Inland Wetlands Commission

MINUTES

Regular Meeting

August 9, 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. Neff, Mrs. Frank,

Mr. Szymanski

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

Consideration of the Minutes

 The 7/26/17 minutes were accepted as corrected. On page 2: It was noted the hearing was closed at 6:55 p.m., not 7:55.

MOTION: To accept the 7/2/17 Regular Meeting minutes

 as amended. By Mr. Wadelton, seconded by

 Mr. Papsin, and passed -0.

Pending Applications

Frank/157 West Shore Road/#IW-17-28/Replace Shed: Mrs. Frank asked that consideration of this application be continued for another two weeks. Mr. Ajello noted an email had also been sent requesting that discussion be tabled to the next meeting.

Allin Cottage, LLC./220 West Shore Road/#IW-17-29/Foundation Repair: Mr. Bedini noted that at the last meeting the Commission had asked for additional information such as where any stockpiles would be located, the limit of disturbance line, an erosion control plan, an anti tracking pad, etc. Mr. Storck said the information had been added by hand to the site plan. “Existing Conditions Map,” by Arthur H. Howland and Assoc., dated 5/18/17 and that map was reviewed. Two rows of erosion controls, the probable location of an anti tracking pad, and the stockpile location across the road in the existing parking area were noted. Mr. Ajello noted the entire lot would probably be disrupted once work begins, hoped the driveway on the adjoining parcel would not be used, and said rubber tracked equipment must be used when driving across the state road. Mrs. Storck said that due to how the house is situated on the lot, access is limited. Mr. Bedini noted the limit of disturbance was not indicated on the plan and Mr. Wadelton explained the work would be confined to the area within the limit of disturbance line. Mr. and Mrs. Storck stated they were also considering a plan to hand dig and put in a block foundation that would not involve jacking up the house. Mr. Bedini explained that no matter which plan is chosen, the Commission would be concerned with any soil disturbance and stabilization. He asked for an erosion control plan. Mr. Wadelton noted the Commission requires a specific plan. Mr. Papsin asked for a detailed sequence of construction and erosion control plan. The plan to landscape and remove invasives after the foundation work is completed was briefly discussed. Mr. Bedini asked for stormwater management plans. Mr. Storck stated that drainage flows towards the lake and would continue to do so as it has for years; he did not propose to change the drainage pattern. Mr. Bedini advised him to put that in writing. Mr. Ajello asked if there were wetlands on the adjoining property. Mr. Storck said they extended to the edge of the property line.

Collins/323 West Shore Road/#IW-17-31/Remove Trees, Rebuild Stone Shoreline: No one was present to discuss the application. Mrs. Hill noted that Mr. Martinez, agent, was meeting with Mr. Rosiello, landscaper, today.

Harrison and Nauiokas/34 Popple Swamp Road/#IW-17-32/Correction of Violation/Metal Walkway over Intermittent Stream: Mr. Wadelton noted Atty. Fisher had been told that he would not have to attend the meeting if the commissioners had no further questions. Mr. Ajello stated that the work done had not impacted the watercourse. He said there had been a violation, but it had not been a Wetland priority. The nature of the violation, which was having done the work without a permit, was discussed.

MOTION: To approve Application #IW-17-32: Correct a Violation/

 Install a Metal Walkway over an Intermittent Stream

 for Harrison and Nauiokas/34 Popple Swamp Road. By

 Mr. Wadelton, seconded by Mr. Davis.

Mr. Davis asked whether approving this after the fact application would set a precedent that people may do whatever they want to without a permit as long as there is no impact. Mr. Papsin noted the property owners had not been fined and Mr. LaMuniere questioned why there was no fine as the work had been done without a permit. Mr. Wadelton said the matter had not been taken lightly, but in this case there had been no impact. He also noted the applicants had paid the application fee.

 Vote: 5-0.

New Applications

Town of Washington/108 New Milford Turnpike/#IW-17-33/Herbicide Application: Mrs. Frank represented the Conservation Commission. It was noted the Town had previously applied for a permit to treat phragmites on this property, but it had not been granted because the DEEP had not approved the application at that time. Mrs. Frank explained the plants would be sprayed by hand in September, over the winter the growth would be cut down, and next summer the chemical would be reapplied. Mr. Wadelton noted the DEEP had issued a two year permit. It was the consensus that the Commission had discussed the application in great detail when it was last submitted and had no further questions at this time. It was noted the Commission must wait 14 days before acting on this application.

Bitar/36 Carmel Hill Road/#IW-17-34/Revision of Permit #IW-15-39/ Underground Utilities and Generator: Mr. Neff, engineer, explained the original permit had been to relocate the driveway in a regulated area and the proposed revision was to install a generator and electrical service from the road to the existing garage. He said the location of the proposed power line made sense because it was the shortest route between the pole and garage and did not require a wetland crossing. The map, “Soil Erosion and Sediment Control Plan,” by Mr. Neff, revised to 7/28/17 was reviewed. He noted the land that would be disturbed slopes away from the wetlands so sediment would not wash down into the wetlands. Mr. LaMuniere asked if the area to be disturbed was within the original limit of disturbance line. Mr. Neff said it was. Mr. Davis asked why the generator was located so far from the house and whether there would be any buried tanks. Mr. Neff stated the main load center for the property was located in the garage and that there was an existing propane tank located outside the regulated area. It was the consensus that Mr. Neff did not have to attend the next meeting because the commissioners had no more questions.

