

## INLAND WETLANDS & WATERCOURSES AGENCY

### REGULAR MEETING

Monday, October 5, 2020 – 7:00 P.M.

In accordance with Governor Lamont's Executive Order and social distancing guidelines recommended by the CDC, members of the IWWA participated in the meeting via ZOOM online.

### MINUTES

- I. **Call to Order:** Chairman Mark Parker called the meeting to order at 7:05 pm.

Chairman Parker shared the protocol on conducting meetings via Zoom online.

- II. **Roll Call:**

**Members Present:** Mark Parker, Stuart Peaslee, William Rewinski, Marla Butts, Victor Peabody

**Members Absent:** None

**Quorum:** Yes

**Others Present:** Tina Lajoie, John Wypychoski, Bruce Woodis, Sig Swanberg

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

- IV. **Action on minutes of previous meeting of September 14, 2020:**

**Motion** was made by William Rewinski, and **Seconded** by Marla Butts, to **Approve** the minutes of the September 14, 2020 IWWA meeting as presented. **The motion passed unanimously.**

- V. **Old Business:**

- a. 08-20-21 – John Wypychoski, 179 Laurel Hill Drive – Alteration; landscaping, creation of beach area, retaining wall repair and walkway with stairs

Tina Lajoie confirmed that the property is located on Lake Bunggee. The sequence of construction and sediment control process, which was requested upon acceptance of the application at the last meeting, were included in the meeting packets.

**Motion** was made by Marla Butts, and **Seconded** by Victor Peabody, to **Approve** 08-20-21 – John Wypychoski, 179 Laurel Hill Drive – Alteration; landscaping, creation of beach area, retaining wall repair and walkway with stairs noting the sequence of construction and sediment control process as presented. **The motion passed unanimously.**

Ms. Lajoie explained the legal notice will be in the paper Friday, October 16, and there is a fifteen-day appeal period from that date before work can begin.

- b. 09-20-23 – Noreene Stehlik – 294 Route 198 – Phragmite removal in pond

Chairman Parker invited Bruce Woodis to speak on behalf of the applicant. Mr. Woodis stated he met with Agency member Stuart Peaslee, Wetlands Agent Tina Lajoie, and applicant Noreene Stehlik at the site recently. Mr. Peaslee prepared a report based on the visit. During the visit, discussion involved how to remove the phragmites and the soils. Suggestions at that time included digging a hole to bury the phragmites which could also provide compost for the soil. Removal would be achieved by using a mini excavator and skid steer. Major concerns were if the excavator would be able to access all parts of the pond and perhaps a larger machine might be

required. Consequently, the proper course of action would be to dig the plants out. Some recommendations by Agency members included using a small dump truck fully enclosed that would not allow spill out along the route of disposal or some type of off-road or agricultural piece of equipment that has self-containment capability. Ms. Butts recommended the applicant report back to the Agency regarding how many cubic yards would be removed, how deep the excavator would be digging, and where the transit path will be to the disposal destination.

**Motion** was made by Marla Butts, and **Seconded** by Stuart Peaslee, to **Table** 09-20-23 – Noreene Stehlik – 294 Route 198 – Phragmite removal in pond until next month’s meeting in order to receive an updated, detailed drawing of the proposed work to be done. **The motion passed unanimously.**

c. 09-20-24 – William Stehlik – 1030 Route 198 – Phragmite removal in pond

Bruce Woodis was invited to speak on behalf of the applicant. He explained this pond has a milder case of the phragmites versus the previous applicant’s pond. The applicant’s sister, Noreene Stehlik, was present during the site visit. The pond is in a watercourse, and as a result, the work involved would require more management of substantial soil removal. The applicant is exploring the possibility of designating the pond as a fire pond. They have contacted the town’s Fire Chief to determine interest and the possibility of having this become a joint project to share resources but explaining they would not be seeking financial resources.

Mr. Woodis confirmed there is a small earthen dam for overflow and a ditch down to a lower area. He explained the vegetation in question has been continually cut down to the water level, so the picture included in the meeting packets does not depict the actual overgrowth. The depth of the pond is unknown.

Ms. Butts recommended the applicant report back to the Agency with how many cubic yards will be removed, how deep the excavator will dig, and where the transit path will be to the disposal destination. It was also requested that the applicant research and report back on the contributing watershed that feeds the pond.

**Motion** was made by Stuart Peaslee, and **Seconded** by William Rewinski, to **Table** 09-20-24 – William Stehlik – 1030 Route 198 – Phragmite removal in pond until next month’s meeting to receive additional information on the work to be completed. **The motion passed unanimously.**

d. 11-19-22M – Olshewski, Peter & Maureen, 674 Route 198 – Modification of use permitted as of right

Wetlands Agent Tina Lajoie stated that Sig Swanberg, who represents the applicant, would not be participating in the meeting and stands by the application to modify as a use permitted as of right. Marla Butts noted the statutes state that road construction essential to a farming operation could fall under a use permitted as of right for agriculture. Ms. Lajoie confirmed for Ms. Butts that the applicants have a farming operation, which is the hayfield. She further reiterated that Mr. Swanberg renovated an existing cart path and replaced an existing crushed and rusted pipe.

Mr. Peaslee believes there has been a pattern of inaccuracies from the beginning of this application. It was suggested Agency members conduct a site visit. Other members expressed interest in doing so.

Agency member Bill Rewinski cited a Supreme Court of Connecticut Case #SC19591 – Indian Spring Land Company vs. IWWA of the Town of Greenwich et al – which he recommended Agency members review as it may be relevant to this application.

Mr. Peaslee brought to the attention of Agency members letters of concern from residents.

**Motion** was made by Marla Butts, and **Seconded** by Stuart Peaslee, to **Table** 11-19-22M – Olshewski, Peter & Maureen, 674 Route 198 – Modification of use permitted as of right pending further investigation of information for clarity and a site visit by members of the IWWA. **The motion passed unanimously.**

- VI. Wetlands Agent Activity Report:** Ms. Lajoie shared she has applications pending and will be processing them soon. She has processed approvals on the construction of a metal garage in an upland review area on 3 Windswept Drive; a driveway off of Route 171 in an upland review area; and, the removal of a dying tree near the shore on Lake Bunggee. She recently visited the Roseland Pond property that received a complaint and determined that a good amount of vegetation was removed. She will be sending a letter to the owner requesting an explanation of the work that was done. She will also be investigating another complaint on Route 198 in the coming weeks.

Marla Butts asked if ND Swadia has submitted details for the anti-seep collar and compaction requirements on the embankment for the detention basin as noted in the August 3, 2020 conditional approval IWWA issued. She also asked the status of this application with Planning & Zoning. Ms. Lajoie stated documentation has not been received to-date on the conditional approval. The application is pending before Planning & Zoning, and the Commission will have IWWA's conditional approval letter for its next meeting. She added that NDDH approval was received and included in the IWWA meeting packets.

Chairman Parker was contacted by Mike Deyorio who is a member of the Quassett Lake Association regarding a lake resident who would like to restore a stonewall. Chairman Parker referred him to Ms. Lajoie and stated Andre Bessette, who is the president of the Quassett Lake Association will be contacting her.

- a. Other Administrative Business<sup>1</sup>
  - i. Update on 119 Crooked Trail Extension – Information was received yesterday and not in time to be included for this meeting. She will include the DEEP response from Mr. Frigon at next month's meeting.
- b. Communications: Marla Butts referenced the letter from the Society of Soil Scientists of Southern New England and recommended the link to their registry be included on the IWWA webpage. Bill Rewinski added that the email contacts listed on the IWWA page are not working. Last, Marla Butts referenced the email from Witches Woods regarding algae blooms and suggested they investigate how much nitrogen fertilizers are being applied on lawns near the water, as it may be a contributing factor.
- c. Bills: None.

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<sup>1</sup> Subheadings under Administrative Business may include, as needed, Wetlands Agent Reports, Communications, Bills, Complaints, Investigations, Enforcement, Requests for Permit Extensions / Transfers, Election of Officers, Budget Requests and Other.

- VII. Citizens' Comments/Other Topics:** Merryll Rees spoke regarding the Olshewski application. She owns property at 33 Reich Road which adjoins the Olshewski property. Her property has a pond that is fed by wetlands in the area and would like to be sure things are preserved and nothing is disrupted.
- VIII. Adjournment:** **Motion** was made by William Rewinski, and **Seconded** by Stuart Peaslee, to **Adjourn**. The meeting adjourned at 8:47 pm.

The recording of this meeting can be found here: <https://youtu.be/HXdffvnZDvg>

Respectfully submitted by Cynthia Brown, Recording Secretary. **DISCLAIMER:** These minutes have not yet been approved by the IWWA. Please refer to next month's minutes for approval/amendments.