

HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION
TUESDAY, SEPTEMBER 5, 2023
TOWN HALL 7:00 P.M.

Present: Chairwoman Susan Ryan, Timothy Bobroske, Brent Lafferty, Robert Wesneski, Francis Skarp, Alternate Member Marc Matsil, and Land Use Coordinator Polly Redmond

Absent: Todd Werner, Benjamin Ogonoski, Alternate Member Nicholas Carbone and IWZEO Don Truskauskas

PLEDGE OF ALLEGIANCE

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member Marc Matsil seated for Todd Werner.

2. APPROVE MINUTES OF PREVIOUS MEETING: 8/2/2023

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by B. Lafferty. Motion passed unanimously with Alternate M. Matsil refraining from vote due to his absence at the previous meeting.

3. DISCUSSION/POSSIBLE DECISION – SARA CONKLIN – REPAIR OF EXISTING STONE WALL AT LAKE FRONT, 10 BEACH DRIVE.

Sara Conklin is present and distributes a “seawall repair” proposal to Commissioners along with a sketch of what will be done. The work will involve repairing a 60 foot long stone wall at the edge of the drained down lake in October. This will be done by hand although some stone may require a bucket loader that will not be in the water but will drag the stone out with the use of a rope. There is a cement base under the stone that will remain and new stone will be placed on top of it with crushed stone added behind the wall as fill. Erosion control using silt fence or haybales will be put in place between the edge of the water and the wall. Alternate Commissioner M. Matsil questions what the purpose of the wall is with S. Conklin replying that the wall keeps debris from going in the water and it supports the land. R. Wesneski **motioned** to approve the application as a use of right/maintenance with stipulation that erosion control measures be installed and that the enforcement officer be notified when work begins, seconded by T. Bobroske. Motion passed unanimously.

4. DISCUSSION/POSSIBLE DECISION - JUSTIN DOMONELL FOR RICHARD & KATHERINE O’GRADY – APPLICATION FOR SINGLE FAMILY DWELLING, 6 FIELD STONE WAY.

Mr. & Mrs. O’Grady are present. A letter from David Hughes, P.E., dated 8/24/2023, on behalf of the O’Grady’s has been sent to the Land Use office where he outlines the technical support for the proposed house location now being 47 feet to wetlands as opposed to the 74 foot distance to wetlands as shown on the subdivision plan prepared by him back in 2009. Mr. Hughes states in his letter that he is providing a sketch depicting the “building envelope” and noting it as being 8,160 square feet. He states that the “building envelope is established by setbacks, Inland Wetlands and a Health Code separation distance of twenty-five (25) to the septic system.” As a final point, Mr. Hughes notes that “Only (1,117 SF) (14%) of the building envelope is outside the one hundred (100) foot upland review area.” His letter concludes with, “The proposed house fits entirely within the “Building Envelope” and sits as close to the front yard setback as possible. The proposed house is still forty seven (47) feet from the inland wetlands, with a ‘no foundation’ deck being thirty seven (37) feet. It should also be noted that there is no inland wetland disturbance for this proposal.”

T. Bobroske states that IWZEO Don Truskauskas suggested at the previous IWWC meeting turning the house to a different angle so that activity would be further away from wetlands. He points out that the plans have not changed in any way. Mr. O’Grady states that there is no room to move or turn the house and what could change would only be six inches closer to the street. R. Wesneski states that at the last Wetlands Commission meeting it was suggested that perhaps the garage could be flipped to the other side of the house with Mr. O’Grady stating that would only provide a six inch difference. R. Wesneski states that the Commission had asked for David Hughes, P.E. to give alternatives to be further from wetlands and asked that he attend the meeting tonight.

T. Bobroske states that the subdivision plan for this lot showed the house at 74 feet from wetlands and that if there were no feasible and prudent alternatives, Mr. Hughes was to state that on the record. Mr. O'Grady states that he is open to suggestions but judging from the wetland location and the house footprint, he can't see how he can be further away from the wetlands. He adds that he sees the Commission's point on the distance to the wetlands but he also sees no impact on wetlands in his proposed plan. T. Bobroske states that he would've liked it if David Hughes wrote in his letter, "no feasible and prudent alternatives" with R. Wesneski pointing out that the Commission asked for something but received nothing, not even a report saying he looked at alternatives. R. Wesneski states that the location of the house being presented now is not what Mr. Hughes laid out in the subdivision plans. T. Bobroske states that if there are no feasible and prudent alternatives, David Hughes should state this and then require additional erosion control measures to be shown on revised plans in order to protect the wetlands. M. Matsil speaks of using *bioengineered edge* erosion control consisting of live plantings, such as black widow, that becomes part of the landscape.

T. Bobroske **motioned** that the Commission cannot make a decision at this time and that David Hughes, P.E. should review the Wetlands Commission meeting minutes of August 7, 2023 and tonight's meeting minutes, supply feasible and prudent alternatives and show erosion control measures that could be implemented to protect wetlands. B. Lafferty seconded the motion and it passed unanimously. The matter will be placed on the October 2, 2023 IWWC meeting agenda.

5. DISCUSSION/POSSIBLE DECISION - 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 submitted to the Land Use office a list of *Pond Treatment Protocols* that was forwarded to all Wetland Commissioners. They are as follows:

1. Notify ZEO and lower the pond.
2. Repair the area previously excavated making the slope less severe (per previous permit approval).
3. Clean sediment/organic build up from pond outlet to horse pasture fence.
 - Equipment used would be an excavator with a grading bucket and a dump truck.
 - Material loaded from the pond to the truck will be hauled to another lot in the subdivision requiring fill in an upland area (Lot 24 Fox Hunt Way or other area approved by ZEO).
 - No work will be done within the water once lowered.
4. Clean out milfoil area.
 - Equipment used would be an excavator with a grading bucket and a dump truck.
 - Utilize stabilizing timber mat tracking pads for temporary access into lowered pond area for dump truck.
 - Scrape organic layer containing milfoil from pond base and load onto site truck.
 - Bring material to upland area on lot requiring fill (Lot 24 Fox Hunt Way or other area approved by ZEO).
5. Restore banks above lowered pond level, review final grade with ZEO, proceed to stabilize hydro seed or seed and hay.

Atty. Furey added additional Protocols in writing after discussion was held on grading, removal of sludge (Phase II), removal of milfoil (Phase III) that will begin later this month and conclude in October 2023.

Additional Protocols are as follows:

Add to #1. Notify ZEO and lower the pond *to level consistent with preserving aquatic life and promoting removal of invasive species to approximate 553 elevation.*

Add to #4. as a bullet point – *Quantify current milfoil concentration before renovation and provide the Commission a report next spring regarding condition.* (R. Wesneski asks that the quantity of milfoil be evaluated per square foot or gallon and report that amount to the Commission.)

Clinton Webb provides a photo of mats that will be placed down to protect the stream and notes that machinery will stay in the upland area.

T. Bobroske states that he would like IWZEO Don Truskauskas and Clinton Webb to work together with the understanding that changes may occur.

R. Wesneski **motioned** to approve the application as a regulated activity, with approval to the Protocols as amended. B. Lafferty seconded the motion and it passed unanimously.

6. CLAUDE ADAIR – APPLICATION FOR WATERFRONT MAINTENANCE – REMOVAL OF STONE FROM ABANDONED PIER, 148 CATLIN ROAD.

Claude Adair is present and provides photos of the unmaintained stone pier with old wooden platform that is unsecured since purchasing the property in 2016. Other photos show the remains of a stone pier during the last lake drawn down in 2017 and another photo of the new dock that sits on top of the remains of the old stone pier and which is removed in the fall and put back in the spring. He is requesting to remove remaining stones to create safer conditions around the new dock. They will be removed by hand and those that can't be removed by hand will be removed with the use of machinery and chains and those stones will be placed around the yard and used for landscaping purposes. R. Wesneski states that erosion control measures should be placed at the edge of the drained lake and where work will take place with Mr. Adair agreeing to this.

T. Bobroske **motioned** to approve the application as a use of right/maintenance with stipulation that erosion control measures be installed and that the enforcement officer be notified when work begins. R. Wesneski seconded the motion and it passed unanimously.

7. ERICA ROBINSON & TYLER DIEVERT – APPLICATION FOR 24' X 42' GARAGE, 35 DELAY ROAD.

Erica Robinson and Tyler Dievert are present. Plans by Stephen Giudice, L.S., and Harry E. Cole & Son, Engineering and Surveying, titled Property & Topographic Survey Map Depicting Proposed Garage are reviewed. The proposed garage measures 45 feet to a pond in the back of the property and 83 feet to an existing swale that feeds into the pond. Mr. Dievert states that the pond is dry most of the year. Mr. Dievert is unsure whether the garage will go on a slab or have a foundation. T. Bobroske **motioned** to accept the application as a regulated activity with the stipulation that if the garage is not going to be on a slab but that a foundation will be dug, location of erosion control measures be shown on a separate sheet of paper and brought back to the Commission. B. Lafferty seconded the motion and it passed unanimously.

8. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

Lillian Busse, 15 Hannah Way, is present. An email from her was received in the Land Use office on 9/4/2023 and distributed to Wetlands Commissioners. The email lists concerns of the detention basin within Sunset Ridge and includes copies of a letter from Len Lopardo's engineer, Todd Parsons, IWWC minutes of 4/13/2006, a copy of the Stormwater System Management Plan, a photo of the pond edge area and a copy of MGS Engineering Basin Inspection report of 9/12/2021. L. Busse is stating that maintenance of the pond is not taking place, that the emergency spillway was to be removed, and testing of the brown water never happened. The photo of the pond is from 2021 and what it looked like with all the trees in it and around it.

There was no way for an inspection of a second outlet there and IWZEO Don Truskauskas even reported of the overgrowth.

L. Busse informs the Commission that the residents of Sunset Ridge are hiring an attorney with R. Wesneski advising that perhaps they should also hire an engineer. R. Wesneski states that IWZEO Truskauskas was to inspect and report on whether there was erosion control around the catch basins within the development and whether it was called for on the site plans. L. Busse states that there are some haybales around some catch basins.

9. ANY OTHER BUSINESS.

LUC P. Redmond reports signing off on two applications.

- John Comporesi, 73 High View Drive – garage. No wetlands.
- Nicholas & Chelsie Visini, 69 Birch Hill Road – addition to home. No wetlands.
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10. CORRESPONDENCE.

None.

11. INVOICES.

None.

12. ADJOURN.

R. Wesneski **motioned** to adjourn the meeting at 8:35 p.m., seconded by B. Lafferty. Motion passed unanimously.

Respectfully submitted,



Polly Redmond
Land Use Coordinator

