

TOWN OF CLINTON
ANDREWS MEMORIAL TOWN HALL
54 EAST MAIN STREET
CLINTON, CONNECTICUT 06413
CLINTON INLAND WETLANDS COMMISSION
TELEPHONE: (860) 669-6133 - FAX: (860) 664-4469

MINUTES

Regular Monthly Meeting
September 3, 2019

Chairman Scott Harley called the September 3, 2019 Regular Monthly Meeting of the Clinton Inland Wetlands Commission of the Town of Clinton to order at 7:02 PM in the Green Room of the William Stanton Andrews Memorial Town Hall, 54 East Main Street, Clinton, Connecticut.

Members present: Chairman Scott Harley, Vice Chairman Bertram Schmitz, Robert LaFrance, Edward Alberino and Mary Jo Phelps

Members absent: Secretary Michael DiDonato, James Norrie and Student Members Daniel Radka, Mckael Jakober and Caleb Adams-Hull

Also Present: Sherry Lee Hynes, IWC Clerk and an applicant

Harley **SEATED** Phelps for DiDonato and **APPOINTED** Alberino as Acting Secretary.

IWC 19-011R: 48A Ironworks Road, Warren Schumack (Applicant) 48A Ironworks LLC (Owner): Application for Regulated Activity within 50' of Inland Wetlands or a Watercourse: New Single-Family Residence and Appurtenant Structures. Assessor's Map 62 Block 42 Lot 32B-2. Zone R-80

Warren Schumack, Applicant, gave an overview of the project, noting that the driveway is now 35' from the inland wetlands. The house and septic are in the upland review zone. The well is outside the upland review zone. He **amended** the application to show that it is now an application for a regulated activity 0' to 50' from a Wetland.

Alberino **MOVED** to accept IWC 19-011R: 48a Ironworks Road, Warren Schumack (Applicant) 48A Ironworks LLC (Owner). Application for Regulated Activity within 50' of Inland Wetlands or a Watercourse: new single-family residence and appurtenant structures. Assessor's Map 62 Block 42 Lot 32B-2. Zone R-80 and to set a site walk for Tuesday, September 17, 2019, at 6:15 P.M. with a rain date of Thursday, September 19, 2019, at 6:15 P.M. Schmitz seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0.

Applications Received After the Filing of the Agenda: none.

IWC Minutes
Regular Monthly Meeting
September 3, 2019

Land Use Technician's Report: September 3, 2019. The report was distributed at the meeting. There were no inquiries.

Request for Partial Release of Sediment & Erosion Control Bond: Request of Carl Neri for a 50% reduction in the \$12,332.00 Sediment and Erosion Control Bond posted by The Neri Corp. for IWC 17-001R: 66 Nod Road, Carl Neri (Applicant) The Neri Corp. (Owner). Regulated Activity within 100' of Inland Wetlands or a Watercourse: new commercial building, code complying sanitary septic system with accompanying parking. Assessor's Map 221 Block 9 Lot #5-2. Zone: I-2.

Harley **READ** the August 27, 2019 Bond Reduction Recommendation Letter from DTC, the Town's Consulting Engineers. LaFrance asked for a report with photographs in addition to their letter. After discussion, Harley asked Interim Wetlands Enforcement Officer Alberino to conduct a site visit and to take photographs.

Alberino **MOVED** to table the Request for Partial Release of Sediment & Erosion Control Bond: Request of Carl Neri for a 50% reduction in the \$12,332.00 Sediment and Erosion Control Bond posted by The Neri Corp. for IWC 17-001R: 66 Nod Road, Carl Neri (Applicant) The Neri Corp. (Owner). Regulated Activity within 100' of Inland Wetlands or a Watercourse: new commercial building, code complying sanitary septic system with accompanying parking. Assessor's Map 221 Block 9 Lot #5-2. Zone: I-2, to the October 1, 2019 Regular Monthly Meeting pending the site walk and photographs to be submitted by Wetlands Enforcement Officer Alberino. Schmitz seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0.

IWC 19-002C: 2 Old Nod Road, Filling of Wetlands Without a Permit

GER, Inc., Business Owner and Operator, submitted on September 3, 2019 a request to continue the violation to October 1, 2019. The request included a general timetable for proposed mitigation. Members reviewed the timetable.

LaFrance **MOVED to deny** the continuance request identified in the September 3, 2019 E-mail from GER, Inc. and to issue an order to cease and desist requesting GER, Inc. to come to the October 1, 2019 Regular Monthly Meeting [of the Clinton Inland Wetlands Commission] with a detailed plan of compliance with the current permit with weekly milestones noted and when the compliance will be achieved. Schmitz seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0.

IWC Minutes
Regular Monthly Meeting
September 3, 2019

IWC 19-003C: 15 Stone Wall Lane: Discharge of Water into Wetland

Schmitz **MOVED** to continue IWC 19-003C: 15 Stone Wall Lane: Discharge of Water into Wetland to the October 1, 2019 Regular Monthly Meeting. LaFrance seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0.

IWC 19-010R: 15 Stone Wall Lane, Vincent D. & Margaret M. Pansa (Applicants & Owners). Application for Activity within 50' of Inland Wetlands or a Watercourse: Mitigation of Sump Pump Discharge. Assessor's Map 28 Block 21 Lot 9-13. Zone: -40.

- Action on Special Meeting (Site Walk) Minutes:
 - August 13, 2019 Special Meeting (Cancelled)
 - August 15, 2019 Special Meeting
- Determination of Significant Activity
- Set Public Hearing or Eligible for Decision

Schmitz **MOVED** to accept and approve as presented the Minutes of the August 15, 2019 Special Meeting [site walk]. Alberino seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino and Phelps. Opposed: none. Abstention: LaFrance. The motion was **carried**, 4-0-1.

Harley **READ** the September 3, 2019 E-mail from Chuck Mandel, Project Engineer, requesting the application to be continued to October 1, 2019.

Schmitz **MOVED** to table IWC 19-010R: 15 Stone Wall Lane, Vincent D. & Margaret M. Pansa (Applicants & Owners). Application for Activity within 50' of Inland Wetlands or a Watercourse: Mitigation of Sump Pump Discharge. Assessor's Map 28 Block 21 Lot 9-13. Zone: R-40. to the October 1, 2019 Regular Monthly Meeting. Alberino seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0.

It was noted by Clerk Hynes that the last day for a decision is on October 5, 2019 per State Statutes. After that time, the applicant would have to use extension time as permitted by State Statutes.

Minutes: August 1, 2019 Regular Monthly Meeting. Schmitz **MOVED** to accept and approve as presented the Minutes of the August 1, 2019 Regular Monthly Meeting. Alberino seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino and Phelps. Opposed: none. Abstention: LaFrance. The motion was **carried**, 4-0-1.

Correspondence and Bills

- DTC, Inv. No. 36955, July 29, 2019, \$229.50, IWC 19-004R, 6 Lindera Lane (bonding). After reviewing the invoice, Schmitz **MOVED** to table DTC, Inv. No. 36955, July 29, 2019, \$229.50,

IWC Minutes
Regular Monthly Meeting
September 3, 2019

IWC 19-004R, 6 Lindera Lane [bonding], to the October 1, 2019 Regular Monthly Meeting pending further information from DTC. LaFrance seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0.

- DTC, Inv. No. 37057, August 22, 2019, \$379.00, IWC 19-008R, Unit 18, #10, Pondview Lane. LaFrance **MOVED** to accept and recommend for payment DTC, Inv. No. 37057, August 22, 2019, \$379.00, IWC 19-008R, Unit 18, #10, Pondview Lane. Alberino seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0.

Continued/New Business

- Clinton Events. Tabled.
- Conservation Commission. No report.
- Membership
 - Mary Jo Phelps (Possible Candidate to Replace Neri)
 - Vacant Seat Eligibility
Phelps advised she will be pursuing her party's endorsement to fill the vacancy created with Carl Neri's resignation.
- Guide Rail Spraying: tabled pending the appointment of a wetlands enforcement officer.
- DPW
 - Update: Carter Hill Road Bridge Repair/Replacement. None.
 - The New Morgan School Bridge – flood damage. The July 31, 2019 Army Corp. repair approval was distributed for review.
- Update: National Hazard Mitigation Plan Steering Committee. Tabled until DiDonato is present.
- Regulations
 - Discussion: draft beaver dam regulations. Schmitz and LaFrance. Tabled.
 - NEW: Small above-ground LP Tanks and Air Conditioner Condensers. Harley will prepare draft language for the October 1, 2019 Regular Monthly Meeting.
- Member Educational Opportunities. None.
- Adoption of Annual Report: July 1, 2018 – June 30, 2019. LaFrance **MOVED** to adopt with a minor correction, the Annual Report for July 1, 2018 to June 30, 2019. Schmitz seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0.

LaFrance **MOVED** to add to the Agenda an Executive Session to Discuss Town Personnel. Alberino seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0.

LaFrance **MOVED** to go into Executive Session to discuss town personnel. Alberino seconded the motion. Schmitz seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. The Commission went into Executive Session at 8:16 P.M.

IWC Minutes
Regular Monthly Meeting
September 3, 2019

LaFrance **MOVED** to go into Executive Session to Discuss Town Personnel. Alberino seconded the motion. Schmitz seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. The Commission went into Executive Session at 8:16 P.M.

Alberino **MOVED** to come out of Executive Session and immediately return to Open Session at 8:25 P.M. Schmitz seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. The Commission **returned** to Open Session at 8:25 P.M.

Additions to Agenda: October 1, 2019 Regular Monthly Meeting. There were no additions other than those agenda items carried forward from this meeting.

Chair's Comments: none.

There being no further business, Schmitz **MOVED** to adjourn the meeting. LaFrance seconded the motion. Discussion: none. Voting in favor: Harley, Schmitz, Alberino, LaFrance and Phelps. Opposed: none. Abstentions: none. The motion was **carried**, 5-0-0. The meeting was **adjourned** at 8:29 P.M. to the October 1, 2019 Regular Monthly Meeting.

Respectfully submitted,
Sherry Lee Hynes
Sherry Lee Hynes, Clerk

E-mail: Town Clerk
Board of Selectmen
Posted: Website