

INLAND WETLANDS COMMISSION
Regular Meeting Minutes
August 13, 2014 – 7:00 p.m.
Town Hall Annex, 80 Doyle Rd. Bantam, CT

Call to Order: Chairman Robert Blazek called the regular meeting to order at 7:02 p.m.

Members Present: Chairman Robert Blazek, Jack Hamill, Abby Conroy, Frederick Minck, Dr. Frank Schildgen, Anthony Paradise, and Linnea Healy. Also present were Inland Wetlands Agent Dennis Tobin, Ph.D. and Recording Secretary Ann Combs.

Members Absent: Carol Williams, Barbara Brower

1. Public Comment: None

2. Appointment of Alternates: Chairman Blazek appointed alternate Linnea Healy to serve as regular member for Carol Williams.

Motion: Dr. Frank Schildgen moved to add to the agenda as Item 11a. “Town of Litchfield – Clark Road (North of Perkins Rd.) over Spruce Brook: Repairs to downstream outlet of the Clark Road culvert at Spruce Brook. The existing masonry headwall and wingwalls will be replaced with a concrete headwall and a dry rubble masonry wingwall. 130 LF of Clark Road will be reconstructed. The area of wetlands and watercourses disturbed is approximately 1250 SF (0.03 acres).”

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

Motion: Fred Minck moved to add to the agenda as Item 11b. “Permit Revision: Litchfield Athletic Club - 599 Bantam Rd: Construct building addition and additional parking with bio retention basin.”

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

Motion: Dr. Frank Schildgen moved to add to the agenda as Item 11c. “Aaron Weik - 484 S. Plains Rd: 50’X50’ area to be filled with common fill to level area for a new driveway installation.

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

PUBLIC HEARING

3. Morzella – Dingwell Drive

8/13/14

Construct driveway with small crossing and dwelling in upland review area

Chairman Blazek opened the public hearing at 7:07 and read the public notice. He said no decision would be made on this application this month. Dennis McMorrow, Berkshire Engineering and Surveying, said he sent letters to all abutting property owners and presented the green cards for the file. He referred to the map showing approximately 9 acres at the end of Dingwell Drive. He also presented another map from the land records showing where the access driveway is sited. This is a pre-existing nonconforming lot. There is an existing right of way and an existing swale. George Malia has flagged the wetlands which were at one time an open field that was excavated, leaving a wetlands soil base, as the water table is high in that area. The driveway will have to infringe slightly on the wetlands in order for a curve that would

allow emergency vehicles to make the corner. The septic is centrally located and the house is in the regulated area, 70' from the wetlands, but downhill from them. Deep holes were dug in 1998 and additional holes were recently dug with approval pending at Torrington Area Health District. The existing swale will stay with the proposed driveway. D. McMorrow sees no change in the drainage pattern or impact to abutting properties. The driveway crosses a brook that flows to the Bantam River.

Commissioners: No comments.

Public: Priscilla Mosher, who owns the adjoining property, was concerned about the 13' right of way on the east side, as she heard Mr. McMorrow say 30'. Her deed shows 13'.

Dennis McMorrow: He explained there is a 13' right of way at the beginning, but it then widens out to a 30' right of way. He verified this on the subdivision map from the Town land records. R. Blazek asked for a copy of that complete map with the Town Clerk number on it. The driveway will be a 12' gravel road on the right side of the 30' right of way. There will be no impact to the neighbor's shed. All water will flow west to the Bantam River.

Public: Jess Mosher, who owns the adjoining property, was concerned with the possibility that the work will cause water in his basement, and if so, would there be corrective action.

Dennis McMorrow: He did not feel his work would affect a property to the north when the drainage flows to the west. Also, the septic and curtain drains in the proposed work are downhill of the Moser property.

Hearing no other comments, Chairman Blazek called for a vote to continue the public hearing to the next meeting.

Motion: Fred Minck moved to continue the public hearing to 9/10/14, 7:00 p.m. at the Annex.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

Chairman Blazek closed the public hearing at 7:42 p.m.

CONSIDERATIONS

4. Litchfield Hills Audubon Society, Inc. – Northfield Road (Boyd Woods)

8/13/14

Clear cut 3.8 acres to create habitat conditions for New England Cottontail Rabbit

John Baker and Debbie Martin of the Audubon Society were present to explain that this project is not a clear cut – they are leaving trees. This is a regeneration cut to create a habitat which is a permitted, non-regulated activity. R. Blazek read the letter dated 8/12/14 from the Audubon Society and the 8/12/14 letter from the DEEP saying this activity is permitted as a non-regulated use and they should not have applied for a permit.

