

**INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING**  
**MONDAY, APRIL 2, 2012**  
**TOWN HALL 7:00 P.M.**

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

**1. OPEN MEETING – ESTABLISH QUORUM.**

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

**2. APPROVE MINUTES OF PREVIOUS MEETING: 3/5/12.**

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by D. Prigitano. Motion passed unanimously.

**3. DISCUSSION/POSSIBLE DECISION - RON VISINI/MELNIC, LLC – APPLICATION FOR 2-LOT RE-SUBDIVISION, CORNER OF ORCHARD HILL ROAD AND SCOVILLE HILL ROAD.**

Mr. Visini is present to represent for Melnic, LLC and Dennis McMorro, P.E., Berkshire Engineering is also present. Mr. McMorro recaps the site plan layout and notes that no revisions have been made. Plans by Berkshire Engineering titled Re-Subdivision Map Prepared for Melnic, LLC, Scoville Hill and Orchard Hill Roads, dated 2/6/12 (Sheet 1/1), Site Development Plan, dated 2/24/12 (Sheet S1), Erosion & Sedimentation Control Plan, dated 2/24/12 (Sheet E1) and Details & Notes, dated 2/24/12 (Sheet D1) are reviewed. With no further comments by the applicant or the commissioners, R. Wesneski **motioned** to approve the application, seconded by S. Ryan. Motion passed unanimously.

**4. ROGER & SYLVIE ROUSSEAU - APPLICATION FOR 18' X 32' ABOVE GROUND POOL AND MAINTENANCE OF SWALE, 25 WESTLEIGH DRIVE.**

Mr. & Mrs. Rousseau are present. Site plans used in 2007 for the construction of their home are reviewed in addition to an 8.5 x 11 copy of the area on the site plan where the above ground pool is to be located, the closest point to wetlands being approximately 60 feet. Swale maintenance will consist of placing crushed stone along the west side property line to slow the flow of water entering their property. R. Wesneski recommends deepening the swale a bit before placing the stone down and making certain they stay within their property line. R. Orciari **motioned** to approve the application for the above ground pool as it will have no effect on wetlands. R. Wesneski seconded the motion and it passed unanimously. R. Orciari **motioned** to accept the application for the swale as a regulated non-significant activity, seconded by S. Ryan. Motion passed unanimously.

**5. BRISTOL WATER CO. - APPLICATION FOR CLEARING OF TREES FOR EMERGENCY SPILLWAY REPAIR, RESERVOIR #5, BLUEBERRY HILL ROAD.**

David Beers, Connwood Foresters, Inc. is present to represent for the Bristol Water Department. Mr. Beers explains that a source of discoloration of water was found to be from the emergency spillway at Reservoir #5 that washed out during Tropical Storm Irene. The proposal is to remove 113 trees that are already marked in a two acre area and re-slope the banks using two existing log landings, one on each side of the reservoir eliminating any need to cross wetlands. Mr. Beers notes that Bristol Water will be conducting earth moving activities in the near future and someone from Bristol Water will present that to the commission. R. Orciari **motioned** to approve the application as a silviculture practice and emergency repair work/as of right maintenance, seconded by R. Wesneski. Motion passed unanimously.

R. Orciari recuses himself from discussion/decision of Item 6 as he is a member of the Harwinton Land Trust of which a portion of the Goldstein property is classified.

**6. GINA GOLDSTEIN – APPLICATION FOR 36' X 48' BARN, 330 NORTH ROAD.**

Mr. & Mrs. Goldstein are present and are given a wetlands application to complete. Plans by David Little titled Zoning Location Survey dated 4/26/12 are reviewed with the location of the barn located 24 feet from a wetlands. The barn will be a pole barn with no foundation and will be used for keeping of animals. The Goldstein's explain that this location was chosen due to other areas of the property being used for pasture. Mr.

Goldstein explains that of the 60 acres they own, approximately 55 acres is conservation land trust which does not allow structures to be placed. It is suggested that the Goldsteins return to David Little to relocate the barn so that it is 44 feet from the wetlands. S. Ryan **motioned** to accept the application as a regulated non-significant activity and that the location of the barn be revised on the site plan to be relocated 48 feet north away from the wetlands. D. Prigitano seconded the motion and it passed unanimously. TAHD approval must be obtained and Wetland and Zoning applications must be submitted.

**7. BENTON BROWN – APPLICATION FOR EXPANSION OF EXISTING FIRE POND, REMOVAL OF TREES INCLUDING STUMP REMOVAL, 260 VALLEY ROAD.**

Mr. & Mrs. Brown are present with a site plan drawn by his father, Raymond Brown, Jr., Architect (deceased) dated 1982, revised 1985. The plan titled Site Work Alterations for Raymond Brown shows Valley Road, an old foundation location close to the road, another old foundation located closer to the existing house, the existing house location and a pond marked “new fire pond”. Existing contours and proposed final contours are shown on the plan for only a portion of the approximate 235 acre parcel. Mr. Brown explains that he would like to excavate and extend the existing fire pond to bring it closer to the house. Downed trees will be removed and stumped in the same area. R. Orciari questions whether there are any wetlands on the other side of the brook located on the property with Mr. Brown stating there are some meandering streams off the hill that flows toward the area where he would like to extend the pond out. IWZEO Nelson adds that this application is in response to a complaint made by Ralph Johnson, which is read by IWZEO Nelson. She notes that this property is in a Flood Plain area which is the reason why the house was relocated years ago. IWZEO Nelson walked the property last week with Mrs. Brown and acknowledges that there is grading going on in front of the property to create pasture land. Mr. Benton states that no material will leave the property but will be used on site elsewhere. R. Wesneski questions whether an original site plan showing engineered work should be submitted to the commission as it is important to know what is downhill from the pond with R. Orciari agreeing that a site plan should be required. IWZEO Nelson adds that perhaps a written construction sequence from MR Bart/Gary Bartlett, contractor, would be sufficient that can provide information on E&S controls and clarifying what exactly will be done. R. Orciari states there is a stream that flows into a culvert and exits at the lower end of the pond close to the road. Mr. Brown explains that he has dug a channel north of the existing fire pond to divert water around it. R. Wesneski states that the size and elevation of the culvert is unknown and there is concern that the roadway could be at risk. R. Orciari questions whether direct flow will always be directed around the pond or will it be directed back into the pond with Mr. Brown answering that the ditch will be removed after work is complete and the water will flow into the existing pond. S. Ryan **motioned to deny the application without prejudice as it is incomplete without additional information and site plan showing existing and new contour lines**, seconded by R. Wesneski. Motion passed unanimously. Mr. Brown is instructed to stop work except for E&S control measures as R. Orciari expresses concern with the ditch on the up side of the existing pond that, in heavy rains, could cause siltation problems out into the road. Mr. Brown states that elevations of the property would make it difficult to end up downstream as the existing pond is significantly lower than the area out by the road. He further explains that the ditch is 3 feet deep with gravel placed downside to be certain nothing goes out to the road. R. Orciari states that there is exposed soil and with a heavy rain erosion could enter into the stream and on out to the Naugatuck River. He suggests that Mr. Benton stabilize the bottom of the ditch with rip rap as soon as possible. Chairman Burnett suggests that Mr. Benton contact his contractor to discuss and implement stabilization. R. Orciari **motioned** that Mr. Benton stabilize the ditch as soon as possible including E&S controls where needed and that no work within the pond shall be conducted until a site plan is approved by this commission. Mr. Benton is to work with his contractor and contact IWZEO Nelson for inspections. R. Wesneski seconded the motion and it passed unanimously.

**8. FRANCINE CARRIER – APPLICATION FOR INSTALLATION OF TWO CULVERTS, LITCHFIELD ROAD, ASSESSORS MAP NO. B6-4-10.**

Mr. & Mrs. Carrier are present with Mr. Carrier presenting Google maps of his property and pointing out the area where he proposes to install two culverts. R. Orciari questions an application submitted by the Carriers ten years ago to install culverts with Mr. Carrier stating that the culverts were installed but then taken out as it was making the area too muddy. R. Orciari questions whether the application is to now replace the two culverts that were removed with 12” culverts like before. Mr. Carrier states his intent is to replace with 24” RCP culverts. IWZEO Nelson asks that the ends be rip rapped so water is not concentrated exiting the pipe and allowing it to slow down. Mr. Carrier is agreeable to this. R. Orciari notes that this is considered

maintenance and replacement of a previous existing system that was not working. R. Wesneski questions how it can be avoided in getting the same results with complaints from a neighbor stating she was receiving runoff from the Carrier property. R. Orciari notes that water accumulates anyway and goes to neighboring properties downstream. R. Orciari **motioned** to approve the application as a Declaratory Ruling for maintenance to reduce a flood design no longer working and to restore drainage with proper E&S controls and proper diversion for downstream. Motion seconded by S. Ryan and passed unanimously. IWZEO Nelson will meet Mr. Carrier at the property on Wednesday to investigate what the property presently looks like.

D. Prigitano **motioned** to add to the agenda: **Tonya Wilson, 448 Litchfield Road – Grading and clearing of property within a regulated area for horses.** Ms. Wilson presents photos of her property showing the brook that runs through the three acre parcel. It is her intent to grade the land away from the brook, which presently is eroding at the edges, and to clear trees that are 20-25 feet away from the brook. She would like to bring her horses to her property and to build a bridge in one area of the brook to allow the horses to cross the brook with no harm. She notes that running water is best for horses and believes this activity to be an agricultural one. She will be grading to the left of the bridge area and will install an electric fence 50 feet away from the brook which will prevent the horses from going in that area.

R. Orciari suggests placing flat heavy rock material in the brook as they are better for horses when crossing the brook. He would also like to see vegetation planted to help stabilize the banks for the entire 20 foot area that will be worked on. IWZEO Nelson notes that she visited the site and suggested E&S control measures for the brook. Ms. Wilson notes that Jason Daganalia (boyfriend) will be doing the work and is planning to take a foot off the top of the hill and grade one foot down away from the brook. R. Orciari states he would like a schematic drawing, done by Mr. Daganalia, with notes on proposed activities. It should show silt fence 20-25 feet from the brook, permanent fencing to be 50 feet away from the brook, indicate plantings (willows), show rip rap at the curve of the brook and detail the area where the horses will cross the brook and distances. R. Orciari states that we could accept this application tonight contingent upon schematics being provided at the next IW meeting with Chairman Burnett stating that could be done but that this is also an agricultural use which can be approved as a use of right and the application can be completed and brought to this commission at the next meeting, making this an informal discussion only. Commissioners agree.

**9. FRED PESCE – APPLICATION FOR AFTER-THE-FACT ACTIVITIES, 529 BURLINGTON ROAD.**

No one is present to represent. IWZEO Nelson reports that she has been in touch with Town Atty. Michael Rybak who has heard nothing from Atty. William Tracy, legal counsel for Fred Pesce in other matters. IWZEO Nelson reports that it appears no work is being done in the front of Mr. Pesce's property. Chairman Burnett refers to a letter written by Sean Hayden, Soil Scientist, Northwest Conservation District dated 8/18/10 (filed in Land Use office) where Mr. Hayden offered assistance to Mr. Pesce and questions whether the commission could ask him to provide an accurate survey and note what has been done on the Pesce property. A Show Cause Hearing could then be held and perhaps fines could be imposed. Chairman Burnett questions whether the town could commission Mr. Hayden to do this work and bill Mr. Pesce. R. Orciari suggests perhaps placing a lien on the Pesce property. IWZEO Nelson reminds the commission that Robert Green Associates was working with Fred Pesce on providing a site plan up until Mr. Pesce began to have legal issues. A Cease and Desist Order was issued to Mr. Pesce who then stopped work on the property and who now believes he is in compliance with the order. R. Wesneski suggests that Sean Hayden speak with Robert Green to find out how much of a site plan has been accomplished and that IWZEO Nelson contact Mr. Hayden to ask him to do this and to refer to his 8/18/10 letter. M. Etter questions what the commission expects of Mr. Pesce with Chairman Burnett stating that they need to be provided the best alternative plan to remediate or restore the site. R. Wesneski questions whether the commission wants to place a lien on the property or have remediation of the site and that getting a site plan with Sean Hayden's notes will give the commission a basis to make any further decisions on what should be moved forward on. Chairman Burnett asks that IWZEO Nelson try to obtain more information from Sean Hayden and that the matter be placed on the next IWWC meeting agenda for May 7, 2012.

**10. ANY OTHER BUSINESS.**

IWZEO Nelson reports that April 12, 2012 is a Citation Hearing with a hearing officer regarding GRJH matter.

A complaint of water runoff has been received from Robert & Karen Addison, 96 North Road, regarding the Wasley property at 16 North Gate Drive. IWZEO Nelson will be contacting the Wasley's engineer, Dennis

McMorrow, to discuss the matter and the functionality of the detention pond and spillway on the Wasley property.

Land Use Coordinator Redmond reports that she has signed off on three applications. They are as follows: 1) Richard Masotti, 75 Meadowview Drive, 24' x 36' barn, no activity within 100' regulated area, 2) Supreme Forest Products/Johnnycake Airport Property, 529 Burlington Road, Retail sales of wood mulch, forest and earth products, no activity within 100' regulated area and 3) Peter & Cathy Neag, Lot 15 Harmony Hill Road, single family dwelling, no wetlands on property.

**11. COMPLAINTS/ENFORCEMENT ACTIONS.**

IWZEO Nelson states that while she was conducting an onsite investigation of the complaint against Benton Brown from Ralph Johnson, she was notified of a logging operation on Wildcat Hill Road, property owned by Tom Baldwin, which lacked any permits and also lacked a tracking pad and was producing dirt out onto the road. She states she has not looked into it yet but has received photos from Benton Brown of the activities being done on the Baldwin property at Wildcat Hill Road.

IWZEO Nelson's 4/4/12 report is received by commissioners. Matters concerning the Tonya Wilson property on Litchfield Road and Benton Brown property previously addressed are mentioned in the report that remains on file in the Land Use office. D. Prigitano thanks IWZEO Nelson for her report.

**12. CORRESPONDENCE.**

Correspondence was in the mailroom behind locked doors. Chairman Burnett asked that Land Use Coordinator Redmond retrieve the mail the next day and note in the minutes what should have been presented to the commission. The following has been received:

DEEP notice of tentative determination and intent to waive public hearing. Applicant: CTDOT  
Activity: rehabilitate three deteriorated culverts at two locations along Route 8 in Litchfield and Harwinton.  
Letter remains on file in the Land Use office.

DEEP Voucher for Segments 1 & 2 for the Municipal Inland Wetlands Commissioners 2012 Training Program. Dates for Segment I: April 14, 2012 in Old Lyme or Online with registration open until 12/1/12. Segment II: May 23 at UCONN Torrington, June 2, Hartford UConn Graduation Business Learning Center, June 6, Killingly, June 9, Old Lyme, June 13, Bridgeport, Housatonic Community College. Workshop Description brochure will remain on file in the Land Use office. DEEP Voucher also remains on file in the Land Use office until a commissioner requests to use it.

**13. INVOICES.**

R. Wesneski **motioned** to approve the invoice of IWZEO Karen Nelson for 13.5 hours, \$472.50, seconded by D. Prigitano. Motion passed unanimously.

**14. ADJOURN.**

S. Ryan **motioned** to adjourn the meeting at 9:35 p.m., seconded by D. Prigitano. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator