

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
MONDAY, MARCH 5, 2012
TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Susan Ryan, Robert Orciari, David Keepin, Robert Wesneski, Victoria Elliott, Don Prigitano, Alternate Member Marie Etter, Land Use Coordinator Polly Redmond and IWZEO Karen Nelson
Absent: Garrett Jacques

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: 2/6/12.

D. Prigitano **motioned** to approve the minutes of the previous meeting, seconded by S. Ryan. Motion passed unanimously.

3. DALE ADAMS – APPLICATION FOR CLEANING OUT POND, 44 SCOVILLE HILL ROAD.

Mr. Adams is present with a copy of an old site plan by Ron Dufour titled Map of Land Owned by Arthur J. Adams, dated 2/26/1987. Mr. Adams explains that he will use the spoils from the pond to fill in low spots in his yard and any excess material would be taken off the property perhaps by Billy Gilbert, Gilbert Construction. Mr. Adams notes that the pond is 7.5 to 8 feet deep, dug by O&G back in 1947-1948 who dug as far as they could before hitting ledge. There is a spring that feeds into the pond and there are trout in it although they would be caught before work began. Those that aren't caught would end up downstream in a neighboring pond. Mr. Adams believes that cleaning out the pond would also help prevent any possible overflow out onto the road if the water in the pond ever crested over the dam. Mr. Adams explains that he used to use the pond for gardening and watering his apple trees until he lost them last October. S. Ryan **motioned** to approve the application/declaratory permit as a use of right, seconded by D. Prigitano. Motion passed unanimously.

4. SCOTT MACKIEWICZ, SR. – APPLICATION FOR CREATING WATERING HOLE, 688 PLYMOUTH ROAD.

Mr. Mackiewicz, Sr. is present and refers to a site plan used in the application for construction of his home. Site plan by Robert Green Associates titled Zoning Location Survey, dated 7/24/02. He points out the area in the back of his property that is an old abandoned field which is continuously wet, approximately one foot deep with the water level never changing. He would like to remove the spoils in this wet area and make a deep pond to use as water source for livestock and produce gardens. R. Orciari notes that the wet area is probably not a vernal pool as it does not dry out during any time of the year. R. Orciari **motioned** to approve the application/declaratory permit as a use of right, seconded by V. Elliott. Motion passed unanimously.

5. RON VISINI/MELNIC, LLC – APPLICATION FOR 2-LOT RE-SUBDIVISION, CORNER OF ORCHARD HILL ROAD AND SCOVILLE HILL ROAD.

Dennis McMorro, P.E., Berkshire Engineering is present along with Mr. Visini representing Melnic, LLC. Plans by Berkshire Engineering titled Re-Subdivision Map Prepared for Melnic, LLC, Scoville Hill and Orchard Hill Roads, dated 2/6/12 (Sheet 1/1), Site Development Plan, dated 2/24/12 (Sheet S1), Erosion & Sedimentation Control Plan, dated 2/24/12 (Sheet E1) and Details & Notes, dated 2/24/12 (Sheet D1) are reviewed. The property is located in a TR zone, Assessors Map No. A6-3-1, and contains 6.955± acres. Wetlands have been flagged by George T. Malia, Jr., Certified Soil Scientist. The property is a resubdivision of property previously belonging to Luella A. Pratt shown on Map 603 in the land records of the town clerk, dated 5/28/81. Lot 1 shall contain 2.487± acres and Lot 2 shall contain 4.468± acres. Lot 2 driveway will have a wetlands crossing but house, septic and well will be outside of the regulated area. The slope on the downside of Lot 2 driveway is 2:1 and will have vegetative plantings and on the upside of the driveway there will be 5" minus rip rap along the driveway swale. Lot 1 contains no wetlands. The application is accompanied by a Project Report prepared by Berkshire Engineering dated 2/24/12. TAHD application has been made by the applicant and is awaiting approval. D. Prigitano **motioned** to accept the application as a regulated non-significant activity, seconded by S. Ryan. Motion passed unanimously.

6. **ANY OTHER BUSINESS.**

R. Orciari recuses himself as commissioner and addresses the commission as Director of the Land Trust. He is seeking a declaratory ruling for proposed work on Bull Pond ordered by the DEEP. Ownership of portions of Bull Pond needed to be determined and now have been established with the Land Trust owning half of the dam, the other half owned by a resident on Bull Road and the access to the pond being owned by the Harwinton Volunteer Fire Department. The Land Trust has sought out bids to remove approximately 25 trees (roots will remain) down slope from the dam as per DEEP's recommendation. R. Orciari states that the best way to do this is to build a temporary log bridge with hay bales along the stream, and dragging the trees over the top of the dam. He notes that some siltation may be inevitable. A contractor has not yet been chosen to take down the trees but once one is work will begin. R. Wesneski **motioned** to approve the application as a use of right for preservation of the dam as instructed by DEEP, seconded by D. Keepin. Motion passed unanimously.

R. Orciari is reseated.

Jason Daganalia for Tonya Wilson, 448 Litchfield Road, is present and explains that Ms. Wilson would like to grade her property north of the brook that runs through her property. Some trees have been taken out on the east corner and Ms. Wilson would like to construct a bridge to allow her horses to cross over the wetlands. Mr. Daganalia states that the water may not be too deep in that area so there may not even be a need for a bridge though there are a lot of rocks in the brook that they will be removing. R. Orciari recommends a twenty-five foot natural border remain along the edges of the brook. Mr. Daganalia states that there is already erosion along the banks of the brook with R. Orciari stating that horses in and out of the brook would only further erode the banks and recommends fencing to keep the horses out of the brook although he would rather see a bridge crossing for the horses. Mr. Daganalia states that if need be they will just remove trees that would lend light to gain grass area. There will be no training and no riding ring and the area of the brook could be fenced off to keep horses away. R. Wesneski suggests getting a test pit done first to determine the possibility of ledge in the area where they would like to grade. This will also determine what types of soils are in this area.

7. **COMPLAINTS/ENFORCEMENT ACTIONS.**

Atty. Rybak responded via email to Chairman Burnett, LUC Redmond and IWZEO Nelson (email forwarded to all commission members by LUC) in regards to Fred Pesce's Cease and Desist Order issued 12/21/2009. The matter has not been on the IWWC agenda for some time until former IWWC member Tim Bobroske attended a recent meeting questioning the status of the order. Atty. Rybak's email states that he spoke with Mr. Pesce's attorney, William Tracy, and explained the need for Mr. Pesce or his representatives to return to the IWWC with an after-the-fact application. Tim Bobroske, who is in attendance tonight, reminds the commission that they should determine if the activities taking place on Mr. Pesce's property is a bona fide agricultural use, as stated in the past by Mr. Pesce, in connection with his activity of filling in of wetlands. The commission can require an after-the-fact application or can require restoration/stabilization plans which, according to Sean Hayden, Soil Scientist, Northwest Conservation District, could make matters worse. R. Wesneski suggests IWZEO Nelson contact Atty. Rybak requesting he ask Atty. Tracy for a time schedule on when the commission can expect to receive an application by Mr. Pesce.

S. Ryan leaves the meeting at 8:15 p.m.

D. Prigitano recommends that IWZEO Nelson write a letter to Atty. Tracy that he should attend the next IWWC meeting on April 2, 2012. It is the consensus of the commission that IWZEO Nelson contact Atty. Rybak first and confer on whether or not she should contact Atty. Tracy.

R. Orciari states that he received a telephone call at the DEEP Office where he works from Ralph Johnson, Hill Road, who is complaining about excavation being done on Benton Brown's property on Valley Road creating a real mess. R. Orciari questions whether IWZEO Nelson can go down to the Brown property and take a look. Since there is no written complaint, R. Orciari offers to drop off a written complaint of his own in order for IWZEO Nelson to inspect.

8. **CORRESPONDENCE.**

Notice from Robert Gambino, President, Northeast Tree, Pond & Turf Service, Inc. out of New Milford has sent notice that he will be treating Lake Harwinton, Davis Road, off Route 118 – Spring Hill Road, off Route 4 and the Motuzik pond on 16 Upper Bogue Road with aquatic pesticides for weed control.
Board of Selectmen's minutes of 2/21/12 regarding Agricultural Committee is received.
Copies of Habitat are received.

9. **INVOICES.**

None.

10. **ADJOURN.**

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

Respectfully submitted,

Polly Redmond
Land Use Coordinator