

**INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
TUESDAY, JANUARY 3, 2012
TOWN HALL 7:00 P.M.**

Present: Chairman Bruce Burnett, Sue Ryan (arrives at 7:04 p.m.), Robert Orciari, David Keepin, Robert Wesneski, Victoria Elliott, Don Prigitano, Alternate Member Marie Etter, IWZEO Karen Nelson and Land Use Coordinator Polly Redmond.

Absent: Garrett Jacques

PUBLIC HEARING - continued

1. OPEN HEARING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:00 p.m. All regular members present are seated.

LUC Redmond notes that members who were absent at the previous two public hearings have listened to the recordings of the public hearings. Tonight's hearing is being audio recorded as required.

2. JIM ROTONDO, P.E., FOR CARL COPPOLA – APPLICATION FOR CONSTRUCTION OF 3200 SQUARE FOOT (FIRST FLOOR) COMMERCIAL/RETAIL BUILDING, 122 LITCHFIELD ROAD, POST OFFICE PLAZA.

Jim Rotondo, P.E. and Mr. Coppola are present. Revised plans dated 10/3/11, revised 12/20/11 and 12/28/11 are presented. W.M.C. Consulting Engineers for the Town of Harwinton submitted their final report dated 1/3/12 stating all previous comments have been satisfactorily addressed. A lone suggestion to clarify "shrub plantings" is made. A letter from Stansfield Environmental Services dated 1/3/12 is received stating the wetlands depicted on the plan are correct. A final report from Penelope Sharp, Environmental Consultant, dated 12/11/11 is received. The letter states she is in receipt from the CT DEEP information on two species of turtles located along Lead Mine Brook; the Wood Turtle and the Eastern Box Turtle. The DEEP has provided, in their 11/30/11 correspondence to P. Sharp, recommendations including mitigating steps that can be taken prior to construction to avoid and/or minimize impact to the turtles. All letters remain on file in the Land Use office. Mr. Rotondo reviews past amendments to the site plans. Modifications included moving the building away from the wetlands, changing the configuration of the building, removing 7 feet of impervious sideway and removing hard engineered drainage and enlarging the bioretention area and swale which will now include a vegetated filter at the outlet. The parking area has been tightened up, removing quite a bit of impervious pavement, and moving the parking area, at the most eastern location, in 20 feet giving the site 2500 square feet of pervious material. IWZEO Nelson inquires as to whether Sean Hayden, NWCD, reviewed these modifications with Mr. Rotondo stating he has not but did use Mr. Hayden's original comments to make modifications to the site plan. Ms. Nelson believes that Mr. Hayden would be pleased with these changes. R. Orciari has concern over the design of the drainage swale (at DP126 east of the proposed building) in that he fears of a breakout during heavy rains that might send water straight to the wetlands area instead of making the sharp right-hand turn. He suggests possibly cutting the curve, softening the angle. Mr. Rotondo is willing to accept that as a condition of approval. R. Orciari notes that the existing parking lot area that now includes a bioretention was not a recommendation of this commission with Chairman Burnett explaining that Sean Hayden may have recommended this. Mr. Rotondo explains that W.M.C. Consulting Engineers, the town's consultant, recommended bioretention and islands in the existing parking lot and that the bioretention was added to improve ice conditions at the intersection of Cemetery Road and Route 118.

Chairman Burnett opens the floor for public comments.

Patricia Rondano, Pine Knoll Enterprises, LLC, 150 Litchfield Road, presents a letter dated 1/3/12 stating her support of the project and noting that Mr. Coppola has always been a good neighbor.

With no further comments from the public or commissioners, V. Elliott **motioned** to close the public hearing at 8:08 p.m., seconded by D. Keepin. The motion passed unanimously

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the regular meeting to order at 8:09 p.m. Existing quorum remains.

2. APPROVE MINUTES OF PREVIOUS MEETING: 12/5/11.

D. Keepin **motioned** to approve the minutes of the previous meeting, seconded by R. Wesneski. R. Wesneski notes that he has listened to the audio recording of the previous meeting. The motion passed unanimously.

3. GLENNA MATTIELLO – APPLICATION FOR SEPTIC SYSTEM REPLACEMENT, 148 BURLINGTON ROAD.

Mr. Todd Mattiello is present with plans titled Septic System Repair dated 12/30/11 by Hrica Associates. TAHD correspondence received in the Land Use office stating that the septic repair plan cannot be reviewed in time for tonight's IWWC meeting but a site investigation has been conducted by Robert Smith, TAHD. Mr. Smith notes that although the leaching system will be in the regulated area, it is still the technically preferred location and he asks that the commission conditionally approve the design. R. Wesneski **motioned** to approve the application as a use as of right/maintenance, seconded by S. Ryan. Motion passed unanimously.

4. DISCUSSION /POSSIBLE DECISION - JIM ROTONDO, P.E., FOR CARL COPPOLA – APPLICATION FOR CONSTRUCTION OF 3200 SQUARE FOOT (FIRST FLOOR) COMMERCIAL/RETAIL BUILDING, 122 LITCHFIELD ROAD, POST OFFICE PLAZA.

R. Wesneski **motioned** to approve the application with the following conditions:

- 1) That on-site supervision and weekly inspections by the contracted Professional Engineer be conducted with monthly reports from the Professional Engineer to be sent to the Harwinton Land Use office.
- 2) That *prior* to major storm events, on-site inspections shall be conducted as well as on-site inspections within 24 hours of the *end* of a storm with a rainfall amount of 0.5 inches or greater to insure soil and erosion control measures are in place and functioned correctly.
- 3) That no work shall take place during a rain event when forecasts call for more than 1 inch of rainfall.
- 4) That Penelope Sharp's recommendations in her 12/11/11 correspondence to Mr. Coppola for turtle protection are implemented.
- 5) That the design of the drainage swale (at DP126 east of the proposed building) be revisited to insure that water will flow around the swale bend adequately during severe storm events.
- 6) That types of wetland plants and installation layout proposed between W9 & W18 be clarified with Sean Hayden, Northwest Conservation District.
- 7) That the applicant file a Low Impact Development Maintenance Agreement on the Land Records in the office of the Town Clerk. The Maintenance Agreement will provide that the facility owner shall maintain, clean, repair, replace and continue the stormwater control/treatment measures to design specifications and that the facility owner shall be responsible for all expenses related to the maintenance of the stormwater/treatment measures.
- 8) That the applicant shall provide for periodic inspection of the stormwater control/treatment measures on an annual basis, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of Connecticut. The inspecting engineer shall prepare and submit to the Town of Harwinton, within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control/treatment measures.
- 9) The applicant shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control/treatment measures except in accordance with written approval of the Town of Harwinton.

- 10) The applicant shall undertake necessary repairs and replacement of the stormwater control/treatment measures at the direction of the Town of Harwinton or in accordance with the recommendation of the inspecting engineer.
- 11) That the hours of construction be in compliance with standards set by the Torrington Area Health District and/or the Town of Harwinton.
- 12) That all W.M.C. Consulting Engineers' invoices in connection with this application be paid by the applicant.

Accordingly, such method with the plans presented will provide that there will be no adverse effects to the wetlands and/or watercourse on the site and in the surrounding area. Feasible and prudent alternatives were explored and the commission's approval is based on the belief that the application is the most reasonable and prudent available. As part of the permit granted, proper soil and erosion controls as stated in the construction sequence and shown in the plan design must be in place prior to the start of any construction and those controls are to inspected and approved by the Inland Wetlands Enforcement Officer prior to and during all phases of construction.

D. Prigitano seconded the motion and it passed unanimously.

5. ANY OTHER BUSINESS.

Land Use Coordinator Redmond presents three wetland applications she has signed off on. They are:

- 1) Johnnycake Airport Property, LLC – application for debris management for green waste and wholesaling/processing wood mulch, 529 Burlington Road.
- 2) Pickett Brook Property, LLC – application for single family dwelling, 11 Fox Hunt Way (lot 1).
- 3) Paul & Diane Honig – application for single family dwelling (rebuild), 71 Town Line Road.

6. COMPLAINTS/ENFORCEMENT ACTIONS.

IWZEO Nelson reports of complaints coming in regarding drainage issues on South Road as well as Orchard Hill Road and Route 118. She believes the recent significant amount of rainfall and October snowfall is the reason people are having problems with increased water on their properties and it is a difficult situation for those on the receiving end of that water. Her suggestion is that the neighbors who are experiencing these problems talk with their neighbors from who seem to be discharging the water for possible solutions.

7. CORRESPONDENCE.

A copy of Planning Commission Chairman Michael Orefice's letter to the Board of Selectmen supporting the formation of an Agricultural Council in town.

CT Federation of Lakes newsletter is received.

Commissioners received a copy of proposed Inland Wetlands Regulation amendments from Land Use Coordinator Redmond for review. Amendments are being brought to public hearing on February 6, 2012.

8. INVOICES.

R. Wesneski **motioned** to approve the invoice of IWZEO Nelson for 7.5 hours (\$262.50), seconded by D. Keepin. Motion passed unanimously.

9. ADJOURN.

S. Ryan **motioned** to adjourn the meeting at 8:50 p.m., seconded by D. Prigitano. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator