

DRAFT

INLAND WETLANDS COMMISSION
Regular Meeting Minutes
May 9, 2012 ~ 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 7:05 p.m.

Members Present: Chairman Robert Blazek, Barbara Brower, Dr. Frank Schildgen, Jack Hamill, Frederick Minck. Alternate Abby Conroy arrived at 7:08 p.m. Also present were Inland Wetlands Agent Dennis Tobin, Ph.D, and Recording Secretary Ann Curtis.

Members Absent: Carol Williams (Alternate Jeffrey Zullo has chosen not be reappointed to the Commission.)

1. Public Comment: None

2. Appointment of Alternates: Mr. Blazek appointed Abby Conroy as a regular voting member.

APPLICATION CONSIDERATIONS

3. Couret/Lougheed – 87 Knox Road **5/9/12**
House and garage addition

Dennis McMorrow, Berkshire Engineering and Surveying, showed the map with plans for a garage and addition to the house in a tight area, 30 feet from the wetlands. They will have roof drainage and stone pads to diffuse the water runoff.

Motion: Dr. Frank Schildgen moved to approve the application of Couret/Lougheed, 87 Knox Road, as per map on file, with riprap being used for roof drainage.

Second: Fred Minck

Vote: All voted aye and the motion carried.

APPLICATION RECEPTIONS

4. Carriage Lane Assoc. – Carriage Lane **5/9/12**
Paving Carriage Lane

Resident Kenneth Cupp was present to explain the Association wants to pave Carriage Lane about halfway down from Butternut. There was some concern about poorly draining soils and siltation buildup. Dennis McMorrow explained that paving is less detrimental to the area because there will be less sand and salt used in the winter, and there will be less erosion. Runoff will go into a grass swale and culvert to Butternut Brook. Commissioners will walk the property.

5. Towne & Aurell (Coley) – 31 Knox Road **5/9/12**
Clean edges of existing pond

AJ Towne was present to explain the pond as a half-acre existing pond overgrown with cattails. It is 12 - 14 ft. deep, and he wants to lower the water level to do the clean-out. Commissioners will visit the property.

AFTER-THE-FACT ACTIVITIES

6. Yanavich – 84 Goodhouse Road

5/9/12

Existing above-ground pool

The pool was built in a regulated area, about 38 ft. from the wetlands. Mr. Yanavich said he did not know he had wetlands. Commissioners will walk the property.

7. Stack – 58 McBride Road

5/9/12

Clear cutting vegetation and graded drive with culverts

Frank Stack explained that there were two drainage culverts emptying onto his property. He said he got permission from the Public Works Director and piped the runoff to the wetlands at the rear of his property on both sides. Dennis Tobin showed the Roadway Repair Plan from Public Works. Mr. Stack has also done clear cutting beyond the permit area in the back where it is level so he can plant a garden. Mr. Stack did not grant permission for Commissioners to walk the property, but said that Dennis Tobin alone has permission. He agreed to meet with Sean Hayden and decide then if he will allow Mr. Hayden on his property.

PUBLIC HEARING

8. LaPlaca Oil & Propane – Torrington Rd. (Map 145, Block 021, Lot 10F)

5/9/12

Construction of 1800 sq. ft. office building, above-ground propane storage tanks, gravel driveway, parking and bio-filtration basin for storm water renovation

Chairman Robert Blazek read the application and then recused himself from the public hearing at 7:55 p.m. Vice Chairman Barbara Brower took the chair and opened the public hearing at 7:56 p.m. She announced that per the rules, Alternate Abby Conroy, although seated as a regular member, could participate but not vote at the hearing. Mrs. Brower read the public notices dated 3/28/12 and 4/28/12 and then said that there would be no decision until the next meeting. Attorney Peter Herbst, representing LaPlaca Oil and Propane, said he had notified the three adjacent property owners, showing the letters, certified mail receipts and green cards. Ms Brower said that all records, letters and maps are on file and will be used in the decision. The map used was revised 4/5/12.

Ken Hrica was present representing LaPlaca as the Project Engineer as well as Michael Kline, Biologist and Soil Scientist, and T. Michael Morrissey, CT State Director of Propane Guidelines. Mr. Herbst said they are planning to build a 500 sq. ft. building and have a centralized storage facility for propane. He cited four other propane storage facilities, with Amerigas located adjacent to wetlands and the Forman School playing fields, and Bantam Fuel located next to the Bantam River and Woods Pit Barbeque. Per Certified Soil Scientist Chris Allen's report, K. Hrica has redesigned per his suggestions. Mr. Herbst then read sections from CT DEEP Fisheries Biologist Mr. Donald Mysling's email dated 4/11/12, where he concluded that the proposed development would have a negligible impact on the Gulf Stream and that no further review is warranted. Mr. Hrica then shared the history of the property and said fill was put there in 1955 to create a traffic bypass for a culvert installation. A subdivision of the Cattey property was done in 1989 and the pad became a subdivision lot approved in a business zone.

Mr. Hrica said they are proposing two 30,000 above-ground storage tanks. A tractor-trailer will fill the tanks and bobtail trucks will fill from the tanks and deliver to local customers. There will be a corral for cylinder tank storage on the west side. The office building will be 20' X 25', with no hazmat storage. Public sewers are available, but they must drill a well. There will be 50' minimum setbacks with a 25' buffer around the perimeter. There will be three parking spots. The water quality system in the buffer is being re-vegetated with native species. Runoff drains to the rear to a 6" layer of washed stone for filter, with further filtration as per map. A rise from the highway prevents water flowing into the driveway. They plan to pave just into the site, and then use a gravel driveway. A FEMA review is coming to determine the 110-year flood plain elevation. Michael Kline agreed with Land Tech that the 25-ft. buffer is adequate and that this is a re-development of an ecologically disturbed site.

Public input was accepted at 9:07 p.m. Mark FitzGerald, Bantam P&Z, said the applicant has gone above and beyond and should be supported. Margaret Miner of the Rivers Alliance said she did not hear prudent and feasible alternatives, so she felt there was a gap in the legal requirement. She asked how hazard and emergency protocol would be implemented. She advised caution, as this will be a visible decision that will set a precedent. Scott Goff, from Goff Equipment, asked for an entirely paved driveway, as he was concerned about dust settling on his equipment display.

Ken Hrica concluded, saying the only maintenance required on the site is to clean the silt at the entrance to the forebay. He can put a maintenance plan in place as a prudent and feasible alternative to the original plan. Peter Herbst asked for a continuance, as the time limit runs out on 5/16/12.

Motion: Dr. Frank Schildgen moved to continue the public hearing from 5/16/12, 28 days forward to 6/13/12.

Second: Fred Minck

Vote: All voted aye (A. Conroy excluded) and the motion carried.

The public hearing closed at 9:50 p.m. The following correspondence was included in the file:

- Site Plan for LaPlaca Oil & Propane, Hrica Associates LLC, dated 12/19/11
- 1951 drawing of temporary crossing needed for culvert work
- Helical pier brochure from Chance, received 5/9/12
- 5/16/11 letter from Dr. Clarence Welti, PE, PC Geotechnical Engineering to Jerry LaPlaca re geotechnical study for proposed storage tanks
- 5/9/12 letter from Peter C. Herbst to Inland Wetlands Commission consenting to extension of 28 days time for public hearing
- 5/9/12 email from Robert Michalik to Ken Hrica indicating FEMA review should be completed on 5/10/12, and the outcome looks favorable
- all certified letters of property owners within 150 ft., 10 total; sheet with all listed revised 5/7/12
- 4/6/12 Hrica letter to D. Tobin; response to Land Tech Consultants (LaPlaca)
- 4/16/12 Land Tech Consultants bill sent to D. Tobin
- 1989 map by Dicara Land Surveying prepared for Amelia Cattery
- Chuck Bezio email dated 5/9/12 asking for a third party to review the application for a feasible and prudent alternative, and finally asked to deny the application
- 5/8/12 letter from Litchfield Golf Center with questions
- 4/11/12 and 5/9/12 Rivers Alliance letters to Inland Wetlands Commission
- 4/11/12 email from Donald Mysling, CT DEEP Inland Fisheries Division, to D. Tobin
- 4/2/12 & 4/11/12 letters to D. Tobin from Land Tech Consultants, Inc.
- 4/10/12 & 5/9/12 letters to D. Tobin from Northwest Conservation District
- 4/11/12 letter to R. Blazek from Housatonic Valley Association asking to deny the application
- 5/11/12 letter to D. Tobin from Naugatuck River Watershed Assn. with questions to consider

- 4/9/12 Environmental Planning Services letter to Jerry LaPlaca with results of work on his behalf, from Michael Klein, Professional Wetlands Scientist

9. Approval of Minutes of April 11, 2012

Motion: Dr. Frank Schildgen moved to approve the minutes of March 14, 2012.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

10. Correspondence

- Pesticide Application for 1) Elliot Pond, 86 West Morris Rd, and 2) Hidden Pond
- Public hearing on proposed changes to Thomaston zoning regulations
- The Habitat, Spring 2012

11. Adjournment

Motion: Dr. Frank Schildgen moved to adjourn at 9:55 p.m.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

Respectfully submitted,



Ann D. Curtis, Recording Secretary