

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

Present: Chairman Bruce Burnett, Susan Ryan, Todd Werner, Timothy Bobroske, Eric Rahn, Robert Wesneski, Merrill French, Alternate Member Robert Orciari, IWZEO Troy LaMere and LUC Polly Redmond
Absent: 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.

2. APPROVE MINUTES OF PREVIOUS MEETING: 10/7/19

R. Wesneski **motioned** to approve the minutes of the previous meeting, seconded by S. Ryan. Motion passed unanimously with B. Burnett refraining from vote due to his absence at the previous meeting.

3. DISCUSSION/POSSIBLE DECISION - WILFORD & HEATHER PELOTTE – APPLICATION FOR INSTALLATION OF CULVERT PIPE, 305 BURLINGTON ROAD.

No one is present to represent.

4. DISCUSSION/POSSIBLE DECISION - THOMAS MCCULLOUGH – AFTER THE FACT PERMIT FOR LANDSCAPING (SCRAPING GRAVEL, TRANSPLANTING TREES AND PLANTING GRASS), 14 CATLIN ROAD.

Mr. & Mrs. McCullough are present and explain that a landscaper was hired to remove rocks that the previous owner had placed down all over the yard and replace with top soil and seed. Three Rose of Sharon trees were replanted and one small Japanese maple also. They did not know a permit was required for this type of work which took place 70 feet from the lake until IWZEO T. LaMere instructed the contractor to stop work and notify the owners that an application was necessary. IWZEO T. LaMere states that normally this type of landscaping work would not require a permit but when he saw that a machine was on the property and in use within 100 feet of the lake, he felt that a stop work order was necessary. He also had concerns that the driveway was ripped up and only graveled with a pitch of the driveway toward the lake. Mrs. McCullough states that the driveway has since been paved and is over 100 feet from the lake with a pipe installed to collect runoff. R. Wesneski questions if a catch basin was installed along with the drain and asks where the water discharges to. Mr. McCullough states that the catch basin and the drain are new and discharge is to the lake, that they are hooked up to the existing gutters that already take run off to the lake. E. Rahn **motioned** to approve the after-the-fact application, with no fee imposed, and including the installation of the catch basin and drain that ties into an existing drain, as maintenance/use of right activity. S. Ryan seconded the motion and it passed unanimously.

5. MICHAEL BOUCHER – APPLICATION FOR SINGLE FAMILY DWELLING, 8 WOODCHUCK LANE.

Mr. Boucher is present. Plans by Robert Green Associates titled Zoning Location Survey Plot Plan for Addition and Leaching Area Layout, revised 9/26/19. Mr. Boucher explains that he is going to build the home in the footprint of the existing foundation but will not be using the existing foundation. The existing septic will be used and a reserve area is shown to the north of the property which is within 100 feet of a wetland. There is no plan for using the reserve area at this time but if the current septic were to fail, he wanted to come before this Commission for an approval of the reserve area. It is noted that a septic repair was done in 2008 and the house was demolished in 2013 so the current septic has only been in use five years. Mr. Boucher explains that the previous owner wanted only a one-bedroom septic system and they received a variance for such, therefore the existing septic is short of the two-bedroom capacity but again, a variance was received. R. Wesneski states that the TAHD will have to give approval for the septic system. Upon questioning of the nature of the wetlands, Mr. Boucher states that the ground is slightly moist in the spring but not all year round and there is no pooling of water. R. Wesneski questions what will happen

with the existing septic underdrain if a problem occurs with effluent runoff, and will a new drain be put in for the new system if needed? T. Bobroske **motioned** to accept the application as a regulated activity with the stipulation that Mr. Boucher, who is still awaiting TAHD approval, should go to TAHD for approval with a revised engineered plan that shows the old underdrain, what would happen to it if there is a failure, and to show a new underdrain and where that would discharge to. T. Bobroske notes that TAHD should be made aware of this and that any approval from TAHD should point out that they have reviewed the revised plan showing this. The 10' x 20' deck should also be added to the plans. R. Wesneski seconded the motion and it passed unanimously.

6. SHOW CAUSE HEARING (CONTINUED) PERTAINING TO CEASE AND DESIST ORDER ISSUED BY IWZEO TROY LAMERE ON JUNE 20, 2019 TO MICHAEL AUDET FOR IMPROPER MANURE MANAGEMENT/MANURE RUNOFF TO BULL POND, LOCUST ROAD, FROM 70 LOCUST ROAD.

IWZEO T. LaMere states that of all the Government agencies he has spoken to regarding this matter, he has been told that this activity is an agricultural use and "cannot be touched". He reports that he reached out to Darcy Winther at DEEP to ask her if she would conduct an informational meeting with Northwest Conservation District and Harwinton Land Use Commissions and members of the public who are interested in hearing about use of rights of farmers. First Selectman Michael Criss and Town Counsel Michael D. Rybak will also be invited to attend. IWZEO LaMere states his belief that the geese who visit Bull Pond are contributors of the pollutants in the pond. Chairman Burnett states that the Commission is still waiting to see if water testing can be done and that this additional documentation must be obtained before any decision is made on the C&D Order issued.

T. Bobroske questions if the town can ask W.M.C. Consulting Engineers for a proposal to do testing.

E. Rahn states that testing should be done during a wet period of time and not under dry conditions.

R. Orciari reports that this past summer the pond situation has been good, that the ditch was clear, but with sporadic events of rain, then there is evidence of pollutants.

LUC Redmond states that perhaps the property owner, Joseph Rusin, (Audet's neighbor) who is allowing the cows to graze on his property should be contacted and questioned whether he is aware of the possible pollution problem in Bull Pond from the cows and also be shown the reports of Cynthia Rabinowitz and Vivian Felten with their suggestions on how to alleviate manure runoff. LUC Redmond will get IWZEO LaMere the contact number of Mr. Rusin.

R. Orciari notes that there should be a base line test of the water in Bull Pond, perhaps best to do in September, and another water test after heavy rain. He adds that this should be done by an expert.

R. Wesneski **motioned** to **continue the Show Cause Hearing to Monday, December 2, 2019** at 7:00 p.m., and to proceed with the informational meeting IWZEO LaMere is trying to set up with DEEP and NWCD, seconded by S. Ryan. Motion passed unanimously.

7. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

IWZEO LaMere reports to Commissioners that he was contacted by Clinton Webb, C. Webb & Associates, LLC, Environmental Consulting Services, to join him in a visit to the site of Equestrian Estates, Plymouth Road, on 10/30/19 to look at new tree plantings that took place. IWZEO LaMere reports that he found the trees to be planted haphazardly, with no fertilizer, and were not packed in. A frost occurred the day after planting and, in his opinion, the 30 plus trees planted probably won't survive. A letter from Pickett Brook Properties, LLC dated 3/19/19 on file in the Land Use office reported that the first planting of trees failed over the last winter and would be replaced with new plantings in the coming spring (2019), which did not happen until October of this year. With a condition of approval the IWWC granted on 11/9/16 being that there shall be zero mortality of trees planted within one year to date of planting, IWZEO LaMere requests that the Commission give one more year to monitor these new plantings. T. Bobroske agrees that due to this situation, the applicant should be given an additional year to obtain zero mortality of trees planted but that Town Counsel Michael D. Rybak should be consulted with for extending the year out for viability of trees to make certain it is proper. After consultation with Town Counsel, if agreeable, IWZEO T. LaMere should put this in writing and send it to Pickett Brook Properties.

8. ANY OTHER BUSINESS.

LUC Redmond reports Agent Approval for the following applications:

6 Wilson Pond Road – inground pool – non-regulated activity

51 Harwinton Heights Road – 15' x 28' addition to garage – no wetlands

Cindy Bystrack, 293 Burlington Road, is present to question the application of her neighbors, the Pelottes, (Item 3) and their application to construct a culvert. She is concerned that by diverting water it will create a wetland issue on her property. Commissioners inform Ms. Bystrack that the Pelottes were instructed to bring back additional information to this Commission before any decision was to be made and that they may not be ready to do so at this time but a decision on the application must be made by the next IWWC meeting on December 2, 2019.

9. CORRESPONDENCE.

Copies of Habitat are received and distributed to Commissioners.

10. INVOICES.

R. Wesneski **motioned** to approve the invoice of IWZEO Troy LaMere for 5.5 hours and mileage, seconded by E. Rahn. Motion passed unanimously.

11. ADJOURN.

M. French **motioned** to adjourn the meeting at 8:15 p.m., seconded by R. Wesneski. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 11-7-19 AT 12:05pm
ATTEST TOWN CLERK

James Bryan