

HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION
TUESDAY, JANUARY 3, 2023
TOWN HALL 7:00 P.M.

Present: Chairwoman Susan Ryan, Secretary Merrill French, Eric Rahn, Robert Wesneski, Todd Werner, Timothy Bobroske, Land Use Coordinator Polly Redmond and IWZEO Don Truskauskas

Absent: Brent Lafferty

Also Present: Michael D. Rybak and Michael D. Rybak, Jr.

PLEDGE OF ALLEGIANCE

REGULAR MEETING

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: 11-7-2022 _____

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by T. Bobroske. Motion passed unanimously.

3. JON TRUSKAUSKAS – DISCUSSION/POSSIBLE DECISION – APPLICATION FOR SINGLE FAMILY DWELLING AND CREATION OF POND, 10 WEINGART ROAD.

Mr. Truskauskas is present. Revised plans received titled Improvement Location Survey – Proposed, Lot #1 Field Stone Estates, Sheets C1, C2 and C3, revised 12/21/22 are reviewed. Mr. Truskauskas points out that a seed mix for the pond and slope are now noted on the plans as being New England Wildlife and Conservation Mix and New England Erosion Control/Restoration Mix. Plans have been revised for leader drain information and driveway information. R. Wesneski questions whether the pond water will pull water out of the wetlands. Mr. Truskauskas states that his engineer told him the use of a liner for the pond would require more maintenance and that if the pressure of water is not there, the liner will float, so he will not be using a liner. T. Werner **motioned** to approve the application as a regulated activity, seconded by R. Wesneski. Motion passed unanimously.

4. JOSEPH & PATTI LAMONICA – DISCUSSION/POSSIBLE DECISION – APPLICATION FOR 18' X 30' INGROUND POOL, 39 LENOR DRIVE.

No one is present to represent. Notice came into the Land Use office from Nadia Wright, Juliano Pools, stating that they haven't received any drainage or remediation plans from the engineer and that the septic and leach fields have not yet been located on the plan. The application will be placed on the February 6, 2023 meeting agenda.

5. CLOSE REGULAR MEETING.

M. French **motioned** to close the meeting at 7:09 p.m., seconded by R. Wesneski. Motion passed unanimously.

SHOW CAUSE HEARING – continued from 11/7/2022

1. OPEN HEARING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the hearing to order at 7:09 p.m. All members present are seated.

2. PICKETT BROOK PROPERTY, LLC – 485 PLYMOUTH ROAD, EQUESTRIAN ESTATES. UNPERMITTED EXCAVATION WITHIN THE WETLANDS AND REGULATED AREA IN VIOLATION OF 4.3 OF THE HARWINTON INLAND WETLANDS AND WATERCOURSES REGULATIONS DATED SEPTEMBER 10, 2018.

Atty. Timothy Furey, Furey, Donovan, Cooney & Dyer, Bristol, CT is present to represent along with Jared Braddock, Supreme Industries/Pickett Brook Property, LLC and Clinton Webb, C. Webb & Associates, LLC, Environmental Consulting Services, Norfolk, CT. Atty. Furey states that a company could not be found to determine the depth of the pond but that the size of the pond is verified and the wetland area has been defined. He provides two maps, one titled and marked "Draft" Map Showing Pond on Lot 21 owned

by Pickett Brook Property, LLC, 10-28-22, and the second map being an overlay map using the Site Development Plan for Equestrian Estates, 12-28-05 and the map noted above showing the pond. The Draft map showing the pond also shows the location of the two dry hydrants. Atty. Furey notes that the pond is not bigger from the removal of vegetation but it is deeper.

Clinton Webb addresses the Commission stating that he did advise his clients that a permit should have been taken out for the work that was done and that an after-the-fact application will be submitted along with an application for future work for a long term maintenance plan. Mr. Webb states that he inspected the pond, built in the 80s with no maintenance ever done, and saw that the outlet pipe had become clogged and the grate was covered with silt. E. Rahn questioned whether the future maintenance plan was just to unclog the pipe and won't include tearing up vegetation with Mr. Webb replying, yes, just unclogging of the pipe when necessary. Mr. Webb states that he wouldn't want to see the soil that was taken out put back in to the pond. T. Werner questions why the pond is essential to farming with Mr. Webb replying that the pond is where they get water for the horses as there is no water resource for the barn that is located on that lot. Atty. Furey states that they can come back before this Commission next month with a maintenance plan and that nothing needs to be done right now at the site. T. Bobroske questions whether the Commission believes a third-party review would be needed with R. Wesneski stating that perhaps a third-party review would be warranted on what will be presented. E. Rahn questions whether the Commission is good with Mr. Webb's opinion that the work that was done was proper or does the Commission want another opinion. Atty. Furey asks that the Cease and Desist Order be removed at this time as they are developing a maintenance plan. Atty. Rybak informs the Commission that the Cease and Desist Order can remain until the Commission receives the information they are seeking and that the Show Cause Hearing can remain open until all information has been received. M. French refers to a Draft Resolution drawn up by LUC Redmond and reads the list of items the Wetlands Commission requested to be enhanced on the plan that was to be submitted at the continued Show Cause Hearing scheduled for tonight:

- * Contours of road and the lot where the pond is located.
- * Location of excavated slopes.
- * Location of hydrants and details of the installation.
- * That a cross-section of the pond be provided to see how it relates to elevation and how deep it is in the middle.
- * That wetlands be delineated by a soil scientist and that they be certified as to the types defined.
- * That a report on stabilization methods be provided of any material brought back in.
- * Provide details of slopes and how to address replacement of them.
- * Erosion Control measures be provided and the square footage of disturbed areas be provided showing what was prior to removal of material and what is now.

R. Wesneski states that the Commission does want to see information on soil types where the maintenance (mowing) will be taking place. T. Werner states that he would like information on how the pond is being used as a farm pond. E. Rahn states he would like a separate application for the maintenance plan and a separate application for the remediation, that includes a remediation plan, that the Commission may want a second opinion on. Upon questioning by the Commission on whether the sloping of the pond is a matter under the Wetlands Commission jurisdiction, Atty. Rybak informs the Commission that the slope of the pond is a safety concern as well as work that was done in the upland area, and should be addressed.

There is no public comment.

3. **CONTINUE OR CLOSE HEARING.**

At 8:12 p.m., T. Bobroske **motioned** to continue the Show Cause Hearing to February 6, 2023, seconded by M. French. Motion passed unanimously.

REGULAR MEETING

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

Chairwoman S. Ryan called the meeting to order at 8:12 p.m. All members present are seated.

2. **DISCUSSION/POSSIBLE DECISION – PICKETT BROOK PROPERTY, LLC, 485 PLYMOUTH ROAD. SHOW CAUSE HEARING.**

No discussion.

3. **COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.**

None.

4. **ANY OTHER BUSINESS.**

None.

5. **CORRESPONDENCE.**

LUC Redmond has written a letter to First Selectman Michael Criss asking that a new line item be put in the FY 23-24 Budget for Land Use Commissions/Outside Consultant Services. This will allow Land Use Commissions to collect a Surcharge Fee in connection with Ordinance 102, Section 4, that would be held in escrow and any unused portion be returned to the applicant.

CT Wildlife Magazine received.

6. **INVOICES.**

R. Wesneski **motioned** to approve the invoice (period covering 10/4/2022 – 12/12/2022) of ZEO D. Truskauskas for 7 hours, seconded by T. Werner. Motion passed unanimously.

7. **ADJOURN.**

T. Werner **motioned** to adjourn the meeting at 8:20 p.m., seconded by E. Rahn. Motion passed unanimously.

Respectfully submitted,

Polly Redmond, Land Use Coordinator

