

DRAFT

**INLAND WETLANDS COMMISSION**  
**Regular Meeting Minutes**  
**December 12, 2012 ~ 7:00 p.m.**  
**Town Hall Annex, 80 Doyle Road, Bantam, CT**

**Call to Order:** Chairman Robert Blazek called the regular meeting to order at 7:00 p.m.

**Members Present:** Chairman Robert Blazek, Jack Hamill, Carol Williams (7:08 pm), Barbara Brower, Frederick Minck, and alternate Abby Conroy  
Also present was Recording Secretary Ann Combs and Inland Wetlands Agent Dennis Tobin, Ph.D.

**Members Absent:** Dr. Frank Schildgen

**1. Public Comment:** None

**2. Appointment of Alternates:** No alternates. Abby Conroy has been appointed as a regular member.

**APPLICATION RECEPTIONS**

**3. Pawloski – School House Road (053, 005, 09A) 12/12/12**  
*House, driveway and septic system in regulated area*

Rod Cameron, Project Manager for CCA, introduced this reception 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. Torrington Area Health is currently reviewing it, and permission was given to walk the property.

**4. Stop & Shop Supermarket Company, LLC – Village Green Drive 12/12/12**  
*Receive and set public hearing (1/9/13) for redevelopment of portion of shopping center to remove three existing buildings and construct one new building and parking lot*

Tom Cody, Attorney with Robinson & Cole, represented Stop & Shop. He summarized how Stop & Shop had withdrawn the application and revised the plan for reconsideration. *[Carol Williams arrived at this point, at 7:08 p.m.]* They have revised the plan by downsizing the proposed building to 1800 sq. ft. and removing three current buildings instead of two. The building has been moved 30 ft. further from the rear property line. There will be no delivery activity or retaining wall in the rear of the building. The east side of the building has been reduced to landscaping only. This plan proposes no disturbances within wetlands or watercourses. Improvements have been made to the storm water management system, as well as alternates to detention basins. Mr. Cody agreed to pay a \$10,000 bond with the agreement he be kept apprised of developments.

**Motion:** Barbara Brower moved to hold a public hearing on this matter on 1/9/13 at the Litchfield Firehouse at 7:00 p.m.

**Second:** Fred Minck

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

**5. Litwin DBA Arbutus Farm – 67 Litwin Road**

**12/12/12**

*After-the-fact application to restore agricultural meadow by removing depleted artificial pond*

Peter Litwin was present and read the letter of history and explanation he submitted. About 55 years ago the pond was constructed downslope of a spring, using the dug soils as an earthen dam. It was originally about ten feet deep. Over the years the spring has dried up and left the pond dry. Mr. Litwin backfilled the depression with the earthen dam and seeded and mulched it, returning it to its original hay field status. There never was a watercourse involved with this perched aquifer. Dr. Tobin explained this to be an as-of-right activity, not an after-the-fact.

**Motion:** Barbara Brower moved to approve the application of Litwin, DBA Arbutus Farm, at 67 Litwin Road, for restoration of an agricultural meadow by removing a depleted artificial pond and to deem it an as-of-right activity instead of an after-the-fact activity.

**Second:** Fred Minck

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

**PUBLIC HEARING**

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

**12/12/12**

*Construction of 9-unit affordable housing development*

Chairman Blazek opened the public hearing at 7:32 p.m. and read the public notice dated 11/28/12 and 12/7/12. Barbara Brower recused herself at 7:32 p.m., as she is affiliated with the Housing Trust. Mr. Blazek said there would be no decision made at this meeting.

Michael Rybak, Attorney for the Housing Trust, spoke first about the history and importance of the Housing Trust to Litchfield, stressing that its stewardship goes far beyond that of a normal developer. Several members of the Trust were in attendance.

Next Robert Petricone, President of the Trust, spoke of its mission and read his background letter as well as a letter of support from the First Selectman. He introduced the project and noted there are now 47 affordable homes in Litchfield, 4.58% of Litchfield's housing stock. The *Plan of Conservation and Development (POCAD)* has called for an increase to 10%, the State's goal. He also presented a list of real estate professionals who endorse the project. The plan includes nine dwellings, five single family and two duplex units. They are modest 1200 sq. ft. homes with two or three bedrooms. They will have private wells and public sewers. The plan provides for 60% of the property as open space and a mowing program.

Ken Hrica, PE and Licensed Land Surveyor, then submitted proof of notification of abutting land owners and gave an overview of the project, referring to a drawing of Gagarin Place that showed the layout of the proposed homes, woodland buffer, vernal pool, beaver pond with drainage culvert under Torrington Road, and conservation areas for the pale green orchid, a species of special concern. There is an old foundation that will be left undisturbed. With no native soils left in the area of construction, there is a storm water management plan to address runoff from the slope. Swales will route runoff through filter strips and around the property, with use of silt basins that trickle out and spread the water to recharge the orchid sites with clean water. Sean Hayden of the Northwest Conservation District has reviewed the plan and wrote reports dated 11/12/12 and 12/3/12.

Ralph Stanton, Jr., Licensed Soil Scientist, described the previously disturbed soils as very dense till in the building area. There are no wetlands soils present on the site.

Dr. Michael Klemens described the water flow as the headwaters of the Naugatuck flowing into the Gulfstream. He referred to his report and noted the presence of a low productivity vernal pool with a remnant population of yellow spotted salamanders. Conservation targets are the wood turtle, although none were observed, and the pale green orchid, with most of the activity in the wetlands area. Recommended window of mowing is between Dec. 1 and Feb. 15.

Penelope Sharp, Environmental Consultant, reviewed her function evaluation report with plant list and wildlife noted. The orchid grows almost throughout the entire site, but she is confident that the large population left in the wetlands will maintain itself as long as it is mowed on an every other year basis. She described the orchid's habitat, thriving in seepage areas. She estimated the population in the lower area to be 8-10,000 plants. The stripped, gravel non-soil area with seepage and drainage encourages their growth.

The public was invited to speak at 9:10 p.m. Abutting neighbor Albert Saunders spoke of the negative impact of the project on the wetlands and area wells. He also claimed the transfer of title to the land was not valid per CGS Sec. 7-163e.

Neighbor Bill Moorhead, an environmental consultant, has done rare plant surveys and vegetation descriptions and discovered the orchid population here in 1997. He said this population concentration of orchids is larger than all the other New England populations. By mowing every other year, it is believed that the present warblers observed and the orchids will remain. He interprets the upland review area as atypical wetlands with water flowing in a channel and hydrophytic vegetation. There should be Federal delineation by the Army Corps of Engineers. He thinks another soil scientist may support his interpretation of the wetlands. He noted the most interesting plant area is at the flat top area.

Peter Crowley, 464 Torrington Road, submitted a letter from neighbor Cheryl Nelson citing current poor water table and potential usage problems. He commented on the potential well problems as a result of this project. He sees streams of water running down the hillside, which Mr. Hrica described as a result of man-made damage to the site.

Housing Trust volunteer John Baker said the site is very accessible and they had a dowser select 6-7 spots for drilling, one of which was successfully used. He believes well water is not a problem.

Ralph Stanton said he had submitted his soils report and requested jurisdictional determination of the wetlands from the Army Corps. They are working on setting up a date to meet with Ralph and Penny Sharp. Both Ken Hrica and Sean Hayden are comfortable with Mr. Stanton's delineation. Michael Klemens said jurisdictional determination was requested by him in 2011. It is important for the Army Corps to see it, as they can take jurisdiction of the wetlands delineation determination. Mr. Blazek said Attorney Steve Byrne will be contacted. K. Hrica added a test well was drilled, producing 9 gal/min. at 170 feet. This one alone could serve four units. It taps into a lateral flow vein and would not drain the wetland.

The public hearing closed at 9:49 p.m.

The following items were submitted thus far and included in the file:

- Abutting property owners certified mail receipt
- Background letter from Litchfield Housing Trust, Inc. dated 11/12/12
- Letter of support from First Selectman dated 11/28/12
- Third Party Review by Sean Hayden, Northwest Conservation District dated 11/12/12 and revised 12/3/12
- Response to Site Plan Review from Hrica Associates LLC received 11/30/12

- Site Plan Gagarin Place, Litchfield Housing Trust Inc. by Hrica Associates LLC dated 10/10/12, revised 11/28/12
- Soils Report by Ralph Stanton titled “Summary and Conclusions of Army Corps Wetland Delineation of 1.67 acres on the North Side of Rt. 202, Torrington Road, Litchfield, CT”
- Michael Klemens report
- “Wetland & Upland Soils Site Sketch Plan/Delineation by Ralph Stanton, Jr. with Plant Transects by Penelope Sharp, Environmental Consultant, and Elevation Data Survey/A2 Boundary Survey by Ken Hrica” dated 2/1/12
- Environmental Report by Penelope Sharp dated 12/8/12
- Endorsement letter from real estate professionals dated 11/30/12
- Letter of concern from neighbor Cheryl Nelson dated 12/12/12

**Motion:** Carol Williams moved to continue the public hearing on January 9, 2013 at 7:00 p.m. at the Litchfield Firehouse.

**Second:** Abby Conroy

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

#### **7. Approval of Minutes of November 14, 2012**

**Motion:** Carol Williams moved to approve the minutes of 11/14/12.

**Second:** Jack Hamill

**Vote:** Upon voting, all voted aye and the motion carried.

#### **8. Correspondence**

- New England Cottontail Initiative, Nov. 2012

#### **9. Adjournment**

**Motion:** Carol Williams moved to adjourn at 9:55 p.m.

**Second:** Fred Minck

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

Respectfully submitted,

Ann D. Combs, Recording Secretary