

INLAND WETLANDS AND WATERCOURSES COMMISSION
MONDAY, MAY 7, 2018
TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Susan Ryan, Eric Rahn, Robert Wesneski, Merrill French, Alternate Member Robert Orciari and Land Use Coordinator Polly Redmond

Absent: Victoria Elliott, Timothy Bobroske and Alternate Member Leah Blake

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 R. Orciari seated for V. Elliott.

2. APPROVE MINUTES OF PREVIOUS MEETING: 4/2/18

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by R. Orciari. Motion passed unanimously with M. French refraining from voting due to her absence at the previous meeting.

3. DISCUSSION/POSSIBLE DECISION - BRIAN RIVARD – APPLICATION TO CONSTRUCT ACCESSWAY TO REAR OF PROPERTY, CONSTRUCT A 24' X 12' SHED AND PLANT HEMLOCKS ALONG PROPERTY LINE, 97 MEADOWVIEW DRIVE.

Mr. Rivard is present. With no further comments or concerns, S. Ryan **motioned** to approve the application as a regulated non-significant activity, seconded by M. French. Motion passed unanimously.

4. DISCUSSION/POSSIBLE DECISION - SEAN COMER – POND CONSTRUCTION, 125 BURLINGTON ROAD, PROPERTY OWNED BY HAROLD STRICKLAND.

No one is present to represent.

5. DISCUSSION/POSSIBLE DECISION - BUMPER BROOK ESTATES, LLC – APPLICATION TO CONSTRUCT 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD.

Atty. William Tracy is present. W.M.C. Consulting Engineers' report has not yet been received, therefore, Atty. Tracy submits a letter dated 5/7/18 that states the applicant agrees to a continuance of the application to the next available meeting of the Commission in order to facilitate the engineering review and to allow sufficient time for any remaining engineering comments to be fully addressed. The applicant consents to an additional extension of up to the maximum 65 day period permitted by statute.

He also submits for the file a copy of the City of Torrington's Inland Wetland and Watercourse Permit issued 3/20/18.

6. STEPHEN MUSCARO – POND CLEAN OUT, 179 PLYMOUTH ROAD.

Mr. Muscaro is present and provides black and white photos showing his pond and the location of the town's right of way for road drainage. He also has a copy of Subdivision Map 356 showing his property as Lot 13. He explains that he would like to clean out the sediment and sand in his pond that is collected from the road runoff of Wake Robin Lane. At a later time he wishes to knock down a natural rock dam on his property, digging it out and rebuilding it. R. Wesneski states that the purpose of the rocks is to slow the erosion and if the dam is replaced, it should be replaced with rocks. Mr. Muscaro states that he would like to use even more rocks if possible and that he will be doing this by hand, not machinery, unless he could be permitted to get equipment in there. Chairman Burnett informs Mr. Muscaro that maintenance of a pond is a use of right and if he wants to hire a contractor to do the work with machinery, he can, but that he should inform the Land Use office. R. Wesneski states that if machinery will be used, there would be requirements for erosion control measures. E. Rahn **motioned** that the maintenance of the pond is a use of right, seconded by S. Ryan. Motion passed unanimously.

7. RICHARD BROWN – 20' X 30' ADDITION TO HOME AND RE-GRADING OF SLOPE, 19 SUNNY LANE.

Mr. Brown is present and provides a sketch of his proposal to re-grade a slope with a gentle swale to define a waterway created by a town right of way for road drainage on the east side of his property where the road ends in a cul-de-sac. The swale will coerce the water toward a pond in the back of the property where a

fountain will also be installed to keep the water from being stagnant. A retaining wall is proposed on the west side of the property behind an existing garage where grading will be done to achieve the installation of the wall and the application also includes a 20' x 30' addition located to the rear of the home for use as a great room. The addition will be on piers with no foundation. Mr. Brown informs the Commission that his entire lot is considered wetlands by soil type and that there is a 7 to 9 foot downward slope towards the back of the property over a distance of 210 feet. A stream runs along the back of the property beyond a stone wall. He adds that there are about 25 stumps, 4 feet tall, on the property that he wants to grind down. S. Ryan states she is not in favor of adding on to the house due to the wetlands on the property. R. Orciari states that the wetland soils stay intact with the use of piers and he sees the activity as insignificant. He questions Mr. Brown on the type of vegetation he will be planting once the property is graded with Mr. Brown replying he will plant pachysandra and moss. R. Wesneski asks if the applicant would agree to erosion control measures around the property to keep everything on the lot during construction and to notify the Wetlands Enforcement Officer before starting work to inspect E&S. Mr. Brown agrees to this. R. Wesneski **motioned** to accept the application as a regulated non-significant activity, seconded by M. French. Motion passed unanimously with S. Ryan abstaining from vote.

