

DRAFT

**INLAND WETLANDS COMMISSION**

**Regular Meeting Minutes**

**March 13, 2013 ~ 7:00 p.m.**

**Litchfield Firehouse**

**258 West Street, Litchfield, CT 06759**

**Call to Order:** Chairman Robert Blazek called the regular meeting to order at 7:02 p.m.

**Members Present:** Chairman Robert Blazek, Jack Hamill, Carol Williams, Barbara Brower, Frederick Minck, Abby Conroy, Dr. Frank Schildgen

**Members Absent:** None

Also present were Recording Secretary Ann Combs and Inland Wetlands Agent Dennis Tobin, Ph.D. There were professional consultants present, as well as about 30 members of the public.

**1. Public Comment:** None

**2. Appointment of Alternates:** None

**APPLICATION CONSIDERATIONS**

**3. Putnam – Fern Road & Clark Road (Map 127, 021,004 & 05a)**

**3/13/13**

*Logging and logging road with stream crossings*

Barbara Putnam explained that there are 55 acres to be logged. Forester Eric Hanson has created the map she referred to. The streams drain into Spruce Brook. The first two crossings are the largest, and the other three are small. They will use skidders to pull the trees up to the landing, which is close to Fern Road, but will wait until it dries out. The terrain is very hilly. These are all existing old farm and logging roads. Trees to be harvested are predominantly northern red oak with yellow birch, yellow poplar and others. The time frame is four to ten weeks, with the forester halting work at any time if necessary. She will inform the Commission upon start of the work.

**Motion:** Abby Conroy moved to approve the application by Barbara Putnam, Fern and Clark Roads, for logging and a logging road with stream crossings, with permission to allow the Land Use Administrator to visit the site and halt the process if weather does not permit.

**Second:** Jack Hamill

**Vote:** All voted aye and the motion carried.

**APPLICATION RECEPTIONS**

**4. Main – 338 Prospect Mt. Road**

**3/13/13**

*Construction of 30' x 48' barn in regulated area*

Owner and builder Kevin Main explained the barn will be built on his lawn and driveway area. He will use it to store antique cars only. The wetlands are flagged.

**5. Scotland Hardwoods (Evans) – 380 Beach Street**

**3/13/13**

*Logging and logging road with stream crossings*

Rod Burgess, employed by Scotland Hardwoods, submitted the application, a narrative and map. Plans are to conduct the logging operation on 10 of 46 acres owned by Mary Jane Evans. They will cut and skid to Brooks Road landing along CL&P's right-of-way. They will start in late winter or early spring. Portable bridges will be used. The main skid roads are old logging roads, and the staging is off of the right-of-way. He gave permission for Commissioners to walk the property with him.

**PUBLIC HEARINGS**

**6. Stop & Shop Supermarket Company, LLC – Village Green Drive**

**3/13/13**

*Redevelopment of portion of shopping center to remove three existing buildings and construct one new building and parking lot*

Chairman Blazek opened the public hearing at 7:30 p.m. and said there would be no decision made tonight. The public hearing was originally opened on 1/9/13, with subsequent hearing dates of 2/13/13 and 3/13/13.

Applicant

In view of Atty. Steven Byrne's estimate of his work in research and review for the Inland Wetlands Commission, Chairman Blazek requested a payment of \$4,500 of Thomas Cody, Attorney for Robinson & Cole, LLC, to which he agreed, to cover the legal consulting bills related to this project. Mr. Cody spoke on behalf of the Stop & Shop Co. John Hession, Professional Consultant with EBI, and Ray Gradwell, PE, BL Companies, were also present. They made their initial presentation on 1/9/13, and now presented their response to Milone & MacBroom and to the intervenor.

The following is the list of exhibits entered into the record:

- Exhibit 3-1 Upland Review Plan
- Exhibit 3-2 Section Views
- Exhibit 3-3 Riparian Zone Enhancement Plan
- Exhibit 3-4 Proposed Grading & Drainage Plan Alternate
- Exhibit 3-5 Landscaping Plan Alternative Enlargement
- Exhibit 3-6 Sedimentation & Erosion Control Plan (Phase 1)
- Exhibit 3-7 same as 3-6 (Phase 1A)
- Exhibit 3-8 same as 3-6 (Phase 2)
- Exhibit 3-9 same as 3-6 (Phase 3)
- Exhibit 3-10 same as 3-6 (Phase 4)
- Exhibit 3-11 Site Plan

Letter from Lenard Eng. to Keith Cudworth, on behalf of White Memorial, received 1/22/13

Letter from Lenard Eng. to Keith Cudworth, on behalf of White Memorial, dated 2/26/13, recd. 3/13

Letter from T. Cody, Robinson & Cole, LLC to Dept. of Public Health, dated 3/13/13

Letter from Robinson & Cole, LLC re notice to water company, dated 3/13/13

Letter from Robinson & Cole, LLC re environmental site assessment, dated 3/13/13

Letter from Robinson & Cole, LLC re consent of time extension for public hearing

Letter from T. Cody, Robinson & Cole, LLC to Steven Byrne re legal issues, dated 3/7/1  
Letter of 3/11/13 from BL Companies, Ray Gradwell, re Response to Peer Review by Milone & MacBroom, 3/5 letter  
Letter of 3/13/13 from BL Companies, Ray Gradwell, re response to Trinkaus Engineering review  
Letters of 3/7/13, 3/8/13, and 3/13/13 from Steven Byrne to D. Tobin re Stop & Shop application to conduct a regulated activity  
Letter from Keith Cudworth, White Memorial to D. Tobin dated 3/13/13  
Letter of 3/5/13 from Milone & MacBroom, Inc. to D. Tobin re peer review letter No. 2  
Letter of 3/12/13 from Trinkaus Engineering to Joan Spear, PLAN Litchfield re response to MMI  
Letter of 3/13/13 from Sean Mathis to the Commission

Mr. Cody also cited its response to Aquarion, saying there is not a required watershed map on file at the Town Hall, and noted that he gave notice to Aquarion in a 3/13/13 letter and to the Department of Public Health. He noted under environmental conditions that the site is on the list of contaminated sites because tanks and soil were removed, and groundwater monitoring was clean. CCA noted this, but it was never taken off the contamination list. Mr. Cody submitted a letter dated 3/13/13 re environmental site assessments at the property. Steve Byrne acknowledged a perpetual drainage easement exists with the right to drain on White Memorial property in his letter of 3/13/13.

John Hession spoke next, referring to exhibit response letters listed above from BL Companies. He presented Exhibit 3-11 Site Plan. He received three peer review letters and is responding to them. They have made a huge effort to redesign the plan to be fully responsive to the letters. The highlights of the changes are:

Exhibit 3-1 Wetlands impact: clarifies the existing upland review areas and proposed conditions  
Exhibit 3-2: This shows cross sections to better communicate the grades in relation to the detention basins. He responded to questions about the retaining wall and confidence in the test borings.  
Exhibit 3-3 Riparian Zone: shows the opportunity to further mitigate the area. The loss of 14 trees is replaced with 15 trees and 52 shrubs.  
Exhibit 3-4: This plan represents the engineering for alternate detention basin No. 2. It incorporates a micro-pool feature before discharge.  
Exhibit 3-5: This includes a micro-pool with native wetland plants, boulder clusters and logs, and provides water quality benefits. The stone wall does encroach into Basin No. 2, but he said the basin has adequate area.  
Exhibit 3-6: This shows the demolition of Bldg. D and addition to Bldg. B, with small limited area of construction, and addition of parking in area of Bldg D.  
Exhibit 3-7: Fill and construction of retaining wall occurs adjacent to Retention Basin 2. There is a temporary sediment trap which remains for the duration of the project. He discussed the loads of fill and compaction needed to prevent settling. There is compaction testing done on each lift (layer) of soil, a very controlled and common practice. They have done 60-ft. borings with no hidden water found.  
Exhibit 3-8: Shows demolition of Bldg. C and preparation for parking.  
Exhibit 3-9: Construction of supermarket and paving.  
Exhibit 3-10: Final touches on site, paving, striping, lighting, landscaping and signage.  
Exhibit 3-11: Updated version of previous site plan – most changes are in drainage and water quality designs.

### Consultants for Inland Wetlands Commission

Nicolle Burnham, Milone & MacBroom, reviewed the applicant's letter and will now give the Commission a final opinion letter. They are recommending the alternate basins. Regarding the drainage easement for Basin 2, they question whether it discharges onto Litchfield Commons. She also said the wall does not encroach as much as it appears on the plans. She will submit information in writing on the composition of the borings. Mathew Sanford, Milone & MacBroom, referring to Exhibit 3-5, said that Retention Basin 1 will need to be restored as well by removing shrubs and replacing with herbaceous cover, thus improving water quality treatment. Detention Basin 2, with a sediment forebay, micro-pool, and herbaceous cover will improve volume and water quality.

### Intervenors

Michelle Crowe, PLAN Litchfield: Ms Crowe was concerned about a huge increase in impermeable surface, the huge wall and small truck turnaround. She said little improvements have been made.

Steve Trinkaus, Licensed Professional Engineer, Trinkaus Engineering, presented his letter dated 3/12/13 to Joan Spear of PLAN Litchfield. In it he noted the changes made do not address his concerns. Basin 1 will not have ponded water – it will run through. Re Exhibit 3-4, there will be only 9% efficiency on the catch basin and 30% on the separator – not efficient at all. The drainage is not according to the manual. In Exhibit 3-11 the roof runoff is not as clean on a commercial roof as on residential. The retaining wall has had no borings at the base of the hill. The wetland boundary is right next to the wall, so they will be excavating and disturbing 10-15' in that area. Water quality has still not been adequately addressed. On Exhibit 3-1, more construction activity is planned in close proximity to wetlands areas. Summer storms cause hot water to flow to the detention basins from the impervious cover.

Nicolle Burnham asked what Mr. Trinkaus would suggest as an appropriate solution to this retrofit project. Mr. Trinkaus answered it is not a retrofit, it's a redevelopment. It is the applicant's responsibility to come up with a plan to eliminate adverse effects. He advised her to find answers in the storm water quality manual.

Sean Mathis, North Street, referred to a letter received 3/13/13 and equated the project to "stuffing an elephant in a Volkswagen." He said they should have presented a 3-D scale model. He commended the applicant's attorney for his magical tricks –he didn't talk about existing violations. The drainage areas are in violation of environmental regulations and the applicant should not go forward. He asked that if the plan is approved, to please ask for a performance bond of \$5 million for an inspector to follow up on the site. Further, the Town should require an insurance policy because the property is on top of the aquifer. He also asked the Commission to address each and every issue.

### Public

Edgar Auchincloss, Beach Street: Mr. Auchincloss submitted his letter dated 1/9/13 in support of the application. He said it may not be ideal, but it will be much better than it was because of hard work, and he thanked the Commission.

Marcia Fowler, resident, saw maintenance issues at the new Stop & Shop on East Main Street in Torrington. Fences are broken, a gate is broken, there is litter and a tall retaining wall, and large construction debris is in a water area. In view of this, what assurances does Litchfield have that the proposed Stop & Shop is not also neglected, and what will be the effect on the ecosystem.

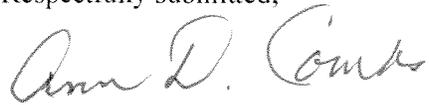
Chairman Blazek said, given all the information that has been submitted, they will ask for a continuance for 35 days. Mr. Cody asked for an extension to 4/10/13. The extension was granted and Mr. Blazek closed the hearing at 10:05 p.m.

**Motion:** Fred Minck moved to adjourn the meeting at 10:06 p.m.

**Second:** Abby Conroy

**Vote:** All voted aye and the motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ann D. Combs". The signature is written in black ink and is positioned above the typed name.

Ann D. Combs, Recording Secretary