Inland Wetlands Commission

MINUTES

Regular Meeting

September 14, 2016

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

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mr. Ajello, Mrs. Hill

ALSO PRESENT: Mr. Neff, Mr. Roach, Mr. Szymanski

 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: V. New Applications: C. Pinover/12 Senff

 Road/#IW-16-29/Aquatic Herbicide Application, D.

Meyer/106 Shearer Road/#IW-16-30/Dredge Pond, Repair

Dam, Repair Footbridge, Access, Fireplace, Pier, VI.

 Other Business: E. Haight/45 Old North Road/Request

 to Revise Permit #IW-14-46/Add Stonewall and Plantings,

 F. Mackesey-Morning Dew Farm/229-233 West Shore Road/

 Request to Revise Site Plan for Permit #IW-15-58,

 IX. Communications: B. 9/2/16 Notice to IWC from

 Eversource re: Clearing Along Transmission Right of

 Way, C. 9/12/16 Letter from Morris IWC re: Application

 within 500 feet of Town Line. By Mr. Wadelton,

 seconded by Mr. Papsin, passed 5-0.

Consideration of the Minutes

MOTION: To accept the 8/24/16 Regular Meeting minutes as

 written. By Mr. LaMuniere, seconded by Mr. Papsin,

 passed 5-0.

MOTION: To accept the 9/1/16 site inspection minutes as

 written. By Mr. LaMuniere, seconded by Mr. Davis,

 and passed 5-0.

Pending Applications

Hamilton/183 West Shore Road/#IW-16-26/Remove Decks and Stairs, Shoreline Stabilization, Demolition and Reconstruction of Building and Deck: Mr. Szymanski, engineer, asked that discussion be tabled to the next meeting because the applicant was revising the plans to reduce the scope of the project.

New Applications

Ingrassia/69 Whittlesey Road/#IW-16-27/Dredge Pond: Mr. Neff, engineer, said the pond would be dredged to remove invasive vegetation in the northeast and northwest corners of the pond. The plan, “Pond Cleanout Plan,” by Mr. Neff, dated 9/8/16 was reviewed and the existing gravel access was noted. Mr. Neff stated 150 cubic yards of roots and the material surrounding the roots would be dug out and removed from the property. A track excavator would be used. The water level would be dropped 2 feet prior to the start of the work and he said the work would cause minimum impact to the pond. The state was sent notification of the application because it holds a conservation easement on the property, but it had not yet responded. Mr. Neff said none of the proposed work would be done in the easement area.

24 ONR, LLC./24 Old North Road/#IW-16-28/Pool, Patio, Retaining Walls, Appurtenances: Mr. Szymanski, engineer, presented the plan, “Site Development Plan,” by Arthur H. Howland and Assoc., dated 7/6/16 and pointed out the access from the existing driveway. He explained that there was a wetland in the southeast corner of the property, but that only a section of a retaining wall, steps, and some regrading were proposed within the regulated area. He said that one tree would be cut and would be replaced with five smaller trees. Mr. LaMuniere asked about drainage plans for the flat areas. Mr. Szymanski said there was no need for drainage swales; that the runoff would infiltrate in the flat lawn areas. Construction of the stonewalls was discussed. It was noted there would be weep holes in the walls so that water could pass through. Mr. Ajello asked if an underground conduit would be installed. Mr. Szymanski said it would run from the basement of the house to the pool area and that he would add it and the location of the pool equipment to the plan for the next meeting. Mr. Ajello asked if a buried propane tank was proposed. Mr. Szymanski said he would find out. He also stated the pool would not require any backwash and there would be no discharge. Mr. Papsin asked if the meadow would be mowed and Mr. Szymanski said it would be mowed once a year. He also noted that borings would be done to test for ledge and that he would submit the results for the file. He stated both a row of silt fence and of construction fence would be installed along the limit of disturbance line.

Pinover/12 Senff Road/#IW-16-29/Aquatic Herbicide Application: There was no representative present to discuss the application. It was noted Mrs. Hill had notified the applicant that the application was incomplete and Mr. Ajello listed several of the items that were missing.

Meyer/106 Shearer Road/#IW-16-30/Dredge Pond, Repair Dam, Repair Footbridge, Access, Fireplace, Pier: Mr. Ajello reported the application had been submitted yesterday and that the DEEP had not yet approved the dam repair. Mrs. Hill said she had notified the applicant that the application was incomplete.

Other Business

48 Barnes Road, LLC./48 Barnes Road/Request to Revise Permit

#IW-16-17/Add Wet Meadow, Tree Removal, Additional Stormwater Management: It was noted that a site inspection had been conducted on 9/1/16 and that based on what had been observed at that time, a 30” beech tree and 24” maple would be saved. Mr. Szymanski, engineer, said he would agree to a condition of approval that these trees be protected with the installation of construction fence prior to the start of construction. Mr. Papsin asked for details about the proposed stonewall and level spreader above the wet meadow. Mr. Szymanski said the field stone top of the wall would allow overflow, but that he did not expect the water level behind the wall to ever get that high because the runoff would infiltrate above the wall first. It was noted the ends of the wall would be flush with the grade. Mr. Szymanski pointed out on the plan all of the lawn area that would be planted as wet meadow.

MOTION: To approve the request to revise Permit #IW-16-17

 issued to 48 Barnes Road, LLC. to add a wet meadow,

 remove trees, and for stormwater management at 48

 Barnes Road per the plans, “Proposed Site Development

 and Soil Erosion and Sedimentation Control Plan,”

sheet SD.3, by Arthur H. Howland and Assoc., dated

 5/19/16, the plan, “Site Plan, 1.1 Tree Replacement,”

 by Reed-Hilderbrand, dated 8/24/16, and plant list;

 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,

1. that no top soil be placed over the roots of the

24” maple;

 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. Wadelton, and passed 5-0.

Smith/35 East Shore Road/Request for 5 Year Extension of Permit

#IW-14-45: Mr. Ajello noted the permit was for the installation of a water pressure generator, but it had not yet been installed. Therefore, Mrs. Smith had requested a five year extension. The permit was due to expire on 9/24/16.

MOTION: To approve the request for a 5 year extension of

 Permit #IW-14-45 issued to Mrs. Smith, 35 East

 Shore Road. By LaMuniere, seconded by Mr. Papsin,

 and passed 5-0.

Allin Cottage. LLC./217 West Shore Road/Request to Revise Permit

#IW-16-08/Relocate Well: Mr. Szymanski, engineer, gave a brief update regarding the status of the ongoing work on the property. He said the rain garden was fully vegetated and the disturbed areas were seeded and hayed. He proposed to move the location of the well upgrade 50 ft. This would not bring it any closer to wetlands and would not require removal of any trees. It was also noted this would move the well further from the existing driveway. Mr. Szymanski pointed out the stockpile location that would be surrounded by hay bales and said the well spoils would be removed from the site.

MOTION: To approve the request to revise Permit #IW-16-08

 issued to Allin Cottage, LLC. to relocate the well at

 217 West Shore Road in accordance with the plan,

“Proposed Site Development Plan,” by Arthur H. Howland

and Assoc., dated 11/19/15 and revised to 9/8/16. By

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

GSN, LLC./214 West Shore Road/Request to Revise Permit #IW-16-18/ Complete Demolition and Reconstruction of Existing and Additional

Buffering: Mr. Szymanski, engineer, noted that Mr. Hayden from the Conservation District has been retained by the Lake Waramaug Task Force to provide pre application peer reviews for projects near the lake and that he had met with him to discuss this proposed plan. Based on input from Mr. Hayden additional native plants were proposed downgrade from the lawn and uphill of the seawall to filter runoff. Mr. Szymanski explained that a home inspector had determined the foundation of the house was failing and so now proposed to demolish the entire house including the foundation, rebuild it to the exact same dimensions and volume, which, he said he had documented, and then construct the second floor addition as had been previously approved. He note this work would have the potential for more impact due to the removal of the foundation, but that he had proposed a double row of erosion controls; both hay bales and silt fence, between the work site and the lake. He explained that approx. 2 ft. of material would be removed with an excavator from around the perimeter of the existing foundation and that the excavated material would be taken off site. He said all of the plants now surrounding the house would be removed prior to the start of work. Mr. Ajello asked if the 18” maple would be saved. Mr. Szymanski said it would. Mr. Papsin asked if the proposed buffering could be planted prior to the start of work to provide more protection for the lake. Mr. Szymanski said this could be done and that he would revise the sequence of construction prior to the next meeting. Mr. Davis acknowledged the potential for more impact and asked what additional measures could be taken if problems occurred. Mr. Szymanski noted that excess runoff would fill the foundation hole, that multiple rows of erosion controls would be installed, and that the Commission could make the monitoring of the project after all rain events a condition approval. Mr. Szymanski said he would have Mr. Hayden comment on any revisions to the plans before the next meeting. Mr. Davis asked for details regarding the monitoring of the erosion controls.

Haight/45 Old North Road/Request to Revise Permit #IW-14-46/Add Stonewall and Plantings: Mr. Szymanski, engineer, presented the plan, “Planting Plan, Phase III,” sheet L-3, by Mr. Pushlar, dated 9/1/16. A decorative stonewall adjacent to the parking area and additional plantings near the pull off area and on the upgrade side of the existing driveway were proposed. It was noted that approval from the Town Highway Dept. was required for plantings in the Town right of way. It was thought this would be approved because the plants would help to manage the runoff. The list of plants and plant sizes was reviewed. Mr. Ajello asked if the design of the retaining wall had changed. Mr. Szymanski said he would confirm conformance with the approved design before the next meeting or get an engineer’s certification that the wall actually built matches the approved design. Mr. Ajello also asked Mr. Szymanski to find out whether soil from the retaining wall area had been used in the lower meadow.

Mackesey-Morning Dew Farm/229-233 West Shore Road/Request to Revise the Site Plan for Permit #IW-15-58/Shift Loction of Building, Changes to and Location of Stormwater Manangement: The plan, “Proposed Site Development Plan, 229 West Shore Road,” by Arthur H. Howland and Assoc., dated 9/1/16 was reviewed. Mr. Szymanski, engineer, stated that as construction progressed at 233 West Shore Road concerns developed regarding the retaining wall along the eastern boundary line. He said the Mackeseys had purchased the adjoining property, #229, so that the location of the wall and parking area could be shifted and a larger rain garden added. He said the proposed additions and improvements to the stormwater management system would increase the treatment of the runoff and would handle the roof runoff. He said that Mr. Hayden of the Conservation District had reviewed the plans. Mr. Szymanski said for the next meeting he would provide the Commission with overlay maps so that it could see how the locations of both the rear building and the pool are also proposed to shift toward the east. Plans to reroute the existing drainage swale and add two rain gardens to allow for more infiltration of runoff were reviewed. Mr. LaMuniere asked how much regrading would be required. Mr. Szymanski said 2 ft. would be required for the rerouting of the swale and 1 to 2 feet on the other side of the retaining wall. Mr. Szymanski asked that a site inspection be conducted and this was scheduled for Wednesday, September 21, 2016 at 5:00 p.m.

New Application

Pinover/12 Senff Road/#IW-16-29/Aquatic Herbicide Application: Mr. Roach, contractor, stated that water lilies in the two acre pond would be treated with Round Up (glyphosate.) He submitted a copy of the DEEP permit and a letter of authorization from the Pinovers. Mr. Davis asked about the life span of the chemical. Mr. Roach stated it is a weak acid salt, degrades quickly in the water, and that tests by the by the state Dept. of Health had not detected residues 3 to 7 days after application. Mr. LaMuniere noted there was no egress from the pond so it was unlikely the chemical would flow downstream. Mr. Ajello asked if the treatment could be done in late September/early October or if there were heavy storms. Mr. Roach responded he could use the Round Up as long as the plant tissue was viable and the leaves were not submerged. Rebranding of chemicals and chemical properties of several herbicides were briefly discussed. Mr. Wadelton asked for a copy of the Public Health Dept’s analytical test results. Mr. Roach noted that the DEEP permit is for the calendar year, so if the application of the herbicide was delayed to next spring, a new DEEP permit would be required. Mr. Ajello informed Mr. Roach that he would contact him if any additional questions were raised prior to the next meeting. It was the consensus that he did not have to attend that meeting.

Enforcement

Activity Report: Mr. Ajello reviewed his 9/14/16 report. In addition, the following matter was briefly discussed:

Town of Washington/11 School Street/Restoration Project: Mr. Ajello reported the project had been successfully completed, but hoped that someone would water the new plants during the dry weather. Mr. Wadelton said he would contact the Eagle Scout who completed the work.

MOTION: To add the following subsequent business to the

 Agenda: VII. Enforcement: Woodruff/3 West Shore

 Road/Request to Remove Notice of Violation from the

 Land Records. By Mr. Papsin, seconded by Mr.

 Wadelton, passed 5-0.

Woodruff/3 West Shore Road/Request to Remove Notice of Violation from the Land Records: Mr. Bedini briefly reviewed the reasons why Mr. Woodruff was requesting the notice be removed even though he had not completed the clean up work previously required by the Commission. He suggested the Commission conduct a site inspection to observe the current condition of the disturbed area. Mr. Ajello gave the history of this enforcement matter. He agreed the Commission should investigate whether the trees in the disturbed area were still alive, whether there is runoff flowing down to the river, and whether there is potential impact to the river. A site inspection was scheduled for Wednesday, September 21, 2016 at 4:40 p.m.

Communications

 The 9/2/16 notice to the Commission from Eversource regarding clearing along the transmission right of way, the 9/12/16 letter from the Morris Inland Wetlands Commission regarding an application for a regulated activity within 500 ft. of the Town boundary line, and the registration form for the CACIWC seminar on 11/12/16 were noted.

Administrative Business

 Mr. LaMuniere asked that fines be discussed at the next meeting and this matter will be added to the agenda.

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

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator