

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
WEDNESDAY, NOVEMBER 4, 2015 TOWN HALL 7:00 P.M.

Present: Susan Ryan, Victoria Elliott, Marie Etter, Robert Wesneski, Alternate Member Robert Orciari, Land Use Coordinator Polly Redmond and Zoning Enforcement Officer David Perkins

Absent: Chairman Bruce Burnett, Paul Whiton and Donald Prigitano

1. OPEN MEETING – ESTABLISH QUORUM.

Acting Chair Susan Ryan called the meeting to order at 7:00 p.m. All regular members present are seated with R. Orciari seated for P. Whiton.

2. APPROVE MINUTES OF PREVIOUS MEETING: 10/5/15

R. Wesneski **motioned** to approve the minutes of the previous meeting with amendment to Item 3, line 5, to read as follows: "The inground pool will be located 80 feet from wetlands and the retaining wall will be approximately 74 feet to wetlands." Motion seconded by M. Etter and passed unanimously.

3. TODD WERNER – SEPTIC REPAIR, 38 LAKE SHORE DIVE.

Todd Werner is present. Plans by Hrica Associates LLC dated 10/19/15 titled Septic System Repair are reviewed. He explains that the house was built in the 1950s and the septic system, located 50 feet from the lake, is now failing. The new tank will still be 50 feet to the lake and 75 feet from the house. M. Etter questioned whether the new septic system will be sized for a two bedroom house with Mr. Werner stating that it will be sized for a three bedroom house. R. Orciari questioned whether the existing septic will be dug out with Mr. Werner explaining that the existing septic will be pumped out, crushed and filled in as recommended by TAHD. R. Orciari **motioned** to sign off on the application as a use of right, seconded by M. Etter. Motion passed unanimously.

4. JAY BUSS – REPORT ON LAKE HARWINTON ASSOCIATION COMPLIANCE WITH DEEP DAM REQUIREMENTS.

Mr. Buss is not present but has sent a brief report updating the Commission on the actions taken by the Lake Harwinton Association which address the four issues raised by the dam's inspector. Report will remain on file in the Land Use office.

5. JAY BUSS – INFORMAL DISCUSSION – CHICKENS ON RESIDENTIAL PROPERTIES WITHIN THE LAKE HARWINTON ASSOCIATION.

No discussion.

6. DISCUSSION ON DRAFT BLIGHT ORDINANCE AND REVISED ORDINANCE 103 ABANDONED AND INOPERABLE VEHICLES PREPARED BY BOARD OF SELECTMEN.

No discussion. This item was placed on the agenda in error as the IWWC had no comment on the ordinance at the last meeting held in October.

7. ANY OTHER BUSINESS.

M. Etter informs the Commission that First Selectman Michael Criss and Town Counsel Michael D. Rybak met with the Zoning Commission to discuss the draft Blight Ordinance and that she was also in attendance at the 10/26/15 Zoning meeting. She notes that the proposed ordinance is very much in the discussion stage still and that Atty. Rybak asked that the Zoning Commission and the Planning Commission give recommendations, if any, or send questions to him as a group and not individually.

LUC Redmond informs the Commission on applications she has signed off on. They are as follows:

Brian Markel, 445 Clearview Avenue – 24' x 10' deck. No wetlands.

Herman von Oy, 166 Wildcat Hill Road – 14' x 30' detached garage. No wetlands.

Scott Sadler, 93 Orchard Hill Road – 20' x 26' addition to home. No wetlands.

Roland Lariviere, 409 Locust Road – 15' x 20' addition to barn. No wetlands.

Brent Lafferty, 19 Carlton Road – 24' x 30' attached garage. No wetlands.

It is acknowledged that four members of a Lewis Mills High School Civics Class is present.

