

**INLAND WETLANDS & WATERCOURSES COMMISSION SPECIAL MEETING  
WEDNESDAY, DECEMBER 4, 2019      TOWN HALL      7:00 P.M.**

Present: Chairman Bruce Burnett, Todd Werner, Eric Rahn, Robert Wesneski, Merrill French, Land Use Coordinator Polly Redmond and Inland Wetlands Enforcement Officer Troy LaMere

Absent: Susan Ryan, Timothy Bobroske, Alternate Member Robert Orciari 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.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 11/4/19**

T. Werner **motioned** to approve the minutes of the previous meeting, seconded by R. Wesneski. Motion passed unanimously.

**3. DISCUSSION/POSSIBLE DECISION - MICHAEL BOUCHER – APPLICATION FOR SINGLE FAMILY DWELLING, 8 WOODCHUCK LANE.**

Mr. Boucher is present explaining that he spoke with his engineer, Joe Green, Robert Green Associates, who informed him that the area of reserve, if needed, would have to go before the IWWC for review of engineered plans and that the specifics of the installation of the new septic would be given at that time including information on how to get rid of the old drain pipe and leach fields. R. Wesneski questions if the existing curtain drain shown on the plans provided exists with Mr. Boucher replying, yes, it is there and being used. TAHD gave written approval on 11/4/19 for a two bedroom home, an increase from a one bedroom home that was demolished in 2013, and includes approval for the existing septic, which is a five year old system. R. Wesneski **motioned** to approve the application and site plan titled Zoning Location Survey Plot Plan for Addition and Leaching Area Layout, prepared by Robert Green Associates, dated 9/26/19 with the condition that the reserve must address the curtain drain if and when a new septic is put in. Motion seconded by E. Rahn and passed unanimously.

**4. DISCUSSION/POSSIBLE DECISION - WILFORD & HEATHER PELOTTE – APPLICATION FOR INSTALLATION OF CULVERT PIPE, 305 BURLINGTON ROAD.**

No one is present to represent. Application was accepted by IWWC on 10/7/19 with a request by the Commission to provide additional information. No one represented the application at the 11/4/19 IWWC meeting and no additional information has been provided to the Land Use office or the Commission. No application fee has been paid and the application is lacking information on nature and purpose of project and amount of wetlands on the property. The Commission takes no action due to lack of information provided. A new complete application must be filed if the applicant is to move forward.

**5. MICHELLE & MEGAN JANIERO – APPLICATION FOR TWO-LOT RE-SUBDIVISION, 16 WILDCAT HILL ROAD – CONSTRUCTION OF DRIVEWAY WITH CULVERT FOR FUTURE DEVELOPMENT OF SINGLE FAMILY DWELLING.**

Dennis McMorow, P.E., Berkshire Engineering, is present along with Ray Janiero (Megan's husband). Plans prepared by Berkshire Engineering are reviewed titled Subdivision Plans, 16 Wildcat Hill Road, dated 11/12/19 includes a Record Subdivision Map, 11/5/19, Site Development Plan, 11/12/19, Driveway Profile, 11/12/19 and Details and Notes, 11/12/19. The property contains 23.793 acres of land with Lot 1 being 10.760 acres (presently with house construction taking place applied for by Tino Janeiro) and Lot 2 being 13.033 acres. Mr. McMorow states that in addition to a Subdivision approval, Lot 2 will need a driveway crossing of the brook which will be at a narrow spot in the wetlands. The brook, small in size, is not considered a river but it's also not an intermittent stream. The calculations performed on the 73 acres of watershed requires a 60 inch culvert and what is being proposed is a 72 inch culvert, depressing it 12 inches into the ground below the streambed. Dug out material from the streambed will be placed in the

bottom of the pipe to create a natural bottom which is favorable to DEEP for amphibian and wildlife passage. The wetlands disturbance is 1650 square feet and total upland review area is .34 acres. The proposed house, septic and well are all outside the regulated area and TAHD is presently reviewing the plans.

In accordance with Zoning Regulations the driveway shall be paved due to its grade rising to 15%. E. Rahn discusses the possibility of rip rap or boulders being placed in the pipe to prevent silt from being pushed through. Mr. McMorrow explains that the streambed is being matched to grade and once the material is in place and the water washes through, it will settle in. E. Rahn **motioned** to accept the application as a regulated activity, seconded by R. Wesneski. Motion passed unanimously.

**6. ENRICO & LISA MELARAGNO – APPLICATION FOR SINGLE FAMILY DWELLING, LOT 17, NORTH ROAD, ASSESSORS MAP D8-03-15.**

Dennis McMorrow, P.E., Berkshire Engineering, is present to represent. Plans prepared by Berkshire Engineering titled Septic System Design for Lisa and Enrico Melaragno, dated 11/26/19 are reviewed. Mr. McMorrow had worked with the present property owner, Jennifer Lopez, back in 2002 adding a test drain in the back of the property to monitor the seasonal high water table. Mr. McMorrow worked with Rob Rubbo, TAHD and the drain was found to be acceptable. A site plan was prepared for Ms. Lopez but never submitted to the town. Mr. McMorrow now has a new site plan showing only a small corner of the reserve to be in the regulated area and the house, driveway and septic tanks all in the regulated area with no direct wetland impact. Activity is proposed within 47 feet of wetlands on the south side and north side of the property. R. Wesneski **motioned** to accept the application as a regulated activity, seconded by T. Werner. Motion passed unanimously.

**7. PICKETT BROOK PROPERTY, LLC – REVIEW CONDITION OF APPROVAL FOR TREE PLANTING IN CONNECTION WITH 2016 APPLICATION FOR ROAD CONSTRUCTION OF BREAK MAIDEN LANE WITHIN EQUESTRIAN ESTATES SUBDIVISION, PLYMOUTH ROAD. (SEE IWWC MINUTES OF 11-9-16.)**

At the request of Pickett Brook Property, the matter is tabled until the next IWWC meeting on 1/6/20. R. Wesneski **motioned** to table the item to the next meeting, seconded by M. French. Motion passed unanimously.

**8. 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.**

IWZEO Troy LaMere states that he spoke to Joseph Rusin, 96 Locust Road, who leases his land to Michael Audet for his cows to graze on. IWZEO LaMere called Mr. Rusin to ask if he would be willing to allow measures to be taken on his property to prevent manure runoff that may be entering Bull Pond with Mr. Rusin answering that he would like to have any proposed actions be put in writing. IWZEO LaMere believes that the use of silt sock type erosion control measure at the property line of Rusin and the Town's Public Works garage, placed down by the Harwinton DPW, would be beneficial in stopping any solids from going off the property. E. Rahn states that the lease between Mr. Audet and Mr. Rusin should be reviewed to be certain the town would not be violating any agreements in that lease. Chairman Burnett questions the use of fencing which was suggested in a report from Cynthia Rabinowitz, Northwest Conservation District. IWZEO LaMere states that fencing is not something Mr. Rusin wants because he is leasing the entire land to Mr. Audet for the cows to graze on. He states that Mr. Rusin has no objections to the use of a silt sock and perhaps the Harwinton Land Trust would like to discuss the possibility of purchasing one and have discussion with the Board of Selectmen on having the DPW do the work. R. Wesneski states that if the water in Bull Pond is not going to be tested, the installation of silt sock erosion control might address and solve the problem of solids entering Bull Pond. E. Rahn states he will talk to the Land Trust about the type of silt sock erosion control and the possible purchase of such. IWZEO LaMere states he will write a letter to Mr. Rusin explaining the work to be done and send it certified. He also notes that this type of erosion control will have to be maintained though it is only about a foot of erosion control required. R. Wesneski **motioned** to continue the Show Cause Hearing to the next IWWC meeting on January 6, 2020, seconded by M. French. Motion passed unanimously.

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

IWZEO Troy LaMere reminds the Commissioners of his visit to Break Maiden Lane with Clinton Webb on 10/30/19 (see Item 7, 11/4/19 IWWC meeting minutes). He states that he reviewed the IWWC minutes of November 9, 2016 where the Commission approved the application for road construction of Break Maiden Lane within Equestrian Estates Subdivision, Plymouth Road requiring five to ten foot trees to be planted with zero mortality of trees within one year to date of planting. IWZEO LaMere states that, in fact, two to three foot trees were planted. He asked that a representative of Pickett Brook Property appear before this Commission to discuss and ask for permission to extend the period of life span on the trees. Jared Braddock, representative for Pickett Brook Property, asked IWZEO LaMere if they could attend the next IWWC meeting on January 6, 2020 to allow for Atty. William Tracy to attend. Commissioners agree to postponing discussion on this matter until the next IWWC meeting in January.

IWZEO LaMere questions the Commission on their thoughts for lawn stabilization prior to Certificates of Compliance/Occupancy being issued and/or having silt fence in place. IWWC Commissioners believe this to be a Zoning matter to discuss and that these requirements could be made part of conditions of approval. Where wetlands can be impacted, silt fence should be installed prior to C.O.'s being issued. IWWC Commissioners recommend that the Zoning Commission require lawns to be in before any Certificate of Compliance is issued by the enforcement officer.

**10. CORRESPONDENCE.**

LUC Redmond reports Agent Approval on an application submitted by Daniel Manyak, 167 Burlington Road, for a 20' x 28' house addition as a non-regulated activity.

**11. INVOICES.**

R. Wesneski **motioned** to approve the invoice of IWZEO LaMere for 3.5 hours and 52 miles for reimbursement, seconded by E. Rahn. Motion passed unanimously.

**12. ADJOURN.**

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

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 12-10-19 AT 10:55 AM  
ATTEST TOWN CLERK  
*Darryl Eldridge*