

**INLAND WETLANDS AND WATERCOURSES COMMISSION MEETING
MONDAY, OCTOBER 3, 2016
TOWN HALL 7:00 P.M.**

Present: Chairman Bruce Burnett, Paul Whiton, Robert Wesneski (arriving at 7:03), Victoria Elliott (leaving at 7:03), Timothy Bobroske, Alternate Member Robert Orciari and Land Use Coordinator Polly Redmond
Absent: Susan Ryan and Victoria Elliott

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: 9/6/16

Tabled due to lack of a voting quorum.

3. ROBERT FARBER – POND MAINTENANCE, 490 HILL ROAD.

V. Elliott **motioned** to table this application to the last item on the agenda, seconded by P. Whiton. Motion passed unanimously.

With the arrival of R. Wesneski, V. Elliott leaves the meeting due to illness.

4. ED & CYNTHIA AMOROSO – SEPTIC REPAIR, 293 NORTH ROAD.

Dennis McMorrow, P.E., Berkshire Engineering is present to represent. Plans by Berkshire Engineering are presented titled Septic System Repair Design, dated 9/20/16. Wetlands on the property have been flagged by George Malia, Soil Scientist. Mr. McMorrow notes that everything on the property is located in the regulated area. The septic system located behind the house is an old system installed prior to any recommendations by TAHD. The residence is on city water and a water line is located in the front north side of the property. There is no other well located within 75 feet of the proposed septic system. The existing septic tank will be located, pumped, crushed and backfilled or removed. The new 1000 gallon septic tank will be located in the front of the house with a proposed 6 inch SCH40 PVC Sleeve to be placed under the driveway and continuing out to the proposed leaching system. There is an intermittent watercourse located 26 feet from the proposed leaching system and TAHD is reviewing this for a variance. R. Orciari **motioned** that the proposed activity is a use of right for maintenance, seconded by R. Wesneski. Motion passed unanimously.

5. JESSE & LYDIA SMITH – SEPTIC REPAIR, 34 TWENTY-FOUR BUMPER ROAD.

Dennis McMorrow, P.E., Berkshire Engineering is present to represent. Plans by Berkshire Engineering are presented titled Septic System Repair Design, dated 9/12/16. No wetlands have been flagged on this property due to most of the wetlands being off the property and his office doesn't go on to neighboring land to do so. There are wetlands located on the front north corner and Mr. McMorrow believes it is drainage from Scoville Hill Road. He states he had to work with two well locations, one on 34 Twenty-four Bumper Road and one located on property behind this residence. Also, topography and many retaining walls located on the property have made finding a location for a new septic system difficult. The septic tank is located 52 feet from the edge of a watercourse coming downhill on the north side but there is no concern because the tanks are water tight when they are installed. TAHD is reviewing the application. R. Orciari **motioned** that the proposed activity is a use of right for maintenance, seconded by R. Wesneski. Motion passed unanimously.

6. JAMES GILLESPIE, FORESTER – TIMBER HARVEST, WILDCAT HILL ROAD, ASSESSORS MAP NO. A6-04-01 AND A6-04-02. PROPERTY OWNED BY R. MORTON DUNNING. (Property listed with frontage on Litchfield Road.)

James Gillespie is present to represent the timber harvest project located on two vacant parcels of land located on Route 118/Litchfield Road (A6-0402) and at the corner of Route 118/Litchfield Road and Wildcat Hill Road (A6-04-01). He explains that the trees on the property have not yet been marked for this timber harvest which will take place either this winter or next summer. Using a sketch provided, he reviews the access location/landing area off of Wildcat Hill Road, which will require a driveway opening permit through the Harwinton Highway Supervisor, and also the wetland crossings. A proposed landing area off of Route 118/Litchfield Road is shown on the sketch but, according to Mr. Gillespie, probably will not be used due to

traffic safety reasons. Two portable bridges will be used for the crossing/timber bridge off of Wildcat Hill Road and several will be used for the landing area. R. Orciari questions the amount of board feet to be harvested with Mr. Gillespie stating 200,000 to 250,000 (400-600 trees). R. Wesneski suggests that neighbor notification of the timber harvest be given to those living across the street on Wildcat Hill Road as a courtesy with Mr. Gillespie agreeing to this. The distance from the harvested area to the neighbors on Route 118/Litchfield Road is approximately 200 feet. R. Wesneski **motioned** that the proposed activity is a use of right/timber harvest with condition that harvesting not take place within 200 feet of the neighbor to the west on Litchfield Road, that a timber bridge be provided at all crossings and that no access/landing area be used off of Route 118/Litchfield Road, that a driveway opening permit be received through the Highway Supervisor and that notification to neighbors across Wildcat Hill Road be given. P. Whiton seconded the motion and it passed unanimously.

7. BRIAN & JESSICA TAYLOR – APPLICATION FOR 20’ X 34’ INGROUND POOL, 52 WOODCHUCK LANE.

John Zaczyk, Carolyn Pools and Brian Taylor are present. An As Built Plot Plan prepared by Robert Green Associates for house location, dated 12/22/14, is reviewed showing the approximate location of the pool 40 feet from a wetland. Upon questioning of the grade and whether cuts will be made, Mr. Taylor states that the area is relatively flat and the grade may have changed after construction and removal of top soil and not exactly what is shown on the As Built. TAHD approval has been received. R. Wesneski **motioned** to accept the application as a regulated non-significant activity providing that IWZEO David Perkins takes a copy of the site plan with him and conducts a site visit to review the grade and the location of the wetlands and that the applicant return to the next IWWC meeting on Wednesday 11/9/16 with a sketch of where the area could possibly be flatter and where the drop in elevation is. It would also be helpful if the applicant provides photos if possible. The IWZEO is to contact John Zaczyk of Carolyn Pools to set up a date and time to meet at the property. R. Orciari seconded the motion and it passed unanimously.

8. MICHAEL CYR & KELLY DUKSA – APPLICATION FOR SINGLE FAMILY DWELLING, 182 SCOVILLE HILL ROAD.

Michael Cyr and Kelly Duksa are present. Plans by Berkshire Engineering, dated 9/2/16, titled Septic System Design prepared for Michael Cyr, are reviewed. Site plans provided by previous owner, Ralph Leone, in 2003 were approved by IWWC with no conditions though no construction took place. It is noted that the leaching fields will be 15 feet closer to wetlands from what Mr. Leone presented due to elevation and ledge on the property. The present proposed house will be smaller than what was presented in 2003 and will be further from wetlands and the proposed barn will be reduced from 50’ x 40’ to 30’ x 20 and slightly further from wetlands. TAHD approval has been reissued after their review of these plans. R. Orciari **motioned** that this is a Zoning sign off as the activities have less of an impact on wetlands with a smaller house and barn than what the previous owner proposed in 2003. T. Bobroske seconded the motion and it passed unanimously.

9. PICKETT BROOK PROPERTY – APPLICATION FOR ROAD CONSTRUCTION OF BREAK MAIDEN LANE WITHIN EQUESTRIAN ESTATES SUBDIVISION, PLYMOUTH ROAD.

Atty. William J. Tracy, Furey, Donovan, Tracy & Daly, P.C., Bristol, CT is present to represent along with Robert Hiltbrand, R.R. Hiltbrand Engineers and Surveyors and Clinton Webb, C. Webb & Associates, Norfolk, CT. Atty. Tracy reminds the Commission of their approval of Equestrian Estates Subdivision and also the decision made by IWWC to deny a portion of Break Maiden Lane at Station 4 to Station 7 for lack of sufficient information on the vernal pool and the impacts of the road. This denial prevented a proposed connection out to Plymouth Road. In 2007, the applicant contracted with Anton Leenders who walked the property and provided a study done in the spring of 2008 (copy submitted) with recommendations made. Atty. Tracy states that since then, Clinton Webb took a look at the vernal pool from time to time as well. Revisions to the layout of the road have been done and is shown on plans submitted tonight titled Overall Plan Equestrian Estates, Sheet O, dated 10/3/16, Proposed Roadway Plan, Sheet RP, dated 10/3/16, Roadway Profile – Sheet 1, Sheet P1, dated 10/3/16, Roadway Profile – Sheet 2, Sheet P2, dated 10/3/16, Sediment & Erosion Control Details, Sheet S&E, dated 10/3/16. Atty. Tracy distributes a copy of Dr. Leenders’ 7/5/2008 analysis (titled Vernal Pool Survey Report and Wetland Analysis) stating what was recommended and how

