

**INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING**  
**MONDAY, JANUARY 4, 2016**  
**TOWN HALL 7:00 P.M.**

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

**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 P. Whiton.

**2. APPROVE MINUTES OF PREVIOUS MEETINGS: 11/4/15 AND 12/7/15**

S. Ryan **motioned** to approve the minutes of 11/4/15, seconded by R. Wesneski. Motion passed unanimously. Chairman Burnett and D. Prigitano refrained from voting due to their absence at the 11/4/15 meeting. D. Prigitano **motioned** to approve the minutes of 12/7/15, seconded by M. Etter. Motion passed unanimously. V. Elliott, R. Wesneski and R. Orciari refrained from voting due to their absence at the 12/7/15 meeting.

**Motion** made by V. Elliott, second R. Wesneski, to amend the agenda to take up Item 9 (Complaints) at this time to address work being done by **Scott Ragaglia, 154 Woodchuck Lane**. Discussion of work being done on the property is carried over from IWWC discussions during their 11/4/15 and 12/7/15 meetings with Mr. Ragaglia now present. Upon questioning by Chairman Burnett on the status of the work being performed (clearing of property), Mr. Ragaglia explains that the contractor he hired to do the work was not very good and equipment and property were damaged. Mr. Ragaglia states he is in the process of contracting with C&C Logging who will come in and clean up the property including removing the trees that were felled and piled on top of each other. Work will not begin until the ground freezes up but perhaps as early as this Thursday. Mr. Ragaglia informs the Commission that although the original plan was to create a pond, which was to be used as a fire pond, he is not sure if he will continue with that plan and that he may just create the pasture land. Chairman Burnett questions what the extent of the clearing is with Mr. Ragaglia stating that he is doing exactly what was stated in the application presented, working in the four acre area in the back of the property. He explains that the trail being used to bring the logs out is an old logging road and an area out by the road had to be cleared for a staging area. Chairman Burnett states that the staging area appears to be wet and M. Etter states her belief that this area was the vicinity of a vernal pool. IWZEO states that the staging area is to the north of the vernal pool. Mr. Ragaglia states that he did clear an area for fire trucks to enter the fire pond but right now he is just cleaning up the mess. R. Orciari asks if there are any plans for stumping with Mr. Ragaglia explaining that he will be doing so out in the back four acres but in the area up by the road the stumps will only be ground down. R. Wesneski would like the IWZEO to meet with the contractor Mr. Ragaglia hires prior to any work being done. Mr. Ragaglia agrees that he will contact IWZEO Perkins prior to commencement of work. D. Prigitano adds that IWZEO Perkins be contacted if the fire pond is going to be constructed.

**3. PICKETT BROOK PROPERTY, LLC – TIMBER HARVEST WITHIN EQUESTRIAN ESTATES SUBDIVISION, PLYMOUTH ROAD.**

Charles Leigus, Certified Forester for Supreme Forest Products, is present to represent. A copy of the Timber Harvest Plan – Pickett Brook Property, LLC outlining the project includes sketched maps that accompany the Timber Harvest application. Mr. Leigus explains that selective work will be done (start date 2/5/16) on undeveloped land including encroachment on some wetland areas within Equestrian Estates. Stump removal will also be done to create 5.5 acres of pasture land where harvesting of the land will eventually take place. He asks that the Commission address this issue of stump removal within the clearing areas as part of their timber harvest review at this time. R. Orciari notes that this Commission does promote selective harvesting of trees but he is concerned that the application presented states the total acreage of the harvest area to be 119 acres, the total acreage of

the property. Mr. Leigus states that it will not be 119 acres but rather 32 acres of harvest area. He included the entire parcel acreage of 119 in the application to provide a buffer in case he goes outside the scope of the permit which would put him in violation. R. Orciari believes that the application should be corrected to state 32 acres of selective timber harvest. He also questions what 50 MBF means as shown on the application for the amount of forest products to be harvested. Mr. Leigus states it is a unit of measure meaning thousand per board feet. R. Orciari questions how many logging trucks is that with Mr. Leigus stating 15 truckloads with each truck weighing 72,000 pounds that will come out through the access road off Plymouth Road by the rock pile. R. Orciari suggests that the Harwinton Highway Supervisor should be notified of this truck traffic as well as the DEEP. Mr. Leigus states that these are not requirements but that he will agree to do so. Upon questioning by S. Ryan on the proximity to wetlands where the timber harvest will take place, Mr. Leigus states the operation will be within 25 feet of wetlands in some areas. R. Orciari notes that there are vernal pools in the area where the timber harvest is to take place and he recommends staying as far away as possible from that area and that there is no need to go there if the property owner is wanting pasture land. R. Orciari informs Mr. Leigus that there have been numerous complaints from neighbors on activities taking place on this property and that in order to protect the property owner and the operation he believes that the 32 acres should be defined. Mr. Leigus states that the area defined in Figure 2 accompanying the application does include the 119 acres for timber harvest and that some areas within that acreage may be harvested more intensely than other areas. M. Etter states that the application is for the total acreage of harvest area, 119 acres. Mr. Leigus can talk about “probably only going to harvest 32 acres” but the Commission must look at the 119 acres. S. Ryan states that there should be no clear cutting in wetlands with Mr. Leigus stating that the Commission has no jurisdiction on this matter as it is an agricultural use for pasture land. LUC Redmond refers to Section 4 of the Inland Wetland Regulations that outlines operations and uses permitted as of right but that “the provisions of this subdivision shall not be construed to include...*clear cutting of timber except for the expansion of agricultural crop land.*” She notes that there is currently no agricultural crop land in this area of proposed clear cutting and therefore not being expanded. R. Orciari adds that the proposed activity then falls under a regulated use. IWZEO Perkins states that the forestry part of the application is a permitted use of right but the clear cutting is not. R. Orciari has concern over clear cutting in an area of a knoll located in the northwest corner of the area marked on Figure 2 and that this area would most likely not be approved by this Commission. Chairman Burnett questions whether the Commissioners would like to have separate applications; one for the timber harvest and one for the clear cutting? M. Etter states that she is having trouble trying to figure out how to deal with the two issues on one application. One activity being the forestry application, which will be speaking of landings and wetland crossings, and then clear cutting which is something else entirely. Mr. Leigus states that perhaps the clear cutting is part of forestry and that the selective work of timber harvesting can be done (approved) first and then he could come back before this Commission with a clear cutting/stumping and grading application later. He states that he would like to have a ruling tonight for tree cutting. S. Ryan states that she agrees with R. Orciari’s statement in that the limits of clearing should be shown and that no work should be done in the area of the knoll. R. Orciari again states that the amount needs to be defined with R. Wesneski questioning what’s to prevent 150,000 board feet to be harvested when the application only states 50. Mr. Leigus states that the amount isn’t the jurisdiction of this Commission and questions whether he is being held to the 40 MBF? R. Wesneski states that that is the amount on the application. He also questions where the Erosion and Sedimentation Control measures are on the plan with Mr. Leigus questioning whether the Commission asked for E&S measures on the Ragaglia property which was just heard previous to this application. R. Wesneski states that Mr. Ragaglia is not grading his property and that E&S measures are checked as being accompanied with this application for installation of water bars, grading, seeding and filter sock but not shown on any plan. Mr. Leigus states that down the road an E&S plan may be presented. V. Elliott states that perhaps the application should then be amended where these items that are checked should be unchecked.

