Inland Wetlands Commission

MINUTES

Show Cause Hearing – Regular Meeting

September 9, 2015

6:30 p.m. main level meeting room

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

Mr. Papsin

MEMBER ABSENT: Mr. Wadelton

ALTERNATE ABSENT: Ms. Cheney

STAFF PRESENT: Mrs. Hill, Mr. Ajello

ALSO PRESENT: Mr. Sarjeant, Mr. Neff

SHOW CAUSE HEARING

Sarjeant/28 Tinker Hill Road/Unauthorized Clearing, Excavation

Mr. Bedini called the show cause hearing to order at

7:31 p.m. and seated Members Bedini, Davis, LaMuniere, and Papsin.

Mr. Ajello stated the purpose of the hearing was to provide Mr. Sarjeant the opportunity to object to the enforcement order (sent August 31, 2015.) He added the Commission had the authority to uphold it, amend it, or do away with it.

Mr. Sarjeant apologized to the Commission, explaining how a small job to remove a dead tree had unintentionally grown into a large project.

Mr. Ajello circulated photos of the work done to date.

Mr. Sarjeant said he had dug out an old tree and surrounding rocks by hand and had the log hauled off site; all work had been done by hand. With the tree gone, he had realized there was a need to hold the steep hillside and so he began to construct a stone retaining wall, adding that the area was more stable now than before the work was done. He stated the only work he had done since receiving the cease and restore order was to plant rhododendrons above the wall. When asked if he was trying to create parking spaces, Mr. Sarjeant said, no, there had always been two spaces there.

Mr. LaMuniere expressed his concern that runoff could potentially carry silt to the catch basin and into the lake. Mr. Sarjeant stated that the storm drain is always clean and that it is all ledge above the rock wall. He said he would plant hardy grass on all disturbed areas.

Mr. Sarjeant noted he had received a cease and restore order, but he objected to having to restore the site to its original condition.

Mr. Ajello noted the septic tank might be located within 50 ft. of the excavated area and so said the Health Dept. would have to be consulted. He also stated he had called the state DOT and was informed that no permit for the work had been issued. He then stated that the Building Dept. has jurisdiction over retaining walls over 4 ft. tall. Mr. Bedini said the other departments would address those issues under their jurisdictions.

Mr. Ajello said the Commission did not know how the wall was constructed. Mr. Papsin said there would be exposed soils on each side, but Mr. Sarjeant said that had always been the condition there.

Mr. Bedini asked for a restoration plan.

The commissioners were concerned about the stabilization of the site. Mr. LaMuniere said it should be thoroughly vegetated, while Mr. Papsin was concerned that the Building Official might order that the wall be taken down. Mr. Davis agreed with Mr. Papsin, saying the Commission did not know how deep or how stable the wall was. He wanted confirmation from the Building Dept. that the wall had been properly constructed. Mr. Sarjeant said he did not have the funds for engineering or landscaping plans. Mr. Ajello recommended that a jute mat be placed on the hillside until the grass takes hold and that Mr. Sarjeant check his erosion control measures because rain was forecast. He also recommended that the parking area be covered with a tarp.

Mr. Bedini stated again that the Commission wanted to prevent sediment from reaching the lake. He asked that Mr. Sarjeant draw up a map with a planting plan and that he consult with the Health and Building Departments. Mr. Papsin asked if the Commission should wait for DOT approval before deciding whether the area should be stabilized or restored. Mr. Sarjeant thought this was not necessary because he was not creating parking spaces. Mr. Ajello said the disturbed areas should be stabilized and regraded to a gentle slope, planted with appropriate vegetation, and that boulders should then be placed along the road so that it could not become a parking area.

Mr. LaMuniere and Mr. Davis again requested planting on the hill, the sides of the wall, and the flat area to control erosion.

Mr. Bedini closed the show cause hearing at 6:58 p.m.

REGULAR MEETING

Mr. Bedini called the Regular Meeting to order at 7:01 p.m. and seated Members Bedini, Davis, LaMuniere, and Papsin.

MOTION: To add the following subsequent business to the

Agenda: IV. New Applications: B. Bitar/

36 Carmel Hill Road/#IW-15-39/Relocate Drive-

way, C. Ebner/27 Mt. Tom Road/#IW-15-40/Dredge

Pond, D. Ingrassia/292 Bee Brook Road/#IW-15-41/

6 Lot Subdivision Feasibility, E. Levande and

Siegel/137 West Shore Road/#IW-15-42/Construct

Stonewall and Pillars. By Mr. Davis, seconded

by Mr. LaMuniere, and passed 4-0.

Consideration of the Minutes

The 8/26/15 Regular Meeting minutes were accepted as corrected. On page 4, in the last sentence under Ingrassia, “with” should be changed to “without” to read, “…without a state permit.”

MOTION: To accept the 8/26/15 Regular Meeting minutes

as amended. By Mr. Papsin, seconded by Mr.

Davis, passed 4-0.

New Applications

Berne/164 West Shore Road/#IW-15-38/Relocate Driveway: Mr. Tittmann, agent, presented the plan, “Lot Coverage,” Sheet ST.02, by Tittmann Design and Consulting, dated 9/3/15. He said he had received the application review by Mrs. Hill and would have the additional required information in for the next meeting. A 24’ X 42’ garage with an apartment above is proposed and also the reconfiguration of the driveway. The existing and proposed lot coverage figures were reviewed. Mr. Tittmann pointed out the 100 ft. setback lines and noted all of the proposed activities would be more than 100 feet from the lake and as far as possible from the intermittent stream that runs through the property. The location of hay bales and silt fence was noted and Mr. Tittmann stated that all disturbed areas, including disturbed uphill areas, would be planted with grass. Mr. Davis asked where the nearest culverts were located. Mr. Tittmann pointed them out, noting that there would be no stockpiles on site, that only a small amount of excavation would be done, and that all excavated material would be trucked off site. Mr. Papsin asked that all trees to be cut be indicated on the plan. The septic system plans were reviewed. Mr. LaMuniere requested that the pump chamber also be indicated. Mr. Tittmann said that concrete slabs, including the slab for an old pump house, would be jack hammered and wheel barrowed to a truck for removal. Mr. LaMuniere asked that the curtain drain for the existing house and what it would tie into also be shown on the plan. It was the consensus that a site inspection was not necessary.

Bitar/36 Carmel Hill Road/#IW-15-39/Relocate Driveway: Mr. Neff, engineer, presented his plan, “Soil Erosion and Sediment Control Plan,” dated 8/27/15 and pointed out a small area of the regulated area where regarding and the reconfigured driveway would encroach. He noted silt fence would be installed on the down slopes to protect the down grade wetlands. All other activities, he said, such as the proposed house, garage, and septic system, would be outside the regulated area. He pointed out the limit of disturbance and stated the old driveway would be returned to lawn. The cut to lower the driveway and the 2:1 grading to slope towards the wetlands were discussed. Mr. Neff also noted he had submitted a narrative, construction sequence, and very detailed erosion control plan with instructions for the contractor. He also said that all of the trees in the septic area would remain and there was adequate parking along the existing driveway for construction vehicles.

Ebner/27 Mt. Tom Road/#IW-15-40/Dredge Pond: Mr. Neff, engineer, explained the 2 acre man made pond to be dredged was along Mr. Tom Road. He said the dredged material would be spread on the existing athletic fields on the property. The map, “Pond Cleanout Plan,” revised to 9/9/15 was reviewed. Mr. Neff pointed out the dewatering/temporary stockpile area out of the wetlands on the northeast side of the pond. He said a track excavator and loader would be used. Mr. Neff said that a spring and two small watercourses feed the pond, that there is no water flowing from it now, and that it would be a good time to do the work because it has been so dry. There were no questions raised and the commissioners noted they had previously been to the property and were familiar with the site.

