

**INLAND WETLANDS AND WATERCOURSES COMMISSION**  
**MONDAY, MARCH 1, 2021 7:00 P.M.**  
**VIRTUAL MEETING – WEBEX**

Present: Chairman Bruce Burnett, Susan Ryan, Todd Werner, Timothy Bobroske, Robert Wesneski, Merrill French and Land Use Coordinator Polly Redmond

Also Present: Kevin Madore, Atty. William J. Tracy, Matthew Cassina, Robert Green, P.E., Rick and Carola Pesce (Trustee, Frederick Pesce Revocable Trust) and Don Truskauskas

Absent: Commissioner Eric Rahn and 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: 2/1/2021**

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

**3. KEVIN MADORE – DISCUSSION/POSSIBLE DECISION - APPLICATION FOR SINGLE FAMILY DWELLING, LOT 5, CLEARVIEW ESTATES (1988), 130 WEINGART ROAD.**

Mr. Madore is present. Commissioners have no further comments. S. Ryan **motioned** to approve the application and site plans prepared by Colby Engineering titled Site Development Plan, 12/30/2020 as a regulated non-significant activity, seconded by R. Wesneski. Motion passed unanimously.

**4. ATTY. WILLIAM TRACY FOR MATTHEW CASSINA – APPLICATION FOR STORAGE FACILITY, DRIVEWAY WIDENING, UTILITIES, GRADING AND STORM WATER CONTROL MEASURES IN CONNECTION WITH STORAGE BUILDING. ASSESSORS MAP NO. E6-04-0001, BURLINGTON ROAD (SOUTH SIDE).**

Atty. William Tracy informs Commissioners of the location of this property located on the south side of Burlington Road to the west of Country Storage (497 Burlington Road) and Courtside Sports Center (517 Burlington Road) where a 40'x 125' contractors storage building with five (5) bays will be constructed in the back of the property. Storage will also include exterior storage for mulch and other earth materials. The building and type of use is a permitted one in the Light Industrial zone and will require a Special Permit from the Zoning Commission. The entrance to the site will be via an existing driveway with improvements for access and utilities. The lot consists of 27 acres with a contract to purchase with activity taking place on two acres. The proposed building is in the upland review area and the driveway and grading is in the review area or adjacent to the wetlands on site. Atty. Tracy reviews the 14 sheets that make up the site plans which are all titled *Improvement Location Survey - Proposed* and dated January 15, 2021 as follows:

Cover Page titled Site Plan – Storage Facility Lot E6-04-0001 Burlington Road prepared for Matthew Cassina prepared by Robert Green Associates, LLC.

Sheet 2 - Property and Index Map

Sheet 3 - Proposed – General Notes

Sheet 4 - Layout - (Match to Sheet PLN 002)

Sheet 5 - Layout - (Match to Sheet PLN 003)

Sheet 6 - Layout – (Marked “No work proposed at this time”)

Sheet 7 - Grading & Utilities (Match to Sheet GRA 002)

Sheet 8 - Grading & Utilities (Match to Sheet GRA 003)

Sheet 9 - Grading & Utilities (Marked “No work proposed at this time”)

Sheet 10 - Erosion and Sedimentation Control (Match to Sheet E&S 002)

Sheet 11 - Erosion and Sedimentation Control (Match to Sheet E&S 003)

Sheet 12 - Erosion and Sedimentation Control (Marked “No work proposed at this time”)

Sheet 13 – Miscellaneous Notes and Details

Sheet 14 – Miscellaneous Notes and Details

The application includes an Abutters List, a January 14, 2021 Project Summary prepared by Robert Green Associates that also includes a 38-page *Environmental Assessment and Wetland Report* dated October 26, 2006 prepared by Soil Science and Environmental Services, Inc., Cheshire, CT prepared for Fred Pesce in connection with his 2006 Proposed Access Road application. It includes an Appendix of the Harwinton LID Manual, pages 13, 14 and 15.

Atty. Tracy refers to a 2006 application made by Fred Pesce for a driveway in connection with an application for a cell tower. The application was approved by IWWC for a 22-foot driveway with stream crossing and the Zoning Commission also approved the application. Sheet 4 shows what the applicant, Matthew Cassina, would like to do by increasing the driveway to a 25-foot wide driveway and realign the entrance at Route 4/Burlington Road. The entrance at the highway line is not in the wetlands but quickly does enter wetlands on the property. It is noted that there is a SNET telephone pole in the vicinity of the entrance and widening the access would benefit larger trucks/dump trucks to pull in giving them a wider radius to do so and avoiding the SNET pole.

Atty. Tracy refers to Sheet 7 that shows proposed utilities along the driveway. Sheet 10 shows erosion control and a bioretention system (swale) and Sheet 5 shows further down the driveway the location of the proposed building. Wetlands have been flagged to the west of the building and the building location was chosen to keep away from those wetlands. Parking will allow access to the south of the proposed building with the area consisting of 4-inch compacted millings on 6-inch compacted gravel base which is the same of what is called for the length of the driveway. To the south of the proposed building there is a "proposed timber railing or approved equal" and noted on Sheet 5. Sheet 8 shows Grading and Utilities with Atty. Tracy stating very little work is to be done but there would be some excavating along the northerly side for a retaining wall. Sheet 8 also shows chambers, two on each side of the proposed building, and roof leaders to leader drains. Sheet 11 shows E&S Control all along the edge of the parking area and to the bioretention system. The detail of the bioretention system, shown on Sheet 14, is part of the Town of Harwinton's Low Impact Development Guide and the 2204 Connecticut Stormwater Quality Manual. The bioretention system will have high capacity for removing metals and solids, trapping them before it gets to wetlands. Atty. Tracy states that this plan provides the least amount of impact to wetlands.

Chairman Burnett questions if there is a septic system plan with Atty. Tracy replying, no, none is proposed. The building is for contractor's storage only with no occupancy though Robert Green has shown a suitable septic location if needed in the future and that would come back to the Wetlands Commission for review. S. Ryan wishes to clarify that the parking area runs along the wetlands with Atty. Tracy replying, yes, so the proposed silt fence area, and the timber rail, is so nothing can get into wetlands and the bioretention system will trap the stormwater coming off the parking area. He refers back to the description of the wetlands in the Biologists Report that indicates the area of the timber rail had a very low ecological integrity back in 2006 even before the driveway was installed. It does pick up intermittent flow of water coming off of what used to be the airport property and the source of that water may be groundwater or the drainage system from that property. There are three components to that wetland but they may very well be the source of groundwater. That system ends at the existing driveway, farther south, with another wetland but has little in the way of flood storage or water quality or habitat in this wetland.

R. Wesneski questions the parking surface material with Atty. Tracy stating it will be compacted millings over a gravel base (as shown on Sheets 5 and 13). It will be slightly more permeable. R. Wesneski questions, "So the water will run down to the parking area towards the entrance and because it will be semi-porous, where will the water go?" Robert Green, P.E. answers that run off from Country Storage will run down onto this property and be controlled by the bioretention system. R. Wesneski questions if the bioretention system collects water or will water be allowed to sheet flow with Mr. Green replying there will be no collection of water from the driveway entrance. R. Wesneski questions about the parking area with Mr. Green stating water will get collected from the west and will go to the bioretention system and the rest will sheet flow and go across the parking lot into where the four-way intersection is shown on Sheet 5

where a depression area is from a cross culvert that was installed several years ago with the driveway installation. R. Wesneski questions if the culvert in that area is adequate with Mr. Green replying, yes. R. Wesneski questions what will prevent erosion with Mr. Green replying, erosion control matting. R. Wesneski states that there are no notes on the plans showing it would be there with Mr. Green replying that the E&S Sheet 11 calls for erosion control matting in anything that is 3:1 or steeper.

