

**MIDDLEFIELD INLAND WETLANDS
and
WATERCOURSES AGENCY
405 Main Street
Middlefield, Connecticut 06455**

Minutes of the April 18, 2018 Regular Meeting

Linda Li, Vice Chairman, called the meeting to order at 7:03 pm.

Attendance:

Members		Alternates	
X	Adams, Rebecca	A	Zieminski, Charles
X	Angiletta, Irene		
X	Brown, James		
X	Li, Linda		
X	Manning, John	Others	
X	Poturnicki, Rob	X	Bernotas, Randy
X	Veeley, Robert		

A=Absent

X=Present

Rebecca Adams was present at the meeting by phone.

Amendments to the Agenda

Randy Bernotas noted that the original agenda has been amended and a new agenda presented to the Commission tonight. Rebecca Adams explained that the enforcement hearing that was at the end of the agenda had been removed because counsel is dealing with it directly. Other than that, items were rewritten to include references to the regulations. The Commission will use the original agenda that was posted.

Rob Poturnicki made a motion, seconded by Jim Brown, to approve the agenda, as presented. Motion carried unanimously.

Public Comment

None.

Lyman Farm, Inc., Erect Agricultural Fencing Using Box Wire Fencing and Wooden Poles at Various Locations on the Property

Attorney John Corona was present on behalf of the applicant and explained that the Lyman Farm plans to enclose their property to keep deer and other large animals out of the property, to comply with sanitary regulations and to provide limited access to the parts of the property where fruit is grown. The fence would be a wooden post fence with box wire fencing and it would be approximately 8 feet high. The first property to be fenced would be on the west side of Powder Hill Road, running from the Lyman houses south toward the Durham town line. The hope would be to surround nearly all of the areas where food is grown with similar fencing, but it would be done on a progressive time line that will probably take years.

Attorney Corona explained that this activity is agriculturally-related under State statute and he believes it falls squarely within the matters of right. Attorney Corona asked the Commission to make a determination that this is, in fact, an as-of-right activity so they can proceed. They also have an application pending with the Planning and Zoning Commission to clarify some of the fence regulations.

Rebecca Adams mentioned that this would fall under section 4.4 of the Wetlands regulations. Ms. Adams has discussed this with counsel and she believes that it is a matter of right or an unpermitted activity.

Randy Bernotas asked if they had considered where the deer will go once the property is fenced in and whether they will be able to drive the deer out before they put the fence up. Attorney Corona stated that people who have done this in the past have indicated that it takes a period of time to make sure that all the animals are removed from the enclosure. There will be some point where a sweep will have to be made to make sure there are no animals accidentally enclosed. He explained that the deer population is growing rapidly and becoming increasingly devastating.

Rebecca Adams summarized that this is directly related to the agricultural use in that it is to protect the crops.

Rob Poturnicki made a motion, seconded by John Manning, that the Lyman Farm application does not require a permit because it is a non-regulated activity. Motion carried unanimously.

Jim Brown then asked if this issue will come up again when the fencing is within wetlands and it was generally agreed that it was determined that no permit was required.

Jordan Tracy Cole, Raise Peak of Roof 6' and Install a 6' Fence along Brook at Rear Property Line, 537 Main Street

Jordan Cole explained that he'd like to put a 6' fence up along Baileyville Road and toward the garage. He has a son with autism and he wants to protect him from getting to the road.

Rebecca Adams explained that the Commission is just receiving this application tonight and they cannot vote on it tonight. Mr. Cole explained that the Ellen Doyle Brook runs in his backyard and one fence post will be about a foot from the brook. Linda Li asked Mr. Cole to submit a picture, map or schematic for their records and they would be willing to vote on this at the next meeting.

Mr. Cole also explained that he wanted to raise the roof on his garage another 6 feet to allow storage on the upper floor. The slope will remain the same. Rebecca Adams felt that this would be two separate applications and Randy Bernotas felt that the roof is a building issue and no application would be needed. He had it put on the agenda just so the Commission would be aware that there is no increase in impervious surface.

Rob Poturnicki made a motion, seconded by John Veeley, that raising the roof at 537 Main Street is not a significant activity.

Linda Li asked about the slope of the ground under this roof and Mr. Cole explained that there is no slope, but there is drainage. He was going to install gutters that will run down to the drainage.

The question was moved and the motion passed unanimously.

Irene Angiletta asked if there would be space under the proposed fence for creatures to crawl under. Mr. Cole will provide further information and return to the meeting next month.

Gary and Carmella Kowalewski, Proposed Activity within 100' of the Lake, 55 Lake Road

Randy Bernotas explained that he had spoken to Mrs. Kowalewski yesterday and told her that she did not need to be present at tonight's meeting. Rebecca Adams explained that Brian Curtis had issued a report and the Commission had stated that the permit would not be effective until further information had been provided.

Mr. Bernotas has the report from Brian Curtis with drawings that show how it was changed. They will not be using their original design and will, in fact, do trench instead with gravel. Rebecca Adams just received Mr. Curtis' report and she does feel it is appropriate, but did not feel that the Commission members have had a real chance to look at it. Brian Curtis does feel that this is a good plan. Rob Poturnicki felt that if this is Brian Curtis' plan, the Commission

should move forward so that the applicants can get moving. Rebecca Adams agreed, but did not want to push the Commission if they weren't comfortable.

