

INLAND WETLANDS AND WATERCOURSES COMMISSION
MONDAY, APRIL 2, 2018
TOWN HALL 7:00 P.M.

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

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: 3/5/18

S. Ryan **motioned** to approve the minutes with the following amendments: Page 1, Item 3, line 12, change 34 “feet” to 34 inches wide. Line 14, to read: “whether the 36 “inch” (omit “foot”) width is a NEMBA requirement because 20 “inches” (omit “feet”) might be better by doing away with...”
Line 16 to read: “weight would be better because if the boardwalk does break away it (omit “won’t be carried downstream”) could be carried back more easily. Motion seconded by R. Orciari and passed unanimously with R. Wesneski refraining from vote due to his absence at the 3/5/18 meeting.

3. DISCUSSION/POSSIBLE DECISION - GREYSTONE ELECTRONICS, LLC/WALTER GRAUSTEIN – APPLICATION FOR SINGLE FAMILY DWELLING, 115 HARMONY HILL ROAD.

Mr. Graustein is present. Plans by Berkshire Engineering titled Septic System Design, dated 2/28/18 are reviewed. T. Bobroske reminds the Commission that when this application was accepted at last month’s meeting there was discussion of remediation of wetlands and the Commission determined at that time that no remediation was required. He asks if this is the custom of the Commission, to not ask for remediation. Chairman Burnett states that it is determined on a case by case basis. With no further discussion, R. Orciari **motioned** to approve the application as a regulated non-significant activity, seconded by S. Ryan. Motion passed 5-1 with T. Bobroske opposed.

4. DISCUSSION/POSSIBLE DECISION - 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. Chairman Burnett questions if the application is for subdivision only and not construction with Mr. Wilson stating it is for subdividing the land only. E. Rahn **motioned** to approve the application as regulated non-significant for a two-lot subdivision and driveway reconstruction in a regulated area, seconded by R. Wesneski. Motion passed unanimously.

5. DISCUSSION/POSSIBLE DECISION - BUMPER BROOK ESTATES, LLC – APPLICATION TO CONSTRUCT 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD.

Atty. William Tracy is present to represent and reports that the IWWC request for W.M.C. Consulting Engineers to review the plans will be taking place on Wednesday, April 4, 2018 with Bumper Brook Estates, LLC’s project engineer. He asks that discussion continue to the IWWC next meeting scheduled for May 7, 2018. T. Bobroske **motioned** to continue discussion and possible decision to the next IWWC meeting, seconded by E. Rahn. Motion passed unanimously.

6. BRIAN RIVARD – APPLICATION TO CONSTRUCT ACCESSWAY TO REAR OF PROPERTY, CONSTRUCT A 24’ X 12’ SHED AND PLANT HEMLOCKS ALONG PROPERTY LINE, 97 MEADOWVIEW DRIVE.

Mr. Rivard is present. Along with the use of a 9/25/2000 Septic System Design Plan prepared by CCA/LLC for the previous homeowner, Mr. Rivard has provided a sketch of the location of the proposed accessway on the west side of his property and the proposed shed which is to be located 40 feet from the

property line. Wetland delineation is 3 feet off the property line to the west making the shed location 43 feet from the wetland. Mr. Rivard plans to plant hemlocks along the western border and remove some of the invasive brush creeping onto his property from the west side abutting land owned by the Harwinton Land Trust. R. Orciari states, as a member of the Land Trust, he met with Mr. Rivard a while back and reviewed the accessway location which was right up against the property line. Mr. Rivard was asked that the driveway be shown and located further away from the property line which was complied with. Chairman Burnett questions why the driveway can't be moved even further east with Mr. Rivard stating that there are large pines in the front of the property preventing this. R. Orciari notes that there is no need for E&S measures for the accessway as there will be no excavating and the accessway is proposed to have process laid down where grass will eventually grow through. The shed is a pre-fab shed and may not require erosion control measures either but the IWZEO will inspect and determine. S. Ryan **motioned** to accept the application as a regulated non-significant activity, seconded by R. Wesneski. A decision will be made at the next IWWC meeting on May 7, 2018 and a fee of \$170.00 is to be collected.

7. JOHN COMER – POND CONSTRUCTION, 125 BURLINGTON ROAD, PROPERTY OWNED BY HAROLD STRICKLAND.

Sean Comer is present to represent and provides a sketch of the proposed pond using a copy of a 1994 map prepared by William J. Poole, L.L.S. for previous owners. Mr. Comer explains that he did work on this property last year constructing a berm and conifers. The stream is outlined on the sketch along the western property line where the spillway and overflow pipe will be installed. T. Bobroske questions how Mr. Comer knows if the hydrology will support the pond with S. Comer stating that he has dug down and found an old hand-dug well and a naturally-fed spring. T. Bobroske questions if there are wetland soils or have the soils been tested with Mr. Comer replying, no. R. Orciari states that there's not much flow from just the pond and perhaps there should be a rip rapped outlet. Mr. Comer questions if there should be erosion control measures with R. Orciari stating, yes, erosion control measures should be placed along the brook. E. Rahn states that he would like to see something in writing, from a hydrologist, which says this site is a good area for a pond. T. Bobroske notes that the Northwest Conservation District does not have staff for a hydrologist to report on. E. Rahn questions how deep the pond will be with Mr. Comer replying, six feet deep with gradual slopes. Mr. Comer states that no material will be taken off site, that material will be used for grading elsewhere on the property. E. Rahn states that the gradual slope is important to prevent species such as salamanders or turtles from getting trapped in the pond. T. Bobroske **motioned** to accept the application as a regulated non-significant activity with the stipulation that details of erosion control measures be placed on the plan and that the applicant return to the next IWWC meeting with an engineer report or a hydrology report giving more information on the viability of the pond including the slope of the pond. S. Ryan seconded the motion and it passed unanimously.

8. JONATHAN VON OY – APPLICATION FOR CONSTRUCTION OF SINGLE FAMILY DWELLING, LOT 8, TIMBER ESTATES, HILL ROAD, ASSESSORS MAP NO. B5-04-0508.

Mr. Von Oy is present. Plans by Berkshire Engineering, titled Septic System Design, prepared for Paramount Professionals, LLC, Lot 8, Hill Road, dated 3/16/18 are reviewed. The 350 foot driveway through the wetlands with two culverts is already approved and installed by the developer of Timber Estates Subdivision. Mr. Von Oy states that geothermal heating and cooling is proposed in the regulated area that will be 5-6 feet deep, with five loops at 300 feet in length. Mr. Von Oy explains that he and Dennis McMorro, Berkshire Engineering, spoke with an engineer about geothermal heating and cooling. No maps were provided by this engineer so Dennis McMorro put it on the plan to be able to fit the size field of what the engineer described, which is a 300' by 50' wide field. Mr. Von Oy states that he met with a Peter Tevino, engineer, who suggested doing a vertical well, running a trench around to the back of the house. Mr. Von Oy explains geothermal heating/cooling at the request of Chairman Burnett as a closed loop system that pumps water through the ground, extracting heat in the winter and cool in the summer, and runs through a heat pump to create your heating and/or air conditioning. What is being presented has been designed for the proposed 2500 square foot house. With Mr. Von Oy explaining the construction of geothermal, with the instance of doing the vertical well, the well company will drill the same as drilling for

domestic water but will drill a little deeper, 500 feet deep, and will run a 1.5 inch pipe and a loop through the well. Because of the distance from the house, it will be trenched 6 feet deep from the well to the basement of the house and into the heat exchanger. Upon questioning, Mr. Von Oy explains that what is pumped is a mixture of water and anti-freeze. T. Bobroske states that the antifreeze is non-toxic as Peter Tevino did two geothermal systems for him in his line of work. Chairman Burnett questions whether the house construction will be in a regulated area with Mr. Von Oy stating no, only the geothermal field will be. R. Wesneski **motioned** that the application is a sign off, seconded by S. Ryan. Motion passed unanimously.

9. **JAY BUSS – LAKE HARWINTON MAINTENANCE FOR WEED INFESTATION AND BEAVER CONTROL.**

Mr. Buss, Board of Governors, LHA, explains the plan for algae/weed control through hired contractor CT Pond Services. Signs for treatment will be posted. Beaver control has become an issue also so a state certified trapper has been hired. A few have been caught but trapping season has now ended until December. No action is required as Mr. Buss just wanted to keep the Commission informed on these activities.

10. **HARWINTON LAND TRUST – INSTALL NINE (9) FOOTBRIDGES OVER SMALL STREAM CROSSINGS OF INDIAN MEADOW, WHITE OAK DRIVE/WOODCHUCK LANE.**

R. Orciari recuses himself as a Commissioner and will now represent the Harwinton Land Trust in this matter. He explains that the 34 acre parcel has no hiking trail on it. The property was recently surveyed and a 3 mile trail was cut out based on dry land, views and interesting features. Nine footbridges need to be placed over small stream crossings for safer hiking. Most of the streams appear to be intermittent. There's a steep slope on White Oak Drive and a wood/gravel step-way is needed. This stairway will be done as an Eagle Scout project and The Wilderness School will be doing other things required to complete the hiking trail. R. Wesneski **motioned** that this is a use of right under IW Regulation 4.2b, seconded by S. Ryan. Motion passed unanimously.

11. **HARWINTON LAND TRUST – RESTORE CLEAR CUT OF LAND IN VIOLATION OF THE TRUST'S CONSERVATION EASEMENT, 330 NORTH ROAD, PROPERTY OWNED BY ANDREW GOLDSTEIN.**

R. Orciari recuses himself as a Commissioner and will now represent the Harwinton Land Trust in this matter and gives the history of the clear cutting that took place last October on the Goldstein property without permission from anyone. The Land Trust owns a conservation easement on the Goldstein property and the cutting was done by a neighbor (Gagne), also without permission from Mr. Goldstein. Therefore, the Trust and Mr. Goldstein are both victims of the violation. It is the intent to restore the land by creating a pasture. Mr. Orciari states that the Trust wanted to put the land back to forest and a forester came out to the property, saw invasive plants, and determined that it will make it difficult to maintain trees as a forest. Mr. Orciari explains that, when the violation took place, Mr. Gagne was asked to place the woodchips along the road as a berm but what he did instead was spread the woodchips over the stumped area. This action will smother any sprouting and would take 40-50 years for reforestation. A "do nothing" approach was discussed among the Trust members and it was determined that with that approach, the land would become a picker patch and wouldn't meet the obligation to keep and maintain the rural character of Harwinton. After other options were considered, it was determined that the pasture would be the best approach with Mr. Gagne being responsible for removing the stumps, removing the chips, grading the soil and seeding. Mr. Goldstein agreed to this, with written consent on file, as he has horses that could now pasture in this area.

Mike Kiefer, 40 Lead Mine Brook Road, is in the audience. He states he lives directly across from the area where this violation took place. He spoke to Mr. Goldstein who informed him that a meadow would be put in with fencing and trees. Mr. Orciari states that fairly large hemlocks will be put in. Mr. Kiefer gives his opinion that the woodchips were spread down to fill in wetlands on the property. He states he now has a

spot light from the Gagne property that shines bright onto property. He is informed that a filed Zoning complaint could correct this problem in accordance with Zoning Regulation 6.10.

Jane Pallokat, 251 Harmony Hill Road, states that she isn't sure if a pasture could be supported on this property. She believes that trees should be planted. Mr. Orciari states that Hemlock trees, at least six feet tall, in two staggered rows will be planted. There will be a stipulation that the trees will need to be replaced if they die.

R. Wesneski questions if a bond will be posted with Mr. Orciari stating that this will be discussed with the Land Trust's attorney. R. Wesneski questions if there will be a release after work is completed with Mr. Orciari noting again, it will be up to the Land Trust's attorney. R. Wesneski questions whether there will be an agreement that everyone will sign with Mr. Orciari stating, yes, the Trust will want to hold Mr. Gagne for a number of years to ensure the health of the trees and that the work will be completed. Mr. Kiefer questions whether it could be required that trees be planted on the top of the hill with Mr. Orciari stating it could be done. R. Wesneski **motioned** that this is a use of right, seconded by S. Ryan. Motion passed unanimously.

R. Wesneski **motioned** to add Ralph Johnson to the agenda to discuss clear cutting, Valley Road, seconded by S. Ryan. Motion passed unanimously.

Mr. Johnson is present and explains that a logger, John Matthews, has been hired to do the work who said that he received a permit to do the logging. He will ask Mr. Matthews to bring a copy of the permit to the Land Use office. He states that logging has been taking place in four or five different areas on the 90 acre parcel over the past four years and that work is all done now. Mr. Johnson adds that "the town doesn't have a lot of say on what goes on down there." T. Bobroske **motioned** that the Commission give Mr. Johnson 30 days before the next IWWC meeting to present a copy of the permit received to log the property. The item will be placed on the May 7, 2018 Wetlands meeting agenda. E. Rahn questions Mr. Johnson as to whether the town's enforcement officer could walk the property and perhaps determine regulated activities with Mr. Johnson stating he can go on the property any time, that if anyone is there, just tell them it is okay.

12. **ANY OTHER BUSINESS:** Discuss Inland Wetlands Fee Schedule, Section 19 IWWC Regulations
***No further discussion.** Direction has been previously given to LUC Redmond to request a repeal of ordinances that require amendments to IWWC application fees to the Board of Selectmen.

LUC Redmond reports one Agent approval on an application submitted by Francis Horvath, 107 Woodland Drive, for addition to house with no wetland activity.

13. Complaints/Enforcement Actions/Reports.

Nothing further after discussion of Mr. Ralph Johnson matter.

14. Correspondence.

CT Wildlife Magazine has been received.

15. Invoices. None.

16. Adjourn.

R. Wesneski **motioned** to adjourn the meeting at 8:40 p.m., seconded by S. Ryan. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 04/10/18 AT 12:58 PM
ATTEST NANCY E. ELDRIDGE TOWN CLERK