

**INLAND WETLANDS AND WATERCOURSES COMMISSION
PLAINVILLE, CONNECTICUT
MAY 3, 2023
REGULAR MEETING
MINUTES**

REGULAR MEETING at 7:00 P.M.

**MUNICIPAL CENTER
ROOM 304 – COUNCIL CHAMBERS**

PRESENT: P. LeBeau, P. Martin, P. Kilby, R. Carrier

ABSENT:

STAFF: M. DeVoe, Town Planner

I. ROLL CALL

All members were present.

II. PUBLIC COMMENTS

None

III. PUBLIC HEARINGS:

None

IV. UNFINISHED BUSINESS

None

V. NEW BUSINESS

A. IW 03/23 #01 – Regulated commercial activity in an upland review area for new car wash at 297-305 New Britain Avenue – Hutton Site 21, LLC.

Application withdrawn.

B. IW 04/23 #02 – Regulated residential activity in an upland review area for a new in ground swimming pool at 126 Red Stone Hill Road – Pools by Murphy.

Pools by Murphy (Kevin Murphy) represented the Applicant, Lisa Yannios, applying to construct an in ground pool and spa. This is a regulated activity in the upland review area. The construction of the pool and spa is 40 feet off the property line and roughly 32 to 35 feet from a feature staff is comfortable calling an intermittent watercourse. A silt fence is proposed and material will be removed from the site as it is excavated. The temporary stockpile will be surrounded by silt fence as well. Location and access are strictly dictated by the location of the existing septic system. The property is well isolated and buffered.

A motion was made by: P. Martin to approve application IW 04/23 #02 residential activity in an upland review; construction of in ground swimming pool.

Seconded by: P. LeBeau

All in Favor 4 to 0

Motion Passes

C. IW 04/23 #03 – Regulated residential activity in an upland review area for a new in ground swimming pool at 124 Ledge Road – R. Paradis.

Rosa Paradis, the owner of the property, is proposing to construct an in ground pool and associated deck (36 x 20) within an upland review area. The owner is also performing the work in this case. The location is 25 – 30 feet from the wetland boundary. Staff sees little difference from the application on 126 Red Stone Hill Road.

A motion was made by: R. Carrier to approve application IW 04/23 #03 residential activity in an upland review; construction of in ground swimming pool and associated deck.

Seconded by: P. LeBeau

All in Favor 4 to 0

Motion Passes

D. IW 04/23 #04 – Jurisdictional Ruling – Landscaping in an upland review area at 181 Stilwell Drive – K. Rosa & R. DaSilva

Richard DaSilva, the Applicant, is asking for a jurisdictional ruling under Section 4.1 of IW regulations for landscaping within an upland review area. This use is considered as permitted by right; however, the commission has not, by regulation, appointed an agent to permit these activities so a ruling must be made by the commission.

Mr. DaSilva wants professional planting of 15 – 20 emerald green trees along the southern boundary property line for privacy and ending at the conservation easement.

A motion was made by: P. Martin to permit use per Section 4.1 of IW Regulations for 04/23 #04 landscaping activity in an upland review area.

Seconded by: P. LeBeau

All in Favor 4 to 0

Motion Passes

E. IW 04/23 #05 – Regulated Activity in an upland review area for commercial storage at Lot 10-E-01 (northerly adjacent to 124 Unionville Avenue) – Ferguson Realty.

Sev Bovino, Kratzert Jones, represented Ferguson Electric, the Applicant. Ferguson Electric is renovating the existing structure (red barn) on the subject lot to be used as a receiving facility for materials related to local construction projects. Work within the upland review area includes gravel surface for the storage of the materials as well as low impact development drainage features discussed as mitigating factors under Section 7.5e & f of IW regulations. A swale, to be created, will encompass the cleared area for storm water management. The vegetation buffer will remain between the drainage swale and wetland. Development will be low impact (LID) per DEEP. A construction fence at the end of the disturbed area will be removed at completion of the project.

Mr. Ferguson said that equipment to be stored will be for electrical projects including traffic signals and walk signals.

A soil report from Soil Resource Consultants was initially conducted for review of the adjacent Ducci site. After a close review of the submitted plan against the original soil report, staff is comfortable advising the Commission that the mapping shown on the plan is correct.

The storm water management plan has been submitted for engineering review and has met with approval.

There was no finding of significance.

A motion was made by: P. Martin to approve application 04/23 #05 for commercial storage activity in an upland review area.

Seconded by: P. LeBeau

All in Favor 4 to 0

Motion Passes

F. Notice of Violation/Cease and Desist Order – Show Cause - 12 Granger Lane – clear cutting in a regulated area.

A report of clearing near a wetland was phoned into staff's office. New owners of 12 Granger Lane, (Graceway Church), indicated that the former owners had been clearing underbrush around an area of Poville Pond. The new owners later came in and cleared some small to medium size trees throughout the same area. While the previous owners left them with an incipient violation, the new owners of the Church perpetuated it by doing additional clearing.

It does not appear that any earth was removed or deposited. An NOV and C&D were issued. The applicant is present to forge a path to resolution. Staff has advised them to hold off making an application until they speak with the Commission. There is every indication they will comply by leaving the site alone until a plan of action is agreed upon.

Curt Sparks, Pastor at Graceway Church, said that the affected area has been left to decay and that they are trying to it back to what it used to be. Piles of debris have been removed. Pastor Sparks apologized for “ignorance” not knowing that clear cutting is a violation.

Steve Kowal, Pastor at Graceway Church, is a former earth science teacher with a major in Bio. They want to beautify the area. Clearing done has not created erosion nor has it destabilized the ground. He wants to stump grind and restabilize the hillside.

It was recommended that more detail with photographs be provided showing what they plan to do; landscaping, plant list, etc. It was also recommended that updates be provided on a regular basis.

The Commission would like a study done by a formal environmental analyst showing how the disturbed area was affected and recommendation for best plan and course of action.

Pastor Kowal said that he has credentials to perform the environmental analysis.

An appropriate action might be to require the applicant to apply for a permit to restore the affected area by removing the brush that has already been cut, and seeding any bare ground to establish cover until a more formal application can be made to restore a larger area if that is the Church’s wish. They will do so.

On a positive note, many invasive plants were also removed.

G. IW 04/23 #06 – Jurisdictional Ruling – turtle breeding habitat at Tomasso Nature Park, Granger Lane – Town of Plainville.

The Town of Plainville came to the wetlands commission to install a turtle nesting area back in 2015. Because the Canal trail is in such proximity to the area, there is some concern that it will be destroyed or at the very least trodden upon. Working with the former curator of the park, staff agreed that several areas off the path in flat locations, which will not be highly vulnerable to erosion and will offer much better access for breeding purposes, are appropriate for the intended use. All locations are maintained by Buildings and Grounds and/or the Roadways Crews. They are ringed with low vegetation that the turtles can traverse that also provide a buffer between the water’s edge and the nesting areas.

Because the activity is occurring on dry, managed land on a flat surface, we are confident there will be no impact to the wetlands or watercourses.

We are seeking a jurisdictional ruling under Section 4.2a. of IW regulations for the conservation of wildlife as a permitted and nonregulated use.

A motion was made by: P. Martin to approve jurisdictional ruling for 04/23 #06 for turtle breeding habitat at Tomasso Nature Park, Granger Lane – Town of Plainville.

Seconded by: P. LeBeau

All in Favor 4 to 0

Motion Passes

VI. BILLS AND COMMUNICATIONS

None

VII. MINUTES

A. Regular Meeting of March 1, 2023

A motion was made by: P. LeBeau to approve the regular meeting minutes of March 1, 2023 as submitted.

Seconded by: P. Martin

All in Favor 4 to 0

Motion Passes, Minutes Accepted

VIII. REPORTS

Planner DeVoe said that another commissioner is being sought for the committee. It is unfair that the responsibility be placed on four commissioners.

The Commission gave kudos to Representative Cooley for organization of work done at Hamlin Pond and boat launch area on Earth Day.

An application has been received for Unionville Avenue and that consulting by a third party traffic engineer and planning consultant are being researched.

IX. ADJOURNMENT

A motion was made by: P. Martin to adjourn the meeting at 8:30 p.m.

Seconded by: P. LeBeau

All in Favor 4 to 0

Motion Passes

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Dawn Guite

Substitute Recording Secretary