

INLAND WETLANDS AND WATERCOURSES COMMISSION
MONDAY, OCTOBER 2, 2017
TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Susan Ryan, Timothy Bobroske, Robert Wesneski, Merrill French, Alternate Member Robert Orciari, Alternate Member Eric Rahn and Land Use Coordinator Polly Redmond
Absent: Victoria Elliott and Paul Whiton

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 V. Elliott and Alternate Member E. Rahn seated for P. Whiton.

2. APPROVE MINUTES OF PREVIOUS MEETING: 9/5/17

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by M. French. Motion passed unanimously with T. Bobroske refraining from vote due to his absence at the previous meeting.

3. BARBARA BACKMAN – APPLICATION TO CLEAR LAKE EDGE TO CREATE A 10' X 10' BEACH AREA, 24 CATLIN ROAD.

Barbara Backman is present and provides photos of the lake edge of her property where she wishes to clear out rocks and brush in order to be able to create a beach area with the ability to walk into the water. In reviewing the photos, R. Orciari questions if the plants he sees are cattails with B. Backman stating they are and she would not be disturbing them but rather working in the area to the right of them. She will relocate large rocks to the sides of the proposed beach area and have sand placed down between them. After placing plastic down so the sand won't sink into the muck, she will continue eight feet out into the lake. R. Wesneski questions if there is any erosion going on in the area where there is sand already, as shown in the photos, with B. Backman stating, no. R. Orciari expresses concern that sand could cause turbidity and siltation with B. Backman stating that it shouldn't because the lake bed is all the same depth so the sand won't go anywhere. Upon questioning of how the sand will be spread in the water, B. Backman states that she would shovel the sand over the plastic. R. Orciari states he is not sure if this is typical but with the use of plastic there could be methane gas which would shoot up. R. Wesneski suggests the use of fabric instead of plastic to allow the air and water to pass through. E. Rahn questions whether the Lake Association has slope and pitch regulations with B. Backman stating no, that all the neighbors have different types of sloped areas and adds that once the large rocks are removed there will be a small slope. Chairman Burnett questions the type of machinery that will be used with B. Backman stating a contractor will be using a backhoe. R. Orciari states that he would prefer the sand not go too far into the water and perhaps it could be brought out to only four feet instead of the eight as that would be sufficient enough to allow her to go out deep enough to get her feet and knees wet, which is what B. Backman stated is her purpose in proposing this activity. Jay Buss, member of the public and resident of the Lake Association, states that after every storm he would have to go out to the lake edge and shovel up the wet sand he has placed down that gets pushed out further into the lake. He encourages that a buffer between the lake and grass area be installed. B. Backman states there will be a buffer area. She informs the Commission that she is an environmental engineer and will be very careful that she won't over extend the work to be done. R. Orciari states that the cattails in the area to the left of the proposed work should stay in place with B. Backman agreeing that they will. With no further discussion, R. Wesneski **motioned** to approve the application as a use of right for recreation purposes with the condition that the sand be limited to 4-6 feet out into the lake, that the use of fabric filter be used instead of plastic between the sand and existing lake bed, that if it appears erosion is happening that stepping stones be placed down to retain the soil and that Tom Mitchell, IW Zoning Enforcement Officer, be contacted to let him know when work begins. S. Ryan seconded the motion and it passed unanimously.

4. ROBERT RUBBO – APPLICATION FOR 14' X 24' GARAGE, 321 LOCUST ROAD.

Robert Rubbo is present. A copy of an as built for construction of his home in 2009 is provided to show the location of the proposed garage. The location is a turnoff area that already has processed stone laid down and is 60 feet to wetlands. There will be no excavation, only more processed stone (8-10 tons) brought in and leveled before the shed is placed. R. Wesneski **motioned** to approve the application as a Zoning signoff as there will be no excavation taking place and that there is processed stone already in place. For the record he

states that this application is different from others as the proposed work is not as extensive of an installation compared to other applications that this Commission has approved of in the past and therefore only requires a Zoning signoff. S. Ryan seconded the motion and it passed unanimously.

5. GRIFFEN ROSSI – INFORMAL DISCUSSION, RELOCATION OF APPROVED HOUSE LOCATION, LOT 9B, ORCHARD HILL ROAD.

Griffen Rossi is present. Plans prepared by Berkshire Engineering titled Septic System Design, dated 1/4/10 are reviewed. (In reviewing IWWC minutes from 2/1/10, the IWWC approved house location when presented in an application by Tara & Joe Lockwood and on 7/1/13 when an interested potential buyer came before IWWC. It was revealed at that time that the septic system is already installed with the proposed house location 30 feet to wetlands.) Mr. Rossi explains that he would like to relocate the house to the back of the property that would involve crossing the wetlands though he's not sure exactly where the house would be relocated but if relocating the house to the back of the property, the reserve area would possibly also have to be relocated. The Commission advises Mr. Rossi to return to Berkshire Engineering for revisions to show any new location of the house.

6. TINO JANIERO – CLEARING OF LAND IN REGULATED AREA WITHOUT A PERMIT, WILDCAT HILL ROAD, ASSESSORS MAP NO. B6-05-0021.

Tino Janiero is present along with Dennis McMorrow, P.E., Berkshire Engineering. Plans titled Driveway Plan prepared by Berkshire Engineering dated 9/27/17 are reviewed. Mr. McMorrow also presents a copy of filed Map 460 prepared by Douglas G. Little for Helen Pratt, dated 7/20/77, that shows the entire parcel prior to a first cut of a 2 acre parcel that took place in 1991. The Janiero property, with 24.20 acres, surrounds this two acre parcel. There is a brook that travels from the south through the property to the north and the majority of the property, approximately 18 acres, is on the east side of the brook. Mr. Janiero is seeking driveway construction approval at this time that involves crossing the brook and then he will be back with a second application if any of the house or septic is in a regulated area. No soil testing has been done yet for the septic system and there is no proposal for the house location. Mr. McMorrow notes that a Storm Drainage Calculations Report has been submitted with this application and remains on file.

Mr. McMorrow states there is 87 acres of watershed that comes down to the inlet of the pipes. He tried doing this design with one pipe but a 60 inch culvert wasn't working with the 100-year storm so he determined two 42" culverts (3.5 feet) had more capacity than the one pipe. The pipe downstream going under Wildcat Road is 48" but that's not uncommon. The town's pipe is not sized for the 100-year storm event so it's not uncommon in proposing a larger pipe upstream. Mr. McMorrow states that this lent itself to an interesting scenario with the brook crossing, shown in detail on the E&S sheet. The western culvert will be installed first and he believes the pipe could go in and still leave the low flow of the brook at this time of year moving around it. Once the pipe is in, it can be established with rip rap on the inlet and outlet ends of it. The flow will then be brought into the western pipe which will get the water out of the eastern side and then the second barrel of the two culverts would be put in. Mr. McMorrow states he did set it up where he showed a dewatering bag in case although right now the flow at this time of year is very low and it wouldn't take much to sandbag it and pump it into a dewatering bag depending on the situation there. He's showed both situations on the plan whether they're going to pump it into the dewatering bag or just leave the water in the pond.

T. Bobroske refers to the agenda that states this application is for clearing of land done without a permit and questions if this is an after the fact permit or an application. D. McMorrow states that clearing is the only after the fact activity and that the proposed driveway is outside the regulated area. R. Wesneski questions when work on the property began with Mr. Janiero stating work began in April. He had gone before the Zoning Commission in May as requested by LUC Redmond after the Highway Supervisor reported that a driveway opening was taking place prior to obtaining a permit and for activities of clearing of land and lack of erosion control. At that meeting Mr. Janiero was instructed to make application with the Wetlands Commission for any regulated activities and to also obtain a driveway opening permit through the Highway Department, which he has done. Discussion on how much of the driveway area has been cleared, which is in a non-regulated area.

Mr. McMorrow points out that work started without a permit but the only part in the regulated area is the clearing limit line noted on the plans. Actual construction, anti-tracking pad and gravel driveway is outside the regulated area though there could be a stockpile or two sitting in the regulated area.

R. Orciari asks if the stream crossing goes under Wildcat Road and travels to west and what is there for culverts in the road? Mr. McMorrow states they have a 48" concrete pipe and points out on the plan the direction of the pipe which will go down to Route 118. Mr. McMorrow states that being in 87 acres of watershed, he would imagine two years prior when in a drought there wasn't a lot of flow when he was out there although a couple of weeks ago he noted there was some flow. Mr. McMorrow points out the driveway location which is on the north side of the property and notes that the house will probably be placed 100 feet away from the wetlands outside of the regulated area. E. Rahn asks if there has been any work done in the stream itself with Mr. Janiero stating, no. R. Orciari states that in the past arch culverts have been used which would have a natural bottom. He asks if they still utilize them for culverts with Mr. McMorrow stating with larger watersheds he has seen this done though generally he considers if it's under 100 acres, it's not that large. He notes that, yes, there are two 42" pipes but he did not think it was box culvert material in there for the 87 acres. R. Orciari questions if it's feasible to drop one culvert in elevation relative to the other so during low flow periods the water can go down one culvert without causing an issue. Mr. McMorrow states, yes, he could do that and if he were to do that, he would drop the eastern culvert to keep the flows the same; that if you drop it in the low flow it might get sediment, so he would put a 48" pipe on one and set the invert 6 inches lower. R. Orciari points out that there was a lot of native trout in Pickett Brook, though it's questionable if there still are, but the trout move upstream to spawn and they can get into tiny brook areas.

Mr. McMorrow states that David Lord flagged the wetlands on the property and the only wetlands on the property are following the brook all the way up. They will make future application before this Commission for house and septic if they are in the regulated area.

R. Orciari states that it looks as if there's maybe a two foot drop from one culvert to the other, over 25 feet. Mr. McMorrow responds it is 50 feet with a 4% slope. R. Orciari questions if the pipe is corrugated with Mr. McMorrow answering its proposed to be the ADS pipe which is corrugated on the outside. It was drawn on the plan with flared ends but it turns out they only make flared ends for the 36 inch pipe. He reports that anything larger isn't flared but what can be done is cut the pipe to the 2:1 slope and then fill in the exposed rims with non-shrink grout and then stone it in. Or the pipe could be left projecting and fill the stone up around it. Mr. McMorrow states both are hydraulically acceptable. R. Orciari notes from an environmental standpoint, it is better not to have water spill out with Mr. McMorrow stating that a minored slope would be warranted than.

T. Janiero questions whether a small bridge would be possible even though he realizes the need still for engineered footings on the edge of the wetlands. E. Rahn states that a natural bottom beats a culvert.

R. Wesneski questions who will inspect the culvert? Would the Zoning Commission look at it during the review of the house? With that being uncertain, R. Wesneski states that if Mr. McMorrow is certifying the plans the Commission will rely on that and go with his design.

R. Wesneski **motioned** to accept the application as a regulated non-significant activity with the condition that plans be revised to indicate low flow in the culvert and minored slope with rip-rap. R. Wesneski does express his concern with the amount of water being directed into the culvert in that it could blow out the road in a hard storm. Mr. McMorrow states that it will all be rip rapped with R. Orciari asking, if the pipe is just rip-rapped, could there be seepage and erosion over time that would collapse the road? Mr. McMorrow states, no, the pipes would be put in with a granular back fill and compacted. R. Orciari asks Mr. McMorrow if there would be no seepage concerns with Mr. McMorrow answering, no.

S. Ryan seconded the motion. With no further comment, the motion passed unanimously.

7. ANY OTHER BUSINESS.

LUC Redmond reports two Agent signoffs.

- 1) Lee Hall, 85 Weingart Road – 24' x 16' addition to home. No wetlands.
- 2) Ken Wood, 68 Griffen Road – additions to existing pole barn. Non-regulated activity.

8. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

No complaints to report.

9. CORRESPONDENCE.

Copies of Habitat are received.

10. INVOICES.

None.

11. ADJOURN.

M. French **motioned** to adjourn the meeting at 8:05 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 10-11-17 AT 2:00PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK