

INLAND WETLANDS AND WATERCOURSES COMMISSION SPECIAL MEETING
WEDNESDAY, FEBRUARY 4, 2015 **TOWN HALL** **7:00 P.M.**

Present: Chairman Bruce Burnett, Paul Whiton, Marie Etter, Donald Prigitano, Robert Wesneski, Alternate Member Robert Orciari, Zoning Enforcement Officer Dave Perkins and LUC Polly Redmond
Absent: Sue Ryan, Victoria Elliott and Alternate Member Tim Bobroske

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 Robert Orciari seated for Sue Ryan.

2. APPROVE MINUTES OF PREVIOUS MEETING: 1/5/15

M. Etter **motioned** to approve the minutes of the previous meeting, seconded by R. Wesneski.

Motion passed unanimously with D. Prigitano refraining from vote due to his absence at the 1/5/15 meeting.

3. DON TRUSKAUSKAS – APPLICATION FOR 40' X 40' BARN, 99 SCOVILLE HILL ROAD.

Don Truskauskas is present. Plans by Aeschliman Land Surveying, PC, East Hartford, CT, titled Proposed Barn, dated 1-15-15 are reviewed. Mr. Truskauskas explains that clearing and filling activities are proposed 61 feet to a wetland area. He points out limits of clearing and states that he will be grading the slope down to the proposed barn area. Commissioner M. Etter questions why it is necessary to be within 100 feet of a wetland with Mr. Truskauskas pointing out other locations on the site plan that would also be within the regulated area and also pointing out problem areas that include topography and septic location. Upon questioning whether livestock will be kept in the barn, Mr. Truskauskas states that the building will be used for storage of vehicles such as a boat and camper. The Commission notes that the building then is not really proposed to be a barn but instead will be a storage building with Mr. Truskauskas agreeing. ZEO Perkins questions whether the grading will involve fill or moving the material with Mr. Truskauskas stating it will involve filling but he does not know the amount of fill. Commissioner Wesneski **motions** to accept the application as a regulated non-significant activity with condition that a notation be added to the site plan that states rip rap, already located on the property as indicated by Mr. Truskauskas, will be relocated to the toe of the slope to prevent washout.

Ron Genovese, 109 Scoville Hill Road, is in the audience and asks if he may speak regarding the application. He explains that Mr. Truskauskas has been operating a construction business from the home and that a cease and desist order was issued by ZEO Perkins. He believes that approval of this application will allow construction equipment to be brought back on to the property and it concerns him that approvals allow for construction to be over a period of five years. Mr. Genovese questions what kind of supervision there will be so that activities that the cease and desist ended won't start up again. Chairman Burnett states that this Commission has only jurisdiction over wetland activities with ZEO Perkins agreeing that this Commission looks at erosion control measures to protect the wetlands and watercourses.

Shawn Pace, 186 Scoville Hill Road, speaks of past violations on a Harwinton property previously owned by Mr. Truskauskas concerning stored construction equipment on residential land with no town oversight to control it. He speaks of a farm pond on Mr. Truskauskas' present property where a watercourse was moved in the process of creating the pond and again, no one from the town went out to inspect. Mr. Pace refers to the cease and desist order that is on record which states Mr. Truskauskas was operating a business out of his home and that the matter is now in the hands of the court. He states his belief that a soil scientist should be consulted with for this project at the expense of Mr. Truskauskas.

Mr. Truskauskas asks that this Commission not require anything different from him than what is normally required due to the comments made by members of the audience. Chairman Burnett questions Mr. Truskauskas if he has foundation details for the building with Mr. Truskauskas answering that they will be provided to the Building Inspector when he applies for a building permit. Upon questioning by ZEO Perkins on the number of doors and the height of the doors on the building, Mr. Truskauskas states he hasn't decided on that yet. Commissioner R. Orciari refers back to the fill being used and states that the fill should not contain construction material with Mr. Truskauskas stating it will not. With no further comments, Commissioner M. Etter seconds the motion made and it passed unanimously.

4. **FRED PESCE – DISCUSSION/POSSIBLE APPLICATION – CTDOT REQUIREMENT TO PAVE APRON ON ASSESSORS LOT NO. E6-04-0001, BURLINGTON ROAD.**

Mr. Pesce's son, Ric Pesce is present. Land Use Coordinator P. Redmond has provided Commissioners with history of the driveway application approved in November 2006 by this Commission and provides site plans also approved in 2006 for the driveway construction. LUC Redmond explains that DOT Inspector Terry Phalen contacted her informing her that 12 feet of the driveway curb cut (on the state's right of way) must be paved to avoid breakdown of the highway pavement. LUC Redmond spoke with Mr. Pesce's engineer, Robert Green, who informed her that the driveway is complete and that the apron is the last thing that must be done. Chairman Burnett questions Ric Pesce as to whether there has been any recent activity at the site with Mr. Pesce stating, no. Chairman Burnett questions if there are wetlands in this area with Commissioner Wesneski pointing out that the site plan shows the last Wetland Flag to be W.L. 275 but doesn't show where the wetlands end. Upon questioning, Mr. Pesce states that he does have a letter from CTDOT requesting that this work be done and he will provide a copy of this letter at the March IWWC meeting. Commissioner Wesneski questions whether the driveway construction is complete and has met the construction sequence noted on Sheet 2 of the site plans that includes removal of organic material, rough grade remaining driveway, construct rip rap ditch, topsoil and seed the area, fine grade the driveway, place waterbars and set plantings where shown and place protective railing (not *raining* as printed) with Mr. Pesce stating that the construction sequence is complete except for the planting and placement of the 2 inch stone for the apron. Mr. Pesce confirms that the culvert was installed two years ago. Commissioner Wesneski **motions** to require a Wetlands application to be submitted for work to be done and that ZEO Perkins is to write a report on compliance of past work and include what will be done in connection with the application. LUC Redmond reminds the Commission that paving of the apron is on the DOT right of way and questions whether the town should require an application. Commissioner Wesneski **revises his motion** to be as follows: that ZEO Perkins is to investigate the sight to determine if a Wetlands application is necessary and to report on conformance of past work being completed according to the site plan dated 11-30-06 provided by Robert Green Associates titled Partial Property Map Showing Site Plan for Driveway. If DOT wants different fill than what has been placed down already then a Wetlands application will be required. ZEO Perkins is to follow up on this, inspect and report back to this Commission.

5. **COMPLAINTS/ENFORCEMENT ACTIONS.**

None.

6. **CORRESPONDENCE.**

A letter from Jay Buss, 30 Catlin Road, is received regarding activities at Lake Harwinton and the inspection of the dam by DEEP. The letter lists issues and a brief description of actions that were taken by the Lake Association in connection with the inspection. Letter remains on file in the Land Use office.

Correspondence regarding the meeting date of the Annual Town Meeting (2/24/15) is received from LUC Redmond. Two IWWC Regular Member positions and two Alternate Member terms are up and nominations must be made at the Town Meeting. Chairman Burnett hopes the existing members whose terms are up continue to serve in their positions.

Notice of the CACIWC Annual Meeting has been received.

7. **INVOICES.** None.

8. **ADJOURN.**

R. Wesneski **motioned** to adjourn the meeting at 7:50 p.m., seconded by P. Whiton. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 2-6-2015 AT 9:05 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK