

**INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING  
MONDAY, JUNE 4, 2012      TOWN HALL      7:00 P.M.**

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

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

Chairman Burnett called the meeting to order at 7:05 p.m. All regular members present are seated.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 5/7/12.**

D. Prigitano **motioned** to approve the minutes of 5/7/12 with the following corrections: Item 4, line 3: Omit the following: "48 feet further away from the wetlands", Item 5, line 6: change "truck" to "backhoe". S. Ryan seconded the motion and it passed unanimously.

**3. DISCUSSION/POSSIBLE DECISION - ROBERT & AUDRA PAOLINI - APPLICATION FOR SINGLE FAMILY DWELLING, 11 NORTH GATE DRIVE, LOT #17, NORTH GATE ESTATES.**

Mr. & Mrs. Paolini are present along with Dennis McMorrow, P.E., Berkshire Engineering. Plans by Berkshire Engineering titled Septic System Design, dated 4/19/12 are reviewed. Discussion on the possibility of relocating the septic system 20 feet to the north to allow the solar field to be relocated further away from wetlands is discussed. The Paolinis state that the solar system functionality may be compromised in doing so and that an analysis has been done taking into account the tree line and the movement of the sun. With no alternatives/solutions to this concern, R. Orciari **motioned** to approve the application as a regulated non-significant activity, seconded by S. Ryan. Motion passed unanimously.

R. Orciari recuses himself from discussion of Item 4. Alternate M. Etter is seated in his place.

**4. DISCUSSION/POSSIBLE DECISION - RANDALL SERKEY – APPLICATION FOR 2-LOT SUBDIVISION, 44 LAUREL ROAD.**

Mr. & Mrs. Serkey are present along with Gary Giordano, P.E. Plans by Gary Giordano titled (1) Overall Site Plan and Sedimentation and Erosion Control Plan, dated 4/21/12, (2) Property Survey, Record Subdivision Map, Laurel Road Estates, dated 4/13/12, revised 5/24/12 for TAHD and Planning Commission comments and (3) Lot 2 Site Plan, Laurel Estates, dated 4/21/12 are reviewed. Wetlands on the property were delineated by George Malia, Soil Scientist. Mr. Giordano confirms the pipe size running under Laurel Road to be 30" in response to R. Wesneski's questioning of it at the previous meeting. TAHD approval has been received. R. Wesneski **motioned** to approve the application as a regulated non-significant activity with the standard erosion and sedimentation control requirements and notification to the IWZEO prior to construction of work. D. Keepin seconded the motion and it passed unanimously.

R. Orciari is reseated, M. Etter is unseated.

**5. PAUL HONIG – APPLICATION FOR TENNIS COURT, 71 TOWN LINE ROAD.**

Mr. & Mrs. Honig are present along with Dennis McMorrow, P.E., Berkshire Engineering. Plans by Berkshire Engineering titled Sheet S1: Site Plan for Proposed Tennis Court, dated 6/4/12, Sheet E1: Erosion and Sedimentation Control Plan for Proposed Tennis Court and Sheet D1: Proposed Tennis Court Details and Notes. Mr. McMorrow addresses comments/requirements the commission gave Mr. Honig at their May 7, 2012 meeting. He notes that there are obvious impacts to the land east of the property possibly done by the two previous owners. He has relocated the tennis court further west leaving a 39 foot distance to the wetlands from the previous 27 foot distance. Mr. McMorrow notes that he could not shift the tennis court any further uphill to the west because of the septic location. With this 12 foot difference, it gave room for grading and swales in the rain garden area. Grading shown does not go into wetlands. One rain garden is two feet higher than the other and upon questioning by R. Wesneski, Mr. McMorrow states that a compression swale could be added between the two so one will flow into the other. The tennis court will pitch to the west with a grass swale directing water into the two water quality basins and details of this can be found on Sheet 2. Mr. McMorrow states this was designed using the 2004 CT Stormwater Quality Manual. Mr. McMorrow submits a Drainage Area Map which will remain on file. He notes that there will be no negative effects downstream

from the Honig property although sediments are reaching the wetlands now due possibly to the previous owner's unpermitted work and he believes the rain gardens and basins will mitigate this situation. He suggests that a landscape architect could do water plantings but if Mr. Honig so chooses, a list can be obtained from Sean Hayden, Northwest Conservation District, for guidance in order for him to do himself. With no further discussion, S. Ryan **motioned** to accept the application as a regulated non-significant activity, seconded by D. Keepin. Motion passed unanimously. A \$160 fee is to be collected.

