

INLAND WETLANDS AND WATERCOURSES COMMISSION MONDAY, JANUARY 7, 2019

~~Present: Chairman Bruce Burnett, Timothy Bobroske (arriving at 7:04 p.m.), Eric Rahn, Robert Wesneski, Merrill French, Alternate Member Robert Orciari, Alternate Member Leah Blake and Land Use Coordinator Polly Redmond~~
Absent: Susan Ryan

1. OPEN MEETING – ESTABLISH QUORUM.

Chairman Burnett called the meeting to order at 7:00 p.m. All regular members present are seated. Alternate Member R. Orciari is seated for S. Ryan, Alternate Member L. Blake is seated for the vacant regular member position.

2. APPROVE MINUTES OF PREVIOUS MEETING: 12/3/18

R. Wesneski **motioned** to approve the minutes of the previous meeting with correction to Item 1. line 2 to read, "R. Orciari seated for the vacant position left by (omit "my") regular member Victoria Elliott. Also, correction to Page 2, 2nd to last paragraph, line 2 to read, "...of trees within the property held in conservation easement (omit "owned") by the Harwinton Land Trust. R. Orciari seconded the motion and it passed unanimously with L. Blake refraining from vote due to her absence at the previous meeting.

3. DISCUSSION/POSSIBLE DECISION - MICHAEL CYR – APPLICATION TO EXTEND DRIVEWAY WITHIN A REGULATED AREA LEADING TO A PROPOSED 36' X 48' BARN, 182 SCOVILLE HILL ROAD.

Michael Cyr is present. Plans by Berkshire Engineering dated 11/21/18 are reviewed once again. R. Orciari **motioned** to approve the application as a regulated non-significant activity, seconded by R. Wesneski. Motion passed unanimously.

T. Bobroske arrives at this time.

4. INFORMAL DISCUSSION – STORMWATER RUNOFF, LOCUST ROAD.

A letter dated 12/26/18 from Cynthia Rabinowitz, Northwest Conservation District, has been received after her site walk with R. Orciari and E. Rahn on 12/12/18. Her letter reports observations, suggestions and recommendations for the Commission's concerns over polluted stormwater runoff which appears to originate from a cattle farm on Locust Road that abuts the property of the town highway garage. R. Orciari gives a review of the site walk stating that they looked at the farm primarily from the location of the old town garage, 104 Locust Road. Drainage from the farm flows south to the location of the old town garage and he notes that just before the property line there are two culverts that exit to the storm drain on Locust Road. He reports that there is a good amount of flow coming off the farm with quite a bit of erosion appearing on the farm. Water drains from the wetlands, found at the property line, through pipes, and appears to continue under the 104 Locust Road town property. R. Orciari notes that there's a berm the town dug on the west side of Locust Road which holds mostly sand and there's a narrow ditch that leads to Bull Pond. Cynthia Rabinowitz suggested to perhaps remove the berm which would restore the original grade of the land and reconnect the two currently separated portions of forested wetland. Currently, Bull Pond appears to have manure in it and is evidenced in Cynthia Rabinowitz' report that includes a photo (#4) of such. Mr. Orciari notes the recommendations made by Ms. Rabinowitz in her letter with one of them being, if the farmer is willing, to reduce the nutrient and bacteria load of the stormwater runoff by implementing preliminary actions at the source of the contamination – the manure stockpile at the top of the hill near the barn. She notes that the Northwest Conservation District and UCONN Extension System may be able to assist in this regard. R. Orciari states that another solution would be to install a coffer dam which would act like a detention basin. Cynthia Rabinowitz' report mentioned plantings and a stand pipe situation allowing drainage to pass under the town garage and that there may be room on the town's property for a stand pipe or the town may try getting permission from the farmer to install it on his property.

Cynthia Rabinowitz' report remains on file in the Land Use office.

~~R. Orciari notes that right now they're speaking of a pollution problem but there is also concern with a water-~~
surging issue that may, in the end, alleviate the town's past concern of the water level in the pond. Obtaining an engineer was suggested by C. Rabinowitz but he thinks the town crew could do the work suggested.

R. Wesneski questions that if the farmer is creating the problem, why isn't he the one responsible to fix it? He also questions what state statute is being violated. T. Bobroske states that there are state statutes for agriculture but believes this activity could be very detrimental to Bull Pond. He suggests that the Commission meet with the farmer to address this matter and he also questions whether DEEP would get involved as an environmental concern. R. Orciari states that the Dept. of Agriculture might get involved but he hates to affect the farmer's livelihood. T. Bobroske states that if the pond is being fed all that manure, there's going to be a problem.

R. Orciari states that from the nutrient issue, he's never seen Bull Pond covered as much as this year and it's the worst Cynthia Rabinowitz has ever seen. R. Wesneski notes that if you deposit "x" amount of nutrients in an area and add water and collect it off the top, nutrients will still end up in the pond. He questions what the Commission's grounds are to stand on, is this in violation of any regulation or state statute that the Commission can point to? Chairman Burnett agrees with T. Bobroske's recommendation that it would be beneficial to have the farmer come before this Commission and perhaps ask him to get information on best management practices. T. Bobroske notes that the USDA should be contacted also and share with the farmer that there are different resources to work with, the USDA being one of them. R. Orciari notes that Cynthia Rabinowitz' letter mentions assistance with on-farm best manure management practices that can be obtained from the USDA-Natural Resources Conservation Service and provides a telephone number. R. Wesneski states that if DEEP has some best management practices that are not being followed by this farmer or water quality is detrimental to the environment, perhaps they can also get involved. Commissioners agree that a letter should be written to the farmer and invite him to the next IWWC meeting on February 4, 2019. R. Orciari questions whether the town crew would be reluctant to do some of the work Cynthia Rabinowitz suggested. T. Bobroske states his belief that the town crew would do it because the work to be done is on the town garage property, right at the property line. A detention basin could be put in at that location, the area of a muddy depression. Commissioners agree that a letter from the town and Cynthia Rabinowitz' letter should be sent to Robert Rubbo, Torrington Area Health District, asking if there are any concerns of possible effects downstream where water can become a problem to the fish which in turn is harmful to humans.

5. ANY OTHER BUSINESS.

Commissioners question LUC Redmond on the status of having a representative from W.M.C. Consulting Engineers come before the Commission to discuss response times of their reviews of site plans submitted to the town as applications. LUC Redmond has not yet reached out to W.M.C. R. Wesneski states that when a meeting is scheduled, perhaps the Commission can convey to W.M.C. that they want a letter from them that states how much the review should cost as well as any secondary review costs and would also like W.M.C. to provide a submission date of their review so the Commission will know, as well as the applicant, of the cost and response time.

LUC Redmond wrote to Clinton Webb on 12/10/18 asking for reports on the vernal pool at Break Maiden Lane within Equestrian Estates Subdivision, Plymouth Road, as requested at the last IWWC meeting and a condition of approval for construction of Break Maiden Lane. As of date, no response has been received from Mr. Webb.

LUC Redmond informs the Commission of two Agent approvals:

- 1) Mike Brignano – 25' x 38' garage addition – no wetlands.
- 2) Glenn & Lisa Durante – single family dwelling, 614 Hill Road – non-regulated activity.

6. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS. None.

7. **CORRESPONDENCE.**

Information on an upcoming course, Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions at Wesleyan University on March 23, 2019 has been received. The cost is \$55.00 per person.

8. **INVOICES.** None.

9. **ADJOURN.**

R. Wesneski **motioned** to adjourn the meeting at 7:45 p.m., seconded by M. French. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 1-14-19 AT 11:07 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK