

**INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
MONDAY, FEBRUARY 6, 2012
TOWN HALL 7:00 P.M.**

Present: Chairman Bruce Burnett, Sue Ryan, Robert Orciari, Robert Wesneski, Victoria Elliott, Don Prigitano, Alternate Member Marie Etter and Land Use Coordinator Polly Redmond
Also in attendance: First Selectman Michael Criss and Town Counsel, Michael Rybak
Absent: David Keepin, Alternate Member Garrett Jacques and IWZEO Karen Nelson

PUBLIC HEARING

1. OPEN HEARING -- ESTABLISH QUORUM.

Chairman Burnett called the hearing to order at 7:00 p.m. All regular members present are seated with Alternate M. Etter seated for D. Keepin. The hearing is being audio recorded.

2. PRESENT AMENDMENTS TO THE INLAND WETLANDS AND WATERCOURSES REGULATIONS, SECTIONS 4, 7, 9, 10, 11 AND APPENDIX B TO REFLECT AMENDMENTS TO THE INLAND WETLANDS AND WATERCOURSES ACT.

Chairman Burnett reads the call to hearing as published in the Republican-American on 1/26/12 and 2/3/12. Town Atty. Michael Rybak wishes to clarify that the proposed amendments are in response to the State of CT DEEP's 2007, 2010 and 2011 Legislation and Regulations Advisories which will then bring the Inland Wetlands and Watercourses Regulations up to date with the DEEP Model Regulations. Land Use Coordinator Redmond had discussed these Advisories with Darcy Winther, DEEP, researched the DEEP website for updates, and acknowledges that the proposed amendments being presented tonight encompass all updates mandated by the state. Atty. Rybak acknowledges the commission on the good work they did on the way they handled a recent application that involved low impact development techniques.

Commissioner D. Prigitano suggests amendments to those proposed by the state. He recommends adding "biking" to Section 4.2b after the word "water skiing" and under Section 10.1c, to provide separate line items for the Planning Commission and the Zoning Commission so it is not thought to be one commission. Commissioner R. Orciari questioned whether the commission should review the Fee Schedule but it was noted that a town meeting would be required in order to amend application fees. With no public in attendance and no further comments by the commission, D. Prigitano **motioned** to close the public hearing at 7:20 p.m., seconded by R. Wesneski. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING -- ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:20 p.m. The same quorum exists.

2. APPROVE MINUTES OF PREVIOUS MEETING: 1/3/12.

D. Prigitano recommends amendments to the minutes as follows: Item 4, condition 1 to read: "That on-site supervision and **dated** weekly inspections..." Also, that Item 4 was taken up for discussion after Item 5 was discussed. Therefore, Item 4 should be Item 5 and Item 5 should be listed as Item 4. Chairman Burnett notes that Item 2, line 11 the word "sideway" should be amended to read "sidewalk". R. Wesneski **motioned** to approve the minutes as amended, seconded by S. Ryan. Motion passed unanimously.

3. DISCUSSION /POSSIBLE DECISION TO AMEND THE INLAND WETLANDS AND WATERCOURSES REGULATIONS, SECTIONS 4, 7, 9, 10, 11 AND APPENDIX B TO REFLECT AMENDMENTS TO THE INLAND WETLANDS AND WATERCOURSES ACT.

D. Prigitano **motioned** to approve the proposed amendments, including those amendments made tonight to Section 4.2b and 10.1c, and to set an effective date of the Inland Wetlands and Watercourses Regulations for March 1, 2012. S. Ryan seconded the motion and it passed unanimously

4. **REVIEW 2013 BUDGET.**

Commissioners received a copy of the proposed budget that Land Use Coordinator Redmond worked on. With suggested cuts to line items, the proposed budget request has been reduced by \$1300.00 from \$4000.00 to \$2700.00. M. Etter **motioned** to approve and submit the 2013 budget request in the amount of \$2700.00, seconded by V. Elliott. Motion passed unanimously.

5. **ANY OTHER BUSINESS.**

None.

6. **COMPLAINTS/ENFORCEMENT ACTIONS.**

V. Elliott **motioned** to add under Complaints/Enforcement Actions the matter of Fred Pesce, 529 Burlington Road, past violations of activities in wetlands without permits. R. Wesneski seconded the motion and it passed unanimously.

Atty. Michael Rybak refers to a matter that IWZEO Karen Nelson contacted him on regarding a past violation by Fred Pesce, 529 Burlington Road. Tim Bobroske, a former Inland Wetlands Commissioner, attended the January 3, 2012 IWWC meeting questioning the status of what he thought was to be a cease and correct order and an after-the-fact application for past activities in wetlands without permits on various properties owned by Mr. Pesce. No further action has been taken by IWZEO Nelson after she and Sean Hayden, Soil Scientist, Northwest Conservation District, walked the property over a year ago. Chairman Burnett recalls having Mr. Pesce before the commission and requesting he fill out an application to which he refused to do. At one point, Robert Green, Robert Green Associates, had attended an IWWC meeting claiming to be representing Mr. Pesce and informing the commission that he was working on a site plan of the Pesce property. Atty. Rybak notes that even if past activities were in the name of Agricultural Purposes, an application must still be submitted to the Inland Wetlands Commission who then determines whether the activity is a use as of right. Atty. Rybak states he will contact Mr. Pesce's attorney in this matter.

IWZEO Karen Nelson's 2/6/12 Enforcement Report was sent to commissioners in the agenda mailing and reflects the Pesce matter as well as drainage issues on South Road and Orchard Hill Road. She also notes that she received a call from Clearview Avenue resident Brian McNicholas of a concern for excessive siltation in a watercourse along Route 72 which she investigated. Bristol Water Company located the source as being an eroded bank from recent storm events and the situation has been remedied. D. Prigitano notes that the enforcement officer's report is still lacking vital information such as dates and locations of inspections. First Selectman Michael Criss had sent a letter to IWWC and Zoning Commissioners requesting that the enforcement officer's invoices be backed up with investigation reports before being approved.

7. **CORRESPONDENCE.**

The CT DEEP sent correspondence dated 1/12/12 stating they are in receipt of the proposed IWWC regulations though due to resource limitations, the DEEP is not conducting conformity reviews at this time.

8. **INVOICES.**

None.

9. **ADJOURN.**

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

Respectfully submitted,

Polly Redmond
Land Use Coordinator