

Approved 2/13/13

**INLAND WETLANDS COMMISSION**

**Regular Meeting Minutes**

**January 9, 2013 ~ 7:00 p.m.**

**Litchfield Firehouse**

**258 West Street, Litchfield, CT 06759**

**Call to Order:** Chairman Robert Blazek called the regular meeting to order at 7:03 p.m.

**Members Present:** Chairman Robert Blazek, Jack Hamill, Carol Williams, Barbara Brower, Frederick Minck, Abby Conroy, Dr. Frank Schildgen

**Members Absent:** None

Also present were Recording Secretary Ann Combs and Inland Wetlands Agent Dennis Tobin, Ph.D. There were many consultants and experts present, as well as about 100 members of the public.

**Members Absent:** None

**1. Public Comment:** None

**2. Appointment of Alternates:** None

**APPLICATION CONSIDERATIONS**

**3. Pawloski – School House Road (053, 005, 09A)**

**1/9/13**

*House, driveway and septic system in regulated area*

Rod Cameron, Project Manager for CCA, introduced this application as a three-bedroom house at the intersection of School House Road and Marsh Road on 2.5 acres. There is very little area for building, as much of the land is wetlands flagged soils. There is also some ledge south of the house. The house is sited 25 feet from the wetlands. They have done a deep hole test resulting in no water and no ledge, just silty loam, so the septic should be successful. Torrington Area Health has given verbal approval, but Barbara Brower and Dr. Schildgen asked for a written report.

**Motion:** Barbara Brower moved to approve the application of Pawloski on School House Road (053, 005, 09A) for a house, driveway and septic system in the regulated area, on the condition of a written approval from Torrington Area Health for the septic system.

**Second:** Dr. Frank Schildgen

**Vote:** All voted aye except Carol Williams, who voted nay, and the motion carried.

**APPLICATION RECEPTIONS**

**4. Town of Litchfield - Blue Swamp Road Bridge over East Branch of Shepaug River**

**1/9/13**

*Replace existing 26' single span bridge along with reconstruction of roadway approaches. The proposed replacement is a 46' single span bridge.*

Jack Healy, Public Works Director, explained that the abutments are failing and a portion of the road is closed. They have hired GM2 to design the bridge to avoid looking large, being sensitive to the neighbors and the cemetery nearby. The bridge will be longer, however, as driven by DOT standards. All work will be done in the Town's right-of-way except for the silt fencing. He would like to go out to bid this spring and start construction in the summer.

**5. Friendship Baptist Church – 441 Torrington Road**

1/9/13

*After-the-fact activity for placement of wood chips*

Church member Donald Boesch showed a map where they bushwhacked the narrow hill and spread wood chips behind the parking lot. The brush was pushed over the hill into the wetlands, and the wood chips were brought in. He was unaware the church volunteers were working in the regulated area. Chairman Blazek said the Commission would probably ask them to remove the brush from the wetlands at the next meeting.

**6. Turner (Cropsey, Inc.) – 116 Blue Swamp Road**

1/9/13

*Logging and logging road with stream crossing*

Bruce Turner, Turner Logging, explained they plan to selectively cut a large area of timber on the James Cropsey property. He presented a Forester's Plan, revised 1/3/13, showing the proposed bridge crossing location, the area to be cut and the skid trails. He said the abutting property owners, the Lowenthals, had no objection to their use of the skid road they are proposing, but Chairman Blazek said they do have concerns and would like a survey, as they are unsure of where the property line is and unsure of where the skidder road would traverse. Mr. Turner said the property is flagged. He showed the type of temporary stream crossing to be used. The logging road has been used before. Mel Harder, Forester, passed out a Forester's Plan, said there was a survey that he produced and submitted for the file.

**PUBLIC HEARINGS**

**7. Litchfield Housing Trust, Inc. – Torrington Road (Map 145, 020, 055)**

1/9/13

*Construction of 9-unit affordable housing development (WITHDRAWN)*

Mr. Blazek read a letter dated 1/3/13 from Michael Rybak, Attorney for the Housing Trust confirming that it withdraws its application for Gagarin Place to allow it sufficient time to obtain additional information requested by the Commission at the public hearing on 12/12/12.

**Motion:** Barbara Brower moved to close the public hearing at 7:37 p.m.

**Second:** Dr. Frank Schildgen

**Vote:** All voted aye and the motion carried.

**8. Stop & Shop Supermarket Company, LLC – Village Green Drive**

1/9/13

*Redevelopment of portion of shopping center to remove three existing buildings and construct one new building and parking lot*

Chairman Blazek opened the public hearing at 7:39 p.m. and read the public notice dated 1/4/13. He announced there would be no decision made at this meeting. He then explained the public hearing rules. Those present representing Stop & Shop were:

Thomas P. Cody, Attorney with Robinson & Cole

John Hession, Professional Consultant with EBI

Raymond Gradwell, Stop & Shop

Damon Ocorson, Stop & Shop  
Linda Costanza, Director of Stop & Shop

Those present from Milone & MacBroom were:

Matthew J. Sanford, Professional Wetland Scientist and Certified Professional Soil Scientist  
Nicolle E. Burnham, Principal/Project Manager

The following is the list of exhibits entered into the record:

- 1-1 Regional Aerial Photo (existing conditions)
- 1-2 Existing Conditions Aerial Photo, Village Green Shopping Center
- 1-3 Representation of Existing Conditions of Shopping Center
- 1-4 Existing Conditions Plan Pre-demolition & Site Work
- 1-5 Erosion Control Plan
- 1-6 Proposed Site Plan
- 1-7 Proposed Grading & Drainage Plan
- 1-8 Regional Aerial Photo (Existing Conditions & Wetlands)
- 1-9 Alternate Planting Plan

#### Applicant

Thomas P. Cody, Attorney with Robinson & Cole, represented Stop & Shop Co, LLC. He submitted a list of adjacent property owners, along with certified mail receipts. He summarized how Stop & Shop had withdrawn the application and revised the plan for reconsideration. Since then Stop & Shop has been actively working toward a better application. They have revised the plan by downsizing the proposed building by 1800 sq. ft. to approximately 38,000 square feet and removing three current buildings instead of two, Buildings C, D, and E. A small addition of 2,500 square feet would be built on Building B to enable relocation of existing tenants. Other improvements include eliminating the northerly curb cut on Commons Drive to improve traffic circulation, and improved parking and landscaping. After completion, the entire shopping center would have a total of 369 parking spaces. The proposed building has been moved 60 ft. further from the rear property line. There will be no activity or retaining wall in the rear of the building with just a wall and lawn running south. The size and length of the retaining wall on the west has been reduced, and the east side of the building has been reduced to landscaping only. This plan proposes no disturbances within wetlands or watercourses. Pre-treatment improvements have been made to the stormwater management system, as well as alternates to detention basins. This plan has less activity in the upland review area and a strong erosion control plan. The Department of Energy and Environmental Protection (DEEP) has two stormwater general permits that relate to this application. The application includes an operations and general maintenance plan. Stop & Shop will be responsible for the ongoing maintenance of the stormwater management plan.

John Hession, Professional Consultant with EBI, on behalf of Stop & Shop, explained the sequence of how the project will proceed, referring to the drawings. He said feedback from the previous application was helpful, and studies were done on geotechnical, wildlife assessment, etc. He explained the upland review activities associated with the project. Access to the stores will remain the same as it is now. Fill will be needed for the modular block wall to make it vertical, and well as significant fill in the rear of the building to raise the elevation to the existing grade. The result will be very stable. The drainage system plan will be upgraded with pretreatments before discharge. They are proposing reconstruction of the larger, southerly detention basin, still providing detention plus better water quality benefits. There will be no disturbances in the regulated areas and no negative impact on the wetlands.

## Consultants for Inland Wetlands Commission

Matthew Sanford, Milone & MacBroom, referred to his letter dated 1/9/13 and explained they have reviewed the activities in the three wetland areas. He claims the regulated activities are not clearly defined, rendering the application incomplete. There is a discrepancy on how the outlet structure is handled on Detention Basin 2. A new outlet control structure is planned for Detention Basin 1, but no wetland impacts are indicated for either basin. Further, without removing invasive and overgrown vegetation from these basins, it is not clear that the wildlife habitat will improve as stated. He also said that elevations should be shown for the wetlands areas as well as for the building and retaining walls. Losing 13 trees in the riparian zone, but only replacing with three indicates a loss of shade and should require an acceptable mitigation plan. Neither basin is in compliance with the stormwater quality manual. Seed mixes need to be verified for Basin 2. Forebays are being shown, but are not in compliance with the manual. He also questioned how they will get down to the basin to maintain it, prompting further questions on how the site will be managed. Roof runoff should be separated from trench drains. He felt they need to see erosion control by phases.

Nicolle Burnham, also of Milone & MacBroom, explained that the drainage from Basin 1 overflows into Basin 2 and then flows down to White Memorial property. They should provide 1 ft. of space below the top of the berm in the basin for the 100-year storm. The outlet structure of Basin 2 should be replaced.

## Intervenors

Michele Crow, PLAN Litchfield: Ms Crow said approval of this project would cause unreasonable pollution in the area and said this is the wrong project for the wrong time.

Steve Trinkaus, Licensed PE, Trinkaus Engineering, LLC: Mr.Trinkaus referred to his 1/8/13 letter to Joan Spear of PLAN Litchfield where he reviewed the project plan dated 12/5/12, the Stormwater Management Report dated 12/5/12 and the Inland Wetlands and Watercourses Assessment Report dated 12/5/12. He concluded there were many aspects of the plans that are not in compliance with appropriate regulatory requirements, especially with water volume and quality issues associated with increases of impervious cover. He noted the 17,000 cubic yards of material coming in to raise the grades and the resulting effects from it. The proposed stormwater management system does not achieve the CT DEP goal to reduce total suspended solids by 80%. It will not provide adequate water quality treatment and will result in discharges of pollutants that will adversely affect the water quality in the receiving stream and wetlands. The erosion control plan is not in compliance with the DEP 2002 Erosion Guidelines and is not adequate for the extent of the construction proposed. A failure during construction will result in discharge of soil into one of the two wetland areas on the site. The stream channel is an issue of concern. Street sweeping once a year is inadequate, and the retaining wall is high with more data needed on its stability.

**Motion:** Carol Williams moved to add intervenor Sean Mathis to the list.

**Second:** Abby Conroy

**Vote:** All voted aye and the motion carried.

Sean Mathis: Mr. Mathis described the site as very sensitive area and questioned whether it should be rebuilt on. It would need a tremendous amount of maintenance to protect it and did not feel Stop & Shop would follow through. He asked the group to hold the project to the letter of the regulations.

## Public

John Morosani, White Memorial Foundation: Mr. Morosani said White Memorial granted an easement to the previous development. With the changes proposed, they have hired their own engineering firm to determine if they should amend their easement. They will share the engineer's information with Land Use.

Susan Kelly-Strom: She questioned adding fill behind the building without a retaining wall, and asked if the fill will be less than the amount proposed in the first application.

Dr. Dennis Tobin, Wetlands Agent, said the DEEP has a list of remediation sites in Litchfield and they are looking at underground tanks. T. Cody said the tanks in question were taken out years ago and DEEP regularly monitors the area. He will submit a narrative for the file. He will also submit an aesthetic plan of retention basins.

Chairman Blazek concluded the hearing at 9:45 p.m. and announced it will be continued to the next meeting on February 13<sup>th</sup> at 7:00 p.m.

**Motion:** Dr. Frank Schildgen moved to continue the public hearing on February 13, 2013 at 7:00 p.m. at the Litchfield Firehouse.

**Second:** Jack Hamill

**Vote:** All voted aye and the motion carried.

**9. Approval of Minutes of December 12, 2012:** Deferred.

**10. Correspondence:** None

## **11. Adjournment**

**Motion:** Dr. Frank Schildgen moved to adjourn the meeting at 9:48 p.m.

**Second:** Abby Conroy

**Vote:** All voted aye and the motion carried.

Respectfully submitted,

Ann D. Combs, Recording Secretary