

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING

MONDAY, MARCH 7, 2011

TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Sue Ryan, Robert Orciari, Robert Wesneski, Victoria Elliott, Land Use Coordinator Polly Redmond and IWZEO Karen Nelson.

Absent: David Keepin, Alternate Don Prigitano and Alternate Garrett Jacques

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:00 p.m. All members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 2/7/11

R. Wesneski **motioned** to approve the minutes of the previous meeting with the correction of Item 6 to read: motion was seconded by R. Orciari (omit R. Wesneski). V. Elliott seconded the motion and it passed unanimously.

3. GRJH/SUNOCO GAS STATION – CONTINUED SHOW CAUSE HEARING – MODIFIED SITE PLANS REQUIRED FOR NON-PERMITTED AFTER-THE-FACT ACTIVITIES, 207 BIRGE PARK ROAD.

Mr. Lloyd Helm is present to represent GRJH. A letter dated 3/7/11 from Jason Dismukes, P.E., Consulting Engineer for GRJH has been received tonight with accompanying photos showing the back of the property directly behind the convenience store. The letter explains that it is understood that there are outstanding items in need of completion at the site and in particular, a proposed drainage structure in the vicinity of the former bio-retention basin. The letter continues with the reminder that Harwinton's Consulting Engineer, Steve McDonnell, W.M.C. Consulting Engineers, and Mr. Dismukes discussed installing a curb-less catch basin in this area, located behind the convenience store. In order to do this though, field survey work must be done and at this time remains impossible due the unusual amount of snowfall this winter. Mr. Dismukes confirms that once the ice melts and access to the site is possible, a survey and engineering work will be completed. Letter and photos will remain on file in the Land Use office. IWZEO Karen Nelson explains to Mr. Helm that conditions of the site have changed since the installation of the septic system, including drainage, and TAHD still has open items concerning the installation/completion of the system and has not yet signed off on. She confirms that Jason Dismukes is currently working with Bob Smith of Torrington Area Health District and that an overall site plan taking everything into account should be presented and reviewed by this commission. Chairman Burnett states that GRJH's engineer should be aware that the fact is some bioswale should be installed and should not go in until this commission has reviewed and approved it. Mr. Helm will make sure Mr. Dismukes is aware of this. R. Orciari refers to the last IWWC meeting where it was said that if plans were not presented by tonight, the Show Cause Hearing would be over and the applicant would have to reapply. Chairman Burnett believes there is a hardship in this case, with weather conditions as they were, and that the commissioners may decide to continue the hearing. R. Wesneski asks if IWZEO sent a letter, as requested at the last meeting, reminding GRJH that soil and erosion control measures on the site will be required, inspected and maintained until the final plans are submitted, reviewed and approved and properly implemented in the field. IWZEO Nelson has sent a letter out dated 2/25/11. S. Ryan **motioned** to continue the Show Cause Hearing (for the last time) to Monday, April 4, 2011 at 7:00 p.m. in the town hall, seconded by V. Elliott. Motion passed unanimously.

4. REVIEW DEP LEGISLATION & REGULATIONS ADVISORIES (2009 AND 2010).

Motion made by R. Orciari to table this item until after Item 7. COMPLAINTS/ENFORCEMENT ACTIONS.

S. Ryan seconded the motion and it passed unanimously. **Motion** made by R. Wesneski to add to the agenda item Complaints/Enforcement Actions, Ronald Sherlock, 49 Harmony Hill Road. R. Orciari seconded the motion and it passed unanimously.

COMPLAINTS/ENFORCEMENT ACTIONS

Mr. Ron Sherlock, 49 Harmony Hill Road and Mr. James Sawyer, 37 Harmony Hill Road are in attendance along with Carol Crain, 55 Harmony Hill Road. Accompanying Carol Crain is William Gilbert, Gilbert Construction, who has been contracted by Ms. Crain in connection with her permitted activity of constructing an indoor riding arena. Mr. Sherlock has concerns over stockpiled dirt located within 100 feet of a wetlands on the Crain property. There is another area of stockpiled material further west into the property but not within 100 feet of any wetlands or watercourse. Mr. Sherlock notes that he is here with concerns for his property, in particular, a pond on his property, and that in no way is he here representing the Zoning Commission, of which he is a member. The original written complaint came in to the Land Use office from Cheryl Sherlock, wife of Mr. Sherlock, on 2/15/11. IWZEO Nelson visited the Crain property and was bringing this matter before the commission tonight to ask for direction on how to proceed. The stockpiled material, there since December 2010, is frozen at this time of year and IWZEO Nelson believes silt fencing would be impossible to install. A copy of the Crain's engineered site plan, submitted at the time of her application, accompanies the Sherlock complaint letter along with pictures of the perennial stream and the surrounding area. It is Mr. Sherlock's belief that a permit should have been taken out through both the IWWC and the Zoning Commission for proposed grading of the property. Ms. Crain explained that the stockpiled material to the east will be graded over an outcrop of rocks so the area could be mowed instead of bush hogged and the stockpiled material to the west will be spread out and the area seeded for pasture purposes. Mr. Sherlock presents photos of the perennial stream taken today and states that vegetation along the stream is indicative of wetlands and wetlands soils beyond the edge of the stream making the stockpiled material perhaps even closer to wetlands than it appears. Upon questioning Mr. Gilbert on the amount of earth moved on the property, Mr. Gilbert claims that approximately 1800 yards total with perhaps 15 truck loads brought to the eastern portion of the property. Mr. Sherlock is troubled by this revelation and states that a Zoning permit should be taken out for over 50 cubic yards of earth disturbance. Mr. Sherlock questions whether a wetlands application should be filed with Chairman Burnett explaining that the activity of grading could be considered an agricultural use and a Declaratory Ruling application should be submitted by Ms. Crain. R. Wesneski suggests that a double row of hay bales be placed along a fence line close to the stockpiled material to the west and ring the smaller, pile of dirt to the east with staked hay bales. The commission asks that IWZEO Nelson inspect the property to ascertain that hay bales have been placed in their proper places. R. Orciari notes that with heavy rains predicted for Thursday, the hay bales should be put into place as soon as possible. Ms. Crain is asked to return to the commission's April 4, 2011 meeting to make application for a Declaratory Ruling.

Returning to Item 4: REVIEW DEP LEGISLATION & REGULATIONS ADVISORIES (2009 AND 2010).

R. Wesneski believes the 2009 and 2010 advisories contains wording that could be plugged into the Wetlands Regulations. Land Use Coordinator Redmond had found a 2/25/2000 letter from DEP Bureau of Water Management that included preliminary draft version of guidance material intended for CT's municipal Inland Wetlands Agencies who are planning to address vernal pools as a distinct type of watercourse within their regulations. Copies were made for commission members who ask that the LUC contact DEP to find out if mandated regulations were ever addressed. The item will be placed on the next commission's agenda for further discussion.

5. ANY OTHER BUSINESS.

LUC Redmond informs the commission that she signed off on a wetlands application submitted by **Frank Morton, 579 Plymouth Road for a 24' x 28' garage**. The structure is approximately 115 feet to a wetlands located in the front of the property as shown on site plans by Meyers Associates P.C., Waterbury, CT dated 11-1-10 submitted by Mr. Morton.

Chairman Burnett explains that alternate member, Garrett Jacques, has been in contact with him and explained he is finding it hard to attend IWWC meetings due to his work. Member terms that expire at the next annual town meeting are: Robert Orciari, Robert Wesneski and Tim Bobroske, who has recently resigned his position. Mr. Orciari and Mr. Wesneski agree to remain as members of this commission.

6. COMPLAINTS/ENFORCEMENT ACTIONS.

IWZEO Nelson updates the commission on the status of a proposed application being submitted by Fred Pesce, 529 Burlington Road. Atty. William Tracy is preparing to file an application and Robert Green Associates is currently working on a site plan for past and future activities. Chairman Burnett notes that stockpiled material is located close to a stream on the Pesce property and instructs IWZEO Nelson to inform Atty. Tracy that hay bales need to be placed in this area.

7. CORRESPONDENCE.

Habitat newsletter is received and distributed to commission members.

8. INVOICES.

None.

9. ADJOURN.

R. Wesneski **motioned** to adjourn the meeting at 8:15 p.m., seconded by S. Ryan. Motion passed unanimously.

Respectfully submitted

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON, CT
ON 3-8-11 AT 2:52 PM
ATTEST: PATRICIA K. WILLIAMSEN, TOWN CLERK