

INLAND WETLANDS AND WATERCOURSES COMMISSION
MONDAY, MARCH 5, 2018 TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Susan Ryan, Timothy Bobroske, Eric Rahn, Merrill French, Alternate Member Robert Orciari, Alternate Member Leah Blake, Land Use Coordinator Polly Redmond and Inland Wetlands Enforcement Officer Thomas Mitchell
Absent: Victoria Elliott, Robert Wesneski

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 and Alternate Member L. Blake seated for R. Wesneski.

2. APPROVE MINUTES OF PREVIOUS MEETING: 2/5/18

M. French **motioned** to approve the minutes of the previous meeting, seconded by E. Rahn. Motion passed unanimously.

3. TOWN OF HARWINTON – APPLICATION TO CONSTRUCT A BOARDWALK CROSSING OVER LEAD MINE BROOK IN THE CONSERVATION AREA. NEMBA TO CONSTRUCT TO CONNECT BIKE TRAILS ON EACH SIDE OF BROOK. 95 LITCHFIELD ROAD.

Harwinton Recreation Director Suzanne Stich and Brian Kelleher, Harwinton resident and Member of NEMBA are present to represent. The project involves the construction of two resettable boardwalks to span 20 inches above Lead Mine Brook to allow access to contiguous hiking and biking areas within the Harwinton Conservation & Recreation Area off Route 118. A log bridge had been used for a few years to access both sides of the stream but was destroyed by ice in January leaving no way to cross over. The width of the brook is approximately 40 feet with an area within the town property that has bedrock on each side of the brook and a large rock in the center (photos accompany the application). This would allow for two smaller boardwalks to span the brook with the boardwalks fastened to each river bank in case a high water weather condition causes the river to overflow the banks and allow them to be easily reset to their original position. A description of materials and frame layout also accompany the application. Commissioner E. Rahn asks if there will be digging with Mr. Kelleher stating there will be no digging and no pouring, just the use of 2' x 12' pressure treated lumber for a 16 foot long boardwalk, 34 feet wide, fastened on the outside ends with steel cable and resting on rock. Commissioner R. Orciari questions whether the 36 foot width is a NEMBA requirement because 20 feet might be better by doing away with the metal beam which is the bulk of the weight. He adds that anything that can be done to reduce size and weight would be better because if the boardwalk does break away it won't be carried downstream. He questions who would be responsible for clean up if the boardwalk does break off with Mr. Kelleher stating NEMBA would be responsible. R. Orciari suggests that it might be beneficial to remove the boardwalk during the winter months. S. Stich states that if the boardwalk is bolted to rock there is less chance of it going downstream. Commissioner E. Rahn expresses his concern that debris might build up under the boardwalk and that he would like to see regular maintenance done. Mr. Kelleher states that there is a trail steward, a Harwinton resident, who inspects the trails twice a month. Mr. Kelleher informs the Commission that parking will be expanded on South Road giving access through the Carros town-owned property to the trails. Commissioner T. Bobroske **motioned** that this activity is considered a use of right for recreation according to Inland Wetlands Regulation 4.2 and suggests that a narrower bridge be considered. Motion seconded by S. Ryan and passed unanimously.

4. MICHAEL VIGUE – APPLICATION FOR CREATION OF POND AND CLEARING OF LAND, 63 HARMONY HILL ROAD.

Mr. Vigue is present. A copy of a 2006 Subdivision Plan (Harmony Acres) showing Mr. Vigue's lot as Lot 3 is presented showing the location of a proposed agricultural pond, the location of a 12' gravel road, the location of a 36" HDPE pipe, location of silt fence and wetlands. Mr. Vigue has submitted a Drainage Culvert Report, prepared by Justin L. Mierzejewski, P.E., that includes information on Concentration Calculations, Selected Rainfall Intensities, Calculated Peak Discharges and Full Flow Capacity of the 30" Diameter HDPE Pipe Pitched at 2%. (Mr. Vigue states the pipe shall be 30" and not 36" as shown on the

plan). LUC Redmond informs Mr. Vigue that the Highway Supervisor suggested using a 24" pipe to avoid extensive excavation and having a hump in the road or to keep what is there and put five inch stone over the top instead of gravel. Mr. Vigue replies that the 30" is fine. Mr. Vigue also provides a sketch of how the proposed agricultural pond will be created with Commissioner T. Bobroske stating that the Northwest Conservation District gives helpful information on pond creation. An area furthest south on the property, within regulated areas, will be the location of the proposed growing of Christmas trees with Commissioner Bobroske questioning if Mr. Vigue has farm status yet, which he replies he does not. Commissioner S. Ryan questions why a pond is needed as she herself grows trees on her property with no pond. Chairman Burnett questions where the spoils from the pond will be placed with Mr. Vigue stating they will be deposited in the area where the trees are to be planted. Commissioner E. Rahn expresses concern over the creation of a pond in the middle of wetlands and states he doesn't want to see it become a trap for turtles, salamanders or wood frogs. Mr. Vigue states that the slope of the pond will be 2:1. Commissioner T. Bobroske states that if this pond is truly being constructed for agricultural uses, it is a use of right, but the Commission could also ask for more information. Commissioner E. Rahn agrees stating that is why he would like to see an engineered plan for it. Mr. Vigue explains that he will use a track excavator that can reach out 25 feet and with that he will work from the south side of the proposed pond area and will create a swale overflow that will have filter fabric and rip rap. Commissioner R. Orciari states that the pond must be created during the dry season. Commissioner T. Bobroske expresses his concern that the hydrology of this pond is that it will be wet and might not support wetland plants. He states he has had this experience and this is why he feels there should be an engineer involved. Chairman Burnett questions whether the Commission could vote on the after-the-fact activities of clearing, culvert installation and gravel road at this time and the applicant can come back with a pond application at a later date. Mr. Vigue questions what the Commission would be looking for when he applies for the pond with Commissioner T. Bobroske mentioning Commissioner Rahn's concerns with the slope of the pond and the possibility of endangering wetland species. He adds that the Commission would be looking for the hydrology of the pond and that they want to make sure there's water in it. Mr. Vigue states that his neighbor has a pond and that it never dries up. With no further comments, Commissioner M. French **motioned to approve the after-the-fact activities for driveway construction, culvert installation and clearing only**, (no creation of pond) as regulated non-significant activities, seconded by Commissioner S. Ryan. Commissioner E. Rahn states that Mr. Vigue has complied with everything requested for the driveway construction with Commissioner T. Bobroske agreeing and stating he is okay with waiving the after-the-fact fee. Mr. Vigue questions whether he can clear the trees in the area noted as the location for growing Christmas trees with Commissioner R. Orciari adding a **friendly amendment to Commissioner French's motion to allow clearing of trees as long as Mr. Vigue stays 10 feet out of the wetlands**. Commissioner E. Rahn **motioned** to waive the after-the-fact fee of \$650.00, seconded by Commissioner S. Ryan. Both motions passed unanimously.

5. **GREYSTONE ELECTRONICS, LLC/WALTER GRAUSTEIN – APPLICATION FOR SINGLE FAMILY DWELLING, HARMONY HILL ROAD.**

Mr. Graustein is present. Plans by Berkshire Engineering, titled Septic System Design, dated 2/28/18, are reviewed. The 600 foot long driveway will cross wetlands 30 feet in width and widening to 50 feet in width going deeper into the lot and will include the installation of a culvert. A driveway culvert schematic dated 2/28/18 is on file. Commissioner T. Bobroske suggests that remediation of wetlands be considered with Mr. Graustein stating he will consult with his engineer on that matter. Commissioner S. Ryan **motioned** to accept the application as a regulated non-significant activity, seconded by Alternate Commission L. Blake. Motion passed unanimously. It is stated that the Commission will not require remediation after realizing the area of wetland crossing is not 30' x 50' as was misunderstood earlier.

6. DAVE WILSON, P.E. – APPLICATION FOR TWO LOT SUBDIVISION, BALDWIN SUBDIVISION, HAYDEN ROAD.

Dave Wilson is present to represent. Plans by Dave Wilson, P.E. titled Baldwin Subdivision, dated 3/3/18, and Site Development Plan dated February 2018 are reviewed. The parcel contains 9 acres with a regulated activity being approximately 400 feet of a reconstructed wood road on Lot 1. Possible house and septic locations on both lots are outside the regulated areas. Lot 1 will contain 4.049 acres and Lot 2 will contain 4.367 acres with wetlands to the rear of the property. Chairman Burnett questions if the application is for subdivision only and not construction with Mr. Wilson stating it is for subdividing the land only. A report by Nutmeg Soil Services is on file. Commissioner T. Bobroske **motioned** to accept the application as regulated non-significant for a two-lot subdivision and driveway reconstruction in a regulated area, seconded by Commissioner S. Ryan. Motion passed unanimously.

7. BUMPER BROOK ESTATES, LLC – APPLICATION TO CONSTRUCT 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD.

Atty. William J. Tracy is present to represent along with Robert Hiltbrand, R.R. Hiltbrand Engineers & Surveyors, LLC. Plans by R.R. Hiltbrand Engineers & Surveyors, LLC/Dufour Surveying, LLC are provided with a cover page, dated 2/20/18, titled Bumper Brook Estates, Twenty-four Bumper Road & Andrews Street, showing the entire parcel and proposed buildings layout. Other plans include Sheet 2, prepared by Dufour Surveying, LLC, dated 10/26/16 titled Property/Topographic Survey (prepared for B&R Corporation), Sheet L, dated 2/20/18, Site Layout Plan, Sheet G, dated 2/20/18, Site Grading & Drainage Plan, Sheet U, dated 2/20/18, Site Utilities Plan, Sheet S&E, dated 2/20/18, Sediment & Erosion Control Plan, Sheet P, dated 2/20/18, Profiles, Sheet D1 & D2, dated 2/20/18, Details (1 of 2 and 2 of 2) and Sheet S&E, dated 2/20/18, Sediment & Erosion Control Details. A Drainage Report dated 1/24/18 prepared by R.R. Hiltbrand Engineers & Surveyors, LLC is also provided.

Commissioner T. Bobroske **motions** that he believes this activity is significant and that the Town Engineers should review the plans. Also, that IWWC Regulation 7.6 should be addressed as these are the same questions and concerns the Commission has. Atty. Tracy states that the term “significant” is in the regulations has having an impact to the site’s wetlands or watercourses with Commissioner Bobroske stating that it is all relevant to the wetlands. Atty. Tracy states that the activity is not holding back peak flow so there is no detrimental impact and flow reaches the same wetlands; that peak flow, quantity and velocity is being substantially reduced which will actually help the wetlands. Commissioner Bobroske **withdraws his motion** and makes the following **motion**: that the application shall be accepted as a regulated non-significant activity with IWWC Regulations 7.5 and 7.6 to be considered because those are questions the Commission has and would like answered especially in regards to slope, plantings on the slope, detention basin, infiltrator, pervious areas and feasible and prudent alternatives. Commissioner R. Orciari seconded the motion and it passed unanimously. Commissioner Bobroske states that he wishes to receive W.M.C. Consulting Engineer’s report after their review in a timely manner and not at the last minute before the next IWWC meeting on April 2, 2018.

*Additional minutes to Item 7 above, to include discussions, will be forthcoming.

8. ANY OTHER BUSINESS: Discuss Inland Wetlands Fee Schedule, Section 19 IWWC Regulations.

Commissioners wish to send a letter to the Board of Selectmen asking them to repeal Ordinance 125 *Inland Wetlands Commission Application Fee Schedule* in order for the Commission to amend their fees at an IWWC Public Hearing vs. a Town Meeting. Commissioner S. Ryan **motioned** that LUC Redmond send such letter to the Board of Selectmen, seconded by Alternate Commissioner L. Blake. Motion passed unanimously.

9. **COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.**

IWZEO T. Mitchell reads his report regarding a site walk of 587 Litchfield Road on 2/9/18, timber harvest application of Pickett Brook Properties, LLC, with his meeting Charles Leigus, Forester, on the property. IWZEO Mitchell reports that the bridge appeared secure and proper E&S measures were in place. He notes that once the bridge was built it was determined that the current pipe in place is crushed and should be replaced. IWZEO Mitchell informed Mr. Leigus that an application for that activity should be presented to the Wetlands Commission when the time comes to do the work. Report remains on file in the Land Use office with photos attached to the report.

10. **Correspondence.**

Notice is received of DEEP state permit application for use of pesticides in state waters, i.e., Lake Harwinton.

11. **INVOICES.**

None.

12. **ADJOURN.**

Commissioner S. Ryan **motioned** to adjourn the meeting at 9:15 p.m., seconded by Alternate Commissioner L. Blake. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 3-12-18 AT 2:00 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK