

DRAFT

MINUTES
LITCHFIELD INLAND WETLANDS COMMISSION
May 11, 2011 – 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: Frederick Minck, Barbara Brower, Carol Williams, Dr. Frank Schildgen and Chairman Robert Blazek. Alternate Jeffrey Zullo arrived at 7:35 p.m. and was not appointed as a voting member. Also present was Inland Wetlands Agent Dennis Tobin, Ph.D.

Members Absent: Anthony Paradise, Jack Hamill

Recording Secretary: Ann Curtis

1. Public Comment: None

2. Appointment of Alternates: No alternates present.

APPLICATION CONSIDERATIONS

**After-the-fact activity*

3. Litchfield Inn – 432 Bantam Road

5/11/11

*Construction of open drainage ditch**

Ken Hrica, Professional Engineer and Licensed Land Surveyor of Hrica Associates LLC, was present representing both the former and current owners. He explained that it is very flat in the area in back of the building, with a gentle slope toward the middle where it is very wet and unmowable. A linear trench had been dug to allow puddled water to discharge into the Butternut Brook, taking clay with it. Mr. Hrica proposed running a curtain drain under the original swale along the existing ditch to convey storm water to the brook without erosion. There will be a plunge pool at the embankment that will drain the water slowly from the swale with a riprap overflow on the bank. The Inn will maintain. There is a new buyer for the Inn at this time.

Motion: Barbara Brower moved to approve the application of JRJ, Inc. for after-the-fact activity for construction of an open drainage ditch in an upland area per map titled Swale Construction Plan dated 4/6/11.

Second: Dr. Frank Schildgen

Vote: All five members voted aye and the motion carried.

4. Litchfield Inn – 432 Bantam Road

5/11/11

*Deposit of evergreen brush in regulated area**

Ken Hrica, again representing the Litchfield Inn, explained that the hedges at the retention pond had been cut and piled out back in the upland regulated area on the bank. He proposed having them hauled away or chipped and hauled away within the next month.

Motion: Dr. Frank Schildgen moved to approve the after-the-fact application for the Litchfield Inn, 432 Bantam Road, for removal of evergreen brush in a regulated area per map titled Swale Construction Plan dated 4/6/11.

Second: Carol Williams

Vote: All voted aye and the motion carried.

5. Kapoor – 713 Milton Road

5/11/11

*Landscape planting within 150 ft. regulated area of a stream**

Ken Hrica, Professional Engineer and Licensed Land Surveyor of Hrica Associates LLC, explained that there had been selective clearing done without silt fence or hay bales, causing erosion. Corrections were made with silt fence and hay bales put in place, and he is working with them now on the spillway. Carol Williams, Barbara Brower and Frank Schildgen all noted they are not learning to avoid after-the-fact applications. Mr. Hrica said he instructed them again, and fines were imposed. The Commission asked that the property be inspected on a regular basis by Land Use Administrator Dennis Tobin.

Motion: Carol Williams moved to approve the after-the-fact application of Kapoor, 713 Milton Road, for landscape planting within the 150-foot regulated area of the stream, with conditions that the property be inspected on a regular basis by Land Uses Administrator Dennis Tobin to insure correct placement of silt fencing and any necessary remediation.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

6. Kapoor – 713 Milton Road

5/11/11

Construction of brick patio with stairs, stone patio and retaining wall, greenhouse, tree house, bark mulch walking paths and realignment of existing stone stairway.

Ken Hrica, Professional Engineer and Licensed Land Surveyor of Hrica Associates LLC, explained that the owner had been lax with erosion control in the construction process. He asked them for and received a master plan for all proposed work. They want a stairway with a brick terrace in the area of the old pool. This will have a wooden arbor and another stairway down to grade. They also want a pervious stone patio with stone dust in this area leading to the dam and a bark mulch path to the brick terrace and the orchard. *[Jeffrey Zullo arrived at this point at 7:35 p.m.]* Mr. Hrica said the work will be stable as they go along. The glass greenhouse, on the other side of the stream is accessible by a gravel driveway and is 110' X 22-1/2' in area. Everything they do in the greenhouse will be organic with no weed killer used. There will be a 1500 gallon underground cistern to accept runoff from the roof and recirculate. The inside will have a pervious floor with drains below to the cistern. There will be an overflow pipe or pop-up emitter to disperse any overflow water. Pesticides used in the greenhouse will be organic compounds only, to which Dr. Schildgen said he would like authentication on the products to be used. He was also concerned with the size of the building. The rest of the commissioners agreed that they do not want the greenhouse. Mr. Hrica agreed to put a hold on the greenhouse to ask for more information and may withdraw the activity. Barbara Brower added data from a map of significant federal-listed natural species. Next, the tree house, that is not in a tree, will be made of wood on wooden posts with no cement and no pilings. Further details have not yet been determined. The commissioners agreed they need more detail before they consider it. Next, they plan a realignment of an existing stone stairway so they can walk to the water features at the mulch path and terrace. They will replant the bank to stabilize it.

Motion: Barbara Brower moved to approve the application of Kapoor, 713 Milton Road, for construction of brick patio with stairs, stone patio and retaining walls for the sitting area, greenhouse, tree house, bark mulch walking paths and realignment of existing stone stairway, withdrawing the greenhouse and

treehouse by Mr. Hrica, and referencing map titled "Site Plan for Library/Game Room Conversion" dated 8/17/08, revision date 5/9/11.

Second: Frederick Minck

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

7. Brandywine Assisted Living – 19 Constitution Way

5/11/11

Parking area and drainage for proposed two-story building addition

Attorney Perley Grimes was present and said the \$5,000 bond had been posted for the consultant fee. Sean Hayden, Soil Scientist of the Northwest Conservation District, was present and is the reviewer in cooperation with Steve Trinkaus of Trinkaus Engineering, LLC in Southbury. They have the plans from Ron George. Chairman Blazek said after receiving the estimate of work, the Town will refund \$2,200 of the bond.

Motion: Barbara Brower moved to refund \$2,200 of the bond.

Second: Carol Williams

Vote: All voted aye and the motion carried.

Reports have been sent to Ron George, CCA LLC, to which he sent a response to Mr. Trinkaus and Mr. Hayden. The revised plans were presented. Sean Hayden said they are pleased with the plans and Ron George's response to their comments. Barbara Brower had concerns on continuing maintenance, and Ron George said the owners will maintain on a regular basis per the plan. Sean Hayden will be involved in the inspections. Mr. Grimes explained that United Industrial Services of Hartford will do the maintenance that has been neglected. Mr. Haney of Brandywine was present and said he will be sure the maintenance schedule and construction plan is followed. Ron George then explained drainage plans and changes incorporated into the plan.

Motion: Dr. Frank Schildgen moved to approve the application of Brandywine Assisted Living, 19 Constitution Way, for parking area and drainage for the proposed two-story building addition per site plan map from CCA LLC for Brandywine Assisted Living dated 4/6/11, revised 5/9/11, with approval contingent upon casual inspection by Mr. Sean Hayden, with no specific schedule for him or reports by him unless he finds a specific difficulty with the plan during his inspections. In addition Dr. Tobin will also be inspecting and reporting back. The maintenance of this project with schedule is included on the same drawing already quoted.

Second: Carol Williams

Vote: All voted aye and the motion carried.

8. Alexandra Lawlor – 225 Town Farm Road

5/11/11

Septic tank replacement and new well drilling for a recently purchased house

Ken Hrica of Hrica Associates LLC, explained that a septic tank failure and a contaminated off-site, hand-dug well is prompting an emergency application to place a new septic tank in line, crushing and leaving the old tank in place, and to drill a new well. This work is mandated by Torrington Area Health District. The site is very wet. The new well will be placed behind the house, with two additional wells installed for geothermal heating. Chairman Blazek said that this reception will be considered because of the safety issue with the water.

Motion: Carol Williams moved to approve the application of Alexandra Lawlor, 225 Town Farm Road, for septic tank replacement and new well drilling for a recently-purchased house in a regulated area, with this application being received and considered.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

AFTER-THE-FACT APPLICATIONS

9. Town of Litchfield – Litchfield Town Beach

5/11/11

Removal of machines and debris found in a possible former burrow pit located within 200 feet of the regulated area of Bantam Lake. Proposed remediation involves filling and seeding of the pit.

Jack Healy, Public Works Director, explained that Dr. Tobin found this debris in a hand-dug pit near the boathouse. He proposed building a ramp, taking contents out, backfilling and removing the ramp. The pit would then be seeded. There is a large glacial erratic rock there that they would like to preserve.

Motion: Dr. Frank Schildgen moved to approve the application of the Town of Litchfield for removal of machines and debris found in a possible former burrow pit located within 200 feet of the regulated area of Bantam Lake, with proposed remediation by filling and seeding of the pit while saving the rock if possible.

Second: Carol Williams

Vote: All voted aye and the motion passed.

10. Alexandra Lawlor – 225 Town Farm Road

5/11/11

Construction of an in-ground swimming pool by former property owner

Ken Hrica explained that the previous owners installed a pool that is surrounded by wetlands without a permit. Regarding pool backwash concerns, he said the DEP pool discharge rules were put on the plan for the new owners to follow.

Motion: Barbara Brower moved to approve the after-the-fact application for Alexandra Lawlor, 225 Town Farm Road, for construction of an in-ground swimming pool by the former property owner per on-site plan for Lawlor dated 5/9/11 with pool backwash notes on the plan.

Second: Carol Williams

Vote: All voted aye and the motion carried.

APPLICATION RECEPTIONS

11. Arethusa Farm – Webster Road

5/11/11

Addition to existing calf barn

Dennis McMorrow of Berkshire Engineering and Surveying explained the details of the addition with foundation on the corner of Route 63 and Webster Road.

Motion: Dr. Frank Schildgen moved to receive and approve this application from Arethusa Farm, 2 Webster Road, for an addition to an existing calf barn specified in the drawing by Berkshire Engineering.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

12. Litchfield Inn – 432 Bantam Road

5/11/11

Paving of existing parking areas, creation of walking paths with landscaping, and construction of a tennis court

Chairman Blazek read a letter dated 5/11/11 from Attorney Bruce G. Temkin written on behalf of J.R.J. Inc. and Litchfield on the Green, Inc. requesting that the Commission table this application and not receive it until its June 8, 2011 meeting.

13. Approval of Minutes of April 13, 2011

Motion: Barbara Brower moved to approve the 4/13/11 minutes as received.

Second: Carol Williams

Vote: All voted aye and the motion carried.

14. Review and consider setting public hearing for 2008, 2009, 2010 State of Connecticut DEP Legislation and Regulations Update Advisories

Robert Blazek postponed this discussion until the June 8, 2011 meeting.

15. Election of Officers and Review of Bylaws

It was agreed to postpone election of officers until next month when Jack Hamill would be present. Barbara Brower presented her suggested bylaw language for attendance. Commissioners all liked her suggestion. She read, "Commissioners of the Inland-Wetlands Commission are expected to attend all regularly-scheduled meetings and hearings and are asked to call the Land Use Office if they are unable to attend."

Motion: Carol Williams moved to add to the bylaws the following regarding meeting attendance: Commissioners of the Inland-Wetlands Commission are expected to attend all regularly-scheduled meetings and hearings and are asked to call the Land Use Office if they are unable to attend.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

16. Correspondence

- a) Letter to Town of Litchfield from Ron's Automotive regarding Naugatuck River cleanup
- b) Aquatic Control memo re DEP putting in more pesticide applications
- c) 5/4/11 Letter re Hamill Well Field generator project

17. Adjournment

Motion: Carol Williams moved to adjourn at 9:10 p.m.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

Respectfully submitted,



Ann D. Curtis
Recording Secretary