



## INLAND WETLANDS AND WATERCOURSES COMMISSION

### Minutes of Meeting Wednesday, October 10, 2018

#### 1. Administrative

- A. Quorum was recognized and Arnie DePascale, Chair opened the meeting at 7:00pm. In attendance were Arnie DePascale, Rob Wilson, Dick Alden, Barbara Dahle sat for Rachel Loughlin, Jonathan Schwartz, Rolf Dietrichson, Linda Kobylarz, and Richard Miller. Absent was Rachel Loughlin.  
Rista Malanca, Consulting ZEO  
Lisa Ozaki, Recording Secretary
- B. **MOTION** Alden, seconded Wilson to approve the minutes from September 27, 2018 regular meeting as submitted; unanimously approved.  
Kobylarz states under 3A. show case should be show cause.
- C. **Review General Communications:**
  - A. Farmington River News
- D. **Agent Reposts:**
  - A. Agent Review – 11 Cricket Lane. A shed with 4 posts. 60' from the brook. Dahle questions it. Dahle states people trespass on people's property. Dahle states Barbara flies over people's property on Google. 32' x 39' shed is so close to regulated area. There are so many trees back that will have to be cut. Miller states there will be no trees cut down. DePascale states will be addressed under Other Business.

#### 2. New Business

- A. None

#### 3. Old Business

- A. **Application #2018-009** – Sztachelski – Grading & Stabilization – Angela's Way #61 (Submitted June 25, 2018)  
Wojtek Sztacjelski was present and addressed the commission. Sztacjelski hands in plans to commission. DePascale asks Sztacjelski if any correspondences from his engineer with plans. Sztacjelski states no.  
Malanca states first she has seen the plans. Malanca states the plans needs to be stamped by his engineer and also plan of site stabilization. This is just a grading permit, but it's very steep so we need know how stabilizing will be accomplished. Sztacjelski states erosion blankets and grass seed.  
DePascale explains to Sztacjelski we need a report with plantings for stabilizing this bank. Would like to see within the next 2 to 3 days since so much time has gone by. Malanca states we can do a special meeting instead of doing conditional approval. Sztacjelski states he was hoping to start working on this next week. DePascale states that would be very optimistic.  
Malanca states she will email Sztacjelski what is required from his engineer to move this application along.



Kobylarz asks about the time line? Since it was submitted June 25, 2018, does it need an extension?

Alden asks what happens if out of time? Would we do extension or do we deny it?

Malanca explains it doesn't make sense to deny this application and have him start over.

Malanca states we need extension.

Sztacjelski submits an extension letter for 30 days into record.

Dietrichson states he agrees with everything. This site plan is very small print.

Alden asks how big is this lot? 1.9 acres. Where are the wetlands? Malanca states not actually on his property, but around it. Alden states he went to property to review. Saw a lot of fill sitting there. How far from the wetlands? 30' to 40'. 20 truckloads of fill were dropped there. Slope going down from there. What has been done to protect the wetlands? Malanca states there are haybales, wood chips and silt fence. Alden asks what kind of plans does he have to come up with? A permanent detailed plan of stabilization with plantings.

Dahle asks if he plans on mowing the grass? Sztacjelski asks on the slope, no? Dahle states you should plant perennial flower plants so then the water will bounce off them.

Malanca states we will let his engineer come up with plan for plantings.

Kobylarz states Malanca when you send your email could you be very detailed so there is absolutely no question of what his engineer needs to provide to you for us. Malanca states yes.

Dietrichson asks Sztacjelski if he has any pictures of property before the fill was brought in. Sztacjelski states no.

Malanca states what we asked the engineer to do is on this plan. Grades behind the dotted lines are what was approved and the solid lines are what is now.

Schwartz states this is an incomplete application from Joe Green.

Malanca states Sztacjelski has been very cooperative and working with us. Break down is with him and the engineer.

Continued to a special meeting or next meeting when plans are provided.

**B. Application #2018-011 – Town of Burlington – Bridge Replacement – Barnes Hill Road** (Submitted August 15, 2018)

Motion, Schwartz, seconded Alden to approve Application #2018-011 – Town of Burlington – Bridge Replacement – Barnes Hill Road

IN FAVOR, DePascale, Wilson, Alden, Schwartz, Kobylarz and Dahle.

OPPOSED, None.

ABSTAINED, Dietrichson

Permit Granted

**4. Public Hearing(s)**

**A. None**



5. **Citizen Comment**

A. None

6. **Other**

A. Robert Hiltbrand, 33 Prospect St. Wanted to come before you since more complaints from neighbors. Have been doing earth removal process since 2017. This has been through the commissions.

DePascale states are you aware that the Building Inspector gave this a very good review. Hiltbrand states yes, I am aware.

Hiltbrand states this piece of property is topography remote from the Wildcat and Whigville Brooks. Property drains to its own low point. Insolated wetlands. Haybales and silt fence separate us from the streams. 100' from wetlands and all water generated goes directly to our sediment ponds. I did a site walk with Malanca this week. Everything is working well there.

One of the reasons I am here is because the O'Connor's who have complained through this process. In 2014 I worked with ZEO Burdick. Burdick walked the property with me and flagged the wetlands. Our application was approved then. In 2016, 2017 and 2018, I worked with ZEO Conroy and we walked the site multiple time with complaints from the O'Connor's. In October 2017, the O'Connor's complained to DEEP. I walked the property with Susan Bailey from DEEP. She did a full site review. 2018 Larry and Rista did a full site review. Last month, the O'Connor's were in again complaining about the brooks. There is sediment in this brook, but I do believe it's from when the town was using sand control for ice control. I believe the issue with these brooks is natural bank erosion. What the O'Connor's didn't tell you was after they were told this, they were not happy with your staff's review, they called DEEP again. Nancy Wollenberg came out to my property and was looking into issues with streams. I showed them around the site. Wollenberg found no issues with the site and she let the O'Connor's know. They were not happy with her answer. Once again they called your staff to complain. I encourage everyone on the commission to come out and walk my site. Great setup and beautiful site.

Dahle states they came to P&Z about complaints of trucks after 5pm and you delivered dirt to Wildcat Rd. Hiltbrand states I have restrictions for my trucks and what you don't realize is there are other trucks on the road doing work that are not mine. O'Connors have called police and made many complaints also. These trucks cut through Whigville. Police call me and say my trucks are on the road before 8am. First off, it's not my truck and I know my truck is at Salisbury School working today. There has been a lot of stuff and its bordering on harassment at this point. I have cooperated with Malanca.

Malanca states this is the cleanest sand and gravel pit I have ever seen. Very organized and clean and no way getting to the streams. He emailed me the letter from DEEP and I will add to the file.

DePascale states it appears you are never going to make O'Connor happy. Unfortunately you are going to have to deal with them. I can speak for the commission and we are very satisfied with you and your property.



Dahle asks Hiltbrand if he has ever seen the Zone A flood zone in his property. Hiltbrand states yes. Dahle states because I mapped it out. It looks like you did that nice field in Zone A flood zone. Hiltbrand states it's a Zone A without established evaluations. Dahle states once you hear all this stuff, you start looking at the minutes and researching things. You did say the trucks could only go left. Hiltbrand states the trucks can now go left and right.

- B.** 11 Cricket Lane. Dahle has question for Malanca. What do you consider the top 3 criteria that if in a regulated area, a people would have to come in for a permit? Malanca states if in the regulated area, they need a permit anyway. Whether it be agent review or commission approving. Depending on amount of disturbance and location. Flat land with not a lot of clearing. Dahle explains what made her ask about the shed. It's technically a small house in Burlington. I would like to find out as much as I can. Miller asks Dahle if she would like him to explain it. She states no. She is asking Malanca. Malanca states Miller's shed is 39' x 32', 3 sided with no doors on 4 beams of steel. Dirt gravel floor. Dahle asks Miller 1 floor? Miller states there is going to be a roof with tresses so there might be an attic of some sort. Miller states I would like to explain myself since Dahle is so kind to bring this up. Malanca states its 60' from wetlands. Dahle states the word shed got to me. A 3 sided structure would have been better.
- Miller states I would like to explain since my integrity was brought up at this point. Dahle is questions everything that I am doing. I wanted to make sure everything was up and up. I had a permit for this 10 years ago and I never built it because my mother got sick. Ozaki states I made him pull all new permits. BBHD, IWWC, zoning and building permits. I am not taking down any trees that Dahle says I am. She went on Google earth and saw the trees and the 3 cars back there. I paid for all these permits again. Malanca was kind enough to come out and take a look at. I put silt fence and bark mulch out. I have an intermittent watercourse 65' away. I am putting 4 concrete steel post, like a carport. Not cutting down a tulip tree. My issue here is with Dahle. At the end of P&Z she threatened that I would never be elected again, will make sure I would never be chairman again. You did a google search on my house and my son's house. Dahle states I do that to everyone's property. Miller states you did a background check on me. Dahle states I couldn't help it. Miller states I know you can't help yourself. I have done everything by the book. Had Malanca look at and approved it. I did everything by the book because of my position here. Dahle stated we are working on him to not being chairman.
- DePascale states you did everything right.
- Alden states he was approved and Malanca went out to review.
- DePascale states let's move on, it's like beating a dead horse.

## **7. Staff & Commission Comments**

- A.** Dietrichson asks about B & R on George Washington Tpke. Anything being done there? Ozaki states there was another lot line revision approved by P&Z last week. No work



started there yet. Has everything been stabilized? Don't know, but Malanca will go out and take a look.

- B.** Wilson states I noticed across from 13 Barnes Hill Road they are doing a bunch of grading and brought in fill. I don't recall them coming in for a permit. Close to the brook. Malanca will take a look at it.

**8. Adjourn**

MOTION Kobylarz, seconded Schwartz to adjourn the meeting at 7:50pm; unanimously approved.

**Meeting adjourned.**

Respectfully Submitted for the Commission,  
Lisa Ozaki  
Secretary, IWWC