commission, etc.

The meeting was adjourned at 8:10 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator