

TOWN *of* PLYMOUTH

INLAND WETLANDS &
CONSERVATION COMMISSION
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The **March 17, 2010** regular meeting of the Plymouth Inland Wetlands and Conservation Commission was called to order at 7:00 p.m. by Chairman James Deutsch, in the Assembly Room of the Plymouth Town Hall in Terryville, CT.

1. **CALL TO ORDER**

2. **FIRE EXITS:** Noted for the record

3. **PLEDGE OF ALLEGIANCE**

4. **ATTENDANCE:** Scott Gray; Mike Maffia, alternate, Jim Benway; Sean Doran; Joy Stregowski, alternate, a voting member this evening; David Elder, Zoning/Wetlands Officer and Ronda Porrini, recording secretary. Excused absence: Kathy Peterson.

Also present was Marty Sandshaw, Town Council liaison.

5. **MINUTES:**

Regular Meeting of **March 3, 2010**

MOTION: to approve the minutes of the March 3, 2010, by S. Doran, second by S. Gray. Roll call vote: S. Gray, aye; J. Benway, abstain; S. Doran, aye; and J. Stregowski, aye. Motion passes 3-0-1.

6. **CONTINUING APPLICATIONS:**

a. 471 Main Street – Mazzettini - #10-04

J. Benway recused himself at 7:05 p.m.

Chair Deutsch gave a background of this application. The Commission did a site walk on 3/6/10 with the following Commissioners present: M. Maffia and S. Gray. Wetlands agent D. Elder was also present at the site walk. Commissioner comments:

- S. Gray stated a lot of water is coming onto the applicant's backyard; feels that the water will continue to be a problem unless more drainage trenches are installed. The initial work that has been done will not be enough to correct the problem. The applicant has proposed additional work to be done in his application. S. Gray feels that the material onsite needs to be stabilized and that the large boulders should be repositioned; laid neater; and flatter. The trees that were originally thought to be on the neighboring property are actually on D. Mazzettini's property. S.

Gray recommended the area be hayed and seeded. Okay to move forward with the proposed work.

- M. Maffia feels the drain that has been installed is working within reason, but should be tied into the gutter drain. The neighbors are not maintaining the other side of the watercourse. M. Maffia okay with the proposed activity and stated the weather needs to cooperate.
- D. Elder stated from a wetlands prospective a majority of the work has already been done. D. Elder feels the area needs to be seeded ASAP and recommends that all drainage work be on one plan. D. Elder stated that stabilization is key and the boulders should be laid flat. The boulders are a Planning & Zoning issue.

D. Mazzettini, 471 Main St., property owner, present and gave an update of the course of action to take place. He submitted a detailed description of the work that is to be done. D. Mazzettini had given a detailed description to the Commission on 3/3/10 and has modified item #1 and added item #5. Chair Deutsch read the modification and addition into the record.

Chair Deutsch explained that he had spoken with Public Works Director, T. Lorenzetti and would like him to review this plan as well as the Land Use staff. Application to be continued to 4/7/10.

7. MODIFICATION TO EXISTING PERMIT

- a. 100 South Riverside Ave. – South Riverside LLC - #09-11

J. Benway returned to the meeting at 7:25 p.m.

J. Stregowski recused herself at 7:25 p.m.

Chair Deutsch explained that this application was added to the agenda at 4:28 p.m. on 3/16/10. The information from this application was initially discussed under Public Comment on 2/3/10 but there was no re-modification application submitted to the Commission at that time. An application to modify an existing permit; #09-11, was submitted and read into the record on 2/17/10. A discussion followed and the applicant, Pete Worhunsky verbally withdrew the modification application stating he had to do some follow up regarding the Army Corp of Engineers. This application was not on the agenda for the 3/3/10 meeting. On 3/3/10 P. Worhunsky gave a discussion on the Clean Water Act and the role the Army Corp played in the formation of it. Chair Deutsch stated for the record that the original application dated 2/17/10 is being resubmitted this evening and that a note is being added to the application that it is being resubmitted for the second time on 3/17/10.

Chair Deutsch read the application into the record. The application is to remove trees; reset stone rip rap; reseeding; and stone dust path and fencing. Chair Deutsch gave a background of the property. Work will be continued downstream from the trestle; closest to Route 72 only where the existing rip rap boulders are now located. The work will also continue upstream where it was left off last year up to the dam; on both sides. There will be no work done to the dam or beyond the dam.

P. Worhunsky, 19 Coral Drive present to explain the additional work he is proposing to do. P. Worhunsky submitted copies of a map of his property and explained that all the work highlighted in yellow is what was done in 2009. The green highlighted area is what will be done in 2010. There will also be additional restacking of the rip rap along the river bank; cleaning of the area; however, there will not be a stonewall built. Along the north side of the river; along the building; the rip rap

will be cleaned up and restacked; the same will take place on the opposite side of the river. The highlighted light green area on the map describes where tree trimming will take place. The rip rap near the dam will be rearranged of erosion per the directive of the Planning & Zoning Commissions demolition permit. Areas of erosion will be repaired; stones from the dam and sidewalls will be retrieved and replaced. P. Worhunsky explained that the "DAM" is no longer a dam; it retains no water, it is now a waterfall.

