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Seymour Inlands Wetlands Commission
Regular Meeting Minutes
7:00pm February 24th, 2020

Members Present: Michael Flynn, Tim Connors, Jim Forsyth, PJ Wetzler,

Members Absent: Brian Koskelowski

Others Present: Bryan Nesteriak, Jim Baldwin, Mike Marganski

1. Call to Order

Meeting was called to order at 7:02.

2. Pledge of allegiance

All stood for the pledge of allegiance.

Jim Forsyth asked the Commission to make a motion to add an item #10 which is the appointment of Jim Baldwin as assistant inland wetlands officer.

Motion to add the item by Tim Connors.

Seconded by Mike Flynn.

Michael Flynn- yes Tim Connors-yes Jim Forsyth- yes PJ Wetzler-yes

4-0

3. Public Comment

There was no public comment.

4. Minutes, Acceptance Public Hearing Meeting January 27th, 2020

Motion to accept: Mike Flynn

Seconded by: Tim Connors

PJ Wetzler- abstained

Michael Flynn- yes Tim Connors-yes Jim Forsyth- yes PJ Wetzler-abstained

3-0-1

5. Minutes, Acceptance Regular Meeting Minutes January 27th, 2020

Motion to accept: Mike Flynn

Seconded by: Tim Connors

Abstained- PJ Wetzler

Michael Flynn- yes Tim Connors-yes Jim Forsyth- yes PJ Wetzler-abstained

3-0-1

6. 8 Spruce Brook Road; Application for permit-Filling and Grading

Mike Marganski stated that this was an enforcement action for bringing in fill into an area that was perceived to be wetland. Marganski showed the map and described where the fill would be put in. It does not appear that there would be anything significant and he is in favor of the property.

Bryan Nesteriak said that he believed that this was going to be handled administratively and it would not be going through him.

Jim Forsyth asked if this was the map the staff showed them that had trees involved.

Staff said yes.

Jim Baldwin said that what this applicant is trying to do here is file for application, start doing some of the work of filling in some of the area that is not in the wetlands. What he wants to do is regrade his driveway so he can back out. Technically he is in violation of working within the 100 foot review area. A cease and desist was placed on that portion of land. They had soil erosion control specialist come in and the report is in front of the commission. If there is no significant impact, we can handle it from an administrative point. The contractor this homeowner hired basically told him that there was no issue and he did not need a permit for the work being done.

Tim Connors made a motion to accept the application.

Seconded by Mike Flynn.

Jim Forsyth asked if there was any discussion on if this was a significant impact.

Michael Flynn- yes Tim Connors-yes Jim Forsyth- yes PJ Wetzler-yes

4-0

Tim Connors made a motion to vote that it is not a significant impact.

Seconded by Mike Flynn.

Michael Flynn- no Tim Connors-no Jim Forsyth- no PJ Wetzler-no

0-4

All in favor that this is not a significant impact.

Tim Connors made a motion to pass this application over to staff to have it handled administratively from now on.

Seconded by Mike Flynn.

Michael Flynn- yes Tim Connors-yes Jim Forsyth- yes PJ Wetzler-yes

Mike Marganski brought up concern from the applicant about not doubling the fee for the doing the work without a permit. He wants to express concern from the point of the applicant just because that is going to come up.

Jim Baldwin said that the only thing with the fee doubling is the home owner was not aware. In this case, the homeowner hired a contractor that told them they did not need an application. The homeowner stepped up to the plate and fixed everything.

PJ Wetzler said that he believes the homeowner, stepped up to the plate and did what he was supposed to do, so he does not have a problem with that.

Mike Flynn asked how much the fees are.

Marganski said that it would have been \$210 for this, so \$420 if the fee were doubled.

Bryan Nesteriak said that the fees are supposed to cover the administrative cost, not be a penalty. In his opinion he does not think this has not cost the town any more than if they had submitted the application on time. It is up to the Commission because the regulations let them choose. He said whatever they Commission choses, they should try to come up with a consistency so they can use this going forward.

Mike Flynn said that they need to be aware what a reasonable person would do and he understands that people don't always know the law but that doesn't make it legal to do what they do.

Jim Forsyth said that he thinks some type of penalty needs to be imposed, whether it's half the fee or the whole thing.

PJ Wetzler said that he thinks that they should take this on a case by case basis and double the fees when needed.

The Commission decided to keep it the way things are, and not change the fee.

7. 2 High Ridge Road

Mike Marganski said this started as a complaint from 8 Spruce Brook when they noticed this neighbor was doing work and not being visited by enforcement. There is nothing significant being done. Mr. Herman the homeowner hired a soil scientist that did determine there was no significant impact. The bank on the property has been stabilized and cleared off with tree removal. Last month the application was approved administratively. The permit fee would be doubled, and the applicant did not like that, so they decided to come to the Commission to have this figured out. The applicant also asked for 5 or 6 trees to be planted. Mr. Herman did request that if he does have to pay a fee, he would like to take more trees down.

Mike Herman, 2 High Ridge Road, spoke to the Commission and said in his backyard where his lawn meets the woodline he has another 100 feet until the property line ends. He wanted to take down the first line of trees that are hanging over his playset in the yard. He said it was about 6 trees. He was told by the scientist but that he did not need a permit for it but it would not hurt. When he first got called for his issue at his house, he needed the soil scientist report and he would have to pay a double fee but that would be discussed at the Commission meeting last month. That double fee was never brought up so when he went to pay his permit fee and it was doubled he was upset.

Jim Forsyth asked where the trees lie within the 100 foot review of the wetlands.

Herman said that there is a brook that divides his whole property, so technically his whole yard is considered within that review area. He did not know this when buying the house.

Tim Connors asked about the trees in the back and if Jim Baldwin had saw them.

Jim Baldwin said yes and that his opinion was that if its in that 100 foot review area, its not in the wetlands. He said he thinks they should be able to take these trees down.

Jim Forsyth said that they did not request a survey to be done, and now this is becoming a problem. As the board, they do not have anything to reference what is the wetlands and what is not.

Bryan Nesteriak said that this Commission is based off of state statute in 1972. It said that there are wetlands in the state that should be protected and here are the guidelines that should be followed. 15 or 20 years ago the town went from a 50 foot upland review area to a 100 foot upland review area. All this means is that if someone will do any work within a legally defined watercourse or wetland, they may need to get a permit. Ultimately the statute is there to protect the functions of a wetland. That is why this Commission must determine what is significant, and what is not. What this application comes down to is, do you want to make the homeowner go through the thousands of dollars process of getting the survey done on his property, or just say it is not that big of a deal and here is what he needs to do to move forward.

Mike Flynn said he understands not everyone is a legal expert and the average citizen does not know the laws on inland wetlands. In his opinion, it is not a huge deal cutting down a few trees. Including the ones that are not already taken down.

Jim Baldwin said that they had already worked on this and it is a closed deal.

Herman said that he wanted to plant things along the bank the whole time, his only issue is that he does not want to pay the double fee.

Jim Forsyth said this seems to be an issue generated between two neighbors, with one pointing fingers at the other one. They need to keep everything the same in terms of everything.

Mike Marganski said that they this fee will remain doubled and he will put a minimum of 6 trees along planting. This will be put onto the permit. And there will be no activity done on the rear of the property unless he comes in.

Forsyth said that there might need to be further discussion on that and they are not able to make a call on that right now.

Mike Herman said that he does not want to come back in front of the Commission and show lot plans and everything just to take out more brush by his trees.

Forsyth said that no that is not what they said, all they are here for is finding significant impact. This Commission is asking the staff to do some work on what is the significant impact.

Mike Herman said that he is trying to avoid having staff at his house when he has his wife, a young baby, and young babysitters. He does not want future issues because of the kid across the street from him who is a town EMT and called on him.

Jim Baldwin said that very simply the compliance part process would be, the homeowner would identify which trees he want to take down. If it rises above the part of staff knowing it's a significant impact, then that might be a different judgement call, but it sounds like it will be something that is relatively simple. The staff will make sure to announce their presence onto your property and make it work with the homeowner.

Mike Flynn asked if there needed to be a ruling on this and the staff said no.

8. 31 Silvermine Road; Storm Water Management Application

Jim Forsyth said that last month they accepted the application. It went to staff for review.

Bryan Nesteriak said that he reviewed this application and came up with 3 conditions for them.

1. The existing bituminous swale shall be inspected, cleaned and repaired as needed. Town staff shall be notified and shall ultimately approve any work that is completed on the swale, prior to the issuance of a certificate of occupancy.
2. The submitted Stormwater Management System Operation and Maintenance Plan shall be implemented as recommended with regular inspection and status reports submitted to the land use department.
3. A final as-built, certified to both A-2 and T-2 accuracy standards shall be submitted and approved by town staff prior to the issuance of a certificate of occupancy.

Jesse Judson went over the presentation that was given during the meeting last month. He listed the recommendations from the last month, and how they accommodated them.

Mike Flynn made a motion to approve the applications with the 3 conditions Bryan Nesteriak was recommending in the letter 2/24.

Tim Connors seconded.

Michael Flynn- yes

Tim Connors-yes

Jim Forsyth- yes

PJ Wetzler-yes

All in favor.

9. 5 Bassett Road

Jesse Judson was representing Matthew Chikos the applicant. The applicant purchased this property last spring and needed many improvements including tree damage, issues with the site, and issues with the deck. There is a slope behind the house about 8 to 10 feet. There was an original underdrainage under the site, and over the years it has failed and been crushed throughout the site. There is a wetland downhill on the property. For the most part the wetlands are on the town property. The applicant has been cutting trees and cleaning the tree debris and the underdrains have caused several problems. This caused runoff down the driveway. He

excavated an area along the edge of the driveway, created sediment traps along the way and installed a pipe along the driveway. Hay Bales have been installed to protect the wetlands. The proposal includes:

- Resurface the gravel driveway with 4 inches of broken stone
- The utility company recommended installing a new pole and underground surface to the house along with removal of the trees along the accessway
- Proposed a new curtain drain system behind the house and 3 yard drains which goes into a catch basin and drainage outlet
- Add a proposed addition of a new inlaw apartment (which is approved)

Jim Forsyth asked if this was the result of an enforcement action.

Marganski said that yes. He wanted to mention that the trees are a safety hazard and a few of them he could push over himself. The homeowner took his plans over to the conservation commission and they saw no concerns and they are supportive of him taking them down. In those areas, the trees that are being taken down are marked. He has taken down some of the town trees at his own expense. Marganski said that it is a mud pit up there and it is very bad.

Tim Connors made a motion to accept the application and forward it to Bryan Nesteriak.

Mike Flynn seconded.

Michael Flynn- yes Tim Connors-yes Jim Forsyth- yes PJ Wetzler-yes

All in favor.

Judson asked if the applicant could be granted the permission to work and fill in the upper sediment trap now.

The Commission said they would prefer it if Bryan Nesteriak looked at the plans first and then decided what to do.

10. Appointment of Jim Baldwin to Assistant Wetlands Enforcement Officer

This would be done so that if an applicant came into the office and needed something signed, Jim could do the work incase Mike is not around, the process could be moved along quicker.

Tim Connors made a motion to appoint Jim Baldwin as Assistant Wetlands Enforcement Officer.

Mike Flynn seconded.

Michael Flynn- yes Tim Connors-yes Jim Forsyth- yes PJ Wetzler-yes

All in favor.

11. IWE Officers Report

Mike Marganski said that there is a potential enforcement issue coming up. He will keep the Commission in the loop when there is more information.

12. Public Comment

There was no public comment at this time.

13. Commissioner's Public Comment

Jim Forsyth said thank you to Mike Marganski for all the work he does with the public.

14. Correspondence

None.

15. Adjournment

Motion by: Mike Flynn

Seconded by: PJ Wetzer

Michael Flynn- yes

Tim Connors-yes

Jim Forsyth- yes

PJ Wetzer-yes

4-0

Meeting was adjourned at 8:19pm.

Submitted by,

Malia McCool