

HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION
MONDAY, MARCH 6, 2023
TOWN HALL 7:00 P.M.

PLEDGE OF ALLEGIANCE

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairwoman Susan Ryan called the meeting to order at 7:00 p.m. All regular members present are seated. The Commission welcomes new alternate member Nicholas Carbone present tonight who has been sworn in by the Town Clerk. The Commission also acknowledges there is a new regular member, Benjamin Ogonoski, who has also been sworn in by the Town Clerk.

2. ELECTION OF OFFICERS

T. Bobroske **motioned** to nominate Susan Ryan as Chairman of the Commission, seconded by B. Lafferty. With no other nominations, T. Bobroske **motioned** for Susan Ryan to remain as Chairman, seconded by B. Lafferty. Motion passed unanimously.

T. Bobroske **motioned** to nominate Todd Werner as Secretary of the Commission, seconded by B. Lafferty. With no other nominations, T. Bobroske **motioned** for Todd Werner to become Secretary, seconded by B. Lafferty. Motion passed unanimously.

3. APPROVE MINUTES OF PREVIOUS MEETING: 2/6/2023

T. Werner **motioned** to approve the minutes of 2/6/2023 seconded by B. Lafferty. Motion passed unanimously.

4. DISCUSSION/POSSIBLE DECISION - CHERYL NEWTON – APPLICATION FOR HOUSE RECONSTRUCTION AND SEPTIC REPAIR, 14 LAKE SHORE DRIVE.

Cheryl Newton is present along with Joseph Green, P.E., Robert Green Associates. Plans by Robert Green Associates titled Zoning Location Survey Site Plan for House dated 2/1/2023 are reviewed. Mr. Green notes that at the previous Wetlands Commission meeting held on 2/6/2023 the application was accepted with the condition that the distance from the wetlands be identified, that the lake be identified as a wetlands and also the edge of the wetlands be identified. Mr. Green has submitted a report from JMM Wetland Consulting Services, LLC, Newtown, CT, James McManus, MS, Certified Professional Soil Scientist, who visited the site on February 9, 2023 with the purpose of verifying the absence or the presence of regulated wetland areas in accordance with CT Statutes. He reports that the regulated boundary essentially follows along the edge of Lake Harwinton. This report has been sent to Commissioners prior to this meeting and remains on file in the Land Use office. Mr. Green reports that Torrington Area Health District approval has been received with the following notation: (1) that prior to septic system installation a new well must be drilled and the existing well abandoned, (2) approval of the septic system plan is contingent on Inland Wetlands approval and (3) the reserve areas are not required for repairs to existing leaching systems. IWZEO Don Truskauskas questions what happens if there is a septic system failure with Mr. Green stating a new septic system would be installed in the same place. Mr. Green refers to a memo written by the CT Department of Public Health in the late 90s that pertains to Item 3 noted above which he can send to LUC Redmond for filing. With no further questions or comments, T. Werner **motioned** to approve the application, seconded by T. Bobroske with a friendly amendment that documentation on reserve areas and septic repairs be added to the file when received. Motion passed unanimously.

*On March 7, 2023 Susan Simmons, TAHD, emailed information to the Land Use office that verifies reserve areas are not required for repairs with an attachment from DPH with the following highlighted wording, *“Reserve areas are not required for repairs of existing leaching systems, or for outbuildings with a design flow of 150 GPD or less on single-family residential building lots.”*

5. RANDY & DARCEY MENSEL – APPLICATION FOR SINGLE FAMILY DWELLING, 534 PLYMOUTH ROAD.

Mr. & Mrs. Mensel are present along with Joseph Green, P.E., Robert Green Associates. Plans by Robert Green Associates titled Zoning Location Survey Plot Plan for House dated 2/1/2023 are reviewed. Mr. Green explains that this property was proposed as a two-lot subdivision in front of the Wetlands Commission back in 2015 by the current owner but was denied due to substantial infringement on the wetlands, particularly on lot 8-2. The location of the proposed house today is the same as what was presented in the subdivision application with the house situated approximately 60 feet to the pond and the septic outside of the upland review area. T. Bobroske questions if this location is the most feasible and prudent area with Mr. Green replying, yes, that the goal was to keep the septic out of the upland.

T. Werner notes that the plans state that the existing well and septic are to be abandoned in accordance with DPH requirements with Mr. Green explaining that at one time a trailer was lived in on this property with a cess pool. By noting this information on the plans, it covers himself by identifying the location of and the requirement that the septic must be removed/crushed. T. Bobroske questions whether double silt fence can be installed to further protect the wetlands with Mr. Green stating that woodchips can be used as erosion control using the trees that will be taken down on the property. Mr. Mensel agrees with this option.

T. Bobroske **motioned** to accept the application as a regulated activity with the condition that the plans are revised to add notation of double silt fencing or woodchips being used as erosion control measures.

