

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
TUESDAY, JULY 5, 2011 TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Sue Ryan, Victoria Elliott, David Keepin, Robert Wesneski, Donald Prigitano, Alternate Member Marie Etter seated for R. Orciari. Absent: Robert Orciari, Garrett Jacques, LUC Polly Redmond and IWZEO Karen Nelson.

SHOW CAUSE HEARING

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Burnett called the hearing to order at 7:08 p.m. and a quorum was established.

2. JEFF BLACKWOOD FOR DOUG BLACKWOOD – NOTICE OF VIOLATION FOR DEPOSITION OF MATERIAL AND POLLUTION INTO REGULATED AREAS WITHOUT A PERMIT, 76 WILDCAT HILL ROAD.

Jeff Blackwood is present for his father, Doug Blackwood. As noted in the IWWC minutes from 6/6/11, a letter has been received in the land use office from Pamela Simeone, 72 Wildcat Hill Road, regarding septic work being done at 76 Wildcat Hill Road, owner: Douglas Blackwood. A curtain drain was installed with discharge at the Simeone property line and runoff washing out her dirt driveway. Ms. Simeone also has concerns over wetlands in the back of her property. Mr. Blackwood states that sand covering two tanks washed onto the neighboring Simeone property and silt fence has since been installed. Bob Smith, TAHD, visited the site and suggested ideas for drainage. Mr. Smith informed LUC Redmond in a phone conversation that a permit was taken out on 6/18/10 but work couldn't be finished by October due to inclement weather. A wetlands application was never filed in the land use office therefore causing IWZEO Nelson to issue a Notice of Violation dated 6/14/11 and a Show Cause Hearing Notice dated 6/29/11. Ms. Simeone is also present and states her driveway has been fixed though water is still coming across her property (not causing damage). Mr. Blackwood informs the commission that the septic contractor, Paul Sokolik (present), will soon be top soiling and seeding the area. Chairman Burnett suggests to Mr. Blackwood that Sean Hayden, Northwest Conservation, be contacted to take a look at the wetlands and discuss what should be done about deposits in the wetlands. Mr. Blackwood is informed that an after-the-fact application must be filed in the land use office and Mr. Wesneski suggests a plan for remediation be done by Mr. Blackwood's engineer, Gary Giordano. D. Prigitano **motioned to continue the Show Cause Hearing to the next meeting, August 1, 2011**, seconded by R. Wesneski. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:30 p.m. Quorum remains with M. Etter seated for R. Orciari.

2. APPROVE MINUTES OF PREVIOUS MEETING: 6/6/11.

V. Elliott **motioned** to approve the minutes, seconded by D. Keepin. D. Prigitano would like it be known that item 7 on the 6/6/11 agenda was taken up for discussion after item 8. He also questions what the outcome of the Land Use Coordinators search on the two year permit information previously brought up at the 4/4/11 IW meeting. *For the record, commissioners were previously given a copy of CT Wetlands Law (blog of Atty. Janet P. Brooks) by LUC Redmond that discussed Raised Bill 859, An Act Extending the Time of Expiration of Certain Land use Permits. Within that text, Atty. Brooks' blog of 3/15/11 states that "Permits may have a life of between 2 and 5 years, depending in part on the discretion of the municipal agency and in part on whether certain zoning approvals are also required.")

The motion to approve the minutes passed unanimously.

3. DECISION - RICK ROGERS – APPLICATION FOR SEPTIC REPAIR, 17 BIRCH HILL ROAD.

No one is present to represent.

4. DECISION - PAUL DRESKIN – APPLICATION FOR 10' X 15' DECK, LANDING, RAMP AND STAIRS, 36 BEACH DRIVE.

No one is present to represent.

5. **DECISION - GARY GIORDANO FOR WILLIAM PALUMBA – APPLICATION FOR SINGLE FAMILY DWELLING, 194 DELAY ROAD.**

Mr. Palumba is present. D. Prigitano **motioned** to approve the application as a regulated non-significant activity, seconded by R. Wesneski. Plans by Gary Giordano titled Improvement Location Survey and Subsurface Sewage Disposal System Design, dated 5/21/11, revised 6/10/11. Motion passed unanimously.

6. **DECISION - MATHES DEVELOPMENT – APPLICATION FOR SINGLE FAMILY DWELLING, 28 RIDGEWOOD DRIVE.**

Mr. Mathes is present along with his engineer, Dennis McMorrow, Berkshire Engineering. R. Wesneski **motioned** to approve the application as a regulated non-significant activity, seconded by D. Keepin. Plans by Berkshire Engineering dated 6/3/11. Mr. McMorrow made a change to the plan for footing drainage being released beyond the stone wall on the property and now shows drainage released before the wall. Motion passed unanimously.

7. **DECISION - GRJH/SUNOCO GAS STATION – APPLICATION FOR MODIFIED SITE PLAN FOR NON-PERMITTED AFTER-THE-FACT ACTIVITIES, 207 BIRGE PARK ROAD.**

Jason Dismukes, Civil Engineer, is present to represent. Mr. Dismukes points out issues GRJH is trying to accomplish with the well. He points out on the site plan the well area for the new gas station and states that the CT State Drinking Water Division determined this is a transient water system which the state regulates. There is an artesian well that does not have an adequate drain and the state is requiring it to have such drain. He is working with the health dept, and it has been determined that a catch basin behind the building is the best way to adequately drain around the building. They can tie in the well overflow into that drainage catch basin and then the catch basin will be tied into the existing manhole behind the building. Mr. Dismukes states that there is a septic system out in front and with the neighboring well finally located, it is found that there is an encroachment on the well. The septic tank now needs to be moved so it is 75 feet from that well and they also need to meet a setback of 10 feet from the property line, which has been met with a measurement of 11 feet.

Site plans have been sent to W.M.C. Consulting Engineers and Steve McDonnell visited the site with Mr. Dismukes. An email dated 7/5/11 has been received in the land use office from S. McDonnell which states they have reviewed the latest plan entitled "Drainage Improvements prepared for GRJH, Inc., 207 Birge Park Road, dated 5/2/11, revised 6/6/11, and it is their opinion that the referenced plan adequately addresses the drainage, septic system and water supply well issues. A 6/30/11 email from W.M.C. did question the 150 s.f. of wetland disturbance on the neighboring property (199 Birge Park Road, formerly owned by Sabolcik) and if this work requires an easement and a wetlands application with the current property owner as applicant.

Mr. Dismukes states that Gil Roberts, TAHD, is reviewing water issues while Bob Smith, TAHD, is reviewing septic issues. The two seem to disagree on matters and at this time there is no written approval from TAHD. Chairman Burnett refers to a past IWZEO report that did mention communication issues with TAHD. Mr. Dismukes states that the septic is in and functioning with no problems. R. Wesneski questions what the water issue is with water going out to the road? Mr. Dismukes states that that is the unknown. He spoke with Bob Smith and states there are two possibilities; one being that there's a yard drain beside Iffland's garage in front that catches water along the side of the building and there's also a clay tile pipe that goes to a catch basin out to the road. The question is did that get disturbed when the septic went in? If so, it will be found out when the tank is tied in, and if so, the contractor will fix that and Mr. Dismukes states he will oversee the work along with Bob Smith. Mr. Dismukes states another opinion may be that the existing leaching field is in the front of the building and is it ground water that is just passing through the leaching field and running down the pipe that was installed for septic system? This is another possibility and it's a little trickier to solve if that's what it is. They may need to seek a variance from the health department to put a drain up gradient to cut that water off and get it to the catch basin.

Bob Wesneski questions whether this will create another regulated activity with Mr. Dismukes stating he doesn't believe so. At this time Mr. Dismukes asks if the commission can approve this application with condition that TAHD approval be submitted. Chairman Burnett states he feels comfortable in approving with the receipt of W.M.C. Consulting Engineers final report stating "We take no exception with the Commission approving the non-permitted after-the-fact activities."

Mr. Prigitano questions the lack of contours on the plan. Mr. Dismukes states he pointed out at the May meeting elevations that were shot in the area behind the building. The surveyor shot the elevations behind the building which was adequate enough to get the storm drainage to work. To get contours, and to mean anything, Mr. Dismukes explains, you'd have to shoot at an interval throughout the site so contours are accurate, to depict what's there. When doing small areas, this is not uncommon to take shot elevations in a small spot to achieve the goal required. Chairman Burnett explains that the site is well developed already with Mr. Dismukes agreeing that the original approved site plan for construction, even with minor changes made behind the building, are pretty consistent.

D. Keepin **motioned** to approve the application as regulated non-significant with **condition** that TAHD approves the site plan entitled "Drainage Improvements prepared for GRJH, Inc., 207 Birge Park Road, dated 5/2/11, revised 6/6/11, and approval is received from the State Health Department. Motion seconded by V. Elliott and passed unanimously.

8. **WILLIAM GILBERT, GILBERT CONSTRUCTION, REPRESENTING JOHN & JULIE COMBS – APPLICATION FOR DAM RESTORATION, 250 WILDCAT HILL ROAD.**

No one is present to represent.

9. **ROBERT BARWIKOWSKI FOR SUZANNE MASON WALKER LIVING TRUST – APPLICATION FOR 32'X 34' DETACHED GARAGE, 57 PLYMOUTH ROAD.**

Mr. Barwikowski is representing Douglas Walker. A site plan by Augustine LePore, Jr. (no date, no seal) showing the entire property is reviewed. A compilation plan by Ronald McCarthy dated September 2010 showing the proposed garage and approximate wetlands location is reviewed. Proposed placement of the garage will be 50 feet to a wetlands on a six acre lot according to Mr. Barwikowski. The compilation plan does not show flagged wetlands or certified distance from wetlands to the proposed garage. The commission asks for prudent and feasible alternatives to being further from the wetlands. There is also question on who flagged the wetlands out lined on the site plan. R. Wesneski **motioned** to not accept the application as it is incomplete. The applicant is to A) provide reasons why the garage can't be 100 feet from the wetlands and B) to provide a soil scientists report after the wetlands have been delineated.

10. **INFORMAL DISCUSSION – PROCEDURES ON ENFORCEMENT.**

Tabled until a final copy on Procedures is received from the Land Use Coordinator.

11. **ANY OTHER BUSINESS.**

None.

12. **COMPLAINTS/ENFORCEMENT ACTIONS.**

IWZEO Nelson is to inspect the property of Rick Rogers for septic repair, 17 Birch Hill Road and report to the commission. (IWZEO Invoice includes a June 16, 2011 E&S control check for septic repair at request of IWWC.) She is also to look into tree clearing at Bull Pond, permitted to the Land Trust (see item 13).

13. **CORRESPONDENCE.**

Copy of article from Register Citizen on cleanup of Bull Pond. LUC Redmond questions whether additional IW permits are needed for leveling of land and enlarging parking lot. Permit issued was for clearing trees only. Membership renewal notice received for Connecticut Association Conservation and Inland Wetlands Commissions. Commission asks that LUC Redmond renew.

14. **INVOICES.**

V. Elliott **motioned** to approve IWZEO Nelson's invoice for 9 hours @ \$35.00 (\$315.00) for May 1 – June 18, 2011, second by D. Keepin. Discussion on IWZEO's invoicing takes place. M. Etter **motioned** that in the future, the IWZEO report be submitted before an invoice for that report's period of time and that that dated summary/report be available for mailing in the agenda a week prior to the IWWC meetings, seconded by D. Keepin. Both motions passed unanimously.

15. **ADJOURN.**

D. Prigitano **motioned** to adjourn the meeting at 8:35 p.m., seconded by V. Elliott. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator
Via Sue Ryan's notes and audio recording