

**Town of Goshen
Inland and Wetlands Commission
Regular Meeting Minutes
Thursday, October 6, 2022 7:15PM**

Present: Chairman Tom Stansfield, Ray Turri, Brandy Summerlin (Zoom) and Rick Wadhams

Excused: Phillip Koenig, Allen Kinsella and Lorraine Lucas

Others: Martin Connor, Dennis McMorrow, Laura Lutjen, Bill Colby, Mike Cegan, and Fred Erik Nilsen.

1. Call Meeting to Order: Mr. Stansfield called the meeting to order at 7:15PM. The proceedings were recorded digitally on Zoom and available on the Town of Goshen website.

2. Reading of the Minutes: The minutes of the regular meeting of September 1, 2022 were reviewed by the Commissioners and the following corrections were noted: 1. Regular Meeting Motion Listing: should be Regular Meeting Minutes. 2. Page 5 Motion for Eric Trattner should be ACCEPTED and NOT approved.

MOTION by Mr. Stansfield and seconded by Mr. Turri, it was VOTED to accept the minutes from the September 1, 2022 regular meeting with noted corrections. Motion carries.

4. OLD BUSINESS:

- A. Michael A. Cegan for Karen Ross, 153 West Hyerdale Drive - Regulated activities include a building addition, deck, renovations, permeable terraces, stone walls and boulder slopes, permeable and solid stone steps, a new dock. Mr. Cegan gave a brief overview since he did a full presentation last meeting. Mr. Turri said that he saw in the minutes it was not a significant activity and he made a motion.

MOTION by Mr. Turri and seconded by Mr. Wadhams, it was VOTED to approve the application Michael A. Cegan for Karen Ross, 153 West Hyerdale Drive - Regulated activities include a building addition, deck, renovations, permeable terraces, stone walls and boulder slopes, permeable and solid stone steps, a new dock based on plans dated August 19, 2022. Motion carries.

- B. Richard B. Rosiello for Peter and Mariel Goodson, 167 West Hyerdale Drive - After-the fact application, within the 100' regulated area: repair/restore the compromised existing lake wall south of the dock. Mr. Rosiello gave a brief description of the new plans that he had given to Mr. Connor and that they plan to remove the existing wall and do a new one. The wall will be mortared, fabric and weed poles will be needed. A row of hay bales will be used for erosion control and once approved by IWC he will go to ECC for approval. Mr. Connor stated this is a better plan and he can call if he runs into any problems. It was stated that no machinery will be in the water and a short discussion was had on waiting until they lower the water level.

MOTION by Mr. Turri and seconded by Mr. Wadhams, it was VOTED to approve the application for Richard B. Rosiello for Peter and Mariel Goodson, 167 West Hyerdale Drive - After-the fact application, within the 100' regulated area: repair/restore the

- C. Eric Trattner, 158 East Hyerdale Drive - Demolish existing dwelling, rebuild on existing foundation with additions, modify driveway, AC units, generator pad, fence and curried propane tank in upland review area. Mr. McMorrow did a brief review and the only change since last month was to the entryway and it is slightly bigger and showed a revised plan dated September 29, 2022 with the change. Mr. Turri, is the sewer chamber affected? Mr. McMorrow said no it is a gravity chamber and will be checking it when doing the driveway. Mr. Connor recommends approval as submitted.

MOTION by Mr. Turri and seconded by Mr. Wadhams, it was VOTED to approve the application for Eric Trattner, 158 East Hyerdale Drive - Demolish existing dwelling, rebuild on existing foundation with additions, modify driveway, AC units, generator pad, fence and curried propane tank in upland review area using revised plans dated September 29, 2022. Motion carries.

- D. Laura Lutjen, Lot 131 West Hyerdale Drive - Construct driveway, drainage, utilities, garage and patio in upland review area. Construct elevated dwelling and elevated walk in wetlands. Permanent wetland impact is 256 sf, temporary wetlands impact 4000sf and upland review area disturbed is 0.25 acres. Mr. Stansfield stated that we do have time to review. Mr. Turri, we do have a few people missing, but he has reviewed everything and he is good with all questions answered. Mr. Stansfield, I have a motion prepared but if we are not comfortable we can hold off. Mr. Wadhams, Ms. Summerlin and Mr. Turri are all comfortable.

