

**REVISED Agenda**  
**Tolland Inland Wetlands Commission**  
**Zoom - Remote**  
**Thursday, March 16, 2023 at 7:00 p.m.**

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1. Call to Order
2. Seating of Alternate(s)
3. Public Participation – Issues of concern not on the Agenda (2 minute limit)
4. Additions/Changes to Agenda
5. New Business
  - 5.1 As of Right Determination – 207 Bald Hill Road (Parciak Conservation Area) Timber Harvest.
6. Old Business
  - 6.1 Show Cause Hearing to consider a Cease & Correct Order issued to the property owner of 12 Goose Lane (MBL 28/C/007) for the deposition of material/filling activities within the wetland and upland review area without a permit. ***No discussion. Continued to April 20, 2023.***
7. Wetlands Agent Report
8. Other Business
9. Correspondence
10. Approval of Minutes – February 16, 2023 Regular Meeting
11. Adjournment

To join the Zoom Meeting, either click:

<https://us02web.zoom.us/j/8608713602?pwd=cXZLNi9SWV1vNkNjZU9NYUx Cd2xiUT09>

**One tap mobile:** +16469313860,,8608713602#,,,,\*06084#

Or call: 1-929-205-6099 and input:

Meeting ID: 860 871 3602

Passcode: 06084

Any party needing an accommodation contact the Planning & Development Department at  
(860) 871-3601 or via email @mdamato@tolland.org  
*The Town of Tolland is an Equal Opportunity/Affirmative Action Employer.*

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# CONNWOOD FORESTERS, INC.

39 CHERRY HILL ROAD, PO BOX 150  
ROCKFALL, CONNECTICUT 06481  
(860) 349-9910  
CONNWOOD.COM

A FOREST OWNERS' COOPERATIVE ASSOCIATION SINCE 1945 IN THE STEWARDSHIP OF FORESTS FOR WOOD, WATER, WILDLIFE, RECREATION, AND AESTHETICS.

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## Town of Tolland Parciak Conservation Area Timber Sale: Inland Wetlands Meeting March 16, 2023

### Personnel Background:

My name is Lori Dargis Lichtenauer am a new hire at Connwood. My previous experience before arriving at Connwood has been wildlife research based; I have worked with threatened and endangered species around the country, mostly on projects involving habitat requirements and preferences for these species. I also have a master's degree in biology focusing on wildlife ecology. My position title is "intern" while I am training to take the licensing exam to practice forestry in Connecticut. I have also been acting as an administrative assistant, along with helping on technician-level field assignments. Once I pass my licensing exam, I will become a full time Forester at Connwood.

### Project Description:

The project is a planned silvicultural timber harvest designed and planned by Nate Gosselin (a certified forester). The prescription for this area is called an "irregular shelterwood." A regular shelterwood harvest involves a harvesting of most species in each area except for the largest, healthiest trees that will provide "shelter" and seed to the new cohort of trees. The area of the openings we have created under the shelter of the remaining trees will be large enough to foster growth of shade-intolerant species (like black cherry, aspen, and tulip poplar) which not only provide valuable fruit for wildlife, but also add biodiversity to the area because these species are not found under any other growing conditions. Additionally, on this property there were large areas of healthy pignut hickory, white and red oak, and sugar maple that were left standing, but the less healthy and provide trees surrounding them were marked for removal to improve the growing conditions of the established healthy trees.

### Wetland Impact Mitigation:

To reduce our impact on the intermittent stream within the harvest area, we will be requiring the Purchaser of the sale to use a timber bridge stabilized over corduroy to ensure that the equipment is not coming into contact with the stream bed, and to prevent deposition of sediment into the stream. We will also be requiring hay bales/filter strips (installed by the Purchaser) downstream of the bridge to ensure that if there are any residual sediments they will not be carried downstream. We will also be doing a weekly site visit during the harvest to ensure that the infrastructure is holding up.

### As of Right Notification:

The timber harvest is what will take place for the as of right determination I believe because it is an agricultural process.



**Town of Tolland  
Inland Wetlands Commission  
APPLICATION FOR PERMIT**

**OFFICE USE ONLY**

Agent Decision	\$	
Commission Approval	\$	
Other	\$	

An incomplete application may be denied.

## 1. Applicant & Owner Information

Site Address of Proposed Activity

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Applicant Name

Mailing Address

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Phone Number

Email Address

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Property Owner(s) Name *(if not the applicant)*

Mailing Address

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Phone

Email Address

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Applicant's Interest in the Land *(if other than owner)*

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Is this property part of an approved subdivision?  No  Yes If YES, please state the name:

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## 2. Proposed Activity Information \* These questions are mandatory

Check all activities occurring within 50 feet of wetlands or 100-feet of watercourses.

