

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
MONDAY, DECEMBER 3, 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: 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.

2. APPROVE MINUTES OF PREVIOUS MEETING: 11/5/12.

R. Orciari **motioned** to approve the minutes of the previous meeting, seconded by S. Ryan. Motion passed unanimously with V. Elliott and D. Prigitano refraining from vote due to their absence at the 11/5/12 meeting.

3. DENNIS MCMORROW, P.E., BERKSHIRE ENGINEERING FOR RICH CARON – APPLICATION FOR SEPTIC REPAIR, 506 WILDCAT HILL ROAD.

Mr. McMorrow, P.E. is present along with Rich Caron. Plans by Berkshire Engineering titled Septic System Repair Design, dated 11/20/12 are reviewed. Mr. McMorrow explains that the current septic system is failing with breakout of effluent. The front of the property is mostly well radius of 75 feet leaving only one feasible location for the new septic on the north side of the property, 36 feet from wetlands and 65 feet from a pond on the property. Mr. McMorrow states that there will be no impact to wetlands with the 36 foot separating distance. TAHD approval is outstanding. R. Orciari questions the possibility of a neighboring well on the property to the north abutting Mr. Caron's with Mr. McMorrow confirming there is only a barn on the neighboring property with no house and no existing wells in the area. S. Ryan **motioned** to approve the application as a use as of right/maintenance pending TAHD approval, seconded by D. Prigitano. Motion passed unanimously.

4. GREG MELE/BIRGE PARK COMMONS, LLC – APPLICATION FOR ADDITIONS TO COMMERCIAL BUILDING, 178 BIRGE PARK ROAD AND SEPTIC REPAIR.

Mr. Mele is present along with Robert Colabella, P.E., Laurel Engineering and Michael Sherman, Project Engineer, Laurel Engineering. Mr. Colabella reviews plans by GM2 Associates titled Property & Topographic Survey, dated October 2012, revised 11/26/12 and 11/27/12, plans by Laurel Engineering titled SSD (*Subsurface Sewage Design*) 178 & 182 Birge Park Road, dated 12/3/12 and plans by Laurel Engineering titled SCS (*Sedimentation Control*) Details and Narrative, dated 12/3/12. The application is also accompanied by a soil report dated 11/17/2012 by Thomas Stansfield MPH, R.S., Stansfield Environmental Services and the report includes a letter from Thomas Stansfield to Mike Sherman, Laurel Engineering. Additions to the building include an 1175 square foot addition to the northern unit, which will be occupied by Eastside Electric, 320 square foot addition to the middle unit currently occupied by Birge Park Luncheonette and 166 square foot addition to the southern unit which is currently unoccupied. The proposal for septic repair involves removing the existing septic tank and replace with a 3,000 gallon two-compartment septic tank and expand the leaching field with 4' x 1.5' Mantis 536-8 leaching units. TAHD approval is outstanding though test pits were done with the conclusion that the proposed location for the septic is the only place suitable due to the existing parking lot located in the front of the building and a drainage easement located in the south eastern corner of the property. Removal of a portion of the parking lot on the south side will need to be removed to make way for the new septic system. Mr. Colabella points out a location in the front of the existing home at 182 Birge Park Road, formerly used for Personalized Travel, and notes that it is being reserved for a future septic system to service that house which has been confirmed as a 3 unit apartment. Sheet SSD lays out code compliance with TAHD for the subsurface sewage disposal system. The proposed system has been maximized for future commercial uses and Mr. Colabella notes that the current system is working with no problems. The new septic system will support the addition of two ADA compliant bathrooms in both rental spaces and comply with current health code. Septic installation will follow once additions are constructed. Regarding the additions to the building, Mr. Colabella states that the northern corner of the existing building is 22 feet from the brook that runs along the back of the property and 15 feet from the southern corner of the existing building to the brook. With the proposed additions, there would be an encroachment of 7 feet. Mr. Colabella notes that

proposals are not putting any thing closer to what is already there and that most of the entire existing building is already within the 100 foot regulated area.

R. Orciari questions the drainage flow with Mr. Colabella stating that the flow is directed toward the front south corner of the parking lot and out to the drainage ditch on the south side. R. Orciari questions if there are roof drains on the existing building with Mr. Mele stating there are none right now. Mr. Colabella adds that there will be a system in place to clean the runoff before it reaches wetlands and that perhaps a small rain garden could be installed. R. Orciari questions the route construction trucks will take to gain access to the back of the property for construction with Mr. Mele stating they will access on the south side of the building. R. Orciari questions erosion control with Mr. Colabella stating that silt fence will be installed with six inches imbedded into the ground dug by a spade. R. Orciari requests that wetland plantings be planted along the brook providing a natural buffer with Mr. Mele agreeing to do this. R. Wesneski questions the Commission on their thoughts of holding a public hearing on this application with R. Orciari noting that since this is an existing developed site and the amount of pavement to be removed exceeds the proposed additions, it is his belief that there is no need for a public hearing. With no further comments, R. Wesneski **motioned** to accept the application as a regulated, non-significant activity, seconded by S. Ryan. Motion passed unanimously.

5. **FRED PESCE – APPLICATION FOR AFTER-THE-FACT ACTIVITIES, 529 BURLINGTON ROAD.**

No one is present to represent. IWZEO Karen Nelson reports on the health of Mr. Pesce being the reason he is not present. A letter from Sean Hayden dated 11/12/12 has been received in the Land Use office in response to requests of the Commission that were outlined in their 8/6/12 meeting minutes. Chairman Burnett refers to a past letter from Sean Hayden dated 7/26/12 that touches upon remediation recommendation. No new information has been received from Mr. Pesce's engineer, Robert Green, P.E. Chairman Burnett questions IWZEO Karen Nelson on the protocol for placing a Notice of Violation or Cease and Correct Order on the land records of Fred Pesce's property with IWZEO Nelson stating that the minutes must be clear on this request and the violations must be clear. IWZEO Nelson suggests that if notice will be placed on the Pesce land record, perhaps the Commission should consider consolidating all the issues they have on the two parcels owned by Mr. Pesce to which he has done unpermitted work on. Chairman Burnett states that the first issue to be considered is the parcel where Mr. Pesce conducted unpermitted activities in the parking area for a farm stand and the second issue is the parcel where Mr. Pesce conducted unpermitted activities in the state right of way. The Commission agrees that a Cease and Correct Order should be directed to the first issue only and the second issue regarding work in the state right of way could be held off on.

V. Elliott **motioned** to have IWZEO Karen Nelson issue a Cease and Correct Order on the property owned by Fred Pesce/Johnnycake Airport Property, 529 Burlington Road of which portion of property was inspected by Sean Hayden, Soil Scientist, Northwest Conservation District, and to order that Mr. Pesce remediate his actions per Sean Hayden's recommendations noted in his letters of 7/26/12 and 11/12/12. D. Keepin seconded the motion. R. Wesneski wishes to add to the motion that the Cease and Correct Order shall be placed on the land records in the office of the Town Clerk. IWZEO Nelson states that there must be paperwork first in the way of a Show Cause Hearing with notice given to Mr. Pesce allowing him to appear before this Commission to show cause why the Order should not remain in effect (State Statute 22a-44) and that the Cease and Correct Order should request that a site plan be provided to this Commission at the time of the Show Cause Hearing. M. Etter states that this Commission should first accept Sean Hayden's recommendations with the Commission agreeing. V. Elliott rescinded her motion and D. Keepin rescinded his second to the motion. V. Elliott **motioned** to accept Sean Hayden's recommendations outlined in his letters of 7/26/12 and 11/12/12, seconded by S. Ryan. Motion passed unanimously. S. Ryan **motioned** to instruct IWZEO Karen Nelson to issue a Cease and Correct Order to Fred Pesce that will instruct him to appear before this Commission for a Show Cause Hearing on **Monday, February 4, 2012 at 7:00 p.m. in the town hall** and to present a site plan that includes recommendations made by Sean Hayden noted in his letters of 7/26/12 and 11/12/12 that have been accepted by the Inland Wetlands and Watercourses Commission. IWZEO Nelson should include Sean Hayden's letters in the Cease and Correct Order to Mr. Pesce with a copy of all material also sent to Robert Green, P.E., Robert Green Associates. D. Keepin seconded the motion and it passed unanimously.

6. REVIEW 2012 LEGISLATION & REGULATION ADVISORY.

IWZEO Karen Nelson has submitted the Town of Cornwall's Section 4 of their Wetland Regulations which is more specific than the Town of Harwinton's. D. Prigitano **motioned** to table discussion to the January 7, 2012 meeting, seconded by S. Ryan. Motion passed unanimously.

7. REVIEW OF 2013 COMMISSION MEETING SCHEDULE.

Commissioners accept the 2013 Meeting Schedule.

8. ANY OTHER BUSINESS.

LUC Redmond informs the Commission that she has signed off on three applications.

- 1) Benjamin Dougherty, 262 Harmony Hill Road – 20' x 25' barn. No wetlands on property.
- 2) Joseph Martins, 199 Birge Park Road – 30' x 24' garage. No wetlands on property.
- 3) John Falk, 52 Catlin Road – addition of 10' x 31.5' deck and 9.5' x 11.5' screened porch.

9. COMPLAINTS/ENFORCEMENT ACTIONS.

None.

10. CORRESPONDENCE.

Notice from DEEP dated 11/16/12 of a second notice for maintenance request of Weiss Pond Dam, 320 Locust Road, property owned by Frank & Joanne Magaden.

11. INVOICES.

S. Ryan **motioned** to approve the invoice of IWZEO Karen Nelson for 16 hours (\$560.00) for the period of October 1, 2012 thru November 8, 2012. R. Wesneski seconded the motion and it passed unanimously.

12. ADJOURN.

V. Elliott **motioned** to adjourn the meeting at 8:35 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

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TOWN CLERK