

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING

MONDAY, JULY 6, 2015

TOWN HALL 7:00 P.M.

Present: Susan Ryan, Victoria Elliott (arriving at 7:05 p.m.), Paul Whiton, Marie Etter, Donald Prigitano, Robert Wesneski, Alternate Member Robert Orciari and Land Use Coordinator Polly Redmond

Absent: Chairman Bruce Burnett

1. OPEN MEETING – ESTABLISH QUORUM.

Acting Chair Susan Ryan called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member R. Orciari seated for V. Elliott.

2. APPROVE MINUTES OF PREVIOUS MEETING: 6/1/15

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by P. Whiton. Motion passed unanimously with D. Prigitano and R. Orciari refraining from vote due to their absence at the previous meeting.

3. DISCUSSION/POSSIBLE DECISION - WALTER & SUSAN MACDONALD – APPLICATION FOR TWO-LOT SUBDIVISION, 534 PLYMOUTH ROAD, ASSESSORS MAP NO. D2-02-0008 (VACANT LAND).

Robert Green, P.E., Robert Green Associates, is present to represent. Revised plans dated 7/3/15 are received accompanied by a 6/24/15 report from Jennifer L. Beno, Biologist/Wetland Scientist, Soil Science and Environmental Services, Inc. The report provides information on her final evaluation/inspection for the presence of vernal pools on the property. Two wetland areas and a pond were inspected for amphibian breeding activity. Her report states that during her inspections she specifically looks for standing water with no finfish population, salamanders, frogs, fairy shrimp and egg masses as indicators of vernal pool habitat. During her April 2015 inspection she observed a small area of shallow standing water, approximately three to four inches deep, in the southeastern portion of this wetland area. The remainder of the wetlands, although saturated, did not contain standing water during the inspection. During her recent June 2015 inspection, she observed no standing water and no amphibian activity and states that this wetland does not provide vernal pool habitat due to the lack of water depth and the short duration of ponding water. A narrow wetland, to the rear of the property, was inspected and reported to not contain significant areas of standing water though during her inspection in April 2015, following a rain event, she observed a small area of two to three inch deep water within the wetland and water flow over the surface of the wetland was evident. During her recent June 2015 inspection of this narrow wetland, she states she did not observe standing water or water flow and no amphibian activity. She concludes that this wetland does not provide vernal pool habitat due to the lack of water depth and the short duration of ponding water. During her inspection of the pond in April 2015, she observed bullfrog tadpoles within the small on-site pond and also eight (8) spring peeper egg masses and two (2) small spotted salamander egg masses (containing approximately 25 eggs each) in submerged herbaceous vegetation along the pond edge. She notes that *spotted salamanders are considered to be obligate vernal pool species; however, they are known to also breed in floodplain swamps, marshes, the margins of lakes, pasture ponds, ruts in dirt roads and backwater areas of streams and rivers (*Michael H. Klemens. 1993. Amphibians and Reptiles of Connecticut and Adjacent Regions.). During her June 2015 inspection, she observed that the water level in the pond had dropped approximately six inches and no water was observed flowing over the spillway from the adjoining property into the on-site pond and no water was observed flowing over the spillway and out of the pond during the inspection. Pond lilies and burreed were observed growing in the pond and along the pond edge. Bullfrogs, green frogs and fish were observed within the pond during the June inspection. No salamander larvae were observed within the pond while utilizing a dip net. She concludes that this small pond is not a vernal pool due to the presence of predators (fish, bullfrogs and green frogs) and the periodic water flow through the pond.

Regular Member Victoria Elliott arrives at this time and is seated. Alternate Member R. Orciari is now seated for Bruce Burnett.

Mr. Green states that the revised plans identify clearing limits and the existing tree line in the front of the property. He reports that lot 8-1 contains 36.5% wetlands on 2.297 acres and lot 8-2 contains 24% wetlands on 5.449 acres.

Mr. Green notes that at one time the property contained a trailer that was used as a residence and it is in that area where it was located that will be cleared for a proposed house on lot 8-1. The majority of the pond will be located on lot 8-1, approximately 65 feet to the proposed house. The front of the proposed house on lot 8-2 will be located 36 feet to wetlands and 40 feet to wetlands from the back of the house. M. Etter states that the house location is squeezed into a very small space within a large lot and that she is not sure there is room for two lots considering the wetlands. She questions how much wetlands are on the entire property with Mr. Green stating that 30% of the entire lot is wetlands. M. Etter also expresses concern with locating the driveway in wetlands. R. Orciari questions whether there will be cutting into the bank for the driveway and whether fill will be used for the house area on lot 8-2 with Mr. Green stating that the fill from the cuts will be used on the property and no fill will be brought on site. Mr. Green notes that there is no impact to wetlands except for the construction of the driveway. R. Orciari questions the elevation between the house and septic with Mr. Green reporting that it is 10 feet. R. Orciari has concerns with equipment being brought in so close to wetlands during construction of the septic. Mr. Green reports that it is 250 feet from the house to the septic location and that a small excavator can get through without moving a lot of trees and shrubs. R. Orciari states his belief that a retaining wall will need to be built along the driveway of lot 8-2 with Mr. Green stating that a curtain drain would suffice. R. Orciari questions where the curtain drain would exit with Mr. Green stating he is not sure without seeing an actual design. TAHD has not reviewed the subdivision plan as of this date. R. Orciari states that the commission should hold off on any decision until TAHD approval is received. M. Etter states that regardless of their approval she still has concerns with the development of a lot with such a large amount of wetlands on it. R. Wesneski states that the septic location is not the infringement on the wetlands but that it is the house proposed for lot 8-2 that is the concern. R. Wesneski **motioned** that based on the subdivision plans presented titled Subdivision Map prepared by Robert Green Associates, Stone Hill Estates, dated 4/1/15, revised 7/3/15 including Sheet 2 of 4, a Topographic Map & Site Development Map, dated 4/1/15, revised 7/3/15 and Sheets 3 of 4 and 4 of 4, Miscellaneous Notes and Details, dated 4/1/15, revised 7/3/15, the application is denied due to substantial infringement on the wetlands and particularly on lot 8-2. M. Etter seconded the motion and it passed unanimously with V. Elliott and S. Ryan refraining from voting.

4. HARWINTON LIBRARY BUILDING COMMITTEE - ADDITION TO HARWINTON LIBRARY, 80 BENTLEY DRIVE.

Leslie Flowers, Chairman, Harwinton Library Building Committee, and Barbara Buss, member HLBC, are present. Plans by Milone & MacBroom titled Topographic Survey, Site Plan Layout and Landscaping and Site Plan Grading are reviewed. In addition, drawings by Drummey Rosane Anderson, Inc. (D·R·A·), Planning Architecture Interior Design, South Windsor, CT, titled Town of Harwinton Public Library Expansion Study, Sheet L-1, dated 4/16/15, Proposed First Floor Plan, Sheet A-1, dated 4/16/15, Proposed Basement Plan, Sheet A-2, dated 4/16/15, Proposed Roof Plan, Sheet A-3, dated 4/16/15, Proposed East and South Elevations, Sheet A-4, dated 4/16/15 and Proposed North and West Elevations, Sheet A-5, dated 4/16/15 are reviewed. The Building Committee held an informational meeting on 6/3/15 where IWWC Chairman Bruce Burnett and LUC Polly Redmond were in attendance and though there was no wetland issues expressed at that meeting, there was discussion of additional runoff concerns from the parking lot and the possible installation of rain gardens. Torrington Area Health District will review final plans. It is noted that the septic system is shared between the Harwinton Town Hall and the Library. M. Etter states that the Wetlands Commission has no jurisdiction as there are no regulated activities involved.

5. **CHRISTOPHER WALL – CONSTRUCTION OF RETAINING WALL, 84 SHINGLE MILL ROAD, IN LOCATION OF ROCK BROOK.**

No one is present to represent.

6. **JOSEPH LAGANGA – APPLICATION FOR CHANGE OF GRADE ON PROPERTY LOCATED AT 242 BIRGE PARK ROAD.**

Mr. LaGanga is present and explains that he has approximately four-foot mounds of dirt, located near Lead Mine Brook which runs through the back of his property, that he would like to level off. No site plan or sketch of the area is provided. R. Wesneski suggests that IWZEO David Perkins visit the property to determine whether an application is required. M. Etter **motioned** to not accept the application at this time until further exploration is done by the Wetlands Enforcement Officer. R. Wesneski seconded the motion and it passed unanimously.

7. **GARY GIORDANO, P.E. – FOR FRANK & SUSAN QUATRELLA - APPLICATION FOR SEPTIC REPAIR, 176 CLEARVIEW AVENUE.**

Mr. Giordano, P.E., is present to represent. Site plans titled Repair Subsurface Sewage Disposal System Design, dated 6/25/15 are reviewed. The two-bedroom home is located on 0.55 acres with a failing septic system. All activities are in the regulated area with a galley located 65 feet from wetlands. Access to the new septic location, which is down gradient from the old septic location, will be via a gravel right-of-way along the northern property line. TAHD is reviewing the application and Mr. Giordano will forward documentation of approval to the Land Use office when it is received. R. Orciari **motioned** to sign off on the activity as a permitted use/maintenance/repair, seconded by R. Wesneski. Motion passed unanimously.

R. Orciari recuses himself as Commissioner for Items 8 and 9 as he represents the Harwinton Land Trust.

8. **HARWINTON LAND TRUST – APPLICATION FOR TRAIL MAINTENANCE AT BULL POND, INTERSECTION OF LOCUST ROAD AND BULL ROAD.**

R. Orciari gives a description of the trail and the maintenance required. In a write up submitted, it is explained that Bull Pond is 71 acres (20 acres pond, 50 acres woodland/marsh) located across from the Harwinton Fairgrounds. Part of the trail along the pond is on peaty fill that was bulldozed out of the natural swamp to create the pond in 1934. Another part of the trail is located in an area where trees were blown down in a 2009 windstorm. The area is being restored but roots are decaying and the ground is collapsing. Approximately 150 feet of trail in the regulated wetland area is rutted or soggy. Filling this part of the trail with gravel will improve walking conditions and make for safer public use. The proposed plan is to bring in one truck load of process gravel (approximately 18 yards) that will be off-loaded next to the paved parking area. A small, home-owner's tractor will be used to haul gravel to the observation deck. From the deck location, wheelbarrows will be used to transport gravel to the approximate 150' fill site. Gravel will be used to fill ruts and be leveled by hand with rakes. The surface may be topped with wood chips at a later date. R. Orciari is requesting a use of right determination based on Wetland Regulation 4.2b based on the fact that the project will not disturb the natural and indigenous character of the wetland and will enhance outdoor recreation in an area that is accessible to the general public. A mapping of the area accompanies the statement. M. Etter **motioned** that the proposed project is considered a use of right, seconded by R. Wesneski. Motion passed unanimously.

9. **HARWINTON LAND TRUST – APPLICATION FOR TRAIL MAINTENANCE AND STREAM CROSSING, MEADOW VIEW, MEADOWVIEW DRIVE.**

R. Orciari gives a description of the trail and the maintenance required. In a write up submitted, it is explained that Meadow View is 22 acres with a 1 acre pond located on Meadowview Drive. The area is open to the public for recreational use, including a short trail used for nature observation along a marsh and the pond. Part of the existing trail is located on a rocky and rutted 150 foot section next to an intermittent stream. Filling this part of the trail with gravel will improve walking conditions and make for safer public use. A small, home-owner's tractor will be used to haul gravel over the corduroy crossing to the beginning

of the project site. Other than the intermittent stream crossing, the tractor will remain on what appears to be upland soils. Wheelbarrows will be used to transport gravel from the tractor to the rutted/rocky approximate 150' trail section located in a regulated wetland area. Gravel will be used to fill ruts and be leveled by hand with rakes. R. Orciari is requesting a use of right determination based on Wetland Regulation 4.2b based on the fact that the project will not disturb the natural and indigenous character of the wetland and will enhance outdoor recreation in an area that is accessible to the general public. A mapping of the area accompanies the statement. M. Etter **motioned** that the proposed project is considered a use of right, seconded by R. Wesneski. Motion passed unanimously.

10. ANY OTHER BUSINESS.

LUC Redmond has signed off on three Wetland applications:

- (1) Richard Lay, 13 Hither Lane – 12' x 16' shed, no wetlands.
- (2) Michael Gerrity, 47 Buckridge Road – single family dwelling, no wetlands.
- (3) David Fredsall, 71 Burlington Road – addition of room and garage to existing house, no wetlands.

11. COMPLAINTS/ENFORCEMENT ACTIONS.

None.

12. CORRESPONDENCE.

None.

13. INVOICES.

None.

14. ADJOURN.

V. Elliott **motioned** to adjourn the meeting at 8:15 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 07/13/15 AT 9:40AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK