

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
MONDAY, OCTOBER 6, 2014
TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Victoria Elliott, Paul Whiton, Marie Etter, Robert Wesneski, Alternate Member Robert Orciari, Alternate Member Timothy Brobroske, Land Use Coordinator Polly Redmond and IWZEO David Perkins.

Absent: Susan Ryan and Donald Prigitano

1. **OPEN MEETING – ESTABLISH QUORUM.**

Chairman Burnett called the meeting to order at 7:00 p.m. All regular members present are seated. Alternate Member Robert Orciari is seated for Susan Ryan and Alternate Member Timothy Bobroske is seated for Donald Prigitano.

2. **APPROVE MINUTES OF PREVIOUS MEETING: 9/2/14**

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by P. Whiton. Motion passed unanimously with Victoria Elliott and Alternate Member Tim Bobroske refraining from voting due to their absence at the 9/2/14 meeting.

3. **SCOTT RAGAGLIA – RULING FOR REMOVAL OF SILT IN POND, 154 WOODCHUCK LANE.**

Mr. Ragaglia is present explaining that his 16 acre parcel is registered with the State of CT as a farm and that the land has always been used as a farm by previous owners. He is starting to reclaim a pond located on the eastern portion of his land and has contracted the job out to clear the area of trees and shrubs. In doing so, the contractor drove his excavator through a wetlands area and became stuck. The contractor proceeded to get another excavator to pull the stuck excavator out and that also sunk in and became stuck. After complaints were received in the Land Use office of this activity, ZEO David Perkins requested that Mr. Ragaglia appear before this commission to make application for a right of use permit to restore the pond for cattle. Chairman Burnett questions if there is a map of the property with Mr. Ragaglia providing a copy of a filed map from the Town Clerks office, No. 403, dated 9/23/76, titled Map Showing Property to be Conveyed to Joseph and Andrea Davis, Woodchuck Lane. Chairman Burnett questions if the equipment is still stuck in the wetlands with Mr. Ragaglia answering yes because he was told not to move it. It is out of the muck but still in the area close to the road. R. Wesneski asks if Mr. Ragaglia has any maps showing the pond in which Mr. Ragaglia states, no. M. Etter questions how does Mr. Ragaglia know a pond is/was there with Mr. Ragaglia stating that his wife grew up on the property and skated on the pond when she was young. ZEO Perkins provides five photos he took on 9/27/14 of the stuck excavator(s) (one has since been removed from the property) and a photo of an area noted as a vernal pond. Mr. Ragaglia states that the area is dry 90% of the year and that once the pond is dug his cows will have access to it. R. Orciari notes that cows accessing the pond will result in the cows breaking down the edges of the pond and he suggests firming up the bottom of the pond at the edges. T. Bobroske reads Section 4 of the Harwinton Inland Wetlands Regulations so that Mr. Ragaglia understands that even though agriculture and farming is a use of right, the commission has a right to ask for a plan to show what will be done and where. It would also help the Zoning Enforcement Officer to offer any needed assistance. Mr. Ragaglia states that once the pond is cleaned out he will then be able to determine what he has to work with. V. Elliott asks T. Bobroske if he is requiring Mr. Ragaglia to obtain an engineer and provide an engineered plan with T. Bobroske stating that usually when the commission asks for a plan it is through an engineer. Chairman Burnett states that it has been past practice that the commission does not ask for an engineered plan for agricultural uses but that it is up to the commission to determine if it is a use of right activity and that the property owner should appear before this commission for a ruling prior to any work being done and that the contractor himself should have known this. M. Etter questions what the affect is to the wetlands and whether remediation is required with ZEO Perkins stating yes, remediation should be required. M. Etter expresses her agreement with T. Bobroske in that the situation and the wetlands involved, with no evidence of Mr. Ragaglia knowing what to do, though she commends him for restoring the farm land, but with the sensitive area and a vernal pond in the area, she seconds the idea that a plan should be provided showing access to the pond location

with minimal damage to the wetlands and remediation being shown to the already damaged area.

