

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING

HARWINTON TOWN HALL 7:00 P.M. Monday

May 3, 2010

Present: Chairman Bruce Burnett, Sue Ryan, Robert Orciari, Tim Bobroske, Robert Wesneski.

Absent: David Keepin, David Farrar, Victoria Elliot, Garrett Jacques.

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:02 p.m. All regular members are seated with Robert Wesneski seated for David Keepin.

2. APPROVE MINUTES OF PREVIOUS MEETING: 4/5/10.

Motion Mr. Wesneski, second Mr. Orciari to approve the 4/5/10 meeting minutes as amended (item 3, last line: strike “unanimously” and item 5, 7th line from the bottom: replace “fault” with “flow”). The motion passes unanimously.

3. DECISION – STEVEN TRINKAUS FOR GEORGE PELLETIER – MODIFICATION TO PREVIOUS APPROVAL OF 2/1/10 FOR LOW IMPACT DEVELOPMENT STRATEGIES, COURTSIDE SPORTS CENTER, 517 BURLINGTON ROAD.

Brief discussion takes place as to the motion made at the April meeting.

Motion Mr. Orciari, second Mr. Wesneski to approve the application for modification as an as of right use, with the improved maintenance of the grounds, including a 2-year \$5000 Inland Wetlands bond to ensure vegetation in the designated area will be stabilized. Motion passes unanimously.

4. DECISION – PAUL KAMINSKI – APPLICATION FOR 40’ X 28’ ADDITION TO EXISTING HOME, 68 CAMPVILLE HILL ROAD.

Mr. Kaminski submits TAHD approval dated 4/15/10 and \$160 fee.

Motion Mr. Bobroske, second Ms. Ryan to approve the application of Mr. Kaminski for a 40’ x 28’ addition to existing home at 68 Campville Hill Road as a regulated non-significant activity, passing unanimously.

5. DECISION – GRJH, INC. – MODIFICATION OF SITE PLAN/AS BUILT, 207 BIRGE PARK ROAD (SUNOCO GAS STATION).

No one present to represent. Tabled to June meeting.

6. PICKETT BROOK PROPERTY, LLC – APPLICATION FOR CLEARING LOT #13 OFF OF ROCKY ROAD WEST (NOT PART OF ANY SUBDIVISION – NOT AN APPROVED BUILDING LOT).

Atty. William Tracy is present to represent, distributing copies of three reports:

Environmental Review of the Proposed Tree Clearing at Lot #13 on Rocky Road West prepared by C. Webb & Associates, LLC, Pine Meadow, CT, dated 4/26/10, and Wetland Delineation reports for Proposed Equestrian Estates, Plymouth Road, and Proposed Subdivision, Rocky Road West, both prepared by David Lord, Soil Resource Consultant, Meriden, dated 12/28/2005. Paul Gibson, Pickett Brook Property, LLC, and Clinton Webb, C. Webb & Associates, are also present.

Atty. Tracy has re-submitted a completed application with attached supplemental information addressing each item of IWWC Regulations Section 7 (application requirements), as well as three above mentioned reports, excerpt (pages 3, 5) from “Vernal Pool Survey Report and Wetland Analysis-Rocky Road West” prepared by Anton (Twan) Leenders, Torrington, dated 8/5/08, and 6 sets of plans prepared by Jones Engineering, LLC, Southington: Sheet 1 of 5 entitled “Overall Property Map for Pickett Brook Property, LLC, Rocky Road West”, dated 3/29/10, revised to 4/22/10, Sheets 2, 3, and 4 entitled “Property Map for Pickett Brook Property, LLC, Rocky Road West”, dated 4/22/10, revised 4/5/10, and Sheet 5 of 5 entitled “Erosion Control Notes & Details for Pickett Brook Property, LLC, Rocky Road West, dated 4/22/10.

Mr. Tracy refers to 60 scale plan showing entire 15 acre lot, located at westerly end of Rocky Road West with frontage at intersection of Rocky Road West and Fox Hunt Way, bounded westerly by Bissell Road (with High

Riders Snowmobile Club, Inc. across the road), northerly and easterly by Fox Hunt Subdivision, southerly by other land owned by the applicant and by lot owned by Christine Bendoraitis. The parcel contains about 1.9 acres of wetlands, 1300' of watercourse and a vernal pool (in SW corner).

Applicant proposes tree clearing and removing stumps and then grading and planting to create agricultural pasture in two areas (larger area of about 4 acres in northwestern portion of the parcel and smaller area of about ½ acre in the southeastern portion), both located 100' from flagged wetlands. Grading associated with the creation of pasture land consists of taking out a high point area of about .75 acres (making it about 8' lower in elevation) within the 4-acre pasture. Seeding schedule is described in the erosion control narrative on the plans.

For the driveway access, applicant proposes installation of 18' of 12" pipe and 20' of 18" pipe in Rocky Road West to keep water from flowing over the top of the road and to decrease erosion of the roadbed, rutting from vehicles, and silt entering the wetland. Some of this work will occur in the watercourse. Processed gravel will be added to the unimproved roadbed of Rocky Road West and existing woods road at a depth of 3" to 6" and width of 15' to raise the driving surface to the surrounding level and make it a uniform, gravel driveway. Some re-grading of the driveway is proposed.

The applicant considered two other alternatives for access, one to the east using a different existing logging access way which would require crossing a wetland and watercourse and running diagonally to the northwest and another to the west through forest between the 100' set-backs of two wetland areas. Atty. Tracy explains that either one of these driveway alternatives would cause greater impacts than the proposed location. He indicates that the driveway will be used for farm vehicles, horse trailers, equipment, cars, and the like. Upon Ms. Ryan asking if stables will be erected some day, Atty. Tracy answers that he doesn't know and when further questioned expresses that theoretically they are a possibility.

Clinton Webb, C. Webb & Associates, presents his input into the design process, outlining his credentials in general and his knowledge specifically of the natural characteristics of this parcel and surrounding area and its amphibian population(s). Mr. Webb had worked with Mr. Leenders on the vernal pool study conducted in 2008 and has recently visited the site with Sean Hayden and Inland Wetlands Enforcement Officer Karen Nelson. He outlines how strategic placement of silt fencing and use of erosion controls involving mulch and wood chip berms on a slow, gradual slope will encourage or discourage amphibian migration as appropriate to protect and preserve vernal pool habitat and inhabitants.

Bob Orciari expresses concern regarding the introduction of barriers to amphibian migration, lack of provision of edge habitat between forestland and pasture, possible impedance to emergency access, and reduction in public access to a public resource (Roraback). Atty. Tracy indicates that there shouldn't be an issue due to silt fence barriers as there are more vernal pools to the south and west and the work of clearing trees is to occur in areas draining to the north. He indicates that a transition or edge will naturally occur over time. Discussion takes place with regards to options in maintaining emergency access while discouraging/preventing four wheeling at the Bissell Road 'entrance' to and on the parcel. The possibility of a soft, walking path with a pull off area for a couple of cars at the Bissell Road end is discussed. It is offered that perhaps a gate, planting, or other obstruction could deter the large 4-wheelers. Atty. Tracy mentions that he has spoken with Town Atty. Michael Rybak about the unimproved portion of Rocky Road West and indicates his intention to pursue options further with Mr. Rybak, including possible official discontinuance of that portion of Rocky Road West and consideration of an easement to the town for emergency access.

Some discussion takes place as to future possible uses of the land, particularly of the parcel becoming a house lot. Mr. Tracy explains that the proposal is an "of right use", the preparation of pasture land for horses, which is agricultural. He explains that there is no specific end user at the present time although a thought is that the applicant's proposal will provide for availability of pasture land accessible to those living within Fox Hunt Subdivision.

Tim Bobroske expresses interest in Dr. Clemens reviewing the proposal. Atty. Tracy expresses that it would be 'easier' to enlist Mr. Hayden as he is an expert already established as a resource to the town. Mr. Webb suggests review by Dr. Leender.