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Remove soil         | <input type="checkbox"/> Deposit fill                | <input type="checkbox"/> Divert surface water            |
| <input type="checkbox"/> Construction        | <input type="checkbox"/> Grade                       | <input type="checkbox"/> Construct a road or driveway    |
| <input type="checkbox"/> Remove Vegetation   | <input type="checkbox"/> Restore Vegetation          | <input type="checkbox"/> Place a prefabricated structure |
| <input type="checkbox"/> Alter a watercourse | <input type="checkbox"/> Enhance a watercourse       | <input type="checkbox"/> Create a watercourse            |
| <input type="checkbox"/> Remedy pollution    | <input type="checkbox"/> Dredging or construct a dam | <input type="checkbox"/> Other                           |

\* Describe the proposed activity. (use additional paper if necessary)

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\* What is the proposed use? (use additional paper if necessary)

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### 3. Wetland and Upland Review Area Information \* These questions are mandatory

\* What is the total **area** of the wetlands on the parcel? (see directions on page 7)

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**How often are the wetlands wet?**

- All year     Springtime only     Sometimes     I don't know

A **watercourse** is defined as:

Rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private.

An **upland review area** is defined as:

An area extending a minimum of 50-feet from the edge of wetlands and/or 100-feet from any watercourse (refer to regulations when doubling of an upland review area is required).

\* **Square feet** of disturbance in wetland, watercourse, or upland review area. (list areas separately)

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What is the **square feet** of any areas of enhancement within the upland review area?

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An **intermittent watercourse** is defined as:

A permanent channel and bank and the occurrence of two (2) or more of the following characteristics: scour, deposits of organic material, presence of standing water for a duration longer than a particular storm event, or hydrophytic vegetation.

\* **Does the wetland have a watercourse through it?**  No  Yes

If **YES**, how often is the watercourse present?

- All year     Springtime only     Sometimes     I don't know

\* **Is there a pond, lake, or river on the property?** (check all that apply)

- Pond     Lake     River     None

What is the total **area** of disturbance of an open water body? \_\_\_\_\_ square feet

What is the **linear feet** of disturbance of a watercourse? \_\_\_\_\_ feet

**Has the property been delineated by a Certified Soil Scientist?**  No  Yes

If **YES**, what year did the delineation occur? \_\_\_\_\_

What is **wetland delineation**?

Delineation is an act of locating the boundary or border of a wetland or waterbody. Delineation also includes describing the functions and values the water system provides the geographical location. In the state of Connecticut only a certified Soil Scientist is recognized as being able to perform a wetland or watercourse delineation.

## 4. Alternatives

\* Please explain to the Commission the reason you chose this location for your proposed activity or project. What alternatives have been considered to avoid altering wetlands or watercourses? (use additional paper if necessary)

\* **This question is mandatory**

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## 5. Abutters

Providing abutters only applies if the application requires a public hearing. Tolland's Planning & Development Department will supply the applicant with the names and addresses of adjacent property owners. **There is a public hearing fee of \$300.**

## 6. Site Plan Maps **\*Application Requirement**

See page 7 below.

## 7. Additional Information

Supply any other information that would help in the understanding of the proposed activity.

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## 8. A Complete Application Consists Of

1. This permit application fully filled out.
2. Site Plan Maps as described on page 7.
3. Signatures & Seals of licensed or certified professionals.
4. Filing fee
5. **One (1) electronic copy** of the application.
6. **Nine (9) hard copies** of the application.

## Site Plan Maps \*Application Requirement

### Hand drawn or engineered plans?:

Depending on the proposed scope of work, hand drawn maps & plans may be acceptable **OR** professional survey/engineering drawings may be required. The IWWC or its duly authorized agent may waive any portion of these requirements.

### Typical required site plan elements:

- A North Arrow
- A Legend
- In the lower right hand corner showing the following information (Title Block):
  - Name of Project and Address
  - Name of Applicant/Owner/Developer
  - Map Scale
  - Name or initials of who prepared the plan (if not the applicant)
  - Date prepared (or revision dates)

### MAP 1: General Location Map (1 copy) – Refer to Page 7

Mapping: On-line GIS

- Use Tolland’s GIS mapping system currently found on the Town’s website, or on the Planning & Development webpage, [click here](#).
- Turn on the themes and choose BOTH: “Wetlands – Delineated” and “Wetlands – Soils.”
- Add Topography – For online mapping choose BOTH “Topography” and “Topography 2016”.
- Click on the property of interest
- Scale the map to 1”= 200 feet – **Refer to Page 7**
- Print out the document or save electronically as a PDF

### MAP 2: Existing Conditions (1 electronic / 9 hardcopies)

- Scale:** Up to 1” = 100 feet (if conditions do not fit on a 24”x36” sheet scale can be reduced to 1”=200’)
- Use either Tolland’s GIS mapping system or an existing A2 Survey from your building file. Ask us.
- Follow steps 1-4 from above – For online mapping.
- Topography
- Existing property lines for entire property
- Locate all regulated areas on property: wetlands, watercourses, upland review areas 50’ or 100’
- Locate the existing well & septic locations (properties with public utilities mark the general location)
- Locate significant exiting features or structures, buildings, roads, driveways, stonewalls, easements, ledges, stone outcrops, etc.
- Total acreage of the property
- Wetland delineation may be required if a delineation occurred prior to 1990. Call us.

