

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
MONDAY, DECEMBER 7, 2015
TOWN HALL 7:00 P.M.

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

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:00 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 11/4/15

D. Prigitano **motioned** to table the minutes until the next IWWC meeting on January 4, 2016.

3. ANTHONY RUBINO – SEPTIC REPAIR, 264 CATLIN ROAD.

Item is tabled at this time.

4. INFORMAL DISCUSSION WITH LAKE HARWINTON ASSOCIATION PRESIDENT AND ENFORCEMENT OFFICER REGARDING RECENT WORK WITHIN THE ASSOCIATION.

Members of the Lake Harwinton Association are present and include Elaine Schiavone, President, Bob Deriesthal, Vice President, Rosalie Butler, Head of Water Committee, Warren Wilford, Member of Water Committee and Max Smith, Pre-Building Permitting. E. Schiavone states that the Lake Association is a private organization that oversees the lake and monitors what takes place in the Association area. This was the outcome of a court ruling when a judge declared that the Lake Association does not have to abide by the town's land use regulations. She speaks of a platform that was constructed on the island of the lake stating that the project went before the Lake's Board of Governors and the General Assembly who had the power to approve it and did so. She now asks Max Smith to speak on the matter of septic system repairs whereby he explains septic system repairs require approval from Torrington Area Health District first and then he reviews the project and issues a pre-building permit. He questions the Inland Wetlands Commission on whether it is necessary that applications for septic repairs go before the IWWC since there are engineered plans submitted, his review of them, and the fact that some of these repairs need to be done quickly and the Inland Wetlands Commission only meets once a month. E. Schiavone adds that the Lake Association has always taken care of these issues without any input from the IWWC. Chairman Burnett claims that he has never heard of this status, that the Lake Association is a non-government entity which is not affiliated with municipal regulations. He states that if the town itself wants to do a project in a regulated area, they come before this Commission for a permit. As he reads the CT State Statute, any type of corporation, municipality or even State must come before the IWWC for approval of projects. The IWWC has the responsibility to review these projects and the Inland Wetland Regulations are written in conformity to the State of CT Guidelines. The task of the Inland Wetlands Commission is to protect water resources of towns and he notes that even neighboring municipalities who will be conducting activities within 500 feet of a town line notifies neighboring municipalities of projects. Brief discussion takes place on road work projects and whether DOT or the local public works department is required to come before IWWC. Chairman Burnett states that they have the responsibility to notify the Commission and also the responsibility to remove water, ice and snow off of roads but don't require permits to do so. E. Schiavone states that she has a problem with this as runoff from the roads is the worse polluter to the lake. She states it was suggested to put filters into catch basins but that was not met favorably by the town. Rosalie Butler questions whether the Commission would be interested in reading a Watershed Evaluation and distributes copies to each Commissioner. It is dated January 11, 2015 and titled Harwinton Lake Watershed Evaluation prepared by Northeast Aquatic Research, LLC, Mansfield, CT and Highland Soils, LLC, Coventry, CT. The report will remain on file in the Land Use office.

Doug Morrow, 39 Catlin Road, approaches the Commission and submits pictures he has taken from the past two years of activities happening around the lake. They include a before and after photo of 6 Lake Shore Drive showing that beach sand was brought on site and placed at the lake's edge, a photo of 52 Catlin Road showing beach sand at the lake's edge, a before and after photo of property owned by Bob Deriesthal showing how sand has replaced vegetation at the lake's edge and a photo of the new 16' x 24' platform recently constructed on the lake's island, all, he claims, done without permits. He reads a prepared statement from Theresa Erikson (past) Watershed Chair. He reads and submits the letter which will remain on file in the Land Use office along with the photos. Chairman Burnett believes that this constitutes a complaint against the property owners identified in the photos to which Bob Deriesthal states that the Commission should deal with each property owner and not the Lake Association. Chairman Burnett directs IWZEO David Perkins to investigate each property and determine what needs to be applied for before this Commission. IWZEO Perkins states that he has had discussions with Mr. Morrow and Ms. Schiavone regarding the platform and believes it needs to be permitted by IWWC. He states that when a lake is lowered that is when work at the lake's edge gets done but he would prefer the Lake Harwinton Association get a permit to lower the lake and then once lowered, sand may be appropriate or not. Doug Morrow claims that the Lake Harwinton Association Charter does not allow sand to be brought in and his concern is having no vegetation around the lake. Chairman Burnett states that during the process of applying for activities is when information from each property owner should be submitted and then reviewed by the Commission. Rosalie Butler notes that when she was an Inland Wetlands Commissioner she recalls that notification to IWWC of Lake Harwinton projects would only be made as a courtesy. Warren Wilford questions whether the Lake Association should submit an application for the platform with IWZEO Perkins stating yes, and that a Zoning application should also be filled out and submitted.

The Commission will now take up Item 3 at this time.

ANTHONY RUBINO -- SEPTIC REPAIR, 264 CATLIN ROAD.

LUC Redmond explains that Bill Colby, P.E., contacted her two days after the IWWC November meeting stating that the Rubino's septic system was failing and needed immediate repair. When Max Smith, LHA Permitting Officer and Elaine Schiavone, President, were in the Land Use office after that call they both agreed that the septic repair could be signed off immediately as they were aware of it, an engineered plan has been submitted, and TAHD would be reviewing the plan and giving an approval. The project was signed off by LUC Redmond with the condition that the IWWC would be made aware of the project. S. Ryan **motioned** to approve the septic repair in a regulated area as a right of use/maintenance. D. Prigitano seconded the motion and it passed unanimously.

5. ANY OTHER BUSINESS.

LUC Redmond reports that she has signed off on a shed application of Patricia Careddu, 209 Catlin Road with no wetland activity.

The IWWC 2016 Meeting Schedule is reviewed and approved with **motion** made by M. Etter, seconded by D. Prigitano. Motion passed unanimously.

6. COMPLAINTS/ENFORCEMENT ACTIONS.

IWZEO D. Perkins informs the Commission that in the matter of the Lisa Cheney, 7 Knoll Drive, complaint against Anthony Damiani, 15 Knoll Drive, First Selectman Michael Criss has sent a Memo dated 11/19/15 to LUC Redmond stating that the Board of Selectmen voted to enter into an easement agreement with Mr. & Mrs. Damiani, per the Highway Supervisor's letter of request, for snow shoveling and drainage for the Town. If successful, the Town will take care of any remediation required of this easement. They ask that the IWWC hold off on any action until the Town has a confirmed agreement and site plan to present to the IWWC. Further, the Damiani's have agreed to cease any and all activity on this property until an agreement has been reached. Lisa Cheney is present in the audience and explains the effects to her property by the Damiani's actions.

In the matter of Pickett Brook Properties, LLC, IWZEO Perkins reports that he has sent a letter to Jared Braddock, Pickett Brook Properties, dated 11/9/15, requesting that all regulated activities in the area of the vernal pool on Break Maiden Lane off of Plymouth Road be halted and to install soil and erosion control devices until the soil is stabilized. The letter goes on to state that an environmental report needs to be submitted to the Wetland Commission so that they can have “(in)complete information on the impact of the activity on the functioning of the vernal pool wetland as indicated in Dr. Klemens’ May 22, 2006 report.” IWZEO Perkins notes in the letter that no further construction activities may take place within the regulated area until the report is received and reviewed. Tonight IWZEO Perkins reports that no earth removal has taken place in the area of the vernal pool on the north side of the property and no pavement or millings have been laid down in the roadbed and that the roadbed is really just a farm road at this time.

In the matter of Scott Ragaglia’s activities in the area of a vernal pool in front of his 154 Woodchuck Lane property, IWZEO reports that he has not spoken to Mr. Ragaglia but there is no stumping in the area and that Mr. Ragaglia is only cutting small trees. It is the opinion of the Commission that he shouldn’t be conducting any activities in this area. S. Ryan refers to the request of the Commission at their last meeting where motion was made that the IWZEO was to go the Ragaglia residence and have the work stopped. Chairman Burnett asks IWZEO to invite Mr. Ragaglia to the next IWWC meeting on January 4, 2016.

Regarding the inquiry by Doug Morrow of Warren Wilford’s clearing of his lot at the end of Knoll Drive and Catlin Road, it was learned that the property is being cleared for a future garage to be built and the project would be a non-regulated activity. Jay Buss, 30 Catlin Road, is present and states in regards to the work on the lake side property of Mr. Wilfords, when the lake was lowered, W. Wilford did some maintenance on a wall on the lake side of his property at 68 Catlin Road. The wall collapsed and an excavator was needed to move the rocks. M. Etter **motioned** for the IWZEO to inspect Warren Wilford’s property at 68 Catlin Road and report back to this Commission on the sand brought onto the property. Motion seconded by S. Ryan and passed unanimously.

IWZEO Perkins reports on the work done at the Batista property, 22 Beach Drive, stating that the bank at the lake’s edge was eroding and that the work done by placing boulders down is, in his opinion, better than placing sand down.

Lisa Cheney questions the Commission on what will happen to the sand that has been brought onto these properties? Chairman Burnett states that the Commission will act on each formal complaint that is received.

7. **CORRESPONDENCE.**

A copy of CT Wildlife magazine is received.

8. **INVOICES.**

None.

9. **ADJOURN.**

D. Prigitano **motioned** to adjourn the meeting at 8:30 p.m., seconded by M. Etter. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 12/11/15 AT 9:41 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK