

INLAND WETLANDS AND WATERCOURSES COMMISSION
MONDAY, MARCH 4, 2019
TOWN HALL 7:00 P.M.

Present: Chairman Bruce Burnett, Susan Ryan, Timothy Bobroske, Eric Rahn, Merrill French, Alternate Member Robert Orciari, Land Use Coordinator Polly Redmond and IWZEO Troy LaMere

Absent: Robert Wesneski 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 the vacant regular member position.

2. APPROVE MINUTES OF PREVIOUS MEETING: 2/4/19

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

3. CITY OF TORRINGTON – ANIMAL FACILITY UPGRADE, 252 BOGUE ROAD, HARWINTON.

Rick Lynn, Director, Northwest Hills Council of Governments, and Dave Dickson, Associate, Sr. Project Manager, Milone & MacBroom, are present. Mr. Lynn addresses the Commission stating that a number of towns expressed interest in the creation of a facility to provide more reliable long-term care to dogs and cats in need. Six years ago, they conducted a feasibility study and the conclusion of the study was that the construction of the facility to serve the Torrington area was both feasible and desirable. A grant was applied for and received to design such a facility through the hiring of an architecture design firm, Silver Petrucelli & Associates, who subcontracts with Malone & MacBroom. That final design is near completion. Mr. Lynn adds that the City of Torrington has agreed to bond the project up to one million dollars for the construction of the facility, a facility that will be shared with Litchfield, Goshen and Torrington. The site for the facility is owned by the City of Torrington and the land is owned by the Town of Harwinton. He states that the NHCOC is supportive of this project as well as the City of Torrington and its residents who voted to provide funding for the upgrades.

Dave Dickson, licensed landscape architect with Milone & MacBroom for 30 years provides a Site Plan for Regulated Activity, dated March 4, 2019, titled Torrington Dog Pound Litchfield Hills Animal Shelter and addresses the Commission on details of the site plan. He points out on the plan a small finger of wetland and a watercourse that drains in the area just to the south and the east of lower Bogue Road that comes through an 18 inch twin culvert and discharges through a headwall and to a berm and then daylights into the brook. The existing facility and parking lot are pointed out. What is proposed is a 3200 square foot new building, to be located southwest of the existing building which will be built while the existing active parcel/animal facility will remain active during construction. The new facility will provide dog runs in the back of the building and will provide a bituminous concrete parking lot for 16 cars which is more than adequate for daily activity at the site. The parking lot will be partially curbed and a concrete sidewalk will provide access to the front doors. The stormwater flows off of this site were reviewed; the disturbance area equals approximately a half acre. There are two small watersheds, he points out to areas marked A & B on the plan, located to the back of the property. They will try to recapture, taking a look at the existing overflows in the water, and try to replicate that in terms of where the new runoff will go. There is an increase in pervious surfaces on the site and there is a decrease in volume and rate of runoff. One small catch basin will be near the front of the property, with Mr. Dickson pointing out the direction of the water flow and notes that in another area of water, a curb will be removed for natural runoff thru the grass swale. The small watershed will be picked up and piped (with check line shown on the plan) down to the water quality basin created. He states that Regulated Activity # 1 will be vegetation clearing, grading and installation of drainage infrastructure for the creation of a water quality basin. There will be no direct wetland activity/impact with this proposal. The upland review activity, .15 acres, and that area is defined as the hatched area on the plan. They've submitted a wetland report with the application and he reads a summary of impacts that are relative to the wetland report of Megan Raymond, Sr. Soil Scientist, Milone &

MacBroom. In her report Megan Raymond states, “No direct wetland disturbance. Potential for indirect impacts will be managed by sedimentation and erosion control in the short term and stormwater management in the long term. Describe capacity of proposed stormwater treatment to address water quality volume as well as potential increase in runoff due to small impervious increase. Project represents a redevelopment of a previously disturbed/utilized property. Given proposed sedimentation and erosion and stormwater managements, project will not result in adverse impact to onsite or off-site wetland resources.”

Mr. Dickson notes that a requirement for application is notification to abutters of the proposal that has been made with a request by Land Use Coordinator P. Redmond for Mr. Dickson to retain them for their records. Harwinton’s notification requirement is for applications deemed Significant Activities involving a public hearing. If the application is accepted as Significant Activity, the notices will be accepted. Notice has been given by the applicant to the City of Torrington and the Town of Litchfield of this application. Those notification letters remain on file.

Mr. Dickson points out that the upland review area is 70 feet away from an existing wetland or watercourse. The habitat is described in the wetland report and is termed insignificant with no concern.

R. Orciari questions how animal waste would be handled with Mr. Dickson explaining that there are drains in addition to a sanitary line and water line. R. Orciari questions if the area is prone to flooding with Mr. Dickson replying, no, they are not in the flood plain. R. Orciari questions if there is a planting plan with Mr. Dickson stating, yes. The basin will be seeded with erosion control (grass) mix and supplemented with gray dogwood, birch and sweet fern. Mr. Dickson notes that there will be 805 cubic yards of cut to create the space, 850 cubic yards of fill, for a net fill of 45 cubic yards total for the creation of the stormwater basin. There is a high level overflow structure that when it gets up to a certain point it will overflow into the structure and discharge to an area and eventually will go to the wetlands. T. Bobroske questions why not design so there is recharging under the parking lot with Mr. Dickson replying that the soils are poor due to a lot of fill, 4- 8 feet, in that area under the parking lot. To infiltrate water will require greater expense for very little return. R. Orciari questions what the piles are as noted on the site plan with Mr. Dickson stating that the Torrington Public Works stockpiles earthen and vegetative material on this site. IWZEO Troy LaMere attests to this fact as he is a previous Torrington DPW employee. E. Rahn questions if the roof drains will go into the retention basin with Mr. Dickson stating it will and will meet the standard engineering requirements.

T. Bobroske discusses the Harwinton enforcement officer inspections and that costs associated with them that are passed on to the applicant. He states that there is a probability of an approximate cost of \$400.00 for those inspections and asks if the applicant is aware of this responsibility and if they are willing to pay. Rick Lynn states that he doesn’t think there would be a problem with that and the applicant would be willing to absorb that cost.

T. Bobroske **motioned** to accept the application as a regulated non-significant activity with the caveat that the Inland Wetlands Enforcement Officer will be paid for inspections by the applicant. Mr. Dickson notes that there will be a pre-construction meeting with their engineers to discuss sediment and erosion control measures with additional inspections for rain events. T. Bobroske requests that a copy of those reports be sent to the Harwinton Land Use office with Mr. Dickson agreeing that they will. S. Ryan seconded the motion and it passed unanimously. The applicant will not need to be present at the next meeting, April 1, 2019, when the decision is expected to be made.

4. INFORMAL DISCUSSION – W.M.C. CONSULTING ENGINEERS – REVIEW PRACTICES.

Chairman Burnett informs the Commission that he and Land Use Coordinator Polly Redmond met with Steve McDonnell, W.M.C. Consulting Engineers regarding the timeliness of their reports being submitted for IWWC review. Mr. McDonnell was agreeable to providing timely reports and also was open to the idea of giving applicants estimated costs for land use reviews. This will be addressed further when Mr. McDonnell appears before the Commission for discussion next month.

5. DISCUSSION – OUTSTANDING W.M.C. CONSULTING ENGINEERS OUTSTANDING INVOICES IN CONNECTION WITH REVIEWS FOR BUMPER BROOK ESTATES, LLC.

Discussion takes place on unpaid W.M.C. Consulting Engineers (town engineers) invoices for their Inland Wetlands review on the application of **Bumper Brook Estates' for an elderly housing complex**, Twenty-four Bumper Road. Billed amounts on the invoices are being disputed by the applicant and claimed to be unreasonable costs. IWWC approved the application with the condition that W.M.C. Consulting Engineers invoices be paid. LUC Redmond questions whether that approval stands if that condition has not been met and whether the application should be moving forward with a Zoning public hearing. T. Bobroske **motioned** that the approval by this Commission of Bumper Brook Estates, LLC application for construction of an elderly housing complex, to be located off Twenty-four Bumper Road, was with the contingency that the applicant shall pay all W.M.C. Consulting Engineer invoices for their review costs of the site plans. T. Bobroske adds that the Inland Wetlands approval will be deemed null and void if payment is not made as required. R. Orciari seconded the motion and it passed unanimously. (Town Counsel will be consulted on this matter.)

6. ANY OTHER BUSINESS.

Discussion takes place on the need for a **cell phone for newly appointed IWZEO Troy LaMere**. T. Bobroske **motioned** to recommend that the town purchase a cell phone for the Zoning Enforcement Officer so he does not have to use his personal cell phone. S. Ryan seconded the motion and it passed unanimously.

Clinton Webb's report in connection with the construction of **Break Maiden Lane within Equestrian Estates Subdivision by Pickett Brook Properties, LLC** has been received with each Commissioner and IWZEO receiving a copy. Legal counsel for Pickett Brook Properties, LLC, William J. Tracy, was also sent a copy. The report gives information on the required planting of trees in the location of the vernal pool, Wetland #5, with Phase 3 plantings having a 50% die off that will require new plantings. Recommendations made by Mr. Webb include:

- 1) An additional inspection should be conducted this coming year, sometime in the late spring, to determine the final count of dead plants (there will be others in addition to the 40 plants identified in his report).
- 2) The replacement plants should be installed by the end of May.
- 3) Plants that died because they ended up being located within the vernal pool's standing water and directly downstream of the spillway should be relocated outside of these areas.
- 4) The planting wells should be larger and additional organic soil amendment should be added surrounding the root system.
- 5) The proposed watering guideline requiring that the plants be watered by hand if there was no rain for a week-long period should be strictly adhered to.

Commissioners agree that Clinton Webb should visit the site again in May to confirm replacement plantings. IWZEO Troy LaMere should be included in the site visit and R. Orciari asks that he also be included in the visit. Chairman Burnett states that perhaps the Commission will conduct a site visit in the spring so all Commissioners can view the property. This item will be placed on the May IWWC agenda.

On other matters: Commissioners wish to revise the **Fee Schedule** for enforcement at the next Town Meeting. Discussion will continue on this matter at the next IWWC meeting on 4/1/19.

7. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

Complaint against **Michael Audet, 70 Locust Road** by Robert Orciari, 47 Wilson Pond Road, President, Harwinton Land Trust. Farm manure from the 70 Locust Road farm and sediment is creating a water quality issue to Bull Pond, Locust Road.

R. Orciari recuses himself at this time as he will be representing the Harwinton Land Trust in this matter. He informs the Commission that he has sent a letter to Michael Audet, 70 Locust Road, on behalf of the Land Trust who owns Bull Pond and is responsible for its well-being. The letter explains the issue-at-hand which is manure runoff from the Audet farm polluting the pond. R. Orciari states that he has recently noticed a change in the aquatic plants of Bull Pond which indicates a loading of nutrients and ecological balance of the pond, which goes hand-in-hand with the complicated problem. For the benefit of the new IWZEO, Troy LaMere, he recounts his visit with Cynthia Rabinowitz, Northwest Conservation District, and the recommendations that were made by Ms. Rabinowitz. IWZEO LaMere will receive a copy of her report. R. Orciari notes that this past January, manure piles surfaced on Bull Pond, and it was after this sighting that he wrote a letter to Mr. Audet giving him options on resolving this issue with no reply back. This prompted Mr. Orciari to write a written formal complaint.

Commissioners ask that IWZEO Troy LaMere follow up with Mr. Audet, providing him a copy of the complaint, and perhaps meet with him and Robert Orciari. The Commission understands the use of right matter for agricultural purposes but this problem involves an environmental issue that is the responsibility of this Commission to get involved.

8. CORRESPONDENCE.

None.

9. INVOICES.

A final invoice of previous IWZEO Thomas Mitchell for 26 hours is received for work done for the year 2018. E. Rahn **motioned** to approve the invoice, seconded by S. Ryan. Motion passed unanimously.

10. ADJOURN.

S. Ryan **motioned** to adjourn the meeting at 8:05 p.m., seconded by E. Rahn. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT

ON 3-12-19 AT 9:30am

ATTEST TOWN CLERK

James J. Bogan