

INLAND WETLANDS & WATERCOURSES AGENCY
REGULAR MEETING
MONDAY, MAY 20, 2019 – 7:00 P.M.
WOODSTOCK TOWN HALL – LOWER LEVEL, ROOM B

MINUTES

I. **Call to Order:** M. Parker called the meeting to order at 7:03 pm.

II. **Roll Call:**

Members Present: M. Parker, M. Butts, W. Rewinski, D. Wolff, S. Peaslee

Members Absent: M. Thienel

Noted for Record: Quorum

Others Present: John Navarro, Victor Peabody, Robert Chang, Linda Auger, Ed Pechie, Michelle Salvis, Dan Malo, and Tom Coogan.

III. **Appointment of Alternates (if necessary):** None

IV. **Action on minutes of previous meetings – March 18 and April 15, 2019:**

M. Butts **MOTIONED** to **APPROVE** the meeting minutes of March 18, 2019 as presented;
S. Peaslee **SECONDED**; **MOTION CARRIED UNANIMOUSLY.**

M. Parker explained due to lack of a quorum no actions could be taken at the April 15, 2019 meeting and the time was used for general discussion and organizing the next meeting agenda.

M. Butts noted the April 15, 2019 meeting minutes were stamped as received by the Clerk's office on April 29, 2019, even though they had been sent to the Clerk's office as well as to the IWWA members on April 20, 2019.

M. Butts **MOTIONED** to **APPROVE** the meeting minutes of April 15, 2019 with the notation that they were received by the Clerk's office on April 20, 2019 and not posted by the Clerk until April 29, 2019; W. Rewinski **SECONDED**; **MOTION CARRIED UNANIMOUSLY**;
D. Wolff and S. Peaslee **ABSTAINED.**

V. **Old Business**

a. **Application 04-19-04, Robert Chang, 1051 Route 169, land clearing and fencing for agricultural activities:**

M. Butts **MOTIONED** to accept this application as a Use Permitted as of Right for Agriculture Purposes; W. Rewinski **SECONDED**;

M. Butts requested M. Parker to sign front page with a notation that it is a Use Permitted as of Right for Agricultural Activities, with an application filing date of April 15, 2019;
MOTION CARRIED UNANIMOUSLY.

b. **11 Brickyard Road 3 car garage report on site visit with Linda Congdon:**

M. Butts said she visited the site and met with Linda Congdon, noting the proposed work is within the 125 ft. upland review area; she told L. Congdon that she will need to obtain a

wetlands administrative approval as the Building Official will not sign off on the building permit without a wetlands approval, and possibly approval from the ZEO.

VI. New Business

a. New Applications Received

i. 05-19-05, Woodstock Public Works Department, widening of County Road and culvert repair at Gravelly Brook:

John Navarro explained application, noting the culvert that crosses lower County Road is in good shape, but would like to widen the road for safety reasons. He added wingwalls parallel to the road would be installed to stabilize the culvert. J. Navarro also mentioned the missing guardrails from the area, and the need to raise the road elevation to reduce the angle of the incline approaching Route 169 and repave the entire section. He noted spalling on the top of the structure which they would work down to the solid portion of concrete and repour over; "L" shaped walls designed by Silva Engineering would go under the road to hold the entire structure in place.

J. Navarro said they have applied for a construction easement to do the excavation, and are trying to stay out of the wetlands as much as possible. The arch is a corrugated galvanized half pipe set on concrete walls, allowing for a natural stream bottom. M. Butts asked if the stream dries up; it was determined that it does dry up occasionally.

Regarding construction time, J. Navarro said they were ready to begin work on this project and funding would be provided partially by the Town and partially by the bond from the local bridge projects, which this bridge was a part of. M. Butts confirmed the private contractor would be doing the work for the Town under this permit; J. Navarro noted this flows into Muddy Brook and M. Butts said this should be done during low flow perhaps in August, to minimize any problems that could arise.

M. Butts **MOTIONED** to **ACCEPT** application 05-19-05, Woodstock Public Works Department, widening of County Road and culvert repair at Gravelly Brook; D. Wolff **SECONDED**; M. Butts asked J. Navarro to get the hydraulics report.
MOTION CARRIED UNANIMOUSLY

M. Butts noted for the record the application was **RECEIVED** on May 16, 2019.

ii. 05-19-06, Peter King, 200 Child Road, 24' X 32' post & beam barn:

M. Butts was told by the acting ZEO that the application came in with the zoning application form dated December 17, 2018 but never got processed. M. Parker noted it was restamped to a more recent date of April 15, 2019; M. Butts noted the application fee was paid on May 13, 2019 and also signed on that date. M. Parker and M. Butts agreed on the **RECEIVED** date as May 13, 2019.

M. Butts asked if this new structure was to be located in the same area as the previous garage; D. Wolff replied the original 24ft. x 32ft. garage has been taken down and the new 24ft. x 32ft. post and beam barn built in its place as per the application.

M. Butts noted this could be an administrative approval; she and the IWWA members agreed the application could be accepted and later signed off as an

administrative approval once a Wetlands Agent has been appointed later in the agenda.

M. Butts **MOTIONED** to **ACCEPT** application 05-19-06, Peter King, 200 Child Road, 24' X 32' post & beam barn on a pre-existing 2-car garage site, for the purpose of consideration; D. Wolff **SECONDED**; **MOTION CARRIED UNANIMOUSLY**.

iii. **05-19-07, Ed Pechie, 56 Indian Spring Road, construct new retaining wall and stairs next to Witches Woods Lake.**

W. Rewinski asked where the water line would be; Ed Pechie said it is 15 feet from the wall which is 8 feet in height. M. Butts confirmed the wall is set back from the lake and not in the water. E. Pechie noted he is trying to split the existing hill to prevent its disappearance; W. Rewinski commented that essentially another step would be added.

M. Butts noted this application could be wetlands agent administrative approval; IWWA members questions any work being done within the lake. E. Pechie said previous to his purchase of this property in June 2018, the area had been cleared but over time the brush had over grown into the lake; no fill would be needed due to where the wall would be constructed. M. Butts confirmed it would be a balanced cut and fill, and no in water work.

D. Wolff questioned the water line on the plans and where the control would be placed; M. Butts suggested using wattles for erosion control. M. Parker commented when soil is disturbed, erosion control needs to be in place to prevent fine silts from getting into the lake or waterway.

M. Butts, D. Wolff and E. Pechie reviewed the photos provided by Mr. Pechie and discussed the removal of the tree stumps; D. Wolff recommended stump grinding rather than digging the tree stumps out.

M. Butts asked E. Pechie about timing for this project, noting the best time would be when the lake water is drawn down otherwise the erosion control will need to be directly at the water's edge. E. Pechie noted the hill was slippery where the grass was worn away and would like to get the project completed sooner rather than later.

M. Butts **MOTIONED** to **ACCEPT** application 05-19-07, Ed Pechie, 56 Indian Spring Road, construct new retaining wall and stairs next to Witches Woods Lake, along with grading associated with constructing the wall, with the understanding that an approval of this application would require erosion and sediment control installed at the water's edge before initiation of any construction; W. Rewinski **SECONDED**; **MOTION CARRIED UNANIMOUSLY**.

b. **Permit 04-17-04, Taylor Brook Winery status and report on conditions:**

M. Parker said he was informed by a concerned citizen that there was cloudy silty water downstream from Taylor Brook Winery. Upon investigating the area he confirmed the issue and met with Linda Auger, the vineyard manager, and a contractor, and looked at several sagging silt fences. M. Parker noted when CME designed this project for the

winery there was no way of knowing the hydraulic pressure of the water movement coming from the hillside, so there was a great deal of gullying, gouging and runoff; they said they would discuss this with CME, and M. Parker said they could create a design and begin the repairs.

M. Butts noted there were two issues, one being there is no request for ruling under agriculture by Taylor Brook Farms, the other being the need to do drainage work in existing vineyards. M. Butts felt this was an Agricultural Use Permitted as of Right and a non-regulated use, and did assign an application number as there currently are no forms for this. She added there is no fee nor does it need to be “received” in advance of a meeting.

D. Wolff **MOTIONED** to **ADD** to the agenda application 05-19-08 Taylor Brook Farm for Use Permitted as of Right under the Agricultural rulings for exemption for vineyard drainage; M. Butts **SECONDED**; **MOTION CARRIED UNANIMOUSLY.**

M. Butts **MOTIONED** to **APPROVE** application 05-19-08 Taylor Brook Farm for Use Permitted as of Right under the Agricultural rulings for exemption for vineyard drainage; (above added item application for Use as for Right); W. Rewinski **SECONDED**;

M. Butts asked L. Auger about any problems; L. Auger said the brewery side has been a challenge due to weather and constantly having to play “catch-up” with water coming off the neighbor’s upper fields. M. Butts asked if they had installed a diversion; L. Auger replied they have, and have done a great deal of work. M. Butts recommended an additional temporary settling trap to protect any downstream waterways.

L. Auger said they were working with NRCS on the existing vineyard side, they are also working with the Department of Agriculture for the Farm Restoration Act, and CME is working on the remainder of the site plan for the vineyard. M. Parker encouraged an annual inspection of the hillside to ensure the terracing is holding and the top collection pond is not breaching or gullying.

MOTION CARRIED UNANIMOUSLY.

c. Election of Officers:

D. Wolff submitted her resignation from the IWWA effective May 21st, 2019.

M. Parker thanked D. Wolff for her years of service on the IWWA.

M. Butts **MOTIONED** to **MOVE** this item to after agenda item **VIII Citizen Comments**; S. Peaslee **SECONDED**; **MOTION CARRIED UNANIMOUSLY.**

At 8:54 pm D. Wolff **NOMINATED**:

B. Rewinski as Vice Chair;

M. Parker as Chair;

M. Butts as Secretary;

S. Peaslee **SECONDED**; **MOTION CARRIED UNANIMOUSLY**

d. Review of Bylaws – Modification of Agenda Structure:

M. Butts discussed the agenda item numbers and agenda order as outlined in the bylaws;

she suggested changing “Old Business” to “Pending Applications” and changing “New Business” to “New Applications”. She also noted “Administrative Business” could include the following items as needed on the agenda: Wetlands Agent Report, Communications, Bills, Investigations, Enforcement, Requests for Permanent Extensions and Transfers, Election of Officers, Budget Requests, or Other.

M. Parker noted to amend the bylaws, a “motion to amend” needs to be made and at the following meeting they can be approved and made official.

M. Butts **MOTIONED** to **AMMEND** Section 9 of the IWWA bylaws as proposed;
S. Peaslee **SECONDED**; M. Parker **TABLED** the **MOTION** until the next scheduled meeting.

e. Status on Operation of Agency Absent Staff:

M. Butts talked about the issues of getting IWWA work done and stressed the need for clerical support, even if there is no wetlands agent. She explained the current process causing delay of applications. The IWWA members discussed the lack of communications with the First Selectman’s office and the hours needed by the IWWA.

As per the minutes of the BOS, Mike DiMatto of CME has been hired as interim ZEO for 6 hours per week, who will also be handling some wetlands but there is no current definition of what the wetlands work will include.

M. Butts said she and M. Parker met with M. DiMatto who has completed the D.E.E.P. Wetlands Agent course work.

Dan Malo, who works full time in Windsor Locks as their Code Enforcement Officer (blight enforcement, wetlands agent, as well as several other positions) explained his background and said he interviewed for the Woodstock ZEO position. He was told that 3 to 6 hours per week would be needed but couldn’t accept the position due to scheduling. The IWWA members and D. Malo discussed the combination of ZEO and Wetlands Agent.

M. Butts said in the conversation she and M. Parker had with M. DiMatto, Mr. DiMatto offered to put together protocols of the functions for ZBA, IWWA, BAA, PZC, which should be presented at the next IWWA meeting for review.

S. Peaslee asked if this is this a process of redefining or repurposing; M. Butts confirmed. S. Peaslee was concerned with assuming responsibilities which could set precedent for future Chair’s and board members. D. Wolff, M. Butts, and S. Peaslee discussed the current handling of submitted applications and also discussed meeting minutes.

M. Parker **MOTIONED** in accordance with the IWWA bylaws and Section 12 of the Agency’s regulations, duly authorizing Mike DiMatto as its duly authorized agent;
S. Peaslee **SECONDED**; **MOTION CARRIED UNANIMOUSLY**

M. Parker pointed out the IWWA bylaws specify having a clerk who will keep the records of the Agency as required by law; he also noted the Agent requirement to report to the Agency of all activities.

VII. Wetlands Agent Activity Report – None, no Wetlands Agent.

a. Other Administrative Business:

i. Communications:

M. Butts suggested adding an item to the next agenda regarding input for the new Town website.

M. Butts felt the Town should supply email addresses to all commission members.

M. Butts **MOTIONED** for the Chair to send a request to the Board of Selectmen to establish Town email addresses to each of the IWWA members for Town use;
W. Rewinski **SECONDED; MOTION CARRIED UNANIMOUSLY.**

ii. Bills: None

VIII. Citizen's comments/other topics:

Tom Coogan of Laurel Hill Drive asked about removing dead trees because they are close to the water; he was asked by M. DiMatto to attend tonight's IWWA meeting. M. Parker said cutting no problem, but if grubbing or pulling roots, soil and erosion control would be needed until grass or vegetation took root. T. Coogan said he would be grinding the stumps; M. Butts said there would be no need to submit an application.

Michelle Salvis said her family would be moving to 185 Center Road on Thursday, but the Building Official would not sign off on the C/O because it needed a Wetlands Agent sign off, and there was no agent. M. Butts said when the house was built, the curtain drain was supposed to be placed on the same side of the house as the driveway, but instead it was placed under the driveway and discharged it in the upland review area close to the wetlands.

M. Butts said M. DiMatto is now the assigned Wetlands Agent as of this meeting, and explained to M. Slavis she will need to submit an application for an administrative approval (short form) which Mr. DiMatto can review and sign off on.

IWWA members returned to agenda item **VI.c - Election of Officers**

IX. Adjournment:

D. Wolff **MOTIONED** to **ADJOURN**; S. Peaslee **SECONDED**;
MOTION CARRIED UNANIMOUSLY. The meeting was **ADJOURNED** at 8:55 pm.