

Inland Wetlands Commission

MINUTES

Regular Meeting

December 11, 2019

7:00 p.m.

Main Level Meeting Room

Members Present: Mr. Papsin, Mr. Bedini, Mr. Bennett, Mr. LaMuniere, Ms. Branson, Alt.

Members Absent: Mr. Davis, Mr. Kassis, Alt.

Staff Present: Ms. White, Mr. Tsacoyannis

Public Present: Mr. Neff, Ms. Audet, Mr. Szymanski, Mr. Rosiello

Call to Order:

Mr. Papsin called the meeting to order at 7:00 pm.

Seated: Mr. Papsin, Mr. Bedini, Mr. Bennett, Mr. LaMuniere, Ms. Branson, Alt. (for Mr. Davis)

Consideration of the Minutes (00:23):

The Commissioners considered the November 26, 2019 meeting minutes:

MOTION: To approve the November 26, 2019, Regular Meeting Minutes as submitted, by Mr. Bedini, seconded by Mr. LaMuniere, passed 5-0 vote.

Subsequent Business (0:35):

There was no subsequent business to add to the agenda.

Pending Applications:

Haddad/141 West Shore Rd/Permit #IW-19-64/Invasive plant & brush removal, planting along intermittent water course (00:40):

Mr. LaMuniere stated that he had no questions regarding the technical aspects of the plan that Mr. Rosiello presented to the Commission.

Ms. Branson stated that she needed some clarification regarding the planting plan. She asked Mr. Rosiello how many trees will be removed.

Mr. Rosiello responded that mostly brushy material, larger shrubs, a large willow and about 12-15 3", 4" & 5" saplings. He added that there is another willow tree, a dead ash tree and a dead maple tree that will need to come out as well. So, he estimates 15-20 trees to come out but most of the removal will be scrubby brush. Mr. Rosiello confirmed where the birch trees are indicated on the planting plan. He explained how a diversion swale works. Mr. Rosiello explained how they will be removing all invasives and non-native plants and planting native shrubs, plants and trees along the intermittent watercourse.

MOTION: To approve Permit # IW-19-64 for Haddad, 141 West Shore Road, to remove invasive plant and brush material and plant native trees, plants & shrubs along the intermittent watercourse, per plan titled, "Planting Plan for the Haddad Residence," prepared for the Haddads by RBR, Meadowbrook Gardens, LLC, sheet # PP1, dated November 14, 2019, with supporting documents in the file, for two years with 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 Ms. Branson and seconded by Mr. LaMunier, passed by 5-0 vote.

New Applications

Spring Hill Farms, LLC/282 Bee Brook Rd/Application for Exemption #IW-19-65/To install conduit for electrical service within review area (14:20):

Mr. Neff and Ms. Audet were present to represent Spring Hill Farms, LLC. The Commissioners and Mr. Neff looks at the plan titled, "Proposed Electric Service," prepared for Spring Hill Farms, LLC. by Brian E. Neff, P.E. dated December 04, 2019, sheets 1 of 1." Mr. Neff explained that they are proposing to install underground conduit from the existing utility pole, within or adjacent to the driveway, to the switch box then up to the transformer that transforms to the building. He confirmed this was for future development plans up the hill.

Mr. Neff noted the sequence of construction on the plan. He noted that the majority of the trenching will be done down the middle of the driveway. Silt fence erosion barriers will be installed down-gradient and on either side of the driveway to protect the wetlands/watercourse from any materials from the construction. Mr. Neff stated they would be digging a 3-foot deep trench with a tracked excavator, laying the conduit, and the electric company will be pulling the wires through. He noted that some of the wetlands were man made from the previous gravel mining that took place on the property.

Mr. Neff stated that the work should take a week to dig, lay the conduit, and put the boxes. At this point the building inspector will have to come out and after his okay they will backfill the trench.

There was a brief discussion regarding whether this should be a permit or an exemption. The Commission agreed that there would be no impact on the wetlands, that a part of the trenching for this project is in the Upland Review Area, and the wetlands that are there are manmade so they could agree to an exemption.

MOTION: To approve application #IW-19-65, for Spring Hill Farms, LLC., 282 Bee Brook Road, to install conduit for electrical service within the review area of Bee Brook per map titled "Proposed Electric Service," prepared for Spring Hill Farms, LLC. by Brian E. Neff, P.E. dated December 04, 2019, sheets 1 of 1, with supporting documentation in the file, as an exemption, by Mr. LaMunier and seconded by Mr. Bennett, passed by 5-0 vote.

Yourwith/259 New Milford Turnpike/Application for Permit #IW-19-66/Septic repair (24:51):

Mr. Neff, P.E. was present to represent Ms. Yourwith, property owner of 259 New Milford Turnpike. He explained that this proposed plan is to replace the existing septic system on the property.

The Commissioners and Mr. Neff looked at the plan titled, "Septic Leaching Field Replacement Plan," prepared for 259 New Milford Turnpike, by Brian E. Neff, L.E., dated 12-2-19, sheet 1 of 1. Mr. Neff noted that this is an existing multi-family house. They discussed the location of the property on Route 202.

Mr. Neff explained that the owner lives on the property and rents out the two other units. The owner plans to sell the property and had the septic system inspected. As a result of the inspection, it was discovered that the leaching fields were not functioning well. Mr. Neff informed the Commissioners that the plan has been submitted to the Health Department and should be approved before the next Inland Wetlands Meeting on January 8, 2020. He explained that part of the proposed new leaching fields are within the review area and could not be located in

any other area of the property due to the soil types outside the review area. Mr. Neff pointed out the topographic contour lines on the plan and noted that the area is very flat at approximately a 2% slope. He stated that there is a drainage pipe that goes across the property that is susceptible to leakage and there would be a possibility of seepage into that pipe that goes directly into the river if they were to move the leaching fields too close to it.

There was a brief discussion regarding the process of replacing the leaching fields.

There were no further questions.

Bramson/270, 270A, 280 & 284 Nettleton Hollow Rd/Application for Exemption #IW-19-67/For agricultural fencing &

Bramson/270, 270A, 280 & 284 Nettleton Hollow Rd/Application for Permit #IW-19-68/For fencing in wetlands (32:05):

Mr. Szymanski, P.E., was present to represent the property owners for these applications. He explained how the Bramsons bought five properties which they are going to use in concert together and will be relocating the property owners' horses and maple syrup operation to Washington and creating a fruit orchard as well. He noted that the first step to their plan is to install fencing around the perimeter of the properties.

The Commissioners and Mr. Szymanski reviewed the plan titled, "Proposed Fence Installation Plan," prepared for Edward J. Bramson & TFCPS, LLC & Brian E. Rafferty Esq. Dentons US, LLC, by Arthur H. Howland & Associates, sheet FIP.1, dated December 6, 2019. Mr. Szymanski noted that the green indicates fencing outside of wetlands and the review area which is for the exemption request and the red indicates fencing in the wetlands and the review area which is for the permit request. He noted that they are proposing a 10,500 +/- linear feet of fencing for the agricultural exemption and 655 +/- linear feet of fencing for the requested inland wetlands permit. He informed the Commissioners that the 10ft steel posts will be driven into the ground about 2 ½- 3ft. dug and set by hand and there will be no concrete used.

Mr. Tsacoyannis pointed out that the red areas indicated on the fence plan should extend 100ft out of what is indicated to show the regulated area.

The Commissioners and Mr. Szymanski referred to Section 4.01 of the Inland Wetland Regulations.

Mr. Szymanski stated that he would submit a revised plan to show the extended 100 ft.

Mr. Szymanski clarified that the posts would be installed using a mini excavator with a hydraulic hammer, outside of the wetlands area. He noted that there will be no clearing. He explained how each of the lots would be used.

The Commissioners agreed that the property owners may proceed with installing the fencing outside the upland review area and the wetlands under an agricultural exemption, for 270, 270A, 280 & 284 Nettleton Hollow Road.

There was a brief discussion regarding scheduling a site visit, possibly for Monday, December 16, 2019, at 3:30pm weather permitting. Confirmation will be made on Friday with Ms. White in order to allow time for public notice.

Enforcement:

Enforcement Activity Report (54:28):

Mr. Tsacoyannis highlighted areas from his report (available in the Land Use Office). He informed the Commissioners that citation notices were sent out, otherwise, there has not been much change with enforcement. He gave a brief update on 52 River Road.

There was a brief discussion regarding bonds.

There was a brief discussion regarding 90 Tinker Hill.

Other Business:

There was no other business to discuss.

Administrative:

Review/Approval of the Meeting Schedule for the Inland Wetlands Commission for 2020 (1:17:44):

MOTION: To approve the IWC Meeting Schedule for 2020, by Mr. Bedini, seconded by Mr. Papsin, passed by 5-0 vote.

Communications:

There were no communications to discuss.

Adjournment:

MOTION: To adjourn at 8:20 pm by Mr. Papsin, passed unanimously.

Respectfully Submitted,



Shelley White
Land Use Administrator,
December 18, 2019