

HARWINTON INLAND WETLANDS AND WATERCOURSES COMMISSION
MONDAY, NOVEMBER 6, 2023
TOWN HALL 7:00 P.M.

Present: Chairwoman Susan Ryan, Secretary Todd Werner, Timothy Bobroske, Brent Lafferty, Robert Wesneski, Francis Skarp, Alternate Member Marc Matsil, Land Use Coordinator Polly Redmond and Inland Wetlands Enforcement Officer Don Truskauskas

Absent: Benjamin Ogonoski and Alternate Member Nicholas Carbone

PLEDGE OF ALLEGIANCE

SHOW CAUSE HEARING – continued from 7/3/2023

1. OPEN HEARING – ESTABLISH QUORUM.

Chairwoman S. Ryan called the hearing to order at 7:00 p.m. All regular members present are seated with Alternate Member Marc Matsil seated for Ben Ogonoski.

2. PICKETT BROOK PROPERTY, LLC – 485 PLYMOUTH ROAD, EQUESTRIAN ESTATES. UNPERMITTED EXCAVATION WITHIN THE WETLANDS AND REGULATED AREA IN VIOLATION OF 4.3 OF THE HARWINTON INLAND WETLANDS AND WATERCOURSES REGULATIONS DATED SEPTEMBER 10, 2018.

SHOW CAUSE HEARING OPENED 11/7/2022, CONTINUED 1/3/2023, CONTINUED 2/6/2023, 3/6/2023, 4/3/2023, 5/1/2023, 6/5/2023 AND 7/3/2023.

***ADDRESS IS NOW KNOWN AS 3 BREAK MAIDEN LANE DUE TO BREAK MAIDEN LANE BEING ACCEPTED AS A TOWN ROAD, per Harwinton Assessor.**

Atty. Timothy Furey, Furey, Donovan, Cooney & Dyer, Bristol, CT is present along with Clinton Webb, C. Webb & Associates, LLC, Environmental Consulting Services, Norfolk, CT. Atty. Furey states that they are actively working on the pond site to restore the bank but that the bank is not yet restored to height due to removal of milfoil. He states that IWZEO Don Truskauskas, here tonight, can speak to whether restoration has been completed to satisfaction. IWZEO Truskauskas states that he believes work has been done to restore the pond's edge with corrections that were requested being done. The grade of the bank edge is 3:1 grade down to a flat spot and that the work done is satisfactory in his opinion. R. Wesneski questions where the material from the pond went with C. Webb stating that the material stayed on site at the edge of the pond and has been compacted.

3. CONTINUE OR CLOSE HEARING.

T. Bobroske **motioned** to close the Show Cause Hearing at 7:03 p.m., seconded by T. Werner. Motion passed unanimously.

REGULAR MEETING

1. OPEN MEETING – ESTABLISH QUORUM.

R. Wesneski **motioned** to open the regular meeting at 7:04 p.m., seconded by T. Werner. Motion passed unanimously.

Chairwoman S. Ryan called the meeting to order and a quorum was established. All regular members present are seated with Alternate Member Marc Matsil seated for Ben Ogonoski.

2. APPROVE MINUTES OF PREVIOUS MEETING: 10/2/2023

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

3. PATRICK WALL – APPLICATION TO REMOVE DRAINAGE PIPE AND INSTALL PLANK BRIDGE, 3 WHETSTONE ROAD.

Patrick Wall is present and explains there is an area in his backyard that has a seasonal stream where a pipe has been installed years ago. He wants to remove this pipe and install a plank bridge over the stream. He provides photos of the area, the stream, and also a photo of a plank bridge elsewhere on his property that is similar as to what he is proposing. R. Wesneski questions the proposed footings under the bridge with Mr. Wall stating that the footings have to be strong enough to allow for a lawnmower to cross over the bridge. R. Wesneski questions where the removed dirt will be placed with Mr. Wall stating it will be placed in an area of the yard that has an indentation where an old shed used to be. R. Wesneski states that haybales should be placed at each end of the stream, across the ditch, so in the event of rain silt will not go in to the stream. T. Bobroske **motioned** to approve the application as a use of right, seconded by B. Lafferty. Motion passed unanimously. Mr. Wall is asked to contact IWZEO D. Truskauskas once work begins.

4. TOWN OF HARWINTON – REPLACEMENT OF BRIDGE NO. 065-006 VALLEY ROAD OVER PUDDING BROOK.

Gary Giroux, Cardinal Engineering Associates (town engineers) is present explaining that funding for this work is through the DOT with half of the money coming from the state and half coming from the town. The Town of Litchfield has been notified of this application as the site location is within 500 feet of the town border. Plans provided are titled Plan for the Replacement of Valley Road Over Pudding Brook (State Project No. 9065-006) and include a Title Sheet, General Notes and Typical Section, Existing Conditions Plan, Roadway Plan & Profile, Cross Sections, General Plan, Culvert Profile, Culvert Elevations & Sections, Culvert Layout Plan, Miscellaneous Details, Boring Logs, Water Handling Plan, Detour Plan, Sediment & Erosion Control Notes, Sediment & Erosion Control Details, Wetland Impacts, Temporary Precast Concrete Barrier Curb, Mash W-Beam Hardware, Metal Beam Rail (R-B Mash) Guiderail, R-S End Anchorage Type I and II, Chain Link Fence, Chain Link Fence Hardware, Signs for Construction and Permit Operations, Construction Sign Supports and Channeling Devices. The application is accompanied with documents consisting of Agent Written Permission, signed by First Selectman Michael R. Criss, Statewide Wetlands Reporting Form, Location Map, Town GIS Map, Project Description and Wetlands Report (Wetlands Delineation and Description Report) prepared by Soil Science and Environmental Services, Inc., Rocky Hill, CT.

Documents accompanying the application explain that the proposed replacement structure that will consist of a 16' x 5' Precast Concrete 3-Sided Rigid Frame with cast in place concrete footings on bedrock with cast in place wingwalls and headwalls. Mr. Giroux notes that these will be larger in size than what is there now. Work will be done in the upland review area with approximately 695 square feet of impact to wetlands. R. Wesneski questions if amphibian crossing was taken into consideration with Mr. Giroux explaining there is a natural streambed for a wildlife shelf. T. Bobroske questions whether this work was a request from DEEP with Mr. Giroux replying, yes. T. Bobroske questions if that request/recommendation can be provided to this Commission with Mr. Giroux replying, yes. Mr. Giroux states that DEEP, Army Corp of Engineers and Harwinton Inland Wetlands are all reviewing the plans.

R. Wesneski questions if there is downstream erosion and sediment control with Mr. Giroux replying, yes. Sheet 16 & 17 of the plans provide details. T. Bobroske questions who will do inspections for erosion control with Mr. Giroux replying, the Town of Harwinton, and that some towns do have Cardinal Engineering do the inspections but it hasn't been decided yet and would not be until after the project goes out to bid. T. Bobroske states he would like to know who the inspector will be at the next Wetlands Commission meeting, if available. M. Matsil asks that the U.S. Fish & Wildlife of this region be noticed with Mr. Giroux agreeing to do so.

T. Bobroske **motioned** to accept the application as a regulated activity with the request that additional information be provided at the next Wetlands Commission meeting regarding the name of the person responsible for inspections, information on the amphibian crossing from DEEP, and that the U.S. Fish & Wildlife of this region be noticed. R. Wesneski seconded the motion and it passed unanimously. Mr. Giroux informs Commissioners that on Wednesday, November 8, 2023 at 11:30 a.m. they will be meeting with DEEP on aquatic life at the site and anyone can attend if they choose.

5. TOWN OF HARWINTON – REPLACEMENT OF BRIDGE NO. 065-007 VALLEY ROAD OVER UNNAMED BROOK.

Gary Giroux, Cardinal Engineering Associates (town engineers) is present to represent this application as well. The Town of Litchfield has been notified of this application as the site location is within 500 feet of the town border. Plans provided are titled Plan for the Replacement of Valley Road Bridge Over Unnamed Brook (State Project No. 9065-007) and include a Title Sheet, General Notes and Typical Section, Existing Conditions Plan, Roadway Plan & Profile, General Plan, Culvert Profile, Boring Logs, Detour Plan, Sediment & Erosion Control Notes, Sediment & Erosion Control Details. The application is accompanied with documents consisting of Agent Written Permission, signed by First Selectman Michael R. Criss, Statewide Wetlands Reporting Form, Location Map, Town GIS Map, Project Description and Wetlands Report (Wetlands Delineation and Description Report) prepared by Soil Science and Environmental Services, Inc., Rocky Hill, CT.

Documents accompanying the application explain that the proposed replacement structure that will consist of a Single 137" x 87" Corrugated Metal Pipe Arch Culvert with cast-in-place headwalls and cast-in-place or precast wingwalls. The resulting hydraulic opening will be approximately 40 square feet.

T. Bobroske **motioned** to accept the application as a regulated activity with the request that additional information be provided at the next Wetlands Commission meeting regarding the name of the person responsible for inspections, information on the amphibian crossing from DEEP, and that the U.S. Fish & Wildlife of this region be noticed. R. Wesneski seconded the motion and it passed unanimously.

6. DISCUSSION/POSSIBLE DECISION – PICKETT BROOK PROPERTY, LLC, 485 PLYMOUTH ROAD (3 BREAK MAIDEN LANE). SHOW CAUSE HEARING.

T. Bobroske **motioned** to release the Cease and Desist Order issued by IWZEO D. Truskauskas on October 12, 2022 and accept the four-page Resolution written by LUC Redmond, seconded by B. Lafferty. Motion passed unanimously. Chairwoman S. Ryan signs the Resolution that will remain on file in the Land Use office.

T. Werner **motioned** to add:

GREG AND RAMONA WEINGART, 35 HIGHVIEW DRIVE, APPLICATION FOR 30' X 70' BARN, seconded by R. Wesneski. Motion passed unanimously.

Greg Weingart is present. Site Plans prepared by Berkshire Engineering, 8-29-23 are reviewed. Mr. Weingart has a 20 year old plan tonight showing a proposed barn that he said was approved by the Wetlands Commission back then. The new location he is proposing, now 77 feet from wetlands, is further away from the wetlands than the old proposal. The barn will be built on slab and on grade. T. Bobroske **motioned** to accept the application as a regulated activity with the request that erosion control measures be provided on the plans. G. Weingart took two copies of the plans with him and will have the E&S measures drawn in. B. Lafferty seconded the motion and it passed unanimously.

7. COMPLAINTS/ENFORCEMENT ACTIONS/REPORTS.

Commissioner T. Werner states that Rita McCullough, 14 Catlin Road, who received approval from the Wetlands Commission to build a 1.5 foot high stone wall at her lake edge has in fact built nearly a three foot wall and did not use rocks that were already on the property, as she said would be, but brought rocks in. He states that maybe two or three rock are original. IWZEO D. Truskauskas states that he has been in touch with Mrs. McCullough who said she was not sure where the 1.5 foot height came from. Commissioners discuss whether or not to bring Mrs. McCullough back before the board or to write her a letter stating she is in violation of what was approved. R. Wesneski states that the wall is nicely done and done professionally so he doesn't see a problem with the height. Commissioners agree to not pursue this but that any other applicants who come before them for stone wall construction or repair will have to show much more detail than what has been accepted in the past before receiving an approval.

8. ANY OTHER BUSINESS.

LUC Redmond reports signing off on the following applications:

Kevin Smail, 19 Catlin Road – 12' x 30' shed with one garage bay. No wetlands.

John Leclerc, 719 Hill Road – 18' x 36' inground pool, Non-regulated activity

B&R Corporation, 216 Bogue Road – 25' x 50' addition to commercial building for office space. No wetlands.

Keith Dablain, 320 Harmony Hill Road – 30' x 36' garage. No wetlands.

John Kaminski, 60 Lenor Drive – 12' x 20' shed. No wetlands.

Michael Failla, 11 Break Maiden Lane – single family dwelling. No wetlands.

At this time, Atty. Timothy Furey updates the Commission on the maintenance work on the pond within Equestrian Estates, 485 Plymouth Road, now known as 3 Break Maiden Lane, saying that the pond has been lowered and IWZEO D. Truskauskas was at the site today to inspect. The area where they originally wanted to enter the pond area turned out to be too mushy so another spot on the south end of the pond was chosen. IWZEO Truskauskas agrees that the new area of entry is better. Removal of milfoil will be by use of two excavators. Atty. Furey also states that a second change was made which was to lessen some of the water they want to pump where the water enters into an existing sedimentation basin. This would be three days' worth of work. Thirdly, Atty. Furey states that at the end of the pond there's an overgrowth of trees they would like to clear out. T. Bobroske believes that work can continue and that IWZEO Truskauskas can update the Commission at the next Wetlands meeting. R. Wesneski questions whether samples of the pond water were taken with Clinton Webb stating, yes, and that he can get results to the Commission. R. Wesneski asks Mr. Webb if samples can be taken from the sediment basin with Mr. Webb agreeing to do so.

9. CORRESPONDENCE.

None.

10. INVOICES.

None.

11. ADJOURN.

B. Lafferty **motioned** to adjourn the meeting at 8:25 p.m., seconded by F. Skarp. Motion passed unanimously.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED
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HARWINTON
TOWN CLERK