



**DRAFT MINUTES**

Regular Meeting

Canton Inland Wetlands and Watercourses Agency

Thursday, November 10, 2016 at 7:00 pm

Library Community Center, Room F

40 Dyer Avenue, Canton, CT

**CALL TO ORDER** – The Regular Meeting of November 10, 2016 was called to order at 7:05 p.m.

**ROLL CALL** – Chairman David Shepard, Robert Bahre, Al Bombessei, Eric Henry (Alternate), David Sinish and Rich Van de Bogart

**ABSENT** – David Rosenfeld (Alternate)

**ALSO PRESENT** – Assistant Town Planner Emily Anyzeski and Recording Secretary Jennifer Scott

A quorum of the agency is present.

**MODIFICATION TO THE AGENDA** - None

**PUBLIC COMMENT NOT RELATED TO AGENDA ITEM** – None

**NEW BUSINESS:** None

**OLD BUSINESS:**

- 1. File #09-16-1145; 81 West Simsbury Road; Assessor's Map 8; Parcel 5630081; Zone R-3; request to conduct land stabilization, foundation repair and install gravel driveway; Iwona Kasica, applicant/owner** – Iwona Kasica, applicant/owner and her husband Edward Kasica were in attendance for the discussion of their case. This application was continued from last month so that the applicant could come back in with a refined plan for the work she is proposing to complete on her property.

The members reviewed maps presented by the applicant that indicated where unauthorized tree removal had occurred on the property and detailed where the proposed work will occur in relation to the URA and existing watercourse. Mr. Shepard explained that while some of the work still requires building and zoning permits, this agency's concern is in what way the proposed work will impact the wetlands.

Extensive discussion was had about a several foot drop in elevation across the property as indicated on the topographical map presented by the applicant. The members considered what the effects of the tree clearing in the front along with the drop in elevation will have on the flow of surface water. They contemplated the impact on surface runoff if the driveway were paved at some point in the future. The concern was that water will sheet flow to the back of the property to the stone wall and could eventually encroach on the neighbor's property if control measures were not put in place. They discussed alternatives for managing surface runoff on the property including grass planting, creating a swale, and installing drainage. Mr. Shepard noted that the applicant has planted a good

51 amount of grass in the front that is designed to absorb and slow the movement of water. He also  
52 proposed elevating the edge of the gravel driveway to slow down the water and give it more time to  
53 infiltrate the soil rather than flow across the surface. The Kasica's argued that the wood chips and  
54 stones they have installed on the west side of the property are controlling any minor impact that may  
55 be present from the tree removal. The members also considered the possibility that the water could  
56 be flowing back toward the existing watercourse and that no water flow issue even exists.  
57

58 Mr. Shepard noted that West Simsbury Road is not curbed and that there are no catch basins. Mr.  
59 and Mrs. Kasica explained that water does not come from the road up onto their property because of  
60 a hump in the road and driveway apron. Mr. Sinish commented that they may be designing solely for  
61 a huge rain event which might not be appropriate.  
62

63 Mr. and Mrs. Kasica explained that they would be performing the work on their property themselves  
64 with the help of some family that has applicable professional experience. Mr. Shepard said that a  
65 project like this needs some degree of construction sequencing that is not indicated on any of the  
66 documentation submitted with their application. Inconsistencies were observed between the work  
67 proposed on the application and the work proposed on the map. The map showed markers for a  
68 stone wall and steps, porch addition and patio that are not mentioned on the application. Mr.  
69 Shepard stated that the plan is not clear and it appears to be constantly changing. Ms. Anyzeski  
70 pointed out that the map not only shows work they plan to complete but work that has already been  
71 completed. The members agreed that the application is incomplete and they do not have adequate  
72 information about the proposed work especially since it is all located in the URA and/or very close to  
73 wetlands boundary.  
74

75 Mr. Shepard commented that they are still within the 65-day timeframe to take action on this  
76 application. Mr. Sinish asked about how much water can be expected to flow across the property and  
77 what needs to be done to reduce or stop that volume from going into the abutting property. It was  
78 agreed that it would be difficult to determine the volume and any determination even from a certified  
79 engineer would be speculative. Mr. Shepard stated that the applicant has heard the concerns being  
80 expressed tonight about where the water might end up and they can make the determination to  
81 consider those concerns as they further refine their construction plan.  
82

83 **MOTION:** D. Shepard moved that File #09-16-1145; 81 West Simsbury Road; Request to conduct land  
84 stabilization, foundation repair, and install gravel driveway; Iwona Kasica, applicant/owner be continued to  
85 the Agency's December 8<sup>th</sup> Regular Meeting. The motion includes a recommendation that in order to  
86 more fully complete the application, the applicant provide detailed construction sequencing and specific  
87 measurements where applicable for each of the 8 areas of proposed work and determine if there is a  
88 water flow problem, particularly in the front yard. R. Van de Bogart seconded the motion. The motion  
89 passed unanimously, 5-0-0.  
90

91 **2. File #10-16-1133; 88 Simonds Avenue; Assessor's Map 30; Parcel 4820088; Zone MCPF;**  
92 **request to expand and pave existing parking lot with option to add secondary access**  
93 **driveway; George Wallace, applicant; Town of Canton, owner** – George Wallace, applicant and  
94 Canton Project Administrator along with Robert Martin, Canton Director of Public Works were present  
95 for the hearing of this case. Also in attendance were Bob Barnes and Stan Krzanowski representing  
96 Canton Little League. This item was continued from last month so that the applicant could revise the  
97 construction plan taking into account feedback from this agency.  
98

99 Mr. Shepard restated that the applicant is requesting to pave the existing gravel parking lot at  
100 Millennium Fields and add a secondary access driveway. By completing this work, they are looking  
101 to improve traffic flow and increase safety in lot. The reason it has come before this agency is  
102 because of its close proximity to the wetlands. Mr. Martin advised that Mr. Wallace had made some  
103 modifications to the original construction plan that they put forward last month.  
104

105 Mr. Barnes, Little League President stated that they are in favor of the proposal and believe it will  
106 solve the overflow parking and safety problems they have been experiencing in the lot. Mr.

107 Krzanowski echoed Mr. Barnes stating that they have been contacted by the police department  
108 several times about overflow parking in the street. He added that paving, permanently striping and  
109 adding a secondary entrance will allow for additional parking spaces and vastly improved traffic flow.  
110

111 Mr. Wallace stated that because of this agency's recommendation not to drain into the wetlands, the  
112 new proposal includes running a pipe to drain runoff water to the catch basin on the west side. He  
113 added that they would grade in such a way that it would create a gully along the back of the parking  
114 spaces. The gully would be pitched towards the catch basins. He said that paving the lot reduces  
115 the total surface width by 5 feet (from 65 to 60 feet) and will allow for them to increase the distance to  
116 the wetlands by that same amount. Mr. Wallace noted that the parking lot would not be curbed.  
117

118 Discussion was had about the steep slope of the proposed new entrance. Mr. Wallace explained that  
119 it would be designed so that the road water remains in the road and would not flow into the parking  
120 area.  
121

122 Mr. Shepard said that the runoff currently coming from the parking lot probably contains automotive  
123 contaminants that are then draining into the wetlands. Those automotive contaminants can  
124 potentially be minimized by adding the parking lot and redirecting the water. He stated that he  
125 believes that paving the lot would be more protective of the existing condition of the wetlands and  
126 watercourses in the area.  
127

128 Mr. Wallace stated that the total area of asphalt to be installed would be 19,500 square feet or about  
129 a quarter of an acre. Mr. Shepard noted that this will be 1,500 square feet smaller than the existing  
130 parking area but that it will switch from a pervious to an impervious surface. Concern was raised  
131 about the effects of redirecting water that currently flows towards the wetlands. Mr. Wallace  
132 explained that some will recharge to the area through the perforated drainage pipe. Mr. Shepard  
133 commented that he does not foresee a problem because the area is pretty saturated, the surrounding  
134 areas are all pervious surfaces, and there will be some infiltration out of the perforated pipe.  
135

136 Mr. Shepard said he likes that the proposal provides for less area of coverage. He continued saying  
137 that while the lot will move to becoming an impervious surface, it will also allow for potentially polluted  
138 water to be directed away from the wetlands. He said that the second driveway opening is more of a  
139 planning and zoning issue and does not really pertain to this agency. He went on to say that this  
140 would probably be a slight positive to the wetlands system in the area.  
141

142 Todd Follert, abutting property owner at 90 Simonds Avenue was in the audience and asked about  
143 what the footprint of the paving would be compared to the existing gravel lot. Mr. Shepard explained  
144 that the new paved lot would actually be shallower than the existing lot with it being pulled back 5 feet  
145 from the wetlands.  
146

147 Mr. Shepard advised that the applicant had requested all of the waivers. The members agreed that  
148 all of the requested waivers could be granted except the waiver of Section 7.4h which requires that  
149 landowners within 100' of the property boundary be notified of the proposed work. The group agreed  
150 that the neighboring landowners should be notified and it would not be that burdensome to do so.  
151 They concluded that this could potentially be a significant issue for the owners nearby so they should  
152 know about it before it happens. Mr. Martin said that notifying abutting land owners is part of their  
153 protocol anyway. He added that if approved, he hopes to include this project to next year's pavement  
154 management schedule.  
155

156 **MOTION:** D. Shepard moved that File #10-6-1133; 88 Simonds Avenue; Request to expand and pave  
157 existing parking lot with option to add secondary access driveway; George Wallace, applicant; Town of  
158 Canton, owner be approved subject to the following conditions:  
159

- 160 1) The applicant will notify landowners within 100' of the property boundary of the proposed work  
161 to be completed and provide proof of such notification to the Land Use office.
- 162 2) The approval of this application will be effective for a period of 2 years.

- 163 3) The approval of this application is subject to the requested waivers of Sections 7.4d, 7.4e (3),  
164 7.4g, 7.4m, and 7.5f of the Canton Inland Wetlands and Watercourses Agency Regulations.  
165 The request to waive Section 7.4h of the Canton Inland Wetlands and Watercourses Agency  
166 Regulations was not granted.

167  
168 R. Bahre seconded the motion. The motion passed unanimously, 5-0-0.  
169

- 170 **3. File #10-16-1146; 27 Pine Acres Drive; Assessor's Map 20; Parcel 4160027; Zone R-3; Request**  
171 **for Jurisdictional Determination of Agricultural Use of Land/ Non-Regulated Use; Patrick**  
172 **Moran, applicant/owner** – Patrick Moran was present for the hearing of his application. Mr. Shepard  
173 stated that it is the responsibility of the IWWA to determine permitted uses as of right. Mr. Moran  
174 believes he is exempt from the regulations under the farming exception. There was a preliminary  
175 discussion of this matter at last month's meeting and the members agreed that they would need Mr.  
176 Moran to come before them to provide additional details about the work he wants to do on his  
177 property particularly with regard to the installation of a farm pond.  
178

179 Ms. Anyzeski stated that the footprint of the pond would be about 50 feet and his animals would be  
180 able to access the pond directly to drink. There is no proposed installation of piping. Mr. Moran  
181 provided some clarity on the location of the pond stating that it would be within the pasture and not in  
182 the woods. He said that he is expanding his existing pastureland for his Brahman cows. Mr. Moran  
183 explained that this particular breed of cow drinks a tremendous amount of water (45-50 gallons a day)  
184 and his well cannot keep up.  
185

186 Mr. Moran told the members that for many years there were 3 ponds fed by the wetlands at the edge  
187 of his property before they were filled and paved over by Hilltop Road. For that reason, he believes  
188 the wetlands strip on the back of his property will support a pond for his 6-10 cows.  
189

190 Mr. Shepard confirmed with Mr. Moran that he would be unable to expand his existing farm without  
191 this additional source of water. Mr. Moran said that short of hauling water from an outside source,  
192 digging the proposed farm pond is the only way he can realistically provide the necessary water for  
193 his animals. He stated that it is essential to his farming operation.  
194

195 Mr. Moran said that he plans to fill the pond with the existing water from the wetlands. He said that  
196 he plans to make a small depression of 4 or 5 feet deep and that the pond would be approximately  
197 50-100 feet wide. The members agreed that the proposed farm pond is well within the allowable  
198 range of 3 acres or less as defined in the regulations.  
199

200 Mr. Shepard confirmed with Mr. Moran that his work would not include road construction or erection  
201 of buildings not related to the farming operation, relocation of watercourses with continual flow, filling  
202 or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the  
203 expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material  
204 from wetlands or watercourses for the purposes of sale. Mr. Moran stated that he will not be selling  
205 any of the material he excavates to make the pond and will not deposit any excavated material into a  
206 wetlands or watercourse or within 100 feet of one.  
207

208 The members concluded that Mr. Moran's proposed plan aligns with the permitted uses as of right as  
209 defined in Section 4.1 (a) of the IWWA regulations.  
210

211 **MOTION:** D. Shepard moved that for File #10-16-1146; 27 Pine Acres Drive; Request for Jurisdictional  
212 Determination of Agricultural Use of Land/ Non-Regulated Use; Patrick Moran, applicant/owner the  
213 applicant's expressed plan falls within Section 4.1 (a) Permitted Uses as of Right of the Inland Wetlands  
214 and Watercourses Agency Regulations. D. Sinish seconded the motion which passed unanimously, 5-0-  
215 0.  
216

217 **OTHER BUSINESS:**  
218

219 **1. Approve Minutes of the October 13, 2016 Regular Meeting**

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221 **MOTION:** D. Sinish moved to continue the approval of the minutes of the October 13, 2016 Regular  
222 Meeting to the next Regular Meeting scheduled for December 8, 2016. R. Van de Bogart seconded the  
223 motion. The motion passed unanimously, 5-0-0.

224

225 **2. 2017 Inland Wetlands and Watercourses Agency Meeting Schedule**

226

227 **MOTION:** D. Shepard moved to approve the 2017 Inland Wetlands and Watercourses Agency Meeting  
228 Schedule as presented. A. Bombessei seconded the motion which passed unanimously, 5-0-0.

229

230 **3. Election of Officers**

231

232 By a vote of 5-0-0, David Shepard was elected Chairman, David Sinish was elected Vice Chair and  
233 Robert Bahre was elected Secretary for the Town of Canton Inland Wetlands and Watercourses  
234 Agency.

235

236 **4. Applications Received After Agenda Posted - None**

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238 **5. Authorized Agent - None**

239

240 **6. Any Other Recent Enforcement Issues**

241

242 Ms. Anyzeski reported on a possible concern on East Mountain Road. She said an agency member  
243 had seen a bulldozer push quite a bit of dirt downhill to a location within 50 feet of the brook. The  
244 concern was that rain and/or snowfall could cause this material to flow into the brook. Ms. Anyzeski  
245 said that after a site visit and review with other town staff, she determined that there is not enough  
246 evidence to take any action. She said that she would keep an eye on the property and watch for  
247 erosion to actually occur.

248

249 Mr. Bahre reported that he had concerns about a new lot being built on Gracie Road. He said that it  
250 is near two water crossings that were built to capture runoff. He stated that he witnessed clearing  
251 and stumping on this site with no erosion control in place. Ms. Anyzeski said that she will certainly  
252 check on this and added that this may be the site of the new house that was just recently approved.

253

254 **7. Staff Report**

255

256 Ms. Anyzeski advised that an updated soil survey has been completed for the proposed new dog park  
257 and it found the wetlands boundary to be substantially different than what was indicated on the old  
258 map. The proposed dog park will still be within the URA but will not infringe on the wetlands  
259 boundary. Ms. Anyzeski advised that the wetlands flags are still visible should the members want to  
260 schedule a site visit. The members determined that a site walk would be premature until a solid plan  
261 is in place for this project.

262

263 Ms. Anyzeski said that she anticipates an application coming in next month for the proposed new  
264 town garage. The group discussed procedural expectations for a project with such strong public  
265 interest. Mr. Shepard commented on the importance of keeping their discussions on topic and  
266 relevant to this agency.

267

268 **ADJOURNMENT:**

269

270 **MOTION:** D. Shepard moved to adjourn the Regular Meeting of November 10, 2016 at 10:03 pm. D.  
271 Sinish seconded the motion which passed unanimously, 5-0-0.

272

273 Respectfully Submitted,  
274 Jennifer Scott, Recording Secretary