

HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION

MONDAY, JUNE 5, 2023

TOWN HALL 7:00 P.M.

Present: Chairwoman Susan Ryan, Secretary Todd Werner, Timothy Bobroske, Brent Lafferty, Robert Wesneski, Francis Skarp, Alternate Member Nicholas Carbone, Land Use Coordinator Polly Redmond and IWZEO Don Truskauskas
Absent: Benjamin Ogonoski

PLEDGE OF ALLEGIANCE

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the meeting to order at 7:00 p.m. All regular members present are seated.

2. APPROVE MINUTES OF PREVIOUS MEETING: 5/1/2023

T. Bobroske **motioned** to approve the minutes of the previous meeting with correction to Page 2, regarding Rita McCullough, 14 Catlin Road. All reference made to “*an additional 50 feet*” is to be stricken. Motion seconded by B. Lafferty and passed unanimously with R. Wesneski refraining from vote due to his absence at the previous meeting.

3. DISCUSSION/POSSIBLE DECISION - BRETT STONE – APPLICATION FOR 30’ X 60’ BARN, 33 WHETSTONE ROAD.

Mr. Stone is present. Plans prepared by Robert Green Associates are reviewed once again with R. Wesneski asking if the corner of the graveled area could be rounded out with Mr. Stone agreeing that it could. T. Bobroske stating that this area could be a buffer from the wetlands. T. Bobroske **motioned** to approve the application, seconded by T. Werner. Motion passed unanimously.

4. RITA MCCULLOUGH – APPLICATION TO EXTEND PREVIOUSLY APPROVED STONE WALL AN ADDITIONAL 50 FEET, 14 CATLIN ROAD.

Mrs. McCullough is present and provides the same drawing used in her 2022 approval for a portion of stone wall that was to be repaired. T. Werner states that he was expecting to see more of a detailed drawing to depict the additional wall. Mrs. McCullough states that she is requesting approval to repair an additional 50 feet of wall where rocks have fallen down with some landing in the lake. T. Werner questions if more stones would be brought in or will only existing stones be used. Mrs. McCullough states that some stones would be brought in but no fill. T. Werner states that it’s not clear to him that this is a repair as opposed to constructing a new wall with new rocks being brought in. R. Wesneski states that what is being proposed will make the wall look better with T. Bobroske stating that he sees this as a repair. R. Wesneski states that the Enforcement Officer can inspect the construction of the wall as it progresses. Mrs. McCullough states that the wall, as it is now, is unsafe with loose rocks. T. Werner **motioned** to accept the application as a regulated activity and would like to see more detail but if IWZEO Don Truskauskas is willing to visit the property, perhaps even before the next Wetlands meeting in order to report back, and also throughout the construction phase, he moves forward with his motion. R. Wesneski seconded the motion and it passed unanimously.

5. BRYAN RIVARD – APPLICATION FOR 48’ X 36’ BARN, 97 MEADOWVIEW DRIVE.

The applicant is not ready to present at this time and will be placed on the next meeting agenda.

6. CLOSE REGULAR MEETING.

T. Bobroske **motioned** to close the regular meeting at 7:20 p.m., seconded by B. Lafferty. Motion passed unanimously.

SHOW CAUSE HEARING – CONTINUED FROM 5/1/2023

1. OPEN HEARING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the hearing to order at 7:20 p.m. All regular members present are seated.

2. PICKETT BROOK PROPERTY, LLC – 485 PLYMOUTH ROAD, EQUESTRIAN ESTATES. UNPERMITTED EXCAVATION WITHIN THE WETLANDS AND REGULATED AREA IN VIOLATION OF 4.3 OF THE HARWINTON INLAND WETLANDS AND WATERCOURSES REGULATIONS DATED SEPTEMBER 10, 2018.

SHOW CAUSE HEARING OPENED 11/7/2022, CONTINUED 1/3/2023, CONTINUED 2/6/2023, 3/6/2023, 4/3/2023 AND 5/1/2023.

***ADDRESS IS NOW KNOWN AS 3 BREAK MAIDEN LANE DUE TO BREAK MAIDEN LANE BEING ACCEPTED AS A TOWN ROAD, PER HARWINTON ASSESSOR.**

Atty. Timothy Furey, Furey, Donovan, Cooney & Dyer, Bristol, CT is present to represent along with Jared Braddock, Supreme Industries/Pickett Brook Property, LLC and Clinton Webb, C. Webb & Associates, LLC, Environmental Consulting Services, Norfolk, CT. Atty. Furey states that an application for remediation activities has been submitted to the Land Use office and distributes to Commissioners a sketch and narrative outline of what the remediation will entail. The first sketch is titled *Current Conditions 6/5/23* at the Shoreline, Steep Bank, and Existing Shelf. The second sketch shows Proposed Work at the Shore, location for Excavation of Material, location for Material Placement, a proposed 2:1 Slope, and a line drawn in on the sketch showing where the Lower Water Below Shelf will be in relation to the shore and materials. The third sketch is titled *After Work is Complete* showing the Normal Water Elevation and a 2:1 Slope.

The narrative, titled *Detailed Description of the Proposed Activity*, is as follows:

“The application submitted proposes creating a 3:1 slope along the approximately 300 ft. long section of previously disturbed bank. During the preparation of the proposed work plan, we realized that to create a 3:1 slope, we would have to engage in a much more extensive excavation operation, requiring depositing material into the pond. A 2:1 slope achieves the goals of making the bank less steep while minimizing the disturbance of soils within the pond. The 2:1 slope area could be more easily stabilized based on our experience with the existing soils.

The following work plan proposes a sequential order of operations for remediating the banks in the disturbed area of the pond:

1. Notify town of start date for work.
2. Lower the pond water depth to 12”-18” below the “vertical” wall in disturbed area.
3. Use an excavator positioned in upland area of the pond to soften the edge of the pond to a 2:1 slope.
 - Excavator bucket will not work below the lowered water line.
 - Material at the top of the pond edge in the disturbed area will be relocated to the toe of the steeper sloping areas creating a 2:1 grade along the edge of the pond.
 - Operator will work with care to minimize disturbance of grass area at the top of the pond any disturbed areas in the upland review area will be reseeded.
 - Repaired areas within the pond will be “healed” in place with the excavator bucket creating a compacted, stabilized edge of pond.

During the work activities it is anticipated that the town will send a representative out to inspect the work. After completion of the work, we will notify the ZEO/Wetland officer for an inspection and sign off.”

Atty. Furey states that this work would be done in the summer months, not being a long process, and that the IWZEO will be notified prior to start of work. They are still working with Clinton Webb to keep the pond healthy and will come back before this Commission with an application for any proposed maintenance work requiring a permit.

T. Bobroske asks what the size of the excavator would be with Jared Braddock stating it would be mid-size with either a rubber track or steel track. T. Bobroske, clarifying that such a machine weighs between 20,000 and 30,000 pounds, Mr. Braddock answers, probably. Atty. Furey adds that a machine that size is needed to do compaction. IWZEO Truskauskas states that a bigger machine is better with less cycles of dropping the bucket down. He does take issue with the slopes being proposed at last month's Wetlands meeting being 3:1, along with the application stating such, with Mr. Webb stating at that time that it shouldn't be a problem for 3:1 and now 2:1 is proposed. Atty. Furey states that a 3:1 slope is not achievable without bringing material in and Mr. Braddock adding that it would be more disturbance. C. Webb states that the 3:1 slope was discussed but realized that the level of excavation would make the pond bigger. IWZEO Truskauskas suggests rolling the top of the slope somewhat for amphibian passage. R. Wesneski states his belief that the pond will be bigger with the work being proposed. IWZEO Truskauskas suggests asking for an as built of the pond after all work has been done.

T. Werner questions Mr. Webb on what season is best to do this work with Mr. Webb replying, late summer or fall although the job could be done quicker if done during a dry spell. Commissioners agree that the Show Cause Hearing should not be closed at this time and the Cease-and-Desist Order should not be lifted until all work has been done to the satisfaction of the Commission.

LUC Redmond informs Commissioners that along with the Remediation/Restoration Plan and application, there is also an After-the -Fact Activity application which is accompanied by a \$650.00 fee. The Restoration Plan application is accompanied by a \$170.00 fee.

R. Wesneski **motioned** to accept the After the Fact application, seconded by T. Werner. Motion passed unanimously.

R. Wesneski **motioned** to accept the Restoration application and sketches supplied with the condition that Atty. Rybak be consulted with on how to proceed now that the application has been accepted. Motion seconded by T. Werner and passed unanimously.

3. CONTINUE OR CLOSE HEARING.

At 7:45 p.m. T. Werner **motioned** to continue the Show Cause Hearing to the next Wetlands Commission meeting on July 3, 2023 at 7:00 p.m., seconded by F. Skarp. Motion passed unanimously.

REGULAR MEETING

1. RE-OPEN MEETING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the meeting to order at 7:45 p.m. All regular members present are seated.

2. DISCUSSION/POSSIBLE DECISION – PICKETT BROOK PROPERTY, LLC, 485 PLYMOUTH ROAD (3 BREAK MAIDEN LANE). SHOW CAUSE HEARING.

No discussion.

3. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

A complaint from Francis Skarp received concerning heavy equipment on property located at 110 Plymouth Road that includes activities of removal of trees, stumps and soil, crushed stone being brought in, pipes installed for drainage and grading done with apparent wetlands adjacent to the work site. IWZEO D. Truskauskas states he will look at the site tomorrow and report back to the Commission next month.

Regarding the complaint made by the Rosa's, discussed at the last Wetlands meeting, IWZEO D. Truskauskas states that he will reach out to them.

Regarding the complaint made by Olean Mattei, IWZEO D. Truskauskas states his belief that it is not an issue and there is no erosion taking place.

Lillian Busse, 15 Hannah Way, is present with a complaint against Len Lopardo, developer of Sunset Ridge. She shows pictures of water within the development that has an orange film on top that has always been present. T. Bobroske informs her that the water should be tested and that it may be iron in the sandy bottom. L. Busse states that the inlet is completely blocked from the detention pond and water is not circulating, adding that the developer has never maintained this detention pond properly. She provides photos of the pond overgrown with vegetation. L. Busse, and other residents of Sunset Ridge, have provided a punch list of issues they believe should be addressed before a sign off on the as built of the entire development and before the bond is returned to Mr. Lopardo. IWZEO Truskauskas will review the punch list with L. Busse and if there are any wetland issues, he will advise this Commission. He will be reviewing the punch list for Zoning matters also. He reports that a second inlet from the detention pond was never found by the developer's engineer and that the engineer's report submitted to the town last year stated it couldn't be found. R. Wesneski states that the second inlet should be reviewed by the developer's engineer and the water should be tested.

4. ANY OTHER BUSINESS.

LUC Redmond reports signing off on the following applications:

- 40 Fox Hunt Way – single family dwelling – no wetlands
- 11 North Gate Drive – inground pool – non-regulated activity
- 589 Hill Road – single family dwelling – no wetlands

5. CORRESPONDENCE.

None.

6. INVOICES.

None.

7. ADJOURN.

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

Respectfully submitted,

Polly Redmond
Land Use Coordinator