**6. DON & MARGARET TYLUTKI – APPLICATION FOR 16' X 32' INGROUND POOL, 190 WEINGART ROAD.**

Mr. & Mrs. Tylutki are present along with Mark Flammia, Dolphin Pools. LUC Redmond was awaiting a wetlands application for the inground pool and upon review noted that the entire parcel was deemed wetland soils according to the online web soil survey. The lot was created in 1988 under Clearview Estates Subdivision. Notes on the subdivision map state that "Soil types and division lines and test pit locations were taken from map prepared by Arthur F. Coldora, Jr., L.S." who is a Land Surveyor, not a Soil Scientist. The Tylutkis built their home in 1998 and the plans showed the same wetlands delineation outlined on the subdivision map. R. Orciari states that it would be best for the Tylutkis to contact a soil scientist for soil determination in the area where the inground pool is proposed and also in the area further behind the house to the west for possible alternative area. Sean Hayden, Soil Scientist, NWCD, was suggested. If it is determined the proposed pool area contains no wetlands, LUC Redmond can sign off on the application.

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

Mr. Pesce is present and submits plans by Robert Green, Robert Green Associates, LLC titled Site Plan for Farm Stand, Assessors Lot 10, dated 1/19/11. The plans are stamped by Robert Green, L.S. and Joseph Green, P.E. R. Wesneski notes that the plans show how the wetlands on the property are today, after work (filling) has been done. Chairman Burnett notes that the commission wants to know what is the composition of the fill and refers to and reads Sean Hayden's email of 6/29/10 which notes that the area seems to have been filled with construction debris. He questions Mr. Pesce on what type of material that could be with Mr. Pesce stating he did not do this but it is probably gravel and brick. The fill was brought in by the state when they installed catch basins on Route 4 and he just graded it. It is noted that the plan submitted tonight is considered an as-built. Chairman Burnett again reiterates that the commission is looking for the composition of the material brought on site and that perhaps Sean Hayden, NWCD, can go out to test some areas and analysis of the fill will complete the application. R. Wesneski agrees in that it is a good start and if Sean Hayden can do two test pits it would give the commission their answer. Chairman Burnett also seeks guidance from Sean Hayden on whether it is better to leave the area as is or whether corrective action should be taken. Discussion on the parking lot layout takes place with R. Wesneski observing that the lot is close to a stream and that stream goes to a neighboring home who has had pond problems in the past. He questions if it is possible to narrow the width of the parking lot and whether instead of creating a new entrance and a new exit, could existing openings be used with Mr. Pesce stating that it could be hazardous to use the existing openings as he is proposing large trucks to be entering and exiting the site. R. Wesneski states that it is the Zoning Commission that will look at the use of the property (farm stand) and the parking lot but he questions whether the lot will be paved with Mr. Pesce stating it will be processed graveled. The Commission would like to have Robert Green attend the next IWWC meeting on Monday, July 2, 2012 at 7:00 p.m. to answer any further questions they may have. LUC Redmond is to send a letter to Mr. Green with this request and also a letter to Sean Hayden with Mr. Pesce given copies of each letter. Mr. Green is asked to assist Mr. Pesce in filing a new application to include filling and grading and information on whether there is any place for mitigation along with what is already on the older application submitted back in February 2011 and subsequently withdrawn. R. Wesneski **motioned** to accept the application for after-the-fact activities requesting additional information for proximate limits of fill, delineation of any drainage in the area and two test pits dug and witnessed by IWZEO Karen Nelson and Sean Hayden for acceptability of fill. R. Orciari seconded the motion and it passed unanimously with S. Ryan and V. Elliott abstaining from vote.

**8. EXECUTIVE SESSION – PERSONNEL MATTER.**

The Commission did not enter into Executive Session and is unsure whether any disciplinary action should be taking place. The incident involved was a technical violation of procedures for compliance and not a legal

violation. Chairman Burnett states that perhaps the IWZEO should be reminded to follow procedures and to be careful not to put the town in jeopardy. The Commission would also like to receive copies of all complaints the IWZEO receives. S. Ryan **motioned** that this is not a wetlands issue but is a personnel matter and that they choose to take no action. D. Keepin seconded the motion and it passed unanimously.

9. **ANY OTHER BUSINESS.**

LUC Redmond reports signing off on one application for Racloz, 50 Silo Drive, addition of sunroom to home.

10. **COMPLAINTS/ENFORCEMENT ACTIONS.**

IWZEO Nelson submitted her report dated June 4, 2012. All members have received a copy.

11. **CORRESPONDENCE.**

None.

12. **INVOICES.**

D. Keepin **motioned** to approve the invoice of IWZEO Nelson for 2 hours/\$70.00, seconded by R. Wesneski. Motion passed unanimously.

13. **ADJOURN.**

D. Prigitano **motioned** to adjourn the meeting at 9:00 p.m., seconded by S. Ryan. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator