

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

Minutes of the October 17, 2018 Regular Meeting

Rebecca Adams, Chairman, called the meeting to order at 7:00 pm.

Attendance:

Members

Alternates

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

A=Absent

X=Present

Amendments to the Agenda

None.

Public Comment

None.

Discussion and review of the application to modify the IWWC permit issued to Michael Carusone on April 20, 2016, for demolition and construction of a residence limited to the same footprint as the original structure and with the same outside dimensions, to add structures, already constructed but not included in the current permit, to mitigate the additional discharge and runoff into Lake Beseck due to the increase of impervious surface, Michael Carusone, 255 Baileyville Road

Rebecca Adams reviewed that she had received an email from Brian Curtis and read it for the Commission. He had spoken with the engineer who prepared the site plan and explained that the mitigation system needs to be reworked. The engineer has not had time to respond to Mr. Curtis yet and hopes to respond by the 17th. Brian Curtis will report back to the Commission.

Randy Bernotas asked when the lake is going to be drained because that will drop the groundwater level and Ms. Adams will have Mr. Curtis look into that. The Commission does have all of the plans now from the applicant's attorney, but the application is not complete as of yet. This will be considered to be a complex application and all engineering costs will be borne by the applicant. A public hearing will be required and hopefully Attorney Willis and Brian Curtis will be available for that on December 19th. It was then agreed to hold off until January since December is a busy time of year.

Rebecca Adams explained that the Commission will be looking for a way to mitigate what's already there. Irene Angiletta suggested that they wait until they have received a complete application before scheduling the public hearing.

Discussion and possible action on an application to modify permit IWA 08-02 to change the location of the garage, Richard Beaumont, 8 Race Track Hollow

Randy Bernotas reviewed that the Commission had had a site visit to 8 Race Track Hollow and the applicant would now like to move the garage to the northwest corner of the property as opposed to the southeast corner. The terrain and run-off remain the same and is a little bit better than previously. Mr. Bernotas and Jerry Russ have both been out to look at it and feel that it's a perfectly good location.

Randy Bernotas also noted that the regulations require a \$60 modification fee and he wondered if the Commission would want to waive that since it's just a movement of location.

John Manning made a motion, seconded by Rob Poturnicki, to waive the \$60 fee for Richard Beaumont's modification to his original application. Motion carried unanimously.

Linda Li made a motion, seconded by John Manning, to change the location of the garage as a modification to the original permit IWA 08-02. Motion carried, with Rob Poturnicki abstaining.

Staff report and discussion of the final inspection and permit compliance checklist for Lovley Developers "Ross Farms"

Randy Bernotas reported that the developers have met all the conditions, but he has a concern with an infestation of Japanese knotweed which they are taking care of. The retention pond is getting infiltrated with cattails and the developer did give a bit of push back to getting rid of them because they don't feel they will do any damage to the retention pond. Rebecca Adams felt that it would impact the effectiveness of the retention pond as well as the design and the amount of water in the pond. It was generally agreed that retention ponds do need to be maintained in order to be effective. Mr. Bernotas also felt that the cattails will spread and may affect other wetlands. Ms. Adams summarized that they will need an invasives management plan and Mr. Bernotas will work with them on that.

Several people who live at Ross Farms were present at the meeting as they wanted to understand what the homeowners would be responsible for in the future. Rebecca Adams thought that any responsibilities

should be mentioned in their deeds. Randy Bernotas thought that the town may be responsible for the retention pond, but they will check into that.

Randy Bernotas also mentioned that Lakeview Estates also has phragmites and cattails. The association wants to keep them there because it makes it look natural. Ms. Adams and Mr. Bernotas will draft a letter to them about that.

Enforcement Officer's Report

Randy Bernotas reported that a vehicle ended up submerged in Lake Beseck on September 24th. A tow truck was brought in to pull the vehicle out. DEEP was present and no spill was observed.

Mr. Bernotas also reported that he spoke with Sal Monarca and explained to him that he has had enough time to bring his site at the Industrial Park into compliance with the site plan. He informed him that the Commission will allow him to show progress until the next meeting. He also spoke to him about the fine ordinance that the Commission is working on.

Randy Bernotas also mentioned that another accident occurred at the curve at Baileyville Road and Powder Hill Road. DEEP was again called in for a spill remediation and the area was properly treated and cleaned up. Guardrails are out of the question on that corner.

Update on IWWC regulations violation process and fine ordinance

Rebecca Adams reported that she, Ed Bailey and the Town Attorney are working on the ordinance. She does not have a time line yet.

Approval of Minutes

Linda Li commented about the wording in the last paragraph of the Enforcement Officer's report and the use of the word "totally."

Rob Poturnicki made a motion, seconded by Rebecca Adams, to approve the minutes of the September 15, 2018, as amended. Motion carried unanimously.

Chair's Report

Rebecca Adams reported that she has been in contact with Attorney Willis regarding the ad hoc appointment to the Commission and Attorney Willis stated he had never heard of it before and it didn't exist anywhere else in the state. She reviewed that the Inland Wetlands and Watercourses Agency is an agency of the State and the statutes set forth the criteria. She related that the Board of Education is the same way and they have allowed ad hoc members, but they are very restricted. Those members cannot participate in anything that has any decision of due process or property rights, nor can they comment on them.

To bring Bob Veeley up to speed, Ms. Adams reviewed that Ed Bailey has appointed Marianne Corona to the Connecticut River Coastal Conservation District which means she would serve as an ad hoc member of this Commission, per town ordinance. There was a question about whether it would be legally

appropriate. There is a whole host of case law regarding wetlands agencies and this would be considered the town interfering.

Ms. Adams reviewed that, in approximately 1988, the State passed the Inland Wetlands and Watercourses Act that stated that every single municipality had to adopt an ordinance that either adopted the existing agency or created a new agency. If that wasn't done, DEEP would be the agency. The statute is specific that that agency is the sole authority and sole agency and the town cannot interfere with that agency. Ms. Adams pointed out that that language is not in the education standards. She did feel, however, that the Wetlands Agency should have a liaison and get reports from the conservation agency. Ms. Adams reiterated that it is not a good thing for the town to be able to do something to the agency by ordinance and the state statute is very specific about that.

Rebecca Adams explained that the town ordinance stated that anyone appointed to the Conservation District would be an *ex officio* member of the Wetlands Agency, but Attorney Willis felt that there was no such thing and that didn't exist anywhere else because it would not be allowable for the town to change the composition of the commission or interfere in its business. Ms. Adams will get a legal opinion about this issue.

Matters or business raised at previous meetings or on previous agendas

Rob Poturnicki explained that he would not sit on the Commission with Marianne Corona again. Meaning no disrespect, he believes that she makes it so difficult for people in town to accomplish anything that people go behind the back of the Commission. He will write a letter to the Selectmen and let them know he will resign if she remains any type of member.

Rebecca Adams felt that a really good dynamic currently exists on the board and she will remain there as long as that is true.

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

Irene Angiletta distributed information on the CACIWC meeting that will be held on November 17th.

Adjournment

A motion was made and seconded to adjourn the meeting. Motion was carried unanimously. The meeting was adjourned at 7:46 pm.

Respectfully submitted,

Debi Waz

Debi Waz
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