

**INLAND WETLANDS AND WATERCOURSES COMMISSION
SPECIAL MEETING
THURSDAY, APRIL 7, 2016
TOWN HALL 7:00 P.M.**

*These are full minutes and are an addendum to motions filed on 4/11/16.

Present: Chairman Bruce Burnett, Susan Ryan, Donald Prigitano, Robert Wesneski, Alternate Member Robert Orciari, IWZEO David Perkins and Land Use Coordinator Polly Redmond

Absent: Paul Whiton, Victoria Elliott and Timothy Bobroske

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:00 p.m. All regular members present are seated with Alternate Member R. Orciari seated for V. Elliott.

2. APPROVE MINUTES OF PREVIOUS MEETING: 2/1/16

R. Orciari **motioned** to approve the minutes with amendments to Item 8, Line 12, to read as the following: "...motioned that the **IWZEO** (omit the word "you") speak to Mike Criss and John Fredsall regarding what was agreed upon to do by Gilbert Construction, that the **IWZEO** (omit the word "you") inspect the property and find out what still needs to be done, and **that the IWZEO** report back to the IWWC with a written report at the next IWWC meeting scheduled for March 7th." S. Ryan seconded the motion and it passed unanimously with D. Prigitano refraining from vote due to his absence at the previous meeting.

3. CHRISTOPHER WALL – REPLACE FAILED TIMBER RETAINING WALLS WITH SEGMENTAL BLOCK RETAINING WALL, 84 SHINGLE MILL ROAD.

Michael Sherman, P.E., Laurel Engineering, is present along with property owner Christopher Wall. Site plans prepared by Laurel Engineering, LLC, titled Site Plan – Wall Removal and Replacement for 84 Shingle Mill Road (Sheet 1) dated 3/17/16, Details (Sheet 2) dated 3/17/16 and Details of the Wall (Sheet 3) dated 3/17/16 are reviewed. The present wall is a three-tiered landscaping wall that is rotting and tipping and compromising the deck support. Plans for replacement is to construct one solid wall as noted on Sheet 2, Details plan, showing the installation of a block unit wall that will be backfilled in. The wall will be at the edge of wetlands with placement of 10 inch modified rip rap. Mr. Sherman notes that there is not a lot of water in the stream with Mr. Wall stating that he will be extremely mindful of it and that it is his intent to build a wall that will protect his house and the brook. He explains that the deck will need to be removed in order to bring the building material in. Upon questioning by R. Orciari on the height of the bank to the stream, Mr. Sherman states that the wall height will be 10.5 feet and the bottom of the wall will be 4 feet above the brook where the wall will be buried and the rip rap will be placed down. R. Wesneski questions what will prevent the water from undermining the wall with Mr. Sherman answering that a drainage swale and crushed stone will be sloped away from the stream. R. Wesneski questions whether there are any rock outcrops in this area with Mr. Sherman replying that testing will be done prior to commencement of work. R. Wesneski refers to Sheet 2 detailing the placement of modified rip rap and questions why armoring the slope by the brook is not being proposed with Mr. Sherman replying that he wanted to stay away from the brook where there is a natural bank with roots and brush. He notes that if the wall starts to be undermined, there will be time to come back and do repairs. He explains that the design is prepared under the 100 year storm event where water will get half way up the wall. R. Orciari questions how the stream enters in and if it comes in straight or aiming at the bank? Mr. Sherman states that he has a copy of the FEMA map and asks if Commissioners would like to see it. The offer is declined. R. Orciari questions if the plan could go to a 500 year storm event it could reduce the height of the wall. Mr. Sherman states that the wall is not straight up but is angled back a bit. R. Orciari states that there seems to be a lot of weight that can possibly topple the wall over and the grade seems steep. He questions whether it can be graded back. Mr. Sherman states that he did all the numbers and added 42 inch deep, 18 inch high blocks that will be filled with crushed stone and lifting hooks that will be used. R. Orciari recommends that the rip rap at the bottom be cut away from the stream edge with Mr. Sherman stating he has noted that it be done as such. R. Orciari questions whether there will be any erosion on the bank upstream with Mr. Sherman

stating there could be at the curve of the stream and that is why a drainage swale is being proposed.

R. Wesneski questions whether the wall will be tapered into the natural bank with Mr. Sherman replying, yes, gradually. He states there will be a smooth transition and refers to Sheet 3 showing details.