they were addressed will be discussed tonight. Referring to the site plans he notes that the road has been straightened out quite a bit from the original proposal. Referring to Sheet 2, in the area of Wetland 5, the proposal is to now put the road on the south side of the barn complex. Atty. Tracy states that moving the road allows more area for remediation of the vernal pool and will remove some of the gravel road. Wetlands disturbance (#1) noted on the plan is 40 linear feet intermittent watercourse disturbance (120 square feet) for culvert construction. (Wording on the site plan for this disturbance notes *See original design plan dated 12/28/05*.) This location is to the west of the proposed barn/stables/riding arena and where the road has now been relocated closer to the pond (southward).

They are now looking where the temporary actual wetland disturbance is and then the area surrounding that is within the upland review area. Looking a little further to the west, the original approval included the road coming along the curve from that wetland and it now has been straightened out so just opposite that curve, there is a triangular area in the upland review area, that is now falling within the road design where it wasn't before. On the other side of the road there's a section that had been previously approved but is not going to be used. The road is a little bit closer to the pond in that area and in the far west there is a culvert that Dr. Leenders states has been kept to the original design previously approved. Atty. Tracy states that in terms of this Commission's jurisdiction they are only looking at the triangular section and it is this section and the impact to that wetland adjacent to the road (a 10 square foot area) where erosion control devices will have to be placed. The vernal pool is to the north of the old gravel road and by putting the road to the south will give opportunity to do remedial work on the vernal pool itself. Atty. Tracy states that Mr. Webb will address that and how we can enhance that instead of taking out a portion of that gravel road and using some of the area for plantings due to lack of shade to that vernal pool.

T. Bobroske questions whether the 10 square foot of disturbance is realistic with Mr. Hiltbrand stating they played with the road alignment vertically and horizontally to be able to get the grading up which is 2 feet away from edge of wetlands. E&S controls have to be put in, so over that length, realistically they are going to install silt fence and erosion control sock but grading is not in the wetland. Grading for the road section is out of the wetlands. R. Wesneski questions what the mound shown on the site plan is, fill or cut? Mr. Hiltbrand states this is a cut ledge slope and the north side of the road will have 2' fill. R. Wesneski questions if it is going to be blasted with Mr. Hiltbrand stating, yes, but doesn't anticipate any disturbance. They have kept the fill to one foot along the edge of wetland and two feet coming in. They adjusted the plans where they got to the point where they could get by and keep it to a minimum and not actually be in the wetland but realistically, they will need to get erosion control in and that at the tiny tip there in that section for the silt fence.

Mr. Hiltbrand states that from the drainage perspective, this plan was originally designed for all the drainage for the road to go to a detention basin that was built down grade. The same design has been kept with everything going that route but they have reduced a little bit of drainage going to the wetland because they wanted to put the road in with very slight fill. This area would then protect the pond from any type of sheet flow coming across the road. So on the high side of the road there is an infiltration trench/drainage system leading to a level spreader that feeds into the wetland that feeds into the pond. All the sheet flow is then treated and not allowed just to go across the road that there is slight fill across that area. He points out the culvert that was previously approved that has not changed. R. Orciari questions how much water in a typical rainstorm would have a flow that would be coming out at the culvert and that they might want to place some protection on the downside of that. R. Hilbrand states there is a spreader associated with that. R. Wesneski questions if it is pulling the water all the way through with Mr. Hiltbrand stating, yes. Looking at the elevation on the plan, R. Wesneski questions what the high point is with Mr. Hiltbrand stating it is at the 812 foot contour. R. Wesneski questions is it heading down gradient with Mr. Hilbrand stating, yes, that he tried, from a drainage standpoint, to do what was previously done/approved and then felt with the profile, that if they picked the road up, it would act as erosion control to everything downslope catching all the sheet flow to a level spreader to treat it instead of letting it go. R. Wesneski questions the depth of the drain going by the wetlands and is it unusually deep with Mr. Hiltbrand stating it is approximately 4 feet deep. R. Wesneski states he was thinking, that since it is close to the wetland that this would act as an under drain and pull the water down toward the drain. R. Hiltbrand points out the area on the plan and states that Mr. Webb is going to

