

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
MONDAY, MAY 6, 2013
TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Susan Ryan, Robert Orciari, Robert Wesneski, Don Prigitano, Victoria Elliott, Paul Whiton, Marie Etter, Tim Bobroske and Land Use Coordinator Polly Redmond

SHOW CAUSE HEARING - continued

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Burnett called the hearing to order at 7:00 p.m. All regular members present are seated.

2. FRED PESCE – AFTER-THE-FACT ACTIVITIES OF DEPOSITION OF MATERIAL AND POLLUTION INTO REGULATED AREAS WITHOUT A PERMIT, 529 BURLINGTON ROAD.

No one is present to represent.

S. Ryan **motioned** to continue the Show Cause Hearing to the next regularly scheduled IWWC meeting to be held on Monday, June 6, 2013. R. Wesneski seconded the motion and it passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:03 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 4/1/13 AND 4/15/13

D. Prigitano **motioned** to approve the minutes of 4/1/13, seconded by R. Orciari. Motion passed unanimously with S. Ryan refraining from voting due to her absence at the 4/1/13 meeting.

S. Ryan **motioned** to approve the minutes of 4/15/13, seconded by R. Wesneski. Motion passed unanimously with R. Orciari refraining from voting due to his absence at the 4/15/13 meeting.

3. DISCUSSION/POSSIBLE DECISION – STEVE LATOUR, BERKSHIRE ENGINEERING FOR ELLIOT CYR (PROPERTY OWNER) AND WESLEY CYR (APPLICANT) – APPLICATION FOR TWO LOT RESUBDIVISION, 93 OAKWOOD DRIVE.

Dennis McMorro, P.E., Berkshire Engineering is present to represent. Property owner Elliott Cyr and applicant, Wesley Cyr, are also present. Plans by Berkshire Engineering titled Re-Subdivision prepared for Wesley Cyr (sheet 1/1), dated 1/14/13, revised to 3/14/13 (to add adjoining owners), and revised 5/6/13 (for Drainage Easement), Site Development Plan, Lot 2, Cyr Re-Subdivision (sheet S1), dated 2/26/13, revised 3/14/13 (for 25 foot natural vegetation area & 4 bedroom dwelling), revised 4/2/13 (adding catch basin) and revised 5/6/13 (for Drainage Easement), Erosion & Sedimentation Control Plan (sheet E1), dated 2/26/13, revised 5/6/13 (for Drainage Easement), Details & Notes (sheet D1), dated 2/26/13 are reviewed. Mr. McMorro addresses concerns the Commission had at the last IWWC meeting regarding whether construction would be in the area for the Natural Diversity Data base. Mr. McMorro offers mapping obtained from cteco.uconn.edu website and points out, for orientation, the location of two ponds on the Cyr property as well as a swamp and open meadow area which is in the vicinity of the proposed development. Circles on the map depict areas of locations for possible endangered species and Mr. McMorro notes that these circles do not fall within the proposed development area. Mr. McMorro also reviews the Flood Zone area and states it has been determined that the proposed house shall not be within Flood Zone A.

Mr. McMorro notes that plans have been revised for drainage easement and pipe location which will correct an improper installation by previous owners. Plans show that an existing outlet culvert on the south side of Oakwood Drive will be plugged, an existing swale on neighboring Zyche property will be filled in and the existing pipe on Lot 2 (Wesley Cyr) will be relocated. A new pipe will be set, beginning in the town's right of way, crossing under the proposed driveway, back onto the town's right of way and then back onto Lot 2 to the additional catch basin with discharge to the east onto and through Lot 1. A twenty foot drainage easement is proposed with Mr. McMorro confirming that this work will be done at the applicant's expense including the filing of Easements in the town land records.

R. Orciari questions how the stream bank looks today with Mr. McMorrow stating that it is eroded and steep, steeper than 1:1 probably.

Michael Zychek, 66 Oakwood Drive, questions whether the storm drain will be installed by the property owner or whether it has to be done by an engineer or the state. Dennis McMorrow answers that it is regulated by the town and John Fredsall, Highway Supervisor, has been contacted.

R. Orciari questions who will maintain the drainage with Dennis McMorrow stating that as long as the town maintains Oakwood Drive on a regular basis, i.e., cleaning out catch basins, it should be okay though the proposed catch basin will have a sump and will require vacuuming out periodically. R. Orciari questions the possibility of backups with D. McMorrow stating that it is not normal to have a catch basin or pipe backup and that water should flow right through. There could be sediment build up which comes from off the road though the town no longer sands during snowstorms. Michael Zychek states that gravel still finds its way into the drainage system.

With no further discussion, R. Orciari **motioned** to approve the application as a regulated non-significant activity according to plans revised 5/6/13, seconded by V. Elliott. Motion passed unanimously.

4. DISCUSSION/POSSIBLE DECISION - FRED PESCE SHOW CAUSE HEARING – UPHOLD, MODIFY OR WITHDRAW ORDER, 529 BURLINGTON ROAD.

No discussion.

5. REVIEW 2012 LEGISLATION & REGULATION ADVISORY.

Town Counsel Michael Rybak advised the commission to not include additional wording obtained from the Town of Colebrook/IWZEO Karen Nelson and to stay with what the DEEP Model Regulations propose.

R. Wesneski **motioned** to set a public hearing to present proposed Inland Wetland Regulation amendments for Monday, June 3, 2013, seconded by S. Ryan. Motion passed unanimously.

6. DISCUSSION – OPEN ZEO POSITION.

R. Orciari recuses himself from this matter as he was not present during a Special Meeting interview with candidate Stacey Sefcik on 4/15/13. Alternate M. Etter is seated for Item 6 only. Discussion takes place on hiring of a ZEO. It is noted that Land Use Coordinator Polly Redmond was offered the position but was not offered any additional hours. She works 29 hours in her position as Land Use Coordinator and with no additional hours to conduct the Enforcement duties she declined the offer. It was unclear to commissioners on whether the town was going to advertise again for the position. R. Orciari states that he would like to wait to find out. With no further discussion, R. Wesneski **motioned** to let it be known that the Inland Wetlands Commission recognizes Stacey Sefcik as a qualified candidate for the position. The motion was seconded by V. Elliott and passed 6 to 1 with M. Etter voting against the motion.

7. ANY OTHER BUSINESS.

R. Orciari recuses himself at this time and brings information to the commission as a member of the Land Trust. He explains that the Land Trust is looking for a Declaratory Ruling for work to be done at Bull Pond. He reminds the commission of damage done to trees, uprooting them, during a storm a couple of years ago. Since then, illegal dumping of asphalt and sheet rock has been taking place at the site five feet from the dam. This Saturday, May 11th, a group of volunteers will be cleaning up the area and a tractor will be on site to assist. R. Orciari states that the debris will be removed and the area will be covered with woodchips. There is also a part of the shore area that was rip rapped and the pond bank there is stabilized with vegetation. There is erosion where it was not rip rapped and it is the intent of Land Trust members to place rocks by hand in this area. R. Wesneski **motioned** to approve the application as a use of right/stream bank improvement, seconded by S. Ryan. Motion passed unanimously.

LUC Redmond informs the commission that she signed off on four applications:

1. Heidi Kirchofer, 221 Burlington Road, 22' x 24' addition (after demolition of as 12' x 14' porch). Activity approximately 300 feet from wetlands.
2. Brian Mooney, 40 Bull Road, 12' x 16' shed. Activity approximately 120 feet to wetlands.
3. Timothy Mischke, 580 Plymouth Road, 18' x 22' barn. Approximately 100 feet to wetlands.
4. Roger Wasilonski, 51 Lenor Drive, 12' x 20' barn. No wetlands.

James Buss from the Lake Association is present and informs the commission that the Association hired someone to review the lake. A report has been received and will be sent to LUC Redmond to pass along to commissioners.

8. COMPLAINTS/ENFORCEMENT ACTIONS.

None.

9. CORRESPONDENCE.

DEEP Training for Municipal Inland Wetlands Agencies brochure is received and will be available in the Land Use office. A training voucher was included.

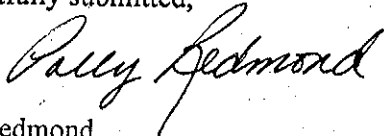
10. INVOICES.

None.

11. ADJOURN.

R. Wesneski motioned to adjourn the meeting at 8:15 p.m., seconded by S. Ryan. Motion passed unanimously.

Respectfully submitted,



Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 5/9/2013 AT 11:26 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK