



Inland Wetlands and Watercourses Agency

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REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, March 28th, 2024 at 7:00 PM

This meeting was held remotely, via ZOOM.

CALL TO ORDER: Meeting was called to order at 7:00 pm by Chairman P. Bassermann

ROLL CALL: Chairman P. Bassermann, Commissioners D. Gocłowski, M. Ormrod, M. Papantones, S. Botta, C. Begemann. Also present was Inland Wetlands Staff J. Frederick and K. Blanchette

1) **MINUTES FOR APPROVAL:**

- a) March 14th, 2024 Regular Meeting Minutes-Commissioner Papantones made a motion to approve the minutes. Commissioner Gocłowski seconded. Motion carried 5-0-1 (Commissioner Begemann abstained).

2) **PUBLIC HEARINGS:**

- a) IW#24.01.02 | 38 Howard Ave | pervious patio and landscape retaining walls and shed-Attorney Kevin Walsh-attorney representing the applicant-questioned Roy Dunn, of Dunn Landscaping, who constructed the wall, and Charles Brown, structural engineer, who inspected the wall, regarding the manner in which the wall was constructed. Concrete poured as a base over the ledge as a base for the modular blocks, which were pinned into the ledge with rebar. The concrete was poured directly onto the ledge as opposed to on top of soil to provide stability to the base. It was necessary to clean off the ledge of the soil in order to have good adherence. Rebar was drilled and epoxied to ensure stability. Modular blocks were then placed on top of the concrete and rebar. There is also concrete and rebar placed behind the wall for additional reinforcement, with a geotextile fabric that extends out from the wall into the driveway/patio area to provide stability. Geotextile fabric is covered with stones and soils, which causes the geotextile fabric to compress and pushes out any air pockets below it. Engineer Brown indicated that it is standard and accepted wall construction. Roy Dunn stated the initial plan (Phase I), involved only constructing a 3 foot wall. However, the project evolved and when the patio was added, it was necessary to raise the wall in areas to make it better aesthetically. Commissioners Papantones and Botta requested to see plans for the Phase I and Phase II construction design. Kevin Walsh, attorney, indicated that he did not believe a “Phase II” plan existed but will try to submit something to the commission. Roy Dunn indicated that the driveway slopes to the rear wall, where it is first met by a 6-8 foot planting area. Jim Pretti, PE from Criscuolo Engineering discussed the pitch of the ledge pre wall and post wall construction and the proposed lowering of the wall. Charles Brown, PE concurred with Jim Pretti that if they lowered the wall it would still be structurally sound, even more so than it is now. Keith Ainsworth, attorney for the intervenors-had questions related to his client’s property at 34 Howard Ave, including whether any of the work required to lower the wall would involve workers on the property of his clients. Also indicated that the spot elevations on the proposed plan show that there is some sloping toward the property at 34 Howard. Robert

Sonnichsen, PE from Waldo & Associates was questioned by Attorney Ainsworth on the pitch of the wall and the previously existing ledge, as well as where the water from roof at 34 Howard drains to (the road as opposed to the rear of the house). IW Agent J. Frederick questioned the applicants on whether the section of wall encroaching on 34 Howard Ave was planning to be removed or if it was not part of the application. Attorney Marjorie Shansky and Engineer Jim Pretti indicated that it was NOT part of this current application, however it will need to be addressed eventually. All work proposed will be done solely on 38 Howard. Attorney Shansky indicated that revisions will be provided showing that more clearly should a public hearing extension be requested. Rafael Aschettino, PE commented on the infiltration and flow of water from the patio behind the wall. Indicated that photos indicate that it is trap rock behind the ledge, and the function of the trap rock is to allow water to flow through it. After the water percolates down the crushed stone, it is going to want to follow the least restrictive path, meaning it will go into the fissures of the ledge which then flow toward the foundation of 34 Howard Ave. Indicated that soil removal from in between the properties caused a change in the flow and retention of the water. Bob Russo, soil scientist from CLA Engineers indicated that the commission did not have an opportunity to view the site conditions prior to the construction of the wall, and was unable to provide input regarding the activities that would have been proposed. Attorney Kevin Walsh summed up for the applicants that they acknowledge that they are seeking a permit after the fact and that it prevented the commission from providing input before the work started, however they have many experts on the record indicating that there was no adverse impacts to the wetlands, they have had experts on the record stating that the wall construction was structurally sound, and that the only individual who had done calculations regarding water runoff was Jim Pretti, as no other parties had done so. Also commented on the comments regarding the area between the homes as being denuded of soil and vegetation, and provided a photograph after the wall construction showing that there was in fact soil and vegetation present after the wall was constructed. Bob Russo, soil scientist refuted the claim that it was left with soil and vegetation, as the vegetation that was shown was at the top of the wall by the road and no other vegetation was present. Intervenors Sofia Noori and Stephen Diaz-Romero indicated that they were thankful for the additional information that was provided by the applicants, however, feel as though there are still too many unknowns and are still hoping for a denial of the application. Attorney Marjorie Shansky granted an extension to the commission to hold open the public hearing to the April 25th meeting, and agreed to confirm in writing.

3) ENFORCEMENT:

- a) Notice of Violation | 38 Howard Ave | retaining wall & associated activities-TABLED pending review of application
- b) Consider whether to issue cease and correct orders relative to Regulated Activity conducted without a permit at 34 Howard Ave and 38 Howard Ave (activity subject to notice of violation sent on April 24th, 2023) -TABLED pending review of application
- c) Notice of Violation | 72 Parish Farm & 10 High Meadow Rd | regulated activity without a permit
 - i) Tabled pending review of application

4) APPLICATIONS FOR REVIEW:

- a) IW#24.02.01 | 380 Shore Drive | 1 story art studio with support spaces and breakfast nook-IW Agent J. Frederick-applicant had an additional \$16 due for the application

fee due to a miscalculation of the area of disturbance, which has since been paid. The commission also requested at last meeting an erosion control maintenance and inspection schedule, which was submitted. Staff report prepared with proposed conditions for consideration. Commissioner Papantones made a motion to approve the applications with the Conditions for Consideration in the staff report for the meeting dated 03/28/24, along with the standard conditions and general provisions of all permits. Commissioner Begemann seconded. Roll Call Vote:

Papantones-aye

Ormrod-aye

Begemann-aye

Gocłowski-aye

Bassermann-aye

Motion carried unanimously.

- b) IW#24.02.02 | 1-17 Beacon Hill Road and Beacon Hill Road (formerly part of property known as 83 Rose Hill Rd) | New Active Adult Residential Community- Doug Anderson-property was purchased in 2020 with a previous approval in place. New proposal is for a 22 unit active adult residential use. Buildings made up of 2, 3 and 4 units as well as a pickleball court. There will be controlled management of the site with a board. IW Agent J. Frederick discussed the peer review process for the commissioners and applicant. Commission decides what kind of review they determine is necessary, type of professionals, requests proposals, make a selection of the firm that commission wishes to have complete the peer review, applicant submits the funds, peer review is completed and results presented to the commission. Commission requested a site walk be scheduled for April 11, 2024 at 5 pm, continued review to April 11th regularly scheduled meeting.
- c) IW#24.03.01 | 72 Parish Farm Road & 10 High Meadow Road | Grading and New Barn
 - i) Possible agent review per March 14th meeting-TABLED

5) **OTHER BUSINESS:**

- a) IW#13.06.03 | 47 Gould Lane (at time of subdivision) | open space residential development
 - i) Request for release of bond-tabled at April 11th meeting.

6) **APPLICATIONS FOR RECEIPT:**

- a) BRIW#24.03.02 | 45-81 Short Rocks Rd | pole bridge and associated trail work
 - i) Work already started- pole bridge replacement. Was not part of the work permitted a few months ago.
- b) IW#24.03.03 | 22 Howard Avenue | replacement of crumbling retaining wall
 - i) Possible agent review-due to the need to access the wall from the neighbors property, authorization is required from neighbor.

7) **AGENT APPROVALS:** none

8) **CORRESPONDENCE AND ANNOUNCEMENTS:** none

9) **ADJOURNMENT:** Chairman Bassermann adjourned the meeting at 11:52 pm.

Respectfully Submitted,

Katy Blanchette