Inland Wetlands Commission

MINUTES

Regular Meeting

August 23, 2017

7:00 p.m. Main Level Meeting Room

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

Mr. Papsin, Mr. Wadelton

ALTERNATES PRESENT: Mr. Bennett, Mr. Kassis

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr./Mrs. Storck, Mr. Szymanski, Mr. Neff,

Mr. Rosiello, Mr. Martinez, Mr. Metcalf

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

MOTION: To include the following subsequent business

not already posted on the agenda: IV. New

Applications: A. 48 Barnes Road, LLC./48 Barnes

Road/Revision of Permit #IW-16-17/Add Wet Meadow,

Cut Trees, Stormwater Management, VIII. Admini-

strative Business: A. Site Inspection Procedure,

IX. Communications: Email from Ms. Cheney. By

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

Consideration of the Minutes

MOTION: To accept the 8/9/17 Regular Meeting minutes

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

Papsin, and passed 5-0.

The 8/15/17 Kandel and Levin site inspection minutes were accepted as corrected. The reason for the application was corrected to state it was for the demolition and rebuilding of the “dwelling,” not a “building,” and the name of Tinker Hill Road was corrected.

MOTION: To accept the 8/15/17 28 Tinker Hill Road site

inspection minutes as corrected. By Mr. Wadelton,

seconded by Mr. Davis, and passed 5-0.

Pending Applications

Frank/157 West Shore Road/#IW-17-28/Replace Shed: The Franks sent an email requesting that consideration of the application be continued to the Sept. 13th meeting.

Allin Cottage, LLC./220 West Shore Road/#IW-17-29/Repair Foundation: Mr. Storck presented the map, “Site Development Plan,” by Arthur H. Howland and Assoc., dated 8/21/17, which included a turbidity curtain, a row of silt fence backed with stated hay bales, the limit of disturbance line, construction access details, and a construction sequence. He advised the Commission he had decided to raise the house in order to make the foundation repairs. It was noted there were wetlands on the adjoining property, but the proposed work was more than 100 feet away from them. Mr. Szymanski, engineer, noted the repair work would result in only minimal actual land disturbance. Mr. Ajello asked if the elevation of the house would increase. Mr. Storck said it would not.

MOTION: To approve Application #IW-17-29 submitted by

Allin Cottage, LLC. to repair the foundation at

220 West Shore Road per the site development plan

by Arthur H. Howland and Assoc., dated 8/21/17;

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,

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 feasible 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.

Collins/323 West Shore Road/#IW-17-31/Remove Trees, Rebuild Stone Shoreline: Mr. Rosiello, landscaper, submitted his plan, “Lakeside Concepts,” dated 8/21/17. He said this plan addressed the Commission’s concern about removing the trees from this very tight shoreline area and his client’s desire to gain more access to the lake given that his dock could not be expanded. He proposed to extend a level stone seating area into the lake with planting pockets for vegetation that would encourage fish habitat, saying that native field stone with no mortar would be hand placed in the lake and there would be no need to dig along the shoreline. He said this plan eliminated the need to cut most of the trees and circulated photos of a similar Warren project. Mr. Davis asked if the proposed stones would act to control erosion. Mr. Rosiello said they would partially act to prevent erosion plus they would enhance the plantings in the area. He proposed to plant river birches and hydrangea for both a canopy and a buffer from the road. Mr. Papsin remarked the proposed patio would extend far into the lake. Mr. LaMuniere stated this would be a major modification to the shoreline. Mr. Papsin asked what would be put into the lake for the base for the stone work. Mr. Rosiello stated there were existing stable boulders in the lake that could be build up. Mr. Ajello said it was possible to extend the dock and recommended this be done instead because it would be better for the lake and would not set a precedent for shoreline work. Mr. Wadelton agreed that expanding the dock was a feasible and prudent alternative. It was noted this would require both a zoning permit and approval by the Lake Authority. Mr. Rosiello asked, if the deck could be expanded only to 360 sq. ft., could some of the trees be cut, preserving as many as possible, to also provide a level area on land. Mr. Davis suggested the plan be redrawn to include the removal of the stone patios, stabilization of the shoreline, and expansion of the dock. Mr. Martinez, agent, noted the shoreline is concave and Mr. Collins had wanted to round it out. Section 11.A was discussed. Mr. Bedini noted the aim of Section 11.A is to maintain the natural shoreline and he advised the applicant that the Commission had previously denied other similar proposals to build out the shoreline. Mr. Wadelton hoped a revised plan would not propose alterations to the physical character of the shoreline. It was agreed that when the trees proposed to be cut were marked and a revised plan submitted, the Commission would conduct a site inspection. It was noted the adjoining Town of Kent had been notified of the application as required by state statute.

Town of Washington/108 New Milford Turnpike/#IW-17-33/Herbicide Application: Mr. Wadelton noted the applicant had been told it was not necessary to attend this meeting and that the application was a resubmittal of the work applied for last year; the difference now being that a multiple year permit had been issued by the DEEP. Mr. Davis said the application had been discussed at length at the last meeting. Mr. Ajello noted the proposed hand spraying would be done at the right time of year.

MOTION: To approve Application #IW-17-33 as previously

submitted by the Town of Washington to apply herbicide

at 108 New Milford Turnpike; 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,

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 feasible 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, and passed 5-0.

Bitar/36 Carmel Hill Road/#IW-17-34/Revision of IW-15-39/Add Conduit and Generator: Mr. Neff, engineer, noted there had been no revisions to the plan since the last meeting. Mr. Ajello said the application was also going to the ZBA and that it might be necessary to move the location of the generator, but doing so would not impact any wetlands. It was the consensus that as long as the generator was moved out of the regulated area, it would not be necessary to apply for a revision of the permit. Mr. Ajello stated that if the location was changed, a revised site plan would be placed in the file.

MOTION: To approve Application #IW-17-34 submitted by Mr.

Bitar/36 Carmel Hill Road to revise Permit #IW-15-39

to include underground utilities and a generator per

the map, “Soil Erosion and Sediment Control Plan,”

Sheet 1 of 1, by Mr. Neff, revised to 7/28/17; 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,

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 feasible 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. Davis, passed 5-0.

Block and Gurnsey/10 Perkins Road/#IW-17-35/Renovation, Addition to Dwelling: Mr. Szymanski advised the Commission that the plans were being revised to reuse the existing house and to decrease the size of the proposed addition. He asked that this matter be continued to the next meeting.

Kandel and Levin/28 Tinker Hill Road/#IW-17-36/Demolish, Rebuild Dwelling: Mr. Szymanski, engineer, noted that since the last meeting there had been modifications to the plan as it related to the amount of runoff from the site. The “Site Development Map,” by Arthur H. Howland and Assoc., revised to 8/23/17 was reviewed. Mr. Szymanski noted the existing driveway in front of the house would be removed entirely. He said the stormwater management plan had been increased to provide six times the storage needed for a one inch rain event, noting currently there is no stormwater management on site. He pointed out the location of silt fence backed by staked hay bales and of the proposed paved driveway. Mr. Davis asked about the proposed net coverage and Mr. Szymanski responded that it would be 40 to 50 sq. ft. less than the existing coverage. The location of a planted meadow to slow runoff was noted. Mr. Ajello was concerned that few of the existing plants below the house would be retained because machinery would have to access the site from both above and below. Mr. Szymanski stated half an acre would remain as woods. He said the equipment would access the site from Tinker Hill Road, the house would be taken down first, and then the rest of the work done. Mr. Papsin asked if the hemlocks in front of the house would be removed, and Mr. Szymanski said they would and would be replaced with Japanese maples and smoke bush. It was noted that the septic tank would be replaced and that the new house would be 15 feet farther from the lake. Drainage was briefly discussed and how the outflow from the high level overflow for the lower rain garden would dissipate to the existing catch basin on West Shore Road.

MOTION: To approve Application #IW-17-36 submitted by

Mr. Kandel and Ms. Levin to demolish and rebuild

the dwelling at 28 Tinker Hill Road per the plan,

“Site Development Map,” by Arthur H. Howland and

Assoc., dated 5/1/17 and revised to 8/23/17; 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,

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 feasible 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.

New Application

48 Barnes Road, LLC./Barnes Road/#IW-17-37/Revision of Permit

#IW-16-17/Add Wet Meadow, Cut Trees, Stormwater Management: Mr. Szymanski, engineer, presented his plan, “Proposed Site Development Plan,” Sheet PND.1, dated 8/7/17. He explained the original permit for a pool, pool house, septic system, and demolition of the existing dwelling had been approved last year, but at that time the stormwater management plan had not been completed. He described the proposed system to be installed downgrade of the existing pool. This included a crushed stone infiltration trench with a 12 inch perforated pipe, which would infiltrate into a crushed stone reservoir 100 ft. long, 2 feet deep, and 6 feet wide. Stormwater would then filter through an 18 inch thick layer of coarse sand before reaching the 120 ft. by 75 ft. stormwater management pond; a secondary treatment system. Mr. Szymanski noted that this system would be more effective than the typical sediment forebay. Mr. Kassis asked what would happen when the system clogs. Mr. Szymanski said it would take 15 to 20 years for that to happen and that although the stone interface might clog, there was a way to clean it out. Mr. Szymanski noted that since trees had to be cut to install the stormwater management system, an extensive planting and landscaping plan was proposed. He listed the kind of plants and how many of each type would be planted and noted a thick vegetated buffer along 200 feet of the property line was proposed. Mr. LaMuniere asked if the pool would be visible from Barnes Road. Mr. Szymanski said once the 7 ft. tall shrubs had been planted, it would not be visible. Mr. Ajello asked about the outflow from the proposed pond. Mr. Szymanski stated it would bleed into the wetlands and he reviewed the cross section on the detail sheet PND.2, dated 8/7/17. The locations of both the service and residential access, meadow area, and beech tree to be preserved were noted. Mr. Szymanski responded to points raised in Mrs. Hill’s 8/23/17 application review: “pond” will be added to the application form, an excavator, bulldozer, and dump truck will be used, the limit of disturbance line was added to the plan and initialed, and Mr. Szymanski stated the revision of the permit was to provide a significant multi step stormwater management process for greater downgrade protection. He also said the Commission could include in its approval motion a condition that the work shall be done during the dry season or when dry weather is forecast. Mr. LaMuniere noted this was a significant project given there were wetlands below the pond. Mr. Wadelton noted this was a good example of LID engineering.

Other Business

Metcalf/269 Nettleton Hollow Road/Permit #IW-17-15: Mr. Metcalf said he had attended the meeting to make sure the Commission had no problems with the work done to date. Mr. Ajello reported on his site inspection of the property. No problems were noted.

Communications

Mr. Wadelton said he had received an email from Ms. Cheney, a previous IWC Alternate, who was not aware that she was no longer on the Commission and who told him she was considering returning to the Commission in October. Mr. Wadelton said he had offered to meet with her if she was interested in serving again. Mr. Papsin noted the First Selectman was supposed to have notified her of her removal from the Commission and Mr. Bedini confirmed that he had asked Mr. Lyon to do so.

Administrative Business

Site Inspection Procedure: Mr. Wadelton stressed that there should be no on site discussions during site inspections because they are not recorded so there is no way absent commissioners or members of the public could know exactly what had transpired. He said this could lead to problems with commissioners not having full information before voting on the application or being ineligible to vote, misrepresentations or disagreements about what was said on site, etc. He noted, however, that the Commission had been meeting the notification and minutes requirements under FOI. A lengthy discussion ensued. The commissioners were advised to write down any questions, other than those concerning orientation or location, they might have when on a site inspection and to bring them up at the next regularly scheduled meeting for discussion.

Activity Report

Mr. Ajello presented his 8/23/17 report. In addition, the following permit was discussed.

Straw Man, LLC./135 Bee Brook Road: Photos taken on two days in the past week were circulated. Mr. Davis asked Mr. Ajello to notify the applicant of the date by which the work must be completed. Mr. Ajello stated the applicant was already aware of the date. Mr. LaMuniere was concerned that the work done had resulted in steep slopes. Mr. Ajello responded that the wing walls had not yet been installed, but the soil on the slopes was good and had withstood the recent heavy rains. Mr. LaMuniere noted the stones placed on site had not been placed according to the approved plans. Mr. Ajello responded that was because the work was not yet completed.

Administrative Business

Revision of the Regulations: Copies of the revised Regulations were passed out and Mrs. Hill asked the commissioners to report any typos they found so she could make corrections before she had the Regulations posted on line and sent to the DEEP.

The meeting was adjourned at 8:50 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill, Land Use Administrator