

INLAND WETLANDS COMMISSION
Regular Meeting Minutes
July 10, 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, Barbara Brower, Abby Conroy, Dr. Frank Schildgen, Carol Williams, Jack Hamill, Frederick Minck

Members Absent: None

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

1. Public Comment: None

2. Appointment of Alternates: None

Motion: Barbara Brower moved to add the following under Receptions:

- 10a. Litchfield Hills Nursery
- 10b. LeBoff, Bantam Road
- 10c. Town of Litchfield, Case Avenue
- 10d. Town of Litchfield, Meadow Street
- 10e. Forman School, 12 Norfolk Road

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

APPLICATION CONSIDERATIONS

3. Halkiotis – 303 Torrington Rd.

7/10/13

Relocate existing state drainage pipe and construct building addition

Dennis McMorro, Berkshire Engineering and Surveying, explained the existing house and Route 202 drainage pipe that discharges into the stream in the back, which leads into the Bantam River. They will be building a new garage with a new entryway into the house. They have tested with Torrington Area Health District for the reserve septic area. The existing pipe is going through the proposed house, so they will bring a pipe (supplied by DOT) down 202, discharging farther back from the brook than current with a riprap swale. A new basin will be installed and paid for by the applicant. They contacted the State and the drainage engineer sent a letter saying they are in agreement with the plan, with the understanding that the new drainage easement will have to be granted before the easement is released. Hay bales and sediment fencing will be used. The entire property is within the regulated area.

Motion: Carol Williams moved to approve the application of Halkiotis, 303 Torrington Road, to relocate the existing state drainage pipe and construct a building addition in the upland review area as per map by Berkshire Engineering and Surveying dated 6/5/13.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

4. Bosco – 105 McBride Road

7/10/13

Construct new 30' x 30' barn

No one was present, but Dr. Tobin said he had been there and they are proposing a poured concrete floor. It will be constructed in a meadow in a regulated area.

Motion: Abby Conroy moved to approve the application of Bosco, 105 McBride Road, to construct a new 30' X 30' barn with poured concrete floor as shown on map location 25/27/05D, and design map by Berkshire Engineering and Surveying dated 3/28/13.

Second: Carol Williams

Vote: All voted aye and the motion carried.

5. Demers – 99 North Shore Road

7/10/13

Demo and rebuild 15' x 12' deck next to lake

Edward Demers was present to explain that the deck will be taken down and replaced in the same location and same dimension with pressure-treated lumber for the supports and Trux-like material for the decking. The stairs will be the same. They will use hay bales and silt fencing and take the old deck down by hand. He will start work after Labor Day.

Motion: Jack Hamill moved to approve the application of Demers, 99 North Shore Road, to demolish and rebuild a 15' X 12' deck with concrete piers, using silt fence and hay bales to control erosion.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

6. Quigley – 177 Buell Road

7/10/13

Construction of new single-family dwelling, driveway with crossings, septic and well in regulated area

Wesley Quigley III presented the map prepared by Gary Giordano. He showed a wetland and a couple intermittent watercourses in the middle of the property. There is a wetlands crossing in the driveway and a crossing of the intermittent watercourse. The lot is wood and ledge. There is a pipe crossing with a catch basin to keep the wetland from draining over time. The area is typically dry in August. The other crossing in the driveway will be via a 20" pipe underneath, with fill over top. Torrington Area Health District has approved the application for a septic system.

Motion: Dr. Frank Schildgen moved to approve the application of Quigley, 177 Buell Road, for construction of a new single-family dwelling, driveway with two crossings, and septic and well in a regulated area as per map by Gary Giordano dated 5/22/13.

Second: Fred Minck

Vote: All voted aye and the motion carried.

7. Birge – 23 Hidden Pond Lane

7/10/13

Construct dock and path to dock

Barrie and Chuck Birge reviewed the project to put in a dock 10' X 12'. There would be two floating dock sections attached at the land. They will access the area by a path cleared with a brush cutter and fill wet sections with wood chips or similar.

Motion: Barbara Brower moved to approve the application of Birge, 23 Hidden Pond Lane, to construct a dock and path as per map and pictures presented.

Second: Carol Williams

Vote: All voted aye and the motion carried.

8. Farmer – 220 East Street

7/10/13

After-the-fact application for removal of in-ground pool, demo and rebuild of 12' x 28' deck and grading

Austin Farmer was present on behalf of Shepaug Realty, LLC. He removed a 40-year-old pool and deck that was rotting and filled it in. It was right on the river, and he did not realize he was in a regulated area. The new deck is about 50' from the river.

Motion: Fred Minck moved to approve the after-the-fact application of Farmer, 220 East Street, for an after-the-fact application for removal of in-ground pool and demo and rebuilding of a 12' X 28' deck with grading.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

9. Copeland – 342 Bantam Road

7/10/13

After-the-fact application for removal of brush near intermittent watercourse and light brush removal throughout the property for walking pathways

Mr. Copeland presented a letter from David Bennett, Attorney for Lorraine Curnan, trustee of the trust for the property indicating that he has signed a contract for purchase of the property. Mr. Copeland said there are 7 acres where he wants to light-clear enough of the underbrush so that he can have walking paths. He will use brush cutters. Dr. Tobin said there were invasives and some nice specimen trees. There is an intermittent stream and disturbed soils.

Motion: Carol Williams moved to approve the after-the-fact application of Copeland, 342 Bantam Road, for light brush cutting for walking pathways.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

10. Yanavich– 84 Goodhouse Road

7/10/13

After-the-fact application for placement of 10' x 20' shed in regulated area

Rob Winegar, the renter, was present to explain there is gravel underneath the shed. He said the shed would be used for tools, but Mr. Blazek said he saw gas cans on the side of the shed and told Mr. Winegar to tell Mr. Yanavich to move the cans away from the shed, which is very near a wetland. Ms. Brower suggested Land Use send a letter asking the owner to move the cans, but Dr. Tobin said he would have no way of enforcing it. Ms Brower would like to postpone the application until the owner can attend, but Mr. Blazek said everyone must be treated equally.

Motion: Jack Hamill moved to approve the after-the-fact application of Yanvich, 84 Goodhouse Road, for placement of a 10' X 20' shed in a regulated area, with the condition that no petro chemicals be stored in or near the building.

Second: Dr. Frank Schildgen

Vote: Mr. Hamill, Dr. Schilgen and Mr. Minck voted aye; Ms Brower abstained and Ms Williams voted no, and the motion carried.

APPLICATION RECEPTIONS

10a. Litchfield Hills Nursery, Torrington Road

7/10/13

John Acerbi explained he wants to construct a 5' X 16' concrete pad to house a 1000 gal. above-ground propane tank to heat his greenhouses. It's located on an existing gravel area, 25 ft. from the pond. Dr. Tobin said this is really a revision to his last application that was approved.

Motion: Dr. Frank Schildgen moved to accept and approve the application of Litchfield Hills Nursery for construction of a 5' X 16' concrete pad to house a 1000 gal. propane tank.

Second: Carol Williams

Vote: All voted aye and the motion carried.

10b. LeBoff, Bantam Road

7/10/13

Owner Gerald LeBoff and Ted Sailer of Sailer Environmental, Inc. were present to explain that this is the old Trumbull Vanderpoel Electric Manufacturing Co. They are planning to have the property remediated for solvents in the soils and ash from two fires. They need to come in on the bank, putting in hay bales and using a long-stick excavator on the slope. They have a permit from the DEEP to stage the soil across the street until it is characterized. The bank will be graded and stabilized with clean fill. All work will be done in the upland area.

10c. Town of Litchfield - Case Avenue

7/10/13

Install roadway drainage and drainage pipe and riprap drainage structures

Jack Healy, Public Works Director, explained that drainage on two properties on Case Avenue has been an ongoing problem. Mr. Blazek read a letter asking for help from Frances P. Clem with 12” of water spouting up by her mailbox and eroding her driveway, sidewalk and gardens. J. Healy plans to pipe the water to Michael Fabbri’s property to a catch basin, and has an easement from Mr. Fabbri. Since this was considered a safety issue, it was agreed to vote to approve the application right away.

Motion: Barbara Brower moved to accept and approve the application of Town of Litchfield to install roadway drainage, drainage pipe and riprap drainage structures on Case Avenue.

Second: Jack Hamill

Vote: All voted aye and the motion carried.

10d. Town of Litchfield – Meadow Street

7/10/13

Jack Healy said this drainage problem is on John Gould’s property. There is drainage on the south side of the property that collects in a swale next to Mr. Gould’s property. A pipe will carry the water to a rock-lined pond and overflow to another piece of property owned by the Litchfield Land Trust. This is an ongoing erosion problem.

Motion: Fred Minck moved to consider and approve the application of Town of Litchfield to improve and re-route drainage from John Gould’s property to a rock-lined pond and overflow to another piece of property owned by the Litchfield Land Trust per map dated 1/29/13.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

10e. Forman School – 12 Norfolk Road

7/10/13

Repair erosion near Chase Hall with riprap swale

Dennis McMorrow, Berkshire Engineering and Surveying, said there is an erosion problem between Chase Hall and Carpenter Hall where a watercourse goes under a footbridge between the two buildings and turns rapidly to the right and is scouring the sidewalk. He would like to take the corner out, add 55’ of riprap channel, put fill back and landscape with tiger lilies on the lawn area. Sean Hayden, Northwest Conservation District, said he has looked at this problem and will keep an eye on this work while he is there on inspections for the new science building construction.

Motion: Abby Conroy moved to approve the application by Forman School, 12 Norfolk Road, to repair erosion near Chase Hall with riprap swale, approximately .04 acres, per map prepared by Berkshire Engineering dated 7/9/13.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

PUBLIC HEARING

11. Arethusa Farm Dairy, LLC – 40 Vanderpoel Avenue

7/10/13

Wetlands crossing to construct storage building and parking area

R. Blazek opened the public hearing at 8:45 p.m. and read the legal notice. He said the applicant will speak first, then the public. There were no apparent intervenors. Dennis McMorrow, Berkshire Engineering and Surveying, was present for the applicant. He showed the existing condition plan and explained they want to use the area of the current greenhouse site on Vanderpoel Avenue for a new 100' X 100' building for dry and cold storage. The wetlands have been flagged on both east and west sides. There are two culverts under Doyle Road to take drainage into the system. The greenhouse will be demolished, leaving the building closest to Vanderpoel Avenue as their office. They will also create more parking with 21 spaces that will connect with the current parking at the dairy. They have met with P&Z. It is a pre-existing, non-conforming use in the R-40 zone. Bantam P&Z does not want traffic on Vanderpoel Avenue. The crossing will require two 18" culverts sized for the 100-year storm event. Mr. Hayden, Northwest Conservation District, has reviewed the project with the following suggestions. He wanted the culverts to be resized from 18" to 30". He also wanted them to raise the invert of the other one. Finally, he suggested they use a gravel wetland going into a sediment forebay, causing it to act as a normal wetland. The Bantam Fire Company has asked for use of the property as an emergency access, and they will be given a key for the gate. There will be a reduction in impervious surface to 23,000 sq. ft. Mr. Blazek questioned the dumpster being located so close to neighboring properties. Mr. Hayden described the wetlands and said it would function better when it is cleared out. He discussed the gravel wetland system as the most efficient primary water quality structure. Suspended solids are captured in the forebay. The gravel is covered with 8" of wetland soil and planted with a native detention basin seed mix and mowed as part of the maintenance plan. Questions were answered by Mr. Hayden. Mr. Blazek read Mr. Hayden's 7/8/13 letter, a third-party review of Arethusa Dairy with his recommendations.

Public

Rick Duffy, Bantam Fire Company Chief, requested their use of the emergency access road, as their department is land-locked. They will only use it if Doyle Road is blocked.

Adriana Adilli, 22 Vanderpoel Ave., said there is a 10 ft. right-of-way next to her property and she was concerned about that, the large building and truck traffic. Mr. McMorrow assured her the trucks would access and leave from Doyle Road only.

Jane Golding added the firehouse is also an emergency shelter, and people would have to be able to get there.

Ann Haas, Vanderpoel Avenue, asked if the property owner would have a key if it was only for emergency access. It was suggested they should plant trees to designate where the fire trucks should pass. She pointed out there was another access to Doyle Road from Vanderpoel Avenue.

Patricia Coe was concerned about her well being close to Arethusa property and old pesticides that may be in the ground. She asked about the construction of the building and the attractiveness of it.

Mary Tetrault asked about the gravel wetland and if it would be a temptation to small children or a mosquito area. Mr. McMorrow said the water should quickly sink into the gravel so that it would not be on the surface for long.

Tom Breakell, Farm Manager of Arethusa Farm, explained that Bantam P&Z made it clear they did not want truck traffic on Vanderpoel Avenue, so they will use only Doyle Road. The barn will be white and black in keeping with the architectural design at the farm. They've done all they can to be helpful, maintain the residential character of Vanderpoel Avenue and did approach the Bantam Fire Co. about the emergency access possibility.

Adrianna Adilli said she does not understand the endorsement of the Bantam Fire Co. and does not think they need a crossing to Vanderpoel Avenue.

Mr. McMorrow spoke about demolition of the greenhouse and the fact that glass pieces are blowing out. Mr. Blazek said they must go through the process and arrive at a finding before these matters can be addressed. Dr. Schildgen said because of the safety issue they should be able to demolish the building. Chairman Blazek said they could close the hearing and vote on it at the next meeting. The Commissioners agreed there is a serious safety issue with the glass falling off. Sean Hayden said they could demolish the building using silt fence to catch the debris.

Motion: Dr. Frank Schildgen moved that the greenhouse building, that is a public health safety risk, be considered for demolition as an agent determination by Dr. Dennis Tobin.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

Mr. Blazek closed the public hearing at 9:55 p.m. and said it would be continued next month, August 14, at 7:00 p.m. at the Bantam Annex.

ORGANIZATIONAL MEETING

12. Election of Officers and Review of Bylaws

Motion: Jack Hamill moved to appoint Robert Chairman as Chairman.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

Motion: Barbara Brower moved to nominate Dr. Frank Schildgen as Vice Chairman, and Dr. Schildgen declined the nomination. Ms Brower withdrew her nomination and then nominated Jack Hamill as Vice Chairman.

Second: Fred Minck

Vote: All voted aye and the motion carried.

13. New Business – Distribution of Revised Inland Wetlands Regulations: Dr. Tobin asked all commissioners to take a copy of the revised wetland regulations and review them.

14. Approval of Minutes of June 12, 2013

Motion: Barbara Brower moved to adopt the minutes of 6/12/13.

Second: Carol Williams

Vote: All voted aye and the motion carried.

15. Correspondence: None

16. Possible Executive Session – Pending Litigation

Motion: Barbara Brower moved to go into executive session at 10:10 p.m. on the subject of pending litigation.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

They came out of executive session at 10:15 p.m. with no action taken.

17. Adjournment

Motion: Barbara Brower moved to adjourn at 10:16 p.m.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

Respectfully submitted,

Ann D. Combs, Recording Secretary