Chair Deutsch asked if some of the trees will remain on site. P. Worhunsky responded "yes". P. Worhunsky stated there will be no machinery in the river. J. Benway stated the edge of the water in photo #2 doesn't look stable enough to hold an excavator. Chair Deutsch stated that if there are any issues with the floodplain they should be addressed to the Planning & Zoning Commission. Staff to review the application and be continued to 4/7/10.

J. Stregowski returned to the meeting at 8:05 p.m.

8. **NEW APPLICATIONS:** none

9. **SHOW CAUSE HEARINGS:**

- a) 13 Gear Drive – Sandstrom – Chair Deutsch gave a background on permit #09-12. A cease & correct order was issued as the property owner has not complied with the stipulations of the issued permit. The drainage calculations were submitted prior to the 3/3/10 meeting, however; there was no signature or stamp from the engineer on them. David Wlodkowski, 645 Main St. Plantsville, architect for the property owner is present this evening on behalf of the property owner and stated that he had submitted the stamped/signed copy to the Land Use office.

T. Lorenzetti stated that he had contacted the engineer, Tony Tranquillo, to find out where the data came from and where the drainage calculations came from. The report did not have the information that T. Lorenzetti needed on it. T. Tranquillo will be coming into the office to discuss the information with T. Lorenzetti.

MOTION: to continue the Show Cause Hearing for 13 Gear Drive – Sandstrom to 4/7/10 was made by J. Benway, second by S. Gray. Vote: unanimous.

- b) 690 Greystone Rd. – Pelletier – Chair Deutsch gave a background of this activity:

2/3/10 – Property owner, Gino Pelletier was present at this meeting and explained that he will be doing select cutting on his forest land. Property abutter, Le Adjini was not present at this meeting. G. Pelletier spoke under Public Comment and explained he had 27 acres of forest land that he wanted to do select cutting on under the supervision of a forester. G. Pelletier stated he would be staying away from the wetlands and would not be crossing any streams. Access to the forest would be through a paper road/passageway and that a tracking pad would be installed. This would be the first time G. Pelletier would be doing this type of activity on his property. D. Elder requested G. Pelletier come before the Commission as a courtesy to explain his activity and see if a permit would be required. On 2/3/10 the ground was frozen and covered with snow. There was no way at that time that erosion control measures could be installed. The tracking pad was not under the Wetlands Commission's jurisdiction and G. Pelletier was told to speak with

Public Works. The activity was to take approximately 3 weeks to 1 month to complete. At that point no wetlands permit was required.

2/17/10 – Property owners Gino Pelletier and Le Adjini were both present at this meeting. Both spoke under Public Comment. Le Adjini explained her concerns of the machinery and trucks passing through the paper road as she feared damage to her property. Chair Deutsch and T. Lorenzetti visited the site on 2/17/10. There is a creek on the right side of the paper road and it crosses over a pond. A tree or two was cut on the right side of the road. L. Adjini stated there was no protection provided for her land. L. Adjini provided photos of the activity to the Commission. L. Adjini stated that the land remained untouched for 30 years. The photos showed trucks backing onto her property. Chair Deutsch stated that no permit was required due to the weather and the ground being frozen. There was no mention of a pipe or stream noted at the 2/3/10 meeting. G. Pelletier stated he did not know that there was a pipe there. There were no erosion control measures on the property. There was 6” to 8” of snow on the ground and the ground was frozen on 2/3/10. G. Pelletier again stated that he was unaware of the pipe under the paper road but stated for the record if it should get damaged, he would replace it. At this meeting D. Elder stated his concern of the pipe. G. Pelletier stated that he would have erosion control measures ready to install, should the ground thaw. Chair Deutsch stated his concern of where the trucks were backing up and if it should rain that erosion may occur.

3/3/10 – After a rain event on 2/25/10 (2”) D. Elder and Chair Deutsch walked a portion of the site on 2/27/10. The tracking pad looked good, there was no erosion, only a puddle or two. Chair Deutsch also walked up to the landing pad and stated the area was okay. There was onsite discussion on 2/22/10 between D. Elder; S. Gray; T. Lorenzetti; G. Pelletier; L. Adjini and M. Malley of the installation of a Thank You Ma’am. A Thank You Ma’am is a ditch that is sloped followed by rip rap.

The Thank You Ma’am was installed on 3/12/10, after the pipe under the paper road broke. The Thank You Ma’am was working well on Saturday, 3/13/10. On 2/22/10 Attorney Mark Malley visited the site as an advisor to L. Adjini. L. Adjini stated that she was under the impression that G. Pelletier was to install erosion control measures and a berm to protect the Adjini’s garage. L. Adjini stated her concern for the trees, the weather, damage to the paper road and concern with the pipe. L. Adjini stated that the property is not land locked and that G. Pelletier could get up to his forest land from his own property. On 3/12/10 the pipe broke. Mayor Festa; the Town Planner, and the Town Engineer visited the site. The top of the pipe had broke off but the water was still running through it. To date approximately 3 truck loads of logs had been removed. Chair Deutsch and D. Elder visited the site on Saturday 3/13/10 and discussed a cease & correct or a cease & desist order being placed on the property. The paper road was muddy; and observation of a silt river coming down the site. A Cease & Correct order was decided upon so that the property owner could come up with a plan of action and be given the opportunity to clean/work at the site. A permit from wetlands and public works would also be needed. On 3/14/10 Chair Deutsch walked the property with Commissioner Gray and observed 4-6 vernal pools; trees in watercourses; a salamander; a snake; trees cut into the vernal pools; a large fast flowing stream toward the back of the property with cut trees in it. Chair Deutsch sent an e-mail dated 3/14/10 to D. Elder; K. Dodds; R. Porrini; T. Lorenzetti; Mayor Festa; and Ted Schiedel explaining what was observed on the site. Chair Deutsch read the e-mail into the record. G.

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Pelletier stated the Thank You Ma'am was installed prior to the rain event. J. Benway asked if the major watercourse with the stockpile of trees in it was flooding? Could it intermittent?

Chair Deutsch stated no.

D. Elder received a letter from L. Adjini's attorneys, Kolesnik & Norris from Woodbury.

Chair Deutsch stated that the property owner was given a chance by this Commission to do the work because it was winter and it was cold. When the weather changed G. Pelletier wasn't ready for it.

G. Pelletier stated he doesn't appreciate the comments that the Commission was giving him a chance. He stated he came before the Commission proposing his work and he was told yes, no permit required. He put in the tracking pad, found the pipe and came back to the Commission to report his findings. There was 6" of snow on the ground at the start, he did not see the pipe. G. Pelletier stated no more work is being done. He will be having a Supervisor in Harvesting from the DEP coming out to his property on 3/20/10. The person's name is David Misavadge. The DEP has been on the site on one other occasion. Only 2-3 acres of the work has been complete. D. Elder stated that contractor John Sini was put on notice to stop all work. Erosion control measures are to be installed ASAP with a properly installed silt fence on the landing. D. Elder to work with G. Pelletier on erosion control measures. Discussion on CEPA Intervenor that was submitted by L. Adjini prior to this meeting. L. Adjini is requesting to speak. The request was denied as not enough information was received from L. Adjini.

MOTION: to continue the Show Cause Hearing for 690 Greystone Rd. – Pelletier to 4/17/10 was made by J. Stregowski, second by J. Benway. Vote: unanimous.

MOTION: to recess for 10 minutes was made at 9:50 p.m. by S. Gray, second by S. Doran. Vote: unanimous.

Chair Deutsch called the meeting back to order at 10:00 p.m.

10. ENFORCEMENT:

- a) 152 Allentown Rd. – complaint of someone possibly filling in the wetlands on the adjacent property to 152 Allentown Rd. In 1992 there was filling of wetlands and a pipe was installed and now the water running through that pipe is flowing onto the 152 Allentown Rd property and into the basement. T. Lorenzetti stated that in 1992 he wrote a letter to the Wetlands Chair asking for assistance in resolving this problem as the water was also flowing into the street. T. Lorenzetti read the letter into the record. Larry Deschaine 16 Richmond Dr. present on behalf of the property owner of 152 Allentown Rd. L. Deschaine showed photos to the Commission of the problem the property owner is having. T. Lorenzetti in agreement that this is definitely a problem. D. Elder to review past IWC meetings that relate to this property and also will attempt to speak with the property owner to try to resolve.
- b) 181 South St. – Voytas – property owner failed to complete application and submit to Land Use office..

MOTION: to issue a Cease & Correct order on 181 South St. – Voytas and open a Show Cause Hearing on this property on 4/7/10 was made by S. Gray, second by S. Doran. Vote: unanimous.

11. PUBLIC COMMENT: none

12. **TREASURER'S REPORT:** none

13. **CONSERVATION TOPICS:**

- Northwest Conservation District Earth Day Plant Sale

14. **OLD BUSINESS:**

15. **NEW BUSINESS:**

16. **ADJOURN:**

MOTION: to adjourn at 10:50 p.m. by J. Benway, seconded by S. Doran and passed unanimously.

Respectfully submitted,

Ronda Porrini
Recording Secretary