8. COMPLAINTS/ENFORCEMENT ACTIONS.

James Riquier, 486 Plymouth Road is present and questions the work being done at Equestrian Estates Subdivision, Plymouth Road. He informs the Commission that a pipe was recently installed in the access road where there are wetlands. He states that the wetland area had cat tails and mallards there in the past and with the installation of this pipe, he asks how it can still be considered a wetland. IWZEO David Perkins states that he was at the site today, providing 8.5 x 11 photos he had taken, and states that the developer has brush hogged the area and placed a bigger pipe in the access road and added rock in the roadbed. Discussion is held on the original Inland Wetlands decision on this road crossing with a denial for the road crossing in the area of a vernal pool, which is in the location of the pipe. R. Orciari questions the location of the road with ZEO Perkins stating it is north and west of the pond. R. Orciari questions whether the dike is there and whether the road goes below it with IWZEO Perkins stating it does and that the road was built only in the last two weeks. R. Orciari believes that the developer probably dropped the culvert and to correct it, the culvert needs to be raised and to recreate the standing water. V. Elliott questions whether the area has been drained or filled in with IWZEO Perkins stating it has been drained. Upon suggestion by S. Ryan that the IWZEO review the file on the Wetland Commission approvals of this subdivision, D. Perkins states he will do so and meet with the developer at the site and then determine the appropriate action to take.

IWZEO Perkins informs the Commission of permitted work being done by Scott Ragaglia, 154 Woodchuck Lane to restore a pond on the property. He visited the site and found that clearing of the woods out by the road is being done and he didn't think that was what was approved by this Commission. It is noted that no complaint has been received on this, that it was just his recollection of the Wetlands Commission approval. R. Wesneski questions whether it would be appropriate for Mr. Ragaglia to come back before this Commission to explain where he is in the project and what he is doing in the front of the property. M. Etter questions whether IWZEO Perkins should go out and stop Mr. Ragaglia from working. D. Perkins states that there is a reasonable timeframe to make him stop in that he hasn't grubbed or stubbed the front area yet. R. Wesneski **motioned** to have IWZEO Perkins visit the property and inform Mr. Ragaglia to stop work now and come before the Commission on December 7, 2015 to give explanation on the work he has done so far and what the future plan is for clearing. M. Etter seconded the motion and it passed unanimously.

IWZEO Perkins informs the Commission that a complaint has been received from Lisa Cheney, 7 Knoll Drive, against the Antonio Damiani, 15 Knoll Drive, for filling in wetlands on their mutual property line which, according to Lisa Cheney who is present, is causing drainage issues on her property. It is not certain whether the Damiani property has classified wetland soil but there are wetlands with cat tails present. IWZEO Perkins invited the Damianis to tonight's meeting to determine whether a permit is required but they apparently decided not to attend. It is noted that on 10/27/15 the Damianis were told not to bring more fill onto the property after being told twice not to do so. R. Orciari notes that cat tails prove that there is valuable wetlands in the area and he believes that the Damiani activity almost calls for an engineered resolution to put the flow back to its previous state. M. Etter believes that a Cease and Correct Order may be necessary with IWZEO Perkins stating that he will send a Notice of Violation to the Damianis and if the action is not corrected within eight (8) days before the next IWWC meeting, they will be in violation and then a Cease and Correct Order will be issued prompting a Show Cause Hearing at the next IWWC meeting to be held on 12/7/15. M. Etter questions whether this Commission should see an engineered plan before any corrections are made by the Damianis with IWZEO Perkins replying, yes, they will have to submit a plan to this Commission first.

IWZEO Perkins informs the Commission that work is being done by Warren Wilford, 68 Catlin Road who is clearing a vacant lot across the street from his house. A complaint on this activity has been received via email in the Land Use office from Doug Morrow. It has been learned that the lot is being prepared for the future construction of a garage. In the same complaint emailed from D. Morrow to the Land Use office, Mr. Morrow states that a platform has been constructed on the island of Lake Harwinton with no permits. M. Etter **motioned** that a Lake Harwinton Association representative attend the next IWWC meeting to address this after the fact activity of construction of a platform on the island. M. Etter also **motioned** that Warren Wilford be issued a Notice of Violation for bringing in sand on the lake's edge with a date on which the action must be remedied. V. Elliott seconded the motions and passed unanimously.

IWZEO will forward all copies of his enforcement letters to Commissioners.

9. **CORRESPONDENCE.**

Copies of Habitat have been received.

10. **INVOICES.**

None.

11. **ADJOURN.**

V. Elliott **motioned** to adjourn the meeting at 8:05 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 11-10-15 AT 2:53 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK