

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
MONDAY, MAY 2, 2011 **TOWN HALL 7:00 P.M.**

Present: Chairman Bruce Burnett, Sue Ryan, Robert Orciari, David Keepin, Robert Wesneski, Don Prigitano, Alternate Member Marie Etter and Land Use Coordinator Polly Redmond.
Absent: Victoria Elliott and IWZEO Karen Nelson

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:00 p.m. All regular members present are seated and Alternate M. Etter is seated for V. Elliott.

2. APPROVE MINUTES OF PREVIOUS MEETING: 4/4/11.

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by S. Ryan. Motion passed unanimously. Concerning Item 6, R. Orciari asks the Land Use Coordinator to investigate the information of “eliminating the possibility of a two year permit” as he believed permits were for five years.

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

Jason Dismukes, Civil Engineer, Goshen, CT is present to represent. An Inland Wetlands application is submitted along with a \$260.00 application fee. All commission members have received a copy of a letter from Gilbert Roberts, Director of Environmental Health, Torrington Area Health District, to Alicia Metz, GRJH, Inc., dated April 11, 2011 which remains on file in the Land Use office.

Mr. Dismukes states that the plan provided tonight shows the proposed activity and activities that took place which were not permitted under the previous permit. These unpermitted activities took place during septic system installation. Mr. Dismukes states that when he talked to IWZEO Nelson, he understood her to say that the IWWC wanted to know what went on that wasn't on the previous wetlands permit.

He refers to a site visit of the property that took place July 2010 with Town Engineer, Steve McDonnell, W.M.C. Consulting Engineers, Chairman Bruce Burnett, Zoning Chairman Ronald Sherlock, Robert Smith, TAHD, IWZEO Karen Nelson and LUC Polly Redmond in attendance. At that site visit it was determined that the bioswale, permitted under the original wetlands permit, should be removed. There were issues with grading in the back of the building towards the swale and there was standing, stagnant water draining towards the building. A proposal was to install a catch basin, deep sump and hood, in place of the bioswale, and tie in to the drainage line and install a catch basin. The purpose was to collect surface water behind Iffland's garage and the parking spaces and to catch water behind the building. The catch basin, if lowered in grade a bit, would get positive drainage away from the building and collect the water coming from behind Iffland's garage.

In addition, outlined in a hatched area shown on the plan provided tonight by Mr. Dismukes, shows the approximate regulated area that would be disturbed under the proposed conditions of this plan. Mr. Dismukes states that one proposed condition which is dictated by TAHD, is the need to put in an over flow from the well and tie it into the catch basin. The well is under artesian pressure and not being drained properly, which may be why water samples are coming up with problems (non-fecal coliform bacteria).

Mr. Dismukes states that it is his belief that TAHD is confident that when a proper drain is put on the well that the problem should be resolved. That is part of this proposed plan according to Mr. Dismukes.

Mr. Dismukes notes that another thing which required the bioswale to be removed was access to the back hill to get the septic fields in. The area was saturated, the driveway was unstable and trucks could not get back there. Mr. Dismukes states he was verbally given the go ahead to remove the bioswale and fill it in. He explains that it was filled in and Robert Smith, TAHD, and the septic installer were out there one day and saw water bubble up out of the ground. He adds that on the adjacent property, there is an artesian well and that well is being drained. There's a well line that runs right down the watercourse that tied into an old artesian well behind the GRJH building and this is what was draining underground behind the building. With TAHD's recommendation, the installer found the well line, cut it and daylighted it in the middle of the watercourse. One can now see the watercourse draining freely down the watercourse, through the

culverts, and out and is not causing a problem with the building. This is one of the activities that occurred which was not under the previous wetlands permit

Mr. Dismukes states that lastly, during septic installation, a concrete culvert running across the driveway was crushed by septic sand trucks coming in for septic work. It was replaced with two culverts allowing more opening than what was originally there and the driveway was put back when the septic system was done.

Mr. Dismukes states he visited the site tonight and saw that the silt fence is all back up along the property. He is aware that this commission requests W.M.C. Consulting Engineers to review the plan for the catch basin. Mr. Dismukes states he has a detail for the well overflow for TAHD and he also has to go to the State Health Department in Hartford. One of the proposed activities for the Health Department is the connection for the force main from the pump chamber which has to be excavated and inspected to see if the right connection is there for the back corner.

Mr. Orciari questions if they are uncovering the adjacent land owner's well, as mentioned in G. Roberts 4/11/11 letter, with Mr. Dismukes stating it is in the process of being agreed upon between neighbor and excavator. Mr. Orciari questions if it is possible the septic system is within 75 ft of the adjacent neighbor's well with Mr. Dismukes explaining that the adjacent property owners say, "this is where the well is" but with no survey showing location the surveyor refuses to excavate without knowing for certain because if he is wrong, and flags an area for the septic tank, believing it to be 75 feet from the neighbor's well and it isn't, he is liable. Mr. Dismukes continues stating that there was question regarding who has the burden to produce the well location and the State Health Dept. said GRJH is, but Mr. Dismukes states they can't just go on someone's property and start to dig, there has to be an agreement between both parties and Mr. Dismukes notes that it has been very difficult to contact the adjacent property homeowner.

R. Orciari questions, if the connector or the septic is within 75 feet of the neighbors well, what would the outcome be? Mr. Dismukes states the septic system would need to be relocated. Mr. Dismukes doesn't know where the tank is going to be placed and not sure if it will be in a regulated area. Everything hinges on locating the well in the neighbor's yard. R. Wesneski asks whether TAHD has an idea on the location of the well with Mr. Dismukes replying, no, but once the well is located he believes it will be outside the 100 foot regulated area where the septic tank is going to go. The current tank is in the regulated area but is filled with sand and crushed from septic truck traffic.

R. Orciari questions how much water is coming out of the artesian well? Mr. Dismukes states he doesn't have a good handle on that and doesn't know the history of the well but he does know that when he was out there, when the swale was filled in, he could see water running downhill. But in the winter he didn't see much coming out of the stream, just a trickle and he assumes it was a seasonal flow. R. Orciari asks if there are two artesian wells, with Mr. Dismukes stating yes, one was abandoned, which was located off the side of the driveway where you go up the hill, and that is presumably where one well line tied into the lower well. He notes that both were hand dug wells, not drilled. R. Wesneski asks how far away the end location of the force main is from the property line. Mr. Dismukes states that the force main comes from the septic tank but questions if it is the sanitary sewer Mr. Wesneski is referring to. R. Wesneski states he thought they were pumping up and then to the end of the outlet. Mr. Dismukes points out the location of the distribution box on the site plan. R. Wesneski asks if this is where the anticipated location of the well that needs to be located is. Mr. Dismukes states that it's along the property line and that it is this well (neighboring) that is impacting the septic on Iffland's garage area in the front. R. Wesneski questions if this is shown on the plan presented tonight with Mr. Dismukes replying, no, it is not, that there's a tank placed beside the original tank but it's not located. It will be located once the well is located. R. Wesneski states that it should be shown on the plan.

S. Ryan questions why it has taken two years to locate the neighbor's well with Mr. Dismukes answering that TAHD is giving GRJH to the end of May to have the tank removed and that it is being worked on in the next few days to locate the well.

S. Ryan questions where the 75 feet from the property line lies for a potential septic location with Mr. Dismukes replying, somewhere in the middle of the parking lot. R. Wesneski asks if it will work there and Mr. Dismukes replies that he doesn't know yet.

R. Wesneski asks what the next steps are and Mr. Dismukes answers, locating the well. The property owner has agreed to allow it, it is just a matter of trying to coordinate it and they are hoping it can be done this week.

Chairman Burnett notes that this commission can accept the application with condition that TAHD approves the septic or can deem the application incomplete. Mr. Dismukes states that local area health gives until the end of May and the State Health Department gives to the end of June to put the well overflow in.

R. Wesneski asks whether that is in writing with Mr. Dismukes stating he believes it's in G. Roberts 4/4/11 letter. He notes that the food license service runs out July 1st and again, unless the well overflow is in and all is in compliance will that be renewed.

LUC Redmond questions whether modified plans have been sent to the Water Supply Section of the State Health Department yet, as noted in G. Roberts letter. Mr. Dismukes states that the State Health Department will review this plan for the adapter and it will be adequate as it is.

Mr. Dismukes explains that GRJH felt compelled to get an application in tonight because there was talk of assessing fines if they did not. He believes they will be working diligently to comply with TAHD and the State Health Dept.

Motion by R. Orciari to deem the application incomplete, seconded by D. Keepin. Motion passed unanimously. Once the site plan is complete, the commission asks that the Land Use Coordinator receive it as early as possible in order to have W.M.C. Consulting Engineers review it in a timely manner.

The \$260 application fee and wetlands application is not accepted.

LUC Redmond notes that the wetlands application should be initialed to agree to terms of the applicant assuming engineer costs and the DEP reporting form should be completed as well.

4. WILLIAM MERCHANT – APPLICATION FOR SEPTIC REPAIR/INSTALLATION, 111 CLEARVIEW AVENUE.

Mr. Merchant is present along with Rick Rogers of Earthwork Construction. Septic System Repair Design by Berkshire Engineering dated 9/14/10 is reviewed. It is noted that the septic system is failing and repair will be with an S Box system. The proposed work is not in the wetlands but is within 100 feet of wetlands. It will remain 75 feet away from the well on the property. Work involves removing everything, bringing in new sand and the footing drain shall be relocated. Robert Smith, TAHD, will be meeting with Rick Rogers tomorrow. R. Orciari **motioned** to approve the application as a use of right with condition TAHD approval is brought to the Land Use office. S. Ryan seconded the motion and it passed unanimously.

5. JARED BRADDOCK – APPLICATION FOR CLEANING OUT OF SEASONAL BROOK, 247 HILL ROAD.

Mr. Braddock is present and explains that he would like to clean out some of the underbrush and brambles in the brook in the front of his property. R. Wesneski notes that if there will be use of a machine then erosion control measure would need to be in place. Mr. Braddock will be getting an engineered plan and will present it to this commission. Work is proposed for the fall. R. Wesneski suggests cleaning out the brush in the summer when it is dry and seed in the fall.

6. JARED BRADDOCK FOR PICKETT BROOK PROPERTY, LLC – INFORMAL DISCUSSION – RELOCATION OF DRIVEWAY, LOT 9, FOX HUNT WAY, FOX HUNT SUBDIVISION.

Mr. Braddock states that the driveway will remain in the approved location.

7. WILLIAM PALOMBA – APPLICATION FOR WETLANDS CROSSING FOR DRIVEWAY CONSTRUCTION, DELAY ROAD, B5-03-26.

Mr. and Mrs. Palomba are present and informs the commission that site plans are still being drawn. The lot is part of Oakwood Acres Subdivision, 1987. Mr. Palomba explains that he purchased the property under the premise there were no wetlands on site. A neighboring property owner installed a culvert under their driveway and his property has since become wet, which could be just a drainage issue. Tom Stansfield of Goshen is flagging the wetlands and Gary Giordano will be providing the site plan. Option of gravel

material being placed under the driveway in order to allow water to pass through or pipe and catch basin might be another option.

8. ANY OTHER BUSINESS.

The Land Use Coordinator has signed off on three applications:

Mark Cardello, 11 Spring Hill Road, for inground pool. No activity within 100 feet of wetlands.

Supreme Industries, lot 3, Fox Hunt Way, single family dwelling. No change from subdivision.

Steve Kaczynski, 77 Burlington Road, 30' x 36' storage building. No activity within 100 feet of wetlands.

9. COMPLAINTS/ENFORCEMENT ACTIONS.

IWZEO Nelson's report is received and will remain on file in the land Use office. She reports on open issues with GRJH, notes there are no changes concerning Fred Pesce, notifies the commission of her inspection at the Crain property, 55 Harmony Hill Road and information concerning MR Bart (Bartlett Construction), 389 Valley Road, which she believes falls under the jurisdiction of the Army Corp of Engineers for any concerns of parking commercial vehicles on site due to its proximity to the Naugatuck River.

Discussion on Enforcement Procedures takes place. The Zoning Commission is in the process of writing up procedures and encouraging the use of Investigation Reports that include information on time of arrival, departure, who made the complaint and against whom, contact person and information on violation reported. The IWWC would like to review the procedures once completed.

R. Orciari questions attaching a fee to applications for cleaning out brooks and emergency septic repairs. He believes these types of applications should not be charged a DEP fee. The Land Use Coordinator will investigate what the DEP fees must be applied to.

10. CORRESPONDENCE.

None.

11. INVOICES.

R. Wesneski **motioned** to approve the invoice of IWZEO Nelson for 3 hours, seconded by D. Keepin. Motion passed unanimously.

12. ADJOURN.

D. Prigitano **motioned** to adjourn the meeting at 8:20 p.m., seconded by S. Ryan. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON, CT
ON 5-6-11 AT 11:28 AM
ATTEST: PATRICIA K. WILLIAMSEN, TOWN CLERK