### MAP 3: Proposed Site Plan (1 electronic / 9 hardcopies)

- Scale:** Any scale between 20 scale - 50 scale is acceptable (e.g. 1"=20 ft., 30 ft., 40 ft., 50 ft.)
- All items from Map 2 above
- Limits of disturbance (the boundary line where the proposed activity will occur including layout areas)
- Property setbacks
- Distance (linear feet) of proposed activity from property setbacks
- Area (square footage) of proposed activity within a regulated area (wetland, upland review area) if any
- Proposed buildings, structures, septic systems, roads (including logging roads), etc.
- Distance (linear feet) from proposed activity to closest regulated area
- Label edges and general areas of existing and proposed vegetation (forest, field, lawn, clearings)
- Temporary storage piles (e.g. fill, topsoil, organic soil)
- Erosion and sedimentation measures, and/or other measures planned to protect wetlands, watercourses from harmful discharges during or after the proposed activity. **\* This question is mandatory**
- Signature and Seal of Surveyor, Landscape Architect or Professional Engineer **\* This is mandatory**
- If wetlands have been delineated by a certified Soil Scientist the Signature and Certification Number must be on the plans **\* This is mandatory**

### Additional Site Plan Requirements for Projects deemed a "Significant Activity"

- A Public Hearing Fee of \$300 may be required
- An Engineer or Expert review fee may be required – lack of payment are grounds for denial without prejudice for an incomplete application. Call us.
- Hydraulic modifications to wetlands or watercourses (if any)
- Soil Scientist report including the observations of existing ecological communities, soil types

## FEES

Type of Permit	Fee Amount	Total
<b>Residential Uses – Existing Lots</b>	\$80.00 <b>plus</b> \$60.00 State Fee	\$140.00
<b>Map Amendment</b>	\$300.00 <b>plus</b> \$60.00 State Fee	\$360.00
<b>Modify Previous Approval</b>	\$100.00 <b>plus</b> \$60.00 State Fee	\$160.00
<b>Appeal Agent Issued Permit</b>	\$80.00 <b>plus</b> \$60.00 State Fee	\$140.00
<b>Wetlands Buffer Zone Markers</b>	Fee \$1.00 each	TBD
<b>Other uses</b>	\$200.00 <b>plus</b> \$60.00 State Fee	\$260.00

### Additional Fees:

#### Agent Issued Permits (Activity in Upland Review Area):

Fee \$40.00 **plus** \$60.00 State Fee (Total \$100.00)

**Plus Advertisement Costs: Applicants must advertise in Journal Inquirer at own cost.**

#### Subdivision without new roads or storm drainage:

Fee \$200.00 for first 2 lots, **plus** \$50.00 for each additional lot with proposed activity in regulated area **plus** \$60.00 State Fee.

#### Subdivision with New Roads:

\$200.00 **plus** \$50.00 for each additional lot with proposed activity in regulated area **plus** \$200.00 for each 1,000 linear feet of road (or any part thereof) **plus** \$60.00 State Fee.

#### Commercial, Industrial, Multi-Family Residential (as defined by Zoning Regulations) Fees:

- Up to 23,000 square feet impervious surface: \$400
- 23,001 to 50,000 square feet: \$400 plus \$5 per 1,000 square feet in excess of 23,000 square feet
- Over 50,000 square feet: \$535 plus \$2 per \$1,000 square feet in excess of 50,000 square feet required.

**plus** State Fee: \$60

#### Public Hearing Fee: (When it is determined a Public Hearing is required)

\$300.00 (in addition to above fees, if above fee is less than \$500.00) –

Filing fees may include additional costs incurred by the Town of Tolland, including, but not limited to, the expense of retaining experts to analyze, review and report on areas requiring a detailed technical review in order to assist the Commission in its deliberations. Said costs will be estimated by the Commission, based on preliminary estimates from such experts, and said estimate of costs times 150% will be paid over to the Commission prior to proceeding on the application. Upon completion of the technical review and a determination of the costs incurred, any excess will be refunded to the applicants. The applicant shall not be responsible for costs incurred in excess of 150% of the Commission's estimate.



## Signature and Authorization

I, as the applicant, do hereby certify that I am familiar with all the information provided in the application and I am aware, that an incomplete application form, as well as a lack of payment of all associated permit fees, are grounds for denial without prejudice by either the Commission or their designated agents.

I am aware of the penalties for obtaining a permit through deception or through inaccurate or misleading information.

I, as the owner, do hereby authorize the members and designated agents of the Inland Wetlands Commission and professionals hired by the Commission for the purpose of reviewing this application to inspect the property from this date forward until the permitted activity is completed or the application is denied.

I, as the applicant, do understand that an engineer review fee may be required and a lack of payment are grounds for denial without prejudice by either the Commission or their designated agents.

I further understand that the Commission may request further information in connection with this application and that if the proposed activity involves a significant activity, an additional filing fee of \$300 be required for a public hearing.

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Signature of Applicant Date

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Signature of Owner (if different) Date

<b>For Office Use</b>	
<b>FEE TOTALS</b>	
Amount:	
Paid:	
Agent Issued or Commission Issued:	
Date received by Land Use Department:	
Date received by Commission:	

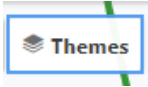
## Instructions for using GIS Mapping Online

1. **Website address:** <https://tollandct.mapgeo.io/>

2. **To locate a property:**

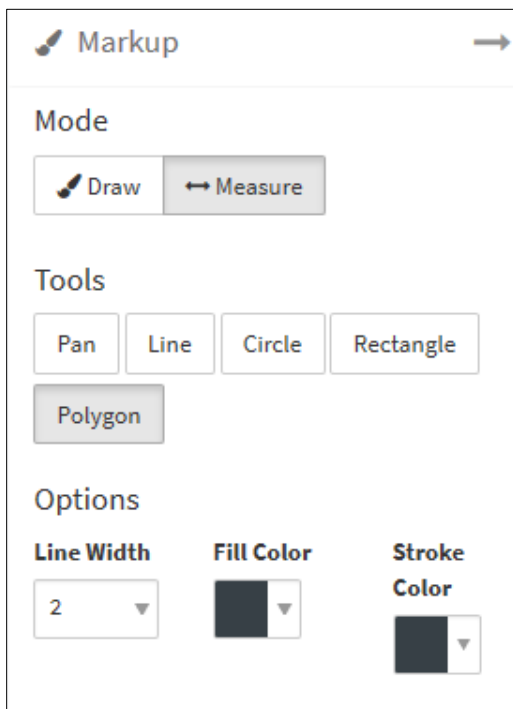
Type property address in search bar in the top right corner of the screen. Click on the correct property address in the search results.

3. **To show wetlands:**



Click on “Themes” on the top right and choose BOTH “Wetlands – Delineated” and “Wetlands – Soils.”

4. **To map the area of wetlands:**



Click on “Markup” > “Measure” > “Polygon”

Click on the edge of the wetlands and move your mouse along. Click to anchor the line and to change directions, double click when you have completely outlined the wetlands and are back to the start of the line.

GIS will calculate the area and display it on the screen in the center of the shape and also display it on the right hand side of the screen, in the Markup box.

5. **To scale a drawing:**



Click on the “Printer” icon next to the search bar in the top right corner of the screen.

Scale:



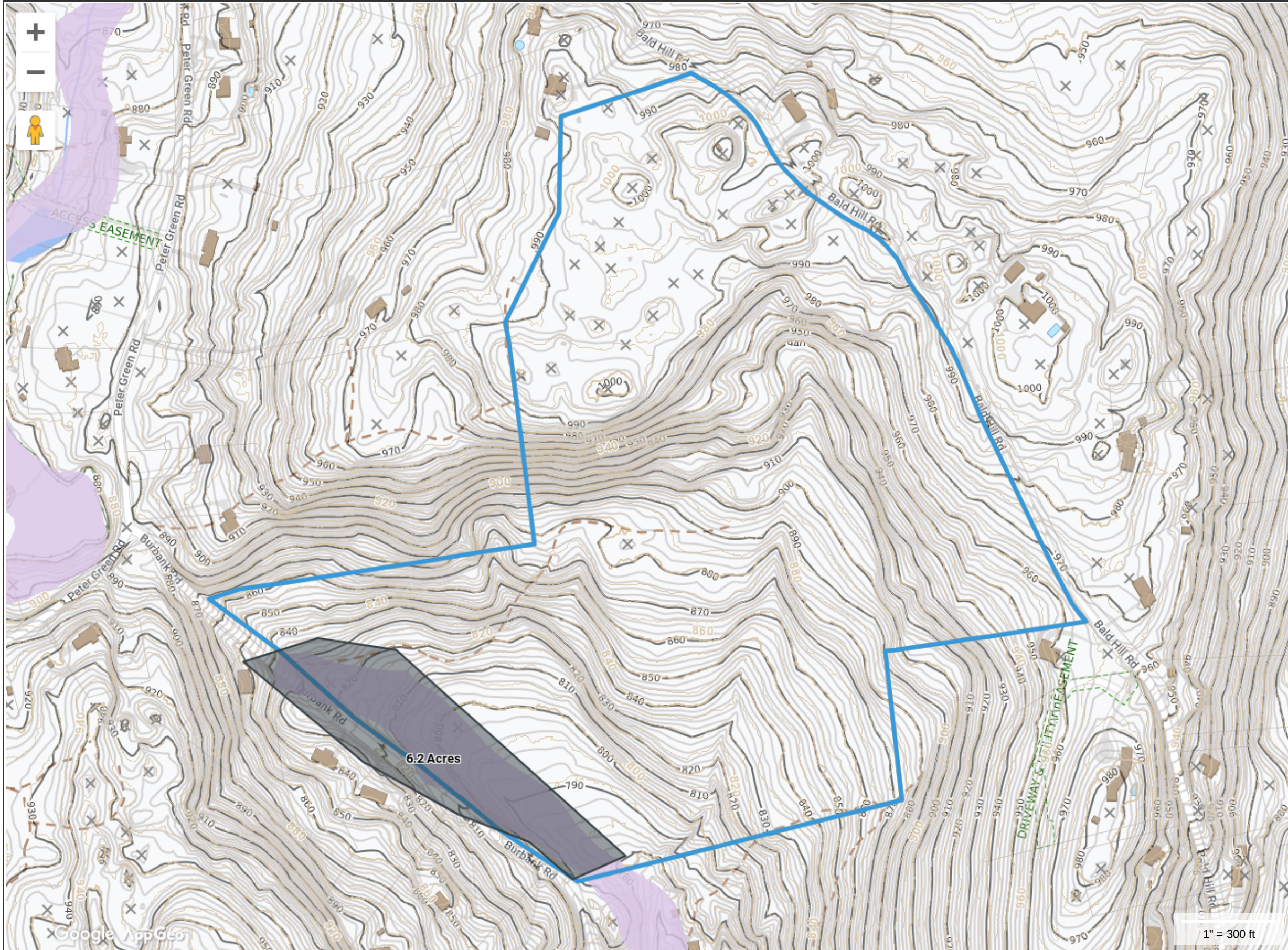
Common scales include 40, 80, and 160.

Enter your desired Scale: 500 ft., 50 ft., 40 ft., etc.

Click on > “Create Printable Map”

Create Printable Map

### John and Mary Parciak Conservation Area Timber Sale



**Property Information**  
**Property ID** 14/C/003  
**Location** 207 BALD HILL ROAD  
**Owner** TOWN OF TOLLAND



**MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT**



Town of Tolland, CT makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated October 25, 2021  
 Data updated daily