R. Wesneski refers to the overflow pipe from the chambers on the southeast corner that has an overflow pipe that ends near the top of the slope and questions whether that should be brought down to the bottom of the slope with a plunge pool to accept the water so it doesn't create erosion? Mr. Green responds saying that overflow pipe is designed to only go in affect for greater than a 100-year storm event. R. Wesneski questions if there were such an event would it then cause erosion and that perhaps something could be proposed to protect the slope with perhaps extending the pipe with a plunge pool so when it does overflow it doesn't cause erosion at the top of the slope. Mr. Green states this would work. R. Wesneski notes that there is no plunge pool at the northeast chamber. Mr. Green agrees to do an investigation into this and agrees to put in at both locations. R. Wesneski adds that the bioretention should be all along the fence line with Mr. Green stating it would be on the southside of the parking lot to the wood timber railing. R. Wesneski wishes to clarify asking if it would be for the entire southeasterly length of the parking lot? Mr. Green replies, yes, that's correct. R. Wesneski asks how will it be created with the fill area, on the southeast side, is that a fill area that has to come out for the erosion control matting? Mr. Green states that the area is flatter than 3:1 it is a 4:1 slope.

R. Wesneski asks, will the bioretention extend through the area where the large fill is and below that will be the erosion control mattering with Mr. Green replying, yes, and then below that will be the plunge pools. R. Wesneski asks if that area is level as you go along the structure with Mr. Green replying that it is essentially level with a pitch at the end of the sharp curve into the parking area. R. Wesneski questions if it is before the sharp curve with Mr. Green replying that it will start to slope when you get to where the parking area is.

R. Wesneski questions where it will terminate into with Mr. Green replying there will be a slight berm.

R. Wesneski asks if water will flow to the end of the channel with Mr. Green stating the design says bioretention will absorb the runoff. R. Wesneski questions if it would run off in the winter with Mr. Green replying that it is supposed to. He states he will have to review what to propose when the ground is frozen.

R. Wesneski suggests perhaps another plunge pool or a berm with stone; something to slow the velocity down. Mr. Green states he will provide something.

R. Wesneski asks if there is a pipe for the underdrain behind the retaining wall and where does that discharge to? Will the retaining wall be pitched or level? Mr. Green states that the retaining wall is level for most of its length.

R. Wesneski asks where the pipe behind the retaining wall goes with Mr. Green replying he is not sure because the wall is only 6 feet high at maximum and might not be a drainage issue. The slope goes towards along the back of the land where the arborvitaes are and then heads down to the parking lot.

R. Wesneski states that the wall detail shows the drainage pipe and he asks if it will collect ground water with Mr. Green stating it will be up to the designer of the wall and that it will perhaps go to the cross culvert to the road where the cell tower from the Pesce application was to be located. R. Wesneski asks if an underdrain would be possible with Mr. Green stating that that would make sense.

T. Bobroske questions how high the retaining wall will be with Mr. Green replying, 6 feet exposed height.

R. Wesneski again states his concern on how the drainage is going to be handled with frozen ground.

T. Werner questions what type of equipment will be stored on site with Atty. Tracy stating that the applicant has a small excavator and utility truck. T. Werner asks where will service of these vehicles take place and whether there will be any fuel service on site with Atty. Tracy stating both would take place off site with no fuel storage at this time. T. Werner notes that with water being brought up, he doesn't see a future septic system. Atty. Tracy states that there are sheets within the set of plans that note "work not proposed at this time" but at the southeast of the property testing was done for septic sites back in 2006 but additional testing would be required if a septic system is something the property owner wanted to put in.

T. Bobroske asks if the CTDOT would be contacted for the driveway access with Mr. Green replying, yes. T. Bobroske points out that Sheet 8 notes that water service installation shall coordinate work with the “Connecticut Water Company” when in fact it is the Torrington Water Company. Mr. Green states that that will be changed. Matthew Cassina states that he has already been in contact with the Torrington Water Company and how to cross the road to bring water in to the site will be reviewed by them when the time comes. R. Wesneski questions if this property is properly deeded and if the property lines are true. Atty. Tracy states that there is a lot line revision going before the Planning Commission and a Boundary Line Agreement has been prepared. R. Wesneski questions the odd “peninsula” shape that juts out on the east side of the property with Atty. Tracy stating that at one time Fred Pesce obtained some land from a foreclosure and this was added to his existing property.

T. Bobroske questions Commissioners on their thoughts of having an independent review for the engineered stormwater and anything else they might require. R. Wesneski questions if that would be under the Zoning Commissions purview but that it could be beneficial. He adds that this Commission is asking for things to be put on the site plans that he thought should already be on the plans and pointing out that this is a tough site. Discussion takes place on how long it might take for W.M.C. Consulting Engineers to do their review and their hope that they would provide a report to this Commission in time for the April 5<sup>th</sup> meeting. Atty. Tracy states that this will need to go before the Zoning Commission next after the Wetlands Commission approves and that his client would like approvals in time for the change of weather and also a review by W.M.C. in a timely manner.

R. Wesneski **motioned** to accept the application with additional items that were discussed to be added to the plans and that the plans be reviewed by W.M.C. Consulting Engineers. Mr. Green notes that he will implement the requests/comments into the plans, which may take a week, and then he will send the plans on to W.M.C. R. Wesneski notes that items to be added to the plans include:

Refinement and information about the fill area in the wetlands as far as soil and erosion control measures and the outcome of the two chamber overflow pipes to proper discharge structures; plunge pools or whatever is best.

Show existing culvert near the four-way intersection to show a possible outlet to the plunge drain that goes along the retaining wall.

Place on the plans at the retaining wall a footnote stating retaining wall will be reviewed with the Building Inspector to ensure compliance with state codes.

T. Bobroske seconded the motion and it passed unanimously. Discussion will continue at the next Wetlands meeting scheduled for Monday, April 5, 2021 at 7:00 p.m. via WebEx.

##### **5. DISCUSSION – RESIGNATION OF INLAND WETLANDS ENFORCEMENT OFFICER TROY LAMERE. REPLACEMENT OF POSITION.**

Don Truskauskas is present to inform the Commission of his interest in filling the vacant position of IWZEO. Chairman Burnett notes that the land use commissions have always advertised and interviewed applicants for this position and asks whether Commissioners would want to follow that procedure. S. Ryan and M. French agree that past practice should be followed with T. Werner stating he also agrees unless there’s an immediate need for an enforcement officer. LUC Polly Redmond explains to Commissioners that there are Certificates of Compliance that must be signed by an enforcement officer before a Certificate of Occupancy can be issued. There is also legal action that has begun that requires an enforcement officer to be a part of. Commissioners ask LUC Redmond to check with the town attorney to find out if the town can hire a paid interim IWZEO until the position is posted, applications are received, and interviews are

completed. Don Truskauskas states that he is interested in the position and agrees to become an interim IWZEO. He will be resigning as an alternate Zoning Commissioner in order to take on the IWZEO responsibilities and will submit an application for the position. R. Wesneski **motioned** to accept Don Truskauskas as interim IWZEO if the town attorney advises this is possible seconded by S. Ryan. Motion passed unanimously.

**6. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.**

None.

**7. ANY OTHER BUSINESS.**

None.

**8. CORRESPONDENCE.**

None.

**9. INVOICES.**

Commissioners ask LUC Redmond to check with IWZEO Troy LaMere to ask if he has any final invoices to submit.

**10. ADJOURN.**

R. Wesneski **motioned** to adjourn the meeting at 8:20 p.m., seconded by M. French. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT  
ON 3-4-2021 AT 2:40pm  
ATTEST TOWN CLERK James J. Byrne