

**INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING  
MONDAY, NOVEMBER 5, 2012  
TOWN HALL 7:00 P.M.**

Present: Chairman Bruce Burnett, David Keepin, Susan Ryan, Robert Orciari, Robert Wesneski, Alternate Member Marie Etter and IWZEO Karen Nelson.

Absent: Victoria Elliott, Don Prigitano and Alternate Member Tim Bobroske

**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 Member M. Etter seated for V. Elliot.

**2. Approve minutes of previous meeting: 10/1/12.**

R. Orciari **motioned** to approve the minutes M. Etter seconded the motion and it passed unanimously with D. Keepin abstaining from the vote due to his absence at the previous meeting.

**3. Carl Thompson – Decision - application for single family dwelling, Breezy Hill Road, Assessors Map No. B9-5-14, Lot 3, Windemere Subdivision.**

Bill Colby, P.E., is present along with Mr. Thompson. Site plans by Colby Engineering titled Septic System Design, dated 9/24/12 revised to 11/05/12 are reviewed. Mr. Colby addresses changes to the original plans including the addition of pull-offs in the driveway and a slurry pit and the change in the well location closer to the house. TAHD approval remains pending. R. Wesneski **motioned** to approve the application as a regulated non-significant activity as per the revised site plan provided and subject to receipt of approval from TAHD, seconded by S. Ryan. Motion passed unanimously.

**4. Dennis McMorro, P.E., Berkshire Engineering for Rich Caron – application for septic repair, 506 Wildcat Hill Road.**

Request from Mr. Caron to Land Use clerk Christine to defer discussion of the application to the December meeting is made part of the record.

**5. David Beers/Connwood Foresters, Inc. – application for timber harvest, property owned by Malcolm Robertson, Hill Road, Assessors Map Nos. B4-04-0001 and B4-04-0002.**

David Beers, principle of Connwood Foresters is present to represent the application. Mr. Beers gives an overview of the project (as stated in a narrative made part of the record) for the controlled removal of saw timber on 20 acres. Mr. Beers states that three additional projects, the creation of a 3.4 acre wildlife patch cut, the thinning of 4 acres of young pole timber and the remediation of a timber road to correct existing erosion problems are also planned, all projects funded by NRCS (Natural Resource Conservation Service) as part of an EQUIP project. With agreement that all concerns have been satisfied M. Orciari **motioned** to determine the application, as stated in the oral and written testimony of the applicant and the site plans provided, constitute a “use as of right” according to Section 4 for wildlife management, seconded by R. Wesneski. Motion passed unanimously.

Based on the request of staff:

M. Etter **motioned** to add William Gilbert representing **John and Karen Falk**, property owners of **52 Catlin Road** for septic repair to the agenda, seconded by S. Ryan, motion passed unanimously.

Griswold Nelson addressed telephone conversations with Max Smith, Harwinton Lake Association enforcement officer, that afternoon regarding Mr. Gilbert’s activities on the site for septic repair and if such work required the approval of a wetlands application.

Plans entitled “Site Plan 19-13 B100A investigation – 52 Catlin Road prepared for John Falk by Russell Moresci PE dated 9/12/2012 was made part of the record.

Mr. Gilbert addressed the plans approved by TAHD for the replacement of a septic tank and associated piping, activities approved by TAHD as part of the approval for modification to a cottage. Mr. Gilbert stated that the activities were 100 feet from the lake and that he had installed 2 rolls of silt fence on the site. Mr. Gilbert agreed to submit a formal application and provide E&S control details.

R. Wesneski **motioned** to determine that the activities as described and shown on the mapping supplied constitute a “use as of right” according to Section 4c for maintenance of residential project, with the determination subject to the submission of a formal application with E&S controls shown, seconded by S. Ryan. Motion unanimously approved.

**6. Fred Pesce – application for after-the-fact activities, 529 Burlington Road.**

Griswold Nelson advised the Commission that Mr. Pesce was still dealing with serious health issues but that his engineering representative Robert Green had been given the “go ahead” with the submission of the appropriate information to Northwest Conservation District and that the information was expected to be forthcoming in the near future. The matter was to be followed up with Sean Hayden.

Relating to Mr. Pesce’s activities on Burlington Road (near the Peabody storage property) resulting in an access way being constructed in the highway right-of-way and a culvert in wetlands soils, all without permission from the DOT or a valid wetlands or zoning permit in place, Griswold Nelson advised the Commission that a Cease and Desist had been issued and delivered and that subsequent communications with Terence Phalen from the DOT had taken place regarding the matter. Griswold Nelson stated that Mr. Phalen had strongly advised that no permits should be issued until the purpose for the access way was clearly established (subdivision, industrial or residential versus an access way to a cell tower, etc.) and approved so that any concerns as to the adequacy of the design for the final use could be made part of the permitting. The matter was to be followed up.

**7. Review 2012 Legislation & Regulation Advisory.**

No discussion. Griswold Nelson was to follow up on “use as of right” language recently incorporated into the Cornwall wetlands regulations.

**8. Any other business.**

Jay Buss, 30 Catlin Road and representative for the Harwinton Lake Association was in attendance and asked for input in relationship to conversations with Max Smith and IWWO Griswold Nelson earlier that day regarding wetlands permits needed for all activities taking place near or in the lake. Mr. Buss addressed the procedures used for lake draw-downs, repairs of docks and other activities with possible impact to the Lake and the current supervisory process in place to address such matters. There was general discussion as to procedures used in other lake communities such as West Hill Lake in New Hartford and Barkhamsted and Bantam Lake in Morris and Litchfield, procedures much more stringent than those in Harwinton. Griswold Nelson suggested that her experience in those areas showed that more stringent permitting processes were directly related to the increased demand for activity near the lake, i.e. bigger houses, docks, expansion of lawns, and increased usage. Mr. Buss addressed the Harwinton Lake Association’s philosophy to limit growth by not sewerage the area and keeping tighter controls on growth and expansion. It was agreed that the current system was working and that the Lake Association should continue to monitor and supervise activities in the fashion that was currently in place.

**9. Complaints/Enforcement Actions.**

Griswold Nelson addressed her follow up relating to the Etter/Cox complaints submitted at the September and October meetings, stating that she had personally contacted all parties involved, Mr. Francis Molitor and Mr. and Mrs. Ponte, Mr. Cox and Mr. Etter and had been on both the Molitor and Etter site in person to observe and discuss the matters referenced in the correspondence. Suggesting that the “police report” and” trespassing issues” were not part of the discussion, Griswold Nelson addressed research into the development of the area from farming and agricultural uses to Birge Park and Lake Harwinton residential properties with boundaries defined in places by an intact watercourse, Lead Mine Brook. Griswold Nelson stated that much of the area, and in particular the Molitor property, had been impacted by years of upstream uncontrolled erosion and sedimentation from Torrington. Griswold Nelson stated that the upstream issues had resulting in the splintered course of the brook and surrounding vegetated habitat with ponding and habitat including beavers. Griswold Nelson indicated that research showed neighborhood activities over the years to address the beaver population including trapping and removal of beaver dams, all activities without permitting. Griswold Nelson stated that conversations with all of the parties involved had addressed the need for proper permitting as well as neighborhood cooperation based on the differing impact of upstream activities on individual properties and the lack of information as to property boundaries for the properties involved.

**10. Correspondence.**

Mr. Burnett distributed copies of Habit to all commission members.

**11. Invoices.** None.

**12. Adjourn.**

S. Ryan **motioned**, seconded by M. Etter to adjourn at 8:13PM. Motion unanimously approved.

Respectfully submitted,

Karen Nelson  
Harwinton IZEO

**RECEIVED**

NOV - 9 2012

**TOWN CLERK**

at 9:42am