Paul Gibson, Supreme Industries, answers questions regarding actions to be taken in the taking down the one high point by 8 feet. Commission member expresses concern of the possibility of encountering solid rock and the possible necessity for blasting to remove the high point. Mr. Gibson and Mr. Tracy express that test pits dug in the area indicate that the high point is very unlikely to be or contain a substantial portion of solid rock. Mr. Gibson indicates that he has walked the property with Karen Nelson, concluding that preparing the road bed before bringing in equipment for tree clearing would be prudent. Mr. Bobroske asks how much fill will be brought in or removed, with Mr. Tracy indicating that no fill will be brought in and the amount proposed for removal has not been calculated. All the stumps are to be removed from the property.

Mr. Orciari asks if the property owner is pursuing application for special tax classification as agricultural land, with Mr. Tracy indicating that he doesn't know if that has been discussed. Mr. Orciari asks about the placement of a buffer along the western edge between the Roraback area and the parcel, with Mr. Tracy indicating that a stone wall exists along most of this boundary. Mr. Orciari expresses that although not a wetlands issue, the proposal takes some value away from hunting and asks if there would be any mitigation to compensate, perhaps a vegetative buffer. Atty. Tracy agrees that this point is not a wetlands issue.

Members refer to the 2008 vernal pool study and more recent review by Mr. Webb (4/26/10). Mr. Webb expresses that vegetation will grow back naturally over time to provide buffer much more effectively than any designed plantings. The question is raised as to whether there will be a change in the overall hydrology of the area, with the answer given that the hydrology of the vernal pools will not change. Atty. Tracy and Mr. Webb explain how the flow of groundwater from the south flows southward and the flow to the north flows northward, indicating that this pattern will be unchanged by the proposal. Atty. Tracy indicates that clearing of trees and taking down of the high point will both affect the amount of drainage.

Mr. Orciari expresses his interest in having Mr. Clemens review the proposal. Mr. Burnett expresses that review by Dr. Leender and Mr. Hayden would be appropriate. Dr. Leender has already been under contract with the applicant and is familiar with the area and could provide his expert opinion as to whether this proposal exhibits the best management practice.

Motion Mr. Wesneski, second Mr. Orciari to accept the application as non-significant activity, with a lot more information provided about the proposal this meeting than last month, with the applicant to obtain a written report of evaluation of the proposed plan from Dr. Leender along with the board's review that occurs as a matter of application (including Sean Hayden). Chairman Burnett asks if there is any discussion, with Mr. Wesneski adding to his motion that the applicant address issues discussed tonight, specifically (1) that southwestern corner and (2) actually delineating the top of the hill drainage line on that map and maybe limit excavation to that drainage line at the top of the hill, using that line as the barrier so that all the drainage that flows to the south would be woodland and all the drainage that flows to the north would be to the pasture land, ensuring that if any animal waste or other activities to the north occur, either permitted or not permitted, drainage would be to the north away from the vernal pool and that line would be the control point as far as drainage to the south so you only get woodland drainage to the south. All are in favor of the motion except Tim Bobroske against.

7. DAN GERVAIS – APPLICATION FOR AFTER THE FACT ACTIVITIES, BRINGING IN/REMOVAL OF FILL, CLEARVIEW STORAGE PARK, LLC, 133 CLEARVIEW AVENUE.

Dennis McMorrow, Berkshire Engineering, is present to represent. Dan Gervais and Atty. Peter Herbst are present. Chairman Burnett reads aloud letter from Steve McDonnell, WMC Engineering, indicating that all previous WMC comments have been satisfactorily addressed in the revised plans. Mr. McMorrow presents the plans, which show the creation of a drainage basin in the southwest corner on the plateau and the addressing of some rill erosion issues on the west slope. Mr. McMorrow indicates that the primary focus is that the drainage from the site not exceed the wooded, pre-development drainage. He explains that his task was to take this western area, assume it back to a

wooded condition prior to any cutting and filling and to make the discharge from the site equal to that pre-development, wooded condition. Mr. McMorrow indicates that drainage calculations for the wooded state result in a 9.2 cfs peak runoff for a 25-year storm event, with this plan decreasing this to 8.6 cfs with this proposed drainage basin. A 15' shelf sets the basin back from the top of the slope and everything pitches backwards into the basin and sheet flows down, with the small drainage system to the east being piped into the eastside. The drainage basin is essentially now one big low spot in the gravel parking area. The rill erosion on the west slope is due to the existing two smaller drainage basins not being able to handle the amount of drainage.

Tim Bobroske asks about concern(s) of neighbor(s) in 2008 about possible movement of the slope. Mr. Gervais states that there was concern about debris that ended up on the neighbor's property from construction of the slope. Mr. McMorrow indicates that he has only come into this last fall, but became familiar with previous history through the addressing of WMC's comments. He explains that there was a 'no activity area' set up that if it were set up to be a 2:1 slope, if this slope needed to be on a 2:1 or if in theory some day it "failed" and it slumped to its natural angle of repose, roughly 2:1, that this area shouldn't be used for anything. No re-grading of the slope is proposed, no cutting or filling. The basin is made by cutting a hole in the top of the plateau. Some of the mulch on top has run off due to the existing basin not being able to handle the amount of drainage. The slope is still a mixture of concrete and rock rubble and the basin is placed to further ensure that the no activity area will be a no activity area. No one can park or put storage units on it.

Bob Orciari asks about erosion occurring over the edge of the parking area, with Mr. McMorrow explaining that a couple of rills (about 2' x 2' x 20' long) will be filled with a little bit of trap rock. This is not included as a detail, but could be a condition of approval. Evidence of erosion to the east consists only of movement of mulch, which he recommends to just leave as is. A stone wick or under drain will be placed at the bottom of the basin. Mr. McMorrow indicates that any voids discovered during construction will be noted and addressed, with report provided on any findings and remedies.

Mr. Orciari asks about a clean out area and maintenance of the basin, with Mr. McMorrow indicating that some maintenance details are included on the plans. WMC had asked for semi-annual inspections of the basin in April and November after the first year, with generation of a report. Safety of equipment operators during construction was discussed briefly.

Mr. Bobroski expresses the desirability of the project being completed in a reasonable amount of time, not two years. Mr. Gervais indicates that he also wants to finish in a reasonable time, hopefully in this season, but taking longer than one month. He offers that it could be completed within 60 days after approval, weather permitting. Ms. Ryan reminds the applicant to contact Karen Nelson when he is ready to begin construction. Mr. Bobroski mentions a performance bond to ensure the job is completed and within a year. Atty Herbst confers with his client and then proposes that perhaps the applicant could be allowed an initial 120 days following approval, subject to weather, and then if it's not done, then a bond would be required. He states that Mr. Gervais has every intention of doing this as quickly as possible and a cash bond will set him back. It is noted that the Zoning Commission may require a performance bond.

Motion Mr. Bobroske second Ms. Ryan to accept the application as a non-significant activity, with the motion passing unanimously.

8. **ANY OTHER BUSINESS.** None.

9. **COMPLAINTS/ENFORCEMENT ACTIONS:**

a) **NOTICE OF VIOLATION – HOME TOWN PIZZA PLAZA, LITCHFIELD ROAD.**

b) **NOTICE OF VIOLATION – FRED PESCE, 529 BURLINGTON ROAD.**

Report from Inland Wetlands Enforcement Officer Karen Nelson is distributed and reviewed.

10. **CORRESPONDENCE.** None.

11. **INVOICES.** None.

12. **ADJOURN.** **Motion** Ms. Ryan, second Mr. Wesneski to adjourn at 8:57 p.m., passing unanimously.

Respectfully submitted, Christine Neal, LU Clerk for Polly Redmond, LU Coordinator