

## INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING

MONDAY, MARCH 3, 2014

TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Robert Orciari, Don Prigitano, Victoria Elliott, Paul Whiton, Alternate Member Marie Etter and Land Use Coordinator Polly Redmond

Absent: Susan Ryan, Robert Wesneski and Alternate Member Tim Bobroske

### 1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett calls the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member Marie Etter seated for Susan Ryan.

### 2. APPROVE MINUTES OF PREVIOUS SPECIAL MEETING: 2/11/13

M. Etter **motioned** to approve the minutes of the previous meeting with amendment to Item 4 to add the following sentence: *"Commissioners unanimously voted to have Chairman Burnett contact the First Selectman and the IWZEO regarding the IWZEO's attendance at IWWC meetings."*

P. Whiton seconded the motion and it passed unanimously.

### 3. BRETT STONE – DECISION - TWO LOT SUBDIVISION, SILANO DRIVE, ASSESSORS MAP NO. B9-02-0025, 25 ACRES.

Mr. Stone is present with his engineer, Dennis McMorro, Berkshire Engineering. At the request of the Commission at their last meeting on 2/11/14 to clarify Wetland Flag area D1-D5, George Malia, Certified Soil Scientist, has submitted a new report dated 2/17/14 giving additional information. He reports that the area was described in his 1/25/14 report and reiterates that 'The third wetland is a shallow and narrow depression with poorly drained soils of the Ridgebury soil series. This wetland allows the concentration of surface water runoff. This directs flow in a southwesterly direction. This depression joins with the second wetland area downslope beyond the limit of my wetland flagging.' Letter remains on file. With no further information to present and no further questions by the Commission, R. Orciari **motioned** to approve the application and site plans by Berkshire Engineering titled Subdivision Plans Prepared for Brett Stone, dated 1/27/14, Sheet 1/1 revised 2/11/14 for Drainage Easement and Town Comments, Sheet S1, Site Development Plan, revised 2/11/14 for Drainage Easement and Town Comments, Sheet E1, Erosion and Sedimentation Control Plan, revised 2/11/14 for Drainage Easement and Town Comments and Sheet D1 Details & Notes, dated 1/27/14 as a regulated non-significant activity, seconded by V. Elliott. Motion passed unanimously.

\*It is noted that the property contains 19.485 acres and not the 25 acres noted in the header for this agenda item.

### 4. JAMES DELAY/APPLICANT – PICKETT BROOK PROPERTY/OWNER – APPLICATION FOR SEPTIC REPAIR, 50 WOODCHUCK LANE, E6-3-1201.

Mr. Delay is present with his engineer, Joseph Green, Robert Green Associates. Plans by Robert Green Associates titled Septic System Repair, dated 2/20/14 are reviewed. A Wetlands/Watercourses and Soil Report provided by Soil Science and Environmental Services with an Inspection Date of 9/27 & 9/30/2013 is made part of the file. It notes that Inland Wetlands, Streams and Waterbodies are present on the property and remarks that a ponded area with a man-made berm exists to the northeast of the house. Vegetation present in wetlands includes sapling/shrub and wet meadow. Mr. Green states that the current septic system is caved in and that there is no one currently living in the house at this time. Impact to wetlands is noted on the site plans as being +/- 0.083 acres of wetlands disturbance out of +/- 2.066 acres of wetlands on site. Forty cubic yards of fill shall be placed in the wetlands so that pipe will not be exposed. Sedimentation Control Fence with wood chip berm will be placed down in the vicinity of W.L. 60 and 61 with details given on Sheet 2 of 2 of the plans titled Miscellaneous Notes and Details. Sheet 2 of 2 also includes Septic Notes, Construction Sequences for Septic System, Fill Specification Guidelines, MLSS Determination and Design Data. The application includes a proposal for a 693 square foot addition to the existing home. The home is scheduled to be demolished and rebuilt on the same footprint with the new addition. Notice from TAHD has been received with approval for Design Review for Subsurface Sewage Disposal System. There is no sign off for the proposed addition at this time. R. Orciari **motioned** to accept the application for septic repair and addition as a regulated non-significant activity, seconded by V. Elliott. Motion passed unanimously.

5. **PICKETT BROOK PROPERTY, LLC – APPLICATION FOR TWO-LOT RE-SUBDIVISION, 50 WOODCHUCK LANE, E6-3-1201.**

Joseph Green, Robert Green Associates, is present to represent. Plans by Robert Green Associates titled Resubdivision Map, Assessors Lot 1201, Fennwood, dated 2/14/14 include Sheet 2 of 4 Topographic Map and Site Development Map, dated 2/14/14, Sheet 3 of 4 and 4 of 4 Miscellaneous Notes and Details, dated 2/14/14. The entire property consists of 9.176 acres with Lot 1201-1 to contain 3.766 acres and Lot 1201-2 to contain 5.410 acres. Commissioner M. Etter states that she has seen a lot of clearing on the property with Mr. Green stating that mostly briars were taken out, not trees, and no vehicles were in the wetlands for this activity. Commissioner R. Orciari requests that a 1-40' or 1-20' scale map be provided for proposed Lot 1201-2 with Mr. Green agreeing to provide a 1-20' scale map. P. Whiton **motioned** to accept the application as a regulated non-significant activity with the condition that a 1-20' scale map of Lot 1201-2 be provided, seconded by M. Etter. Motion passed unanimously.

6. **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.**

No report from IWZEO Perkins. LUC Redmond received an email from him today that apologizes for not being able to attend tonight's meeting due to a conflict. He states he had informed Fred Pesce a number of times that an as built survey is required and that he spoke to Robert Green last week who informed him that he is scheduled to get the as built done as soon as the snow melts. Chairman Burnett states that his interpretation of Mr. Perkins' email is that he hasn't written a letter to Fred Pesce which is what he was mandated to do. Chairman Burnett states that he has left numerous messages on IWZEO Perkins voice mail at town hall to discuss the Pesce situation and that his calls were never returned.

M. Etter **motioned** to uphold the Cease and Correct Order, seconded by P. Whiton. Motion passed unanimously.

7. **COMPLAINTS/ENFORCEMENT ACTIONS.**

IWZEO Perkins has submitted his reports attached to his email. M. Etter states that these reports are not being submitted in a timely manner. Commissioners discuss the lack of details in the reports submitted and that Mr. Perkins should attend IWWC meetings as required, should respond to voicemail messages left by the Chairman and should submit invoices in a timely manner. Commissioners would also like to receive timely reports from the enforcement officer informing them of any enforcement actions or even reports that "there is nothing to report." Chairman Burnett will contact IWZEO Perkins regarding what the Commission expects of him.

8. **ANY OTHER BUSINESS.** Three Commissioners are up for election at the next Town Meeting (yet to be scheduled). They are Robert Orciari, Robert Wesneski and Don Prigitano.

R. Orciari refers to the proposed Zoning Regulation amendment allowing for shared driveways. He recognizes that the IWWC has reviewed plans wishing that shared driveways were allowed in order to skirt wetlands but that if this Zoning Regulation were approved, he sees the possibility of a lot of lots being squeezed in with shared driveways and this concerns him. Chairman Burnett agrees stating that proposals for shared driveways should be reviewed carefully for cases of special situations, such as protection of wetlands, and that approvals by the Zoning Commission should not be automatic.

9. **CORRESPONDENCE.** None.

10. **INVOICES.**

V. Elliott **motioned** to hold off on approving the invoice of the IWZEO until Mr. Perkins provides clarity on activities he has billed for. P. Whiton seconded the motion and it passed unanimously.

11. **ADJOURN.**

P. Whiton **motioned** to adjourn the meeting at 8:20 p.m., seconded by M. Etter. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 3-5-14 AT 2:05pm  
ATTEST NANCY E. ELDRIDGE TOWN CLERK