R. Wesneski questions what if the soil is not suitable to place the wall with Mr. Sherman replying that a concrete pad would have to be used instead. R. Wesneski reviews the notes on Sheet 2 in regards to Construction Sequencing. R. Orciari questions whether the 10 foot high vertical wall being proposed could possibly be built using the 500 year storm event; that a 10 foot high wall may not be necessary. Mr. Sherman states that he is trying to get a lot of backfill in by the foundation to support the house and that safety factors for the house were looked at. He notes that the proposed wall has been pulled back from the wetlands from where the existing wall was and the stone being placed down is to secure the wall.

D. Prigitano questions if the need of a concrete pad is required instead, would that activity come back before this Commission? Mr. Sherman states that if concrete is needed it will be pumped in and the work will be the same type as presented. Regarding the swale, R. Wesneski notes that the homeowner can monitor the swale and if a lot of water is seen coming out, he will know something is wrong. R. Orciari **motioned** to accept the application and site plans prepared by Laurel Engineering, LLC, titled Site Plan – Wall Removal and Replacement for 84 Shingle Mill Road (Sheet 1) dated 3/17/16, Details (Sheet 2) dated 3/17/16 and Details of the Wall (Sheet 3) dated 3/17/16 as a regulated non-significant activity, seconded by S. Ryan. Motion passed unanimously.

D. Prigitano recuses himself from discussing Item 4 and leaves the room.

4. PICKETT BROOK PROPERTY – GRADING, ACCESS, PARKING FOR 21 STALL HORSE STABLE AND ENCLOSED ARENA FOR AGRICULTURAL USE, LOT 21, EQUESTRIAN ESTATES, PLYMOUTH ROAD.

Atty. William J. Tracy, Furey, Donovan, Tracy & Daly, P.C., Bristol, CT is present to represent. Lot 21 was an approved 2006 subdivision lot that acquired extra acreage of approved Equestrian Estates Subdivision lots 2 and 3 and denied Equestrian Estates Subdivision lots 4, 5 & 20 increasing it in size from 2.76 acres to 27.23 acres. The open space presented to the Planning Commission at the time of the subdivision is now included in Lot 21. Atty. Tracy explains that the property owner has been approached by a horse owner who is looking to relocate and is interested in this parcel to construct a 200' x 120' stable and enclosed riding arena. The proposed activity involves the creation of pasture in the upland area and the upland review area. A building, that is to be considered an agricultural building with stables and an indoor riding arena to exercise the animals, are to be considered agricultural uses but the improved turnaround at the end of the gravel driveway for people coming in with trucks and trailers is not considered agricultural. Wetland areas have been marked on the plans and Clinton Webb, who is present tonight and who has been very active in this design. Atty. Tracy reports that manure management has been carefully reviewed and with the property owner owning a company that manages waste, a dumpster will be provided where manure will be removed to a composting facility off site. The manure dumpster storage shall be located in the front of the stable area to the west. Atty. Tracy notes that most of the manure will be generated in the barn or enclosed riding arena as these horses are show horses and trained and exercised inside.

Robert Hiltbrand, R.R. Hiltbrand Engineers and Surveyors, is present and refers to Sheet O, dated 3/29/16. He states that the proposed project is to place the building on the site with an earth balanced condition and keeping in mind that the upland review area will be pasture land. Parking on the east of the property is provided via a process gravel parking lot with 22 parking spaces and one paved handicapped parking space. Storm water and buffers to the wetlands were also considered when designing this site plan. He refers to Sheet SP, dated 3/29/16, that shows 8 foot cuts to the east of the proposed building and fill being proposed to the west of the proposed building, using the flatter slopes of land for pasture. The septic system is located outside the 100 foot regulated area and is equivalent to a three bedroom system. Referring to Sheet D, dated 3/29/16, this sheet notes the Subsurface Sewage Disposal System and Specifications, the gravel

driveway section and the infiltration trench detail which is designed to recharge the wetlands. Mr. Hiltbrand notes that the 70 foot turnaround is a flat area with not a lot of change being proposed. Chairman Burnett questions where fencing for the horses will be placed with Atty. Tracy stating that the fence locations will get changed around due to where they want to pasture the horses. Pasture Management Program allows for recovery of the pasture and allowing for temporary fencing. The horses will be kept out of the wetlands. Chairman Burnett states that he would like to see a clearer area of where the pasture land will be. R. Wesneski states that he would like to see how the vernal pools will be protected and questions whether the forest cutting approved by IWWC January 2016 was within 100 feet of the vernal pools. Atty. Tracy states that the timber harvest was within 100 feet of the vernal pools and was presented as such to IWWC back in January. R. Wesneski states that the clearing limits can then be the fence line. Chairman Burnett questions the type of building that will be constructed with Mr. Hiltbrand stating that there will be entrance doors on the east and west sides of the building with stables in the front and riding arena to the back. Jared Braddock, Supreme Industries, adds that the building will be steel with wooden stalls, tack room and feed room. Upon questioning by Mr. Wesneski whether the manure will somehow enter the storm drain, Mr. Hiltbrand answers that the manure will be mainly inside and brought out with a loader.

At this time, Clinton Webb, C. Webb & Associates, Norfolk, CT, addresses the Commission stating he has been working on this sight since 2007 for this project with a long-term study done by him in 2007-2008. He gives a brief history of the beginning of site development for this property beginning in 2005 with the subdivision of the land and the wetlands involved. For this project presented tonight, he has submitted an Environmental Report for the Equestrian Estates Horse Stable Facility on Plymouth Road in Harwinton, CT dated 4/1/16, which all members of the Commission received copies of and remains on file in the Land Use office. He explains that Wetlands 3, 4 and 5 have been determined to be very productive vernal pools with Wetland 5 tending to dry out easily. Appropriate steps will be taken to avoid any detrimental activities in the vernal pool envelope and critical upland habitat during construction. His report notes that the proposed activities and development of the parcel includes a stormwater infiltration system that addresses stormwater runoff via surface and subsurface treatment processes prior to recharging the surrounding wetlands. Mr. Webb states that he has worked with the Project Engineer on E&S Controls, keeping the runoff out of the wetlands, and he has proposed a wildlife barrier/upland amphibian habitat enhancement/sedimentation control that is detailed in Figure 1 of his report. He also submits an aerial photo of the proposed project envelope outlining in color the permanent wildlife barrier, temporary silt fence wildlife barrier during construction, the property lines and the wetlands on site. The E&S Control measures are to protect the vernal pool envelope including minimizing the amount of disturbed areas outside the development area, excluding site clearing, grading and construction activities from the vernal pool depressions and vernal pool envelope. Specific erosion and sediment control best management practices will be installed to reduce erosion using erosion control berms containing coir logs, silt fence and brush/woodchips, which will also create amphibian upland habitat while restricting small wildlife access to the construction areas. Upon questioning by R. Orciari about roof drains and the effects on the vernal pool since temperatures of the water coming off the roof gets very hot during summer storms, Mr. Hiltbrand replies that this is still under review on how it will be handled. Mr. Webb states that perhaps a bio-filtration system can be put in place and that he will work with Mr. Hiltbrand on this. R. Wesneski questions if there is some kind of legal notation on how the land (pond area) across the proposed (subdivision) road/gravel driveway (presented in this application) will be used with Atty. Tracy stating it can be looked into but that area is not suitable for this activity being proposed and that the extent of activities at this time will be at the end of the driveway.

At this time, Atty. Tracy states that if there are no other questions, he believes that the application will come back before this Commission in order to review revised plans as discussed. Chairman Burnett questions if Atty. Tracy believes this to be a use of right with Atty. Tracy replying, yes, except for the road construction (driveway) but that proposed activity is not significant. IWZEO David Perkins questions how the design will work when the subdivision road goes through with Atty. Tracy replying that the

Commission will have to make a determination and that the road will be a town road but that the plans for it have not been laid out yet. LUC Redmond questions whether the use of the property will be commercial with a for-profit use with Atty. Tracy replying that this is to be considered an agricultural use and that even farmers conducting agricultural activities make money. He adds that boarding and training of horses is included in State Statute 1- 1(q). R. Orciari questions the status of the completion of the subdivision road with Atty. Tracy stating that the developer is anticipating a connection out to Plymouth Road. R. Orciari questions if the Planning Commission is requiring the connection with Atty. Tracy replying, yes, but that road specifications are different from driveway specifications, which is what is being presented tonight. Upon questioning by LUC Redmond on what the principal use of the property will be and what will happen to Lot 21 when the subdivision road is constructed, Atty. Tracy replies that the stables and indoor riding arena will be the principal use of the property at this time and when the subdivision road is ready to be constructed, Lot 21 will be re-subdivided. R. Orciari questions whether the IWWC will have a say in what other activities will be conducted on Lot 21 if this Commission were to approve this activity presented. Atty. Tracy states that the house location has already been approved and if there are other activities, a resubdivision application will be brought back before this Commission. R. Orciari questions if anything has been done with the outlet structure in the pond located on Lot 21 with Atty. Tracy replying that a grate has been installed. R. Orciari notes that it needs to be maintained with Atty. Tracy stating that that will be a part of the road construction when they get to that point. Upon questioning who the lessee of the building will be Atty. Tracy states that that will be disclosed after a Commission decision is made. R. Wesneski states that this is a higher intensity use than what was first proposed for this lot and asks what will happen to the acreage requirement for horses if this land is reduced in size with Atty. Tracy stating that the number of horses will need to be reduced.

R. Orciari **motioned** to accept the application and site plans prepared by R.R. Hiltbrand Engineers and Surveyors, titled Proposed Site Plan – Lot 21 for Equestrian Estates, Plymouth Road (Sheet No. O and Sheet No. SP) dated 3/29/16, Site Details – Lot 21 (Sheet D) dated 3/29/16, Sediment & Erosion Control Details (Sheet S&E) dated 3/29/16 for the construction of a 21 stall horse stable, enclosed riding arena, grading, access and parking as a regulated non-significant activity with the following items to be added to the plans presented at the next IWWC meeting to be held on May 2, 2016: demarcation of fencing, relocation of drain, resolution of roof drain, show infiltration structure to handle water quality and flow, addition of contours on the plans, demarcation of a barrier at the turnaround at the end of the driveway to protect the pond and present architectural plans for the building. R. Wesneski seconded the motion and it passed unanimously. R. Wesneski reminds Atty. Tracy that IWZEO David Perkins must be notified prior to any work being done.

D. Prigitano is reseated.

5. ANY OTHER BUSINESS.

None.

6. COMPLAINTS/ENFORCEMENT ACTIONS.

Robert Schneider, 280 South Road, is present at the request of IWZEO David Perkins who asked him to attend tonight's meeting to answer to clear cutting activities on a portion of his property located within 100 feet of a wetland. IWZEO Perkins explains that he walked the property with Mr. Schneider where clearing took place and though he believes the activity is a use of right, he feels an application should have been submitted. Mr. Schneider explains that he is creating pasture land and that he has left a 20 to 30 foot tree buffer between his property and that of his neighbors. Photos received from a neighbor are on file showing the location of the clearing in relation to her backyard and includes before and after photos of the clearing in relation to her backyard. Chairman Burnett explains to Mr. Schneider that even if it is a use of right, there should have been an application made prior to commencement of work and noted that it would have been neighborly if Mr. Schneider had notified his neighbors of the clearing prior to commencement of

work. After viewing the photos sent to the Land Use office from a neighbor that shows the view of the clearing by standing in her backyard, R. Orciari suggests that, to be a good neighbor, perhaps Mr. Schneider could plant hemlock seedlings to fill in and replace the vegetated barrier that has been removed. R. Wesneski states that the three neighbors that have been impacted by this clearing should be contacted prior to planting the hemlocks to make certain they are in favor of this. R. Orciari **motioned** to approve the activity as an After the Fact Activity/Use of Right, with the fee for After the Fact Activity of \$650.00 waived, and that Mr. Schneider is to file a Wetland Application in the Land Use office. R. Orciari also recommends that, after discussion with neighbors on Shingle Mill Road to find out if they wish to have the vegetated barrier back in place, that hemlock seedlings be planted to replace the vegetated barrier that has been removed. R. Wesneski seconded the motion and it passed unanimously.

7. **CORRESPONDENCE.**

Copies of the Habitat are received. Notice of Aquatic Pesticide Permit for Lake Harwinton is given and welcomes comments on the activity. Notice of Nomination for Youth Day is received.

8. **INVOICES.**

None.

9. **ADJOURN.**

S. Ryan **motioned** to adjourn the meeting at 9:15 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 04/14/16 AT 11:04 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK