

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

Minutes of the July 18, 2018 Regular Meeting

Linda Li, Vice Chairman, called the meeting to order at 7:02 pm.

Attendance:

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

A=Absent

X=Present

Amendments to the Agenda

Linda Li made a motion, seconded by Rob Poturnicki, to move item 6 to right after Public Comment as the applicant is present. Motion carried unanimously.

Public Comment

None.

Receipt of Application #0604-18, 22 Rosemary Lane; Sticks & Stones Masonry, owner Sheffield Clarke, to install a 10x15 patio and propane fire pit on right rear corner of house within 100' of a wetland

Randy Bernotas reminded the Commission that they had accepted this application last month. Mr. Bernotas reviewed that no permit had been taken out before the work was begun and that he personally

did not believe that the applicant should have had to wait another 30 days for the Commission to act on it. He has been to the site and did not feel there were any concerns with the application. The Commissioners generally agreed with Mr. Bernotas that there are no issues. They then reviewed the application and drawings that had been supplied. The applicant explained that surveyors had established the property line and Call Before You Dig marked the sewer line in the backyard.

Randy Bernotas commended the applicant for stopping work as soon as it was pointed out that they needed a permit and then for waiting the additional 30 days.

Linda Li made a motion, seconded by Rob Poturnicki, that the application belonging to Sticks & Stones Masonry, 22 Rosemary Lane, is not a significant activity. Motion passed, with Jim Brown abstaining.

Discussion and potential action on permit application #0601-18, Jennifer Fontanella, 22 Lake Road, to construct a paved driveway and remove trees

The applicant was not present at the meeting. Linda Li reviewed the application and Randy Bernotas suggested the Commission schedule a site visit. The driveway will be constructed relatively close to the stream, but should not be a detriment to it. Randy Bernotas has given the applicant permission to take down the two trees closest to the house as they were outside the 100' review area and were both dead.

It was agreed to hold a site visit on July 31, 2018 at 5:00 pm.

Discussion and Potential Action on Permit Application #05020-18, 41 Lake Road, owner Laura Hughes, Applicant Sheldon Haag, to install a subsurface sprinkler system within 100' of a wetland (work completed prior to submission of an application)

Randy Bernotas explained that this job was completed without a permit and he had hoped that this would create discussion about the fact that there are no penalties. Irene Angiletta felt that the applicant should be requested to come before the Commission so that they can be told that they were not in compliance and ask them not to use pesticides on the property. Randy Bernotas will draft a letter when he gets back from vacation.

Rebecca Adams arrived at this point in the meeting and explained that she does not believe the Commission has the authority to ask an applicant not to use pesticides. Ms. Angiletta suggested they ask them not to use pesticides since they were not in compliance when they did the project. Ms. Adams stated that that would not change their right to use pesticides when there is no ordinance for that.

Randy Bernotas asked about docks, fines and the use of pesticides around the lake and asked if it would be possible to get a joint meeting with the Board of Selectmen to discuss ordinances. Ms. Adams has spoken to Ed Bailey and has provided him with sample ordinances on fines. She has spoken to Attorney Willis about pesticides and he felt that pesticides do not have the same effect as some of the issues the Commission looks at under the statutes.

Irene Angiletta felt that this situation was different since they had installed a sprinkler system and were then applying pesticides which were being pushed into the lake. Rebecca Adams explained that right now property owners can apply pesticides and/or herbicides on their property as long as it does not violate state law. Jim Brown suggested that the Commission ask some experts to come in to teach them about

what pesticides and herbicides do to the lake. Ms. Adams also commented that the town would have more authority if they owned the lake. Ms. Angiletta would like to have them come in to address the Commission and it was noted that they have been asked to come before the Commission twice and did not do so. Ms. Adams will write them a letter asking them to attend the next meeting.

Rebecca Adams also explained that a cease and desist order has been mailed to Mr. Carusone and the issue is with the lawyers. Attorney Willis will follow up.

Enforcement Officer's Report

Randy Bernotas reported that Hull Forest Products will be doing a timber harvest on Baileyville Road on property owned by Brian Roth, from Higganum. They will be harvesting approximately 10 acres of the 42-acre parcel. They will be working near the power lines and will have to cross one watercourse. Mr. Bernotas will take a look before any work is started.

Mr. Bernotas also reported that he went out to take a picture of the lake gauge and looked over at Eugene Gargiulo's property at 159 Baileyville Road and noticed that one of the big trees was down in the water and across his neighbor's property. Rebecca Adams reminded everyone that the property owner had submitted an application to remove a whole bunch of trees on the hill and it was subsequently withdrawn. Mr. Gargiulo contends that, since the Commission denied his permit, that the Commission should be responsible for removing the tree. Mr. Bernotas explained that the Commission had not denied the permit but that the application and the plans were incomplete and the application was subsequently withdrawn. Mr. Gargiulo sent Mr. Bernotas some pictures and a video showing the drainage from the pipe located on the town easement. Brian Curtis had verified that there was no erosion from that drain pipe. Ed Bailey did go with Mr. Bernotas to visit the site.

Randy Bernotas also reported that he continues to visit 85 Laurel Brook Road and it looks very nice. He has not heard anything from Middletown about them wanting a fence put up.

Approval of Minutes

Copies of the minutes were not available tonight, but the Commissioners did receive them by email.

Linda Li made a motion, seconded by Irene Angiletta, to table approval of the minutes from the June 20, 2018 until the next meeting. Motion carried unanimously.

Matters or business raised at previous meetings or on previous agendas

Irene Angiletta had an outline of ordinances and procedures from Rocky Hill and Branford which she reviewed for the Commission, describing violations, citations, fines and cease and desist orders as well as hearing procedures. Ms. Angiletta stated that Middlefield's regulations state that the Commission has the right to create a new regulation. Rebecca Adams and Irene Angiletta will put something together and send it out to everyone as a starting point.

Randy Bernotas asked if the Commission was going to act on Larosa Middlefield, LLC's application tonight since the hearing was closed last month and Rebecca Adams reminded him that they did issue a permit with conditions. Linda Li reported that new plans were submitted, dated June 28, 2018.

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

None.

Adjournment

Jim Brown made a motion, seconded by John Manning, to adjourn the meeting. Motion was carried unanimously. The meeting was adjourned at 7:59 pm.

Respectfully submitted,

Debi Waz

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