

INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
MONDAY, MAY 2, 2016
TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Paul Whiton, Donald Prigitano, Robert Wesneski, Victoria Elliott, Timothy Bobroske, Alternate Member Robert Orciari, Land Use Coordinator Polly Redmond and IWZEO David Perkins
Absent: Susan Ryan

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member R. Orciari seated for S. Ryan.

2. APPROVE MINUTES OF PREVIOUS MEETING: 4/7/16

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

3. DECISION - CHRISTOPHER WALL – REPLACE FAILED TIMBER RETAINING WALLS WITH SEGMENTAL BLOCK RETAINING WALL, 84 SHINGLE MILL ROAD.

Mr. & Mrs. Wall are present with Michael Sherman, P.E., Laurel Engineering, arriving at 7:05 p.m. Mr. Wall reviews the site plans once again for Commissioners explaining that the house is 15 feet laterally from Rock Brook. There is a three-tiered 4'x 4' retaining wall made from railroad ties that is failing and compromising the house and deck support. The proposed wall will be 10 feet high, 90 feet long, in order to keep the house from sliding into the brook. R. Orciari questions whether four feet of wall will be buried with Mr. Wall replying, yes, and will be covered with rip rap. Mr. Wall does state that the wall may be reduced in height to 8.5 feet. R. Orciari expresses his concern regarding the curve of the stream which may undermine the wall with Mr. Wall stating that is the reason for the rip rap being placed down. Mr. Sherman, P.E., arriving at this time, states that the plan is to tie the wall into the bank so it won't create a vortex. R. Orciari notes that "nothing is forever" and recalls four other properties in this area that have had washouts including the Fairgrounds, Locust Road itself, Plymouth Road and property where Trout Unlimited was working in the streambed off Plymouth Road. R. Orciari states that storms are powerful and streams move. He questions what would happen if this wall collapses and the blocks end up in the stream creating a dam which could even affect Shingle Mill Bridge. He questions who would be liable if this happens. Mr. Sherman states that the rip rap can be extended down to the stream bottom but he didn't really want to go into the wetlands doing this but will if required. It is their intention to fix the wall, not to start fixing the stream. R. Orciari notes the importance of Rock Brook to wild trout and again expresses concern of the block wall ending up in the stream after a major storm event. Mr. Sherman states that it is being considered to lower the wall and is being discussed with the builder. Rip rap is going to be placed down into the bed of the stream, to the water's edge, with geo textile also placed down under the rip rap. If the homeowner begins to see the rip rap starting to migrate, something can be done to repair it. R. Orciari **motioned** to approve the application as a maintenance/emergency repair/regulated non-significant activity with the condition that rip rap be placed down at the base of the wall, that the IWZEO be contacted when work commences and when the project is complete and that work be done during the low flow period months between July and September. V. Elliott seconded the motion and it passed unanimously. It is noted that Commissioners who were absent at the previous meeting when this application was presented have read the minutes from that meeting and feel qualified to vote on this application.

4. **DECISION - PICKETT BROOK PROPERTY – GRADING, ACCESS, PARKING FOR 21 STALL HORSE STABLE AND ENCLOSED ARENA FOR AGRICULTURAL USE, LOT 21, EQUESTRIAN ESTATES, PLYMOUTH ROAD.**

Atty. William Tracy is present to represent and explains that revisions have been made as requested by Commissioners at the April 7, 2016 Wetlands meeting. Architectural plans are not available at this time but Jared Braddock, Supreme Industries/Pickett Brook Property, is present and provides a computer-generated rendering of what the building will look like and states it is uncertain if the barn will be steel or wood.

Chairman Burnett refers to Town Atty. Michael Rybak's opinion on this application given in an email dated 4/21/16 to LUC Polly Redmond which Commissioners received a copy of. Atty. Tracy is given a copy at this time. Chairman Burnett states that his main concern is the completion of Break Maiden Lane. He reads sections of Atty. Rybak's opinion concerning lengths of cul-de-sacs and activities within the vernal pool envelope. Atty. Rybak's email also points out that an access easement granted to the Town of Harwinton at the proposed location of Break Maiden Lane has not yet been recorded on the land records as conditioned by the Planning Commission as part of their subdivision approval and that notation on the subdivision plans/site plans is not enough. Chairman Burnett states that this has been his concern all along; that the Wetlands Commission is being asked to approve a driveway that will need to become a town road according to the approved Subdivision development. Atty. Tracy states that the goal is to extend Break Maiden Lane out to Plymouth Road but in 2006 the IWWC denied a 300 foot section of Break Maiden Lane between Stations 400 and 700. The crossing was denied because the Commission wanted more information on the vernal pools which Clinton Webb has done and submitted in his 4/1/16 report. At this time it is not the landowner's intent to come before this Commission with a road plan as he is not ready to do that and that is not what is before this Commission tonight. The town has an easement and gravel access for emergency access, as noted on the site plans, and that is not being proposed to change but doesn't preclude the developer to use this roadway as access.

Chairman Burnett believes there is a need to get together with the Planning Commission and he would like to speak with the town attorney to understand this more. T. Bobroske reminds the Commission that in 2006 the town had their own vernal pool expert when the subdivision application was before them and he would feel more comfortable that the town's expert concur with Clinton Webb's report. Mr. Webb states he does recommend that the Commission go back to Michael Klemens (the town's expert) and have him review his report but notes that Michael Klemens visited the site at the perfect time to review the vernal pools and he, Mr. Webb, did not. He adds that up until mid-June is the best time to review these vernal pools. Mr. Webb states that the vernal pools have changed much since Michael Klemen's 2006 report.

LUC Redmond questions whether there are still standing trees in the areas of the vernal pools since clear cutting of the property has been done with Mr. Webb replying, yes. Chairman Burnett states he would like to address the clear cutting operation at this time and asked IWZEO David Perkins to address the issue of a Notice of Violation he issued 4/26/16 to Pickett Brook Property for clear cutting the property without a permit. IWZEO Perkins states he visited the site on 4/25/16 and told Jared Braddock to stop the work and install erosion control measures, which are now in place. Atty. Tracy points out on the site development plan the area that has been clear cut and states that this was done because the developer wanted to get plantings established for the animals to be brought in in the fall. After the timber harvest was done, which was permitted by IWWC on 1/4/16, stumps were exposed and the area was a candidate for erosion so something had to be done. IWZEO Perkins disagrees with this statement. V. Elliot questions who gave permission to do this work with Atty. Tracy replying, the owner of the property. R. Orciari states that the property was stumped and asks if grading occurred with Atty. Tracy replying, no. IWZEO Perkins asks if the "existing" topography shown on tonight's plan is current to the topography that is there today with Atty. Tracy replying, no. R. Hilbrand, R.R.Hiltbrand Engineers and Surveyors, steps forward and states that the last time he was out to the property was last year. Atty. Tracy states that the stumping and grading is now part of this application.

Chairman Burnett again states his position that he wants clarification from the town attorney on how to proceed. Atty. Tracy states that the applicant has to present a plan for the road crossing and at that point, the applicant can then configure the uses around the road for subdivision approval. R. Wesneski states that with this proposal presented tonight, that being commercial, it is more than what was proposed in the 2006 subdivision application. He questions why the developer just doesn't put the road in now. R. Wesneski also expresses his anger that things are done by the developer/owner without permission by this Commission. T. Bobroske reiterates that he would like to have Michael Klemens review Clinton Webb's report at the expense of the applicant with V. Elliott agreeing. R. Wesneski **motioned** to table a decision until the next IWWC meeting to be held 6/6/16 (61st day from accepting the application) in order for Michael Klemens and Sean Hayden, Northwest Conservation District, to review Clinton Webb's report. Motion seconded by V. Elliott and passed unanimously with D. Prigitano refraining from voting.

5. **ANY OTHER BUSINESS.**

At this time, the clear cutting of **Lot 21 within Equestrian Estates**, without a permit, is taken up for discussion. V. Elliott expresses her irritation for the clear cutting done after the Wetlands Commission explicitly said at the time a timber harvest application was before the IWWC this past January not to do so without an application. She believes a \$650.00 after-the-fact application fee should be paid. R. Wesneski **motioned** that an after-the-fact application and a \$650.00 after-the-fact application fee must be submitted, seconded by V. Elliott. Motion passed unanimously. This item will be placed on the 6/6/16 IWWC agenda.

LUC Redmond informs the Commission of Agent Approvals on the following wetland applications:

Warren Wilford, 68 Catlin Road – 30' x 36' garage on vacant lot F2-16-0080 – no wetlands
Brent Lafferty, 19 Carlton Road – 10' x 30' deck – no wetlands
Pickett Brook Property, 493 Plymouth Road (lot 1) – single family dwelling – no wetlands
Laurie Chapman, 315 Litchfield Road – 16' x 24' shed – no wetlands
Ken Wood, 68 Griffen Road – 40' x 48' pole barn – non-regulated activity
Christopher Oneglia, 267 Woodchuck Lane – 16' x 36' inground pool – no wetlands
Doug Cartona, 12 Rocky Road West – 16' x 45' deck – non-regulated activity

T. Bobroske **motioned** to add to the agenda Anthony Metz, owner of vacant lot, Norton Passway, seconded by R. Wesneski.

Mr. Metz is present and explains that he is trying to sell his vacant lot located at the end of Norton Passway, Parcel A-2, 3.45 acres. Potential buyers have concerns with installing the driveway due to a pocket of wetlands in that location. Commissioners explain that the lot is an approved building lot and if the original site plans are followed, with no changes made, the lot can be built on. Zoning approval would be required.

Seniors from Lewis Mills High School are acknowledged as being present during tonight's meeting to meet their Civics class requirements.

6. **COMPLAINTS/ENFORCEMENT ACTIONS.**

None.

7. **CORRESPONDENCE.**

Notice that the DEEP Municipal Inland Wetlands Agency Comprehensive Training Program registration begins April 27, 2016 through November 1, 2016. Participants will have until November 15, 2106 to complete the coursework. A Program Voucher is included with the brochure.

A copy of CT Wildlife Magazine is received.

8. **INVOICES.**

R. Wesneski **motioned** to approve the invoice of IWZEO David Perkins for 10.5 hours, seconded by P. Whiton. Motion passed unanimously.

9. **ADJOURN.**

R. Wesneski **motioned** to adjourn the meeting at 8:50 p.m., seconded by V. Elliott. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 05/09/16 AT 11:39 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK