

**INLAND WETLANDS AND WATERCOURSES COMMISSION**  
**MONDAY, JULY 2, 2018**  
**TOWN HALL 7:00 P.M.**

Present: Chairman Bruce Burnett, Susan Ryan, Timothy Bobroske, Robert Wesneski, Merrill French, Alternate Member Robert Orciari, Land Use Coordinator Polly Redmond and IWZEO Thomas Mitchell.  
Absent: Victoria Elliott, Eric Rahn and Alternate Member Leah Blake

**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: 6/4/18**

R. Wesneski **motioned** to approve the minutes of 6/4/18 with correction to Victoria Elliott being as a present member when in fact she was absent. S. Ryan seconded the motion and it passed unanimously.

T. Bobroske recuses himself from discussion of Item 4 due to Mr. Brown being the Thomaston Building Inspector and Mr. Bobroske has done professional work in that town.

**3. DISCUSSION/POSSIBLE DECISION – RICHARD BROWN – APPLICATION FOR 20' X 30' ADDITION TO HOME AND RE-GRADING OF SLOPE 19 SUNNY LANE.**

Mr. Brown is present. Commissioners review the sketch that was provided by Mr. Brown at the 5/7/18 Wetlands meeting and explains that the entire parcel is in wetlands. He states there is a town right of way for road drainage at the end of the cul-de-sac in front of his house bringing water on to his property and he would like to re-grade the slope with a swale directing the water toward a pond in the back of his property. The application includes construction of a 1200 square foot addition that will be built on piers. A proposed retaining wall and a future front porch will be applied for at a later date. R. Orciari **motioned** to approve the application for the 20' x 30' addition and regrading of slope as a regulated non-significant activity, seconded by R. Wesneski with a friendly amendment that a condition be placed on the approval that IWZEO Tom Mitchell walk the property with Mr. Brown who can explain what work will be done in connection with this approval. R. Orciari **amends his motion** to include the condition and the motion passed unanimously.

T. Bobroske is reseated.

**4. DISCUSSION/POSSIBLE DECISION - BUMPER BROOK ESTATES, LLC – APPLICATION TO CONSTRUCT 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD.**

No one is present to represent. W.M.C. Consulting Engineers sent a report dated May 7, 2018. The applicant has not submitted revised plans in connection with comments made in the report. The applicant requested a 65 day extension to make the decision that expires on 7/11/18. R. Wesneski **motioned** to deny the application without prejudice, seconded by R. Orciari. Motion passed unanimously.

**5. TINO JANIERO – APPLICATION FOR CONSTRUCTION OF SINGLE FAMILY DWELLING, 16 WILDCAT HILL ROAD.**

Dennis McMorro, P.E., Berkshire Engineering, is present along with Tino Janiero. Plans by Berkshire Engineering titled Septic System Design, dated 6/22/18, are reviewed. Mr. McMorro recounts the driveway application approved by IWWC in November 2017 and the construction of a bridge over a brook. He points out on the plan the septic system location that is within the regulated area measuring 74 feet to IW Flag #50 and then 85 feet from wetlands for the remainder of the septic location. Mr. McMorro notes that the remainder of the driveway leading to the house and the house itself are outside the regulated area. Grading of the driveway is minimal with very little disturbance. T. Bobroske states that he would like IWZEO Tom Mitchell to visit the site to see what has already been done in relation to the first part of the driveway. R. Orciari questions the possible need for a drainage swale at 178+6, located at the curve in the driveway, with Mr. McMorro stating that this area doesn't pick up a lot of water and he didn't think a swale was necessary. An existing drainage ditch shown on the plans will be filled in during the construction of the house. S. Ryan **motioned** to accept the application, seconded by R. Wesneski. Motion passed unanimously.



**6. RALPH JOHNSON – CLEAR CUTTING, VALLEY ROAD. CONTINUED DISCUSSION.**

Mr. Johnson is present and asks Chairman Burnett if he received his email that he sent to the Town Clerk who was asked by Mr. Johnson to forward on to Chairman Burnett. Chairman Burnett states he did receive it. Mr. Johnson states, as he did at the June 4, 2018, the May 7, 2018 and the April 2, 2018 IWWC meetings, that his logger John Matthews came to see LUC Polly Redmond and received a permit and/or that I gave a verbal approval to conduct the timber harvest without an application. LUC Redmond denies giving any approval as the property is located in a Flood Plain zone and nothing was presented to the Land Use office in the form of an application. Chairman Burnett states that the fact still remains that this Commission still doesn't have a Timber Harvest application with Mr. Johnson stating that John Matthews will make application but that he himself will not. Chairman Burnett explains the process of enforcement if an application is not submitted for after the fact activities that include a Show Cause Hearing and that this might be the next step this Commission takes. T. Bobroske asks IWZEO Tom Mitchell to explain the timeline of when he first received the complaint against the activities conducted on Mr. Johnson's property. IWZEO Tom Mitchell states that a complaint came in from Lester Duffy, Thomaston Fish and Game, that clearing was being done and he had concern that some clearing was being done on the Fish and Game property. The Army Corp of Engineers called IWZEO Mitchell stating they also received a complaint and when they visited the site after clearing was done they had no concerns. IWZEO Mitchell states that presently there is no work being done on the property that he can see but there is equipment on site. R. Wesneski questions whether IWZEO Mitchell believes there are wetlands on the property with IWZEO Mitchell stating that it appears that clearing took place close to the quarries on site but not near the Naugatuck River. He can see where the timber is stacked but he did not go further onto the property. He also notes that there are no soil and erosion controls in place. Commissioners review IWWC Regulation Section 14 Enforcement and discuss different options on how to proceed. R. Orciari states that he thought IWZEO Mitchell believes there to be more than 4 acres of trees cleared and that perhaps we could ask Mr. Johnson for a survey. R. Wesneski questions if the Commission is looking for an action or a determination if there are actually wetlands or not. IWZEO Mitchell states that there are wetlands on the property as he has seen standing water but he isn't sure if the clearing is a regulated or non-regulated activity. IWZEO Mitchell is asked to visit the site accompanied by a State Trooper and take pictures of what he sees in relation to clear cutting activities. Commissioners review IWWC Regulation Section 19 Fee Schedule pertaining to Illegal Activity and After the Fact Permit fees. R. Orciari states that at this time the violation is that no application has been filed. Chairman Burnett states that perhaps IWWC Regulation 14.4c may need to be enforced calling for a citation and fines in accordance with Ordinance 118 which states the fine for each violation shall be \$150.00 and may result in multiple fines for continuing violations but shall not exceed \$1000.00. T. Bobroske questions if the Town Atty. should be consulted with. R. Wesneski **motioned** for IWZEO Tom Mitchell to write a letter to Ralph Johnson informing him of a site visit and photo documentation to be conducted and stating what Mr. Johnson is in violation of and that a citation will be issued. The Commission asks that Atty. Michael Rybak review the letter before sending. The motion is seconded by M. French and passed unanimously.

**7. ANY OTHER BUSINESS.**

R. Orciari recuses himself at this time and gives an update on behalf of the **Harwinton Land Trust** – restoration of clear cut land in violation of the Trust's Conservation Easement, **330 North Road**, property owned by Andrew Goldstein.

Mr. Orciari informs the Commission that he, Highway Supervisor John Fredsall and Robert Gagne of 295 Harmony Hill Road, the person responsible for clear cutting, met on June 12, 2018 at the site. The property was completely stumped and the upper area was graded and seeded and the lower area was rough graded. Woodchips were placed down over the stumped area and acted as erosion control during heavy rains. Highway Supervisor John Fredsall's concern is of directing any surface run-off into the existing catch basin on Lead Mine Brook Road as it currently does so it doesn't cascade downhill causing problems further downstream. Mr. Orciari notes that he visited the site again on June 23, 2018 and found no erosion problems and he will continue to keep an eye on this site.

**8. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.**

None.

**9. CORRESPONDENCE.**

None.

**10. INVOICES.**

None.

**11. ADJOURN.**

S. Ryan **motioned** to adjourn the meeting at 8:10 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 7-5-18 AT 2:17 PM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK