

Approved 10/9/13

INLAND WETLANDS COMMISSION
Regular Meeting Minutes
August 14, 2013 – 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 arrived at 7:10 p.m.

Members Absent: Carol Williams, Barbara Brower

Also present were Inland Wetlands Agent Dennis Tobin, Ph.D, and Recording Secretary Ann Combs.

1. Public Comment: None

2. Appointment of Alternates: None

Motion: Dr. Frank Schildgen moved to add to Receptions, 5a. Litchfield Hills Nursery for a permit review.

Second: Fred Minck

Vote: All voted aye and the motion passed.

Motion: Dr. Frank Schildgen moved to add to Receptions, 5b. Edward Demers, Jr. for cottage at 99 North Shore Road.

Second: Jack Hamill

Vote: All voted aye and the motion carried.

APPLICATION CONSIDERATIONS

3. LeBoff – 931 Bantam Road

8/14/13

Remediation of contaminated site

Angus McDonald of McDonald Sharp Associates and Ted Sailer, Licensed Environmental Professional of Sailer Environmental, Inc. were present. Mr. Sailer summarized their plans to excavate the soils on the bank in back of the building and remediate the bank, having already drilled 25 ft. for samples. They will stage the materials across the street on polyethylene sheets as well as behind the building for questionable soils, characterize them and dispose of them, backfilling with materials brought back in kind. They will also remove the old boiler in the back of the building. Asbestos abatement has been completed. They will use a long-stick (45-ft.) excavator and are hoping to be able to take most soils to Phoenix Soil in Waterbury. *[Abby Conroy arrived at this point, 7:10 p.m.]*

Motion: Jack Hamill moved to approve the application of LeBoff, JES Realty, for 931 Bantam Road, Map 167/73/10, for remediation of soils based on the sedimentation and erosion map dated 6/27/13, with staging at appropriate locations as per conversations tonight.

Second: Fred Minck

Vote: All voted aye except Abby Conroy, who abstained because of absence during the discussion, and the motion passed.

APPLICATION RECEPTIONS

4. Town of Litchfield - (Zwick), 39 Andre Drive

8/14/13

Install new catch basin and drainage pipe to carry storm water to riprap apron

Jack Healy was present to explain that there have been several plans over the years to correct the drainage problems on the Zwick property at the end of the road. They will extend a perforated pipe onto the Zwick property and it will discharge into wetlands, with the Town maintaining a 20' easement for the pipe.

5. Goldsmith – 59 Clark Road

8/14/13

Pond maintenance

Julian Goldsmith was present to explain he wants to clean out the pond as he did in 1999. He will pump out the pond and go down about 10', depositing the spoils in a pit. He will use sediment and erosion controls and will finally spread the spoils and plant grass seed. Invasive watershield aquatic plants are the problem, so they will be dug out. Dr. Frank Schildgen suggested doing this in a dry season because of the brook trout in the Spruce Brook, and he agreed on either the coming dry season or next year. He then said he would wait until next season, with hurricane season coming soon. The job will take about at week. He will not be able to attend next month, but the Commission will consider it.

5a. Litchfield Hills Nursery, Torrington Road

8/14/13

Permit review

John Acerbi of Litchfield Hills Nursery asked for approval to take the cooling baffles in the roof drains out of his plan and run the water directly into the irrigation pond. R. Blazek said this is an adjustment to the existing permit.

Motion: Dr. Frank Schildgen moved to approve deletion of the draining system with baffles on the new construction for Litchfield Hills Nursery as noted with pink shading on map by David R. Wilson dated 8/16/12.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

5b. Demers - 99 North Shore Road, Map 169/068/079

8/14/13

Cottage

Mr. Demers could not be present, but Ken Hrica explained that he bought the property that has an old dilapidated cabin that he wants to take down. He needed a design for a holding tank because there is only a little cesspool in back of the cabin. The soil is damp and is further saturated from Windmill Hill runoff. Torrington Area Health was present for the test pit for the area for the proposed holding tank. The permit is in effect from the DEEP, and Mr. Blazek asked for a copy. The DEEP will be approving this in line with the general permit. Parking exists now only on the road. He will have a parking space after pushing a stone retaining wall and stairway away. He will also be removing the shed out back. There will be a decrease in impervious surface with this proposal. No basement is proposed, but there is a frost wall foundation. There will be footing drains, as the backside of the cottage is slightly below grade. The 1500-gallon tank has an alarm that will sound at 50% capacity for warning to pump out. White Memorial Foundation sent an 8/12/13 letter to Edward Demers, Jr. approving his holding tank design. The letter also gives permission to demolish the cottage. They will withhold permission to rebuilt, however, until they

can review and approve the plans. All permits must be provided to White Memorial with work to be done between Labor Day and June 15th.

PUBLIC HEARING

6. Arethusa Farm Dairy, LLC – 40 Vanderpoel Ave.

8/14/13

Wetlands crossing to construct storage building and parking area

Chairman Robert Blazek opened the public hearing at 7:45 p.m.

Applicant

Dennis McMorrow, Berkshire Engineering and Surveying, introduced the proposal. He presented the revised plan map dated 8/9/13 for Arethusa Farm Dairy and the site plan showing the 10,000 sq ft. building. The water quality basin has been improved. They are mitigating the wetland with a gravel wetland. Sean Hayden, Soil Scientist with Northwest Conservation District, referred to his third party review letter dated 8/9/13 to Dr. Dennis Tobin. All changes have been incorporated into the revision. The grass emergency exit exists for Bantam Fire Department use only. Trees will guide traffic through the exit to stay where the gravel is below the grass. The dumpster pad has been removed. Mr. Hayden said the University of New Hampshire's subsurface flow gravel wetland is similar to a septic system in filtering the storm water off. Water passes through the gravel and filters along the gravel pack before it goes out.

Public

Mary Tetrault, Vanderpoel Avenue, asked if the bridge would affect the wetlands to the north. Mr. McMorrow said it would not have a negative impact upstream. The culverts were sized for a 100-year storm event.

Commissioners: No questions

Tom Breakell, Arethusa Farm Dairy, said he would be at a disadvantage if he has to go to Planning and Zoning before the next Inland Wetlands meeting, so he was hoping for a decision.

Motion: Dr. Frank Schildgen moved to close the public hearing at 8:10 p.m.

Second: Fred Minck

Vote: All voted aye and the motion passed.

All Commissioners wanted to move the application along for Arethusa Farm Dairy.

Motion: Jack Hamill moved to approve the application by Arethusa Farm Dairy LLC, 40 Vanderpoel Avenue, Bantam, to construct a crossing over a wetland with culverts, storage building and parking area, with improvements to the wetland areas as described by Sean Hayden, Soil Scientist for Northwest Conservation District, for Assessor's map 167/072/118a.

Second: Dr. Frank Schildgen

Vote: All voted aye, and the motion carried.

7. Approval of Minutes of July 10, 2013

Motion: Dr. Frank Schildgen moved to approve the 7/10/13 minutes, inserting "Angus McDonald of McDonald Sharp Associates" instead of Gerald LeBoff in Item 10b.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

8. Correspondence: None

9. Possible Executive Session to Discuss Pending Litigation

Motion: Dr. Frank Schildgen moved to go into executive session at 8:15 p.m. with all commissioners present regarding a legal matter.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

They came out of executive session at 8:20 p.m. with no action taken.

10. Adjournment

Motion: Dr. Frank Schildgen moved to adjourn at 8:23 p.m.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

Respectfully submitted,

Ann D. Combs
Recording Secretary