

**HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION**

**MONDAY, APRIL 4, 2022**

**TOWN HALL 7:00 p.m.**

Present: Susan Ryan, Todd Werner, Eric Rahn, Robert Wesneski, Merrill French, Timothy Bobroske, Brent Lafferty, Land Use Coordinator Polly Redmond and Inland Wetlands Enforcement Officer Don Truskauskas

**1. NOMINATIONS/ELECTION OF OFFICERS: CHAIRMAN AND SECRETARY**

T. Werner **motioned** to address this item at the end of the meeting, seconded by R. Wesneski. Motion passed unanimously.

**2. OPEN MEETING – ESTABLISH QUORUM.**

Acting Chair Susan Ryan called the meeting to order at 7:00 p.m. All members present are seated.

**3. APPROVE MINUTES OF PREVIOUS MEETING: 3/7/22**

T. Bobroske **motioned** to approve the minutes of the previous meeting, seconded by T. Werner. Motion passed unanimously with R. Wesneski refraining from vote due to his absence at the previous meeting.

**4. AJT, LLC – DISCUSSION/POSSIBLE DECISION – APPLICATION FOR TWO-LOT RESUBDIVISION, 300 HILL ROAD (RECREATING FORMER LOT 251 WHETSTONE ROAD).**

Robert Hiltbrand, R.R. Hiltbrand Engineers and Surveyors, LLC is present to represent for Ryan and Tia Williams who are also present in the audience. Subdivision Map Plans, Sheets 1-3, prepared by Dufour Surveying, dated 2-14-2022 for A.J.T., LLC and plans titled Proposed Site Plan, Site Plan ~ Notes & Details, and Overall Site Plan prepared by R.R. Hiltbrand Engineers & Surveyors, LLC dated 1-20-2022 are reviewed. Mr. Hiltbrand summarizes his presentation at the last Wetlands meeting explaining that the 4.11-acre lot being proposed was originally a 3.1-acre parcel before being joined with 300 Hill Road. The lot did have a house on it that was recently demolished and a driveway located in the same location approximately 120 feet in from the road. The wetlands on the property have been recently marked and located north of the driveway and also to the rear of the property. Torrington Area Health District approval dated 4/4/2022 has been received for the subdivision of land and Mr. Hiltbrand states he is receipt of TAHD approval for the house and will submit a copy to the Land Use office. T. Bobroske **motioned** to approve the application for the two-lot subdivision, seconded by T. Werner. Motion passed unanimously.

**5. RYAN & TIA WILLIAMS – DISCUSSION/POSSIBLE DECISION - APPLICATION FOR SINGLE FAMILY DWELLING AND 30' X 40' BARN, 251 WHETSTONE ROAD.**

Since the application in Item 4 above included discussion on site development and found to be insignificant, T. Bobroske **motioned** to approve the application for a single family dwelling as a regulated activity, seconded by T. Werner. Motion passed unanimously with the condition that TAHD approval is received as noted above.

**6. 497 BURLINGTON ROAD, LLC – DISCUSSION/POSSIBLE DECISION - APPLICATION FOR TWO 80' X 80' STORAGE BUILDINGS, GRAVEL PARKING LOT AND STORM DRAINAGE FACILITIES, 497 BURLINGTON ROAD.**

Robert Hiltbrand, R.R. Hiltbrand Engineers and Surveyors, LLC is present to represent with Martin Peabody also present in the audience. Revised plans prepared by R.R. Hiltbrand Engineers & Surveyors, LLC titled Country Storage Expansion were received via email in the Land Use office and forwarded on to Commissioners. Plans include an Improvement Location Survey, dated 10-25-21, Lot Line Revision Map, 12-20-21, prepared by Dufour Surveying, LLC, Overall Development Plan, 2-14-22, revised 3-29-22 per Engineering Review, Proposed Site Plan, 2-14-22, revised 3-29-22 per Engineering Review, Proposed Site Details, 2-14-22, revised 3-29-22 per Engineering Review, Sediment & Erosion Control Details, 2-14-22, revised 3-29-22 per Engineering Review, Pre-Developed Drainage Area Map (2 sheets), 2-14-22, revised 3-29-22 per Engineering Review. The plans are accompanied by a Drainage Report dated December 20, 2021 prepared by R.R. Hiltbrand Engineers & Surveyors and remains on file in the Land Use office.

W.M.C. Consulting Engineers' report dated 4-4-2022 has been received with all Commissioners receiving a copy. T. Bobroske questions Mr. Hiltbrand asking if most of the comments made by W.M.C. have been addressed with Mr. Hiltbrand replying, yes. W.M.C. reviewed the drainage system for both 497 Burlington Road and the Cassina property to the west at 495 Burlington Road with Mr. Hiltbrand referring to the W.M.C.

report and reading it into the record. Report remains on file in the Land Use office. W.M.C. gives their overall approval of the site plan with the request for two more test pits to be done with the design engineer and a representative from W.M.C. to confirm the absence of any seasonal high groundwater or perhaps a perched water table from the olive soil layer identified. W.M.C.'s report states that any design alteration can be coordinated directly with their office and documentation provided to the Land Use office.

T. Bobroske questions what happens if the additional perc testing doesn't meet the standards and is there a Plan B? Mr. Hiltbrand states that W.M.C. made a reasonable engineering assumption and wants more test pits. Three-quarters of the system is in a fill section, the bottom area is fill, so that whole area won't come into play because it's already at existing grade. IWZEO D. Truskauskas asks how it can be verified that the fill is similar or at a better perc rate than what is at existing grade. T. Werner states that this could be a condition of an approval. IWZEO D. Truskauskas clarifies his concern on the fill the system is going in and agrees that a condition could be that the engineer perc test that fill and also at the level the system is being installed.

R. Wesneski questions if an approval is contingent on the property to the east (495 Burlington Road) getting an approval with Mr. Hiltbrand stating, no. R. Wesneski states that there is a proposed agreement for a right to drain between the two property owners of 497 and 495 Burlington Road. M. Peabody addresses the Commission from the floor stating that his engineer is different from Mr. Cassina's engineer but they are using the same attorney to draw up the right to drain easement for filing in the land records. The attorney needs both his application and Mr. Cassina's to be approved before putting anything in writing. R. Wesneski questions Mr. Peabody on what would happen if his application gets approved but Mr. Cassina's does not, will the right to drain easement still be recorded? Mr. Peabody states that the recording of the document could be subject to an approval. T. Werner states that the concern is that W.M.C. Consulting Engineers is okay with the plan and that the right to drain easement is a separate matter.

E. Rahn referring to W.M.C.'s comment that "if any potential mottling band was overlooked it could alter the shape and design elevations of the stormwater management facilities" and what would happen if mottling were found with the additional test pits. Mr. Hiltbrand replies that the system would have to be raised.

T. Bobroske states that with any approval received, the Commission can condition that the easement be filed and as a Plan B, if mottling is shown, both engineers would have to address that. R. Wesneski questions the possible overflow of the leaching galleys with Mr. Hiltbrand stating that there is a long linear infiltration trench that goes along the property line and to a culvert and swale for sheet flow. R. Wesneski questions if it's designed for a 25-100 year flood with Mr. Hiltbrand stating water drains to the galleys and flows into an above ground water quality and infiltration basin and goes down to the pond. R. Wesneski questions the drainage from the parking lot with Mr. Hiltbrand stating that also goes to the pond.

T. Bobroske **motioned** to approve the application with condition that the right to drain easement be filed in the land records, if there is mottling then the applicant would work with the engineers to resolve and verification be made that the fill is similar or at a better perc rate than what is at existing grade. E. Rahn adds a friendly amendment that the recommendation made by W.M.C. to have each of the applicant's engineers on site to report be followed and that additional test pits be excavated. M. French seconded the motion and it passed unanimously. Revised plans shall be submitted to the Land Use office.

**7. MATTHEW CASSINA – DISCUSSION/POSSIBLE DECISION - APPLICATION FOR 40' X 125' CONTRACTOR'S STORAGE BUILDING, GRADING AND STORM WATER CONTROL MEASURES, 495 BURLINGTON ROAD.**

Brian Cunningham, P.E., Robert Green Associates is present with Matthew Cassina also present in the audience. Plans prepared by Robert Green Associates titled Site Plan – Storage Facility, revised to 3-1-22 include a Property and Index Map (Sheet 2), General Notes (Sheet 3), Plan/Profile (Sheet 4), Layout (Sheet 5, 6 and 7 with Sheet 7 stating "No Work Proposed At This Time"), Grading and Utilities (Sheet 8, 9 and 10 with Sheet 10 stating "No Work Proposed At This Time"), Erosion and Sedimentation Control (Sheet 11, 12 and 13 with Sheet 13 stating "No Work Proposed At This Time"), Miscellaneous and Details (Sheet 14 and 15). Plans are accompanied by a Site Plan Storage Facility Project Statement that includes a Drainage Area Map for Storage Building, Drainage Computations, List of Abutters, Environmental Assessment and Wetland Report, Appendix 1 Drainage Areas to Driveway, Appendix 2 Hydrology Studio Report for the Driveway,

Appendix 3 Hydrology Studio Report for the Storage Building Site, Appendix 4 LID Examples, Appendix 5 Responses to the WMC 5-3-2021 Comments on original submission, Appendix 6 Hydrology Studio Report for Bldg Site Pre/Post Assessment.

W.M.C. Consulting Engineers' report dated 4-4-2022 has been received with all Commissioners receiving a copy. Report remains on file in the Land Use office.

Mr. Cunningham states that test pits and data for on site septic are on the plans provided but a septic system is not being proposed at this time. T. Bobroske states that if there is no septic on the plan, the applicant will have to come back before this Commission for approval of one. Mr. Cassina addresses the Commission from the floor stating that he is aware of the area for the septic and sees no problem and agrees that he'd have to make application for such in the future. Mr. Cunningham, referring to W.M.C. Consulting Engineers' statement (3) asking that the application include the date in which the wetlands were flagged and that wetland flag numbers should be identified on the plans, states that additional information on when the wetlands were flagged was done in 2021 and final plans will have this information on them.

Mr. Cunningham refers to W.M.C. comment (4) regarding the bioretention system being replaced with grassed lined swales and that Mr. Hiltbrand sent to him drainage calculations for the neighboring property at 497 Burlington Road and he agrees with them. Mr. Cunningham states that the north and south culvert is adequately sized for the driveway crossing flows being proposed by Mr. Cassina across his driveway. W.M.C. did have a concern on the culvert in the existing right of way and wanted notes on maintenance and in comment (5) of their report states that the maintenance of the culvert should continue as part of the operations and maintenance plan associated with the site. Mr. Cunningham points out that maintenance of the culverts is noted on Sheet 3 under General Notes. Mr. Cunningham states that CTDOT culverts could be cleaned out twice a year by Mr. Cassina if not DOT. In regards to Item 6 in W.M.C.'s report where they "recommend installing a level spreader at the end of the outfall apron associated with the culvert at Station 18+47 and that the outfall apron is designed to dissipate the energy and slow the water down but the installation of a level spreader ensures a more even flow distribution down the natural terrain towards the wetlands." Mr. Cunningham states that this is a recommendation only but that they will provide a rip rap pad in a level area. T. Bobroske states that stone is a level spreader with B. Lafferty and T. Werner agreeing that it should not be concrete. Item 7 in W.M.C.'s report recommends all silt fence protecting the wetlands and watercourses along the bioretention area be backed by staked hay bales as an added measure of protection with Mr. Cunningham agreeing to this and that it will be noted on revised plans.

W.M.C.'s comment (8) in their report states that the "applicant's engineer has stated test pits were dug in the vicinity of the area adjacent to the proposed storage building and "groundwater is high". The locations of these test pits and associated logs should be provided on the plans. The engineer proposes to artificially lower the groundwater table by installing an underdrain system beneath the bioretention basin which we do not recommend." [W.M.C.'s report does list recommendations a. – d. on page 3 of their report.] Mr. Cunningham states that he spoke to W.M.C. with the conclusion that the design be changed to construct a swale at the edge of millings and spilling over to a basin.

Mr. Cunningham refers to W.M.C.'s item (8)c. where it is recommended that a "series of test pits be conducted in the area of the BioRetention, underdrain system and infiltration chambers. Test pits should be conducted to a depth 4 ft below the maximum cut elevation or bottom of stone where infiltration is anticipated. Test pit results should be provided on the plans that show adequate separation to seasonal high groundwater and bedrock." Mr. Cunningham agrees that a couple of test pits will be done.

LUC Redmond questions whether W.M.C. Consulting Engineers will review revised plans with assurance they will and the Commission will look for their final report along with copies of the revised plans.

T. Bobroske **motioned** to approve the application with the condition that W.M.C. Consulting Engineers' comments be addressed with new plans and that the IWZEO be notified of these changes also and agrees with them. Motion seconded by M. French and passed unanimously.

**8. PAUL KAMINSKI – DISCUSSION/POSSIBLE DECISION – APPLICATION SUBMITTED AND PARTIALLY APPROVED NOVEMBER 2021 FOR 30' OCTAGON INGROUND POOL, 68 CAMPVILLE HILL ROAD.**

No one is present to represent. LUC Redmond had notified Mr. Kaminski of tonight's meeting.

**9. CALVIN CHAMPA & COURTNEY BURKE – INFORMAL DISCUSSION ON PAVING GRAVEL DRIVEWAY 10 FEET FROM BROOK, 192 WHETSTONE ROAD.**

Mr. Champa and Ms. Burke are present with Mr. Champa noting that the driveway is 20 feet from Kelly Pond Brook. A site plan from 2004 is provided by LUC Redmond for reviewing purposes. The driveway is 500 feet long and currently graveled. Concern over sheet flow into the watercourse is expressed by Commissioners with the suggestion that perhaps a berm or swale can be installed in between the driveway and brook. B. Lafferty suggests a stone level spreader, running parallel to the brook, to mitigate surface runoff. IWZEO D. Truskauskas states that he is in favor of both a berm and a level spreader in that the berm will keep water away and turn the water and then the stone level spreader to help dissipate the water. LUC Redmond believes no application is required with Commissioners agreeing that this is maintenance and a use of right with T. Werner stating that erosion control measures should be put in place including haybales and silt fence. T. Bobroske asks that IWZEO D. Truskauskas inspect erosion control once Mr. Champa notifies him that it is installed and prior to paving the driveway.

**10. PARCEL 8, LLC – INFORMAL DISCUSSION ON LANDSCAPE MAINTENANCE, 122 LITCHFIELD ROAD, PRESENTED BY PETER STERGOS, MANAGING MEMBER.**

Melissa Caouette is present to represent explaining that she and her brother, Pete Sturgos (Parcel 8, LLC) want to clean up the area to the west of the parking lot getting rid of downed trees and take out some stumps. The property has approvals from the Wetlands Commission and the Zoning Commission to construct a commercial building in that area and they want to clean it up to make it more presentable. IWZEO D. Truskauskas states that he was at the property for an unrelated reason and noticed that work was being done with small equipment approximately 30 feet from wetlands and asked that the silt fence that was put in be installed properly, which was done right away. He also asked that a representative attend tonight's meeting.

T. Bobroske informs M. Caouette that seeding should be done immediately where the land has been cleared with M. Caouette stating that shrubs have been planted along the stone wall next to the restaurant storefront, Harwinton Pizza. When asked of M. Caouette what else will be done, she replied she did not know exactly what her brother's plan were. Commissioners review site plans that were provided by M. Caouette and point out the wetlands on the property and the 100 foot regulated area explaining that any work being done within the 100 feet must come before the Wetlands Commission for review. IWZEO D. Truskauskas states that he is willing to walk the property with the owners and help them in anyway he can. It is expressed that when a commercial building is ready to be constructed, a new Wetlands approval would be needed prior to construction since the original approval has expired. The Zoning Commission has extended their site plan approval to 2/27/2027.

**11. THOMAS & RITA MCCULLOUGH – APPLICATION TO CONSTRUCT 16' X 16' DECK OFF EXISTING SHED, 14 CATLIN ROAD.**

Mr. & Mrs. McCullough are present explaining they wish to construct a 16' x 16' deck placed on concrete pads with no footings, ten feet from the lake. 2' x 2' concrete pads will be placed at the corners of the deck and prefab blocks placed underneath. The deck will be one foot off the ground, parallel to the lake, with no disturbance of soil. Their original application included repair of a stone retaining wall on the lake front but was rescinded when they were told there is no work to be performed at the waterline until the lake is scheduled for draw down, planned for fall of 2023. E. Rahn suggests that the application can include the repair of the wall at this time since Wetland approvals are good for five years and the McCullough's would not have to come back before the Commission at a later time. T. Bobroske agrees stating that if they applied for the deck and the wall the Commission would accept the application tonight with a decision due next month after review of a submitted plan for wall repair. Finding no significant activity, E. Rahn **motioned** to accept the application as a regulated activity, seconded by M. French. Motion passed unanimously.

**12. SPENCER CERRUTO – APPLICATION TO CONSTRUCT 20' X 15' PATIO AND STAIRS TO LAKE ON VACANT LOT ACROSS THE STREET FROM AND OWNED BY S. CERRUTO, 99 CATLIN ROAD.**

Mr. Cerruto is present and has provided a hand-drawn sketch of where the patio and stairs would be placed on the vacant lot. 18" x 18" pavers will be used for the patio that will be built by hand. The stairs will be made from stone and wood, not going into the lake, but will be two feet closer to the lake than the beams used as steps that are there now. Finding no significant activity, E. Rahn **motioned** to accept the application as a regulated activity, seconded by R. Wesneski. Motion passed unanimously. A decision will be made at the next IWWC meeting on May 2, 2022.

**13. PETER KORES – PRELIMINARY REVIEW OF PROPERTY KNOWN AS CLEARVIEW ESTATES, WEINGART ROAD AND CLEARVIEW AVENUE. TWO VACANT LOTS; ONE BEING PART OF THE SUBDIVISION, THE OTHER EXCLUDED FROM THE SUBDIVISION.**

No one is present to represent.

**14. PICKETT BROOK PROPERTY, LLC FOR DAVID & NATALE BARRETT – APPLICATION FOR SINGLE FAMILY DWELLING, 16 STEEPLE CHASE ROAD, LOT 15, EQUESTRIAN ESTATES SUBDIVISION.**

Joe Green, P.E., Robert Green Associates, is present to represent along with property owner David Barrett. Plans by Robert Green Associates, LLC titled Zoning Location Survey, Site Plan for House, prepared for David & Natale Barrett, dated 3/29/2022 are reviewed. Mr. Green explains that the location of the house and septic being presented tonight differs from what was proposed on the Equestrian Estates Subdivision development plan as the house size has doubled. R. Wesneski states that with this proposal there is now regulated activity with Mr. Green agreeing and replying that they wanted to keep the driveway on the high side, away from wetlands. If the driveway was placed on the left side of the property, fill would need to be added and that would be regulated. The site plan for this lot also differs from the Equestrian Estates Subdivision development plan and now includes a 16' x 32' inground pool and a 14' x 18' shed as well as the larger house. Mr. Green points out the Conservation Area located to the left along the wetlands line [requiring wetland markers]. IWZEO D. Truskauskas suggests that an underground detention system off the side of the deck of the pool should be required with infiltrators to handle any pool water coming off the deck. He also suggests upsizing of the roof drains. With no further discussion and finding no significant activity, R. Wesneski **motioned** to accept the application as a regulated activity, seconded by T. Bobroske. Motion passed unanimously. Mr. Green is advised that TAHD approval for the inground pool is separate from the approval for the single family dwelling. A decision will be made at the next IWWC meeting on May 2, 2022.

**15. RICHARD & KAREN ZALESKI – APPLICATION FOR SINGLE FAMILY DWELLING, RENEWAL OF 2006 IWWC APPROVAL, 365 LITCHFIELD ROAD. (COMPLAINT RECEIVED REGARDING THIS PROPERTY DUE TO FILL BROUGHT ON TO 365 LITCHFIELD ROAD WITH THE GRADING OF THE DRIVEWAY RESULTING IN WATER RUNOFF AND PONDING TO NEIGHBORING PROPERTY TO THE WEST.)**

Richard Zaleski is present. The plans presented tonight are the same plans presented to the Wetlands Commission in 2006 when this Commission approved the application presented for a single family dwelling (non-regulated activity) and a driveway crossing (regulated) under the applicant name, Northland Site Development. That approval has since expired (5 years) and those same plans and application presented tonight are now under the name Rock Industries, LLC. IWZEO D. Truskauskas notes that a complaint was received back in November 2021 from neighboring property owner Edward Connors, 359 Litchfield Road, that stated his belief that in the process of putting in the driveway at 365 Litchfield Road, wetlands were filled in and what once was a swamp is now turning into a pond and pushing the wetlands onto his property creating a pond and swampy lawn. Mr. Zaleski states that the driveway was opened up to alleviate the ponding his neighbor is mentioning with IWZEO D. Truskauskas agreeing that the wetlands were filling up. In reviewing the plans, T. Werner states that the proposed 15" pipe located approximately 160 feet up the driveway should go in first with E. Rahn stating he would prefer to see a natural bottom culvert installed instead. In reviewing the Wetlands meeting minutes from July 3, 2006, E. Rahn notes that it was then-member Robert Orciari who stated at the meeting that riprap was not to be installed at the pipe opening to the swale and E. Rahn agrees with this and IWZEO D. Truskauskas also agrees noting that it is a flat area.

With no further discussion and finding no significant activity, E. Rahn **motioned** to accept the application with the contingency that the Commission is provided details on drainage, the size of the driveway pipe, grade, and the culvert instead of swale. M. French seconded the motion and it passed unanimously.

T. Bobroske **motioned** to add to the agenda:

**Don Truskauskas** for discussion on pond maintenance, **300 Litchfield Road**, seconded by R. Wesneski. Motion passed unanimously.

D. Truskauskas states that since Eversource recently cut all the cedar trees in the CL&P right of way on the property, he can now see how much underbrush is in the area of the pond which should be cleaned out. He notes that there's a sediment basin from DOT where water drains to this area then out to a catch basin. The state has a right to drain but is not required to maintain. T. Bobroske **motioned** that this activity is considered a use of right/maintenance, seconded by B. Lafferty. Motion passed unanimously.

#### **16. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.**

IWZEO D. Truskauskas updates the Commission on Andrew Fortin, 231 Catlin Road, who is seeking a Certificate of Occupancy on his house. The Wetlands Commission asked Mr. Fortin to stabilize and remove the woodchip berm but it is still too wet to do so. IWZEO D. Truskauskas is looking for guidance from the Commission on moving forward with the Zoning Compliance. T. Bobroske states that if Mr. Fortin were forced to remove the woodchip berm now it may cause damage so he believes it to be best to wait and allow the IWZEO to give Zoning Compliance with Commissioners agreeing.

#### **17. ANY OTHER BUSINESS.**

Discussion on wording for accepting applications and the use of the term “non-significant” takes place among Commissioners and LUC Redmond. LUC Redmond states that she was under the assumption that there were three ways to receive an application under the Inland Wetlands and Watercourses Regulations. Section 4 speaks of Permitted Uses as of Right and Non-regulated Uses. Section 6 is on Regulated Activities and Section 9 pertains to holding a public hearing for determination of Significant Activities/Impacts on Wetlands. LUC Redmond questions the acceptance of an application as “Regulated Non-Significant” and was told that by accepting applications as such leaves the Commission with no ability to request Feasible & Prudent Alternatives because it has been determined there is no significant activity. It was suggested that applications could be accepted by stating “*finding no significant activity, the application is accepted as a regulated activity.*” Commissioners will review the Wetlands Regulations for any further discussion.

#### **Item 1 is taken up at this time.**

M. French **motioned** to nominate Susan Ryan as Chairman of the Commission, seconded by R. Wesneski. Motion passed unanimously. E. Rahn **motioned** to close the nominations, seconded by M. French. Motion passed unanimously. S. Ryan **motioned** to nominate Merrill French as Secretary of the Commission, seconded by E. Rahn. Motion passed unanimously. R. Wesneski **motioned** to close the nominations, seconded by T. Werner. Motion passed unanimously.

**18. CORRESPONDENCE.** CT Wildlife Magazine is received.

**19. INVOICES.** None.

#### **20. ADJOURN.**

E. Rahn **motioned** to adjourn the meeting at 9:20 p.m., seconded by M. French. Motion passed unanimously.

Respectfully submitted

Polly Redmond  
Land Use Coordinator