Inland Wetlands Commission

MINUTES

Regular Meeting

September 23, 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: Mr. Tittmann, Mr. Neff

 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: VI. Other Business: A. The

 Gunnery, Inc./2 Wykeham Road/Request to Transfer Permit #IW-15-26, B. Town of Washington/Bridge

 #3 on Walker Brook Road. By Mr. Wadelton, seconded by Mr. Papsin, passed 5-0.

Consideration of the Minutes

 The 9/9/15 Show Cause Hearing minutes were accepted as amended. The hearing began at 6:31 p.m. not 7:31 p.m.

MOTION: To accept the 9/9/15 Show Cause Hearing minutes

 as amended. By Mr. LaMuniere, seconded by

 Mr. Papsin, and passed 5-0.

 The 9/9/15 Regular Meeting minutes were accepted as corrected. On page 4 in line 4 under Bitar, “regarding” should be “regrading.” Also on page 4 in line 2 Under Ebner, “Mr.” should be “Mt. Tom Road.” On page 5 in line 7 under Sen, “side” should be “wide.”

MOTION: To accept the 9/9/15 Regular Meeting minutes

 as corrected. By Mr. LaMuniere, seconded by

 Mr. Davis, and passed 5-0.

Pending Applications

Berne/164 West Shore Road/#IW-15-38/New Building and Rework Driveway and Parking Area: Mr. Tittmann, agent, noted he had submitted revised plans and he pointed out the location of the pump chamber, curtain drain, nearest culvert on West Shore Road, and trees to be cut on the plan, “Lot Coverage,” Sheet ST.02, by Tittmann Design and Consulting, revised to 9/15/15. Mr. Bedini asked if erosion controls were proposed. Mr. Tittmann said the site was flat, but that the plans included notes regarding the placement of hay bales and stabilization of disturbed areas, and added that the intermittent stream was actually higher than the proposed work site. Mr. Tittmann also noted he had submitted the conservation easement form. Mr. Bedini asked where construction vehicles would park. Mr. Tittmann responded they would park along the driveway or along Loomarwick Road and that he would try to minimize the number of workers on site at any one time.

MOTION: To approve Application #IW-15-38 submitted by Mr.

 Berne, 164 West Shore Road, to build a garage and rework the driveway and parking area per the plan, “Lot Coverage,” Sheet ST.02, by Tittmann Design and Consulting, revised to 9/15/15; 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

 Wetlands Enforcement Officer 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 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.

Bitar/36 Carmel Hill Road/#IW-15-39/Relocate Driveway: Mr. Neff, engineer, reported that Mr. Bitar was going to scale back this project and so asked that discussion be tabled until a revised plan was submitted.

MOTION: To table discussion of Bitar/#IW-15-39 until the

 next meeting. By Mr. Wadelton, seconded by Mr.

 Davis, and passed 5-0.

Shepaug Valley Properties, LLC. (Ebner)/27 Mt. Tom Road/

#IW-15-40/Dredge Pond: Mr. Neff, engineer, noted there had been no changes to the plans since the last meeting. The plan, “Pond Cleanout Plan,” by Mr. Neff, revised to 9/9/15 was reviewed. Mr. Ajello noted the area designated for access was heavily wooded and asked if those trees would be cut. Mr. Neff said they would be cut, adding that there was no other access and that this area was along the existing driveway. Mr. LaMuniere stated the plans had been thoroughly discussed at the last meeting and that the Commission had previously conducted inspections of the property.

MOTION: To approve the application submitted by Shepaug

 Valley Properties, LLC., 27 Mt. Tom Road,

 #IW-15-40 to dredge the pond per the document,

 “Pond Cleanout Plan,” by Mr. Neff, dated 9/2/15

 and revised to 9/9/15; 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

 Wetlands Enforcement Officer 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 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. LaMuniere, seconded by Mr. Papsin, passed 5-0.

Ingrassia/292 Bee Brook Road/#IW-15-41/6 Lot Subdivision Feasibility: Mr. Neff, engineer, explained the approval would be for feasibility only; that the applicant would have to reapply for specific plans as each lot was developed. Mr. Ajello asked if Old Duncan Road would be used for access; Mr. Neff stated it would not. Mr. Ajello asked if there was an alternative for the proposed wetlands crossing on lot #3. Mr. Neff said there was not because the man made wetland extends across the length of the property. He noted the proposed crossing was at the wetlands’ narrowest point. Mr. Ajello noted a property line ran down the center of the existing bridge off Bee Brook Road. Mr. Neff said the bridge was 20 feet wide to eliminate the need for another wetlands crossing. Zoning and Emergency Service requirements were briefly discussed. Mr. Neff again noted there were no activities proposed at this time, but that Inland Wetlands approval was required for the application to be submitted to the Planning Commission.

MOTION: To approve the Ingrassia, #IW-15-41, 6 lot

 subdivision feasibility study for 292 Bee

 Brook Road per the site plan by Mr. Neff

 dated 8/24/14. By Mr. Papsin, seconded by

 Mr. Davis.

 There was a brief discussion during which it was noted that this would not be processed as a permit and there was no time limit associated with the approval.

 Vote: Passed 5-0.

Levande and Siegel/137 West Shore Road/#IW-15-42/Construct Stonewall and Pillars: It was noted the application was incomplete. Mrs. Hill had sent her review to Mr. Levande, who had advised her that he would try to address the outstanding issues by tonight’s meeting. However, to date no new information had been submitted.

New Applications

Pinover/42 Senff Road/#IW-15-43/Replace Culvert: Mr. Neff, engineer, explained that the existing steel culvert had rusted out. He said it would be replaced with a double wall polyethelene culvert that would not rust. It will be the same size, 30 inch diameter, and same length, 40 feet, as the original culvert and will be installed at the same depth. Mr. Neff added these specifications to his plan, “Culvert Pipe Replacement Plan,” dated 9/18/15. Mr. Papsin asked if the work would be done soon. Mr. Neff said they hoped to complete this project within one day while the weather was still dry, noting that nothing was flowing through the pipe now. It was noted written approval from Steep Rock Assoc., the holder of the conservation easement on the property, had not yet been received.

Enforcement

Sen/116 Shearer Road/Unauthorized Activity in a Watercourse and within 100 Ft. of Wetlands: Mr. Ajello circulated a photo of the restoration work to date and said so far it had not been done as he had expected. Mr. Neff explained the deposited material had been pulled out of the stream, which had then been shaped. He said that he had marked the locations where boulders would be placed and plantings put in and that soon the check dams and boulders would be installed and the stream would look more natural. Mr. Ajello said he was also surprised by the size of the bridge that had been installed. Several commissioners agreed, saying a narrow walking bridge had been approved. Mr. Neff stated the owner wanted a 10 ft. wide bridge that a mower could be driven over and said it had been set on the ground with no footings or foundation. He also noted that it was placed on level land at the narrowest point of the wetlands. The bridge construction was briefly discussed. Mr. Ajello said he wanted a meadow, not a lawn, around the tennis court. Mr. Neff stated that the location of the conduit had been staked and that hay to mulch the disturbed areas would be delivered the next day.

New Applications

Tilden/135 Wykeham Road/#IW-15-44/Clear Brush, Stabilize Disturbed Areas: It was noted Mr. Tilden could not attend this meeting and so discussion will take place at the October 14th meeting.

Coleman/112 Walker Brook Road/#IW-15-45/Rebuild Retaining Wall: The plan, “Proposed Driveway Retaining Wall Plan,” Sheet SD.1, by Arthur H. Howland and Assoc., dated 9/17/15 was reviewed and color photos of existing conditions were circulated. The approximately 130 ft. long pressure treated timber wall would be replaced with a blind mortar fieldstone wall. The work would be done in phases, would take about 12 weeks to complete, and the owner would like to do it this fall. Mr. Ajello pointed out that the wall would have a very wide base of heavy stone and would have crushed stone behind it and rip rap at the bottom. Because the proposed retaining wall will exceed 4 ft. in height, it will have to be approved by the Building Official. Mr. Papsin recommended a site inspection be scheduled because this was such a large project. A site inspection was scheduled for Wednesday, September 30, 2015 at 4:00 p.m.

Other Business

Schein and Mostajo/2 Wykeham Road/#IW-15-26/Transfer of Permit: Mr. Wadelton read the 9/21/15 letter from Mr. Zekas requesting that this permit be transferred to The Gunnery, Inc., the new owner of the property.

MOTION: To grant the request re: 2 Wykeham Road to

 transfer Permit #IW-15-26 to The Gunnery, Inc.

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

Town of Washington/Bridge #3/Walker Brook Road: Mr. Ajello reported he had received a call from Mr. Nichols who was concerned about the protection of the significant trout pool directly below the work site. Mr. Ajello had given him contact information for the Army Corps of Engineers and the state DEEP, who are both reviewing the application, but Mr. Nichols was told by the official he contacted that the agency could respond only to government officials, not to private citizens. Mr. Bedini thought Mr. Nichols should talk to the First Selectman. Mr. Ajello said he did, but was directed to the IW Commission. Mr. Papsin said that Mr. Fanning had fully addressed this matter when he had presented the application to the Commission, noting the culvert would be lowered so that the fish would have access through it.

Activity Report

 In addition to the matters covered in the 9/22/15 report, the following were noted:

Sarjeant/28 Tinker Hill Road/Unauthorized Clearing, Excavation: Although he has not yet submitted an application to correct a violation, Mr. Ajello stated that Mr. Sarjeant had contacted both the Health and Building Departments as he had been advised to do. After a brief discussion, it was the consensus that Mr. Ajello should write to Mr. Sarjeant to inform him that if he does not respond to the Commission by the next meeting, a notice of violation will be filed on the Land Records and possibly an increased fine will be levied. Mr. Bedini noted the excavated area had to be filled in and the disturbed areas revegetated.

Straw Man, LLC/135 Bee Brook Road: Mr. Ajello said he had been notified the temporary bridge would be going in this week. He said it had to be installed and the area stabilized by 9/30.

Administrative Business

CACIWC Membership: It was the consensus to renew the Commission’s membership at the sustaining member level.

Revision of the Regulations: A special meeting will be scheduled to discuss the latest draft when Mrs. Hill returns from vacation.

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

 Mr. Bedini adjourned the meeting at 8:17 p.m.

FILED SUBJECT TO APPROVAL Respectfully submitted,

Janet M. Hill, Land Use Administrator