touch on drainage also. T. Bobroske questions if that is not acting as an under drain for that wetlands with Mr. Hiltbrand stating that the wetland is now fed by the vernal pool that doesn't overflow very much and makes a little different connection there, that they are trying to trap more water in the vernal pool. T. Bobroske states that you have a wetland and you have a trench that isn't that basically pulling water away from that wetland. R. Wesneski asks if the applicant would be opposed to placing approximately 50 feet of impervious material down on either side as back fill on that storm drain with Mr. Hiltbrand stating, no.

Atty. Tracy states that currently the southern wetland acts more like a channel that receives water from the other side of the proposed road and is receiving water right now through a culvert in the existing road. Mr. Webb states that last year when Lot 1 was created, the water was 4 inches high and so there's ground water that feeds this vernal pool even when it is dry. Mr. Hiltbrand states that the point of this new design was to get the road away from that wetland complex and allow something to be done to answer concerns over the vernal pool. Chairman Burnett asks for clarification regarding the access to the horse stables with Atty. Tracy stating that the gravel road is still there but the location of the road has been moved south and instead of moving between the two wetland bands, there is a new access to the barn. Atty. Tracy points out the location of access and parking to the barn. Chairman Burnett said he recalls that there was something about the cul-de-sac at the end of what was the proposed driveway to the barn and asks if it being taken out of the plan? Mr. Hiltbrand states that once the public road is in there'd be no need for the cul-de-sac, it was only to facilitate the operation of the barn without a public road at hand, but at this point in time, there will be a public road. Atty. Tracy states that the plan presented tonight doesn't completely show it, but to the west there's an intersection with the street that goes thru and it leads to another cul-de-sac. It isn't in yet but has already been approved. Cars entering for access to the barn can turn around in the intersection or go all the way to the cul-de-sac to go back out or down the road thru the subdivision whereas before they were working with just the existing driveway and had to give people a place to turn around because there was no connection.

At this time, Land Use Coordinator Polly Redmond questions if this is a Subdivision application because the lot is being separated by the proposed road. Atty. Tracy states that this is the activity needed to present a Subdivision to the Planning Commission. LUC Redmond clarifies that this is not going to be presented to the IWWC as a Subdivision application with Atty. Tracy stating if this activity is approved, then the road itself creates that division of land and Planning has to approve then. LUC Redmond just wanted to be clear on this because at the April 7, 2016 IWWC meeting, Atty. Tracy stated, in regards to the application for the barn/indoor riding arena, that "a resubdivision application will be brought back before this Commission" when the subdivision road was ready to be constructed.

R. Wesneski asks that since there is not going to be two driveways into the barn area, is there any reason why the access can't be moved closer to the building giving more setback distance? Mr. Hiltbrand states that there is a separating distance of 150 feet that must be met for keeping of animals according to the Zoning Regulations. R. Wesneski asks if the access road into the barn can be moved further away from the wetland with Mr. Hiltbrand stating it is a possibility.

Atty. Tracy states there were some steps Dr. Leenders recommended in 2008 after his initial study and some of these things have been addressed. Removal of the overgrowing vegetation and exotics in wetlands was recommended and when tree cutting was done, that was done in that wetland. Removal of trash was recommended and that has been an ongoing thing. Planting of native trees along Wetlands 5 has been done. He reminds the Commission that when the barn application was presented to this Commission, a planting plan was proposed but because of the dryness of this summer it hasn't been done yet but may be able to do this fall or next spring. This planting would give some shade to the vernal pool. Dr. Leenders then recommended that the existing road be routed to the south and the existing culvert in the road bed be excavated to make a connection. Atty. Tracy now asks Clinton Webb to address how they are proposing a connection in this road application.

Mr. Webb distributes copies of a Vernal Pool Enhancement Concept which he states is a very rough draft. He reminds the Commission that when he was here back in the spring for the barn application, he spoke about

doing something on the south side and southeast and west corner of the lot but couldn't give specifics at that time because they needed room and he didn't know what kind of room there would be until the road was relocated. He states that there is now a chance to remove some part of that existing road and make the vernal pool bigger. They will not be going all the way to the channel because they would have to maintain the water level in the vernal pool. A secondary method for keeping water in there for longer period of time is the removal of the culvert. On the face of that, what's going to happen to Wetland 5A? It would dry out but actually, he states, Wetland 5A, for the first time since 2007 that he's been out there, it has a base flow of ground water that feeds into it. He doesn't know what the historic connection is, if they were all connected at one time, because the vernal pool dries out in most years and the wood frog juveniles were able to get out. The vernal pool was running continuously, even though only a trickle. It really has improved the flow after blasting of the lot on the corner and basically that groundwater is funneling straight into the vernal pool year round now. He recommends excavating some part of the road, not the whole thing, with two to three rows of tree plantings planted in staggered format so that they fill in overtime and get that sun screen on to the vernal pool. The water level can be raised by getting rid of the culvert and he notes, the water level can get as deep as 3 feet. In regards to the road, Mr. Webb states there is a tiny sloth or channel that can be put in, at a little low spot, so that it doesn't cause any overflow and doesn't go into the driveway of the barn or the large pond. He states that the whole road bed as it exists now is large crushed stone so there is no worry about erosion on that part. This proposal would create the shading needed for the vernal pool and it would double the depth of the pond because there's not much of a watershed feeding it. He states this really isn't a pond, it's just a wide channel with a stone bottom of bedrock in the lower part and there's not any sediment in the bottom. Mr. Webb states that if the Vernal Pool Enhancement Concept sounds plausible, he'll develop a specific planting plan. R. Orciari states that a drawback might be is if you dig it out and its gravelly, it can cause some infiltration in the standing water. The problem can be that it hasn't a lot of leaf there holding the water and if it's dug out you might lose the seal. Mr. Hiltbrand states, if you wanted to get a little more water, there is cut slope at the knob where we can run an under drain across the road in an outlet to the wetlands using a separate pipe. He notes that this is for ground water, not anything off the road. He suggests that maybe this would be an additional way to get additional water into the vernal pool. Mr. Webb states he walked this area in the spring and the vernal pool was almost 18 inches deep, and only three feet is really needed.

R. Wesneski asks Mr. Webb if he has seen groundwater with Mr. Webb replying, yes and if that is intercepted, you're looking at nice cool groundwater. Mr. Hiltbrand states that shrubs will help with overflow and will help with any erosion. Mr. Webb states that this is the kind of concept he toyed with last spring, how can we get some shade on the south side. R. Orciari states that the culvert and shading is good but he isn't sure about trying to increase the size of the vernal pool itself; that there might be some problems by doing that. His thought is to leave it alone. Mr. Webb states that the original road bed has to be packed rock solid, there is stone dressing on it now, but he would tend to go with Mr. Orciari's idea, stating, why mess with something that's already working. R. Orciari refers to the other vernal pool and how Mr. Webb talked about keeping the frogs off the road and trying to keep them out of the stable area. Mr. Webb states that the frogs disperse in every direction but the majority of them want to head toward shade. Their tendency is to follow the existing forest north and that 80 -90% of the wood frog population stays within 100 feet of their habitat.

T. Bobroske discusses Inland Wetland Enforcement fees and the amount of time required to inspect work being done for this project. Atty. Tracy notes that with the barn application, the applicant was to pay the enforcement officer for all the wetland matter inspections made. The IWZEO should submit an invoice to the town and the town will then forward the bill to the applicant. The same should be done for this application. Mr. Bobroske is asking for an agreement that the IWZEO and the developer/Mr. Webb to work together so the town can be involved in the checks and balances of work being done. Mr. Webb would like IWZEO David Perkins to coordinate with him on the environmental aspects and coordinating with him on site visits.

R. Wesneski states that perhaps Mr. Webb can type up a memo on what's to be done on the preconstruction meeting, stating when and what is being done in the field and to make a list of what the appropriate steps are that the IWZEO can endorse and evaluate the cost of his visits. The Commission would ask that the IWZEO narrow down time spent and submit a bill.

R. Wesneski states that the Commission had conditions on the application for the barn that involved a pre-report and an after-completion report from Mr. Webb and the IWZEO getting involved. Atty. Tracy states that on the after the fact application for clear cutting, the Commission required Mr. Webb to submit a report after completion of planting, certifying that it was done according to plan. He notes that no planting has been done yet so there is no report yet.

R. Wesneski **motioned** to accept with condition that site plan improvements are made with the following things that have to be done for the next meeting. Additional information required is as follows:

That revised plans show a profile where the under drain will be and the surface water of the pond so the Commission can see where the under drain will be, where it will start, and then the surface of the pond and how the water will get to the pond to maximize the amount of water you can get in the pond. Also, the revised plans shall show where the vernal pools are and the surface elevation. Also, show the 18” culvert, the beginning and end of it so one can then see what’s happening, where the water is coming down, in and through. Revised plans should show the removal of the culvert and what kind of material will be placed there, show plantings and provide a list of species. Revised plans should show relocation of the driveways further north east and closer to the building and further away from the vernal pools and show the large culvert on a profile. Revised plans should show Final Enhancements to the Vernal Pool with trees proposed be in accordance with Mr. Webb’s Re-Vegetation Plan for the Equestrian Estates Horse Stable Facility dated 6/6/16 and conditioned for the After the Fact application for activities of clear cutting within Equestrian Estates with the same exception that 40% of each categorized tree to five to ten feet tall upon planting.

T. Bobroske seconded the motion and it passed unanimously.

10. B&R CORPORATION – APPLICATION TO REBUILD SINGLE FAMILY DWELLING AFTER DEMOLITION ON 3/4/15, 221 BOGUE ROAD.

No one is present to represent at this time.

11. ANY OTHER BUSINESS.

LUC Redmond reports on Wetland application signoffs as follows:

Rich Zaleski, 38 Barber Road – 12’ x 32’ shed – non regulated activity

Jerry Makles – single family dwelling, 65 South Shore Drive – non regulated activity.

R. Orciari **motioned** to add to the agenda: **DALE ADAMS, 44 SCOVILLE HILL ROAD – Pond Maintenance.** Motion seconded by R. Wesneski and passed unanimously.

Mr. Adams is not present. LUC Redmond informs the Commission that every two years, Mr. Adams cleans out his pond. As in 2014, some repair to the stone walls will take place and removal of sand and silt in the pond.

R. Wesneski **motioned** to approve the application as a right of use, seconded by P. Whiton. Motion passed unanimously.

Item 3 is now taken up for discussion.

ROBERT FARBER – POND MAINTENANCE, 490 HILL ROAD.

Mr. Farber is not present. LUC Redmond informs the Commission that it is the south side of Mr. Farber’s pond, the shallow end, that will be cleaned out. Material will be stockpiled elsewhere on the property away from the pond. The pond is 200 feet from the neighbor to the south and 150 feet to the road. Work will be done sometime in October or November. R. Wesneski **motioned** to approve the application as a right of use, seconded by P. Whiton. Motion passed unanimously.

12. COMPLAINTS/ENFORCEMENT ACTIONS.

IWZEO Perkins has submitted a report on 38 Barber Road via email to the Land Use office.

13. CORRESPONDENCE.

Copies of Habitat are available to Commissioners. Membership to CACIWC is due. Information on CACIWC Conference to be held 11/12/16 in Hartford is received.

14. INVOICES.

None.

15. ADJOURN.

R. Orciari **motioned** to adjourn the meeting at 8:50 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 10-12-16 AT 2:20 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK