

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

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

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: 7/3/2023

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

3. DISCUSSION/POSSIBLE DECISION - BRYAN RIVARD – APPLICATION FOR 48' X 36' BARN AND 16' X 32' INGROUND POOL, 97 MEADOWVIEW DRIVE.

Mia Rivard is present to represent. Plans have been revised, dated July 31, 2023, by Robert Green Associates, titled Zoning Location Survey Plot Plan for Barn & Swimming Pool, to show contour lines, the addition of a filtration basin, and relocation of the barn to 50 feet from the side yard for keeping of animals. The forced main proposed in original plans has been removed and there will be no future bathroom in the barn. T. Bobroske questions the sequence of construction with IWZEO D. Truskauskas stating that his first inspection will be for soil and erosion control measures and follow-up inspections will be done as progress moves forward. T. Bobroske **motioned** to approve the application as a regulated activity with the condition that the enforcement officer inspect erosion control measures and construction progress with any additional necessary inspections be at the expense of the applicant at \$35.00 a visit. R. Wesneski seconded the motion and it passed unanimously.

4. JUSTIN DOWNES, SUPERVISOR, HARWINTON PUBLIC WORKS DEPARTMENT – WORK ON ROCK BROOK ROAD.

Justin Downes is present and provides a narrative of the **Rock Brook Road** Cross Pipe Replacement work that has been done by the town and involved digging a 12-foot-wide trench, excavating an old 42" metal pipe and replacing it with a new 48" concrete pipe. Silt fence and haybales were installed during the work and paving of the road will be done next week with seeding and hay placed down on the disturbed areas. Silt fence will be removed and haybales from the brook will be removed allowing the brook to return to its natural flow. T. Bobroske informs J. Downes that the Wetlands Commission should be noticed of work within regulated areas prior to starting. With that being said, J. Downes informs the Commission that work on **Bogue Road** involving replacement of a cross pipe will be done next week and provides photos and a narrative on the scope of work which is to install a new drainage basin and replace a rotted-out pipe with new 15" ADS, replace with new asphalt and curbing, regrade road edges as needed, compact excavated area and widen the road to allow for minimum 22 foot of travel lanes. Regrading of the existing road to lessen the dramatic elevation change by 26 Bogue Road will also be done. Erosion control measures will be put in place with the same procedure of seeding to take place at time of completion as was done on Rock Brook Road.

No action is required by the Commission and no application is required for work done by the town.

5. JUSTIN DOMONELL FOR RICHARD & KATHERINE O'GRADY – APPLICATION FOR SINGLE FAMILY DWELLING, 6 FIELD STONE WAY.

Justin Domonell, JD Building & Remodeling, LLC is present as well as property owners Richard and Katherine O'Grady. Plans prepared by David A. Hughes, P.E., L.S., Oakville, CT, titled Improvement Location Survey – Proposed, 6/29/2023, are reviewed. Mr. Domonell was before this Commission back in May 2023 for clearing of the lot with direction that no clearing should be done past where erosion control measures were shown on the 2009 Re-Subdivision Plan for Lot 4. T. Bobroske asks IWZEO

D. Truskauskas if he checked erosion control measures when clearing took place to which he replied, yes.

T. Werner questions how the water crossing the driveway would be handled with Mr. Domonell stating that the engineer would have to answer that. R. Wesneski refers to the proposed roof and footing drain discharge point stating that the roof drain should be removed as it discharges into the wetlands. IWZEO

D. Truskauskas states that there is being shown on the plans an overflow for the roof drain with

R. Wesneski stating that he doesn't want to see the roof drainage going back to the discharge point and that the plans should say "roof overflow" not "roof drain". A Stormwater Management Report dated 6/29/2023 is on file and summarizes that the results presented in David Hughes' analysis shows that the proposed stormwater management system adequately collects and detains all roof runoff generated by the proposed improvements. Commissioners review the Resubdivision Plan for Lot 4 that created Lot 6 and find that the proposed house being applied for today is 30 feet closer to wetlands than what was proposed in the resubdivision. Mr. & Mrs. O'Grady step forward and is shown that the proposed house in the resubdivision was 74 feet to wetlands and where they are proposing to place the house now is 47 feet to wetlands.

