

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
MONDAY, JUNE 2, 2014 **TOWN HALL** **7:00 P.M.**

Present: Chairman Bruce Burnett, Sue Ryan, Paul Whiton, Marie Etter, Donald Prigitano, Robert Wesneski, Robert Orciari, Land Use Coordinator Polly Redmond Absent: Victoria Elliott and 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 R. Orciari seated for V. Elliott.

2. APPROVE MINUTES OF PREVIOUS MEETING: 5/5/14

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by D. Prigitano. Motion passed unanimously.

3. MICHAEL SHERMAN, LAUREL ENGINEERING, FOR BIRGE PARK COMMONS – DECISION - SUBMISSION OF FINAL SEPTIC SYSTEM DESIGN AND APPLICATION FOR 1466 SQUARE FOOT ADDITION TO COMMERCIAL BUILDING, 178 BIRGE PARK ROAD.

Robert Colabella, Principal Engineer, Laurel Engineering and Michael Sherman, Project Engineer, Laurel Engineering are present to represent Greg Mele, Birge Park Commons. Site Plans by Laurel Engineering titled SSD 178 Birge Park Road, Drawing No. 1, Revised 6/2/14, Soil Test Data, Drawing No. 2, Specifications and Details, Drawing No. 3, 6/2/14 and 6/2/14 and Soil Erosion and Sediment Control Plan, Drawing No. 4, Revised 4/3/14 are reviewed. TAHD approval is submitted at tonight's meeting with conditions of approval noted.

Mr. Colabella reviews the revisions of the plans, distributing 11 x 17 copies and a large scale copy of SSD 178 Birge Park Road, revised to 6/2/14, explaining the relocation of stockpiles to get them to a level area closest to the building and elevations of the septic to make them deeper than have also been revised.

Chairman Burnett states that there was concern expressed at the last IWWC meeting of the orientation of the septic and that exploration of the possibility of moving it away from the watercourse and wetland area was to be conducted. Mr. Colabella states that orientation was discussed with TAHD and at last meeting with Bob Smith, TAHD, the septic design was reviewed. Mr. Colabella acknowledges that there is an understanding that normal flow of septic systems are to follow contours and hydraulic grade contours, however in this instance, the more feasible and prudent alternative for wetlands was to take a point (Mr. Colabella points out on the site plan the location at D-Box No. 2 (Level) at the third galley) and keep it as far away from wetlands. He explains that moving it to realign the system to push the lower galley away would create a high point calling for more fill in the area and moving the slope much closer to the wetlands which would create more impact to the wetlands. Mr. Sherman reminds the Commission that the State Health Department was also involved in the septic design. Mr. Colabella states that the Commission had asked for calculations on shortening up the system, and what would be gained if it were done. It was found that for the most part, for every four feet of galleys shortened the restaurant would lose two seats. The bulk of this addition is required as part of a requirement from the TAHD, that they want low-fixture outlets and in order to provide low-fixture outlets, the kitchen must be modernized. Mr. Colabella states that another question the Commission had at last month's meeting was in regards to the elevation level. The elevation view on Drawing 3 shows the streambed in the state's right of way and Mr. Colabella states that all three drainage ditches are man-made creating the stream bed. He confirms that effluent, even at its worst-case, would never have an opportunity to contaminate the streambed. Upon request by R. Wesneski to repeat this, Mr. Colabella states that there isn't any way effluent, at natural grade, could contaminate the drainage swales. S. Ryan questions the distance from the septic to the wetlands with Mr. Colabella stating 25 feet from the watercourse and 18.3 feet from the wetlands. He notes that there will be no work done in the wetlands, all work is below grade and silt fencing and double barrier hay bales for erosion control will be in place. R. Wesneski points out that the Commission has the engineer's assertion that sewage will not go into the brook and Chairman Burnett adds that the septic system design presented tonight is better than what is there now, which is a partially functioning system.

Mr. Colabella notes for the record that he will be on site during construction of the septic system.

With no further comments, P. Whiton **motioned** to approve the application, seconded by R. Wesneski. Motion passed 5-1 with S. Ryan voting against the motion.

4. **FRED PESCE – DECISION - APPLICATION FOR PLANTING OF TREES, ASSESSORS MAP NO. E6-04-0010, BURLINGTON ROAD.**

Fred Pesce is present along with his daughter-in-law, Carola Pesce, who has pictures, taken today, of the area in question where trees were planted along the banks of the pond. She states that Fred Pesce honestly did not realize that a permit to plant trees was required and that she believes the \$650.00 after-the-fact fee is excessive and requests that it be waived. R. Orciari states that the minutes of the last meeting reflect that the after-the-fact fee of \$650 was to be paid prior to the next IWWC meeting. He questions whether the Commission can go back on that motion and reverse it. Chairman Burnett states that perhaps when the decision on the application is made the fee can be revisited. R. Orciari states that since Fred Pesce's son, Ric, took the lead on this activity, he believes good intentions were done by him and that by planting trees along the banks of the pond could be beneficial to the stream. He realizes there was a complaint made by Alysén Almand regarding the planting of trees but when it was discussed with her at the May IWWC meeting, Ms. Almand stated that the trees were not a problem but that she had concerns if one of the trees that seemed tipped were to end up falling and what possible negative effects there could be to the bank or to her property. R. Wesneski states that the minutes reflect a fee that was to be collected prior to tonight's meeting and questions why it was not collected. LUC Redmond states that Carola Pesce wished to plea for a waiver of the fee. S. Ryan questions whether the trees were staked as required and noted in the May motion to accept the application that "trees are staked and E&S Controls to be installed." Photos presented tonight show silt fencing and Carola Pesce states IWZEO David Perkins was contacted prior to being installed as required at the last IWWC meeting. S. Ryan notes that the trees are not staked though with R. Wesneski stating that it is difficult for this Commission to grant the Pesce request for a waiver of the \$650.00 fee when required work has not been done. Commissioners question whether IWZEO David Perkins has sent in a report with LUC Redmond reporting she has not received one.

Debbie Kovall, 789 Hill Road, mother of Alysén Almand, is present and states that she remembers the Cease and Correct Order that was issued to Fred Pesce and recently removed with the condition that the trees be staked. She also notes that silt fence in the front of Mr. Pesce's property was to be removed, which has not been done, and that medallions were to be placed on posts, which also has not been done. Chairman Burnett reminds Ms. Kovall that there are different issues and different locations at hand concerning Mr. Pesce's activities.

R. Orciari **motioned** that a decision by the IWWC be delayed to the July 7, 2014 meeting allowing time for all the newly planted trees to be staked. The fee will also be discussed at the July meeting. P. Whiton seconded the motion and it passed unanimously. Chairman Burnett adds that E&S Controls should also be shown when the applicant returns in July.

R. Orciari states that even though it involves another issue, he asks that Mr. Pesce remove the silt fence in the front of his property recently under a Cease and Correct Order and that medallions be put in place as required. Carola Pesce states that she wants to be clear on where those medallions are to be placed with the Commission stating that IWZEO David Perkins can meet with them to give direction.

5. **CHARLES TIRRELL FOR JAMES LUCAS – TIMBER HARVEST, WOODCHUCK LANE/WHITE OAK DRIVE.**

Charles Tirrell, State of CT Certified Forester, is present and explains that he had sent out letters to neighbors giving notification of the proposed timber harvest. R. Orciari notes that one of those notices went to the Harwinton Land Trust President, and that he is the Trust's President but feels he can remain seated without any conflict of interest. Abutting neighbors, Debra and Maurice Moreau, 112 White Oak Drive, are in the audience and express concerns with the access of the timber harvest which they share a property line with. Mr. Tirrell discusses the property access from White Oak Drive which shall be partially harvested and stabilized for temporary equipment and log truck usage, temporary bridging and forestry timber mats that will be utilized and removed following harvest. The Moreaus express concerns over trees that border the property and do not want them to be taken down. They also express concern that if they are, they may fall the wrong way causing damage to their garage. Upon questioning on the time frame for work, weekend work and hours

of operation by Mrs. Moreau, Mr. Tirrell states that it would be a two to three month project, that no work on weekends could be a condition of the Commission, but that as far as hours of operation, he reminds the Commission that hours of operation could be stipulated but that timber harvesting is a right of use/farming and constrictions on hours of operation should not be held. Mr. Tirrell explains that 400 trees will be removed, 250 which are timber and the rest is low grade for firewood or pulp. He states that log trucks can hold between 3500-4500 board of feet and that there can be twenty truckloads total going out, but that it depends on the size of the truck. R. Orciari questions whether the banks of the stream to be crossed are uneven with Mr. Tirrell stating that mats will be placed down parallel with the stream crossing and E&S Controls will be involved.

Scott Butcher, on behalf of the Carlson's, 176 Woodchuck Lane, questions whether this would be a clear cut with Mr. Tirrell replying it will not be.

William Tracy, 35 White Oak Drive, Harwinton resident and Director of the Harwinton Land Trust wishes to confirm that the southern boundary, up to the Land Trust property, will not be affected with Mr. Tirrell replying no, it will not be affected. William Tracy gives a brief history of how the right of way came about through the Indian Meadow Subdivision, White Oak Drive, with the right of way being deeded to previous owner, Rosa, and that there was thought that White Oak Drive would be extended out at some future time and that it would be easier to have the right of way deeded to a property owner.

R. Orciari states that no work should be done when there is rain or soggy conditions with Mr. Tirrell stating that he will be monitoring the site and that the state will get involved if there are any breakout issues. Mr. Moreau asks that the right of way be walked by himself and in the company of Mr. Tirrell with Mr. Tirrell agreeing to do so. R. Orciari wishes to acknowledge that the plans provided are very detailed and the Commission appreciates that. S. Ryan **motioned** to deem the application a use of right, seconded by R. Orciari. Motion passed unanimously. Mr. Tirrell is advised to contact IWZEO David Perkins once work has begun with Mr. Tirrell agreeing to do so and noting that the work will be put out to bid in a month.

6. DALE ADAMS – POND MAINTENANCE, 44 SCOVILLE HILL ROAD.

Mr. Adams is present and explains the steps he will take to clean out his pond and repair a leak in the cover of a pipe. All work will be done by hand. M. Etter questions whether the work will change the flow beyond his dam with Mr. Adams replying, no, his neighbor is $\frac{3}{4}$ mile downstream from him. M. Etter **motioned** to deem the application as a use of right/maintenance, seconded by P. Whiton. Motion passed unanimously.

7. ANY OTHER BUSINESS.

LUC Redmond informs the Commission that she has signed off on two IWWC applications.

Ed Amoroso, 293 North Road, 12' x 12' deck – non-regulated activity

Andrew Ruwet, 50 Twenty-Four Bumper Road, inground pool – no wetlands

8. CORRESPONDENCE.

A copy of the current IWWC budget is received. CT Wildlife Magazine is received.

9. INVOICES. None.

10. ADJOURN.

D. Prigitano **motioned** to adjourn the meeting at 8:20 p.m., seconded by S. Ryan. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 6-11-14 AT 11:16 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK