



## INLAND WETLANDS AND WATERCOURSES COMMISSION

### Minutes of Regular Meeting of Wednesday, October 11, 2017

#### 1. Administrative

- A. Quorum was recognized and Arnie DePascale, Chair opened the meeting at 7:00pm. In attendance were Arnie DePascale, Rob Wilson, Jonathan Schwartz, Rolf Dietrichson, Linda Kobylarz, Richard Miller seated for Dominick Lucenti and Barbara Dahle. Abby Conroy, ZEO  
Lisa Ozaki, Recording Secretary
- B. **MOTION** Schwartz, seconded Miller to approve the minutes from September 13, 2017 regular meeting as submitted; unanimously approved.
- C. **Review General Communications:**  
None
- D. **Agent Review:**
  - A. Agent Review for 399 George Washington Turnpike. Currently a single family dwelling to be demolished. Two-Family Special Permit application in front of Planning & Zoning Commission. Soil Report on property was submitted to Conroy and no wetlands flagged on this property.

#### 2. New Business

- A. **Application #2017-022 – Juliano’s Pools** – Inground Pool – Barnes Hill Road #103 (Submitted October 6, 2017)  
**MOTION** Miller, seconded Wilson to skip to next agenda item and come back when Juliano’s Pools arrives.

Brian Juliano applicant was present and addressed the commission. Juliano states when digging began in Health District/Zoning Approved location, they hit ledge. Juliano submitted map that Building Department had given him. Juliano spoke with owner and told them it wasn’t feasible to put pool in the approved location due to ledge. It was decided to then move the pool to a new location to the rear of the dwelling.

Proceeded as normal and then got an order from the Town to stop work, as we were in violation of our permit.

Juliano went to Town Hall and spoke with Conroy, Building and BBHD. Juliano states the town then brought out a different map that showed wetlands on it. There was no wetlands on the as-built map I was given when permit was issued.

I should have called town before I moved the location, that was my fault.

Juliano spoke with the building inspector and who told him the pool was 25’ away from the wetland line and should have been reviewed before approval. The well is actually in the wetland which is very unusual. Conroy states she and BBHD didn’t think the well was in wetlands on the map they gave Juliano.

Swimming pool is now almost fully installed. Dirt on sides is exposed to erosion now.

Conroy states we typically use the as-builts when plotting out pool, additions and so on.



Conroy states as-builts are now required to have wetlands on it. The plot plan which showed the proposed house, that has the wetlands on it, does not typically show the house accurate location.

Conroy admits she missed the wetlands. The original pool location was downslope of the wetland in the regulated area. Wetland is a storm water runoff with a detention pond in the Hunter's Crossing subdivision. BBHD has a 25' well radius because of the back washing. Juliano states there is no back washing since they are California code and BBHD is fine with it.

DePascale questions if the house and well was built in the location that it was supposed to be built on? Conroy states not exactly. House is farther away from wetlands then what was proposed. Long time ago regulated area was 600', before 2000.

Tina Tardiff, owner states the stream only runs in early spring then is bone dry. It's a seasonal watercourse. The stream is up above pool.

Juliano states ledge was horrible and would have had to blast if we continued in 1<sup>st</sup> spot. Miller suggests if pool is already in and seasonal watercourse is above. Have them stabilize the pool and finish it. Stabilize it before winter comes. Since they have kids get it backfilled and put riprap rock and plantings on 3' slope.

Conroy states that a court case in this town the judge has determine a 3' retaining wall needs a design.

Juliano states he had to fill the pool at the same time as stabilizing the area and finishing the project.

Dietrichson feels the longer we wait, the more damage may occur. Don't have a good vision of what sight looks like.

Schwartz states hard to tell without seeing the site and detention basin. Channeling run off of detention basin. If we get rain there will be water flowing. Less wetland soils.

Upstream detention basin appears to be a partially filled in pond.

Tardiff's concern is pool is open with wiring and have little children who could get hurt.

Juliano explains this needs to be finished up and there is mud on the town face for this matter. He admitted he made a mistake with moving it also. The wetlands is above the pool level and is just a run off.

Conroy will check with Tharau about maintenance of detention pond.

Wilson believes not ideal. Course of action should be to approve stabilization of project.

Schwartz concerned with upstream detention pond. If it fills up, probably hasn't been cleaned on in years.

DePascale concerned that he hasn't seen it. Don't know exactly where wetlands are and we are rushing to judgement on something that could haunt us later. Concerned about not having accurate information.

Tardiff, we had misinformation to start with.

Kobylarz states confusing situation. I have questions and concerns regarding wetlands. No clarification of wetlands. Detention pond hasn't been properly maintained and no one has seen anything. Have a half finished pool that has potential to be flooded if there is a big rain right now if not stabilized. What we are basically saying is go ahead and stabilize it and that means it's directly finishing it, correct?



Conroy states it may be that they are just in regulated area or in wetlands. We don't know. We have a pool that is partially installed. Is it going to be a legality down the road, what if the detention pond fails?

Tariff states the detention pond legalities has nothing to do with this meeting. It has a dry run off. Stability of the soils needs to be addressed.

Juliano cleaned the drainage trench up when he came in. Needs to come in with equipment and finish the pool to stabilize site.

Dahle states is as built correct or is this one correct? Do we blame it on the pool company or the Burlington employees that we pay to do their job? It's supposed to be done right, this is not the first time we have incorrect information in files. It's not the problem that this is the paper we gave them. Concern is strictly the paperwork that was given.

Conroy states, but they also moved it after it was approved somewhere else. Should have been brought to the attention of the town before moving.

Ozaki states do you understand why we give them an asbuilt? Because that is where the engineer has indicated where the existing house is. And I guarantee what the GIS shows as wetland also, we can't rely on either.

Conroy states if they found ledge when digging, they should have called us. The building inspector would of went out and said this is a much harder location to put it in. Then we all come together and say is there someplace else that we can put it. Reviewing everything together. We are where we are and we have to move forward.

Kobylarz states but that didn't happen this time. If I understand correctly, what was approved and then they hit ledge was moved without a new approval? They moved without approval and there is responsibility to let us know.

Dahle states but they were given the wrong information to begin with.

Ozaki states are you now asking us to have everyone who comes in to build something, get a new asbuilt with everything on it every single time?

Juliano started this business 23 years ago. I have worked in towns like West Hartford, Wethersfield and others. They require a new engineer planned. Towns like Burlington and Somers don't specify that and it doesn't say call the town if you hit ledge. I never signed anything and my permit just say put in the pool and meet the setbacks and I am free and clear here.

DePascale concerned without accurate information looking to approve something that has serious problems. I realize that takes time to get.

Conroy asks if this is Cease and Correct then? Who is the one certifying that is stable?

Ozaki asks if WMC will.

Conroy states an engineer is qualified and better to verify that.

Miller thinks WMC will cost the town more money and unnecessary.

Conroy states that WMC usually is the one to review any plans.

Miller asks Juliano is qualified for that?

Juliano says no but his letterhead will state that we stand behind pool if breached. Don't have any engineers on staff



Miller states this is below the watercourse and there is no impact on wetlands and watercourse.

**MOTION** Miller, seconded Wilson to approve Application 2017-022 – Juliano’s Pools – Inground Pool – Barnes Hill Road #103 to proceed with the finishing of the pool. Contractor finishes work and future stabilization temporary watercourse with a letter from Juliano’s Pools letter of guarantee of stabilization.

IN FAVOR, Wilson, Schwartz, Miller, and Dietrichson.  
OPPOSED, DePascale and Kobylarz.  
ABSTAINED, none.  
Permit Granted.

### 3. **Old Business**

A. **Application #2017-020 – Reale** – Maintenance – Lake Street #12 (Submitted August 4, 2017)

Diane Reale applicant present and addressed the commission. I apologize since I showed up at the wrong meeting. DePascale has viewed the property with Kobylarz. DePascale has concerns about driveway. Wouldn’t it be better to have come driveway come straight in instead of turn in since so steep? Reale states but I can’t get to my house from there. Reale concern is I need to get to the house instead being right by road. Would like to eventually put a 2 car garage to the right of the house. Reale does not want to park on the road. Trees have been taken out and next step is moving the stumps where the patios are. Side of house had 4 patios on right side. Reale will put silt fence up and Excavation Company will take out the stumps on right. Other side will have stumps ground. Reale taking only 1 section of patio out and not disturbing much. Only stone driveway will be installed for now.

Conroy would like apron paved. Lake St. is a private road in Lake Garda. Since private road, Reale would like to not block the road. Hardship is no parking except for street which is 12’ wide. Reale would prefer to not bring in a lot of materials yet since not ready to do the 2 car garage at this time.

Reale states she can pave the apron and rest of driveway would be small rocks not processed. The silt fence will be installed before I work on the right side of property.

**MOTION** Schwartz, seconded Miller to approve Application 2017-020 – Maintenance – Lake Street #12. Removal of stumps and hazardous trees that are damaging property for access to property. Conditioned with 15’ of crushed stone abutting the road.

IN FAVOR, Wilson, Schwartz, Miller, and Dietrichson.  
OPPOSED, DePascale and Kobylarz.  
ABSTAINED, none.  
Permit Granted.



4. **Public Hearing(s)**

A. None

5. **Citizen Comment**

A. None

6. **Other**

A. None

7. **Staff Comments**

Ozaki and Conroy will speak with Tharau regarding the detention basin. How often maintained? Applicant should pay for engineer review. WMC should be reviewing proposal.

Kobylarz states detention pond hasn't been cleaned. Not the only detention pond in town and put together a plan for all ponds to maintain.

Conroy states we don't know that. There are no trees, it must have been maintained.

Miller would like to follow through with low impact development. Need to start it.

Conroy waiting until after elections to work on POCD, but Burlington Land Trust would like to get on the agenda for what they would like to see on the POCD moving forward. From a wetlands stand point, if runoff is something we want to take on, we should. What are our goals?

8. **Adjourn**

MOTION Wilson, seconded Schwartz to adjourn the meeting at 8:26pm; unanimously approved.

**Meeting adjourned.**

Respectfully Submitted for the Commission,  
Lisa Ozaki  
Secretary, IWWC