MOTION by Mr. Stansfield and seconded by Mr. Turri, it was VOTED to approve the application for Laura Lutjen, Lot 131 West Hyerdale Drive - Construct driveway, drainage, utilities, garage and patio in upland review area. Construct elevated dwelling and elevated walk in wetlands. Permanent wetland impact is 256 sf, temporary wetlands impact 4000sf and upland review area disturbed is 0.25 acres. In reviewing the above Inland Wetlands application, plans, documents, and testimony presented at the public hearings on August 4, 2022 and September 8, 2022, it is my opinion that the construction proposed will have no adverse impact on the wetlands or watercourses. In accordance with Section 10 of the Town of Goshen Inland Wetlands and Watercourses Regulations, I recommend that the application be approved with conditions.

Whereas Laura Lutjen has made application for regulated activities within 100 feet of wetlands or watercourses, including Construct driveway, drainage, utilities, garage and patio in upland review area.

Whereas said application contains the following maps and plans titled, "Site Development Plans Bridge House, Prepared for Laura Lutjen," Lot 131 West Hyerdale Drive, Goshen, Connecticut," dated June 30, 2022, revised July 26, 2022, sheets EC1, S1, E1-E2, & D1 and "Bridge House Laura Lutjen," by LRM Design, dated 6/30/22 revised 7/22/22, sheets 1-6.

Whereas, the Inland Wetlands Commission of the Town of Goshen convened and completed public hearings on this application on August 4, 2022 and September 8,

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2022:

Whereas, the professional advisors have reviewed said application and provided written and verbal reports to the Commission on this application;

Whereas, the Inland Wetlands Commission of the Town of Goshen, has evaluated the application according to the standards and criteria for a decision per Section 10 of the Town of Goshen Inland Wetlands and Watercourses Regulations, in carrying out the purpose and policies of Section 22(a)-41 of the CT General Statutes, including matters related to regulating, licensing and enforcing the provisions whereof, the Commission has taken into consideration all relevant facts and circumstances. The proposed regulated activities do not represent a significant activity per Section 2 of the Town of Goshen Inland Wetlands and Watercourses Regulations. The Commission finds that there is no reasonable likelihood of adverse impact to the wetlands and watercourses from the regulated activities proposed.

NOW THEREFORE BE IT RESOLVED by the Inland Wetlands Commission of the Town of Goshen that the aforementioned application is approved with the following conditions:

1. If the authorized activity is not completed within Five years from the issuance date of: October 6, 2022, said activity will cease and, if not previously revoked or specifically renewed or extended, this permit will be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the Town of Goshen. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.
2. The permittee will notify the Inland Wetlands Enforcement Officer upon commencement of work and upon its completion. A pre-construction meeting shall occur on site prior to construction.
3. All work and all regulated activities conducted pursuant to this authorization will be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein will constitute a violation of this permit and may result in its modification, suspension or revocation.
4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.
5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee will employ the best management practices as outlined in the 2002 CT E&S Guidelines, March 2002 edition and all amendments, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. For information and technical assistance, contact the Wetlands Enforcement Officer. The permittee will immediately inform the Commission of any problems involving the wetlands or watercourses that have developed in the course of, or that is caused by, the authorized work.

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7. No equipment or material including without limitation, fill, clippings, brush, construction materials, or debris, will be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit. Any such activity not authorized by this permit may be just cause for revocation of the permit.

8. This permit is subject to and does not derogate any rights or powers of the Town of Goshen, conveys no property rights or exclusive privileges, and is subject to all public and private rights to all applicable federal, state and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Goshen.

9. If the activity authorized by the inland wetlands permit also involves activity or a project that requires zoning or subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.

10. The permittee will maintain sediment and erosion controls at the site in such an operable condition as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee will correct any such deficiencies within 24 hours of said deficiency being found. The permittee will maintain such control measures until all areas of disturbed soils at the site are stabilized.

11. Erosion and sedimentation controls are installed and inspected prior to start of construction. A cash bond shall be posted in an amount approved by the Inland Wetlands Enforcement Officer for installation and maintenance of the erosion and sedimentation controls.

12. To ensure proper treatment of the wetlands and watercourse throughout construction there shall be periodic wetlands inspections and consequent reporting that shall take place by a certified representative on a frequency that will be developed and determined between the contractor and the town staff, prior to construction. The frequency will be based on construction activity. A report shall be submitted on a monthly basis, when construction activity is more than 25 feet outside of the watercourse and on a bi-weekly basis when construction activity is within 25 feet of the watercourse, and over the river. Reporting will also occur after a major weather event or a significant construction milestone. Each report will be shared, directly after each visit, with the entire project team and the Land-use office. Mr. Turru Yay, Mr. Wadhams Yay, Ms. Summerlin Yay. Motion carries.

E. Fred Erik Nilsen, Milton Road Tax Assessor's Map 06-010-06 - Inland Wetlands Violation, Clearcutting within regulated area. Mr. Colby reviewed the plan and indicated that they need to get site stabilization done then go forward with site development. It was noted that the left side of the driveway was also unstable. Mr. Turri asked if the driveway was approved. It was outside of the regulated area. Mr. Colby reviewed his plan. It was noted that instructions from the last meeting were not completely followed and no landscape architect was hired or a plan presented to the

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commission. There was disagreement on how the stabilization should be handled and more discussion was had. Mr. Connor also talked about the fact that this never would have been approved and was glad Mr. Colby is helping with the terrible damage that was done and all the phone calls he is getting on this problem. Removing the stumps was discussed and if that was the appropriate thing at this time and why isn't revegetation being done. Mr. Stansfield, we need to work on the violation then work on the end. It was decided (as it was put in the motion last month) that they will need to come back with a plan and topo and to have a discussion with a landscape architect. There were different ideas on how to stabilize and they decided on the following: they need to stabilize embankment on the driveway; slope stabilization will need 3 levels including silt fence, silt sock over hay bales and only use a mini excavator for the work. Mr. Nilsen asked if he could do some cleanup by hand and was told yes. Mr. Stansfield stated that if Mr. Colby notices anything to come back to Mr. Connor.

5. NEW BUSINESS:

A. **Kathleen Neuhausser for Joseph ET AL Ruzbasan, 140 Sandy Beach Road - Excavate for new foundation. TABLED**

B. **Ellen Howard-Cooper, 83 Milton Road - Excavate for farm pond 15'x20'x3' for bee keeping and herb garden.** Mr. Connor gave a brief statement of what this was for and that it should be declared 4.1.A agricultural use. Mr. Stansfield asked if it was in the wetlands. Mr. Connor does not show on map and does not think it is. Mr. Stansfield stated that he would like her to let Mr. Connor know when she starts and for Mr. Connor to take a look to make sure we are not overstepping.

MOTION by Mr. Stansfield and seconded by Mr. Turri, the Commission makes a finding that this is an agricultural use by right per Section 4.1.A of the Goshen Inland Wetlands Watercourses Regulation for Ellen Howard Cooper, 83 Milton Road, Excavate for farm pond 15'x20x3' for beekeeping and herb garden. Motion carries.

C. **Richard McCarty, Landscape Design Management for Stefan & Atkinson, 201 West Hyerdale Drive, Remove old wood dock connecting dock & patio, build new stone patio 12'x15' - Mr. Connor, removing a wood dock that is attached to a deck and building a stone patio to replace it. Not any significant activity and I believe we can accept the application and Mr. McMarty can come next month and answer questions.**

MOTION by Mr. Stansfield and seconded by Mr. Turri, it was VOTED to accept the application for Richard McCarty, Landscape Design Management for Stefan & Atkinson, 201 West Hyerdale Drive, Remove old wood dock connecting dock & patio, build new stone patio 12'x15' Motion carries.

D. **William Colby for 261 Shean LLC, 261 Hageman Shean Road, Construct new dwelling and driveway. Utilize existing septic and well - Mr. Colby did a brief presentation. There was an existing house that was demolished and it has existing septic and well that will be used. Placing the house as far forward as possible working**

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on getting Torrington Area Health approval and should have by next meeting. The house will be 44 feet off the nearest wetlands point and they tried to front load the property as much as possible to keep away from the wetlands. More discussion was had on the well. Mr. Connor visited the site and the plan is pretty much all you can do with the property. Do need to get TAH approval before the next meeting.

MOTION by Mr. Turri and seconded by Mr. Wadhams, it was VOTED to accept the application for William Colby for 261 Shean LLC, 261 Hageman Shean Road, Construct new dwelling and driveway. Utilize existing septic and well. Motion carries.

E. Emily Phalen, 24 Tyler Lake Heights - Septic system repair. TABLED

6. INLAND WETLANDS ENFORCEMENT OFFICER REPORT: Mr. Connor gave a brief review of this month's report. It was asked if Action Wifelife finished the pond and it has.

MOTION by Mr. Wadhams and seconded by Mr. Turri, it was VOTED to accept the Enforcement Officer Report. Motion carries.

7. CORRESPONDENCE: Correspondence email reviewed.

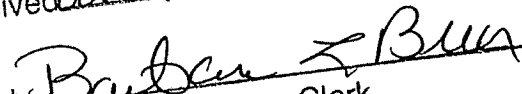
8. ADJOURNMENT: MOTION by Mr. Wadhams to adjourn the meeting at 8:25PM. Motion carries.

Respectfully Submitted,



Lori Clinton
Commission Clerk

Received Oct. 10, 2022 3:06 P.M.

Attest 
Goshen Town Clerk