

# INLAND WETLANDS AND WATERCOURSES COMMISSION

MONDAY, JUNE 4, 2018

TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Susan Ryan, Victoria Elliott, Timothy Bobroske, Eric Rahn, Robert Wesneski, Merrill French, Alternate Member Robert Orciari, Alternate Member Leah Blake, Land Use Coordinator Polly Redmond and IWZEO Thomas Mitchell.

## 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: 5/7/18

R. Wesneski **motioned** to approve the minutes of the previous meeting with amendments to page 2, item 9, paragraph 2 to include the address of Dumoch/Brewerton as *Assessors Map No. A5-01-0010, corner of Gale Road and Mansfield Road*. S. Ryan seconded the motion and it passed unanimously with T. Bobroske refraining from vote due to his absence at the previous meeting.

## 3. DISCUSSION/POSSIBLE DECISION – RICHARD BROWN – APPLICATION FOR 20' X 30' ADDITION TO HOME AND RE-GRADING OF SLOPE 19 SUNNY LANE.

No one is present to represent. The application will be placed on the next IWWC meeting agenda on 7/2/18.

## 4. DISCUSSION/POSSIBLE DECISION - JOSHUA DUMOCH AND ABIGAIL BREWERTON, APPLICATION FOR 20' X 30' INGROUND POOL, ASSESSORS MAP NO. A5-01-0010, CORNER OF GALE ROAD AND MANSFIELD ROAD.

Abigail Brewerton is present. At the last IWWC meeting Commissioners had concerns of the pool water discharging into the wetlands located 50 feet away. Ms. Brewerton stated that she spoke with her pool contractor and was told there were three different types of filters for a pool and that the pool hose can be made to any size and the backwash can be deposited anywhere on the property. T. Bobroske suggested that perhaps a plunge pool could be installed on the property for backwash deposit with R. Orciari stating he believes as long as they keep the backwash away from wetlands it should be okay. R. Wesneski states that he would like to see water cascade out over lawn with E. Rahn stating that perhaps a gravel area could be laid down for discharged water. T. Bobroske **motioned** to approve the application with the condition that a plunge pool be installed somewhere within 20 feet of where discharging of water will take place. E. Rahn seconded the motion. After further discussion, T. Bobroske **amended his motion** to read, locating a plunge pool somewhere on the property in order to properly handle the backwash. E. Rahn seconded and the motion passed unanimously.

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

Atty. William Tracy, Furey, Donovan, Tracy & Daly, P.C. requested that the Commission continue discussion to their next meeting on 7/2/18. The extension of time granted to make a decision allows for an additional 65 days and includes the next meeting date.

## 6. DISCUSSION/POSSIBLE DECISION - SEAN COMER – POND CONSTRUCTION, 125 BURLINGTON ROAD, PROPERTY OWNED BY HAROLD STRICKLAND. APPLICATION ACCEPTED 4/2/18. DECISION TO BE MADE IN ACCORDANCE WITH §8-7d(b).

No one is present to represent. R. Wesneski **motioned** to deny the application accepted on 4/2/18 due to the fact that the application is incomplete, the application fee has not been paid, the time limit has expired and no representation has been made since the applicant attended the 4/2/18 IWWC meeting. E. Rahn seconded the motion and it passed unanimously.

## 7. RALPH JOHNSON – CLEAR CUTTING, VALLEY ROAD. CONTINUED DISCUSSION.

Mr. Johnson is present and continues to claim that his logger, John Matthews, received a verbal approval from LUC Redmond to conduct a timber harvest because she informed Mr. Matthews that there were no wetlands



on the Valley Road property. LUC Redmond denies giving any approval as the property is located in a Flood Plain zone and nothing was presented to the Land Use office in the form of an application or a soil scientist report. IWZEO T. Mitchell states that regardless of whether wetlands is on the property or not, an application must be filled out and brought to this Commission for a decision on whether the activity is a use of right or a regulated activity. Mr. Johnson states that Mr. Matthews informed him that he was going to leave a copy of the approved application in the Wetlands mailbox located in town hall but no such copy was received. Mr. Johnson states that he will fill out the Timber Harvest application that was sent to him along with a Cease and Desist Order dated 5/10/18 and he will have Mr. Matthews attend the next Wetlands meeting on 7/2/18. T. Bobroske states that the Commission will give Mr. Johnson thirty (30) days to make the application with Mr. Johnson asking what will happen if he doesn't make the application. T. Bobroske informs him that the Commission will then do what they will have to do in accordance with State Statutes.

M. French **motioned** to add **JAY BUSS, 30 CATLIN ROAD** to the agenda for Commission approval to remove trees on his property. S. Ryan seconded the motion and it passed unanimously. Mr. Buss explains that he has three large trees on his property that have died and need to be removed. The trees are 40 feet from the lake and he is seeking permission to remove them as a use of right. T. Bobroske **motioned** that the tree removal is a use of right and no permit is required, seconded by R. Wesneski. Motion passed unanimously.

R. Orciari recuses himself as a Commissioner at this time in order to discuss the matter of restoring land that was illegally clear cut in violation of the **Trust's Conservation Easement, 330 North Road, property owned by Andrew Goldstein.**

S. Ryan **motioned** to add **ROBERT ORCIARI, LAND CONSERVATION TRUST**, to the agenda, seconded by R. Wesneski. Motion passed unanimously.

Mr. Orciari informs the Commission that restoration work was started ten days ago and that work started on the upper part of the clear cut where the ground was dry. A 50 foot swath along the north border has been cleared of chips and stumps and the area was seeded where dry enough to do so. Tonight he inspected the area below and saw that the ground was half dry with some standing wet spots that a soil scientist may or may not say is wetlands, he is not sure. Silt fence has been installed along the road. There are still stumps that have to be removed and the shredded mulch is piled on the neighboring property which is acting as a type of erosion control which was fortunate during the heavy storm that passed through the state a few weeks ago preventing silt from coming out onto the street. Mr. Orciari notes that Highway Supervisor John Fredsall had concerns of directing any surface run-off into existing open storm drains on Lead Mine Brook Road. Mr. Fredsall wants to make sure drainage goes into the existing flows. Mr. Orciari states that it was suggested that the Zoning Commission ask for an E&S plan since the area cleared is in excess of half an acre, referring to Zoning Regulation 8.6. R. Wesneski states that perhaps John Fredsall, Robert Orciari and IWZEO Tom Mitchell can all meet together with Mr. Gagne (who did the unpermitted clear cutting and is also doing the restoration work) to discuss further action.

#### **8. ANY OTHER BUSINESS.**

LUC Redmond informs the Commission of an Agent approved application for Pickett Brook Property, LLC, application to construct a single family dwelling, lot 10, Fox Hunt Subdivision, 4 Fox Hunt Way as a non-regulated activity.

LUC Redmond informs the Commission that proposed amendment to the Wetland Regulations Fee Schedule has been approved at town meeting on 5/15/18 and the next step is for the Commission to hold a public hearing. S. Ryan **motioned** to set a public hearing for **Tuesday, September 4, 2018** at 7:00 p.m. in the town hall to present Commission-initiated regulation amendments to:

**“Section 19.5 Fee Schedule”** as set forth in the Inland Wetland and Watercourses Commission (the “Agency”) regulations effective June 11, 2013 (the “regulations”) shall be amended to add a new “Subsection I. Monitoring Compliance Fee” as follows:

**I. Monitoring Compliance Fee**

As required by Agency

Fees for monitoring/inspecting a site by the Agency and/or its authorized Agent(s) are additional fees and may be established at the time of the granting of the permit as follows:

1. \$300 for an anticipated need of a high level of inspection (9+ inspections) required during the course of the regulated activity;
2. \$100 for an anticipated need of a medium level of inspection (3-8 inspections) required during the course of the regulated activity;
3. \$35 for an anticipated need of a low level of inspection (1-2 inspections) required during the course of the regulated activity.

As a condition of any permit, the Agency may require that the applicant engage and pay for an independent consultant to report to the agency the results of project monitoring and/or inspections. The consultant shall monitor and/or inspect on a schedule determined by the Agency. The consultant shall send written reports on performance on a schedule determined by the Agency simultaneously to both the Agency and the applicant.

**9. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.**

None.

**10. CORRESPONDENCE.**

LUC Redmond distributes copies of the Zoning Enforcement Procedures adopted by the Zoning Commission on 8/28/17.

**11. INVOICES.**

None.

**12. ADJOURN.**

S. Ryan **motioned** to adjourn the meeting at 8:00 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 06/12/18 AT 11:49 AM  
ATTEST NANCY E. ELDRIDGE TOWN CLERK