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

## Map Theme Legends

### Wetlands - Soils

-  Poorly Drained and Very Poorly Drained Soils
-  Alluvial and Floodplain Soils

CT DEEP

### Wetlands - Delineated

Delineated Wetlands






### Topography 2016

-  100 ft
-  50 ft
-  20 ft
-  10 ft

CT Eco Contours 2016

### Topography

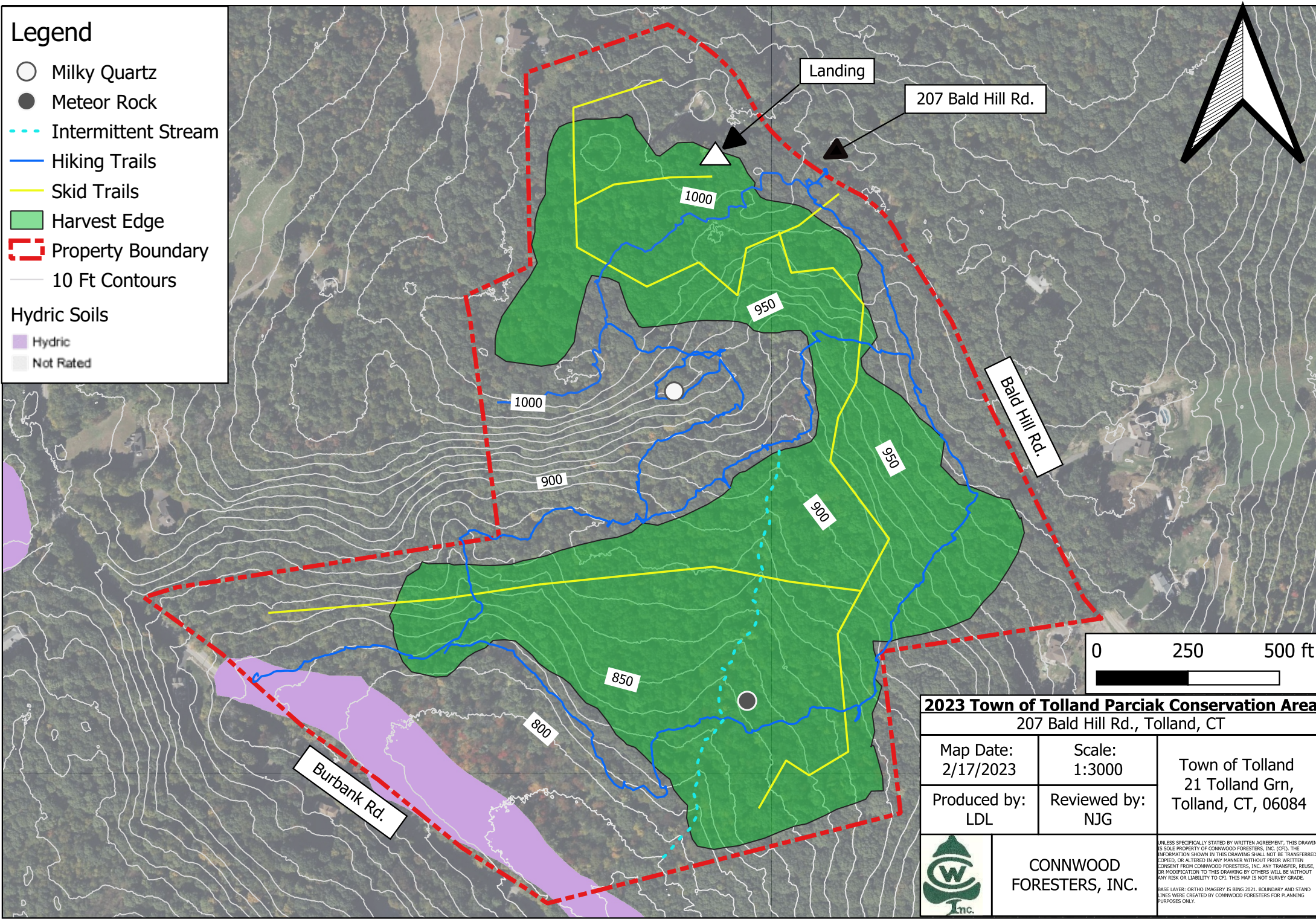
-  Spot Elevation
-  Intermediate Contour
-  Index Contour

# Legend

- Milky Quartz
- Meteor Rock
- - - Intermittent Stream
- Hiking Trails
- Skid Trails
- Harvest Edge
- ▭ Property Boundary
- 10 Ft Contours

## Hydric Soils

- Hydric
- Not Rated



### 2023 Town of Tolland Parciak Conservation Area

207 Bald Hill Rd., Tolland, CT

Map Date: 2/17/2023	Scale: 1:3000	Town of Tolland 21 Tolland Grn, Tolland, CT, 06084
Produced by: LDL	Reviewed by: NJG	



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BASE LAYER: ORTHO IMAGERY IS BING 2021. BOUNDARY AND STAND LINES WERE CREATED BY CONNWOOD FORESTERS FOR PLANNING PURPOSES ONLY.

**Tolland Inland Wetlands Commission**

**Thursday, February 16, 2023 at 7:00 p.m.**  
**Council Chambers, 6th level,**  
**21 Tolland Green, Tolland, CT 06084**  
**Remote - Zoom**  
**Thursday, January 19, 2023**

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Members Present: Raymond Culver, Chairman (in person)  
Todd Penney, Vice Chair (in person)  
Archie Tanner, Regular (remote)  
Bob Ross, Regular (in person)

Members Absent: Gary Hoehne, Regular

Others present: Michael D'Amato, interim Wetlands Agent (in person)  
Rich Caraballo, representative for Village of Crystal Springs  
George Hill, attorney for 12 Goose Lane  
Julius Gorog, property owner 12 Goose Lane  
Kevin Martin, abutter to 12 Goose Lane

**1. Call to Order**

Meeting recording started. Meeting called to order at 7:02 pm.

**2. Seating of Alternate(s) – none**

**3. Additions/Changes/Deletions to Agenda –**

Penney/Ross: motion to reorder the agenda. Move Item 8.1 – Informal Discussion – Wetlands Application for pond dredging at the Village of Crystal Springs.

Culver – Y, Penney – Y, Tanner – Y, Ross – Y

Unanimously approved.

**4. Public Participation – issues of concern not on the agenda (2-minute limit) – none**

**5. Other Business**

**5.1 Informal Discussion – Wetlands Application for Pond Dredging**

Caraballo said he is a property owner at the Village of Crystal Springs and is representing the development for this discussion. He said the property owners at the Village of Crystal Springs would like permission to dredge the pond in order to maintain the pond. Commissioners discussed that the pond has been dredged before. D'Amato reviewed the history of the pond and agreed that the pond has been dredged as part of a maintenance plan for the pond. Caraballo said there is no intention to deepen or change the size of the pond and currently, there are plants growing up through the water. Caraballo said a contractor would be hired to do the work and identified an area where the dredged materials would be piled to dry out. Tanner said he believes a drag line was used the last time.

Penney said the Commission would want a written plan/map that would include details for:

- how the work is going to be done
- sequencing/staging of the work

- when the work was going to be done
- duration of disturbance
- how would down gradient be protected
- what erosion and sedimental controls would be used
- Specific location for where the removed materials would be placed

He said the Commission would request special attention to preventing any sediment from being discharged downstream and not changing the characteristics of the wetlands/ watercourse. Penney said the wetlands is manmade and additional depth might help decrease the growth. Caraballo said the growth is all through the stones and the level of the wetlands has increased. Commissioners agreed it would be beneficial if the chosen contractor could be present at the next discussion meeting.

## 6. New Business

### **6.1 Show Cause Hearing to consider a Cease & Correct Order issued to the property owner of 12 Goose Lane (MBL 28/C/007) for the deposition of material/filling activities within the wetland and upland review area without a permit.**

Penney said he watched the video and read the minutes from the prior meeting and is prepared to participate in this discussion. Culver reviewed there were 3 items as part of the prior discussion.

1. All activity on the site should have been stopped which includes any further dumping, filling or grading of material on the property
2. Retain a soil scientist and have the soil scientist delineate the wetlands
3. Provide the Commission with a proposed preliminary plan for remediation of the disturbed wetlands

Hill said no additional wood chips have been placed on the property and no additional site work has been done. Hill said Rick Zulick has been retained as the soil scientist for the property. D'Amato said he met with Gorog and Zulick at the property. D'Amato said it was determined that there were wetlands surrounding the pond and there is an area around the property line that was also wetlands.

Penney suggested waiting for Zulick.

#### **Penney/Ross: motion to pause until soil scientist arrives**

Culver – Y, Penney – Y, Tanner – Y, Ross – Y

Unanimously approved.

Zulick arrived 7:27pm (a few minutes following the vote). Commissioners agreed to return to the original schedule.

Zulick reviewed the map and characteristics of the property. Zulick said he did not think originally think the swale is a wetlands, however, following his on-site assessment, he found that it is a wetlands. Zulick said his onsite assessment included auguring the base of swale and he did achieve the soil colors which indicates the area is a wetlands. Zulick said the swale wetlands starts right before the chips and runs until the chips end. Zulick said there has been a lot of filling and the pond is manmade. Penney said it seems a neighboring driveway in a wetlands area as well. Zulick said there is wetlands corridor under the woodchips. Penney asked what the proposed remediation plan is.

Hall asked Zulick where the wood chips need to be moved to. Zulick said he would like to Commission to assist with this discussion. Zulick said the wood chips are clearly in the regulated area and that Gorog has said he does not intend to build anything in that area. Gorog said he wants to plant apple trees and gardens; he said it would be used for agriculture. Gorog also said he wants to build 8x10 beehives; less than 100 sqft. Zulick said Gorog wants to develop

the top soil using the woodchips. Culver asked about the location of the woodchips. D'Amato identified the locations of the woodchips with the assistance of the map and provided photos. Penney said the map includes GIS property lines and may not be completely accurate.

Penney said he thinks approximately 5 feet of woodchips are excessive for the purpose for making topsoil and that all of this was done without permission, discussion or a proper permit. Penney said the Cease and Correct order said the woodchips should be 100 feet from all regulated areas. Penney asked about the characteristics of the pile. Penney has requested better mapping. Penney said the Gartner and Peterson plan should be labelled with the locations of the woodchips. Penney said the Commission would require a reasoning of the impact and the opportunity to make a determination regarding agricultural use prior to any activity on the property. Penney said he would like to see some research that has been completed regarding whether a base of woodchips would promote the growth and success of apple trees. Penney said he does not think that 5 feet of woodchips would create a good base for growing apple trees. Penney said there has been a demonstration of cooperation, which is excellent but significant concerns remain.

Penney said a plan for the property should be provided and he does not believe the Commission has enough information to change the order at this time or make any determination about the activities which have occurred on this property.

Culver asked for information regarding the areas delineated by Zulick. Zulick said he has informal sketches. Culver said the wetlands should be labeled on the Gartner and Peterson plan in scale. Culver said information regarding the depth of the woodchips in various locations should be included on the plan. Penney also expressed concern about the stability of the piles and requested additional information regarding the use of woodchips to develop topsoil. Penney also asked if apple trees growth and development are conducive to being planted in wetlands soils. Penney said there has to be sensibility to trying to develop the property for agricultural use. Penney said the Commission would like to see information regarding the viability of apple trees being successful planted in wetlands soils. There would need to be a basis in order to determine agricultural use.

Penney said the Commission would need a better map with limits of wetlands on it. Gorog asked about how much wood chips can be placed on the site. Penney said from the Inlands Wetlands Commission point of view, anything placed in a wetlands that fills the wetlands is a regulated area and a regulated activity and would require a permit. Penney said there are sediment concerns that might impact a wetlands. He said the activities done so far are of significant concern.

Penney said property owners are fully responsible for what happens on their property and are required to perform due diligence prior to modifying their property. Penney said there are disclaimers on the map. Penney said he believes Gorog knows where the wet areas are on the property and should have known that the work was done in a regulated area. Penney said the Commission needs more information to make an educated decision regarding remediation

Culver agreed that the Commission would require a map with wetlands locations and delineations as well as the locations of the woodchips. Culver added the Commission needs additional information regarding the depth of the woodchips. Penney suggested that if Gorog was going to pursue a determination for agricultural use, he will need to provide additional information regarding this plan and supporting information that his plan is reasonable and likely to be successful.

D'Amato said there are two items being discussed in tandem. First is the plan for remediation of the property and restoration of the disturbed wetlands. The second is separate and a discussion regarding a determination regarding activities that would be considered agricultural as of right. D'Amato said the Commission needs to address the cease and correct first to determine what needs to be done to address the order for correction. The agricultural issues would be determined after.



Penney said the Commission could rule that all of the woodchips need to be removed from the wetlands. Commissioners agreed they need an up-to-date map with delineation of the wetlands as well as the location of the wood chip piles. Penney said there are separate zoning rules/regulations to address the fact that a significant amount of materials were brought on the property. Penney said, based on estimates, the amount would have required a special permit under zoning.

Hall reviewed the Commissioners requests to include:

1. Map of limits of wetlands
2. Level of contours in regarding to wood chips
3. A proposed remediation plan
4. Information for discussion of why the woodchips were brought on to the property.

Hall said placement of the wood chips are being staged and he agrees with the Commission that they were placed in the plans wrong place.

Penney has concern that there may be irreparable harm to the wetlands. Penney said the Commission should entertain a discussion about whether the activities are viable for agricultural use. Penney said they might be there for ground cover but believes what has been done thus far is excessive. Penney said if the woodchips were placed for staging, the Commission would request Gorog/Zulick provide an alternative. Penney said this activity would not have come before the Commission if the wood chips were used properly to keep down the weeds.

Hall said there needs to be an order that they can comply with. Penney said the Commission requires additional information prior to making any final decisions. D'Amato said he was hoping there could be discussion about where the 2 parties are in regards to next steps. Penney said that a special meeting could be considered as soon as the information needed has been obtained and the map has been completed but could postponed.

## **7. Old Business**

D'Amato said there is another possible enforcement issue Town Staff is working on and will present to the Commission as soon as all of the information is available.

## **8. Wetlands Agent Report – none**

## **9. Correspondence**

### **9.1 CAWS Annual Meeting**

D'Amato said he has received notice regarding the CAWS annual meeting which is scheduled for March, 9, 2023. D'Amato invited Commissions to attend and asked to be contacted if anyone would like to attend and Town Staff will assist with arrangements.

### **9.2 Coventry Planning and Zoning Commission Notice**

D'Amato said he received notification of Coventry issuing a permit close to the border with Tolland for a pool house

## **10. Other Commission Business**

Martin requested the opportunity to speak to the Cease and Correct Order. Penney said property line disputes are a civil matter and not within the jurisdiction of the Inlands Wetlands Commission. Martin said the property line has been surveyed and there are pins in place. D’Amato said the Commission may not consider any information that is outside the bounds of the agenda or jurisdiction of the Commission. D’Amato reminded Martin that if any wetlands on his property have been filled, theoretically, he would be in violation. In addition, D’Amato said any work that happens within 50 feet of the swale which has been identified as wetlands is regulated and would require a permit. D’Amato added that any information received during this action regarding delineation and property boundaries will be uploaded on the Town’s GIS and can be used in perpetuity.

**11. Approval of Minutes – January 19, 2023 Regular Meeting**

**Penney/Ross: Motion to approve the minutes from January 19, 2023 minutes as presented.**

Culver – Y, Ross – Y, Tanner – Y, Penney - Y

Unanimously approved.

**12. Adjourn**

Brian Foley, Town Manager, expressed appreciation to the Commission for the work they do to benefit the Town. Commissions appreciated the feedback and gratitude. Penney mentioned that the Commission has two open alternate seats and is interested in the Town Council filling those positions.

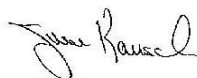
**Penney/Ross: motion to adjourn.**

Culver – Y, Ross – Y, Tanner – Y, Penney - Y

Unanimously approved.

Meeting adjourned at 8:35 pm

Respectfully submitted,



June Kausch  
Clerk, Inland Wetlands Commission