

**INLAND WETLANDS AND WATERCOURSES COMMISSION**  
**MONDAY, MAY 6, 2019**  
**TOWN HALL 7:00 P.M.**

Present: Chairman Bruce Burnett, Susan Ryan, Timothy Bobroske, Eric Rahn, Robert Wesneski, Merrill French,  
Alternate Member Robert Orciari and Land Use Coordinator Polly Redmond  
Absent: 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 the vacant regular member position.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 4/1/19**

M. French **motioned** to approve the minutes with the following corrections to page 4, Item 9, paragraph 2 -- Amend R. Rahn to E. Rahn and correct the spelling of Cindy Banack to Banach. S. Ryan seconded the motion and it passed unanimously with R. Wesneski and T. Bobroske refraining from vote due to their absence at the previous meeting.

**3. BRIAN & SHARON VIETS – APPLICATION FOR ABOVE GROUND 16' X 32' POOL, 66 HAYDEN ROAD.**

Mr. Viets is present and provides a sketch showing the location of the proposed above ground pool. A copy of an engineered plan from 2001 for construction of the home is provided by LUC Redmond with Mr. Viets pointing out the pool area which will be approximately 80 feet from wetlands. There will be some grading and leveling of the property but no disturbance to wetlands. T. Bobroske questions if there will be any soil and erosion control measures put in place with Mr. Viets stating he will do so if required. TAHD approval has been received. R. Wesneski **motioned** to approve the application as a use of right for property improvement with the condition that E&S control measures be put in place where needed. S. Ryan seconded the motion and it passed unanimously. LUC Redmond has signed off on the Zoning application as it meets all space requirements.

**4. TODD WERNER – APPLICATION FOR DECK, 38 LAKE SHORE DRIVE.**

Mr. Werner is present and provides a sketch of the proposed deck to be located 50 feet from the back property line at the lake. TAHD approval has been received. S. Ryan **motioned** to approve the application as a use of right for property improvement, seconded by E. Rahn. Motion passed unanimously. LUC Redmond has signed off on the Zoning application for the 274 square foot deck as it meets all space requirements.

**5. DISCUSSION – OUTSTANDING W.M.C. CONSULTING ENGINEERS OUTSTANDING INVOICES IN CONNECTION WITH REVIEWS FOR BUMPER BROOK ESTATES, LLC. REVIEW SUMMARY OF WORK PERFORMED SUBMITTED BY W.M.C. ENGINEERS.**

Steve McDonnell, W.M.C. Consulting Engineers (town engineers) has provided a summary of work performed for three complete reviews on the Bumper Brook Estates elderly housing project. In accordance with Ordinance 102, the review fees are to be paid by the applicant who is contesting the invoices in what he calls "unreasonable fees". No one is present to represent Bumper Brook Estates but Atty. William Tracy received the summary sent to him by LUC Redmond. S. Ryan states that with the size and complexity of the project, the applicant should have known the engineering review fees were going to be high. T. Bobroske states that the applicant agreed to pay the engineering review fees by signing the Wetlands application. If he were to appeal the condition of approval, that all W.M.C. Consulting Engineer fees be paid by the applicant, then he should have done so within the statutory time period after publication of the notice of decision but he did not. E. Rahn states that this Commission has never before received any complaints of excessive engineering review fees. T. Bobroske **motioned** that the Inland Wetlands approval is not valid due to the applicant not complying with the condition of approval that all W.M.C. Consulting Engineers' invoices be paid by him. S. Ryan seconded the motion and it passed unanimously. Commissioners believe they have no way to settle this matter and refer it back to the Board of Selectmen.

6. **CONTINUED DISCUSSION – COMMISSIONER SITE VISIT AT BREAK MAIDEN LANE FOR TREE PLANTING AND VERNAL POOL VIEWING IN RESPONSE TO C. WEBB & ASSOCIATES, LLC 2/27/19 REPORT. NO QUORUM MET FOR SCHEDULED 4/26/19 SPECIAL MEETING FOR SITE WALK OF PROPERTY.**

R. Orciari updates the Commission on the 4/26/19 Special Meeting/Site Walk of the property off of Plymouth Road, Break Maiden Lane, within Equestrian Estates Subdivision. He and Chairman Burnett were the only ones who attended. He reports that Clinton Webb was concerned on the mortality of the trees planted and that he wants ball trees/larger trees planted. The White Pine planted is a little scraggly but fine and won't be taken out. Other trees will be planted between them. R. Orciari states that he has concerns with the two back vernal pools with no protection around them as well as an unprotected manure pile. Commissioners remember a condition of approval was that the manure was to be placed in a dumpster and taken off the property. There are motor parts and tires placed near these back vernal pools that should be removed. In regards to the vernal pool in front of the property, he notes there is heavy flow coming off from the riding arena building into the vernal pool and that there is no buffer for frogs and what is there isn't much to protect the vernal pool. There is a horse fence around the vernal pool but that there is erosion going through it that the property owner will try to mitigate. R. Orciari states that there is no oversight of the project and that IWZEO Troy LaMere should look at the approved plans and conditions of approval and conduct a site visit of the property from time to time.

7. **ANY OTHER BUSINESS.**

LUC Redmond reports Agent approvals on the following applications:

R. Schneider, 280 South Road – 36' x24' barn. Non-regulated activity.

Supreme Industries, 216 Bogue Road – 50' x 60' washbay. Non-regulated activity.

J. Ducci, 60 Mansfield Road – construction of single family dwelling. No wetlands.

8. **COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.**

**SEE ZEO REPORT. ITEMS INCLUDE:**

**31 ORCHARD HILL ROAD COMPLAINT AGAINST 392 LITCHFIELD ROAD.**

**UPDATE ON COMPLAINT AGAINST MICHAEL AUDET, 70 LOCUST ROAD.**

IWZEO Troy LaMere has submitted a report in his absence. He reports that he investigated the complaint from the resident at **31 Orchard Hill Road** regarding run-off onto his property from 392 Litchfield Road. After meeting with the resident making the complaint, he reports that he couldn't find anything in violation. After further investigation, he found that this matter is an ongoing problem that, in his opinion, is a civil matter that doesn't involve the town.

He reports that he spoke with **Mr. Audet, 70 Locust Road**, and asked him to make sure his feed and manure piles are covered. He believes the Land Trust will be speaking with the land owner adjacent to the town garage to ask him to fence off access to the cows behind his home.

He also reports that he and Commissioner Eric Rahn visited the **Spring Hill Road** site that was mentioned at the last meeting and discussion will continue on this matter at the June IWWC meeting.

He visited **Break Maiden Lane** with Clinton Webb, in relation to Item 7 above, and discussion on this matter will take place at the next IWWC meeting in June. Lastly, he reports on his visit to **84 Davis Road** to check on progress of home construction. Erosion control was not properly placed and the property owner was instructed to correct.

9. **CORRESPONDENCE.**

None.

10. **INVOICES.**

R. Wesneski **motioned** to approve the invoice of the IWZEO in the amount of \$308.65, seconded by S. Ryan. Motion passed unanimously.

11. **ADJOURN.**

S. Ryan **motioned** to adjourn the meeting at 7:55 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 5-7-19 AT 2:25pm  
ATTEST TOWN CLERK *Janet Bryan*