

HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION
MONDAY, FEBRUARY 6, 2023
TOWN HALL 7:00 P.M.

Present: Chairwoman Susan Ryan, Secretary Merrill French, Eric Rahn, Robert Wesneski, Todd Werner, Timothy Bobroske, Brent Lafferty, Wetlands Enforcement Officer Don Truskauskas and Land Use Coordinator Polly Redmond

PLEDGE OF ALLEGIANCE

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

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

2. APPROVE MINUTES OF PREVIOUS MEETING: 1/3/2023

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by T. Bobroske. Motion passed unanimously with B. Lafferty abstaining from vote due to his absence at the previous meeting.

3. JOSEPH & PATTI LAMONICA – DISCUSSION/POSSIBLE DECISION – APPLICATION FOR 18' X 30' INGROUND POOL, 39 LENOR DRIVE.

Nadia Wright, Permit Coordinator, Juliano Pools is present to represent along with property owners, Joseph and Patti Lamonica. Revised plans by Juliano Associates, LLC Engineers & Surveyors titled Limited Property/Boundary Survey Zoning Location Survey for Proposed Pool, dated 10/31/22, revised 2/2/23 are submitted. Torrington Area Health approval has been received accompanied by a signed letter on Torrington Area Health District letterhead by Patti Lamonica, dated 11/29/22, that states *she fully understands that the installation of this pool may interfere with the proper functioning of her sewage disposal system and she agrees that if the sewage system does fail in any way, for as long as she owns the house, she will have to take whatever corrective measures are deemed necessary, which could include but are not limited to, removing the pool and/or replacing the sewage system.* T. Werner has concerns of trucks driving over the leach fields and if they are damaged because of that and seep into the wetlands, damage will be done. Additional information requested by the Commission at their 12/5/22 meeting is submitted, that being a Wetland Mitigation Plan prepared by Rema Ecological Services, LLC, Vernon, CT, dated 12/22/22. This report remains on file in the Land Use office. Ms. Wright states that all plantings once the pool is installed will be done by Juliano Pools. Also on file is the 8/20/22 On-Site Soil Investigation & Wetland Delineation Report prepared by Rema Ecological Services, LLC. The Commission had concerns of discharging of water with Ms. Wright explaining there would be no backwashing of the pool. Again, T. Werner expresses concern that at the construction entrance trucks will drive over the leach fields with Mrs. Lamonica stating that the trucks will drive along the perimeter of the fields. IWZEO D. Truskauskas offers a suggestion that perhaps a steel plate could be placed over the leach fields to prevent damage by truck traffic. LUC Redmond questioned the timeframe for the pool installation and truck traffic with Ms. Wright replying the project from start to finish would be 10-12 weeks with the first two weeks having truck/equipment activity. T. Bobroske **motioned** to approve the application as a regulated activity with the condition that the IWZEO be contacted for a pre-meeting to check that a steel plate is placed over the leaching fields. Also, that any activity within 25 feet of a wetland shall be delineated by silt fence and/or orange construction fencing. R. Wesneski seconded the motion and it passed unanimously.

4. RICHARD WARREN, O&G INDUSTRIES – INFORMAL DISCUSSION ON RENEWAL OF DEEP PERMIT TO CONTINUE WITHDRAWING WATER FROM THE NAUGATUCK RIVER TO PROCESS AGGREGATE MATERIALS (I.E., SAND & GRAVEL), NON-CONTACT COOLING, AND PROCESSING EQUIPMENT DUST CONTROL.

Mr. Warren, O&G Industries, is present and gives a summary of work being done in connection with the DEEP renewal of a permit to withdraw water from the Naugatuck River and an unnamed settling pond to maintain an existing aggregate processing operation and concrete plant at 255 Bogue Road. Mr. Warren states that the last DEEP renewal permit was for 15 years and is being renewed this year. T. Bobroske asks that the Commission be given a report on what has been accomplished/documented in the past 15 years with Mr. Warren stating he could supply that to Land Use Coordinator Polly Redmond.

*Mr. Warren emailed LUC Redmond on 2/7/23 attaching the approved proposal from HGCONNSOIL, LLC generated in October 2008, to execute the Riparian Buffer planting plan as prepared by Fuss & O’Neil and although this work was not performed under his direction or during his current tenure, he states he does have documentation of payment for completion of the work. He goes on to write, “While I don’t consider now the best time to assess the status of the riparian buffer, if you would like me to take and provide photos of the area in the spring time or early summer as vegetation becomes more visible, I’d be happy to do so. Although I cannot speak to the growth of all the planting, I can verify that the area proposed and considered to be buffer has been maintained and that no onsite activities have encroached in this are.”
LUC Redmond responded to him agreeing that photos of the area would be appreciated.

5. CHERYL NEWTON – APPLICATION FOR HOUSE RECONSTRUCTION AND SEPTIC REPAIR, 14 LAKE SHORE DRIVE.

Joseph Green, P.E., Robert Green Associates is present along with Cheryl Newton. Plans by Robert Green Associates titled Zoning Location Survey Site Plan for House dated 2/1/23 are submitted. Mr. Green explains to the Commissioners that this is an existing home being reconstructed going from a 2-bedroom to a 3-bedroom house with a proposal for a new 24’ x 32’ attached garage. The original home is a capped foundation built on 0.3 acres in 1968 with 480 square feet of living space, according to the Assessor’s Street Card. The septic and well will be repaired and reviewed by Torrington Area Health District for approval. It is noted that the septic is 40 feet to the lake edge and because it is a septic *repair*, Mr. Green states that per TAHD a reserve area is not required. In discussion on whether the house is actually a reconstruction, Mr. Green states he is calling it that in order to be able to rebuild on the same footprint, which is approximately 10 feet from the side property line. The proposed garage will require a 9.5-foot front yard variance from the Zoning Board of Appeals. T. Werner notes that he doesn’t see the proposed distance from the wetlands on the plan and also doesn’t see the edge of the wetlands identified, only as the “edge of water”. T. Bobroske **motioned** to accept the application as a regulated activity with the condition that the distance from the wetlands be shown on a revised plan, identifying of the lake as being wetlands, and also identify the edge of the wetlands. The building envelope should also be shown with distances to all property lines noted on the plan. Torrington Area Health District approval should be received by the next Wetlands Commission meeting on March 6, 2023 with Susan Simmons verifying that no reserve area is required. R. Wesneski seconded the motion and it passed unanimously.

6. CLOSE REGULAR MEETING.

M. French **motioned** to close the regular meeting at 8:00 p.m., seconded by R. Wesneski.

SHOW CAUSE HEARING – continued from 1/3/2023

1. OPEN HEARING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the hearing to open at 8:00 p.m. All 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.

Joseph Green, P.E., Robert Green Associates, as engineer for Pickett Brook Property, is asked to explain the reason for the Show Cause Hearing to be automatically continued since neither Atty. Tim Furey or Jared Braddock is present. He states that they were hoping the pond at 485 Plymouth Road would be frozen at this time of year in order to measure the depth of it. He also informs the Commission that the Mitigation Plan is in the process of being drawn up but not ready to present.

3. CONTINUE OR CLOSE HEARING.

M. French **motioned** to continue the hearing to Monday, March 6, 2023 at 7:00 p.m. in the town hall, seconded by R. Wesneski. Motion passed unanimously.

REGULAR MEETING

1. RE-OPEN MEETING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the meeting to order at 8:05 p.m. All members present are seated.

2. DISCUSSION/POSSIBLE DECISION – PICKETT BROOK PROPERTY, LLC, 485 PLYMOUTH ROAD. SHOW CAUSE HEARING.

No discussion.

3. DON TRUSKAUSKAS – SITE LINE IMPROVEMENT WORK, 300 LITCHFIELD ROAD.

Mr. Truskauskas informs the Commission that there will be blasting of rock 20 feet from the pond on the property with no adverse impact. This is to improve the sight lines to the west. R. Wesneski **motioned** to approve the application as a use of right, seconded by M. French. Motion passed unanimously.

4. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

None.

5. ANY OTHER BUSINESS.

LUC Redmond expresses concern over wood chipping activities that is taking place at 242 Birge Park Road, where piles of woodchips are spilling over and down an embankment leading to Lead Mine Brook. The property is located in a retail service zone and the activity is not in compliance with the Zoning Regulations for that area. The regulations state that storage of all materials and equipment is to be in a fully enclosed building. Trucks and equipment are not in a building but on a flat open area of land owned by 242 Birge Park Road, LLC (Litchfield Fence) and there is a number of woodchip piles along the edge of the property as well as logs. IWZEO Truskauskas will investigate.

6. CORRESPONDENCE.

None.

7. INVOICES.

None.

8. ADJOURN.

R. Wesneski **motioned** to adjourn the meeting at 8:10 p.m., seconded by B. Lafferty. Motion passed unanimously.

Respectfully submitted,

Polly Redmond, Land Use Coordinator