Ingrassia/292 Bee Brook Road/#IW-15-41/6 Lot Subdivision Feasibility: Mr. Neff stated the 52+ acre parcel has an existing 20 ft. wide bridge over Bee Brook for access and that was the only crossing needed. Referring to the plan, “Site Development Feasibility Plan,” by Mr. Neff, dated 8/24/15 he noted the Commission’s main concern would be a wetlands crossing to access lot #3. He presented his “Soil Erosion and Sediment Control Plan,” dated 9/1/15, which included a driveway culvert detail with a 15 inch pipe for the proposed crossing and noted this included information requested in Mrs. Hill’s application review. He stated that would be the only disturbed wetlands on the entire site and noted this was a feasibility plan; every lot would have to come back for review when specific development was proposed. Mr. LaMuniere said he was concerned about runoff and asked about the grade in the crossing area. Mr. Neff said the site was wooded, there were no plans to clear cut, and the driveways had been proposed around the contour lines to keep the grades down. When asked if Old Duncan Road would be used, Mr. Neff said it had not been considered because it was not a good location for a wetlands crossing. Discussing the proposed crossing again, he noted the 15” pipe was larger than required and that it would have flared ends and rip rap at both the inlet and outlet. He also stated there was not much flow in the wetland at this time. It was the consensus that a site inspection was not necessary,

Levande and Siegel/137 West Shore Road/#IW-15-42/Construct Stonewall and Pillars: Mr. Bedini noted there was no one present to represent the applicant. Mrs. Hill reported that the application had been submitted before the deadline and that Mr. Levande had contacted her to say he would work on responses to her application review.

Other Business

Sen/116 Shearer Road/Request to Revise Permit #IW-15-31/Install Electrical Conduit: Mr. Neff explained an electrical conduit was needed between the existing barn and new tennis court. He said it would not be used for outdoor lighting. The map, “Wetland Restoration and Site Work Plan,” by Mr. Neff, revised to 9/2/15 was reviewed. He explained the conduit would run under the walking bridge at the narrowest section of the wetlands and that the trench would be 1 ft. side and 3 ft. deep. The work was proposed in an area that would be dug up for the remediation planting, would take only a day, and the trench would be immediately filled back in. He also noted that a series of erosion control barriers would be in place prior to the start of excavation.

MOTION: To approve the request by Ms. Sen, 116 Shearer

Road to revise Permit #IW-15-31 for the installation

of an electrical conduit from the existing barn to

the tennis court, per the plan, “Wetland Restoration

and Site Work,” sheet 1 of 1, by Mr. Neff, revised

to 9/2/15; 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 changes to the plans as approved must be

submitted immediately to the Commission for review;

in considering this request 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 and watercourses.

By Mr. LaMuniere, seconded by Mr. Davis, passed 4-0.

Mr. LaMuniere noted his concern that the restoration work ordered by the Commission as a result of the violation on this property had not yet begun.

Administrative Business

CACIWC Seminar: The registration forms for the 11/14/15 seminar were circulated.

Revision of the Regulations: A Special Meeting will be scheduled at a later date to discuss this matter.

Communications

8/28/15 Email from Mr. Gendron: Mr. Bedini said he would contact Mr. Gendron to respond to his question and inform him the wetlands designation on the Wykeham Rise property would not change just because it is not being used or managed.

9/4/15 Letter from Mr. Charles: In response to Mr. Charles’ request that the record be corrected regarding misinformation presented to the Commission concerning the Straw Man project, the commissioners stated 1) there was nothing that could be done to change the record, 2) they would not involve the Commission in any dispute between Mr. Charles and Mr. Ajello, and 3) this was a personnel matter, not a wetlands issue.

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

Mr. Bedini adjourned the meeting at 8:05 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill

Land Use Administrator