Linda Li asked Randy Bernotas to review the plan for the Commission. Mr. Bernotas explained that they had initially planned to install a subsurface infiltration tank that the roof water would drain into and it was too close to the well head. The alternative is trenches that will go alongside the house with gravel, down about 18 inches and 24 inches wide. Rebecca Adams also commented that Brian Curtis had done all of the calculations in terms of how much runoff there would be. She reminded the Commission that the condition of the permit was that the permit would not be effective until Mr. Curtis had signed off on it. A permit had been issued conditioned on Brian Curtis' review and approval and this is the solution.

Irene Angiletta was concerned that there was no written permit and she was reminded that that had been done at the last meeting. Linda Li reminded everyone of what had happened at the last meeting and summarized that the permit was approved, with this condition.

Rob Poturnicki made a motion, seconded by Jim Brown, to accept the condition to be added to the permit approved at the last meeting for Gary and Carmella Kowalewski. Motion carried unanimously.

Luis Fernandes, Proposed Activity within 100' of the Lake to Construct an Addition to the South Side of the House, 223 Baileyville Road

Luis Fernandes would like to build an 18' x 30' addition onto the south side of their house on the back, to also include a rain garden to capture the water from the driveway and the runoff from the roof. They have been working with an architect and provided detailed sketches for the Commission.

Rebecca Adams left the meeting at 7:35 pm.

The addition will be the same distance from the lake as the rest of the house. Mr. Fernandes explained that the impervious surface is actually being decreased with this addition. Irene Angiletta asked what the total square footage of the entire lot is and Mr. Fernandes' fiancée explained that it was approximately 23,000 sq.ft. The addition is 18 x 30, or 540 sq.ft. It is fairly flat where the house is and the driveway comes down the hillside from Route 147.

Rob Poturnicki asked for clarification of how there could be a reduction in impervious surface with the addition. Mr. Fernandes explained that there is an area of asphalt that will be replaced with grass.

Mrs. Angiletta asked what the impact would be from the runoff from the addition. Mr. Fernandes explained that the square footage of the driveway and the roof line were calculated by

the architect and that determined how big the rain garden would be. He did not have those numbers readily available. Linda Li asked if the applicant would be able to get that information from the architect and he thought that he could. Mrs. Angiletta wasn't sure that the rain garden would work without knowing this information.

Randy Bernotas asked why the Commission is concerned about this issue. A few years ago, the Commission recommended that people bring their drainage across the lawn and into the wetlands. Now, people are putting in rain gardens at the Commission's request. Mr. Bernotas explained the layout of the driveway and lawn area to Mrs. Angiletta and where the rain garden will be located.

Linda Li asked what specifically constitutes a rain garden and Randy Bernotas explained that it is basically plants that like wet feet. Mr. Fernandes thought there would be a screened fabric underneath sand with traprock. Mr. Bernotas explained that they are being used extensively on the streets in downtown New Haven. He also explained that every town may have to reduce their impervious surface by 2 percent in 2020.

Randy Bernotas reminded the Commission that they should be looking at the rain garden and the reduction of impervious surface. The building itself is up to the Building Department and Planning and Zoning. Mr. Fernandes also pointed out that a silt fence will be in place during construction.

Jim Brown made a motion, seconded by John Manning, to approve the Fernandes application, as presented. Motion carried, 5-1, with Irene Angiletta abstaining.

Michael Carusone, Violation of IWWC Permit and Opportunity to Demonstrate Compliance, 255 Baileyville Road

Linda Li explained that this item will not be discussed this month and will be on next month's agenda.

Enforcement Matters

Randy Bernotas reported that there will be a Land Use Workshop on Monday, April 30th in the auditorium at the Community Center. This will cover holding proper meetings, electronic communications, etc. It will include both Middlefield and Durham's Planning and Zoning, Zoning Board of Appeals and Inland Wetlands.

Mr. Bernotas reported that he has begun arranging a site visit with the completion of the transmission line project by Eversource. He also thanked Rob Poturnicki for alerting him to chips that were piled up at 22 Lake Road. The property manager had it all removed in just a

couple of days. He is also in discussion with the foreclosure bank about removing the rest of the brush piled alongside the street at this property.

Mr. Bernotas reported that erosion control measures are in place at 111 Lakeshore Drive and are working pretty well. He did mention that the town will need to do something with the road in that area. He also reported that he approved a permit application for an attached carport/boatport across the street from this property. It is a 12' x 20' roof line that will be supported by posts, with no sides. He asked them to do the same thing that is being done at 55 Lake Road with trenches along the side of the building. The surface underneath the carport is grass.

There was then some discussion about the possibility of MS4 being implemented which will require all municipalities to reduce their impervious surface by 2 percent by 2020. This is stemming from Long Island Sound and storm sewers being interconnected which then brings the water into the waste treatment plants.

Approval of Minutes

Rob Poturnicki made a motion, seconded by Jim Brown, to approve the minutes of the February 21, 2018 meeting. Motion carried unanimously.

Matters or Business Raised at Previous Meetings or on Previous Agendas

None.

Members' Suggestions for Matters for Addition to the Current Agenda or for Discussion and Inclusion on Future Agendas

A question was asked about the pipes that are being found on the beach and Randy Bernotas explained that Park and Rec and Public Works are working on it. It was suggested that Mr. Bernotas push to dig the beach back.

Randy Bernotas also mentioned that there is an open culvert in front of West Street that had so much water coming down that watercourse that it couldn't fit in the pipe going to the Ellen Doyle Brook and was flowing over the road. He thought there had to be close to a foot of water over the road. He also mentioned the large amount of rivulets that are all over the hillside at the lake.

Adjournment

Rob Poturnicki made a motion, seconded by John Manning, to adjourn the meeting. Motion was carried unanimously. The meeting was adjourned at 8:10 pm.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First