T. Bobroske states that a soil scientist should be hired to delineate the wetlands with Mr. Ragaglia stating that he already had this done. T. Bobroske reminds him that work should not have been done in that area then but that if work is to continue, it should be done right and that this commission has to see the facts from the soil scientist. Mr. Ragaglia states that back in 2005 he had logging done on the property and that the contractor he hired for pond restoration was to follow the logging trail but after many trips back and forth around the area, the contractor thought he could take a short cut and drove through the wetlands and ultimately, got stuck. M. Etter states that work on the pond is a wetland activity with Chairman Burnett reminding the commission that it is a right of use activity. ZEO Perkins notes that work on the pond can be done from the dry side. ZEO Perkins states that the activity will be within the buffer but not in the wetlands. M. Etter questions where the vernal pond is located with ZEO Perkins stating that it is close to the road (Woodchuck Lane). Upon questioning by V. Elliott on what the commission is seeking from Mr. Ragaglia, R. Wesneski states that (a) the soils are to be delineated by a soil scientist, (b) a cross-section of the pond is to be placed on the survey, and (c) a step-by-step procedure on how soils will be kept out of the pond must be provided. R. Wesneski **motioned** to table any decision until a site plan with these items is provided to this commission, seconded by M. Etter. Chairman Burnett questions whether a Stop Order on the activity has been issued with ZEO Perkins replying, no, just a verbal stop work order. Mr. Ragaglia questions whether he or the contractor should move the equipment from its location with the commission in agreement that it should be moved out of the wetland. ZEO Perkins requests that the contractor, Rick Pesce, contact him prior to doing so. R. Wesneski **amends his motion** to add additional items to be provided to this commission that include, in addition to (a) – (c) above, (d) that the A2 survey/map show the pond and the size and location of the pond, (e) that the map show where the logging road is, (f) that a construction sequence be provided, (g) that notation should be made on the plan that no work shall be conducted before and after a heavy rain, (h) that the A2 survey show stockpiling location, (i) that the A2 survey show the location of the vernal pond, (j) that the survey show the house location, (k) that contours of the pond location be provided, (l) that information be provided on the replanting of grass in the area and (m) that multiple copies of the A2 be provided to this commission for ease in reviewing by each member. R. Orciari would like to add requirement (n) to have the survey show where the cows are going to water from the pond. Mr. Ragaglia states that he has an A2 survey at home and he will provide this information on that plan. M. Etter seconded the amended motion and it passed unanimously. R. Orciari suggests that Mr. Ragaglia contact the Northwest Conservation District for helpful information. Mr. Ragaglia states that he already contacted NWCD and that he was told he could proceed with the work because it is for an agricultural use. No written information was received, just verbal communication, according to Mr. Ragaglia. ZEO Perkins states that NWCD should be able to give technical support. Mr. Ragaglia notes that the pond is going to be approximately 60' x 80' in size. A copy of these minutes with requirements will be sent to Mr. Ragaglia by LUC Redmond. (ZEO Perkins submitted his inspection report of this property during discussion of Item 4 below.)

4. INFORMAL DISCUSSION – ZONING ENFORCEMENT OFFICER POLICY AND PROCEDURES: FEEDBACK ON USE OF FORM BY ZEO DAVID PERKINS.

ZEO Perkins states that he is comfortable with using the new forms created by the IWWC.

5. ANY OTHER BUSINESS.

LUC Redmond signed off on one application: Apryl Bell & Curtis Jacques, 48 Lake Drive, 16' x 36' inground pool. No wetlands.

6. COMPLAINTS/ENFORCEMENT ACTIONS.

ZEO Perkins informs the commission that Fred Pesce has not taken down any dead trees by his pond yet. ZEO Perkins has nothing to report on Truskauskas complaint against Genovese, Scoville Hill Road. ZEO Perkins states that the complaint on W. Cyr, Oakwood Drive, is resolved.

7. **CORRESPONDENCE.**

CACIWC information on their Annual Conference is received. Workshop information, membership renewal and survey request is included. LUC Redmond will email the Conference information to commissioners and will complete a survey they've enclosed.

8. **INVOICES.**

None.

9. **ADJOURN.**

M. Etter **motioned** to adjourn the meeting at 8:00 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 10/9/14 AT 9:42 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK