

INLAND WETLANDS AND WATERCOURSES COMMISSION
MONDAY, AUGUST 6, 2018
TOWN HALL 7:00 P.M.

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

Absent: Alternate Member Leah Blake

1. OPEN MEETING – ESTABLISH QUORUM.

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

2. APPROVE MINUTES OF PREVIOUS MEETING: 7/2/18

R. Wesneski **motioned** to approve the minutes of the previous meeting with amendment to Item 7, line 7 to read: "Woodchips *had been* (omit the word "were") placed down...". S. Ryan seconded the motion and it passed unanimously.

S. Ryan **motioned** to amend the agenda to add: **Tino Janiero – Discussion/possible decision - application for single family dwelling, 16 Wildcat Hill Road.** Application accepted at 7/2/18 IWWC meeting. R. Wesneski seconded the motion and it passed unanimously.

Dennis McMorow, Berkshire Engineering is present along with Tino Janiero. Revised plans dated 8/3/18 for proposed swale, septic tank relocation and elevations are received. Discussion was held at the last IWWC meeting regarding the possible need for a drainage swale at 178+6. Mr. McMorow states that relocation of a proposed swale is for sheet flow toward the lawn area. An existing swale will be eliminated. R. Wesneski **motioned** to approve the application, seconded by S. Ryan. Motion passed unanimously.

3. SEAN COMER – POND CONSTRUCTION, 125 BURLINGTON ROAD, PROPERTY OWNED BY HAROLD STRICKLAND.

Sean Comer is present for the applicant explaining that he was before this Commission in April where he was asked to have an engineer's report giving more information on the viability of the pond. He has submitted a letter dated July 23, 2018 from Colby Engineering & Consulting, LLC, Goshen, CT that states on July 6, 2018 they observed deep hole test pit at the referenced property to assess conditions for the proposed construction of a pond. The letter gives results of the one test pit and notes that based on those results, CEC concurs that the area tested will support the proposed pond. The only change to the pond construction from the previous application in April is that the pond will now go around an island of spruce trees. Pond dimensions and notes have been added to the plan presented. R. Orciari states that the topo map he's reviewed shows a fairly good slope in the area of the proposed pond and questions whether there will be cuts made in the curve area of the pond.

Mr. Comer answers that it's actually pretty flat except for an area at the top and notes that an existing berm with trees in that area was put in last year. R. Orciari questions how deep the new pond curve will be with Mr. Comer answering four feet deep. He adds that rock material will be used to stable the banks of the pond and boulders may also be brought in. Mr. Comer notes that the berm area is the low area of the pond with R. Orcari questioning what the idea of the berm was for. Mr. Comer answers that it was built to screen a vegetated area. Upon questioning whether the pond will have a liner, Mr. Comer states it will have stone placed down with a natural bottom. R. Orciari states that he just wants to be clear that the berm isn't holding any water back with Mr. Comer stating, no, it is not. T. Bobroske questions the Commission and IWZEO T. Mitchell on how many inspections they think will be required with IWZEO Mitchell stating he doesn't believe he will have to inspect often. S. Ryan **motioned** to approve the application as a use of right, seconded by R. Wesneski. T. Bobroske adds a friendly amendment that notification must be given to the enforcement officer prior to work beginning and that a construction sequence must be submitted to the Land Use office for the file. S. Ryan **amends her motion** to add the friendly amendment, seconded by R. Wesneski. Motion passed unanimously. Mr. Comer informs the Commission that work will begin in September.

4. BUMPER BROOK ESTATES, LLC – APPLICATION TO CONSTRUCT 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD, ASSESSORS MAP NOS. A8-03-0003, A8-03-0004 AND A8-03-0006.

Atty. William J. Tracy, Furey, Donovan, Tracy & Daly, P.C., Bristol, Ct is present to represent and explains that the application previously submitted ran out of time and the Commission had to make a decision on it. Atty. Tracy states that this is a new application but there are no significant changes to the project other than some changes to the drainage work in accordance with W.M.C. Consulting Engineer's report dated May 7, 2018. W.M.C. Consulting Engineers gave their report on the project and revisions were made to the plans but not in time for the Commission to review and make a decision on. The report remains on file for this new application. Atty. Tracy states that he hopes W.M.C. will have their report on the revisions made by the next IWWC meeting on Tuesday, September 4, 2018. He notes that the wetlands were reflagged (Item 2 of W.M.C.'s report) on the northerly side of the parcel and wetlands was confirmed on the City of Torrington side with no substantial changes from years ago. Clinton Webb was the soil scientist and did the wetlands reconfiguration back in June and he will provide something in writing to this Commission at the September meeting as he has been on vacation for most of July. A planting plan by Mr. Webb will accompany the soil report. Atty. Tracy states that the Commission can take the record of the prior application and put it into this new record because it is essentially the same application.

Robert Hiltbrand, R.R. Hiltbrand Engineers & Surveyors, Bristol, CT is present to review revised plans prepared by R.R. Hiltbrand Engineers & Surveyors with Dufour Surveying, LLC noted as the Surveyor. Item 1 of W.M.C.'s report asked for a Sheet Index on the Cover Sheet which has been done. Revisions are noted as per City of Torrington Engineer's Comments; 03-19-18 and as per Town of Harwinton Engineer's Comments; 07-10-18. Plans titled Property/Topographic Survey, revised 6/15/18 for field located wetland limits, Site Layout Plan, revised 3/19/18 and 7/10/18, Site Grading and Drainage Plan, revised 3/19/18 and 7/10/18, Site Utilities Plan, revised 3/19/18 and 7/10/18, Sediment and Erosion Control Plan, revised 3/19/18 and 7/10/18, Profiles, revised 3/19/18 and 7/10/18, Details (1 of 2 and 2 of 2), revised 3/19/18 and 7/10/18 and Sediment and Erosion Control Details, revised 3/19/18 and 7/10/18 are reviewed. Mr. Hiltbrand states that he spoke with W.M.C. and will get their report in for next month. He states that Clinton Webb had reviewed the drainage ditch on the north side and flagged it as wetlands and not a ditch. It is noted on the plans as Inland-Wetland Boundary Field Located 6/15/18.

Mr. Hiltbrand states that W.M.C. wanted another shelf on the slope which was done. Test pits on site were done with information sent back to W.M.C. in accordance with Item 4 in their report. W.M.C. made comment (Item 5) that while the detention basin is designed with a sediment forebay, there are no formal means of primary treatment of stormwater onsite and suggest consideration be given to implementing more Low Impact Development measures and to constructing a Wet Pond or Wet Extended Detention Basin conforming to the 2004 CT Stormwater Quality Manual after further evaluating results of the deep test pits. Item 6 of W.M.C.'s report states that they recommend an east/west cross section of the detention basin be provided on the detail sheets showing the relation between the sediment forebay, main cell, side slopes and topography, underdrain, groundwater and/or ledge within 4 feet of the bottom of the basin.

R. Orciari refers to W.M.C.'s Item 2 regarding the 40 foot vertical slope stating that previously it was at 20 feet with just one shelf, it was changed to 15 feet so there are now two and asks if there is now a steep slope with a perforated pipe that leads off that batch? Mr. Hiltbrand replies, yes. R. Orciari questions that at 6 feet wide will they have to cut the bank? Mr. Hiltbrand replies, yes. R. Orciari states that by doing so, the slope is more drastic. Mr. Hiltbrand states that the slope is still 2:1. R. Orciari questions if there will be places that will be steeper with Mr. Hiltbrand stating, no. R. Wesneski states that they will be cutting higher up on the hill. To make this clear for Mr. Orciari and the Commission, Mr. Hiltbrand sketches it out on a piece of paper. R. Orciari notes that there will be quite a bit of excavation with Mr. Hiltbrand stating, yes, to create a greater buffer in the lower area. He notes that the slope will have erosion control fabric placed down on it. R. Orciari questions if there will be a planting plan for the slope because it was mentioned in the previous application that trees would be planted on the slope and he doesn't think that would be good. He questions if the slope will be maintained as turf with Mr. Hiltbrand stating it will be but not weekly. T. Bobroske states his concern with the construction sequence and that with bad weather the slope could become a nightmare. He asks how it will be

stabilized in a short period of time, suggesting that perhaps hay bales could be used. Mr. Hiltbrand refers to the E&S Plan and agrees that it could be hay bales. Atty. Tracy notes that the slope could be worked on in sections starting at the top so that each section will be independent. T. Bobroske questions if Mr. Hiltbrand will be the Agent for erosion and sedimentation control with Mr. Hiltbrand replying, yes. R. Orciari refers to Item 8 of W.M.C.'s report that recommends a secondary relief of emergency discharge pipe be provided in the event the low level pipe becoming obstructed. He questions if that has been added to these plans with Mr. Hiltbrand stating, yes, they have been added. R. Orciari refers back to the slope stating that it's not the natural slope and questions if it will be excavated back with Mr. Hiltbrand stating it will be. R. Orciari questions if there will be excavating where the proposed buildings are with Mr. Hiltbrand stating, yes, and that all material will stay on site. R. Orciari questions whether any testing was done for ledge with Mr. Hiltbrand stating test pits were done with no ledge being hit. T. Bobroske states that if the application were to be accepted tonight, could there be something worked out with the number of visits for the IWZEO conducting inspections. Chairman Burnett states that that could be made part of the decision on the application. Chairman Burnett asks that as soon as the soil scientist's report comes in that it should be given to LUC Redmond so she can email it to Commissioners.

R. Wesneski **motioned** to accept the application as a regulated non-significant activity, seconded by V. Elliott. Motion passed unanimously. A \$170.00 application fee is to be collected and four sets of plans are to be submitted.

5. RALPH JOHNSON – CLEAR CUTTING, VALLEY ROAD. CONTINUED DISCUSSION.

Mr. Johnson is present along with Ron Conroy who lives at 508 Hill Road, property owned by Ralph Johnson. IWZEO T. Mitchell took video of the Johnson property off Valley Road, Assessors Map No. B2-02-0005 and that video was sent to each Commissioner. Mr. Conroy, who is doing the clearing on the property, questions whether a man-made pond on the property can be taken out with T. Bobroske stating, no, that State Statutes must be followed not only for wetlands but for man-made ponds as well. Chairman Burnett states that if wetlands are on the property it is under this Commission's purview, and that is why an application is needed. If there is standing water, there are wetlands. Mr. Conroy explains that he is just moving fallen trees out of the way, he is not cutting them down. E. Rahn asks about the bulldozer on site and whether excavation has taken place within 100 feet of wetlands with Mr. Conroy answering, yes. Again Mr. Conroy states that no tree cutting has taken place, he is only pushing fallen trees out over the precipice. He states he is willing to move the logs elsewhere away from the water. He notes that there was an old road that ran through the property and questions whether he can clear it and use the road again. It is his intention to clear the property in order to build a house. T. Bobroske refers to the last meeting minutes where it states the Commission reviewed regulations for after-the-fact activity fees; that there was a violation for no application and that the Commission wanted IWZEO

T. Mitchell to write a letter to Mr. Johnson and have town attorney Michael Rybak review the letter before sending it out. He asks IWZEO Mitchell if he had written the letter with Mr. Mitchell replying that an application was submitted by John Matthews, Forest Practitioner, for the work he was contracted to do by Mr. Johnson. This clearing was the subject of the discussions held by the Commission since April and that work, as relayed to LUC Redmond by Mr. Matthews, was clearing three acres of the property approximately 400-500 feet in from the road and was not in a regulated area. Mr. Matthews informed LUC Redmond that any other clearing was done by Mr. Johnson himself. E. Rahn states that this Commission requests an after-the-fact application, not a timber harvest application, for the activities Mr. Conroy is doing. Mr. Conroy agrees to fill out an application and bring it to the next IWWC meeting on Tuesday, September 4, 2018. E. Rahn asks that an application also be submitted for any work going forward. E. Rahn **motioned** that an after-the-fact application be submitted for the excavation that has taken place and that a second application be submitted for any further work to be done. Mr. Conroy is to draw up a map showing the location of the work that has already been done and that information on erosion control measures should be included.

R. Wesneski seconded the motion and it passed unanimously. Mr. Conroy is instructed to do no further work until the applications are decided on.

6. ANY OTHER BUSINESS.

LUC Redmond reports signing off on the following inland wetland applications:

John Ducci – application for 64' x 60' agricultural barn, 60 Mansfield Road. No wetlands.

Henry Patnode – application for 28' x 48' detached garage, 206 Harmony Hill Road. Non-regulated.

7. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

A complaint has been received from Nancy Schnyer for possible wetland violations at 508 Hill Road that involve placing gravel down to make a parking area within 100 feet of wetlands. IWZEO T. Mitchell is instructed to investigate.

8. CORRESPONDENCE.

None.

9. INVOICES.

None.

10. ADJOURN.

S. Ryan **motioned** to adjourn the meeting at 8:40 p.m., seconded by V. Elliott. Motion passed unanimously.

Respectfully submitted,

Polly Redmond

Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 8-15-18 AT 11:37 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK