Inland Wetlands Commission

MINUTES

Regular Meeting

August 12, 2015

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: Atty. Fisher, Mr. Pinover, Mrs. Carron,

 Mr. Gambino, Mr. Bailey, Ms. Goldvarg,

 Mr. Sherr

 Mr. Bedini called the meeting to order at 7:00 p.m. and seated Members Bedini, Davis, LaMuniere, Papsin, and Wadelton. It was noted there was no subsequent business to add to the agenda.

Consideration of the Minutes

MOTION: To accept the 7/22/15 Regular Meeting minutes

 as submitted. By Mr. Wadelton, seconded by

 Mr. Papsin, and passed 5-0.

Pending Applications

Treadway/20 Nettleton Hollow Road/#IW-15-30/Pond Maintenance: It was noted that Steep Rock Assn., the holder of the conservation easement on the property, had submitted written approval for the proposed work and that the plans had been thoroughly reviewed at the last meeting.

MOTION: To approve Application #IW-15-30 submitted by

 Mr. Treadway for pond maintenance at 20

 Nettleton Hollow Road referencing the plan,

 “Pond Maintenance Plan,” by Mr. Neff, dated

 7/15/15, 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 WEO 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, and

 3. any change to the plans as approved must be

 submitted immediately to the Commission for

 reapproval;

 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.

Sen/116 Shearer Road/#IW-15-31/Construct Tennis Court, Stonewall, Restore Wetlands: Representing the applicant, Atty. Fisher said he would answer any questions about the remediation plan. Mr. Bedini stated there had been no outstanding issues raised at the last meeting. Mr. Ajello noted that the tennis court had been moved 15 feet further from the wetlands than where the unauthorized work had begun and that it would be accessed from a different road, which would not be located in the wetland corridor. He said he had recommended that a vegetated swale be delineated and that bushes be planted to impede vehicles should they attempt to cross the wetlands. He stated the landscaper was ready to begin planting the smaller plants, but that bushes and trees would be planted in late September. Mr. Papsin thought planting on both sides of the corridor was a good idea.

MOTION: To approve Application #IW-15-31 for Sen/116

 Shearer Road to construct a tennis court,

 rebuild a stonewall, and restore the wetlands

 per the plan, “Wetland Restoration and Site Work

 Plan,” by Mr. Neff, dated 7/18/15; 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 WEO 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, and

 3. any change to the plans as approved must be

 submitted immediately to the Commission for

 approval;

 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 5-0.

Atkins/159 West Shore Road/#IW-15-32/Construct Boathouse, Install Driveway to House: Mr. Talbot, agent, was not present. Mr. Bedini reported that he had received the 8/12/15 letter from Mr. McGowan in opposition to the application. The map, “Additions and Renovations to the Residence of Kathy and Paul Atkins,” Sheet SD.SP.1, by Peter Talbot AIA Architects, dated 7/20/15 was reviewed and the 100 foot setback line noted. Mr. LaMuniere said he did not think that the proposed activities would have an adverse impact on the lake as the proposed impervious surfaces were small; the boathouse roof would be only 140 sq. ft. and the paved driveway apron would be small. Mr. Bedini recommended a site inspection due to the concerns raised by Mr. McGowan and the sensitive nature of the area. A site inspection was scheduled for Thursday, August 20, 2015 at 5:00 p.m.

Shepaug Valley Region #12/159 South Street/#IW-15-33/Pond Maintenance: An aerial photo of the site was reviewed. It was noted the application fee had been submitted. Mr. Papsin pointed out that at the last meeting the applicant had been asked to show the dewatering location on the plan, but that this had not yet been done. Mr. Ajello explained that the school wanted to do the work as soon as possible so that it would be completed before classes resume. A discussion followed regarding whether the application could be approved with a condition or whether it should be tabled until the requested information was submitted. Mr. Wadelton stated that approval of an incomplete application would set a bad precedent and the majority of the commissioners agreed. It was the consensus to table the application and to schedule a special meeting to act on it some time prior to the next regularly scheduled meeting if the requested information was added to the plan soon.

New Applications

Papsin/30 Mygatt Road/#IW-15-34/Rip Rap Intermittent Stream: Mr. Papsin recused himself. It was noted the applicant’s agent would attend the next meeting to answer any questions the commissioners might have. Mr. Ajello reviewed the proposed plan, an unsigned, undated portion of a survey map with handwritten notes, and the construction sequence. The channel would be cleaned out, a swale “hollowed out,” and 65 feet of the lower section would be lined with 6 inch rip rap. Check dams would be installed to slow the flow of the runoff. It was noted that the channel flows into an existing 15 inch pipe at the property line and that this will be replaced with an 18 inch pipe. A hay barrier was proposed and would remain in place until there is good water clarity. Mr. LaMuniere thought the construction sequence was a good one.

 Mr. Papsin was reseated.

Carron/58 Gunn Hill Road/#IW-15-35/Demolish Existing Buildings, Construct New Building: Mr. Bailey and Ms. Goldvarg, architects, represented the applicant. Ms. Goldvarg stated the two buildings to be removed are in the regulated area, but not in wetlands. The plan, “Proposed Site Plan,” Sheet A1.10, by BarlisWedlick Architects, dated 8/7/15 was reviewed and photos of the site were circulated. A 465 sq. ft. accessory structure is proposed beyond the 100 ft. setback. Mr. Wadelton asked if the building foundations would be removed. Ms. Goldvarg said they would be removed, neither was very deep; one was a slab, and that all foundation material would be taken off site. It was noted that silt fencing was shown on the plan, that no vegetation would be removed, and that the existing driveway would be used to access the construction site. Mr. Ajello noted the proposed building was not under the Commission’s jurisdiction and so no construction sequence was required. Mr. Bedini asked the applicant to address the questions in Mrs. Hill’s review prior to the next meeting.

Ingrassia/69 Whittlesey Road/#IW-15-36/Aquatic Weed Control: Using his computer, Mr. Gambino, agent, showed photos of the pond. He noted there were no endangered species on site and that the pond has a dam with a board and screen. Anticipating the question, can the outflow be stopped while the chemicals are active, Mr. Gambino noted there was no outflow from the pond now, but he would have hay bales ready in case they were needed. He added this was a one day job, which he would do during dry weather and would not begin if there was water flowing from the pond. He said the chemical treatment would be done in September and October and that Habitat (imazapyr), Clipper (flumioxazin), and Aqua Neat (glyphosate) would be used. He submitted information sheets on each of the chemicals and water restriction tables. He spoke at length regarding the properties and use restrictions for each chemical and noted DEEP would permit him to do the entire pond at one time because it is only 1000 sq. feet. He then showed Google views of the property to note where phragmites would be removed and said the phragmites would require two applications of the chemicals. Mr. Davis asked about the toxic life of the chemicals. Mr. Gambino said it was generally less than three days except for Habitat, which goes through the plant’s system and can stay in the soil. Mr. Ajello will let him know if there are additional questions before the next meeting.

Lake Waramaug Task Force, Inc./Arrow Point Road/#IW-15-37/ Maintenance: Mr. Sherr represented the Task Force. He explained the property was located at the end of Arrow Point within 500 feet of the Town boundary line. He stated that the property had not been maintained for 35 years and that a general clean up was now proposed. Old material and trash would be taken off the site, low branches and overgrown vegetation would be cut, and a 5 foot wide walking path would be cut and “flattened out.” It was the consensus that the proposed work was routine landscaping and maintenance and qualified for an exemption.

MOTION: Regarding Application #IW-15-37 submitted by the

 Lake Waramaug Task Force for maintenance at Arrow

 Point Road, that the determination of the

 Commission is that all of these proposed activities

 are considered as of right activities for routine

 maintenance and therefore, no permit is required

 for these activities. By Mr. Wadelton, seconded

 by Mr. Papsin, passed 5-0.

 Mr. Davis left the meeting at 8:18 p.m.

Activity Report

 Mr. Ajello spoke about the progress at The Gunnery athletic fields/22 South Street, the Hamilton residence on West Shore Road, and Steep Rock’s suspension bridge over the Shepaug River.

Administrative Business

Revision of the Regulations: The latest draft of the proposed revisions, dated 8/12/15, was circulated. Mr. LaMuniere briefly noted that he had checked the most recent legislative updates from Ms. Winthur of the DEEP and had reviewed advice from Atty. Olson when drafting the latest revisions. Mrs. Hill and Mr. Ajello cited costs for legal notices and it was the consensus to raise the fee for requests to modify an approved permit, which require a legal notice to be published after action is taken, to $35. Previously written comments from Mr. Bedini and Mr. Wadelton had been submitted. These and the latest draft will be discussed at a future, yet to be scheduled special meeting.

Atkins/159 West Shore Road/#IW-15-32/Construct Boathouse, Install Driveway to House: Mr. LaMuniere noted the Commission’s job is to protect wetlands and watercourses and said he saw no evidence that the proposed activities would harm the lake. Mr. Wadelton suggested that a feasible and prudent alternative could be considered if the case could be made that the alternative would result in less impact to the lake. Mr. Papsin noted that the Commission should ask what materials would be stored in the boathouse. Mr. Wadelton said the storage of gas and oil could be prohibited.

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

 Mr. Bedini adjourned the meeting at 8:38 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

By Janet M. Hill

 Land Use Administrator