IWZCO Perkins states that forestry is a use of right and perhaps when the clear cutting work is ready to begin, the application can come back before this Commission with more detail. R. Wesneski states that a condition of approval for the timber harvest could be limiting the amount of harvesting to 50 MBF. IWZCO states that perhaps a motion can be made stating that 119 acres of timber harvest is a permitted use of right and that the clear cutting will be presented to this Commission on a separate application at a later date. M. Etter questions what type of wetlands are in this area of the crossing with Mr. Leigus stating they are wooded wetlands with no depth. He explains that mats will be placed down in the wetland area and no bridge is needed. R. Orciari points out the vernal pool area in Figure 2 and suggests that with the clear cutting application that will be forthcoming, the clearing limit be marked further away from this area. Mr. Leigus states that he can't be specific on where the areas will be cleared or how much within the 119 acres but it will not be the entire 119 acres. M. Etter questions how many trees come down in a two acre area, referring to the demonstration area noted in the application, with Mr. Leigus stating he did not count but would say about 2000 board feet total. R. Orciari questions whether the wetlands have been flagged and if the logger will know to stay out of the wetlands with Mr. Leigus stating the wetlands have been flagged and will be left alone as there is no incentive for them to go into wetlands. R. Orciari questions whether all the trees to be harvested will be marked with Mr. Leigus stating that his loggers know what he expects of them and know what he wants and where to go. He will be on site during harvesting as well. He states he doesn't want to spray all the trees within the 119 acres to mark which ones are to be harvested. Mr. Leigus suggests that perhaps the Commission would like to conduct a site visit to gain a better understanding and can view the two acre area that has been cleared already as a demonstration area of how the harvest would be used to promote forest management. At this time he produces a clear cutting application that he has on hand in anticipation of having to submit one. IWZCO Perkins states the he would like more specific information on the location of the vernal pool in relation to the clear cutting to accompany the application with Mr. Leigus stating it can be flagged in the field. M. Etter again expresses her confusion on the amount of board feet in the harvest and that in the past, applicants would come before this Commission with the number of trees for harvest noted and the amount of board feet noted. With this application before them tonight, the figures are arbitrary and if they aren't real numbers and the applicant is asking the Commission to approve 119 acres there is nothing in the Commission's approval that states the whole 119 acres can't be cleared. With no further discussion, R. Orciari **motioned** that the timber harvest is a use of right, expressly for the timber harvesting only, providing that the contour of the clearing limit shown in Figure 2 accompanying the application be amended and redefined bringing it further northwest of the vernal pool area (marked in blue pen by R. Orciari and agreed upon by Mr. Leigus) and that the DEEP Forester and the Harwinton Highway Supervisor be notified in writing of this project with copies of those letters to be sent to the Land Use office. S. Ryan seconded the motion. Motion passed unanimously with D. Prigitano abstaining from vote.

**4. REVIEW AND APPROVE DRAINAGE RIGHT OF WAY (PROPOSED BY TOWN OF HARWINTON) ON DAMIANI PROPERTY, 15 KNOLL DRIVE.**

Tony Damiani, son of Antonio and Elizabeth Damiani is present and speaks for his parents. Mr. & Mrs. Damiani are the subject of a complaint made by Lisa Cheney, abutting neighbor, of filling in wetlands on their vacant lot which abuts Ms. Cheney's and creating a water issue on her property. Piles of fill remain on the property due to the IWZCO halting any further work to be done. An Easement Map prepared by Robert Green Associates dated 12/17/15 is reviewed showing an agreed upon easement to discharge storm water in favor of the Town of Harwinton, town vehicle turnaround and also snow storage in favor of the Town of Harwinton. The area of easement is 5,391 square feet. M. Etter clarifies that there is an outstanding complaint against the Damiani's of filling in wetlands and that this Commission must follow up on it. She believes this easement consideration would not be before this Commission if the wetlands were not filled in. It is this Commission who authorizes requirement that compromised wetlands be restored but the town has asked that the

IWWC defer action until a confirmed agreement and plan are presented which it has and now the town is asking for permission to place an easement on the Damiani property. M. Etter states that she has a problem with the town plowing the snow into what was once a wetland and that this Commission can consider it but the fact is, this whole proposal is being done on wetlands. She questions that if the wetland was never filled in, is this easement proposal something the Commission would consider approving? Chairman Burnett states that the Commission has made considerations for filling in wetlands but each situation is up to the Commission to decide on. He states it is not clear to him whether the wetland boundary shown is done by filling and that the soil report on file isn't clear on it either. Chairman Burnett is referring to a Wetland Delineation Report prepared by Pietras Environmental Group, LLC dated 12/1/15 which is on file and reviewed at this time. R. Wesneski states that if the dirt piles were not brought onto the property, he too is not sure if this easement proposal would be before this Commission. Upon questioning by V. Elliott on why the easement is necessary, IWZEO Perkins states that there is currently no place for the town plows to turn around so this option was approached. M. Etter addresses IWZEO Perkins and states that there was a complaint of fill being brought onto this property and being placed in a wetland which in turn was causing water problems on the Cheney property. IWZEO Perkins agrees stating that this is the reason we asked for an engineered plan from the Damiani's. M. Etter states that the Commission was then going to decide on whether remediation was required or not. R. Orciari states that the town should remediate the property (as noted in the a memo from the Board of Selectmen to the IWWC) and install a swale to direct water to the area of Wetlands #1-4 shown on the Easement Map with M. Etter stating that the town won't remediate and get back wetlands if the town will be using the land for a snow shelf. S. Ryan **motioned** to allow and approve the proposed easement by the town with the condition that the town shall be responsible to ensure that the water does not flow onto the Cheney property and that a vegetated swale is put in place. Also, that IWZEO Perkins is to be consulted with on the final plan and that he shall be notified when work begins and that the Harwinton Lake Association also will be notified of when work begins. V. Elliott seconded the motion and is passed 6-1 with M. Etter voting against the motion.

\*The Commission was unaware at the time of this meeting that further conversations with the First Selectman, the Highway Supervisor and Mr. & Mrs. Damiani took place and that the Damiani's have agreed to spread the dirt piles out towards the road, install a vegetated swale and agreed to meet all other conditions of the Inland Wetlands Commission.

**5. HARWINTON LAKE ASSOCIATION – APPLICATION FOR CONSTRUCTION (AFTER THE FACT ACTIVITY) OF 16' X 24' PLATFORM ON ISLAND OWNED BY HLA.**

Members of the Harwinton Lake Association are present and include Elaine Schiavone, President, Bob de Riesthal, Vice President, Warren Wilford, Member of Water Committee and Max Smith, Pre-Building Permitting. Mr. de Riesthal is representing the application as he was the one who built the platform, using concrete footings, and removed low ground cover in order to place the platform. No soil was removed from the area. The platform sits approximately 21 feet from the water line of the lake. Photos of the platform are submitted for the file. R. Orciari **motioned** to approve this application as a use of right under Inland Wetlands Regulation 4.2b, outdoor recreation/nature study. He suggests that blueberry bushes be planted to replace low ground cover removed. S. Ryan seconded the motion and it passed unanimously.

R. Orciari recuses himself at this time in order to present the following application.

**6. HARWINTON LAND TRUST – CONSTRUCT BOARDWALK WITHIN MEADOW VIEW (LAND TRUST PROPERTY), MEADOWVIEW DRIVE.**

Mr. Orciari, Harwinton Land Trust, distributes a written request to construct two boardwalks on Harwinton Land Trust's 22 acre Meadow View property. He is seeking an as of use right for constructing the boardwalks to make the current trail system more accessible. One boardwalk will pass over an old farm road between a pond and marsh and the other boardwalk will pass through a

marsh. The total length of both boardwalks combined will be approximately 350 feet. Planks on the boardwalk will be raised 4 inches off the ground so that any high flow will pass under the boardwalks and not be impeded. No heavy power equipment will be used on site. Mapping is provided and remains on file. Work will be done during the dry season, most likely July through September 2016. V. Elliott **motioned** to approve the project as a use of right for recreational use, seconded by S. Ryan. Motion passed unanimously.

**7. INFORMAL DISCUSSION -- CT DEEP 2015 LEGISLATION & REGULATION ADVISORY.**

Item is tabled until the next IWWC meeting.

**8. ANY OTHER BUSINESS.**

LUC Redmond informs the Commission of one Wetland Application signoff which was for Donald Bard, single family dwelling, 213 County Line Road – no wetlands.

**9. COMPLAINTS/ENFORCEMENT ACTIONS.**

Complaints have been received from Doug Morrow against individual properties of Faulk, the Island owned by Harwinton Lake Association, de Riesthal and Schiavone. Addresses are incorrect. Mr. Morrow will submit corrected copies of his complaints and they will be addressed by this Commission after receipt.

M. Etter questions the IWZEO on whether he visited the 68 Catlin Road property as requested by the Commission at the last meeting relating to a complaint against the property. IWZEO Perkins states that the property owner did some repair on a wall and some of the sand from that project remains on the property and was placed against the lake side of the wall. He states he is satisfied with work done by the property owner, Warren Wilford.

**10. CORRESPONDENCE.**

Eversource has sent copies of an application submitted by the CL&P, doing business as Eversource Energy, to the CT Siting Council for a Certificate of Environmental Compatibility and Public Need for the construction of a new 10.4 mile 115-kilovolt primarily overhead electric transmission line between Eversource's Frost Bridge Substation in Watertown and its Campville Substation in Harwinton, referred to as the Frost Bridge to Campville 115-kV Project.

**11. INVOICES.**

None.

**12. ADJOURN.**

V. Elliott **motioned** to adjourn the meeting at 9:20 p.m., seconded by S. Ryan. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 01/12/16 AT 11:07 AM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK