

LITCHFIELD INLAND WETLAND COMMISSION
Regular Meeting Minutes
March 9, 2016 – 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, Carol Williams, Frederick Minck, Dr. Frank Schildgen, Anthony Paradise. Also present were Ann Combs, Recording Secretary, and Dennis Tobin, Ph.D, Wetlands Agent

Members Absent: Abby Conroy, Barbara Brower

Public Comment: None

Appointment of Alternates: Chairman Blazek appointed alternate Linnea Healy to be seated as a regular member.

APPLICATION CONSIDERATIONS

1. East Litchfield Volunteer Fire Co. – 365 E. Litchfield Road **3/9/16**
Driveway construction in rear of building and drainage along the north and east sides of the building

This application has been withdrawn per letter from Arthur Schmidt dated 2/25/16.

2. Litchfield Hills Nursery, Inc. – 393 Torrington Road **3/9/16**
Relocate and replace existing drainage pipe

Mr. Acerbi returned with his drawing showing the curtain drains and the one he would like to repair. He will tie both in and drain back toward the pond, bypassing the old drains to alleviate the accumulation of sediment and slippery, muddy conditions for the customers. He signed and dated the drawing and said the wetlands will be flagged and another updated drawing will be submitted by David R. Wilson. A. Paradise asked a question about the slope and the drains and was satisfied. There will be no impact to the wetlands, as he will be capturing the same water that will return to the pond.

Motion: J. Hamill moved to approve the application by Litchfield Hills Nursery for site drainage work to install a new drain and run drainage to the pond per maps to be provided by the owner.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

3. Sosnovsky – 78 Wheeler Road **3/9/16**
As of right determination for thinning trees, clearing invasive brush and adding fence to improve field for sheep grazing

Mr. Sosnovsky explained his tree thinning to allow more grass to grow. He will run a fence along the back part and along the stream. There is a drain pipe that empties into the brook. He has 12 sheep now with more to come. He will remove smaller trees, maybe five to ten. He will use a tractor on a path and will avoid the wet areas by waiting until it dries. He will not go in when it is wet.

Motion: Fred Minck moved to approve the application of Sosnovsky, 78 Wheeler Road, for thinning trees, clearing invasive brush and adding fence to improve field for sheep grazing.

Second: Carol Williams

Vote: All voted aye and the motion carried.

4. 278 North Shore Road – White Memorial Foundation, Inc.

3/9/16

Construct building addition and detached garage in upland review area

Dennis McMorrow, Berkshire Engineering & Surveying, described the cabin sitting on a knoll as a retirement home for the outgoing Executive Director of White Memorial. George Malia has flagged the wetlands. They are proposing an addition on the back side and a small garage. They will extend the driveway including a turnaround. All grading is outside the regulated area and above the flood plain. There are existing well and septic tank, and they comply with Torrington Area Health. They got a variance from ZBA as they must with all White Memorial properties.

Motion: Carol Williams moved to approve the application of White Memorial Foundation, Inc., to build an addition and detached garage in the upland review area as designated on the site plan prepared by Berkshire Engineering and Surveying dated 1/13/16.

Second: Fred Minck

Vote: All voted aye and the motion carried.

APPLICATION RECEPTIONS

5. Town of Litchfield Public Works – Constitution Way & Bantam Road (Route 202)

3/9/16

Digging and filling in upland review area for bulletin board replacement

Raz Alexe, Public Works Director, explained the application where an electronic sign will be installed in place of the High School's old sign with a power source at a nearby utility pole with easement from Eversource. They will put in footings and a conduit from the utility pole, about a 23 ft. trench. They will clear shrubbery and dress with landscaping. Public Works will do the work, and they will use silt fencing. They will need to go to the Design Review Advisory Board in April, so it will be early June at the earliest that they will begin.

Motion: Dr. Frank Schildgen moved to approve the application of the Town of Litchfield for construction of a new sign for the Litchfield High School at the intersection of Route 202 and Constitution Way.

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

6. Veerman – 401 South Street

3/9/16

Single family house construction with utilities in an upland review area

Kenneth Hrica, Professional Engineer and Licensed Land Surveyor, identified the Veerman property as just north of Camp Dutton Road on Route 63. Mrs. Veerman also owns the adjacent lot where there is an old foundation near the road. There are 2 small wetland areas with sewer easement running through. The Bantam River is at the back of the lot. She would like to market both lots after planning for a modest home on the front property that will hug the setbacks on two sides. The driveway will be outside the wetlands setback area. All utilities are available to serve the lot. They would have to install a 6-inch lateral to the sewer line with footing drains going toward the wetlands but not into them. Roof runoff would go away from wetlands and into the Town's drainage system.

7. Copeland – 57 Spencer Street**3/9/16**

After-the-fact application for clearing of invasive vines and dead trees, replanting trees in an upland review area, and replace broken culvert pipe

Gary Copeland, 57 Spencer Street, said he wants to plant some pine trees, but wants to thin out the invasive vines first. He will cut them down and dig them out with a backhoe. He replaced a broken culvert pipe with a new one and has cut about 15 trees. A. Paradise said this is an application that should have come before the Commission, including undefined invasive plants and activity there, and wanted to know what he has done and is planning to do. D. Tobin said he got multiple complaints and investigated. He heard chainsaws and found trees cut along the stream bank. A. Paradise asked about the mention of a large tree that is supposed to be the oldest tree in town. He asked what registry the tree is on with details about it and what he has done near the tree. He asked Mr. Copeland to stop all work until he brings more information. Chairman Blazek asked him to come in ahead of time when he is considering work next time. He was further chastised by other commissioners and told that he could be made to restore the area. He will go to Sean Hayden for a plan on how to remove, restore and maintain the property, to be presented at the next meeting.

8. Fasulo – 96 Prospect Street**3/9/16**

Construct pool with fence, planting beds and terrace in upland review area and deer fence posts in wetlands

Dennis McMorow explained this property has been before Wetlands in 2014 for help with erosion and sedimentation controls, and the wetlands were flagged then. They want to add a swimming pool, patio, planting area, stone area and step-down onto a terrace. There is a gentle sloping of the backyard to the wetlands. Water will follow a slight swale to protect the terrace and patio. They want to put deer fence along the back sides of the property. Posts would have to be hand dug in the wetlands. The pool is 35.7 ft. from the regulated area. Upon questions, Mr. McMorow will get more information on work done so far for the pool. They will use a cartridge filter or other non-discharge filter for the pool. A. Paradise asked for more details on the deer fence, too.

9. Forman School – 12 Norfolk Road**3/9/16**

Construct driveway, portion of water quality basin and portion of sanitary lateral in upland review area for new Visual & Performing Arts Center and Fabrication Lab

Robert Scodari, CFO and Business Manager, was present from Forman School along with Attorney Robert D'Andrea. They want to build a new visual and performing arts center behind the Henderson Building. Dennis McMorow presented maps and said the entire campus was flagged by George Malia. The Olson Education Center is behind where the buildings will be. They will be tucked down low and screened with plantings. There is a small pocket of wetlands in an open meadow. Parking areas are connected by existing gravel driveways. There are three regulated activities: 1) improve gravel driveway by paving and grading; 2) add a water quality basin (large rain garden) for filtering; and 3) new sewer line on the east of each building. The two laterals are in the regulated area. A new water main will serve the buildings with sprinklers. They will treat water collected with a series of catch basins and sumps and a grass swale. All roof water will run through the basin. There is an outlet structure and a level spreader designed to handle the 100-year storm as sheet flow. Possible additional parking area was included and will be studied by Sean Hayden. It can be retracted if P&Z doesn't need it. A bond of \$2,500 was agreed upon for services of Sean Haden.

Motion: Carol Williams moved to require a \$2,500 bond from the applicant so Sean Hayden of Northwest Conservation District can review, including the possible additional parking.

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

10. Approval of Minutes of February 10, 2016

Motion: Fred Minck moved to adopt the regular meeting minutes of February 10, 2016.

Second: Jack Hamill

Vote: All voted aye, with one abstention by Carol Williams, and the motion carried.

11. Correspondence

- CT Assn. of Inland Wetlands brochure
- Conference 3/19/16 at Wesleyan University re land conservation
- CT Pond Services: Application of Pesticides at Tapping Reeve Village Pond and Lake Floren
- Letter from Peter and Lynn Crowley commending the Commission on making the right decision on the Litchfield Housing Trust application for Torrington Road
- Letter from Susan and Bill Moorhead re Litchfield Housing Trust application for Torrington Road
- Letter from Aquarion Water Co. dated 1/20/16 accepting nominations for environmental conservation grant awards.

Mr. Blazek announced they would recess for a five minute break. Upon return, Attorney Byrne suggested adding an additional item as 12a in case something is accomplished in executive session. The following motion was made.

Motion: Fred Minck moved to add to the agenda Item 12a) "Discussion and Vote on Approval of Settlement of Appeal."

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

12. Possible Executive Session to Discuss Pending Litigation

Motion: Jack Hamill moved to go into executive session at 8:33 p.m, inviting all commissioners, Land Use Agent Dr. Dennis Tobin, and Legal Counsel Attorney Steven Byrne to discuss pending litigation.

Second: Fred Minck

Vote: All voted aye and the motion carried.

They came out of executive session at 9:12 p.m. with no action taken.

12a. Discussion and Vote on Approval of Settlement of Appeal

Mr. Byrne said this item was added to discuss and vote on the offer to settle the pending litigation regarding the Litchfield Housing Trust as per letter from Attorney Peter Herbst dated 3/9/16 to Attorney Steven P. Byrne. Attached to the letter are a set of additional conditions that may be voted to be added to the settlement as additional conditions of approval.

Motion: A. Paradise moved to approve the offer to settle the pending litigation regarding the Litchfield Housing Trust Inc. as per letter from Attorney Peter Herbst to Attorney Steven P. Byrne dated 3/9/16, including additional conditions of approval attached thereto.

Second: Fred Minck

Vote: Upon roll call vote, every commissioner voted aye and the motion passed unanimously. Attorney Byrne said the next step is to draft a motion for stipulated judgment wherein the conditions in the letter

will be made conditions of approval of the application. Upon approval of the court, this will be finalized. He warned for no discussions with the press as litigation is still pending.

13. Adjournment

Motion: Fred Minck moved to adjourn at 9:13 p.m.

Second: Carol Williams

Vote: All voted aye and the motion carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ann D. Combs".

Ann D. Combs, Recording Secretary