

DRAFT

INLAND WETLANDS COMMISSION
Regular Meeting Minutes
June 13, 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 7:00 p.m.

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

Members Absent: Carol Williams

1. Public Comment: None

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

Motion: Dr. Frank Schildgen moved to add to the agenda the following items:

- 6a) Ferraca/Bates – 11 White Road - New Permit
- 6b) Schmidt – 37 Camp Hill Road – Septic Repair
- 6c) Litchfield Public Works – McBride Road – Permit Review

Second: Fred Minck

Vote: All voted aye and the motion carried.

APPLICATION CONSIDERATIONS

3. Carriage Lane Assoc. – Carriage Lane
Paving Carriage Lane

6/13/12

Dennis McMorrow, Berkshire Engineering and Surveying, was present to discuss the revised site plan for the proposed pavement for Falcon's Flight Farms Phase III, Carriage Lane Association, LLC. The Association wants to pave Carriage Lane about halfway down from Butternut. There is sediment build-up where the pavement begins and on the east side of the driveway. Erosion on the incline is being trapped in the grass shoulder. He proposed shaving the shoulders down to allow for sheet flow of water, then seed and mulch. There will be no more erosion when paved. The grass swales are working for runoff, which will then go into a culvert to Butternut Brook. Mr. McMorrow explained that paving is less detrimental to the area because there will be less sand and salt used in the winter, there will be less erosion and less impact on the wetlands. Runoff will go into a grass swale and culvert to Butternut Brook. Mr. Blazek questioned control of the runoff from the paved surface.

Motion: Dr. Frank Schildgen moved to approve the application of Carriage Lane Association according to the details of the site plan dated 7/5/11, revised 6/12/12.

Second: Jack Hamill

Vote: All voted aye and the motion carried.

4. Towne & Aurell (Coley) – 31 Knox Road
Clean edges of existing pond

6/13/12

No one was present for this application so Chairman Blazek moved this item to the next meeting.*

5. Yanavich – 84 Goodhouse Road

6/13/12

After-the-fact application for existing above-ground pool

Mr. Yanavich explained the work done on the 21'X16' pool that is all in.

Motion: Abby Conroy moved to approve the after-the-fact application of Joseph Yanavich, 84 Goodhouse Road for an above-ground swimming pool.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

*4. (cont.) AJ Towne arrived and Mr. Blazek continued with the application consideration. Mr. Towne explained the pond as a half-acre existing pond overgrown with cattails that need to be cleaned out. It is 12 - 14 ft. deep, and he wants to lower the water level to do the clean-out and will reseed with grass.

Motion: Jack Hamill moved to approve the application by Towne & Aurell at 31 Knox Road to clean the edges of an existing pond.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

6. Stack – 58 McBride Road

6/13/12

After-the fact application for clear cutting vegetation and graded drive with culverts

Frank Stack explained that he replaced the smaller culverts, cut trees in the wetlands, regraded the driveway, and cleaned up the stream channel. Abby Conroy questioned all components and confirmed he is 90% done. Mr. Stack said he gave the Town easements.

Motion: Fred Minck moved to approve the after-the-fact application of Frank Stack, 58 McBride Road, for clear cutting vegetation and graded drive with culverts.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

6a. Ferraca/Bates – 11 White Road

6/13/12

New permit

Mr. Ferraca wants to build a home and the previous permit had expired. It is a small lot and the house will be a tight fit. The septic is in. Dr. Frank Schildgen said he had no problem with this permit as long as they adhere to the limitations imposed by the previous permit.

Motion: Dr. Frank Schildgen moved to approve the application of Ferraca/Bates, who reside at 27 Prospect Mountain Road, for building a home at 11 White Road, Northfield, as per old permit and map dated 3/7/05.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

6b. Schmidt – 37 Camp Hill Road

6/13/12

Septic Repair

Dennis McMorrow was present to explain this is a direct fail on a septic that was built in the '50's and repaired in the early '70's. He explained the plan to repair, saying they will need to put in a temporary driveway. The new fields will be 58' from the wetlands. Torrington Area Health has approved.

Motion: Barbara Brower moved to approve the application of Schmidt, 36 Camp Hill Road, for a new septic system, Assessor's map 245-30-6.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

6c. Litchfield Public Works – McBride Road

6/13/12

Permit review

Public Works Director Jack Healy was present from the Town of Litchfield. He showed the map entitled "Roadway Repair Plan" where the proposed work will take water away from properties on McBride Road by discharging it down Richards Road Extension, passing through stilling basins, then through rip rap and finally into the Humiston Brook.

Motion: Jack Hamill moved to approve the application by Litchfield Public Works to redirect drainage to sedimentation basins on the corner of McBride Road and Richards Road Extension.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

AGENT DETERMINATION NOTIFICATION

7. Whitehall Construction LLC – 275 Goodhouse Road

6/13/12

Driveway and septic for new house as approved by IWC in 2006 as part of Crossman Farms Subdivision (Permit #CC00713)

Dr. Tobin explained the permit he issued as listed above as notification of his action as Inland Wetlands Agent.

