

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

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

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

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

**2. APPROVE MINUTES OF PREVIOUS MEETING: 8/6/12.**

D. Prigitano **motioned** to approve the minutes of the previous meeting, seconded by R. Wesneski. Motion passed unanimously with S. Ryan abstaining from vote due to her absence at the previous meeting.

**3. DENNIS MCMORROW FOR CANDY CRAWFORD – APPLICATION FOR SEPTIC REPLACEMENT, 172 CLEARVIEW AVENUE.**

Dennis McMorow, P.E., Berkshire Engineering, is present to represent. Site plans titled Septic System Repair Design dated 8/29/12 prepared by Berkshire Engineering are reviewed. The application is for a repair of the septic system, not a replacement. Mr. McMorow explains that there are no wetlands on this 0.6 acre parcel located in a Town Residential zone but through previous site work he has done on the neighboring property owned by Brent Lafferty, he states that the work to be done is within 100 feet of wetlands on that property. He explains that effluent is breaking out on the Crawford/Reynolds property and four test pits were dug with TAHD present. Test pits 1 and 2 were found to be the ideal spot for two rows of 12" high leaching galleries with 1' of stone on each end. This would place the activity within 70 feet of wetlands (TAHD looks for 75 feet separation). Work is all set to begin but they are still awaiting TAHD approval. D. Prigitano **motioned** to approve the application as a use of right/maintenance, seconded by S. Ryan. Motion passed unanimously.

T. Bobroske arrives at 7:05 p.m.

**4. DOUG ROY – APPLICATION FOR TWO-LOT SUBDIVISION, 601 HILL ROAD.**

Robert Green, Robert Green Associates is present along with Doug Roy. Site Plans titled (sheet 1 of 6) Re-subdivision Map, Assessors Lot 15, Shanley Farms prepared for Douglas Roy, dated 7/27/12, (sheet 2, 3 and 4 of 6) Site Development Grading and Sedimentation Control Map, dated 7/27/12, (sheet 5 and 6 of 6) Miscellaneous Note and Details, prepared by Robert Green Associates are reviewed. Supporting documents of a Wetlands Report and On-Site Septic System Evaluation prepared by Robert Green Associates dated 7/27/12 remain on file. Mr. Green states that the division of land will leave an existing home containing 3.2 acres and will create a 65.1 acre lot for construction of a new single family dwelling in this Country Residential zone. The application is for the division of land and for the approval of the construction of the dwelling. He points out the location of regulated activity in the vicinity of Wetland 4 is due to Zoning compliance regarding grading, with ten cubic yards of fill to be removed. The activity would be 80 feet from the existing road to the wetlands to the west. He notes that the driveway is an existing graveled road bed presently being used by Mr. Roy. Upon questioning, Mr. Green states that there is no cross-section on the site plans because the roadbed is already there and no material is being taken out. T. Bobroske questions whether the Soil Scientist's report, done by Thomas W. Pietras, Soil Science and Environmental Services, Inc. mentions determination of possible vernal pools found on the property. Mr. Green replies that there were no vernal pools found within the scope of the project although there may be a vernal pool somewhere on the site. T. Bobroske

requests that Mr. Pietras report that he has found no classification of a vernal pool in the wetland area in the vicinity of the driveway to which Mr. Green agrees to provide. M. Etter **motioned** to accept the application as a regulated non-significant activity for Subdivision of land and for the construction of a single family dwelling with the stipulation that a report from the soil scientist is received clarifying the classification of wetlands in the vicinity of the existing driveway. Motion seconded by D. Keepin and it passed unanimously.

5. **BENTON BROWN – APPLICATION FOR RELOCATION OF EXISTING HOME AND APPLICATION FOR EXPANSION OF EXISTING FIRE POND (PREVIOUSLY DISCUSSED AT 4/2/12 IWWC MEETING), 260 VALLEY ROAD.**

Mr. and Mrs. Brown are present along with Bill Colby, P.E. Plans by Colby Engineering and Consulting, LLC titled (sheet 1) Existing Conditions and (sheet 2) Proposed Agricultural Pond dated 9/4/12 are reviewed for work involved with expanding the existing pond used for agriculture purposes. Mr. Colby explains that Mr. Brown was before this commission in April 2012 for work already done without a permit. Sheet 2 shows proposed work to be completed on the 4.3 acre pond. Once the work is completed, the intermittent stream beyond the pond will be redirected to the pond. This work is being done in a Flood Zone area requiring all material removed to be moved to a higher elevation. It is noted on the plans that the existing stockpile is to be removed outside of floodplain elevation 490 prior to additional dredging. Mr. Colby explains that there will be no impact to wetlands and submits additional information on calculations in a report titled Weir Report, which remains on file. The use of silt fence and hay bales on the outlet stream will be in place prior to any construction. R. Orciari questions whether the temporary bypass will be filled in with E&S controls in place, with Mr. Colby replying, yes. Mr. Colby states that the only wetlands on the property is the intermittent watercourse with T. Bobroske questioning if it is intermittent and Mr. Colby answering, yes. T. Bobroske asks if there are any plantings identified in the area of the pond and whether there are wetland soils. Mr. Colby replies that he is not a soil scientist and therefore not qualified to answer though there is a presence of a lot of gravel. R. Wesneski questions whether the banks will be grass with Mr. Colby replying they will be seeded and mulched. R. Wesneski asks if the pond will be used for irrigation with Mr. Colby replying, yes, and again noting that the pond is not to be considered a fire pond but one used for agriculture. R. Orciari states his belief that activities did take place without permits and that the \$650 after-the-fact fee is high and questions whether the fee could be reduced to perhaps half. R. Orciari **motioned** to approve the application as a use of right for agriculture purposes and that considering this is an after-the-fact application, he recommends that the after-the-fact fee be reduced to half of the \$650 fee due to the fact that there was an existing pond on the property. S. Ryan seconded the motion and it passed unanimously. A \$325 after-the-fact permit fee is to be collected. T. Bobroske asks that pictures of the potatoes from the Benton farm be submitted to the commission verifying the property's agricultural use.

David Mastrogiovanni, M&S Building & Remodeling Co. is present to represent the application for relocation of the existing home. It is determined that this is not a regulated activity, therefore allowing LUC Redmond as Inland Wetlands Agent to sign off on the application. The house is being relocated 350 feet uphill and further away from the Flood Plain zone.

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

No one is present to represent. Chairman Burnett informs the commission that he was present the day the test pits were dug along with Sean Hayden and IWZEO Karen Nelson. Chairman Burnett said that Sean Hayden was confident that he could get a letter out to IWWC in time for this

meeting but nothing has been received in the Land Use office. This item will be placed on the October 1, 2012 meeting agenda.

**7. FIRST SELECTMAN MICHAEL CRISS – INFORMAL DISCUSSION OF PERMIT LINK PROGRAM.**

First Selectman Criss is not present.

**8. ANY OTHER BUSINESS.**

D. Prigitano has reviewed and red-lined IWZEO Karen Nelson's 8/2/12 report which he believes is lacking information. IWZEO Karen Nelson has revised her report as well and all commissioners have received the revised edition in their agenda mailing. The commission discusses Reporting Procedures and would like to see the Activity Forms include a date, start and end times, a Report # and also the signature of the IWZEO.

LUC Redmond signed off on three Inland Wetland applications:

- (1) Pickett Brook Properties, LLC, 24 Fox Hunt Way (lot 6), single family dwelling. No change of site plan previously presented to IWWC at time of subdivision.
- (2) Paul McEwen, 68 White Oak Drive, 15 x 20 inground pool. No activity within regulated area.
- (3) Corporate Environmental Advisors, Inc. for Harwinton Citgo gas station. Demolition. No wetlands on property.

**9. COMPLAINTS/ENFORCEMENT ACTIONS.**

Complaint letter received from Herb Etter, 419 Birge Park Road. Marie Etter recuses herself as commissioner as Herb is her husband. The complaint involves destruction of a beaver dam within High Meadow Farm, land owned by the Harwinton Land Conservation Trust, Inc. and abutting the Etter property, and the personal, malicious damage to the Etter's dam downstream possibly in connection with the destruction of the larger dam. Chairman Burnett notes that in the past, this commission has allowed destruction of beaver dams with hand tools but that no permits for this property has been issued. The commission will wait to view the police report, filed due to a conflict between Mr. Etter and children that Mr. Etter witnessed destroying the dam. If the report is submitted by Mr. Etter to this commission it should include any maps he may have (or sketches) to show the location of the dams. No action is to be taken at this time.

**10. CORRESPONDENCE.**

Notice is received from the Bd. of Finance that the Annual Report is due October 1<sup>st</sup>.

**11. INVOICES.**

D. Keepin **motioned** to approve the invoice of IWZEO Karen Nelson for 12.5 hours, dates include 6/6/12 through 8/2/12, seconded by S. Ryan. Motion passed unanimously with D. Prigitano opposed.

**12. ADJOURN.**

S. Ryan **motioned** to adjourn the meeting at 8:37 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond, Land Use Coordinator

**RECEIVED**

SEP 10 2012 @ 2:15 PM

**TOWN CLERK**