



INLAND WETLANDS AND WATERCOURSES COMMISSION

Minutes of Meeting Wednesday, April 14, 2021 Via Teleconference

1. Administrative

- A. Quorum was recognized and Arnie DePascale, Chair opened the meeting at 7:04PM. In attendance were Arnie DePascale, Rob Wilson, Linda Kobylarz, David Goshdigian, , Rolf Dietrichson, Rick Jones.
Jerry Burns, ZEO
Allison Tharau, Recording Secretary
- B. **Motion** Kobylarz, seconded Dietrichson to approve minutes from March 10, 2021 regular meeting; unanimously approved.
Motion Kobylarz, seconded Wilson to approve minutes from March 17, 2021 special meeting; unanimously approved.
- C. **Communications:** none.
- D. **Agent Report:** Jerry Burns, ZEO/Wetlands Agent reviewed the following Agent decisions:
#2021-008-Boulier-Chicken Coop-Meadow Road #15-Application to place a 6X* chicken coop within the Upland Review Area. Please note that there is a FEMA Letter of Map Adjustment on file for the Special Flood Hazard Area for this parcel stating no structures with 10' of the rear lot line. This structure is in compliance 30' from rear lot line.
#2021-009-MacDowell-Shed-Carriage Drive #3-Application to place a 10X16 shed within the Upland Review Area. Please note that this location is not within the FEMA Special Flood Hazard Area for this parcel.
#2021-011-Frederick-Shed/Landscaping-Fox Glen #11- Application to install a 12X16 shed, possibly cut on tree 81' from limit of wetlands and bring in fill/topsoil to expand yard for family use and enjoyment within the Upland Review Area.

2. New Business

- A. **#2021-010-Bucchi-Taine Mountain Road #143**-Application for removal of trees and stumps with the Upland Review Area located on my property. Potentially filling and grading tree removal area to expand usable yard for enjoyment by owners and to further the safety of house and inhabitants.
Kyle Bucchi was present and described the plan to the Commission. 30 to 35 trees will be cleared by a professional near the house and with a 5' or 6' buffer from the brook. Any trees near brook will be cut but not stumped. Fill will be brought in to expand the backyard. Grass will be planted for stabilization. Commission suggested silt fence or woodchip socks for erosion & sedimentation controls. Project to be completed in June or July in the drier months of the season.
Motion Wilson, seconded Jones that there is no significant impact to wetlands; unanimously approved.



3. **Old Business-**

A. None

4. **Show/Cause Hearing(s)**

A.#54 Mountain Top Pass-Morin-Cease & Correct-Brian Morin-54 Mountain Top Pass was present and addressed the Commission. Tony Senese-175 Johnnycake Mountain Road was present and addressed the Commission.

Jerry Burns, ZEO, presented the Cease & Correct Order dated April 9, 2021 explaining that a breach of the installed Erosion & Soil Controls was noticed and reported to the Land Use Office on January 19, 2021, that caused dirt and sediment to escape your active construction site at 54 Mountain Top Pass and be displaced into a pond located behind 175 Johnnycake Mountain Road that is owned by Tony Senese. The Cease & Correct order was issued to: Ceases all Site Activities; Develop a project plan; Present a plan to IWWC for review.

Brian Morin submitted letter dated April 13, 2021 into record explaining sequence of events.

Tony Senese submitted letter dated April 6, 2021 from New England Aquatic Services describing dredging proposal.

Morin discussed the plan to install additional E&S controls to mitigate any existing breaches which will be managed by ZEO and work with Senese to resolve remediation efforts to restore pond.

Motion Wilson, Seconded Kobylarz to maintain Cease & Correct Order issued to Brian Morin at 54 Mountain Top Pass for Inland Wetlands and Watercourses Violation; unanimously approved.

B. #34 Middle Croft Road -Costello-Cease & Desist-William Costello-34 Middle Croft Road was present and addressed the Commission.

Jerry Burns, ZEO, presented the Cease & Desist Order dated April 9, 2021 explaining that there may be a violation of IWWC Regulations for work being done on his property. There is a large pile of topsoil at the edge of the property and evidence of activity to spread or berm this topsoil around at least one of the ponds in the front yard. The Cease & Desist order was issued to: immediately stop any further work and to present a project plan for the property to IWWC.

Costello stated that the ponds level was down about a foot and was trying to raise the pipe that BVFD had installed for fire suppression. No dredging of pond was done just hoping to make deeper by damming. Fill and stone was brought in to control waterflow. Small equipment was used to spread soil and rock. Application will be submitted at the next meeting and plan presented to IWWC to show how wetlands will be protected and the desired outcome of the project before any further work is completed.

Motion Dietrichson, seconded Wilson to maintain Cease & Desist issued to William Costello at 34 Middle Croft Road for Inland Wetlands and Watercourses Violation with condition to immediately add haybales between the pile of topsoil and the pond and any further activity should be consulted with ZEO or IWWC Chair; unanimously approved.

C. #26 Strong Street/4 Rowe Court/2 Rowe Street-Byrne-Cease & Desist Order-

Commissioner Goshdigian asked applicant is he can remain seated for the Order or would she like him to recuse himself. Applicant stated that he can remain seated.

Cheryl Byrne-26 Strong Street was present and addressed the Commission.

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Attorney Ziogas, LGIA, was present and addressed the Commission.

Jerry Burns, ZEO, presented the Cease & Desist Order dated April 9, 2021 explaining that the structure being built into the Lake Garda Improvement Association land from your abutting properties is in a watercourse or within 100' Upland Review Area and needs to be approved by IWWC. In addition, there are Floodplain Management Zoning Regulations and Town Ordinance that have jurisdiction due to this area being in a FEMA Special Flood Hazard Area.

The Cease & Desist Order was issued to: immediately stop any further construction of the structure in question and to remove what has been constructed and to present a project plan for the three properties to IWWC that will show: property rights to the area beyond the high tide mark and can pull permits for such a project; if you do not have property rights beyond the high tide mark, the LGIA would need to be part of any permit application; show the planned activities and outcome of doing this project with the watercourse and/or the 100' URA.

Attorney Ziogas, representing LGIA, stated that the structure was on Lake Garda property without permission of LGIA. LGIA position is that the structure needs to be removed. He suggested a survey be done for tide lines and property lines.

Byrne stated that her property at 26 Strong Street is eroding at a rapid pace and the water problem needs to be rectified. Structure was put in place to keep water away and keep height of water low.

Commission requested that Byrne contact an Engineer and complete an application including all groups necessary (BO/ZEO/LGIA/IWWC/FEMA) to mitigate erosion and suggested an up to date survey for clarity.

Motion Wilson, seconded Dietrichson to maintain Cease & Desist Order issued to Cheryl Byrne at 26 Strong Street/4 Rowe Court/2 Rowe Street for Inland Wetlands and Watercourses Violation with condition to remove structure within 15 days. **INFAVOR**, DePascale, Wilson, Goshdigan, Kobylarz, Dietrichson. **OPPOSED**: Jones. **ABSTAINED**: none.

5. **Other Business Proper to Come before the Commission-**

- A. Jerry Burns, ZEO, provided an update on property on 42 Alto Road coi pond.
- B. Executive Orders expiring April 20th may be extended to May.

6. **Citizen Comment**-None

7. **Staff & Commission Comments**- None

8. **Adjourn**

Motion Kobylarz, seconded Wilson to adjourn the meeting at 9:15PM; unanimously approved. **Meeting adjourned.**

Respectfully Submitted for the Commission,
Allison Tharau, IWWC Secretary