

**Town of Warren  
Inland Wetlands & Conservation Commission  
Regular Meeting – Minutes  
Thursday, September 24, 2015 - 7:00 pm  
Warren Town Hall – 50 Cemetery Road**

**PRESENT:** Chairman Keith Jewell, Nancy Binns, Cindy Shook; Alternates Tom Caldwell, John Favreau, Darin Willenbrock; Stacey Sefcik, Inland Wetlands Enforcement Officer; Richelle Hodza, Clerical Administrative Assistant

**EXCUSED:** Nora Hulton

**ABSENT:** Dawn Blocker

**1. CALL TO ORDER AND DESIGNATION OF ALTERNATES**

Chairman Keith Jewell called the regular meeting to order at 7:00PM. The proceedings were recorded digitally, and copies are available in the Land Use Office. Alternate Darin Willenbrock was seated for Dawn Blocker, Alternate Tom Caldwell was seated for Nora Hulton.

Chairman Jewell made a **MOTION** to amend the agenda to place the approval of the Minutes of the Special Meeting held on September 9, 2015 ahead of the public hearings. The motion was **SECONDED** by Ms. Binns and was unanimously **APPROVED**.

**2. APPROVAL OF MINUTES**

A **MOTION** to table the minutes from the September 9, 2015 special meeting until the next regular meeting was made by Nancy Binns, **SECONDED** by Mr. Willenbrock, and unanimously **APPROVED**.

**3. PUBLIC HEARINGS**

**A. Richard & Josephine Kaicher, 33 Arrow Point Road – After-the-Fact Replacement of Concrete Boat Launch and Reclamation & Placement of Sand at Shoreline, & Replacement of Drainage Piping Outletting into Lake Waramaug**

Chairman Jewell asked that Ms. Hodza read a letter from Mr. Thomas McGowan on behalf of the Lake Waramaug Association and the Lake Waramaug Task Force (hereinafter the "Waramaug Task Force") into the Minutes. A copy of that letter is attached hereto. Chairman Jewell then asked whether there was any new information.

Attorney for the applicants, Mr. William Manasse introduced himself for the record. He had received the Waramaug Task Force's letter only yesterday, stating that he hadn't had time to look at it thoroughly; however, it did make him revisit the application which, he determined was for two things: (1) to repair the curtain drain and (2) to replace the existing boat ramp after-the-fact. Mr. Manasse acknowledge that the Waramaug Task Force has some concerns, but that even if the applicants were able to come up with a plan for the next meeting, time would run out, because the Commission would likely want to have that plan reviewed by its own engineer. Mr. Manasse requested confirmation from the Commission that the only existing violation was the after-the-fact boat ramp.

Ms. Sefcik affirmed that the boat launch was indeed in violation, and added that there remained questions with regard to drainage pipes outletting into the lake. Mr. Manasse concurred, but stated that although there had been questions about the drainage pipes, no specific violation had been

issued addressing them. Ms. Sefcik reiterated that the Commission was not sure whether or not a permit had been issued on the pipes and if so, when.

Mr. Manasse observed that the original application's approval letter refers to the maps and plan that were submitted with the application, which would suggest that the proper plans were indeed filed, and that perhaps the Commission had lost or misfiled them.

Ms. Sefcik stated that the Commission had no plans or maps. Mr. Manasse repeated that although he could not know what was in them, they must have existed, since the Commission's own letter refers to them and the application itself refers to contours for the drainage system, etc.; thus, the application, dated June 3, 1991, at Item 12 on its attached checklist, which refers to the design of the drainage system and includes a handwritten addition, noting "...at two foot interval lines." Therefore, Mr. Manasse proposed amending the application to withdraw the repair of the curtain drain, leaving only the after-the-fact approval of the boat ramp before the Commission. Mr. Manasse went on to say that the only issue with that portion of the application had been whether the size of the new ramp was larger or smaller than the one it replaced. Mr. Manasse produced a letter from Ben's Masonry, LLC dated June 29, 2015 and submitted it to Ms. Sefcik with its postmarked envelope. Mr. Manasse stated that he thought that it shows that the replacement of the ramp, though done after-the-fact, was not an enlargement of what had been there. Mr. Manasse continued stating that, although further applications would be needed to address other issues, limiting the application to the after-the-fact boat launch would help the applicants meet the time frame.

Mr. Russell Posthauer, Professional Engineer for the applicants, introduced himself for the record and interjected that their plan was to fill in the areas disturbed by the machine and to reseed, so that any water from the driveway would flow through the grass as a form of filtration and that if this worked, they might not need to return to the site.

Mr. Manasse concluded that this amended application would allow the Commission to approve the application regarding only the boat ramp tonight. Should modification of the drainage system be necessary, that could be done in the future, when realistic time frames were available. He added that at least now it is known what the Waramaug Task Force's concerns are.

Ms. Sefcik responded stating that the Waramaug Task Force's letter offered certain recommendations with specific regard to the boat launch area and asked if the applicants' representatives could comment on them. Mr. Posthauer took issue with the letter, stating that the letter was written as if this were a new site. The house has stood there for some time and the six inch drainpipe was likely put in at the time of construction as part of the requirements for a Certificate of Occupancy. He then ventured that the Commission would not want to put top soil over that drainpipe because it would end up in the lake. Stone would allow for filtration. When water comes off the grass, it has already been slowed, so when it hits the stone area, the water infiltrates further, and any excess goes into the drain. He stated that it was his professional opinion that to leave the stone where it was, add topsoil, and trying to get grass to grow would result in the topsoil ending up in the water. He reminded the Commission that the area is used to store the dock, so that every fall and every spring, the area was going to be disturbed. He concluded that stone was the best way to prevent siltation in that area.

Mr. Manasse added that in reviewing the Waramaug Task Force's letter, it almost sounded as if Mr. McGowan did not understand that this was an existing situation. Chairman Jewell countered that the Waramaug Task Force was perfectly aware of that. Mr. Manasse conceded, but continued stating that Mr. McGowan referred to plans, but very few people have plans for drainage systems put into their existing homes twenty years ago. Short of digging everything up in the regulated area to find out where the drainage system is, which would be extremely expensive. Mr. Manasse concluded that the Commission would be creating a problem, to which it would then have to find a solution.

Chairman Jewell said he thought that after the last meeting, Mr. Posthauer was going to have a machine at the site. Mr. Posthauer said that this was not the case; rather that he was to complete some additional tests, the results of which are on the new plan. He confirmed that the six inch pipe collects water from the roof drains. He stated that it was known that the field drains from the area around the gazebo also flow into the six inch pipe. It was assumed that the six inch pipe part of the footing drain system at the time the house was built. The four inch pipe, could not be tested without

disturbing the soil, but most likely was from that stone [French] drain that got silted-in and whose repair, as Mr. Manasse proposes, would be removed from the application. Mr. Posthauer continued that the four inch pipe would be cut back and capped if the Commission wanted, adding that he would suggest that it not be capped. If it were to be capped, the pipe would first be cut back flush to the ground where it comes out. The area would then be seeded. Mr. Posthauer believed that the pipe was clogged with silt and not working because upon testing, he could not get any water to come out of the four inch pipe. He cautioned against any digging, because, he stated, that digging was part of the problem that got the applicants where they are today. Mr. Posthauer added that the four-inch pipe appears to be newer than the six-inch pipe. He added that they could put a little hole in the bottom of the cap so that in case any water did come in, it could leak out. There would not be any erosion of the area because it could be seeded. He repeated that they would not need to actually go back in there to fully restore the area because the water would flow through the grass, which again, was a form of filtration. Mr. Posthauer stated that if there was silt at the end of the ramp, he might add a bit of fresh stone, and just make sure there is topsoil in that area instead of silt.

Mr. Willenbrock asked which pipe was sticking out into the water. Mr. Posthauer confirmed that it was the four-inch pipe and that they would just put a cap over it with a little hole in it so that any water in it could leak out, otherwise, it could freeze in the winter, burst, and cause more trouble. Mr. Willenbrock agreed that a hole would be needed, or else the work might have to be redone.

Ms. Sefcik wanted further description of the plan. Mr. Posthauer said he would not remove any material; he would leave the stone at the end of the pipe, remove the silt along with the top six inches of the stone, topsoil, and seed it. He suggested that this was simply doing lawn work. Mr. Posthauer continued, stating that they would just clean the stone out over the pipe along the property line and put a splash pad in where the chute from the driveway outletted. This, he said, would satisfy part of what the Waramaug Task Force wanted, which would be water running through grass, which is an excellent filter. Mr. Willenbrock agreed that grass was an excellent filter, but observed that it still runs through the stone and gravity will just bring it to the waterfront.

Mr. Posthauer broke in, countering that the water would not run through the stone because it was already plugged by silt. Ms. Sefcik confirmed that the water would be running overland after it hit the stone. Mr. Posthauer resumed that he was not worried about the topsoil going into the stone, because it was already filled with silt. They would put topsoil in and seed it. He would clean out the area so that the water would have a splash pad. They would get seed to grow and then, and the resulting grass would need only simple maintenance. In addition, Mr. Posthauer repeated, some of the filtration that the Waramaug Task Force is asking for could be achieved. The issue by the boat launch is that the docks are pulled up every year; if you put topsoil on that, every year you would be repairing what had gone into the lake.

Mr. Willenbrock asked how much water flowed down the chute to the French drain. Mr. Posthauer said that there was water coming off the driveway. Mr. Willenbrock concluded that there was going to be a mess. Mr. Posthauer pointed out that this was what was already happening anyway. By getting the work done sooner rather than later, by withdrawing one part of the application, some of the work could be done now. He added that any thunderstorms that might occur could take some of that silt and wash it into the lake. Their proposal would enable them to get in there and clean the whole thing up sooner rather than later.

Chairman Jewell asked about the wall. Mr. Posthauer said that they were not making an application for that. Mr. Manasse added that he believed that part of the problem was that the initial application had morphed into something other than the original, and yet which the applicant was willing to try to accommodate. Now, however, with the Lake Waramaug Task Force coming, everything has come to a screeching halt. Mr. Manasse continued that probably no work would get done this fall. With the applicants' plan, however, the site could be substantially restored to its condition prior to the replacement of the boat ramp, stabilizing whatever was disturbed, adding that everyone involved would have to "regroup."

Ms. Binns asked for clarification on which part of the application the applicants were withdrawing. Mr. Manasse, along with Mr. Posthauer, stated that the original application included the repair the curtain drain. Ms. Binns confirmed that the applicants were now seeking to amend the application for only

the after-the-fact boat ramp. Ms. Sefcik pointed out that the curtain drain was along the side and did not have an impact on the boat ramp. Ms. Binns wanted confirmation that the application would then have nothing to do with repairing the curtain drain.

Ms. Sefcik affirmed that the applicant's attorney and engineer were proposing to withdraw the curtain drain portion of the application, leave the repair of the existing boat ramp, subject to the remediation they were describing. Mr. Posthauer added that they were not proposing any new work in the area, therefore, the work and seeding of the area could be done immediately, rather than be delayed.

Ms. Shook spoke up, stating that she had been on the site walk where the concrete path to the boat ramp was and noticed a tremendous amount of erosion. She counted four places along the boat ramp where all new erosion had occurred. She questioned why Mr. Posthauer had proposed that adding topsoil and seeding made no sense. Mr. Posthauer responded by stating that the site plan in front of the Commission was also going to be withdrawn as part of the application. He repeated that the applicants were just asking for after-the-fact repair of the boat ramp, adding that he would have no problem putting more stone in if the Commission wanted.

Ms. Shook returned to her question stating that there were four specific spots where the soil had eroded and it looked to her as if all new drainage pipes had been placed. She said she had asked about the apparently new pipes on the site walk and didn't get an answer. Mr. Posthauer countered that there was nothing new, nothing recent. Ms. Shook responded that the pipes appeared bright and new. Mr. Posthauer said that some pipes will retain their color. He went on to say that the only drain pipe in the area was to the south, other than the [six-inch] trench drain, which had been there for some time. Mr. Posthauer said he would not have a problem with the commission directing them to put rip-rap or stone in eroded areas.

Ms. Shook persisted asking what would stop the erosion, because when she was on the site walk, what she saw had been newly eroded. Mr. Posthauer said that what he saw was that the soil over the rocks had eroded. Ms. Shook said she was just looking at gravel, that the water had created a gully, right into rock. Mr. Posthauer said that the erosion had occurred on either side of the drain. Ms. Shook pointed to the map and identified two other spots in which she had observed erosion. Mr. Posthauer repeated that they would gladly put rip-rap or more stone in the area rather than trying to replace it with dirt, and that they would mound the low spot up a little to force the water into the drain and they could put stone around that.

Ms. Shook repeated her question as to what would stop the future erosion. Mr. Posthauer said that the stone would be a permanent solution. Ms. Shook wanted clarification because she said there was already stone there and it had not proved effective. Mr. Posthauer said that there hadn't been stone at the outlet and he presented a picture showing a big rock, waterside, where he would put 3- or 4-inch stone, because the water coming out of the pipe would be fairly low velocity. The smaller stone would stabilize that.

Ms. Shook wanted clarification on whether this would prevent further erosion. Mr. Posthauer said it would, because he believed the erosion from the north side that was observed was caused by the dirt eroding over the stone and that is why he would put stone there. And at the much smaller area, he would like to put stone and direct the water into it, in order to catch it and prevent erosion, and on the backside of it he could put some more stone in case the first catch failed.

Pointing to the plan, Mr. Willenbrock asked for clarification on which 4-inch pipe they were talking about. Chairman Jewell corrected him pointing to another four inch pipe on the other side. Mr. Willenbrock wanted confirmation on where the pipe came from. Mr. Posthauer stated that there was a trench drain across the boat ramp. Mr. Posthauer said that the PVC pipe comes out of the south end of the boat ramp and goes down and out, following the wall. Mr. Posthauer stated that he had no problem with the Commission's approval on stabilizing that part of the boat ramp just addressed.

Ms. Sefcik wanted clarification on the scope of the proposed amended application, pointing out that along with the application, before the very first public meeting, the Kaichers submitted a letter stating that they would be adding more sand to the rock area of the boat ramp to restore the shoreline back to its original condition. Mr. Manasse responded stating that addressing the shoreline was not

anything they were trying to do now. Mr. Posthauer interjected that if the applicants had done that, it was without guidance from him, and that they would be withdrawing that part of the application as well. Mr. Manasse reiterated that the existing violation pertained to the boat ramp and it was the remedy of that violation alone that they were seeking. He said that if the Commission did not allow him to withdraw part of the application, they would have to agree to continue the hearing and there were only thirty something days left and then the Commission would have to deny the application owing to time limitations. At that point, Mr. Manasse continued, the applicants would not be able to do fix what was there.

Mr. Willenbrock wanted to know when the drainage pipe for the boat launch was put in. Mr. Posthauer said he did not know. Mr. Willenbrock asked if it was from the original construction. Mr. Posthauer said he did not believe it was that old. Mr. Willenbrock said it looked brand new. Mr. Favreau said it was probably put in when the concrete for the replacement boat ramp was put in. Mr. Willenbrock stated that such a thing would constitute new construction and it should be treated as such. Mr. Posthauer conceded that it was "new," but only from the point of view that it wasn't part of the original certificate of occupancy in 1991. Mr. Willenbrock responded that it should be addressed as the Lake Task Force was requesting; that the runoff should not be just dumping into the lake. Mr. Posthauer proposed that the solution was at the outlet, as was just talked about; that because of the location of the drain, there would be no room for the kind of work that the Waramaug Task Force talked about. Mr. Posthauer averred that goal was to prevent erosion and continued that the Lake Task Force's recommendation of a rain garden would not work in that area because it will get washed out. He stated that that water cannot be treated because of the location in relation to the lake.

Ms. Binns stated that she understood that the rain gardens the Task Force was recommending were for other areas. Ms. Binns then wanted clarification that that drainage was not going to be part of this application anymore. Mr. Posthauer affirmed that such was the applicants' goal. Ms. Binns ventured that, while part of the application was possibly going to be withdrawn, several people on the Commission seemed still to have concerns about erosion problems.

Mr. Posthauer said that the Commission could require the applicants to stabilize the area. Ms. Binns wanted to be shown where the stone would be placed. Mr. Posthauer pointed to the plan, stating that he wanted to try to establish grass in the area so he could force water into the drain; he said he did not think that could be done on one side of the drain. The grade was going downhill so they would back up the area with finer stone - he pointed to the pictures - which would eventually silt in and force the water overland.

Ms. Binns wanted to clarify that the planting of grass was no longer to be part of the application. Mr. Posthauer agreed. He restated that what Mr. Manasse was proposing, to withdraw part of the application, would enable the work to begin immediately and not have to wait until the spring.

Ms. Binns wanted to know whether the Commission could get something more specific regarding the work to be done. Mr. Posthauer suggested indicating on the current plan where the stone would be placed, and its purpose. Ms. Binns looked to the Committee, wanting confirmation on whether the proposed work would in fact stabilize it.

Ms. Shook directed a question to Mr. Posthauer for clarification. She wanted to know whether he was saying that if he put rock on the sandy beach then the water will not push away. Mr. Posthauer broke in, stating that there were separate issues, and he pointed to the plan. The one area was a short area with little runoff. He noted that some of the sand had come back up onto the boat ramp and he was not sure how that had happened, because the concrete was fairly steep. Mr. Posthauer continued that this was what the applicants wanted to prevent and that his plan was to put a mixed graded gravel, sand and stone in there. Ms. Shook broke in wanting to know why Mr. Posthauer thought that such material would not also wash away. Mr. Posthauer stated grass would eventually grow in and creep over the area. He explained that he would fill in the large voids with smaller stone and eventually grass would come up through it and further stabilize it over time.

Ms. Shook wanted to know why, if that were the case, grass hadn't yet grown in since 1991. Mr. Posthauer responded that it was because the voids hadn't been filled in. By filling in all of the voids with graded material, grass would be allowed to grow. Mr. Manasse added that the pipe may have

been put in as recently as when they replaced the boat ramp. Ms. Shook reiterated her earlier observation that the pipe looked new, but that she was told it was not. Mr. Favreau pointed out that you would have had to move the old pipe to get the concrete forms in place.

Ms. Binns wanted to know if there was a mechanism for approving the work proposed by the applicants, but requiring inspection of it, especially after heavy rains, and that if it is eroding again, requiring that it be redone in a better way. Ms. Sefcik informed her that conditions for approval are done all the time. The Commission could require the Enforcement Officer's inspection of the work as a condition of approval. Ms. Binns was concerned that what Mr. Posthauer was proposing was not very specific. Mr. Posthauer stated that the Commission could require the applicant to stabilize the area and if stabilization had not been achieved, then the job had not been done effectively. Ms. Sefcik advised that the Commission would definitely want to have something on a plan that can be referred to. Ms. Binns wanted to request a topographical map identifying specific layers of rock and other material, a map that guarantees that the work will be done in a certain manner.

Chairman Jewell announced that there were only three members of the Commission present who could vote on the issue, who have made every meeting.

Mr. Posthauer stated that he could not give the Committee the details as proposed by Ms. Binns, but that he could provide a written description of what he intended to do. Mr. Manasse asked if Mr. Posthauer's notations could be made directly on the existing plan.

Ms. Shook wanted to know if there was a time limit on when the repairs would be made. Ms. Sefcik responded that the permit is valid for a certain length time. Ms. Binns said she didn't think the Committee should continue the hearing to a later date, but was concerned that if the plan did not work, there was no remedy by the Commission. Mr. Posthauer said that Ms. Sefcik already possessed the authority to issue a violation if his remedy did not work. He stated that the regulations already protect what Ms. Binns was trying to cover. Ms. Sefcik affirmed that it was within her power, as stated in the basic application. Mr. Manasse agreed, stating that one could have the most complete plan in the world, but that if the end result violated the wetlands regulations, the Commission had the right to issue an enforcement proceeding.

Ms. Binns asked for clarification. It was her understanding that the only reason to continue the application was to obtain more information on the application. Ms. Sefcik responded that the Commission had only just heard this idea for the first time tonight; if the Commission thought it did not have enough information based on the new proposal, it was within its purview to continue the hearing.

Chairman Jewell said that in addition, much of the information was just received yesterday from the Waramaug Task Force and that it raised some concerns. There were issues with drainage, for example, and water coming through the wall. In addition, he acknowledged, when members of the Commission took the site walk other things became obvious, such as the drainage from the gazebo, etc. Ms. Binns did not disagree, but noted that none of the things cited by Chairman Jewell were relevant to the proposed amended limited application for the after-the-fact boat ramp. Ms. Binns agreed that the letter from the Lake Waramaug Authority was very interesting and informative; however, she did not see where the Commission was headed at the moment. Ms. Binns noted that she herself could not make a motion.

Ms. Sefcik followed up, summing up for the Commission what the applicants sought: an application was initially filed seeking a permit to repair the curtain drain, replace sand, and work on the boat launch. They are now proposing to withdraw the repair of the curtain drain and to withdraw anything to do with the sand. Mr. Manasse concurred. Ms. Sefcik continued that the applicant proposed maintaining the application for an after-the-fact permit to repair the boat launch according to the parameters suggested by Mr. Posthauer, and which should be designated on the plan. Ms. Sefcik acknowledged that there remained other unaddressed issues on the site and that if the Commission had concerns that they would not be adequately addressed by the amended application. They could direct Ms. Sefcik to issue a separate violation. Ms. Sefcik observed that it was up to the Commission to decide whether what Mr. Posthauer was proposing -- restoring the drain to the way it was, capping the end of it, and putting a stone pad at the end of the chute (and Mr. Posthauer added, cleaning the

existing stone of silt), thereby allowing the water to go overland, over the grass – would be a satisfactory reparation.

Mr. Manasse expressed that it was still not determined to what degree the neighboring property created the problem with the silt when it had a breakthrough. He stated that the siltation problem had not appeared measurable prior to that event. Ms. Binns and Chairman Jewell stated that there was no way of knowing how to apportion blame. Mr. Manasse stated again that the silty water did exist, but that it did not come from the applicants' property.

Ms. Binns wanted to know who could vote. Ms. Sefcik announced that only those who had been at every public meeting in the matter or had listened to the digital recording were eligible. Thus, Chairman Jewell, Mr. Willenbrock, and Mr. Caldwell were the only three eligible. She reminded the Committee that if it were to proceed with a vote, the Chairman would want to designate and seat the three on the matter and that three is a quorum of this Commission.

Mr. Jewell wanted to get Mr. Caldwell's opinion on the matter. Mr. Caldwell stated that if this issue were put in front of him irrespective of the boat launch, he would say that he concurred with Mr. Posthauer's assumption that there is very little room to do something like what the Task Force wants. What Mr. Posthauer proposed would probably be least disruptive to the area; it could "bullet-proofed" it in other ways, but the disturbance that would ensue in order to do that would not help. In the scope of things, Mr. Caldwell said that he believed that what Mr. Posthauer described doing would suffice. Mr. Caldwell said that graded stone to diffuse the water is probably the only thing that is going to work, given the limited space. He noted that it would require some maintenance from time to time to make sure it was in place and not eroding, adding that Mr. Posthauer was correct that grass would begin to grow and stabilize itself even further. He ended by giving his opinion that the pipes were pretty new and that whoever put them in did not understand certain concepts, and now the Commission was left with this. Short of redesigning the whole ramp, this is probably the best, least disruptive way of resolving the issue.

Mr. Jewell asked for Mr. Willenbrock's opinion. He stated that he agreed with Mr. Caldwell; however, he remained concerned that while grass does offer some filtration, water still runs over it and this would mean water from the driveway with oil and asphalt ending up in the lake.

Mr. Jewell stated that the applicant was withdrawing the driveway drainage issue from the application. Mr. Willenbrock conceded but stated his concern with regard to the property as a whole; he felt that the whole site needed to be reevaluated. He said what was being discussed was just a quick fix. Mr. Posthauer interjected that there was no road, just a lightly used, hardened driveway that would not generate many pollutants which the grass could not take care of. He pointed out that the water has over 100 feet to run through the grass and then a wooded area.

Mr. Posthauer returned to the issue of the boat ramp adding that they planned to put in what used to be called "processed stone," which was composed of various grades of stone to fill in the holes, which would support the inch, inch-and-a-half rock, which would allow the grass to grow.

Chairman Jewell asked for comments from Ms. Sefcik. She repeated that if the Commission wanted to go ahead and approve part of the application, notes should be made on the plan before them, describing the proposed work. Mr. Posthauer said what he was proposing to write was "place properly graded gravel with a protective surface of inch to two inch stone." Mr. Jewell reiterated his concern with the Waramaug Task Force's letter.

Mr. Manasse expressed his concern that that time would run out and the Commission would have to deny the application. He proposed that limiting the application to the boat ramp would allow the Commission to act now. Mr. Posthauer stated that he had prepared an entirely new, detailed plan; however, it was done before the Waramaug Task Force's report and therefore did not address the new concerns. Ms. Sefcik reminded the applicants' representatives that the information she was requesting had not changed from the initial hearing. That time was running out was not owing to any action or inaction by the Commission.

Mr. Caldwell was concerned that, while the Waramaug Task Force's recommendations did not apply to the specific area, would what is being proposed satisfy its concerns. Ms. Sefcik noted that the Waramaug Task Force's letter were opinions for the Commission's information. If the Commission felt that the way in which the applicants' engineer was proposing to resolve the problems at the boat ramp would work, it could decide to issue the permit. If the Commission wanted additional input from the Waramaug Task Force, the public hearing would have to be continued.

Mr. Posthauer suggested that new applications with their own time frame could be made to address the wall and the two drains. Ms. Shook concurred that making them separate issues would enable the Commission to make a decision on the boat ramp alone tonight. Mr. Jewell reiterated his concerns regarding the Waramaug Task Force's recommendations. Ms. Shook reiterated that it was the Commission that was charged with granting or denying the application.

There was discussion about whether or not the property would be in violation if the two parts of the application were withdrawn. Mr. Posthauer suggested that if any other violations were to be issued, they could be addressed separately.

Ms. Sefcik stated that if the applicant was ready to formally withdraw part of the application, it should be done now. Mr. Manasse said he had prepared the paperwork and presented it to Ms. Sefcik who accepted it. Ms. Sefcik stated that as the applicant was thereby withdrawing two portions of the application, the public hearing would now pertain to the boat ramp only. If the Commission retained concerns over the withdrawn issues, it could direct Ms. Sefcik to issue enforcement orders to be addressed in due course.

Chairman Jewell opened the hearing to the public directing them to consider only the issue of the boat launch area.

Mr. Mike Guadano of 31 Arrowpoint Road addressed the Commission. He agreed that to force the Kaichers to remove the boat ramp at this point would cause more issues than presently existed. He sought assurance that what is supposed to be done with regard to the Waramaug Task Force's recommendations for the boat ramp is being done. Mr. Guadano also stated that he would like the other issues that remained to be addressed.

Chairman Jewell invited further questions. Mr. Chris Pierzga questioned whether the plan was to drag the docks up every year. He concluded that the dragging would cause the trap rocks to wash away. Ms. Shook pointed out that there was to be no trap rock in front of the ramp, but rather, on the side. She asked for corroboration. Mr. Jewell agreed. Members discussed the width of the dock and the regulations for, and usual methods of, taking docks out of the water in winter.

Chairman Jewell asked Mr. Posthauer to write his remedy on the plan before the Committee. Mr. Posthauer obliged, read what he had written, and signed his name.

Ms. Shook made a **MOTION** to close the public hearing on the matter, **SECOND**, Ms. Binns; unanimously **APPROVED**.

#### 4. **PENDING APPLICATIONS**

##### **A. Arthur Howland & Associates, PC for DH Partners, 8 North Shore Road – Installation of Dock at Shoreline**

Mr. Paul Szymanski, PE addressed the Commission stating that since the last meeting, the original application had said 70 feet from the shoreline, the applicants have revised it to 71 feet from the shoreline. The change was submitted to the Zoning Board of Appeals. Ms. Sefcik stated that she had not yet received anything. Mr. Szymanski stated that he had submitted the plans at the beginning of the previous week. Ms. Sefcik said she would check with the Town Clerk on Monday. Mr. Szymanski stated that the only other modification to the plan was to make the main part of the dock six-tenths wider and one-and-one-half feet shorter, so that overall, it is actually six inches less long than on the original application. Ms. Sefcik asked about the request made at the



last meeting to show the existing dock slated for removal. Mr. Szymanski said he had not yet made that revision and would make note of it. Ms. Sefcik read into the record the email from Mr. Thomas McGowan of the Waramaug Task Force dated September 9, 2015 stating that, providing the plans were executed as presented, he foresaw no adverse effects on water quality. A copy of the email is attached hereto. Mr. Szymanski briefly reviewed how the dock was going to be attached to the lakeshore. He stated that existing boulders would need to be supplemented with fieldstone and mortar, then rebar and anchors would be inserted, and hinged dock anchors would be installed. Ms. Sefcik wanted confirmation that there would be no change to the existing boathouse. Mr. Szymanski confirmed that there would not. Ms. Sefcik stated that, from a wetlands perspective, she had no unaddressed concerns.

Mr. Willenbrock made a **MOTION** to approve the application for a permit, it was **SECONDED** by Ms. Shook, the motion was **APPROVED** unanimously.

**B. Chris Pierzga for Brian Zipp, 80 North Shore Road – Repair of Retaining Wall and Walkway at Shoreline**

Mr. Chris Pierzga stated that the applicant wanted to replace some rip rock at the footing so that the ice did not break it up again. Ms. Sefcik stated that a virtually identical application had been issued in 2006; the permit was allowed to expire. Thus, this application is being treated as completely new. In response to questioning, from Ms. Sefcik, Mr. Pierzga confirmed that the work would be done during a dry time of year, by hand, and that no equipment would be brought in. In addition, no mortar would be used in the walkway; however the repair in the wall was to be mortared. He confirmed that there would be about thirty feet by two feet of rip rock placed, but the wall was not to be extended. Ms. Sefcik said that the Commission would want to make the approval of that repair conditional upon its being done during a dry time of year.

Ms. Binns made a **MOTION** to approve the application with the condition that the work be done during a dry time of year. Mr. Willenbrock **SECONDED**, the motion carried unanimously.

**C. Richard & Josephine Kaicher, 33 Arrow Point Road – After-the-Fact Replacement of Concrete Boat Launch**

Chairman Jewell seated alternates Tom Caldwell for Dawn Blocker and Darrin Willenbrock for Nora Hulton to vote on the issue. Ms. Shook and Ms. Binns were not seated. Mr. Caldwell stated that under the circumstances what was being proposed, if done correctly, should mitigate the problem of erosion. He observed that the letter by the Waramaug Task Force did not address the specific difficulties particular to the single location now under consideration. Mr. Willenbrock agreed, that the after-the-fact conditions were now such that repairs to the area would be less disruptive.

Mr. Caldwell a **MOTION** to approve the application for the after-the-fact permit to replace the concrete boat launch, Mr. Willenbrock **SECONDED**, and Mr. Jewell voted in favor; the **MOTION CARRIED**.

**D. Arthur Howland & Associates, PC for Sam Gold, LLC, 108 North Shore Drive – Demolish and Construct Single Family Dwelling with Associated Drainage Improvements and Modifications to Septic System and Parking Area**

Ms. Sefcik stated that a Public Hearing in the matter was scheduled for the next regular meeting on October 22, 2015, and no action needed at this time.

**5. NEW APPLICATIONS (Receive and Determine Significance)**

A **MOTION** to amend the agenda to include a new application was made by Ms. Binns, **SECONDED** by Mr. Willenbrock, and unanimously **APPROVED**.

**Laurence Neufeld, 277 Milton Road (a/k/a 277 Blue Swamp Road) – Extension of Driveway in the Upland Review Area.**

Mr. Neufeld presented his application to the Commission. Chairman Jewell asked Ms. Sefcik if she could offer information. She informed the Commission that a permit had been issued in 2007 for the construction of a driveway. She showed to the Commission the plan submitted at that time. She stated that Mr. Neufeld was now seeking approval to continue the driveway through the regulated area. A Commission member wanted to know what the driveway would be composed of. Mr. Neufeld said it was not to be a hard surface, rather it would be gravel. Ms. Sefcik stated that a decision could not be rendered that evening and that a cross section of the proposed driveway indicating its composition was required. Mr. Neufeld added that there would be no tree or material removal and that the land was level. He also added that the eastern property line was shared with the Town of Litchfield. Ms. Sefcik informed Mr. Neufeld that Litchfield would have to be notified of the proposed work because it was within 500 feet of the property line.

Ms. Shook made a **MOTION** to receive and accept the application, Ms. Binns **SECONDED**, the motion was unanimously **APPROVED**.

**6. INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT**

Chairman Jewell asked for the Enforcement Officer's report. Ms. Sefcik announced that Richelle Hodza was hired as a part-time clerical assistant and would be taking the minutes. She added that there was nothing of significance to report; there were minor enforcement procedures taking place; and she expected new wetlands permit applications to be coming in.

**7. CORRESPONDENCE**

Copies of the latest edition of "The Habitat," the newsletter of the Connecticut Association of Conservation and Inland Wetlands Commissions (CACIWC, Inc.), were distributed to members.

**8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

**Discussion of, and Possible Action on, Drafting a Beach Maintenance, Best Management Practices Document**

Ms. Sefcik presented for the Commission's discussion a copy of the Town of Goshen's Beach Maintenance Best Management Practices. The document provides information regarding how to maintain existing beaches as well and links to information about how to conduct a shoreline stabilization project. Ms. Sefcik clarified that the purpose of the document was to provide recommendations, not requirements. The Committee again agreed that a similar pamphlet might be written and provided to Inland Wetlands applicants. Chairman Jewell made a **MOTION** to table the discussion until members had had time to read the document. Ms. Binns **SECONDED** the motion; and it was unanimously **APPROVED**.

Ms. Shook made a **MOTION** to adjourn the meeting at 9:08 pm. It was **SECONDED** by Chairman Jewell and unanimously **APPROVED**.

The next regular meeting of the Inland Wetlands and Conservation Commission is scheduled for **October 22, 2015**.

Respectfully submitted,



Richelle Hodza,  
Clerical Assistant to Stacey M. Sefcik,  
Inland Wetlands Enforcement Officer