8. RALPH JOHNSON – CLEAR CUTTING, VALLEY ROAD. CONTINUED DISCUSSION.

Mr. Johnson is not present. LUC Redmond informs the Commission that a member of Thomaston Fish and Game came in to the Land Use office and informed her that the tree cutting is continuing. That person also believes trees are being removed from the abutting Thomaston Fish and Game land by Mr. Johnson and he was informed that is a civil matter between the two parties. LUC Redmond also informs the Commission that Mr. Johnson has not provided a copy of a Wetlands permit to the Land Use office giving approval to conduct the regulated activity of clear cutting as he said he would at the last IWWC meeting. R. Wesneski **motioned** that if Mr. Johnson can't produce a copy of the permit for the allowable time the permit is good for (5 years) for current activities taking place then a Cease and Desist Order must be sent by IWZEO Tom Mitchell and order the applicant to attend a Show Cause Hearing on June 4, 2018 at 7:00 p.m. in the town hall. M. French seconded the motion and it passed unanimously.

At the end of this discussion, at 7:45 p.m., Mr. Johnson arrives and is informed that a motion was just made that a Cease and Desist Order be issued to him. Mr. Johnson states that his logger came in and spoke with LUC Redmond and that after reviewing a map together, LUC Redmond informed him that there were no wetlands on the property and that work can continue without a permit. Chairman Burnett states that a permit must be issued for clear cutting by this Commission. E. Rahn asks Mr. Johnson to have his logger come in and bring a copy of the permit. He also asks Mr. Johnson if the clear cutting is complete with Mr. Johnson replying that he thinks it's done, that his logger is working in Torrington right now but that he may come back. Mr. Johnson is told that no further logging should take place until a copy of the permit is provided to this Commission.

9. ANY OTHER BUSINESS.

LUC Redmond reports a sign off for Lee Hall, 85 Weingart Road. Application for 30' x 36' detached garage. No wetlands.

LUC Redmond presents an application by **JOSHUA DUMOCH AND ABIGAIL BREWERTON**, for construction of a 20' x 30' inground pool in upland regulated area. Their engineer, Dennis McMorro, Berkshire Engineering, is unable to attend to represent and the applicants cannot be present tonight either. A member in the audience is present for representation if needed. Plans by Berkshire Engineering, revised to 3/27/18 for house footprint & location, grading, future pool, are reviewed. The new location for the house has changed from what IWWC approved on 3/6/17 but is not any closer to the wetlands. Silt fence and contours are the same. Topsoil Stockpile locations have changed a bit as well as the septic tank location. The proposed pool will be 50 feet to the wetlands and Commissioners have concerns with the possibility of the pool discharging into those wetlands. This will be discussed at the next IWWC meeting. S. Ryan **motioned** to accept the application as a regulated non-significant activity, seconded by R. Wesneski. Motion passed unanimously.

10. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

No report received from IWZEO Tom Mitchell. *Report was not picked up in the Land Use office in time for this meeting. Report dated 5/7/18 was emailed to Commissioners on 5/8/18 and will be acknowledged at the next IWWC meeting on 6/4/18.

The IWZEO report of 5/7/18 states that Mr. Johnson told Tom Mitchell on 4/12/18 that “he did not need a permit and would not be filing for one.” Tom Mitchell’s report goes on to say that he contacted the Army Corp. of Engineers with concerns of the activity and that a Dan Difiore informed Tom Mitchell that they had looked into what was being done and that they had no concerns currently.

11. CORRESPONDENCE.

Copies of Habitat received.

Notice of Town Meeting to be held 5/15/18 with an agenda item to include amending an Ordinance on Inland Wetland fees to include Monitoring Compliance Fee as requested by the Commission. Chairman Burnett will attend.

Notice from DEEP of pesticide application for aquatic weed control to a pond at 16 Bogue Road to be performed by Northeast Tree, Pond & Turf Service, Inc.

12. INVOICES.

None.

13. ADJOURN.

S. Ryan **motioned** to adjourn the meeting at 8:05 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 5-10-18 AT 11:38AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK