

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
MONDAY, NOVEMBER 4, 2013
TOWN HALL 7:00 P.M.
EAST MEETING ROOM

Present: Chairman Bruce Burnett, Susan Ryan, Robert Orciari, Robert Wesneski, Don Prigitano, Victoria Elliott,
Alternate Member Marie Etter, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer David Perkins
Absent: Paul Whiton and Alternate Member Tim Bobroske

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:02 p.m. All regular members present are seated with Alternate Member M. Etter seated for P. Whiton.

2. APPROVE MINUTES OF PREVIOUS MEETING: 10/7/13

R. Wesneski **motioned** to approve the minutes with one correction to Page 1, Item 3, Line 15: omitting the word "inches" for FFE of the house. S. Ryan seconded the motion and it passed unanimously.

3. ROGER PLASKETT/TOWN OF HARWINTON – DECISION – APPLICATION FOR CONSTRUCTION OF MUSEUM TO BE KNOWN AS THE HARWINTON HOUSE, BENTLEY DRIVE, MUNICIPAL COMPLEX.

Mr. Plaskett is present. Plans have been revised to 10/30/13 to address TAHD comments as well as IWWC comments regarding placement of silt fence along Bentley Drive, paving of half of the parking lot (lower half including the handicapped area), better illustration of anti-tracking pad, the addition of a catch basin in the parking lot which will be piped out to an existing catch basin on Bentley Drive and lastly, the change of an abutter's name to the current owner by the name of Brayboy. TAHD approval is still outstanding. R. Orciari **motioned** to approve the application as a regulated non-significant activity, Plans titled Proposed New Septic System Design Plan and Detail for 3-Bedroom, seconded by R. Wesneski. Motion passed unanimously.

4. ROBERT JOBIN – APPLICATION FOR SEPTIC REPAIR, 20 SCOVILLE HILL ROAD.

Dennis McMorrow, P.E., Berkshire Engineering is present to represent the applicant. Site plans by Berkshire Engineering titled Septic System Repair Design, dated 10/28/13 are reviewed. Mr. McMorrow states that there is a breakout resulting in the existing septic tank needing to be pumped, crushed and backfilled. Better soils were found in the area of the new septic system with the primary leaching system located 25 feet to an intermittent channel off the property to the north. 50 feet is the requirement and a variance from TAHD has been sought. TAHD approval is pending. R. Orciari **motioned** to approve the application pending TAHD approval, seconded by S. Ryan. The motion passed unanimously.

5. TONY FERRARO – APPLICATION FOR 2-LOT SUBDIVISION, 125 WOODCHUCK LANE/PARCEL A (PARCEL A & B PREVIOUSLY SPLIT UNDER AN AGRICULTURAL SUBDIVISION IN 2001 BY JERRY DEPREY). APPLICATION TO INCLUDE APPROVAL FOR SINGLE FAMILY DWELLING, PARCEL A, WOODCHUCK LANE.

Dennis McMorrow, P.E., Berkshire Engineering is present to represent. Mr. & Mrs. Tony Ferraro are also present. Site plans titled Septic System Design, dated 10/30/13, for the construction of the single family dwelling are presented. Mr. McMorrow explains that the lot is an existing lot created back in 2001 by an Agricultural Subdivision submitted by Jerry Deprey. The lot is a rear lot with 50 feet of street frontage encompassing what was the Duprey driveway. A 30 foot easement (at Woodchuck Lane) over Parcel A in favor of lands owned by Mills (now Buonocore) and Parcel B is recorded in the land records and on the Property Survey showing Division of Land for the Depreys dated 5/2/01, revised to 5/29/01. Mr. McMorrow notes that George Malia flagged the wetlands in the area of the proposed house location (approximately four to five acre area of the 24.867 acres) and has provided a report dated 8/30/13 that remains on file. The wetlands application notes that there are 5± acres of wetlands on site. Upon questioning of creating a shared driveway, Mr. McMorrow states that Atty. Robert Fischer will represent the Ferraro's when an application is presented to the Planning Commission meeting. Mr. McMorrow reviews the site plan and in particular, the proposed driveway north of the existing driveway and along an existing vineyard area leading to the house location.

New driveway construction is within regulated wetland areas and a driveway crossing of a wetland channel is proposed by installing twin 18 inch culverts and a stone blanket. Mr. McMorrow explains that the wetland channel collects rain water from Woodchuck Lane but does dry up. Discussion takes place on the possibility of switching the house location with the septic location due to the house location being 37.3 feet to a wetland regulated area. Discussion on the possibility of creating a rain garden for a natural buffer also ensues.

R. Orciari **motioned** to accept the application for a two-lot subdivision and construction of a single family dwelling as a regulated non-significant activity "as complete" unless the commission wants to see what other land may be available within the 25 acre parcel and have a soil scientist delineate the wetlands in the back of the property or even the entire 25 acres. V. Elliott seconded the motion. R. Orciari notes that in accepting the application/plan as complete, it doesn't mean it gets approved, only that the commission accepts the plan presented. Mr. McMorrow states that there may not be wetlands in the back of the property but that grade may be steep. R. Wesneski states that he would like to see the house location relocated to the septic location. Chairman Burnett questions whether R. Orciari would like to amend his motion with R. Orciari stating he would like to **withdraw his motion** if the commission wants to have the engineer explore options. V. Elliott withdraws her second. R. Wesneski **motioned** to accept the application as a regulated non-significant activity and requests that the engineer explore alternatives to relocating the house and septic location further away from regulated areas. S. Ryan seconded the motion and it passed unanimously.

6. SHOW CAUSE HEARING – CONTINUED – CEASE AND CORRECT ORDER (8/29/13) AGAINST FRED PESCE TO STOP SILTATION FROM EXITING HIS PROPERTY (E6-4-10) TO THE WEST ONTO PROPERTY OWNED BY ALYSEN ALMAND, 401 BURLINGTON ROAD. SHOW CAUSE HEARING OPENED ON 9/3/13.

Alysen Almand is present. ZEO David Perkins states that he invited Fred Pesce to tonight's meeting and that he was going to attend up until the last minute when he declined. ZEO Perkins presents before and after photos he took, dated 10/2/13, of the stream with and without silt and states that at this time he is satisfied with work that has been done. Work involved placing boulders along the bank to harden it and silt has been removed from the brook and the area has been graded and seeded. ZEO Perkins also notes that Sean Hayden, Northwest Conservation District, walked the property with him back in September. R. Orciari questions whether Sean Hayden saw the rip rap placed down with ZEO Perkins stating he did. Mrs. Almand informs the commission that the stream is clear and she has no problems with the work that has been done. R. Wesneski **motioned to close the Show Cause Hearing** and that the commission is satisfied with the work that has been done as of this date. M. Etter seconded the motion and it passed unanimously.

7. REVIEW IWWC DECISION TO UPHOLD CEASE AND CORRECT ORDER AGAINST FRED PESCE FOR AFTER-THE-FACT ACTIVITIES OF DEPOSITION OF MATERIAL AND POLLUTION INTO REGULATED AREAS WITHOUT A PERMIT, 529 BURLINGTON ROAD. CEASE AND CORRECT ORDER ISSUED BY FORMER ZEO KAREN NELSON DATED 12/20/12.

ZEO Perkins apprises the commission on work that has been done, including seeding, by Fred Pesce that the Cease and Correct Order requested of him. Mr. Pesce has not provided an as built yet which was a condition (6) of approval (8/5/13 IWWC minutes). Mr. Perkins informs the commission that instead of wetland markers, Mr. Pesce has placed boulders in the area to the west of the area subject to the Cease and Correct Order to prevent any work being done. ZEO Perkins provides photos he took of the area on 9/25/13 and 11/4/13. ZEO Perkins distributes his report on 529 Burlington Road which states he will continue to work with Fred Pesce and monitor the progress of this project. His report also notes that the CTDOT cut down trees and brush in the area subject to the Order on 10/3/13 and that some logs were left behind for Mr. Pesce to use. ZEO Perkins notes that the Cease and Correct Order is still in effect even though progress has been made. R. Orciari states that the resolution is to receive a final plan. R. Wesneski questioned ZEO Perkins on whether Mr. Pesce and his engineer, Robert Green, were notified by letter requesting them to attend tonight's meeting and also whether other requests the Wetlands Commission made at their 10/7/13 meeting were fulfilled by him. ZEO Perkins states that he will send a letter to Mr. Pesce and Mr. Green. R. Orciari states that what has been done by Mr. Pesce meets the commission's expectations, even with the tweaks of boulders instead of markers, but that the commission is still requiring an as built plan. R. Wesneski **motioned to uphold the Cease and Correct Order** and requests that ZEO Perkins send a letter to Mr. Pesce and Mr. Green stating the commission is appreciative of the work that's been done but that the commission still requires an as built. S. Ryan seconded the motion and it passed unanimously.

8. COMPLAINTS/ENFORCEMENT ACTIONS.

ALYSEN ALMAND, 401 BURLINGTON ROAD AGAINST FRED PESCE, E6-04-0010, BURLINGTON ROAD, DATED 10/27/13.

Mrs. Almand states that the area subject to the 12/20/12 Cease and Correct Order (front of property) was cleared of trees and five days later, Mr. Pesce was taking out more trees in this area where ZEO Perkins informed her that should have no further activity. Mrs. Almand states that trees with root balls were being taken out on trucks. ZEO Perkins will inspect the property to see if trees and roots have been removed. S. Ryan **motioned** that ZEO Perkins send a letter to Mr. Pesce stating that no trees should be removed in this area subject to the Cease and Correct Order of 12/20/12 without a plan to the commission. R. Wesneski seconded the motion and it passed unanimously.

9. ANY OTHER BUSINESS.

LUC Redmond informs the commission that she signed off on two applications.

(1) Chris Leone, 30 Fox Hunt Way – 16' x 20' shed – non regulated activity

(2) Robert Begey, 129 Lake Harwinton Road – 16' x 22' shed – no wetlands

10. CORRESPONDENCE.

CT Federation of Lakes information received. CT Wildlife Magazine received. Society of Soil Scientists listing received.

11. INVOICES.

None.

12. ADJOURN.

V. Elliott **motioned** to adjourn the meeting at 8:27 p.m., seconded by D. Prigitano. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 11-12-13 AT 10:54am
ATTEST NANCY E. ELDRIDGE TOWN CLERK