PUBLIC HEARING

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

6/13/12

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 opened the public hearing at 8:04 p.m., appointed Vice Chairman Barbara Brower to take the chair and then recused himself from the public hearing at 8:05 p.m. Ms Brower read the public notice and announced there would be no decision on this application until the next meeting. Ken Hrica, PE and Licensed Land Surveyor, 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. Hrica referred to a map entitled, "Landscaping and Lighting Plan for LaPlaca Oil & Propane" dated 6/7/12.

Regarding the flood plain, Mr. Hrica explained that as documented in the FEMA letter, a portion of the property has been removed from the flood plain. The 100-year flood elevation as determined by FEMA in Flood Zone C is 869.9 ft., and the lowest back elevation of this application is 4 ft. above that elevation; therefore, flood plain is not an issue. Secondly, Mr. Hrica pointed out they are now paving the driveway.

The drainage is adequate for storm water runoff, and dust will no longer be a concern to the business neighbor to the east. Prudent and feasible alternatives include reducing the building from 1800 sq. ft. to 50 sq. ft., and reducing parking spaces from 11 to 3. Mr. Morrisey said flaring of the tanks is not done there. Vacuum purging capability is installed at the manufacturer. Traffic will be very minimal at this site. A memo from Sean Hayden, Northwest Conservation District, dated 5/9/1, says this is not an intense industrial use. Chris Allen, Professional Wetlands Scientist from Land Tech, says the plan meets the requirements of the Sedimentation and Erosion Long-term Maintenance Plan.

Ms Brower received comments from the public at 8:50 p.m. Damien Oskwarek, 572 Torrington Road, was concerned about safety with vehicles leaving the roadway and pushing the tanks into the wetlands. He presented a petition with 49 names asking to deny the application.

Betsy Glassman, Tapping Reeve Drive, asked the Commission to deny the application, saying the Route 8 corridor is the proper place for this industrial use. She also said that wetlands fill can shift, so it may not be wise to build here. She referred the Commissioners to Section 3.6.5 of the Environmental Impact Evaluation done on the Cattey property for the potential courthouse site in April, 2002. She also mentioned a 2000 Audubon letter listing endangered species indigenous to that habitat. *[Abby Conroy left at this point at 9:00.]*

Joseph Oskwarek mentioned a car accident that occurred across from the site where the guard rails did not stop the car from careening over and into a tree; therefore they would not protect a tanker truck from going through and into the wetlands. He also said there is a ground fault near the site.

Margaret Miner, Rivers Alliance, said pavement causes runoff to increase and could be problematic into a Class A watercourse. She said the site is too crowded for this use in a regulated area and suggested addressing the specifications in a written plan.

Rebuttal by Ken Hrica: Mr. Hrica further clarified the flood elevation and said they are not filling the wetlands but rather an upland site. The storm water system has been reviewed by the experts and is adequate. Vehicles leaving Torrington Road could not hit the tanks. Michael Kline agreed there were no disagreements between the experts, as Land Tech signed off as well. DEEP said there would be no adverse impacts from a fisheries standpoint. The visual aesthetic appeal of the wetlands will not be altered, and there will be no adverse effect on wildlife. They have submitted a plan for regular system maintenance. Also, propane, when released, will not hang around in the open air.

Public Rebuttal: Joseph Oskwarek said that propane released did settle and billow, and Damien Oskwarek said that fill on top of the wetlands does not make sense.

Margaret Miner was concerned about the buffer being a minimum size and it must be minimally contained.

Rebuttal by Ken Hrica: Mr. Hrica said they did borings and said the base was adequate and that the helical piles will be a perfect use. He requested that the Commission consider only the wetlands issues.

Motion: Dr. Frank Schildgen moved to close the public hearing at 9:50 p.m.

Second: Fred Minck

Vote: All voted aye and the motion carried.

Barbara Brower asked the Commissioners to write their thoughts down for the next meeting. The following new correspondence was entered into the file:

- Environmental Impact Evaluation excerpt dated 4/2002, Section 2.11.4, "Potential Wetland Impact at the Cattey Site"
- Rivers Alliance letter dated 6/13/12 to Inland Wetlands Commission re LaPlaca Oil & Propane application
- 6/13/12 Audubon Society List of endangered and threatened species
- 6/13/12 Petition asking IWC to deny application, 49 names
- 6/7/12 Ken Hrica's "Sediment and erosion Control during Construction & Long Term Maintenance for Stormwater Quality – LaPlaca Oil & Propane Storage Facility"
- 4/9/12 Legal notice of Public Hearing
- 2/24/12 received 6/8/1 K. Hrica's drainage calculations prepared for LaPlaca Oil & Propane Storage with map
- 12/18/11 K. Hrica's "Site Plan for Proposed Storage Facility for LaPlaca Oil & Propane, revised 6/7/12
- 6/12/12 Northwest Conservation District's review letter of LaPlaca Oil & Propane
- 6/11/12 DOT review of plans – determined okay to issue permit
- 5/9/12 Northwest Conservation District's site plan review

9. Approval of Minutes of May 9, 2012

Motion: Dr. Frank Schildgen moved to approve the minutes of 5/9/12.

Second: Fred Minck

Vote: All voted aye and the motion carried.

10. Correspondence: notification from the DOT regarding a DEEP general permit for a drainage maintenance plan

11. Adjournment

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

Second: Fred Minck

Vote: All voted aye and the motion carried.

Respectfully submitted,



Ann D. Curtis, Recording Secretary