

INLAND WETLANDS AND WATERCOURSES COMMISSION
TUESDAY, SEPTEMBER 3, 2019
TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Todd Werner, Timothy Bobroske, Eric Rahn, Robert Wesneski, Merrill French,
Alternate Member Leah Blake, IWZEO Troy LaMere and LUC Polly Redmond
Absent: Susan Ryan and Alternate Member Robert Orciari

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 L. Blake seated for S. Ryan.

2. APPROVE MINUTES OF PREVIOUS MEETING: 8/5/19

R. Wesneski **motioned** to approve the minutes of the previous meeting with amendment to page 1, item 3, last line, to correct the spelling of Mr. Rahn's name: E. **Rahn** (omit Rand). Motion seconded by E. Rahn and passed unanimously.

3. DISCUSSION/POSSIBLE DECISION - KEN HRICA, P.E., FOR OUR LADY OF HOPE PARISH (PREVIOUSLY KNOWN AS THE CHURCH OF IMMACULATE HEART OF MARY), 78 LITCHFIELD ROAD (RECTORY), 6 + 14 BIRGE PARK ROAD (CHURCH AND SOCIAL CENTER) PARKING LOT EXPANSION, GRADING, STORMWATER MANAGEMENT IN UPLAND REVIEW AREA.

No one is present to represent at this time. The applicant requested to continue discussion to the next IWWC meeting on 10/7/19.

4. GARY GOULET – APPLICATION TO REBUILD STONE WALL, TRENCH WORK ON CURTAIN DRAIN TO MAKE A FRENCH DRAIN, 21 BULL ROAD.

Mr. Goulet is present and provides a sketch of his project showing the location of the 30 inch stone wall he is rebuilding on the east side of the property (property owner: Candida Gervais). ZEO Troy LaMere was contacted by a neighbor of Mr. Goulet's, Michael Michaud, 25 Bull Road, who sent in written complaints of dirt being placed on his property due to the wall construction. While investigating it was determined that activities taking place were within 100 of wetlands and ZEO LaMere asked Mr. Goulet to attend tonight's meeting. Mr. Goulet states that he also wants to replace a curtain drain to alleviate water coming down on to his property (his grade is lower than his neighbors) and the water currently empties out into a ditch on his own property. The curtain drain is in the back of the property and is to be upgraded to a French drain. Mr. Goulet states that he has found all four pins marking his property boundaries. R. Wesneski **motioned** to approve the application as a use of right/maintenance with notation that the work should be done as expeditiously as possible and that the IWZEO should inspect as necessary. E. Rahn seconded the motion and it passed unanimously.

5. SHOW CAUSE HEARING (CONTINUED) PERTAINING TO CEASE AND DESIST ORDER ISSUED BY IWZEO TROY LAMERE ON JUNE 20, 2019 TO MICHAEL AUDET FOR IMPROPER MANURE MANAGEMENT/MANURE RUNOFF TO BULL POND, LOCUST ROAD, FROM 70 LOCUST ROAD.

Mr. Audet is not present. IWZEO was sent a letter dated 8/2/19 from USDA/Natural Resources Conservation Service (NCRS) which is entered into the record tonight. The letter indicates that there are two sources of agricultural runoff from the Audet Farm entering Bull Pond. Chairman Burnett points out that the letter gives recommendations but not orders to follow those recommendations. Town Atty. Michael D. Rybak sent an email to Chairman Burnett and LUC Redmond on 9/2/19 giving his conclusions on the NRCS letter. Chairman Burnett reads the letter out loud to Commissioners. M. Rybak's email states that there is no finding yet from the CT DOA (Dept. of Agriculture) as to Mr. Audet's compliance with Best Management Practices for farm waste and that it should be received before the IWWC reconvenes the hearing. Chairman Burnett questions IWZEO Troy LaMere if he has contacted the DOA with IWZEO

LaMere stating he has and was informed that they weren't interested in investigating because of the scope of the Audet farm. IWZEO LaMere states that there has been some concurrence that the cows should not be pastured in the location they are because it is close to a pipe that goes out to the location of Bull Pond. He states that he can send a letter to Mr. Audet asking him to fence off this area from the cows. Chairman Burnett states that the way he reads Atty. Rybak's email is that until the Commission receives a response from DOA on Best Management Practices this Commission has no standing. IWZEO LaMere states that the Commission won't get that from them. Chairman Burnett asks IWZEO LaMere to continue trying to get DOA to respond and reference the letter from NRCS and mention to them that the IWWC has real concerns on the affects to Bull Pond and it is important that they come out to visit Bull Pond.

R. Wesneski questions if there are any water test results of Bull Pond with Chairman Burnett stating that W.M.C. Consulting Engineers (town engineers) does testing of the water from the Town Garage and perhaps the Board of Selectmen can be asked to test water from the brook or the pipe in the area where the cows are kept (which is on leased land owned by Audet's neighbor to the south) and then again at the outlet at Bull Pond. IWZEO LaMere states that he will also ask NHCOC if they can do any water tests.

T. Bobroske informs IWZEO LaMere that if he contacts Darcy Winther, DEEP, she can put him in touch with two attorneys who work in the Atty. General's office who deal with wetland impacts and maybe they can help. R. Wesneski **motioned** to continue the Show Cause Hearing to the next IWWC meeting on Monday, October 7, 2019 and that the IWZEO should conduct all recommendations made as noted above. T. Bobroske seconded the motion and it passed unanimously.

6. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

IWZEO T. LaMere reports on a complaint he received of distribution of earth within a regulated area at **14 Catlin Road** in close proximity to Lake Harwinton. LUC Redmond spoke with the contractor who called the office, and whose equipment was seen on site, and was told that a bush was being taken out and they were also just scratching out some vegetation of an overgrown garden. A driveway had been taken out previously by someone else with new asphalt to eventually be put down but not by this contractor. IWZEO LaMere reports that silt fence is now in place between the driveway and the lake. E. Rahn states that even if a resident in the Lake Association is taking out dirt, a permit should be required by this Commission. E. Rahn **motioned** to have IWZEO LaMere contact the property owner and inform them that a retro-permit must be obtained for the work described and for the driveway. R. Wesneski seconded the motion and it passed unanimously. IWZEO LaMere will contact and inform the property owner.

IWZEO LaMere states that he received a complaint regarding septic repair work within proximity to a wetland area at **191 Terryville Road** without IWWC approval. Upon inspection, IWZEO LaMere states that silt fence is now installed. Chairman Burnett has concerns over the pond to the east of the activity. IWZEO LaMere will investigate further. *LUC Redmond found that no TAHD approval has been sent to her office. TAHD will be contacted by LUC Redmond to ask if there are any permits from them for this address.

R. Wesneski **motioned** to enter into Executive Session at 7:48 p.m. for discussion of Pending Litigation.

M. French seconded the motion and it passed unanimously.

R. Wesneski **motioned** to exit out of Executive Session at 7:50 p.m., seconded by L. Blake. Motion passed unanimously.

No action taken.

7. ANY OTHER BUSINESS.

LUC Redmond reports of one Agent approval for a deck at 290 Litchfield Road. No wetlands.

LUC Redmond refers to page 13 within the Plan of Conservation and Development under title "To Protect Our Natural Environment", item 2 which seems to be false information. The sentence reads: "The streams and watercourses of the Town should be designated as the official storm water drainage system. This will

increase the authority of the appropriate boards and commissions to protect the streams as the Town develops.” Chairman Burnett states that nothing should be dumped into the storm drainage. E. Rahn reads it as the Wetlands Commission having jurisdiction over storm water discharge and believes that this is not worded well. There is question as to whether it should be deleted entirely. LUC Redmond will reach out to the town attorney for his advice.

8. CORRESPONDENCE.

None.

9. INVOICES.

M. French **motioned** to approve the invoice of IWZEO Troy LaMere for one IWWC meeting, one inspection and mileage, seconded by R. Wesneski. Motion passed unanimously.

10. ADJOURN.

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

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT

ON 9-10-19 AT 11:55am

ATTEST TOWN CLERK

Lauren Bayan