Motion: Dr. Frank Schildgen moved to acknowledge that the Litchfield Hills Audubon Society did not need to apply for a permit from this Commission, as this activity is a non-regulated use pursuant to CT General Statutes Sec. 22a-40b-1, and that the Land Use office will refund the application fee of \$140.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

5. Northwest Custom Homes, LLC – Case Ave. (167/072, Lots 091 & 092)

8/13/14

Construction of one house on each of the two sites in an upland review area

Mark Zappone explained the plan to build two single family homes on two lots. There are wetlands in the back. Mr. Zappone said a field test was done on the soil that showed no wetland soils. There is, however, an intermittent watercourse as a result of storm drainage on Case Ave. He said the Certified Soil Scientist did not foresee any problems with building the homes as conveyed in a letter to property owner Michael Fabbri. R. Blazek will speak to Public Works to address the drainage by possibly finishing it with a finer riprap. Abby Conroy said she noticed fill piles without silt fencing, and Mr. Zappone said they would put it up. Both maps were signed and sealed.

Motion: Dr. Frank Schildgen moved to approve the application of Northwest Custom Homes, LLC on Case Avenue for the construction of one house on each of the two lots in an upland review area, as per map by Sam Bertaccini dated 7/9/14.

Second: Fred Minck

Vote: All voted aye and the motion carried.

6. DiStasi Builders – 96 Prospect St.

8/13/14

Remove portion of existing dwelling, covered patio and deck to construct addition

Dan DiStasi explained they will take down part of the addition in the back of the house with a covered porch and will replace with a smaller addition farther away from the wetlands, about 30'. The addition will be 17'x32'. The site map was signed by Sam Bertaccini.

Motion: Anthony Paradise moved to approve the application of DiStasi Builders, 96 Prospect Street, to remove a portion of the existing dwelling, covered patio and deck to construct a smaller addition 17'X32' per map by Sam Bertaccini dated April, 2014.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

7. Fairchild – 55 Old Smith Road

8/13/14

Construct 12'x25'garage in regulated area

Brian Fairchild explained that there is an existing driveway on the side of the house and he wants to build a one car garage there where they currently have a parking area. He repeated that the dimension of the garage has changed to 14'x25'.

Motion: Linnea Healy moved to approve the application of Fairchild, 55 Old Smith Road, to construct a 14'x25' garage in a regulated area.

Second: Abby Conroy

Vote: All voted aye and the motion carried

8. Hardscrabble, LLC – 569 Bantam Road

8/13/14

Construct 6'x8' cement pad for refrigeration unit; burial of propane tank; and removal of invasive plant species in a regulated area

Jack Baker explained they would cut one 12" tree and the invasive species. Would add pad for the now above-ground propane tank. The Commissioners asked for a pad for the propane tank made of processed stone with a dimension of approximately 15'x20'.

Motion: Abby Conroy moved to approve the application by Hardscrabble, LLC, 569 Bantam Road, for construction of a 6'x8' cement pad for the refrigeration unit; to change burial of propane tank to above ground with the condition that the pad be composed of processed stone approximately 15'x20'; to remove invasive plant species per Property Survey map prepared for Jack Baker dated 5/27/14.

Second: Linnea Healy

Vote: All voted aye and the motion carried.

9. White Memorial Foundation – White Woods Road

8/13/14

Top-dress trail by Mallard Marsh

Dennis McMorrow explained Mallard Marsh as the area of White Memorial across White Woods Road to the west from the previous Greenway trail work approval behind the West Cemetery known as the ghost trail. White Memorial will improve its trail by putting down ¾" material that will be an easier surface for walkers and bicyclists.

Motion: Jack Hamill moved to approve the application by White Memorial Foundation, White Woods Road, to top-dress the trail by Mallard Marsh.

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

APPLICATION RECEPTIONS

10. Cote – 14 Wilson Road

8/13/14

Measures to correct scouring of stream bank by 1) filling in existing scouring hole; 2) extend and armor stream bed between abutments with riprap; and 3) direct flow by armoring the right stream bank with approximately 30 large boulders

Timothy Cote was present to explain his plan to clean up the mess lingering in the stream on private property at 14 Wilson Road. Rocks are constricting the flow, causing water to swirl. There is also a silt pile in the stream. They will place the large rocks where the silt pile will be removed. He will need one excavator. J. Hamill wanted to make sure the bridge abutment is protected. Mr. Cote showed color pictures of the problem areas. R. Blazek said they will get Sean Hayden of the Northwest Conservation District to investigate at no cost. Dr. Tobin requested that Mr. Cote's Engineer talk with Sean Hayden. He will return next month.

11. Gillespie (Brandon) – Blue Swamp Road (152/078/001)

8/13/14

Timber harvest (223 acres) with three stream crossings

James Gillespie, Certified Forrester, was present to explain he has a cultural timber crop. There is a truck road into a hay lot with established trails throughout the property. There are also skid trails. An area of three acres will have crossings of intermittent streams using portable timber bridges that will protect the streams from sedimentation. There are several areas of wetlands, and some trees will be harvested from them. He hopes to do the work in the fall or winter. There is another area accessed from Page Road where work will be done. He is a consultant to the property owners. Dr. Schildgen was concerned about damage from the skidders and resulting soil erosion, given the rise and ledge rock in the area. A site walk will be held for Commissioners, who will meet at 8:45 a.m. on Monday, August 18th at the Town Hall Annex.

11a: Town of Litchfield – Clark Road (North of Perkins Rd.) over Spruce Brook

8/13/14

Repairs to downstream outlet of the Clark Road culvert at Spruce Brook. The existing masonry headwall and wingwalls will be replaced with a concrete headwall and a dry rubble masonry wingwall. 130 LF of

Clark Road will be reconstructed. The area of wetlands and watercourses disturbed is approximately 1250 SF (0.03 acres).

Public Works Director Jack Healy said the wingwalls are coming down. He wants to take them down and rebuild them using existing stones and mortar. The pipe is in good condition. The work will be done in the channel, away from the road. The road is beginning to be undermined.

Motion: Dr. Fran Schildgen moved to accept and approve the application of the Town of Litchfield on Clark Road for work deemed a safety issue on a culvert and supporting work on each side through which Spruce Brook crosses.

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

11b. Permit Revision: Litchfield Athletic Club - 599 Bantam Road

8/13/14

Construct building addition and additional parking with bio retention basin

Dennis McMorro showed map done in 2009/2010 for Alan Landau of the Litchfield Athletic Club showing the existing gym and parking. The wetlands are flagged. Mr. Landau built an outside pit with nets and ropes and a crushed stone base. He thought it was a less intensive use as the indoor use and would be allowable under his permit. It is located where the parking and water quality basin are from the approved, valid permit he holds. The overlay plan was prepared for Litchfield Athletic Club by Berkshire Engineering and Surveying and dated 8/8/14.

Motion: Fred Minck moved to approve a revision of a previously approved and issued permit for construction of an outside pit with climbing nets and ropes and a crushed stone base.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

11c. Aaron Weik - 484 S. Plains Road

8/13/14

50'x50' area to be filled with common fill to level area for a new driveway installation

Aaron Weik said he purchased this home on the corner of South Street and Old South Road that has a curb break but no driveway. He wants to move the curb break 10'- 15' east and bring in 40 – 60 yards of common fill. The house is right by the river, and the entire site is in the regulated area. He wants to level the slope for a new driveway. Dr. Schilgen noted there is no wiggle room in which to work and suggested bringing in some boulders to lay fill against. R. Blazek said Sean Hayden could help at no charge to give him some ideas. A. Paradise asked for a 2-scale map for next month's meeting. It was suggested to add the demolition of the barn to his application and consider taking that down first to allow more access for the work. He will return next month.

12. Approval of Minutes of July 9, 2014

Motion: Anthony Paradise moved to adopt the meeting minutes of July 9, 2014.

Second: Linnea Healy

Vote: All voted aye except Fred Minck, who abstained because of absence, and the motion carried.

13. Correspondence

- Invasive Plant Symposium at UCONN on Oct. 7
- Steven Byrne letter dated 7/18/14 explaining when an activity is exempt under the law
- Herbicide treatment notice at Hidden Pond on 7/14/14

14. Possible Executive Session to Discuss Pending Litigation: None

15. Annual Meeting – Election of Officers and Review of Bylaws

Chairman Blazek would like to move the election of officers back to February. He designated Linnea Healy as able to vote in the absence of regular member Carol Williams. By consensus the Commissioners chose Robert Blazek for Chairman and Jack Hamill for Vice Chairman.

Motion: Dr Frank Schildgen moved to adopt the slate as proposed with Robert Blazek as Chairman and Jack Hamill as Vice Chairman, and to move the election of officers back to the February meeting.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

16. Adjournment

Motion: Jack Hamill moved to adjourn at 9:20 p.m.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

Respectfully submitted,



Ann D. Combs, Recording Secretary