

HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION
MONDAY, JULY 3, 2023 TOWN HALL 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

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: 6/5/2023

R. Wesneski **motioned** to approve the minutes of previous meeting, seconded by T. Werner. Motion passed unanimously.

3. DISCUSSION/POSSIBLE DECISION - RITA MCCULLOUGH – APPLICATION TO EXTEND PREVIOUSLY APPROVED STONE WALL AN ADDITIONAL 50 FEET, 14 CATLIN ROAD.

Rita McCullough is present. IWZEO Don Truskauskas informs the Commission that he visited the property and saw remnants of an old stone wall at the water's edge where the new stone will be and sees this work as maintenance. Mrs. McCullough states that the work will be done in October when the lake is drawn down. IWZEO Truskauskas informs her that once the lake is drawn down silt fence can be installed and then removed when work is done. T. Werner, as a Board Member of the Lake Harwinton Association, refers to an email from Paul Rosin, Lake Harwinton Association President. In that email, Mr. Rosin lists types of work that can be done during the drawdown and includes the following: repair and maintenance of existing docks, hand raking of leaves and debris from the lake bottom, removal of large rocks or concrete without disturbing the lake bottom and repair and maintenance of existing walls along the lakefront. The restrictions include building or replacing docks without the Association approval, building new walls along the lakefront without approval of the Association and the Harwinton Wetlands Commission and utilizing a backhoe to dredge the lake bottom removing silt, leaves, dirt, etc. R. Wesneski **motioned** to approve the application with the condition that silt fence be installed not in the water but between the water and the wall and that the height of the wall be at its original height of 1.5 feet. T. Bobroske seconded the motion and it passed unanimously with T. Werner abstaining.

4. BRYAN RIVARD – APPLICATION FOR 48' X 36' BARN, 97 MEADOWVIEW DRIVE.

Mr. Rivard is present and provides plans prepared by Robert Green Associates titled Zoning Location Survey for Barn & Swimming Pool, 6/27/23, revised 6/29/23. Mr. Rivard explains that the existing sheds are for agricultural uses approved by the Wetlands Commission years ago and the proposed barn will also be an agricultural use for goats. The application also includes a 16' x 32' inground pool now that the plans have been revised showing the pool within the building envelope. The barn is 33.1' from wetlands and the pool is 52.1' from wetlands, both being within the regulated area. A 10' x 16' shed located where the proposed barn is planned will be relocated to the east side of the property close to the proposed pool. R. Wesneski questions what happens to the pool discharge/overflow with concern of it entering the wetlands. IWZEO Truskauskas states that an infiltrator can be put in or crushed stone can be put down around the pool. T. Bobroske states that either of these should be shown on the plans. T. Werner states that grades for the barn location as well as the pool location should be shown on the plans also and he would like to see the force main from the barn go a different route. B. Rivard states that because of the well location, the 75 foot separating distance can't be met so that is where the force main has to go. IWZEO Truskauskas informs Mr. Rivard that if the barn is for keeping of animals, it must be moved to meet a 50 foot side yard setback as required by Zoning Regulation 6.5. R. Wesneski **motioned** to accept the application as a regulated activity with the condition that the barn be relocated to meet the 50 foot side yard setback, discharge of pool water be noted and final grades be shown on the revised plans. T. Bobroske seconded the motion and it passed unanimously. Mr. Rivard states that if the location of the force main can be moved out of the wetlands, he will have it done and show it on revised plans.

5. CLOSE REGULAR MEETING.

T. Bobroske **motioned** to close the regular meeting at 7:25 p.m., seconded by R. Wesneski. Motion passed unanimously.

SHOW CAUSE HEARING – CONTINUED FROM 6/5/2023

1. OPEN HEARING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the hearing to order at 7:25 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 AND 6/5/23**

***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 reminds the Commission that a Restoration Plan was presented at the last Wetlands meeting with work being proposed to start late September/early October. He asks that the Restoration Plan and the After the Fact application both be approved and that the Show Cause Hearing be continued to November after all work is done. He states that in August they anticipate providing the Commission with a plan on Remedial/Maintenance work. R. Wesneski questions what the slope will be at the pond, 3:1 was mentioned but now 2:1 is being proposed but that it is not mentioned in the Resolution prepared by LUC Redmond. Atty. Furey questions what the Commission agreed upon with IWZEO Truskauskas stating the Commission agreed on 2:1 but 3:1 at the water grade and this can be part of a motion. R. Wesneski questions if the Restoration Plan describes seeding and plantings with Atty. Furey stating there won't be either but that Clinton Webb's report submitted to the Commission on May 1, 2023 outlines what will be done. That report remains on file in the Land Use office and 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."

T. Werner **motioned** that upon review of the Restoration Plan, the Wetlands and Watercourses Commission **AFFIRMS and MODIFIES** the Cease and Desist Order to incorporate the **Restoration and Remediation Plan** and that Pickett Brook Property, LLC is directed to follow the submitted plan of Restoration and Remediation, commencing work during the late summer/early fall months as suggested by Clinton Webb. The Commission shall retain continuing jurisdiction over this order to show cause until the remediation and restoration plan is approved and completed to the Commission's satisfaction in accordance with the Wetlands Regulations. F. Skarp seconded the motion and it passed unanimously.

3. CONTINUE OR CLOSE SHOW CAUSE HEARING.

T. Bobroske **motioned** to continue the Show Cause Hearing to November 6, 2023 to give Pickett Brook Property, LLC the opportunity to do the work as shown in the Restoration and Remediation Plan.

Upon approval, the plan is to be implemented subject to any conditions set by the Wetlands Commission and under the supervision of the Enforcement Officer.

R. Wesneski seconded the motion and it passed unanimously.

REGULAR MEETING

1. RE-OPEN MEETING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the regular meeting to order at 7:36 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. AFFIRM, MODIFY OR WITHDRAW CEASE AND DESIST ORDER.

A) AFTER THE FACT APPLICATION FOR UNPERMITTED EXCAVATION WITHIN THE WETLANDS AND REGULATED AREA.

APPLICATION ACCEPTED AT JUNE 5, 2023 WETLANDS MEETING.

R. Wesneski **motioned** to approve the After the Fact Activities application for excavation of weeds and accumulated sediment from the southern edge of the pond and hydro-seeding the upland review area surrounding the southern and western edges of the pond, seconded by B. Lafferty. Motion passed unanimously.

B) RESTORATION AND PLAN FOR UNPERMITTED EXCAVATION WITHIN THE WETLANDS AND REGULATED AREA.

APPLICATION ACCEPTED AT JUNE 5, 2023 WETLANDS MEETING.

R. Wesneski **motioned** to approve the application for Restoration work according to the plan provided and that the IWZEO is to go to the site to inspect periodically throughout the months until November 6, 2023 when the Show Cause Hearing continues. Motion seconded by B. Lafferty and passed unanimously.

3. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

In regards to Francis Skarp's complaint of last month 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 Truskauskas states he has been out of commission due to recent surgery but will investigate and get the property owners to come before the Commission.

4. ANY OTHER BUSINESS.

Notice was given to LUC Redmond of work being done by DPW on Rock Brook Road. The Commission asks that the Highway Supervisor attend the next Wetlands meeting to discuss what is being done. LUC Redmond will inform Justin Downes, DPW Supervisor.

5. **CORRESPONDENCE.**

None.

6. **INVOICES.**

T. Bobroske **motioned** to approve the invoice of IWZEO Don Truskauskas for 15 hours and 19 miles, seconded by R. Wesneski. Motion passed unanimously.

7. **ADJOURN.**

T. Werner **motioned** to adjourn the meeting at 7:45 p.m., seconded by F. Skarp. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

