

INLAND WETLANDS COMMISSION
Regular Meeting Minutes
May 14, 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 7:00 p.m.

Members Present: Chairman Robert Blazek, Dr. Frank Schildgen, Jack Hamill, Frederick Minck, Abby Conroy (7:02 p.m.), Anthony Paradise, Carol Williams, and Linnea Healy. Also present were Inland Wetlands Agent Dennis Tobin, Ph.D. and Recording Secretary Ann Combs.

Members Absent: Barbara Brower

Public Comment: None

2. Appointment of Alternates: Chairman Blazek appointed Linnea Healy as a regular member for Abby Conroy. Ms Conroy arrived at 7:02 and Ms Healy returned to alternate member status.

Motion: Dr. Frank Schildgen moved to place Item 13 as Item 2a. on the agenda.

Second: Carol Williams

Vote: All voted aye and the motion carried.

PUBLIC HEARING

2a. Tollgate Center, LLC – 571 Torrington Road 5/14/14
Construct new entrance on Torrington Road, add water quality measures on main parking lot, building additions, new maintenance building, grass over existing parking area

Chairman Blazek read a letter dated 5/8/14 from Charles Roraback of Roraback & Roraback representing Tollgate LLC, which stated Tollgate Center, LLC has withdrawn its application.

AGENT DETERMINATION

3. Bantam Supply – 28 Russell Street 5/14/14
Emergency demolition of hazardous building

Dr. Tobin said the old green building has been determined unsafe by the Building Inspector and has to be demolished. They have applied and Dr. Tobin made the agent determination.

APPLICATION CONSIDERATIONS

4. Burgess – 48 Wilson Road 5/14/14
Pond maintenance

Gwenn Burgess was present to explain they want to dredge 8 – 10 ft. to remove plants including cattails watershed and sedges and plan to have fish. They will use an excavator to dredge the quarter-acre size

pond when the weather is dry. They plan to plant grass around the edge. They will store the spoils at a distance of about 400-500 ft. minimum from the Gulf Stream and use them for gardening. They may use rip rap if necessary.

Motion: Jack Hamill moved to approve the application of Burgess, 48 Wilson Road, Map 145/19/003 for pond maintenance and removing silt and sediment and plants in pond, deepen it to at least 10 ft. and spread tailings for drying and gardening.

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

5. Burgess – 48 Wilson Road

5/14/14

Construct (2) 12' X 12' pool houses and fencing for pool

Gwen Burgess explained that one pool house will house mechanicals and the other will serve as a changing room. Fencing will be either cedar flat panel fence or a metal fence. They would like both pool houses on the same side of the pool. The pool will run on a salt system. There are also plans for a retaining wall of concrete blocks. A. Paradise asked her to modify the plan to include a swale on either side of the bank behind the wall.

Motion: Fred Minck moved to approve the application of Gwendolyn Burgess, 48 Wilson Road, for two 12' X 12' pool houses, fencing for pool and retaining wall per drawing submitted 5/14/14.

Second: Carol Williams

Vote: All voted aye and the motion carried.

6. Agrawal – 57 Carriage Lane

5/14/14

Construct building addition in upland review area

Dennis McMorrow, Berkshire Engineering and Surveying, reviewed the details of Lot 10 on Carriage Lane, the very last lot on the right of the cul-de-sac. He added a tree line to the drawing and indicated the corner of the building is in the regulated area. The indoor pool system is a cartridge filter, and pool supplies will be stored in a basement under the gazebo. Wetlands are delineated and are 114 ft. from the activity, and the deck is 136 ft. from the feeder brook (into the Butternut Brook). A. Paradise asked about the existing house to which the addition will be built.

Motion: Anthony Paradise moved to approve the application of Agrawal, 57 Carriage Lane, for construction of building addition in upland review area per site plan showing proposed addition, drawn by Berkshire Engineering, with revision date of 5/12/14.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

AFTER-THE-FACT APPLICATIONS

7. Malarky/ Balaguer - 99 Fern Avenue

5/14/14

Cutting trees in a regulated area (consider)

Anthony Paradise recused himself from this application and the Chairman appointed Linnea Healy to be a regular voting member in his absence. John Matthews and Brian Malarky were present. Dr. Tobin said he had been out to inspect and the harvested trees will be removed. B. Malarky said they will not cross streams – they will be dragging by cable to the two staging areas. When done they will stabilize the soil

with a seed mix. Then wood chips will be dispersed throughout the property. They hope to finish in dry weather, and could finish the job in two weeks time. Mr. Matthews submitted his qualifications.

Motion: Dr. Frank Schildgen moved to approve the application of Malarkey/Balaguer, 99 Fern Avenue, for selective tree cutting in a regulated area per survey map for Brian Malarkey done by Ken Hrica Associates dated 8/3/07.

Second: Jack Hamill

Vote: All voted aye and the motion carried. Mr. Paradise returned to his regular seat and Ms Healy returned to alternate status.

8. Forman School – 12 Norfolk Road

5/14/14

Disposition of automotive, earthen and vegetative debris (consider)

Robert A. D’Andrea of Stedronsky and D’Andrea appeared with James Ciaglo, CT Licensed Environmental Professional, of Berkshire Environmental Services & Technology, LLC, and Dennis McMorrow of Berkshire Engineering and Surveying, all representing Forman School. Mr. D’Andrea explained 12 test pits were done with a report submitted and read by Mr. Ciaglo. All results were favorable with no further investigation or remedial action recommended. No test pits were done below the fill pile. They discussed the results at length. Robert Scodari, CFO of Forman School, said he was pleased to see the levels were well below the concentration levels. Many questions were asked by the commissioners. There was some concern by Commissioners that test pits were not done downgrade of the pile where the old truck has been left, ruling out any indication of possible migration of contaminants. Chairman Blazek asked them to look around the truck area and do field screening for contamination. Mr. D’Andrea said that they were given no specific parameters for the testing, and it is very expensive. They do, however, plan to remove the old vehicle and field screen the soil in that area. This would satisfy the commission as a compromise. Then they will know if they can cap and seed. Mr. Ciaglo clarified they are field testing, looking for results from the toe of the slope down, to the 1040 line to see if there is migration and that they are not concerned with the immediate area of the vehicle. Mr. McMorrow added his understanding was the test pits would be done in the area of the pile. They will report back next month with the results of the field testing.

Motion: Dr. Frank Schildgen moved to continue this application to the next month’s meeting, with results of further field testing available.

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

8a. Forman School – 12 Norfolk Road

5/14/14

Filling and excavating in regulated area (reception)

Attorney D’Andrea said this is a self-reported after-the-fact application where Towne & Aurell had a machine in the area of the previous application where gravel was removed to build a walkway to the new dorm. Forman and Mr. D’Andrea realized they were working in the regulated area, so it was reported immediately. Dr. Tobin inspected and directed them to put up some silt fencing and come in for another application. The Company had been informed not to work there, but the operator did not know.

APPLICATION RECEPTIONS

9. Waterhouse – 29 Moosehorn Road

5/14/14

Selective tree cutting for consumption and disease control on 5 acres of wetlands

Tom Waterhouse was present and said he was not here as a representative of the P&Z Commission. He showed a drawing where he wants to cut trees near his house, two in particular. There are trees targeted on either side of the north branch of the Turner Brook. He can lift the fallen trees over the stream with his backhoe.

Motion: Fred Minck moved to approve the application of Tom Waterhouse, 29 Moosehorn Road, to remove about 15 trees immediately and selectively more in the future, notifying Land Use prior to removal.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

10. Spelman – 1359 Bantam Road

5/14/14

Storage facility (28' X 24') on existing slab

Mark Spelman was present to explain the wetlands 65' and 70' away as flagged for planned building on the map. He will use the shed to store a tractor on the bottom and storage items on the upper floor.

11. Yard – 261 Norfolk Road

5/14/14

Demo and rebuild sunroom (25' X 25')

Mr. Blazek said they are extending the room and that they will put in silt fence and hay bales. No one was present.

12. Friends of the Litchfield Community Greenway, Inc. – South Lake & White Woods Rd. 5/14/14

Construct 2800' of recreational trail

Carol Williams recused herself from this reception, and Mr. Blazek appointed Linnea Healy to be seated in her place. Dennis McMorrow explained the ghost trail, the old railroad bed from South Lake St. to White Woods Road that travels behind West and St. Anthony's Cemeteries, the Phase I path of the Greenway project. George Malia has flagged the wetlands, and they are in the flood plain. CL&P owns the property. There will be no digging in the old railroad bed. They will be putting fabric, processed gravel and topsoil down. Water does come across occasionally and erodes it. They will create an area with a concrete spillway for water to cross to prevent scouring. Mr. McMorrow asked if they would waive the application fee for this as they are in the process of becoming a 501-C-3 corporation and are currently operating under the Litchfield Community Center's designation.

Motion: Jack Hamill moved to waive the fee for this application.

Second: Dr. Frank Schildgen

Discussion: A. Paradise said it must be requested in writing and support the statement of the Friends of the Litchfield Community Greenway, Inc. as to its non-profit status.

Vote: All voted aye and the motion carried. Carol Williams returned to her seat and Linnea Healy returned to alternate status.

14. Approval of Minutes of April 9, 2014

Motion: Dr. Frank Schildgen moved to approve the minutes of April 9, 2014.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

15. Correspondence: Chairman Blazek read about the timber harvest notification form. This is not a state mandated form.

Dr. Tobin said there has been dumping in the cemeteries and on White Memorial's property in regulated areas. He found debris piled in the woods near the pond in the East Cemetery (Litchfield Cemetery) from years ago and substantially more now. West Cemetery, St. Anthony's, East Cemetery, Bantam and Our Lady of Grace Cemetery are all in regulated areas and have dumping. Chairman Blazek read a letter from Sexton Dan Parsons of the East Cemetery Association. He asked the Commission to send a request letter to the associations. Chairman Blazek would like to send a certified letter to each cemetery association indicating that they are in violation of local Inland Wetlands regulations with illegal dumping and must come in for an after-the-fact application.

Motion: Carol Williams moved to issue a certified letter to each of the following cemetery associations asking them to apply for an after-the-fact application: West Cemetery, East Cemetery, St. Anthony's Cemetery, Bantam Cemetery and Our Lady of Grace Cemetery.

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

Motion: Anthony Paradise moved to waive the after-the-fact application fee for the same cemetery associations.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

16. Possible Executive Session to Discuss Pending Litigation:

Motion: Carol Williams moved to go into executive session at 9:48 p.m. with all commissioners and Dr. Tobin present.

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

They came out of executive session at 9:53 p.m. with no action taken.

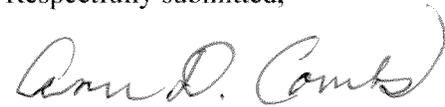
17. Adjournment

Motion: Fred Minck moved to adjourn at 9:54 p.m.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

Respectfully submitted,



Ann D. Combs, Recording Secretary