IWZEO D. Truskauskas states that perhaps it would be possible to move the proposed house in a different angle to be further away from the wetlands. The O'Grady's are advised to review the plans again with their engineer for feasible and prudent alternatives to being further away from the wetlands.

R. Wesneski **motioned** to accept the application as a regulated activity suggesting that the proposed roof and footing drain noted on the plans be changed to 'roof "overflow" and footing discharge' and that perhaps David Hughes, P.E., L.S., could attend the next Wetlands meeting to answer the question of the proposed 106 LF Curtain Drain shown on the plans. T. Werner seconded the motion and it passed unanimously.

6. PICKETT BROOK PROPERTY, LLC – APPLICATION FOR POND WEED MANAGEMENT, 3 BREAK MAIDEN LANE (FORMERLY 485 PLYMOUTH ROAD), EQUESTRIAN ESTATES.

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 speaks of the next phase of work in connection with the Show Cause Hearing, that remains open, involving remediation of the pond within Equestrian Estates. Last month the Wetlands Commission approved the Remediation/Restoration Plan for the excavated pond bank done last year without permits. He explains the remediation process involves lowering of the pond in mid to late September to (six) 6 feet in the center, which will not affect the aquatic life. The pond will be left to sit this way for a week to allow it to dry, tracking pads will be put down to allow for tracked vehicles to back up to the edge of the pond, and then the pond will be cleaned out of milfoil and then reset to the approved grade. There may be some limited damage to the banks but reseeding will be done. Similar work will then begin on the other side of the pond. Atty. Furey notes that upland lots within the subdivision will utilize the fill from the pond. This work should give a 15-year window to keep the milfoil from coming back.

Atty. Furey states that a sequence of events involving this work will be written up and be brought to the Commission next month where the Commission can review and determine any other sequence they decide. Commissioners ask that the sequence of events be sent to LUC Redmond who will then forward it to them prior to the meeting. T. Bobroske questions Clinton Webb asking if 15 years is possible to keep the milfoil at bay with Mr. Webb stating that the pond should be monitored but he does estimate 10-15 years with the 4-6 inches of milfoil there. With the pond built in or around 1988, having 4-6 inches of organic is not

much and that the source of it is probably upstream. Atty. Furey states that the pond has a solid gravel base which makes this work easier to accomplish. Mr. Webb states that a routine maintenance plan should be included with this application. T. Bobroske asks Jared Braddock how the Commission can work together on this procedure. Mr. Braddock states that this work may be done by Supreme Industries or it may be contracted out by the company that built the roads within the subdivision. Atty. Furey states that a protocol will be written out which can be used as a good road map for the future. R. Wesneski states that, for this procedure, he wants it attested so the Commission knows exactly what will be done. He also asks, once work is done, do they want to refill the pond or wait and let it freeze at the lower level so that the milfoil will freeze and thoroughly die. Mr. Webb states that he will look into this with Mr. Braddock stating that depending on the precipitation, the drain in the pond would have to be tweaked and it would be unclear as to how the water would flow under the ice. He would like to see the pond filled up after work is done.

With no further discussion, T. Bobroske **motioned** to accept the application as a regulated activity, seconded by R. Wesneski. Motion passed unanimously.

T. Werner **motioned** to add to the agenda: **Sara Conklin, 10 Beach Drive**, repair existing stone wall at lake front, seconded by R. Wesneski. Motion passed unanimously.

Sara Conklin is present stating that Lake Harwinton is being drawn down in October and it is at that time she would like to hire someone to fix her lake front wall. She provides pictures showing the broken-down wall mostly in the lake and there is also an old dock she would like taken out. Removal of what's there will be done with a backhoe. R. Wesneski questions if a backhoe can get into this area with Ms. Conklin saying, yes. R. Wesneski informs her that silt fence would be needed. T. Bobroske states that he would like to see a plan/sketch showing what is proposed, the size and length of the wall, and what is under the footing. Ms. Conklin is advised to have her mason help her draw something out. R. Wesneski **motioned** to accept the application with the stipulation that additional information be provided, seconded by T. Bobroske. Motion passed unanimously.

7. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

In regards to Francis Skarp's complaint against 110 Plymouth Road for activities including removal of trees, stumps, soil, pipes installed for drainage and grading, IWZEO D. Truskauskas states that he visited the property and all work has been completed. Trees had been cut back for site line improvements and yes, activity took place in a regulated area and should have come before the Wetlands Commission but the area is now seeded and rip rapped. Jim Zeller, 110 Plymouth Road, is present and states that he did this work because the pine trees in the area died due to blight and two very large trees, 2-3 feet in diameter, had pulled out of the ground and were leaning over. He didn't think a permit was required for this work.

Residents of Sunset Ridge are present. IWZEO D. Truskauskas informs the Commission that Len Lopardo, developer, will come to the September 5, 2023 (Tuesday) Wetlands meeting to state that he is unsure whether he can plant what needs to be planted in the detention basin of Sunset Ridge. There have been issues in the past of overgrowth even with a clean-out of the basin last year. T. Bobroske questions whether the detention pond discharges to the stormwater management in Torrington with IWZEO Truskauskas answering, yes.

T. Bobroske states that the Wetlands Commission acts on what is on town property and that this matter is on private property with discharging to Torrington. IWZEO Truskauskas states that the Wetlands Commission has jurisdiction on plantings which is what the \$5000 bond is being held for in connection with the Wetlands approval. T. Werner states that if the bond is being held for plantings, it is too early in the season to plant as that's done in September/October. R. Wesneski states that Len Lopardo will have to come before this commission in September with a revised planting plan.

Sunset Ridge resident, Lillian Busse, 15 Hannah Way, states that the detention pond has never been maintained per the Storm Water Maintenance Plan and the plantings on the bank have never been installed. She states that plantings should be done now as it's been since 2007 when the Wetlands Commission approved of them. She states that in 2021 Len Lopardo had the Water Quality Basin inspected after Storm IDA. A copy of the report on the inspection, performed by MGS Engineering, LLC, dated 9/12/2021, is submitted by Lillian Busse and remains on file. The report notes that *"invasive Phragmites has overrun the basin and is growing up through the v-notch weir and out the basin grate. These invasive plants need to be removed from the entrance of the v-notch weir at a minimum."* In summary, MGS Engineering reported, *"The basin is functioning as designed. The recent storm event was captured and controlled by the detention basin. MGS recommends removing the invasive plant species along the edges of the wet basins and cutting down all invasive trees and brush to the ground and maintaining a minimum turf height of 6" along the basin embankments in the future. By making the basin more visible, it will ease future inspections and maintenance operations."*

L. Busse states that at this point only one inlet can be seen when there are actually two. L. Busse submits a copy of the Water Quality Basin Planting diagram from 2007 and reports that weeds are in the pond and that where the water is in the pond (in the center) has never been cleared out, only at the borders of the pond.

L. Busse submits a copy she has of the Stormwater System Maintenance Plan Len Lopardo submitted with his application that, in part, refers to Inspections of the Water Quality Basin that shall cover the following: turf quality – inspect the turf for signs of erosion or burrowing animals, outlet structure – inspect the outlet structure for structural integrity and debris that may cause clogging, complete repairs and remove debris immediately, sediment in forebay – inspect the sediment in the forebay and remove when it has filled the forebay, at a minimum, once every five years, emergency spillway – inspect for erosion, debris or plant growth that can hinder water flow. Repair erosion and/or remove debris and plant growth immediately, plantings – inspect the basin for invasive plants and where dominated other plants, develop a method to remove invasive plant species, riprap – inspect riprap outlets for voids and washouts paying close attention to areas directly adjacent to outlet pipes for possible undercutting, wet pond (permanent pool) – inspect for undesirable growth and debris and remove immediately along with invasive plant species. The Stormwater System Maintenance Plan refers to Grass Swales stating that they are to be inspected for erosion and excessive growth during each mowing and to keep grass height to six inches or less. Repair eroded areas as soon as possible and remove debris that may inhibit flow of water. Finally, the Maintenance Plan refers to Sediment Disposal stating that it is to be removed from pavement surfaces, catch basins, and the water quality basin and must be disposed of properly. Sediment should not be stored on site but must be removed immediately after collection and in accordance with the CT DEP Stormwater Quality Manual (2004). The Maintenance Plan is dated February 15, 2006, revised April 24, 2006 and was submitted by Len Lopardo with his application for construction of the 30 units within Sunset Ridge.

LUC Redmond states that Mr. Lopardo sent her an email earlier today, one that was forwarded from Oak Hills Landscape and Design, LLC, Morris, CT, dated August 7, 2023 to Mr. Lopardo. In his email, Mr. Lopardo states this is a copy of "the contract Sunset Ridge Association has with Oak Hills Landscape and Design" but it is titled "*Services and Pricing Information*" on grass cutting services, cleanup services, snow removal services, brush cutting detention pond and additional services for pushing back snow banks, fertilization, weed control, lime application, etc. This document states that billing begins *"September 1, 2022 and monthly thereafter up to and including August 31, 2023."* The document is not signed and is not accompanied by any copies of paid invoices.

L. Busse also reports that silt is coming down the road and has provided photos to the Land Use office showing this. All emails and photos sent to the Land Use office from L. Busse have been forwarded to the Wetlands Commission and the Zoning Commission.

William Foster, 6 Hannah Way, states that he and the residents of Sunset Ridge are looking for the detention pond to be in the condition it should be in before the Association takes over. He states that the pond should have been maintained long ago. He adds that a pile of loam had just been dumped close to a catch basin and now silt is going into that catch basin.

R. Wesneski questions IWZEO D. Truskauskas on whether erosion on house construction can be enforced with IWZEO Truskauskas stating that he isn't sure if enforcement can be done on private property. The site plans show erosion control only around the perimeter and since this is only one parcel, no silt is leaving the property.

Lillian Busse informs the Commission that there is a house that was just built (19 Hannah Way) and no catch basin has been installed at the perimeter of the City of Torrington and no silt fence has been put in. R. Wesneski states that the City of Torrington should be made aware of this with T. Bobroske adding that IWZEO D. Truskauskas should investigate this matter and discuss with the City of Torrington because that is where the water is going and report back to this Commission. T. Bobroske also asks IWZEO Truskauskas to contact Town Counsel Michael D. Rybak in regards to sediment in the pond and what rights does the Wetlands Commission have. R. Wesneski states that he sees this as a failure to perform on Mr. Lopardo's part.

Paul Horvay, 27 Hannah Way, states that he and the residents want to make sure everything is in compliance before taking over the Association.

Anthony Mercuriano, 29 Hannah Way, wishes to point out that he has made calls to attorneys for advice and was told that the residents should obtain an attorney.

Joseph Harris, 5 Hannah Way, questions what the time period is for cleaning out the pond with Lillian Busse stating, every five (5) years. IWZEO D. Truskauskas adds that in 2021 Len Lopardo's engineer said it wasn't needed.

Barbara Furtado, 4 Hannah Way, states that she lives right next to the pond, has lived there six years, and though the pond was cleaned out last year, it wasn't really cleaned out and there is a stench coming from it.

8. ANY OTHER BUSINESS.

LUC Redmond reports signing off on the following application:
Martin Swider, 34 Meadow Lane - garage with breezeway – no wetlands.

9. CORRESPONDENCE.

A letter dated 8/1/2023 from Commissioner Todd Werner is received that states he is employed by The Whiting-Turner Contracting Company and would recuse himself from participating in any meetings/discussions/votes in the event The Whiting-Turner Contracting Company competes for and performs construction work for the Harwinton Inland Wetlands Commission.

10. INVOICES. None.

11. ADJOURN.

R. Wesneski **motioned** to adjourn the meeting at 8:55 p.m., seconded by B. Lafferty. Motion passed unanimously.

Respectfully submitted,

Polly Redmond, Land Use Coordinator

