

DRAFT

INLAND WETLANDS COMMISSION

Regular Meeting Minutes

August 8, 2012 ~ 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 7:00 p.m.

Members Present: Chairman Robert Blazek, Dr. Frank Schildgen, Jack Hamill, Frederick Minck, Carol Williams and Alternate Abby Conroy. Also present were Inland Wetlands Agent Dennis Tobin, Ph.D, and Recording Secretary Ann Combs. The consultants from Milone & MacBroom also accompanied the Commission: Matthew Sanford and Vince Mc Dermott.

Members Absent: Barbara Brower

1. Public Comment: None

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

Motion: Carol Williams moved to add under Application Receptions, “6a) Gwen Burgess, 48 Wilson Road, install in-ground swimming pool.”

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

APPLICATION CONSIDERATIONS

3. Nelson (Lawlor) – 225 Town Farm Road

8/8/12

Construct 14’X18’ shed in regulated area

Richard Nelson spoke as the contractor representing Lawlor and explained that they want to build a shed located in the back of the property behind the pool. This 14’X18’ shed will store pool equipment and maybe a lawnmower. The area is dry. It will be built on blocks or piers, and he gave the commissioners permission to walk the property.

Motion: Carol Williams moved to approve the application of Nelson for Lawlor, 225 Town Farm Road, for construction of a 14’X18’ shed in a regulated area per site plan dated 5/11/11 by Hrica Associates.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

4. Pollack – 119 North Shore Road

8/8/12

Demolish existing dwelling and rebuild on existing footprint; repair septic if needed

Gary Giordano, Engineer and Land Surveyor, was present to represent the applicant. He explained the Pollacks want to demolish their cottage and build a slightly smaller one in the same footprint and possibly repair the septic should the current one fail. White Memorial and the DEEP have signed off. They will also re-drill well in same location as dug well and replace stairs to the lake (not pressure-treated wood) and add a pipe railing. There will be a concrete pad at the end of the dock. Everything on the application is in the regulated area. Zoning Board of Appeals approval was also received.

Motion: Dr Frank Schildgen moved to approve the application of Pollack, 119 North Shore Road, for demolition and construction of a seasonal cottage of slightly smaller size on existing footprint per Gary Giordano map dated 6/30/12, revised 7/27/12, with approval pending replacement of existing stairs rather than construction of 7 ft.-wide stairs.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

5. Hamilton/Steinweg – 56 Clark Road

8/8/12

Pond cleaning

Carol Hamilton was present and said a contractor will be hired to clean plants out of a ½-acre pond. She submitted a conservation easement showing the location. The spoils will be deposited behind the pond on a dry area sloping away from the pond. Dr. Tobin indicated his review favored acceptance.

Motion: Fred Minck moved to approve the application of Hamilton/Steinweg, 56 Clark Road, for cleaning of a ½-acre pond.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

APPLICATION RECEPTIONS

6. Dell'Aera – 11 Old Field Lane

8/8/12

Driveway and septic in review area

Steve Latour of Berkshire Engineering and Surveying was present to represent the Dell'Aera project. He showed a site plan of Lot 1 on Hutchinson Estates on Old Field Lane where Mr. Dell'Aera wants to build a house on six acres and would like to build a driveway and septic, part of which is in the regulated area. The house will be 60 ft. from the regulated area. He also brought the site plan approved in 2006. He will also submit a copy of TAHD approval and will return for the next meeting.

6a. Gwen Burgess – 48 Wilson Road

8/8/12

Install in-ground swimming pool

Ms Burgess presented a self-drawn map from a plot map for an 18'X36' pool that is 80 ft. from the wetlands. It will have a sand filter and be situated on a gentle slope. She granted permission to walk the property with advance notice.

PUBLIC HEARING

7. 6645 Federal Square Realty, LLC – Village Green Drive

8/8/12

Demolition of two existing buildings (C&E); construction of a new building and associated improvements

Chairman Robert Blazek opened the public hearing at 7:30 p.m. and read the public notice that was published on 7/25/12 and 8/3/12. He then read the rules of the hearing and announced the Commission would not consider the application this month. He then requested increasing the bond by \$5,000 to \$10,000, and it was agreed by the applicant.

Applicant

The applicant's Attorney, T. J. Donohue, presented the letters to the abutting neighbors and introduced Ray Gradwell, Principle of BL Companies. Referring to a topographical survey (Exhibit 1-8), Mr.

Gradwell summarized the application as a demolition of two existing buildings in Village Green Drive to make way for a 38,963 sq. ft. building in the rear of the 8.03 acre site to be a new and larger Stop & Shop. The map shows proximity to Rt. 202 with a stream to the east and two storm water management features to the west. He introduced Jennifer Usher, Project Manager of BL Companies and Jeffery Shamas, Wetlands Scientist, also of BL Companies. Mr. Shamas presented an existing wetlands map (Exhibit 2-8) delineating three wetland areas: 1) forested river habitat along the eastern property line; 2) emergent wetland by excavating a retention basin and intercepting ground water; and 3) smaller retention basin that had also been excavated down. There is a riparian buffer on the east property line. Runoff drains to the two basins only, away from the stream to the southwest. He then showed a site plan (Exhibit 3-8) showing the proposed demolition of Buildings C & E with the new building in the rear, parking in front of it, an improved traffic flow plan as well as retaining walls on the east and west of the new building. There will be about 330 parking spaces with a sidewalk system to connect the buildings. He then showed a grading and drainage plan (Exhibit 4-8) and said catch basins will be installed to treat and improve storm water quality before it enters the retention ponds which will be expanded to accommodate the additional discharge. The plan is designed in accordance with the CT DOT storm drainage manual as well as the DEEP storm water quality manual. He then showed a sedimentation and erosion control graphic (Exhibit 5-8) with measures featuring perimeter silt fence, inlet controls, temporary sediment trap, and upgrading of material stockpiles. Lastly he showed a cross-section plan (Exhibit 6-8) with the upland review areas with wetlands on the east and west with associated review areas. No permanent improvements are proposed in the wetlands areas.

Consultants for Inland Wetlands Commission

Matthew Sanford, Professional Soil Scientist from Milone & MacBroom, Inc. said they have reviewed the application and responded in their letter dated 8/1/12. The riparian zone is coming back to life from disturbance and he asked the applicant to identify the trees they plan to take down as well as a mitigation plan. Second, for the larger basin, he asked the applicant to review and implement additional measures to meet the guidelines of the 2004 Storm Water Quality Guidelines Manual for constructing basins. On the smaller basin, he asked them to remove the vegetation and replace with herbaceous material for better maintenance. He also asked the applicant to address the invasive species. Further, he asked for an analysis on the functions and values of the wetlands and how the project either enhances or diminishes the value of the wetlands.

Vince McDermott, Sr. Vice President of Milone & MacBroom asked for information on the quantity, composition and method of placement of the fill. He also suggested someone review the discharge easement and whether or not a change of land use is required.

Commissioners

Dr. Schildgen asked about the elevation of the new building, and Mr. Gradwell said the grade will be raised in the rear so the building is level with the grade in the front. At its highest point, the retaining wall will be 18 ft. in the southwest corner and will be made of interlocking concrete blocks. F. Minck asked about the stabilization method for the wall and was told it would be stabilized with an alternate series of block-fill with a geo-textile to hold in place the blocks and soil. Mr. Gradwell said this system is widely used throughout the state. Dr. Tobin asked for the number of cubic yards of fill to be used within the regulated area and was told it was 3,200 cu. yds. There will be 15,000 cu. yds. used in the entire project. Mr. Gradwell will get the conversion to tonnage for Dr. Tobin. Dr. Schildgen asked further about the retaining walls and their stability. Mr. Gradwell said they are engineered not to fail. Dr. Tobin asked where the drainage flows, and Mr. Gradwell said it flows into the retention ponds and finally into the adjacent White Memorial property. Dr. Tobin also asked about amphibian traffic between the stream and the White Memorial area, concerned about the large walls impeding migration. Mr. Gradwell pointed out

the areas they would logically travel to the natural area as not problematic. Dr. Schildgen asked about the roof type and he said he would find out. A. Conroy asked where the runoff flows before it gets to the next water body in light of possible higher temperature, and Mr. Gradwell explained the catch basin pipe system. C. Williams asked about the water quality in the riparian stream and Mr. Gradwell said there are no real storm water quality measures that the State is proposing.

Intervenor - PLANLitchfield

Michelle Crow said she submitted her intervenor letter and is a member of PLANLitchfield, a group opposed to this application. They have filed a petition and intervention because they believe the Inland Wetland's approval would cause unreasonable polluting, impairing or destroying the public trust in the air, water or other natural resources of the State. In support she introduced Steve Trinkaus, Principle and Licensed Professional Engineer, of Trinkaus Engineering in Southbury. He gave his expert opinions as summarized in his letter dated 8/8/12 to Ms Joan Spear of PLANLitchfield. He found that there are many aspects of the plans that are not in compliance with appropriate regulatory requirements to adequately address the water quality of the runoff. After addressing many points, he concluded that the proposed storm water management system does not provide adequate treatment of post-development runoff to reduce pollutant loads prior to being discharged to the downgradient natural wetland and watercourses systems. The plans do not provide mechanisms to reduce post-development runoff volumes at all, while it has been well documented that increased runoff volumes and flow durations will have significant negative impacts to the natural stream channel morphology that will adversely affect the aquatic systems in the receiving waterways.

Barbara Putnam appeared for the intervenor and presented a site section from the side view (Exhibit 7-8) and a site section II showing the height (Exhibit 8-8). She said there is no construction detail on the applicant's site plan for the retaining wall. She said the base should be 15' wide and below frost line to support a 20' wall. R. Blazek asked the engineer to provide a cross section drawing for north/south and for east/west.

Adjacent Landowners

Susan Kelly Strom spoke referring to Exhibit 1-8 and confirmed that there is aquatic life as she observed a turtle laying its eggs in her yard.

Peter Litwin spoke as President of the Litchfield Land Trust, which abuts the property to the south, and submitted a letter dated 8/6/12. He referred to Exhibit 1-8 and said the Land Trust owns two acres that was deeded in 1981 under a perpetual covenant to be used only for the study and observation of natural phenomena. This application represents a major incursion into adjacent wetland buffer areas. This important transition area would be replaced with an elevated bituminous platform ringed with a retaining wall from 1-1/2 ft. to 18 ft. Reasonable and prudent alternatives do exist. The Land Trust is opposed to the plan because of the impact to the natural resources.

Michelle Crow says she tends to the stream and picks up garbage from the Village Green now and says the thought of this change is impressive.

John Morosani spoke as Trustee of the White Memorial Foundation. He stated that all runoff would come onto the White Memorial property. They granted an easement in 1988 to discharge water across White Memorial property. This usage is different from the original proposal and may require an easement amendment.

Public

Ron Glander, Baldwin Hill Road, said the Commission should discharge their duties in considering only the laws and guidelines without regard to public opinion and hype.

8. Approval of Minutes of July 11, 2012

Motion: Fred Minck moved to approve the minutes of 7/11/12.

Second: Dr. Frank Schildgen

Vote: Upon voting, all voted aye except Carol Williams who abstained because of absence and the motion carried.

9. Correspondence

- Letter dated 8/8/12 from Northwest Conservation District with review of the Stormwater Quality Management Plan and surrounding environmental conditions by Sean Hayden.
- Letter dated 8/8/12 from Rivers Alliance, Margaret Miner, was read by Karen Huber, conveying comments and asking for considerations on the Stop & Shop proposal.

The following aforementioned items were received for the public hearing and are also listed below:

- Exhibit 1-8: Topographical survey
- Exhibit 2-8: Existing wetlands map
- Exhibit 3-8: Site plan
- Exhibit 4-8: Grading and drainage plan
- Exhibit 5-8: Sedimentation and erosion control plan
- Exhibit 6-8: Cross-section plan
- Exhibit 7-8: Site section, side view
- Exhibit 8-8: Site section II, showing height
- Letters to abutting neighbors
- Letter dated 8/1/12 from Milone & MacBroom
- Petition and intervenor letter from PLANLitchfield
- Letter dated 8/8/12 from Trinkaus Engineering, with qualifications
- Letter dated 8/6/12 from Litchfield Land Trust
- Letter dated 8/8/12 from Northwest Conservation District
- Permitting map entitled "Proposed Retail Development, Stop & Shop Supermarket Co." dated 7/3/12, revised 7/31/12, received 8/3/12, prepared by BL Companies, 8 pages

10. Adjournment

Motion: Jack Hamill moved to adjourn at 9:15 p.m.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

Respectfully submitted,



Ann D. Combs, Recording Secretary