

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING  
TOWN HALL 7:00 P.M.  
MONDAY, OCTOBER 7, 2013

Present: Chairman Bruce Burnett, Sue Ryan, Robert Orciari, Robert Wesneski, Victoria Elliott, Paul Whiton,  
Alternate Member Marie Etter and Land Use Coordinator Polly Redmond.  
Absent: Don Prigitano 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 Marie Etter seated for absent member Don Prigitano.

2. **APPROVE MINUTES OF PREVIOUS MEETING: 9/3/13**

R. Wesneski **motioned** to approve the minutes of the previous meeting with amendments to Item 5, paragraph 1, line 4 to read: "take measures to stop siltation from exiting (delete the word *existing*) the property..." and to Item 6, line 4 to read: "... and Rick Pesce were instructed on what needs to be done which is to remove large aggregate and add dirt to make a gradual slope to the wetlands area."

M. Etter seconded the motion and it passed unanimously.

3. **ROGER PLASKETT/TOWN OF HARWINTON – APPLICATION FOR CONSTRUCTION OF MUSEUM TO BE KNOWN AS THE HARWINTON HOUSE, BENTLEY DRIVE, MUNICIPAL COMPLEX.**

Mr. Plaskett, Chairman, Harwinton House Committee, is present along with Michael Sileo, Architect, Amaya Architects, Orange, CT and Jay Kellor, P.E., Land Engineering, Bridgeport, CT. Plans by Land Engineering and Surveying, dated 8/20/13, revised to 10/4/13, titled B100A Code Complying Septic Design Plan and Detail are reviewed. Mr. Plaskett explains that there were three possible locations for locating the Harwinton House and rebuilding it, all within the Town's Municipal Complex. Final location is proposed for the southwest corner of the property. Mr. Kellor explains that soil testing was done on the site, leading to the septic system being located on the far southwest corner and 55 feet to a wetland pocket. Septic is designed for a three-bedroom house though Mr. Plaskett explains that the building will be home to the Harwinton Historical Society and used as a museum. The Historical Society currently uses the Skinner House. Mr. Kellor explains that his firm was charged with designing the septic system. Soil testing was conducted with soils deemed typical with 2.5 feet of hardpan. The percolation rates came in between 10 minutes per inch and 20 minutes per inch allowing for the design of a septic system for a three-bedroom house. There were some comments by TAHD that were reviewed though no approval has yet been received. Mr. Kellor continues by stating that they tried to design the septic as a gravity system. The leaching system elevation sets the septic tank elevation and in order to get the plumbing in, sets the first floor elevation. FFE of the house is at 837± inches and that is 5.5 feet above the road. If the commission allows, they would like to get the septic closer than 55 feet from the wetlands but no closer than 50 feet. V. Elliott questions whether bathroom use would be limited on the Harwinton House with Mr. Plaskett replying yes and that the Harwinton House would not be open all day. The Harwinton House will support two bathrooms and a kitchen sink. The future addition added on the site plan is not being applied for and Mr. Plaskett notes that it was never voted on. Upon questioning by R. Wesneski as to implementation of low impact development techniques, Mr. Kellor explains that there are no proposed swales or rain gardens but that the parking lot will be gravel. R. Orciari has concerns over gravel washing out to the roadway of Bentley Drive (which is in fact a driveway) but if the parking lot were to be paved, there will be a need for drainage out to the catch basin. He adds that with excavation there will be a need for silt fence along the roadway.

R. Orciari also offers that with the slope of the lot, it might be better to pave the parking lot. P. Whiton **motioned** to accept the application as a regulated non-significant activity, seconded by S. Ryan. R. Orciari adds a friendly amendment stating that silt fence should be added to the plans and that with the final plan, asphalt for the parking area should be considered and if it will be paved, tying in to the catch basin should be shown.

4. **SHOW CAUSE HEARING – CONTINUED – ORDER TO FRED PESCE TO STOP SILTATION FROM EXITING HIS PROPERTY (E6-4-10) TO THE WEST ONTO PROPERTY OWNED BY ALYSEN ALMAND, 401 BURLINGTON ROAD. SHOW CAUSE OPENED ON 9/3/13.**

No report from IWZEO David Perkins and he is not in attendance. He left word with LUC Redmond that Fred Pesce is pretty much done with repairing the wetland and fixing the stream. Silt has been removed from the stream and the wetland area is seeded and covered with hay. Alysen Almand is present and states that silt was taken out of the main channel by hand and material was added on the banks of the stream. She saw David Perkins out at the Pesce property on 10/2/13 observing this work taking place. The Show Cause Hearing will be continued to the next IWWC meeting on November 4, 2013.

5. **REVIEW IWWC DECISION TO UPHOLD CEASE AND CORRECT ORDER AGAINST FRED PESCE FOR AFTER-THE-FACT ACTIVITIES OF DEPOSITION OF MATERIAL AND POLLUTION INTO REGULATED AREAS WITHOUT A PERMIT, 529 BURLINGTON ROAD. CEASE AND CORRECT ORDER ISSUED BY FORMER ZEO KAREN NELSON DATED 12/20/12.**

No report from IWZEO David Perkins on this matter. Referring to the 8/5/13 IWWC minutes, six conditional items are to be provided to this commission including an as built. R. Wesneski **motioned** to uphold the Cease and Correct Order until the six conditions noted at the 8/5/13 IWWC meeting are provided. Those conditions are: (1) arrows plotted on the site plan for egress and ingress from a parking area be removed, (2) that Protected Wetlands medallions be placed along the eastern edge of the filled area on 4' x 4' pressure-treated posts, (3) that material removed shall be brought to a non-regulated area on the Pesce property, (4) that information on the location of where the material was removed to be given to the Land Use office, (5) that work is to be completed by September 21, 2013 and (6) that an as-built be provided to this Commission upon completion of work. Also included in the motion, that IWZEO David Perkins send a letter to Fred Pesce and his engineer, Robert Green, Robert Green Associates, reminding them of these conditions and that they are to both appear at the next IWWC meeting on November 4, 2013 at 7:00 p.m. S. Ryan seconded the motion and it passed unanimously.

Alysen Almand explains that Fred Pesce is continuing to excavate at the property line in the wetland area in the front of his property at 529 Burlington Road. On 10/2/13 IWZEO Perkins stopped at Ms. Almand's house and informed her that work subject to former IWZEO Karen Nelson's Cease and Correct Order of 12/20/12 was complete and that Mr. Pesce should not be doing any further work out there. On 10/3/13 she states she observed Fred Pesce in that area with an excavator and when she drove by his property she saw a large pile of roots/brush in that area that has since been removed but that large boulders remain. It is this work that is the subject of her 10/3/13 complaint received in the Land Use office (see Item 6 below).

S. Ryan **motioned** that IWZEO David Perkins send an email to each commissioner giving them a progress report on work Fred Pesce has done and completed in relation to the Cease and Correct Order he issued on 8/29/13 and also send a report to them regarding the 10/3/13 complaint Alysen Almand made concerning continuing work in the area associated with the Cease and Correct Order of 12/20/12 issued by former IWZEO Karen Nelson. V. Elliott seconded the motion and it passed unanimously.

V. Elliott **motioned** that IWZEO David Perkins go out to the Pesce property as soon as possible and inspect what has been done and what work may be continuing without proper permits or requirements for both areas that are subject to violations; the area in the front of the property at 529 Burlington Road, subject to the Cease and Correct Order issued by former IWZEO Karen Nelson on 12/20/12 and also the area subject to the Cease and Correct Order issued by him on 8/29/13.

6. **COMPLAINTS/ENFORCEMENT ACTIONS.**

ALYSEN ALMAND, 401 BURLINGTON ROAD AGAINST FRED PESCE, E6-04-0010, BURLINGTON ROAD.

See Item 4 above.

New Complaint received from Alysen Almand dated 10/3/13. See Item 5 above.

R. Wesneski **motioned** to add Ken Flugrad to the agenda, seconded by P. Whiton. Motion passed unanimously.

Mr. Flugrad is with Boy Scout Troop 55 and is proposing an Eagle Scout project to begin in the spring of 2014. The project will take place at Bull Pond constructing a bridge connecting the south shore to the north shore. The area is passable via a trail but turns mucky in one area that requires one to wear boots if passing over. The bridge, or boardwalk as it was determined to actually be, will be 50 feet in length with a brick base, constructed by hand.

R. Wesneski **motioned** to approve the project as a use of right/maintenance and advised Ken Flugrad to get assistance in planning the base support and design of the boardwalk, seconded by S. Ryan. Motion passed unanimously. The work will benefit the Harwinton Land Trust as well as the residents who utilize the walking trail in the area.

Mr. Luis Silva is present and states he was anticipating the presence of IWZEO David Perkins at tonight's meeting to sign a Certificate of Compliance for the Silva's new home on Breezy Hill Road in order to receive a Certificate of Occupancy from the Building Inspector. Mr. Silva states he will return to the Land Use office the next day and expects and insists on receiving a Certificate of Compliance.

**7. ANY OTHER BUSINESS.**

M. Etter asks for clarification on alternate commission members who are not seated and their participation at meetings.

LUC Redmond has signed off on the following Wetland applications:

- 1) Stephen Greer, 59 Campville Hill Road – inground pool.
- 2) Thomas Rotondo, 400 Locust Road – addition to home.
- 3) Bruce Sohl, 114 Wilson Pond Road – addition of garage with second story bedrooms and bath.
- 4) Jeffrey Behrendt, 175 County Line Road – 30' x 50' garage. Notice sent to MDC and Burlington.

**8. CORRESPONDENCE.**

Brochure from DEEP received for October 23 & 24, 2013 Workshops at Sessions Woods.

Received CACIWC invitation/registration to their Annual Meeting and Environmental Conference to be held on Saturday, November 16, 2013 at Courtyard by Marriott, Cromwell.

Copies of Habitat are received and distributed.

**9. INVOICES.**

Invoice of IWZEO David Perkins received for 15.25 hours covering period 8/13/13 to 9/20/13.

R. Wesneski **motioned** to approve the invoice with the condition that Investigation Reports for activities listed is received at the next IWWC meeting, seconded by M. Etter. Motion passed unanimously.

**10. ADJOURN.**

S. Ryan **motioned** to adjourn the meeting at 8:25 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 10-10-13 AT 2:15pm  
ATTEST NANCY E. ELDRIDGE TOWN CLERK