

**HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION**  
**MONDAY, OCTOBER 3, 2022      TOWN HALL      7:00 p.m.**

Present: Chairwoman Susan Ryan, Secretary Merrill French, Eric Rahn, Todd Werner, Timothy Bobroske, Brent Lafferty, Land Use Coordinator Polly Redmond and Inland Wetlands Enforcement Officer Don Truskauskas  
Absent: Robert Wesneski

**1. OPEN MEETING – ESTABLISH QUORUM.**

Chairwoman S. Ryan called the meeting to order at 7:00 p.m. All members present are seated.

**2. APPROVE MINUTES OF PREVIOUS MEETING: 9/6/22**

M. French **motioned** to approve the minutes of the previous meeting, seconded by T. Werner. Sarah Urso, 76 Harmony Hill Road, is in the audience asking for the minutes to be amended as she believes when her application was being heard at the previous meeting, one of the conditions noted in the minutes is incorrect. She believes Condition 2 “Any discharge of water be to a location that does not affect the neighboring property” was not a condition, rather a recommendation. E. Rahn recalls this statement to be only a recommendation to the Urso’s to be careful where discharging water though it was not in the Commission’s purview and that any issues with water going on to the neighbor’s property would become a civil matter. Commissioners agree with this. M. French **amended her motion** to approve the minutes of the previous meeting with amendment to Item 3 to strike Condition 2 as part of the motion made as it cannot be a condition since water doesn’t discharge to a wetland. T. Werner seconded the motion and it passed unanimously with T. Bobroske refraining from vote due to his absence at the previous meeting.

**3. RALPH LAGO – PLACEMENT OF ROCK GARDEN/EDGING AT LAKE HARWINTON, 94 CATLIN ROAD.**

Ralph Lago is present and explains that he received complaints from residents of Lake Harwinton that grass clippings were going on to the beach after he mowed his lawn. To remedy this, he dug up approximately 12 inches of soil by a retaining wall and laid down rock approximately 20 feet long and 3 feet wide. A photo of the work done has been provided by Mr. Lago and remains on file. T. Bobroske states that this activity is a use of right but that Mr. Lago should have come before this Commission prior to the start of work. T. Bobroske **motioned** to approve the application as a use of right, seconded by M. French. Motion passed unanimously.

**4. JAMES LUCAS – AFTER-THE-FACT SEPTIC REPAIR, 6 IVY PASSWAY.**

No one is present to represent. T. Bobroske **motioned** that No Permit to Discharge should be issued to this property until Mr. Lucas attends a Wetlands meeting to discuss and provide a plan. LUC Redmond is to notify TAHD and Mr. Lucas of this. E. Rahn seconded the motion and it passed unanimously.

Brent Lafferty arrives at 7:10 p.m. and is seated at this time.

**5. ADAM SUBOCZ – SEPTIC REPAIR, 10 BEACH DRIVE.**

Bill Colby, P.E., Colby Engineering, Goshen, CT is present to represent. He states that he was the engineer for James Lucas’ septic repair design but he is not here to represent Mr. Lucas but will try to resolve the issue at a later time. Plans prepared by Colby Engineering and Consulting, LLC titled Septic System Repair Plan, dated 9-11-22 for Adam Subocz are reviewed. The new septic will be in the same location as the old with a new leaching field location. A new well is proposed also. TAHD approval has been received. T. Bobroske **motioned** to approve the application as a use of right and that erosion control measures be put in place. The Wetlands Enforcement Officer is to be notified when work starts in order to inspect the erosion control measures. E. Rahn adds a friendly amendment and **adds to the motion** that silt fence and haybales be installed as well as infiltration to support the erosion control measures and that, due to the rainy season upon us, the Wetlands Enforcement Officer is to inspect the E&S measures three times throughout the repair process. T. Bobroske refers to Wetlands Regulation Section 19.5i.2. Monitoring Compliance Fee, **adding to his motion** that the applicant shall pay \$100.00 for the anticipated need of three inspections by the Enforcement Officer during the course of the activity. B. Lafferty seconded the motion as amended and it passed unanimously.

**6. BRUCE BALDWIN – APPLICATION FOR POND MAINTENANCE, 127 NORTH ROAD.**

Bruce Baldwin is present explaining that he had to dredge the silt out of his pond once again. He dug an impound around the pond placing silt there that will be used around the yard in the spring. E. Rahn **motioned** to approve the application as a use of right, seconded by M. French. Motion passed unanimously.

**7. ZACHARY PRENOVEAU – APPLICATION FOR 18' X 40' INGROUND POOL, 399 HILL ROAD.**

Zachary Prenoveau is present. Plans by Berkshire Engineering titled Site Layout Plan - Proposed Pool, dated 6/10/2022 are reviewed as well as the original Summit Ridge Farm Subdivision plan provided by the applicant to show elevation changes on the north side of the property preventing a pool from being placed there. The proposed location is 31.2 feet from wetlands on the property with the wetlands being uphill. Within the wetland area there are dead ash trees that he would like to remove and create a lawn to recover what lawn area he is losing with the installation of the pool. T. Bobroske states that the pool is one application and creating a lawn in the regulated or wetland area would have to be a separate application. Right now, the Commission will review the application for the pool and Mr. Prenoveau can come back before the Commission with an application for creation of lawn showing what would be done. TAHD approval has been received for the pool. T. Bobroske **motioned** to accept the application as a regulated activity, seconded by B. Lafferty. Motion passed unanimously.

**8. JARED BRADDOCK FOR PICKETT BROOK PROPERTY, LLC – WORK IN POND, 485 PLYMOUTH ROAD, EQUESTRIAN ESTATES SUBDIVISION.**

Mr. Braddock is present along with Atty. Tim Furey. Atty. Furey explains that Pickett Brook Property has been working on the roads within the subdivision, Steeple Chase and Break Maiden Lane, for acceptance by the town. The fire department had asked the developer to fix the existing dry hydrant servicing the property that had a broken pipe. They also asked to have a second dry hydrant installed on the other side of the pond. Atty. Furey states that the pond was evaluated and is regulated by a large cap that delivers water to a culvert across the road. He states that the drain was compromised with weeds and was failing and once the pond was lowered for the dry hydrants, it was evaluated, and a new pipe was installed with gravel placed on top. In that area of the pipe, weeds and debris were cleared out also. The pond has not been enlarged and work around only the pond's edge was done. Clearing was going to continue on the other side of the pond where the existing pipe was in but the Wetlands Enforcement Officer Don Truskauskas visited the site and put a stop to it. Atty. Furey states that if the Commission doesn't want this, they can do a reverse blow to clear the pipe. T. Bobroske questions if the work done made the pond deeper with Atty. Furey replying, yes. Atty. Furey states that all that's left to do is York Rake the rocks and hydroseed which is part of the original permit. He adds that all work outside of the pond is also part of the original permit and notes that Section 22a-40, Section 7-3 of Chapter 440 allows exceptions for fire protection as well as for maintenance of drainage pipes, a pipe that was probably there when Theodore Krajewski owned the property. He states that the pond is man-made, many years ago, and was drained once for the barn construction at 485 Plymouth Road and has come back. E. Rahn questioned who initiated the work with Atty. Furey stating that the fire department asked to fix the existing hydrant and to install a second one. IWZEO D. Truskauskas states that cleaning of the pond is a use of right but the installation of a hydrant is not and has an issue with all the material that was taken off around the pond and deposited on to another lot within the subdivision. He goes on to explain that he went out to the site on 9/26/2022 to inspect silt fence and witnessed large amounts of excavation around the perimeter of the pond. He saw the new hydrant and also could see approximately 75 loads of fill on a rock truck and loader. He saw that cuts were made in the banks of the pond with no erosion control measures in place. Photos were taken and remain on file in the Land Use office. He called Dave Bousquet, DPW Supervisor and Deputy Fire Chief who said that they had not asked to do this much excavation. IWZEO Truskauskas' concern is that the soils around the pond are wetland soils and notes that the weeds taken out will come back again. It is his belief that a lot across the street needed fill and the excavated wetland soils was used. He states that the fill on the lot across the street is still wet and "squishy" when he was there.

Upon seeing this, IWZEO Truskauskas states that he wrote a letter to Jared Braddock, Building Division General Manager, Supreme Industries, asking him to attend tonight's meeting. IWZEO Truskauskas states he did not issue a Cease and Desist Order because Mr. Braddock was in agreement to attend tonight.

Atty. Furey states that the only reason there was work in the pond was to correct and install a new fire system. The pond was lowered to do that work and once lowered, they took the opportunity to maintain the drain and remove some of the material that had weeds and that work outside the wetlands is part of the original permit. E. Rahn questions if a vendor was paid to take the 300-400 cubic yards of soil off and out of the wetlands with Atty. Furey replying, yes. E. Rahn questions who the contractor was who did the work with Atty. Furey stating he did not know but could get the information to LUC Redmond. E. Rahn states that the contractor should have known that he was working in the wetlands. LUC Redmond questions how large the pond is with Atty. Furey replying, 3 acres. E. Rahn states that he has no issue with the hydrant and drainage but does have issue with the excavation not being brought before the Commission and it should have been known that a wetlands permit needed to be issued. Atty. Furey states that there is nothing left to do with T. Bobroske stating his belief that the wetlands soils should go back. IWZEO Truskauskas is in agreement and states that there is enough destruction that the material should be put back and should be verified by an engineer of the material brought back. E. Rahn states that he believes a Cease and Desist Order should be issued to the developer to have on record to start with and then proceed on other enforcement actions.

T. Bobroske states that the lot owner who received the material should also have a Cease and Desist Order issued to them. Atty. Furey states that the soils removed are not wetland soils, that it is a man-made pond with T. Bobroske disagreeing saying he believes the soils around the pond are wetland soils but that a soil scientist would be needed to determine that. He understands that the hydrants went in but the impact around the pond is the issue here. Atty. Furey again explains that all work has ceased except outside the perimeter of the pond and hydroseeding. IWZEO Truskauskas agrees that hydroseeding makes sense to protect the excavated area for stabilization.

E. Rahn states that as far as putting soil back, the pond has now filled back up and perhaps a soil hydrologist should go out to the property. The town attorney should be contacted to ask whether the Commission could ask for such a professional. He states again that he believes a Cease and Desist Order should be issued. He also would like the town attorney to attend the next Wetlands meeting scheduled for November 7, 2022 at 7:00 p.m. Atty. Furey states that if a Cease and Desist Order is issued, it would prevent any hydroseeding needing to be done. IWZEO Truskauskas agrees that the Commission does need someone with expertise to look into this and that perhaps a Cease and Desist Order could allow for hydroseeding of flat areas and areas sloping away from the pond.

E. Rahn **motioned** to have the Inland Wetlands Enforcement Officer issue a Cease and Desist Order to the property owner of the pond, Pickett Brook Property, LLC for the activity that took place but to allow for hydroseeding the level areas and any sloping away from the pond. The Enforcement Officer is to go out to the property with Jared Braddock once again. B. Lafferty seconded the motion.

T. Bobroske questions whether a Cease and Desist Order should be issued to the property owner who received the material with the Commissioners asking IWZEO Truskauskas to check with the town attorney on its appropriateness.

The motion passed unanimously.

#### 9. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

None.

**10. ANY OTHER BUSINESS.**

LUC Redmond reports signing off on the following application:

Garry Thibodeau, 24 Whetstone Road – single family dwelling – no wetlands

Richard & Susan Sonnati, 108 Catlin Road will be having a retaining wall fixed outside the regulated area.

**11. CORRESPONDENCE.**

None.

**12. INVOICES.**

E. Rahn **motioned** to approve the invoice of IWZEO Don Truskauskas for 20 hours (\$700.00) and 24 miles, period covering 2-14-22 through 10-3-2022, seconded by T. Bobroske. Motion passed unanimously.

**13. ADJOURN.**

T. Werner **motioned** to adjourn the meeting at 8:33 p.m., seconded by E. Rahn. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