T. Werner seconded the motion and it passed unanimously.

6. BRETT STONE – APPLICATION FOR 40' X 70' GARAGE, 33 WHETSTONE ROAD.

Brett Stone is present along with Joseph Green, P.E., Robert Green Associates. Plans by Robert Green Associates titled Zoning Location Survey Site Plan for House is provided and has been revised to 2/6/2023 to show the proposed 40' x 75' "barn" (garage) approximately 13 feet to wetlands. Mr. Stone explains that the barn may be reduced in size to 40' x 60' and relocated to be closer to the driveway and perhaps even turning it in order to be further away from the wetlands. T. Bobroske questions if the file contains a soil report with Mr. Green stating that a report was submitted at the time an application was presented to the Wetlands Commission for driveway installation in 2021. LUC Redmond states that there is a report on file, dated June 10, 2013, prepared by Soil Science and Environmental Services, Inc., Cheshire, CT, and will copy and send to Commissioners in the next agenda mailing. It is noted that TAHD approval is outstanding. T. Bobroske states that he would like to see a set plan on the location of the barn with T. Werner stating that the location of silt fence needs to be shown on a revised plan as well. T. Bobroske **motioned** that this is an incomplete application and that the site plans should be revised to show the true location of the barn, with the possibility of moving the barn as far away from wetlands as possible, and that silt fence should be shown on the site plan. T. Werner seconded the motion and it passed unanimously.

7. CLOSE REGULAR MEETING.

At 7:40 p.m., B. Lafferty **motioned** to close the regular meeting, seconded by F. Skarp. Motion passed unanimously.

SHOW CAUSE HEARING – continued from 1/3/2023

1. OPEN HEARING – ESTABLISH QUORUM.

Chairwoman Susan Ryan called the hearing to order at 7:40 p.m. All regular 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.

Joseph Green, P.E., Robert Green Associates informs the Commission that other representatives are not in attendance tonight as there is nothing new to present. They have been waiting for the pond to freeze in

order to measure the depth of it but it has not frozen over so they are working in a different direction to get this information. Mr. Green believes there should be something to present at the next Wetlands meeting.

*Atty. Timothy Furey, Furey, Donovan, Cooney & Dyer, P.C., Bristol, CT, sent an email to the Land Use office that was received March 7, 2023 forwarding a Status Report related to the Cease and Desist Order Work Efforts at Equestrian Estates from Clinton Webb, C. Webb & Associates, LLC, Environmental Consulting Services, Norfolk, CT to Jared Braddock, Supreme Industries/Pickett Brook Property, LLC dated March 6, 2023.

He reports that the status of work items identified are as follows:

- The field survey for the site plan additions including contours of the road and the lot where the pond is located, location of the excavated slopes, the location of the two dry hydrants have been completed. This information is being compiled and added to the site plans. A narrative of the repair of the existing hydrant and the installation of the new hydrant is in the process of being prepared. Unfortunately, the lack of consistent below freezing temperatures this year has not allowed the pond's water surface to freeze to a safe thickness to drill holes through the ice to conduct a cross-sectional survey. If there is not sufficient below freezing temperatures in the coming weeks to allow survey work on the ice, we will conduct a bathymetric survey of the pond by boat in April.
- Fieldwork for the wetland evaluation has been completed and a report is being prepared that identifies the soil types that are currently present on this as well as a historical review of previous soil conditions prior to the pond being constructed.
- A report that addresses the current conditions and establishes a proposed maintenance plan which can be used by the current owner, future owners and the commission is developed and will be finalized, with associated stabilization methods and erosion control measures, when the remaining data, described above, is assembled.

Commission members received a copy of this report and it remains on file in the Land Use office.

At the 1/3/2023 Show Cause Hearing, the Wetlands Commission gave a list of items they requested to be enhanced on the plan as follows:

- * 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.

3. CONTINUE OR CLOSE HEARING.

At 7:41 p.m., T. Bobroske **motioned** to continue the Show Cause Hearing to the next Wetlands Commission meeting on Monday, April 3, 2023 at 7:00 p.m.

REGULAR MEETING

1. RE-OPEN MEETING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the meeting to re-open at 7:42 p.m. All regular 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.

LUC Redmond informs IWZEO Don Truskauskas that the property located at 242 Birge Park Road still has a tree service truck parked on the upper side of the property and a wood chipper, has an increased number of woodchips stored along the edge of the property from last months reporting, and now has small to medium sized logs piled up at the edge of the property. There is concern for Lead Mine Brook that runs very close to the edge of this property and is downhill from the area where the woodchips and logs are piled. IWZEO Truskauskas has not been able to contact the property owner but asks LUC Redmond to get him the name of the tree service company truck parked out in front and he will reach out to them. The tree service company is JSC Tree Service out of Torrington, CT.

4. ANY OTHER BUSINESS.

LUC Redmond reports signing off on the following applications:

Keith Dablain, 320 Harmony Hill Road – garage and relocation of shed. No wetlands.

Michael Sirois, 63 White Oak Drive – single family dwelling. Non-regulated activity.

5. CORRESPONDENCE.

None.

6. INVOICES.

None.

7. ADJOURN.

B. Lafferty **motioned** to adjourn the meeting at 7:45 p.m., seconded by F. Skarp. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