Block and Gurnsey/10 Perkins Road/#IW-17-35/Renovation, Addition to Dwelling: Mr. Szymanski, engineer, submitted a corrected state reporting form. The map, “Site Development Plan,” by Arthur H. Howland and Assoc., dated 8/3/17 was reviewed. He explained that a large addition was proposed and possibly the replacement of the existing house. He also said there would be a minor increase in the driveway to access a new garage and a large rain garden installed to handle the roof runoff. The rain garden would have a high overflow to the edge of the woods up slope of the regulated area. He noted this was the old Rheinhart property where illegal clearing had been done in the past and that no activities were proposed in the upland review area. Mr. LaMuniere noted the large expansion and increase in impervious surface proposed. Mr. Papsin asked if the applicant would return with another application if the existing house would be demolished and rebuilt. Mr. Szymanski said to be conservative, the Commission should consider this application to be for the complete demolition. Mr. Papsin asked if the proposed stockpile area was large enough. Mr. Szymanski stated the majority of the demolition material would be taken off site. Mr. LaMuniere noted the slope downgrade of the parking area was quite steep. Mr. Szymanski said a large rain garden, 85 feet long, would be installed near this area. Mr. Ajello asked how the concrete for the foundation would be brought in. Mr. Szymanski stated there is an existing paved area where a truck could pull off to the edge of the driveway for parking and that the cement would probably be pumped in. Mr. Papsin asked if there was a landscaping plan. Mr. Szymanski said a New England seed mix would be planted. It was the consensus there was no need for a site inspection.

Kandel and Levin/28 Tinker Hill Road/#IW-17-35/Demolish, Rebuild Dwelling, Add Appurtenances: Mr. Szymanski presented the plan,

“Site Development Plan,” by Arthur H. Howland and Assoc., dated 5/16/17. He said this was the former Sarjeant property. He noted the house to be demolished was out of the regulated area but was on a steep slope over the lake. He said the proposed terraces were in the upland review area. Mr. Szymanski said he had met with Mr. Hayden of the Lake Waramaug Task Force to come up with a drainage plan. The driveway and roof runoff will be directed to a large rain garden in a plateau area. This rain garden will have a high level overflow and the outflow will be directed to a second rain garden downhill near the road. Mr. Papsin asked about the new stonewall at the bottom of the hill. Mr. Szymanski stated it would probably be removed and the area replanted. Mr. LaMuniere was concerned about the amount of runoff. Mr. Szymanski said the proposed rain gardens would not take any road runoff and that the size of the driveway would be decreased because the portion in front of the house used to access the old garage would be removed. The location of the driveway to access the new garage was noted and Mr. Szymanski said it would have 10% grade near the entrance to the road and a 6% grade near the garage. Mr. Papsin asked if the existing swale on the east side of the property collected much water. Mr. Szymanski said it did not. A site inspection was scheduled for Tuesday, August 15, 2017 at 5:00 p.m.

Activity Report: Mr. Ajello reviewed his 8/9/17 repot. The following matters were discussed in more detail.

Angell/47 West Shore Road: This violation was briefly discussed and it was the consensus that per the permit approval, Mr. Angell was not required to remove the terrace until the sandy beach is exposed. Mr. Ajello said the level of the lake was now within inches of the lake bottom.

48 Barnes Road, LLC./48 Barnes Road: Although it is not known whether runoff from the current activities at 48 Barnes Road contributed to the recent storm damage on Barnes Road, the property owners will work with the Town Highway Dept. and Arthur H. Howland and Assoc. to draw up a plan to infiltrate runoff on site. This will most likely involve the construction of a pond and the cutting of a major tree. An application is expected in a few weeks. Mr. Ajello noted storm damage to Barnes Road is not a new problem; there is evidence the pavement has been repaired many times over the years.

Strawman, LLC/135 Bee Brook Road: Mr. Ajello circulated a photo of the site. It was noted the culvert is in and the bottom is already covered with stones to create a natural stream bottom and the processed gravel driveway roadbed is in. Mr. Ajello said that excavation would be done for the service conduits and crushed stone would be spread on the driveway later. He said he was concerned about the disturbed side slopes and he read a portion of the construction sequence pertaining to the placement of boulders on the headwalls. He noted the construction would be completed within 60 days of the commencement of work. Mr. LaMuniere voiced his concerned about the damage that could result from a heavy rainfall. It was the consensus that boulder walls must be carefully installed and it was noted a $20,000 bond was posted and could be used to correct any problems that may occur. Mr. Ajello noted the agent and owner are trying to get the contractor back to the site to complete the work.

The Gunnery/22 South Street: Mr. Papsin asked why the revisions that had been approved had not yet been implemented for level spreaders #1 and #2 and why there was a problem with #3. Mr. Ajello said #3 performs better than #1 and #2 because it does not hold so much water, but that it still has disturbed areas above it. He noted Mr. Allan, consulting erosion control specialist, was not yet satisfied with the work done and said the contractor will have to return to the site for additional work.

Administrative Business

 An informational sheet from the DEEP re: guidance for the disposal of vehicle wash water was circulated.

 Mr. Bedini reported that Mr. Pollack would soon finish cutting the invasives near the river park and would then apply herbicide to prevent them from growing back.

 There was a brief discussion regarding work the Town had recently done on catch basins. It was noted the work had required a permit, but no application was submitted. The commissioners agreed that the Town has ignored the Inland Wetlands Commission and that this was a major problem. Mr. Ajello was asked to send a strongly worded letter to remind the Selectmen and Highway Dept. that they should comply with the Wetland Regulations. It was thought this was important because the Town would soon be tearing up the Plaza to make drainage and parking improvements.

 State work to replace the bridge and straighten the highway at the intersection of Rt. 109 and Sabbaday Lane was noted.

 The meeting was adjourned at 8:33 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator