

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
TUESDAY, SEPTEMBER 6, 2011 **TOWN HALL** **7:00 P.M.**

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

SHOW CAUSE HEARING - continued

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Burnett called the hearing to order at 7:00 p.m. All regular members present are seated with M. Etter seated for regular member D. Prigitano.

2. JEFF BLACKWOOD FOR DOUG BLACKWOOD – NOTICE OF VIOLATION FOR DEPOSITION OF MATERIAL AND POLLUTION INTO REGULATED AREAS WITHOUT A PERMIT, 76 WILDCAT HILL ROAD.

Gary Giordano, P.E. is present to represent and has received a copy of IWZEO Karen Nelson's September report and Addendum pertaining to the Blackwood application. Pam Simeone, neighbor to J. Blackwood and affected by activities on the Blackwood property, is also present. Plans by Gary Giordano titled Site Plan Showing Swale Construction dated 8/25/11 are reviewed by the commission. Last month the Commission reviewed Septic System Design Plans but did not vote on them. Mr. Giordano gives a history of activities that took place on the Blackwood property and notes that due to heavy rains in June, there was washout of a driveway apron uphill and south of Blackwood's property which sent water down to the Blackwood septic location that was under construction. The water moved septic sand onto the Simeone property causing damage. Ms. Simeone claims she still experiences runoff onto her driveway and recently had to place sandbags along the driveway to prevent further damage. Mr. Giordano notes that the septic contractor had no silt fence installed for approximately six months. Plans submitted tonight show the proposal of a one-foot wide grass swale along the Blackwood driveway to the back corner and proceeding along the Simeone driveway with no wetlands disturbance. Because of the change in grade on the Blackwood property, Ms. Simeone states it creates a change in location of flow and she has concerns of what may happen in the winter months. Ms. Simeone refers to the proposed swale location that will go along her driveway and states she is unsure if this is acceptable to her. Mr. Giordano states if the swale is not constructed then the only option would be to go into the woods on the Blackwood property and clear a lot of trees. Ms. Simeone fears that with any heavy rainstorm, a swale would only concentrate water very close to her driveway. Mr. Giordano states that in speaking to Sean Hayden, Northwest Conservation District, this was the best recommendation by Mr. Hayden to alleviate any future problems encountered on the Simeone property. Ms. Simeone states she would also like to speak with Sean Hayden regarding this proposal. Mr. Giordano claims that there was always a natural swale bringing water in this direction to which Ms. Simeone disagrees.

Chairman Burnett states that before this commission takes any action, Sean Hayden should review these plans and that the town's engineer, W.M.C. Consulting Engineers, should also review plans and submit their recommendation to this commission. Chairman Burnett informs Ms. Simeone that she can deny any activities on her property if she so chooses. R. Wesneski suggests that perhaps Ms. Simeone would also like to hire an expert to review this proposal. R. Orciari suggests to Mr. Giordano that Sean Hayden look at utilizing the natural contours as an alternative to the swale. R. Orciari would also like to know the drainage area at the point of intercept and that flow calculations be presented at next month's meeting.

S. Ryan **motioned** to accept the after-the-fact application as a regulated non-significant activity, that Sean Hayden review the proposed plans with the applicant's engineer and Ms. Simeone, acting as a type of mediator, and that Mr. Hayden submit a report to this commission for review. W.M.C. Consulting Engineers is also to review the plans and submit a report as well. R. Orciari seconded the motion and it passed unanimously.

Land Use Coordinator Redmond informs Mr. Giordano that there is a \$650 after-the-fact application fee to be submitted by the applicant and also that W.M.C. Consulting Engineers' review is at the applicant's expense. Mr. Giordano is to submit plans to W.M.C. Consulting Engineers for review. IWZEO Nelson is to contact Sean Hayden, Mr. Blackwood and Ms. Simeone to set up a time for all to meet.

3. DECISION – UPHOLD, MODIFY OR WITHDRAW THE NOTICE OF VIOLATION.

Ms. Ryan **motioned** to uphold the Notice of Violation/Cease and Correct Notice and to continue the Show Cause Hearing to the next meeting date of October 3, 2011 at 7:00 p.m. in the town hall.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:20 p.m. The same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETING: 8/1/11.

Commissioner D. Prigitano sent in corrections he would like to see to the minutes of 8/1/11 as follows:

Delete the word "Alternate" member Don Prigitano in the *Present* section of the minutes and amend Item 2, line 3 to read: IWZEO Nelson recommends..., deleting the word "*she*". D. Keepin **motioned** to approve the minutes as amended, seconded by R. Wesneski. Motion passed unanimously.

3. DECISION - ANDY & CORRIN D'AMATO – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 4, BUCKRIDGE ROAD, DEER RUN RESUBDIVISION.

Dennis McMorro, P.E., Berkshire Engineering accompanies the D'Amato's tonight and submits revised plans titled Septic System Design dated 7/12/11, revised 9/2/11 for house and septic relocation to move construction further away from wetlands. Location of the single family dwelling was 76 feet from wetlands and with the revised plan is now 99.2 feet from a wetlands. The inground pool will now be 74 feet from wetlands as opposed to 54 feet in the previous plan. R. Wesneski notes the improvement with the revisions made. LUC Redmond states that there is a conservation easement on the property that was proposed at the time of resubdivision by Letourneau Building Corporation (Map 1451) and "Protected Wetlands" markers are to be posted every 50 feet along the back property where the conservation easement begins. A total of five markers will be required and shall be purchased by the property owners at \$5.00 each. Applicants are made aware that no C.O. shall be issued until those markers are in place. R. Orciari **motions** to approve the application as a regulated non-significant activity, seconded by M. Etter. Motion passed unanimously.

4. JIM ROTONDO, P.E., FOR CARL COPPOLA – INFORMAL DISCUSSION/POSSIBLE APPLICATION FOR CONSTRUCTION OF 80' X 40' COMMERCIAL/RETAIL BUILDING, 122 LITCHFIELD ROAD, POST OFFICE PLAZA.

Mr. Rotondo and Mr. Coppola are present for an informal discussion only. Mr. Coppola owns 17 acres that borders Route 118/Litchfield Road and Cemetery Road. Plans titled (Sheet 1) Proposed Commercial Building and Residential Lot for Carl M. Coppola, Jr. dated 9/6/11, (Sheet 2) Site Grading Development Plan/Commercial Building – P.O Plaza and (Sheet 3) Site Grading Development Plan/Residential Lot (showing the 10 acre lot only) are reviewed. The proposed commercial building would be located on the south west portion of the property and be connected by a sidewalk to the existing building which houses the Post Office, Harwinton Pizza and Dunkin Donuts. There is a proposal for a first cut off the property that will be brought to the Planning Commission for review. There is a possibility that a second residential lot may be created which would then go before the Planning Commission as a subdivision application. The newly created lots would then be brought before the Zoning Commission for a zone change application from Retail Service to Town Residential. The proposed commercial building would be a 5600 square foot two-story building with 3200 square feet on the first floor and 2400 square feet on the second floor. Mr. Rotondo explains that Mr. Coppola is just seeking approval for a pad site and has no proposed use for the building at this time. Entrances and exits from the property will remain the same with no new driveway openings. Mr. Rotondo informs the commission that Tom Stansfield, Soil Scientist, has flagged the wetlands on the property and that his report would accompany any application brought before the land use commissions. Alternatives to septic location and decreasing the size of the commercial building are discussed by the commissioners. Chairman Burnett asks that Mr. Rotondo review these alternatives as feasible or prudent alternatives and show why they could not work if that is the case. Chairman Burnett adds that once an application is submitted, the commission may ask that an Ecologist conduct a study on the value of the wetlands. Mr. Coppola and Mr. Rotondo will appear before the Planning Commission for an informal discussion on September 14, 2011 regarding a first cut of the property.

5. DANIEL SLEVINSKY – APPLICATION FOR SEPTIC UPGRADE, 14 LAKE SHORE DRIVE.

William Gilbert, Gilbert Construction is present to represent. Plan titled Septic System Repair Plan dated 8/8/11 by Robert Green Associates is reviewed. TAHD approval has not yet been received. A new tank and leach fields are proposed for the home which is a cellar only with living quarters in the basement. Erosion and sedimentation controls are noted on the plans. R. Westneski **motioned** to approve the application as a use of right for maintenance pending TAHD approval and ensuring that IWZEO Nelson is notified before, during and after construction, seconded by R. Orciari. Motion passed unanimously.

6. MICHAEL DALGER – APPLICATION FOR SEPTIC REPAIR, 20 LAKE SHORE DRIVE.

William Gilbert, Gilbert Construction is present along with Michael Dalger. Ken Hrica, Hrica Associates, professional engineer contracted by Mr. Dalger, sent a letter to the Land Use office dated 9/2/11 stating that the current septic system is in failure and poses a potential health hazard. He asks that the commission consider granting a permit immediately. Letter remains on file. Plans titled Septic System Repair Plan dated 8/1/11, revised 8/22/11 for tank location, by Hrica Associates, LLC are reviewed. TAHD approval has been received and is accompanied by a Permit to Construct. The State of CT, Dept. of Public Health, has also signed off on an exception, dated 9/2/11. IWZEO Nelson's September report (addendum) expresses her thoughts on the application and notes that the commission should direct either the engineer of record or town staff to supervise the site and enforce the measures shown on the plan. S. Ryan **motions** to approve the application as a use of right for maintenance with the assurance that IWZEO Nelson is notified before, during and after construction, seconded by R. Wesneski. Motion passed unanimously.

7. ANY OTHER BUSINESS.

LUC Redmond has signed off on four Inland Wetland applications:

Terrance O'Connor, 57 Lily Pond Lane, inground pool
Ernest Petrovits, 251 Wildcat Hill Road, 120' x 60' storage barn
Roger Plaskett, 120 South Road, inground pool
Victor Lamontagne, 103 Bogue Road, 26' x 32' garage

LUC Redmond contacted Robert Smith, TAHD, as suggested by IWZEO Karen Nelson and under the direction of the IWWC, to inquire whether a representative could address the commission regarding their permitting process for septic repairs in Harwinton. In a memo from LUC Redmond to IWWC, dated 8/10/11, she informed the commission that Robert Smith will now notify her via email of all septic repair permits issued for the Town of Harwinton. IWZEO Nelson reports that it is her understanding that representatives from TAHD have no authority to mandate or enforce E&S controls therefore, it is the local Inland Wetlands agent or Zoning Enforcement Officer who shall enforce.

8. COMPLAINTS/ENFORCEMENT ACTIONS.

IWZEO Nelson's report includes an update on GRJH, 207 Birge Park Road. After a site visit she noticed that an area of pavement on the front corner of the site around the culvert directing water under the state highway was in a state of semi-collapse. She recommends immediate action to get the area under control and add erosion and sedimentation control measures. She seeks permission from this commission to speak with Jason Dismukes, P.E. for GRJH. R. Wesneski **motions** that IWZEO Nelson should continue investigating the property and discuss this matter with J. Dismukes, P.E. An application for modification pertaining to this area can be signed off on by IWZEO Nelson. If the property is located in the DOT right of way, they should be contacted prior to any construction. D. Keepin seconded the motion and it passed unanimously.

9. CORRESPONDENCE.

Notice from the Board of Finance that the Annual Report is due by 10/1/11.

10. INVOICES.

None.

11. ADJOURN.

R. Orciari **motioned** to adjourn the meeting at 8:30 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,



Polly Redmond
Land Use Coordinator