

**HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION**  
**MONDAY, DECEMBER 6, 2021**  
**TOWN HALL 7:00 P.M.**

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

Absent: Susan Ryan and IWZEO Don Truskauskas

**1. OPEN MEETING – ESTABLISH QUORUM.**

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

**2. APPROVE MINUTES OF PREVIOUS MEETING: 11/1/2021**

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by T. Bobroske. Motion passed unanimously with E. Rahn refraining from vote due to his absence at the 11/2/2021 meeting.

**3. DAVID BATTISTA, P.E., LENARD ENGINEERING – THREE LOT SUBDIVISION, LAND OF ESTATE OF D. ALICE SZCZESNIAK AND SZCZESNIAK FAMILY TRUST, 51 BLUEBERRY HILL ROAD.**

David Battista, P.E., Lenard Engineering is present along with Susan Alender, Applicant, who he is representing. Mr. Battista outlines documents submitted with the application that includes a CT DEEP Inland Wetlands & Watercourses Activity Reporting Form, a Wetland Delineation Report by Davison Environmental, LLC dated October 28, 2021, Subdivision Design Plans (seven sheets) dated November 1, 2021 entitled “Three-Lot Subdivision – Land of Estate of D. Alice Szczesniak Family Trust” that includes a Cover Page, Site Development Plan – Overview, Site Development Plan – Lot 1 & 2, Site Development Plan – Lot 3, Soil Test Data and Basis of Design and Erosion Control Narrative & Details. An Engineering Report under the same title dated November 1, 2021, a copy of a certified letter from Lenard Engineering to Burlington Inland Wetlands & Watercourses Commission and a copy of a certified letter sent to Bristol Water Company, due to the proximity to Bristol Watershed, giving notice of this application. A letter from TAHD dated November 10, 2021 is on file that states, “after their review of material and field evaluation they find that the assessment of these parcels can satisfactorily accommodate subsurface disposal systems for single family four-bedroom dwellings within the areas tested. Wetlands, ledge and a seasonal high ground water table appear to pose no problems for these parcels.” Mr. Battista also sent an email to the Department of Public Health with a copy of the Watershed or Aquifer Area Project Notification Form attached as required by Public Act 06-53 of the Connecticut General Statutes. A copy of that email is included with the application.

Mr. Battista reviews the plans presented giving the location of the property and noting that Lot 1 contains 5.039 acres with an existing house, septic, well and includes a pond in the western portion of the property and wetlands on the south eastern portion. Lot 2 will contain 28.057 acres, and includes a small pond, Lot 3 will contain 37.755 acres with both lots having a stream running along the back of the property that discharges into Bristol Reservoir #5. There is no proposed construction in regulated areas for these two lots. Mr. Battista notes that the Soil Scientist did not delineate wetlands at the top of Lot 3 near the Burlington town line as the proposed area for development is hundreds of feet away.

Mr. Battista states that the septic on Lot 1, house lot, is from the 1970s and a reserve area is being shown that will skirt the wetlands with a sewage force main only to be constructed in the event of failure of the existing system. The reserve area would be accessed via a temporary construction road opening in order to gain access in the event of a failure that would be restored to original grade and stabilized with topsoil and turf following completion of construction. A feasibility plan is shown for development on Lot 2 with no proposed regulated activities. The area is very wet in the spring and the best time to build would be the summer. Lot 3 proposed no regulated activities.

Question is raised as to whether there are any vernal pools on site with Mr. Battista stating that there is no mention of one. T. Bobroske states he would like a letter from the soil scientist stating that they looked for vernal pools and found none with E. Rahn agreeing. T. Bobroske questions if this application is accepted tonight, would a report on vernal pools, or lack of, be submitted in time for a January 3, 2022 Commission decision. LUC Redmond questions why the Commission would motion to accept the application, and accept as a regulated activity, when the reserve area on Lot 1 is the only regulated activity which may never come to be. Mr. Battista states that he wanted to come before the Wetlands Commission because the Planning Commission needs a report from this Commission but he notes that the reserve area for Lot 1, if it ever gets built, would be further away from wetlands than it is now. M. French states that the Commission is just looking at whether these proposed lots are viable building lots and if it comes to be that the reserve must be built, the Commission can review then. E. Rahn states again that he would like to see vernal pool information with T. Bobroske stating that the Commission is asking for thirty (30) days for Mr. Battista to get that information. Chairman Burnett states that he is also in agreement that the more information the Commission has concerning vernal pools the better and a response from the Bristol Water Company on receiving this application would be proper.

E. Rahn **motioned** to accept the application as a *regulated activity*, waiving the application fee due to proposed regulated activity for the potential of a septic reserve connection from the pump chamber not taking place for years, if ever, with the Commission requiring documentation from Bristol Water Company verifying they have received notice of this application and that they offer no comment and that a Soil Scientist verifies in writing that no vernal pools were found on this property. R. Wesneski seconded the motion with a friendly amendment that the plans be marked in bold, specifically on Lot 1, that when and if septic reserve construction begins on Lot 1, and if plans change from what was presented to the Wetlands Commission in this application, the developer must come back before this Commission for a review and decision. Mr. Battista points out that Note 10 on the Cover Page states just this and in part reads, *"The existing leaching system for Lot 1 is currently performing without evidence of failure. Accordingly, no site work is required at the time of subdivision approval. Any site work required to replace the leaching system on Lot 1 in the future must be designed by a Connecticut-licensed professional engineer and is subject to the need for individual permits from the Torrington Area Health District and Harwinton Inland Wetlands and Watercourses Commission."* With no further discussion, the motion passed unanimously.

#### 4. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

IWZEO D. Truskauskas has sent an email in his absence stating that he has received no new complaints for the Wetlands Commission to hear but does report that while he was at Equestrian Estates Subdivision, he counted the pine trees that the Wetlands Commission required of the developer and found that there are 15 live healthy pines, 2 diseased and dying and one that is obviously dead. He noted that there could be more dead trees among the underbrush.

Lillian Busse, 15 Hannah Way, is present to ask the Commission whether foundation drains and gutter drains can be discharged to a wetland. Chairman Burnett replies that they can be. L. Busse states that within the development of Sunset Ridge where she lives, they're to be attached to an infiltrator with Chairman Burnett stating that if this is the case, the Enforcement Officer needs to look into the matter. L. Busse states that since the detention basin within Sunset Ridge has been recently cleaned out there is now an orange film floating on the water of the basin. The detention basin catches runoff from the gutters of four units (#7, 8, 9 and 10) and the pipe carrying this runoff is discharging an orange film. Plans for the 55 and older age-restricted development show that there should be an outlet at the end of the pipe at the detention pond but L. Busse states she can't find it. Chairman Burnett states the Enforcement Officer should also look into this. L. Busse provides photos showing film on the water with no outlet from the catch basin, a photo of an area looking down to the catch basin and one looking up from the catch basin, a photo of the detention basin that is holding water and a photo of the pipe that is discharging an iron-colored material that is coming from the four units. The Commission suggests to Lillian Busse to get a water sample and contact the Torrington Area Health District to get it tested. This should be coordinated with Enforcement Officer Don Truskauskas.

**5. ANY OTHER BUSINESS.**

LUC Redmond reports signoffs on the following applications:

267 Burlington Road – 12' x 24' addition to house – non regulated activity

374 Harmony Hill Road – application for single family dwelling – no wetlands

**6. CORRESPONDENCE.**

None.

**7. INVOICES.**

None.

**8. ADJOURN.**

R. Wesneski **motioned** to adjourn the meeting at 7:55 p.m., seconded by M. French. Motion passed unanimously.

Respectfully submitted,

Polly Redmond  
Land Use Coordinator

