

LITCHFIELD INLAND WETLAND COMMISSION
Regular Meeting Minutes
November 10, 2015 – 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, Jack Hamill, Linnea Healy, Frederick Minck, Anthony Paradise, Barbara Brower. Also present were Ann Combs, Recording Secretary, and Dennis Tobin, Ph.D, Wetlands Agent.

Members Absent: Abby Conroy, Dr. Frank Schildgen, Carol Williams

Public Comment: None

Appointment of Alternates: Chairman Blazek appointed Linnea Healy and Barbara Brower as regular voting members.

Motion: Anthony Paradise moved to add to Receptions Items 6a, 6b, 6c, and 6d as listed below.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

APPLICATION CONSIDERATIONS

1. Town of Litchfield – North Shore Road

11/10/15

Replace bridge over Butternut Brook

No one was present from the Town, but Mr. Blazek thought they had been given enough information from Jack Healy's explanation last month to be ready to vote so the Town can start the bidding process.

Motion: Jack Hamill moved to approve the application of Town of Litchfield to replace the bridge over Butternut Brook on North Shore Road.

Second: Linnea Healy

Vote: All voted aye, except Barbara Brower who abstained, and the motion carried.

2. Ferguson – 130 Chestnut Hill Road

11/10/15

Installation of in-ground swimming pool and surrounding site improvements with minor grading and draining

Jack Hamill recused himself as a neighbor of the applicant. Mike Cegan, Landscape Engineer, was present from Richter & Segal, as well as Rob Hiltbrand, Civil Engineer, and Michael Kline, Environmental Planner. Mr. Cegan presented sealed and signed maps for a lap pool, which is partially in the 100 ft. regulated area. Total disturbance is 1% of overall property and 2% in the regulated area. The pool house function will be in the lower level of the house. There is only one mature tree and 10 pole size trees that have to be removed. The wetlands have been flagged. The closed filtration system will have no backwash impact. There will be 5 feet of pavement around the pool and a small patio on the back side.

Rob Hiltbrand pointed out a construction access that had previously been used. Erosion controls to be used are silt fence and silt sock filled with compost. Drainage is in place as well as a new set of yard drains. Michael Kline, Biologist and Soil Scientist, said slope and contours are conducive to minimal activity. The slope of the land is to the north, directing drainage away from the wetlands system. There will be a drainage swale for wet times of the year. There are no direct wetland or watercourse impacts, as water flows parallel to the wetlands. T. Paradise asked about the slope and existing and new drainage detail and soils.

Motion: Barbara Brower moved to approve the application of David Ferguson, Marron Hill, LLC, 130 Chestnut Hill Road, for installation of in-ground swimming pool and surrounding site improvements with minor grading and draining and no direct impacts on wetlands or watercourses, referencing map dated 9/16/15.

Second: Fred Minck

Vote: All present voted aye and the motion carried. Jack Hamill returned from recusal.

3. Schlegels Stonework LLC – 13 Breezy Knoll

11/10/15

Installation

Robert Schlegel said the application is now just the 6 ft. granite blocks to the water. He would like to lay in a 6-inch bed of gravel under the steps and kick the steps back as far as possible, with boulders rolled along water's edge to control erosion. He will go with the lay of the bank. If movement of the stones occur, he will reset with a bar; no heavy equipment. Commissioners warned of movement of the blocks, and he said he would let nature take its course and repair as needed.

Motion: Jack Hamill moved to approve the application of Schlegels Stonework LLC at 13 Breezy Knoll for installation of granite staircase down to water, for access to get their docks out, with 6" gravel underneath.

Motion: Barbara Brower

Vote: All voted aye and the motion carried.

4. Ofman – 29 Dudley Road

11/10/15

Garage addition and extension of existing gravel driveway

John Martin, Architect, said they are looking to add a three-car garage and additional driveway. There is a large house with only a carport. They want to reroute the drive through some of the regulated area. This property is at the end of the cul-de-sac with dry hydrant, with a fire pond on the property and piping under the property. There will be no disturbance to the wetlands. There is an easement that runs through the middle of the property for the dry hydrant piping. The garage will extend out to the edge of the easement. Rob Horrigan, the contractor, clarified questions on driveway loads over the piping. A. Paradise asked about the contours, and was told they are straight two feet. There will be about 18 inches of fill brought in, or 100 cubic yards in 6 triaxle truckloads. The additional fill over the pipe will be a benefit, as it offers more protection. The slope will be grass.

Motion: A. Paradise moved to approve the application of Paul and Ursula Ofman, 29 Dudley Road, for garage addition and extension of existing gravel driveway per site plan by Brian E. Neff, PE, signed and sealed.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

APPLICATION RECEPTIONS

5. Deering – 110 McBride Road

11/10/15

Fill in portion of pond

There is a portion of a pond constructed by 58 McBride Road that is partially on his wife's property at 110 McBride Road, and they want to fill it in. Mr. Blazek said there must be a written document from the Army Corps of Engineers, since this property is under its jurisdiction. Mr. Deering presented the email dated 11/9/15 from Michael Narcissi, Army Corps, which Mr. Blazek read. He also said there must first be permission from both property owners. Mr. Deering was asked to bring in the survey of the property done by Sam Bertaccini to the next meeting. Mr. Blazek said he would talk to Counsel about this situation before next month.

6. Pullman Investment Group – 38 Bantam Lake Road

11/10/15

Construction of handicap ramp and parking

Jack Nelson was present to explain parking for 12 cars on the south end with ramp into existing building.

Motion: A. Paradise moved to approve the application of Pullman Investment Group, P. O. Box 741, Kent, CT, for 38 Bantam Lake Road, Map 167, Block 073, Lot 142, for construction of handicap ramp and parking on 0.018 acre, referencing signed and sealed map dated 9/21/05, revised 10/13/15.

Second: Barbara Brower

Vote: All voted aye and the motion carried

6a. Town of Litchfield - Clark Road

11/10/15

Create a turn-around for plow trucks

George Humphrey, Public Works crew leader, explained they can no longer use the driveway they have turned around in. The proposed turn-around is on the Town's easement near the Torrington town line. They will cut roadside scrub brush, dig down and fill with 18" of gravel and topsoil the edge. There will be no wetlands or watercourse impact, as activity will be in the upland review area. They will use hay bales to prevent erosion and sedimentation. George amended, signed and dated the application to indicate a turn-around for plow trucks only. School busses must still go around the block. This is a safety concern with winter approaching.

Motion: Fred Minck moved to approve the application of Town of Litchfield to build a turn-around for plow trucks on Clark Road bordering the City of Torrington.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

6b. Town of Litchfield Wigwam Road

11/10/15

Install drainage pipe and fill in swales on Wigwam Rd.

George Humphrey explained the area on Wigwam Road where they will fill in approximately 172 ft. on the east side and 300 ft. on the west side, from SNET poles 169 to 167, to improve safety with a 3-1 slope on either side of the road. This will create a shelf so cars will no longer risk going into the ditch at the edge of the road. They will extend the culvert 20 ft. on either side of the road, as it is now too close to the road. A. Paradise asked him to amend the application to show 6 -8 inches of riprap and flare at the end of the pipe on both sides of the road to avoid scouring. He added this to the application, and signed and dated it. The culvert is old, and this is a safety issue. George will meet with property owner Mr. Morosani to agree on best management practices.

Motion: A. Paradise moved to approve the application of the Town of Litchfield for work on Wigwam Road beginning approximately 932 ft. from Whiskers Lane and working 300 ft. on the west side and 176 ft. on the east side, filling in to improve safety and using recommendations on how to handle water management on the uphill and downhill side of the pipe and fill to tie into the existing pipe on both sides to mitigate drainage and undercutting, using best management practices by the Public Works Department. They must also avoid work during the daffodil season.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

6c. Arethusa LLC - 833 Bantam Road (Map 167, Block 073, Lot 003) 11/10/15
8' X 18' cooler on concrete pad, 500 gallon propane tank on concrete pad, and repave portion of parking

Dennis McMorrow, Berkshire Engineering and Surveying, explained the property as the old coffee shop next to the old gas station owned by Patterson, with Bantam Bread Co. on the other side. Arethusa is remodeling the kitchen and needs an outside storage cooler. The existing blacktop will be cut out for a concrete slab for the cooler. They will also need a larger 500-gallon propane tank which will be above ground on a concrete slab with bollards for protection. Their easement area in front of the old gas station will be repaved.

Motion: J. Hamill moved to approve the application of Arethusa LLC, 833 Bantam Road for installation of two concrete pads; one for a cooler, one for a propane tank with connections underground and bollard installations, and pavement on the easement on the east side of the property.

Second: Linnea Healy

Vote: All voted aye and the motion carried.

6d. Kevin & Angela Siebrecht – 11 Old Field Lane 11/10/15
Construct residential driveway in upland review area

Dirk Sabin, Landscape Architect, and Dennis McMorrow were present. Mr. McMorrow described the lot off Hutchinson Parkway where there was a previous application by Marullo. Marullo sold to Siebrecht and Siebrecht bought the other three lots, now owning the whole four-lot subdivision. They are going to make two lots into one and will be essentially redoing the driveways in the upland review area, mostly in the open meadow. Drainage is already in place, and trench drains will be put in. There will be no work in the regulated area.

Motion: Barbara Brower moved to approve the application of Kevin and Angela Siebrecht, 11 Old Field Lane, to construct a residential driveway in the upland review area with no direct wetland impact per map entitled Site Plan Prepared for K&A Siebrecht, Lot 1 & 2, signed and sealed and dated 11/4/15.

Second: Fred Minck

Vote: All voted aye and the motion carried.

Chairman Blazek called for a 5-minute recess prior to the public hearing at 8:35 p.m.

PUBLIC HEARING

7. Litchfield Housing Trust – Torrington Road (Map 145, Block 020, Lot 005) 11/10/15
Eight-unit affordable housing development

Barbara Brower recused herself from this application and was excused for the evening. Chairman Blazek opened the public hearing at 8:43 p.m. and said the public hearing would run no later than 10:00 p.m. He introduced the application and then read the legal notice published in the 10/27/15 and 11/6/15 Republican-American. He will allow equal time for the applicant and for the intervenors, then consultants, then public in favor and opposed. There will be no decision on this application tonight, and a request to continue the hearing to next month will be considered.

Motion: Fred Minck moved to vote the following intervenors into the record: Peter Crowley, Betsy Glassman, Albert Saunders, and T. Dennie Williams.

Second: A. Paradise

Vote: All voted aye and the motion carried.

Mr. Blazek said that Benesch Engineers has assisted the Commission on this application, and its report is available in the Land Use office, as well as a letter from Land Use Attorney Steven Byrne with legal issues addressed.

Applicant

All maps were stamped by Dr. Tobin. Ken Hrica, PE and Licensed Land Surveyor, represented the Litchfield Housing Trust. Others present for this application were Erick Davison, Professional Wetlands Scientist, Dr. Michael Klemens, Conservation Biologist, Bob Petricone, Bob Berson, Kelli Green, and John Baker of the LHT, and Attorney Peter Herbst. Mr. Hrica made his presentation, using several drawings. The activity is planned on a 12.66 acre parcel with 2.55 acres of development and 78% of the total land protected by a conservation easement. He submitted a revised copy of his letter dated 10/14/15 with minor corrections. The Army Corps delineated the upland areas, as well as the wetlands. As a result Mr. Hrica redesigned the placement of the units in the upland areas, utilizing less development than the previous plan and decreasing units by one to eight. He has met and consulted with Michael Narcissi of the Army Corps and Robert Gilmore of the CT DEEP, who made suggestions of using the upland areas and creating the least amount of wetland disturbance to get the plan approved. Others who have worked on this project were Paul Minkin, Professional Wetlands Scientist, and Linda Brunswick, CT DEEP. A comprehensive storm water management scheme has been developed. Mr. Hrica submitted the Declaration of Deed Restrictions to be filed on the Litchfield land records that has been reviewed by the Town Attorney. This document's purpose is to have the restriction area remain in the present natural condition, to manage and protect the restricted area for the pale green orchid, requiring a mowing schedule, and to report noncompliance issues to the appropriate regulatory agencies. There is one exception that there has been a test well drilled inside the conservation area and will be used for one unit. He spoke next about the long-term conservation management. The LHT will have to hire someone to monitor the drainage system, wetlands and deed restrictions and report to the Army Corps and DEEP. A letter is on file from Nelson Debaros from the CT DEEP, the botanist who made recommendations for the restrictions. Based on this total plan the Army Corps has issued a category term permit for the project. The applicant's presentation was interrupted at this point at 9:26 p.m.

Intervenors

Betsy Glassman submitted a package of documents that were stamped in. She mentioned laws she said were violated. There was an illegal hearing that prevented the general public from attending. She then said that because of the illegal hearing, the property was illegally transferred to the Housing Trust. She then decried the private septic system for 30 people approved by the P&Z in 2008, but Mr. Hrica informed her that the plan is for public sewers. She then said building below a wetland is not a good idea.

Albert Saunders, abutting property owner in opposition to the application, said wells have always been a problem in the neighborhood. They depend on the water being used by new wells to recharge his and his neighbors' water supply. He also said that redirecting the underground water upsets the balance of the wetlands. He also noted he thought there should be more buffer area for the wetlands.

Public

Susanna Jasper Moorhead said she will speak after the entire presentation.

Mark Abbott said he is new to the area and lives across the street. He is concerned about the wells and the public hearing process. He asked what the project involved, and Mr. Blazek told him all the background information can be accessed in the Land Use office.

It was agreed that more expert testimony should be heard, but because of the hour, Atty. Peter Herbst asked for a continuation of the hearing at 9:48 p.m. and submitted his written request.

Motion: A. Paradise moved to continue the public hearing to December 9, 2015 at 7:00 at the Town Hall Annex, 80 Doyle Road, Bantam.

Second: Fred Minck

Vote: All voted aye and the motion carried.

8. Review and Approve 2016 Meeting Dates

Motion: Jack Hamill moved to approve the 2016 meeting dates.

Second: A. Paradise

Vote: All voted aye and the motion carried.

9. Approval of Minutes of October 14, 2015

Motion: Jack Hamill moved to adopt the regular meeting minutes of October 14, 2015.

Second: A. Paradise

Vote: All voted aye and the motion carried.

10. Correspondence: There was a 10/8/15 letter from Town of Warren Inland Wetlands Commission with notification of wetland activities on property bordering Town of Litchfield.

11. Possible Executive Session to Discuss Pending Litigation: None

12. Adjournment

Motion: Fred Minck moved to adjourn at 9:55 p.m.

Second: Jack Hamill

Vote: All voted aye and the motion carried.

Respectfully submitted,



Ann D. Combs, Recording Secretary