

HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION
MONDAY, APRIL 1, 2024
TOWN HALL 7:00 P.M.

Present: Chairwoman Susan Ryan, Secretary Todd Werner, Timothy Bobroske, Brent Lafferty, Robert Wesneski, Francis Skarp, Alternate Member Matthew Perry, Alternate Member Marc Matsil, Land Use Coordinator Polly Redmond and IWZEO Don Truskauskas
Absent: Benjamin Ogonoski

PLEDGE OF ALLEGIANCE

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member Marc Matsil seated for Ben Ogonoski.

2. APPROVE MINUTES OF PREVIOUS MEETING: 3/4/2024

T. Werner **motioned** to approve the minutes of the previous meeting, seconded by R. Wesneski. Motion passed unanimously with Alternate Member M. Matsil refraining from vote due to his absence at the previous meeting.

3. BRETT STONE – REVISIT SITE PLAN APPROVED ON 6/6/2022 FOR SINGLE FAMILY DWELLING, 33 WHETSTONE ROAD. APPLICATION FOR 10' X 20' SHED.

Mr. Stone is present. A revised as built plan prepared by Robert Green Associates, dated 3/26/2024, is reviewed that shows the house location and also a 10' x 20' shed. Mr. Stone has submitted an application for the shed that sits 35 feet to a wetland on the property. Mr. Stone attended the March 4, 2024 Wetlands meeting and explained that during construction of the house, the proposed garage foundation was angled a little differently than was proposed and is now 85 feet to the wetlands instead of 100 feet making it a regulated activity. IWZEO D. Truskauskas visited the property as instructed by the Wetlands Commission to see if another location for the shed would be feasible and reports that the location as shown on the as built plan is the best location as far as alternatives. He states that if the shed were to be relocated to the back of the house, it would not meet the Zoning setback. Mr. Stone adds that his property contains a lot of ledge along with a lot of wetlands. T. Bobroske refers to Section 19 of the Wetlands Regulations noting that there is a Monitoring Compliance Fee for number of inspections made by the enforcement officer and also an After the Fact Fee of \$650 that can be charged. He states that IWZEO D. Truskauskas must be compensated for his time going out to the Stone property and asks IWZEO Truskauskas for the time he spent evaluating with IWZEO Truskauskas reporting his time was within the hourly range. T. Bobroske, referring to the After the Fact Fee in Section 19, questions Commissioners if they feel this additional fee should be charged. Mr. Stone again informs the Commission that the property is a tough lot with a lot of ledge and wetlands. He asks for consideration in being charged the \$650 fee as he has volunteered his time and work (dba Brett Stone Painting & Maintenance LLC) to the town. T. Bobroske responded with a disparaging remark about the quality of Mr. Stone's work and its worth.

T. Werner states that he is okay with the house and garage location but in regards to the shed, he questions why is it always the wetlands that has to be compromised and believes Mr. Stone could have sought a variance to place the shed outside the building setback. IWZEO D. Truskauskas reviews the originally approved site plan for the house, noting that the driveway was shortened and straightened, so the disturbed area is similar with the 35 feet from the proposed driveway that is now further away from wetlands. The shed is where grading for the originally designed driveway was to be and approved by this Commission. T. Bobroske states that if the Commission denies the shed location, as Mr. Werner said, a variance could be sought and then Mr. Stone could come back before the Wetlands Commission for their approval. IWZEO D. Truskauskas reminds the Commission that there are two issues at hand; one is compliance for the house

and the other is the shed within a regulated area. LUC Redmond points out that the shed sits on the ground and does not compromise the wetlands as there is no foundation. She reminds the Commission that previous applications involving excavation have been approved including an inground pool that was located 5 feet from a wetland. LUC Redmond suggests that perhaps instead of a \$650 After the Fact Fee, Mr. Stone should pay the \$170 Regulated Activity fee for the house, as he would have if he came in with a plan showing the garage 85 feet to wetlands, and another \$170 Regulated Activity fee for the shed that sits 35 feet to wetlands. T. Werner **motioned** to approve the house location as a regulated activity with the condition that Mr. Stone pay the \$170 application fee, seconded by R. Wesneski. Motion passed unanimously with T. Bobroske opposing the motion.

Taking up the shed application at this time, R. Wesneski questions whether the land is level with the driveway and also noting that the rear setback line can't be met for placing the shed. R. Wesneski **motioned** to deny the application for the shed with the suggestion that Mr. Stone apply for a variance with the hardship being that the Wetlands Commission wants the shed kept out of the regulated area. F. Skarp seconded the motion and it passed unanimously.

4. ELLIOT CYR – APPLICATION FOR 44' X 48' GARAGE WITH NEW SEPTIC, 93 OAKWOOD DRIVE.

Mr. Cyr is present. Plans prepared by Colby Engineering and Consulting, dated 3/25/2024, are reviewed. The septic location is in the regulated area and the proposed garage is not. T. Bobroske notes that the septic is going to be a pump system and questions whether Mr. Cyr's engineer looked at a gravity fed system. Mr. Cyr replies that two feet of fill would have been required to be brought in if he went with a gravity fed system. T. Bobroske states, noting he is experienced in installing septic systems, that he likes gravity fed systems but wants to be certain that is what Mr. Cyr wants. Mr. Cyr states that he understands. T. Bobroske **motioned** to accept the application as a regulated activity. R. Wesneski would like to see the plans revised to show silt fence between the fill area and the wetlands and that they be presented to the Commission at their next meeting on May 6, 2024. IWZEO D. Truskauskas states that he would like to see silt fence wrapped around the back and both sides of the septic location. B. Lafferty seconded the motion and it passed unanimously.

5. KEVIN MCGIVERN – REVISIT SITE PLAN APPROVAL ON 7/1/2019 FOR SINGLE FAMILY DWELLING AND RETAINING WALL, 91 CATLIN ROAD. REVIEW LANDSCAPING PLAN AND REVISED AS BUILT PLAN.

No one is present to represent.

R. Wesneski **motioned** to add to the agenda **Mark & Marie Gyolai – application for tree removal, 8 Fox Hunt Way, Lot 9, Fox Hunt Subdivision.** F. Skarp seconded the motion and it passed unanimously.

Mr. & Mrs. Gyolai are present. Plans by Land-Data Engineers, titled Site Plan Lot 9 Fox Hunt Way, dated 3/22/24 are reviewed. Mr. Gyolai states that TAHD is presently reviewing the plans. Regulated activity involves cutting trees with Mr. Gyolai already purchasing Wetland Markers from the Land Use office to place along the Conservation Area. IWZEO D. Truskauskas reports that he went out to the property as directed by the Wetlands Commission at their last meeting, met with Mr. Gyolai, and saw the tree line that was flagged to identify what trees were to be removed. It was determined that trees within the first 20-25 feet of the regulated area is where the trees will be removed and he does not see an issue in doing so. IWZEO D. Truskauskas advises that silt fence be in place before the trees come down. T. Bobroske **motioned** to approve the application as a use of right with the condition that silt fence and Wetland Markers along the Conservation Area be in place. R. Wesneski seconded the motion and it passed unanimously.

6. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

IWZEO D. Truskauskas reports that a driveway is being cut in on Hill Road with a good amount of fill being brought on site and no silt fence installed. This should be handled by the Zoning Commission but he states he did leave a note at the property and he will call the CTDOT Inspector for any information he may have.

7. ANY OTHER BUSINESS.

LUC Redmond reports signing off on an application for Kraut Real Estate, 172 Litchfield Road. Addition to Veterinary Office for storage. Non regulated activity.

Lillian Busse, 15 Hannah Way, is in the audience and informs Commissioners that a tree was uprooted in the wetlands and she asks whether it can be cut and pushed over or is permission required from this Commission. There will be no machine activity. T. Bobroske **motioned** that in this particular matter, the one tree that fell over can be cut with up to five dead trees in the wetland area permitted to be removed. B. Lafferty seconded the motion and it passed unanimously.

8. CORRESPONDENCE.

LUC Redmond provides Commissioners with a copy of the Zoning Regulation amendments proposed by the Zoning Commission being presented at a June 10, 2024 Zoning meeting.

9. INVOICES.

None.

10. ADJOURN.

R. Wesneski **motioned** to adjourn the meeting at 7:55 p.m., seconded by F. Skarp. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

