

DRAFT

INLAND WETLANDS COMMISSION
November 9, 2011 ~ 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: Robert Blazek, Barbara Brower, Jack Hamill, Frederick Minck, Jeffrey Zullo, Abby Conroy and Carol Williams. Also present were Inland Wetlands Agent Dennis Tobin, Ph.D, and Recording Secretary Ann Curtis.

Members Absent: Dr. Frank Schildgen

1. Public Comment: None

2. Appointment of Alternates: Chairman Blazek appointed Jeffrey Zullo and Abby Conroy to the two vacant regular seats. He introduced new member Abby Conroy to the commissioners and Dr. Tobin.

Motion: Jeffrey Zullo moved to add to the agenda Item 8.a) "Application for James Sowlakis - 293 Milton Road."

Second: Carol Williams

Vote: All voted aye and the motion carried.

Motion: Jeffrey Zullo moved to add to the agenda Item 8.b) "Permit Review – Springfield Dev Inc."

Second: Carol Williams

Vote: All voted aye and the motion carried.

APPLICATION CONSIDERATIONS

3. Loomis (Dulude) – 4 West Chestnut Hill Road

11/9/11

14' X 35' addition and enlarge driveway

Lance Loomis of Loomis Creative Woodworking LLC was present to represent Larry and Mary Dulude. He will enlarge the one-car garage into a two-car garage and will remove soil and add it to enlarge the driveway. Other soils will be taken off site and brought back when the foundation is in. He will then seed and hay. Work will take place 40 ft. from the wetlands. The driveway enlargement will allow two cars to be in the driveway. He will use 6-8" of gravel, then stone over it.

Motion: Fred Minck moved to approve the application of Mary and Larry Dulude for garage addition and enlargement of driveway.

Second: Carol Williams

Vote: All voted aye and the motion carried.

4. Westcott (Sena) – 66 Beecher Lane

11/9/11

After-the-fact application for creation of new pond

Ken Hrica, Professional Engineer and Licensed Land Surveyor of Hrica Associates LLC, was present with owner Ken Sena. Chris Allen of Land Tech was brought in to inspect the site and was present to summarize his findings in his letter to Dennis Tobin dated 11/7/11. He observed the pond 11/2/11 with water level near the top of the embankment with very little freeboard from the water surface to the top of the embankment. The pond receives flow from a 16" pipe on the north which is reportedly connected to a catch basin near the east end of Beecher Lane. The pond also appears to receive groundwater inflow as well as surface runoff. A 12" pipe at the southwest corner of the pond serves as the outlet. Portions of the pond embankment contained saturated soils which may not support the pond. A failure of the embankment would result in adverse impacts to down-gradient wetlands and watercourses.

The lack of freeboard above the water surface could cause embankment erosion and failure in a storm flow. Due to these conditions, he recommended dewatering the pond and breaching the embankment as soon as possible. Then the area should be temporarily stabilized. If the applicant wants the pond, he should submit an application with a detailed pond design, including construction plans and reports prepared by a professional engineer, and a wetland delineation and soil report. He should also get a dam permit from the DEEP or a determination that it is not required.

K. Hrica explained that the delta that is forming at the inlet is silt that is collecting from the underground utility work done on Beecher Lane that flows through the catch basin. He would like to drop the level of the pond significantly and stabilize the outlet now. Leaving a small wet basin will allow for any storm flow and serve as a siltation basin until a design plan according to the guidelines can be presented. Chris Allen had no objection to this plan. A soil scientist will flag the wetlands. Chairman Blazek asked that they notify Dennis Tobin when the DEEP is coming so he can be there.

Neil Wescott secured a permit from Public Works for the trenching he did for the property owners to bury the power lines. He also built the berm for the pond. Mr. Sena would like to have the pond. Mr. Hrica said they must first stabilize following Chris Allen's recommendations and the guidelines (*2002 CT Guidelines for Soil Erosion and Sediment Control*) and keep a basin intact for siltation purposes. At the same time he will work on a design for a new pond that will meet everyone's needs. Because the stabilization phase will take from 2 – 3 weeks, they asked to have Ken Hrica go ahead with their plan and have it approved by Dr. Tobin. Dr. Tobin recommended an additional \$1,200 bond for this phase.

Motion: Barbara Brower moved to approve the after-the-fact application of Ken Sena, 66 Beecher Lane, to stabilize and submit a plan to reduce the water level of the pond, stabilize the embankment and protect the inlet and outlet, and to require a \$1,200 bond for this stabilization phase. The authorization will be made in consultation with Land Tech, Dr. Tobin and Chairman Blazek before the next meeting. The new application for review of the pond is not included.

Second: Carol Williams

Vote: All voted aye and the motion carried.

5. Colby (O'Shea) – 168 North Street

11/9/11

After-the-fact application for clear cutting

Attorney Robert A. D'Andrea was present on behalf of James O'Shea. This property is west of 68 Beecher Lane. The application involves the clearing of trees in an intermittent watercourse, property that slopes down toward Mr. Sena's house at 66 Beecher. A \$700 bond was posted by Mr. O'Shea to have the Northwest Conservation District do an erosion and sedimentation control and stormwater quality management inspection report that was submitted by Sean Hayden 10/18/11 and a subsequent report dated 11/8/11 dealing with an erosion and sedimentation control progress report for 168 North Street. Mr. O'Shea plans to follow the recommendations of Sean Hayden and do plantings to stabilize the soil. Mr. O'Shea has a 35' pond that needs to be cleaned out due to siltation and vegetation. He would like to have that done and added to the application. It would increase the water holding and return the pond to its original size. They would redistribute the spoils on the westerly part of the property.

Motion: Jack Hamill moved the after-the-fact application of James O'Shea, 168 North Street, Map 206, Block 036, Lot 038, for clear cutting in a regulated area. He will also make improvements in conjunction with the stabilization recommendation of Sean Hayden and clean out the pond to return it to its original size and keep the stumps in the outflow of the pond to keep everything stable, and will spread spoils to the westerly section of the property on the low portion side to even it out.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

APPLICATION RECEPTIONS

6. Litchfield Public Works – Plumb Hill Road

11/9/11

Replacement of two tennis courts

No one was present from Public Works, and the application was received.

7. Town of Litchfield – Constitution Way

11/9/11

Replacement of existing sidewalk in kind from Route 202 to Plumb Hill Road

No one was present from Public Works, and the application was received.

8. Northland Properties, LLC – 583 Bantam Road

11/9/11

After-the-fact application for land clearing and repaving parking area

Mark Zappone, the property owner, said he had no knowledge that he was close to the wetlands when he took big stumps out. Dr. Tobin said he needs to bring a site plan for the repaving of the parking area and grading where the stumps were removed as well as showing where the drains are. He will then need a zoning permit after the wetlands permit.

8a. James Sowlakis – 293 Milton Road

11/9/11

Construction of septic system repair within a regulated upland review area. Install new septic tank, pump chamber and leaching system and crush and fill existing septic tank – Map 121, Block 64, Lot 28

David R. Wilson, Registered Engineer, member of the WPCA and Recycling Committee, said he does not appear in those capacities. He explained this is the old Jennings place on the east branch of the Butternut Brook. He thought he was within the prior permit, but it had expired, so it is after the fact. He replaced a failing system which is further from the river than the previous one and in better material. The tankage is 4 ft. closer to the river. The pump chamber is 1ft. below grade. The permit was approved by Torrington Area Health District three weeks ago. The septic system is in. It has silt fence in place and will be seeded tomorrow.

Motion: Carol Williams moved to approve the after-the-fact application of James Sowlakis, 293 Milton Road, 121/64/28, for construction of septic system repair within a regulated upland review area, install a new septic tank, pump chamber and leaching system and crush and fill existing septic tank as delineated on the 9/6/11 map by David R. Wilson and revised 11/8/11.

Second: Jack Hamill

Vote: All voted aye and the motion carried. Fred Minck admonished contractors for the four after-the-fact applications.

PERMIT REVIEW

8b. Springfield Dev Inc. - Hunters Chase

11/9/11

Attorney Chris Smith was present and explained that Springfield Dev Inc. is the owner and declarant of Hunters Chase and is a holding company of Webster Bank. The new buyer is Litchfield Chase LLC. He referred to his letter of 11/8/11. There is a permit running for five years that has been extended by four years by Public Act No. 11-05, with the ability to come back for five more years. He is asking (a) that the Commission confirm that the Wetlands Permit's initial five year time period is extended by four years by Public Act No. 11-05; (b) that the time period for the Wetlands Permit commences upon the settlement of the related site plan appeal in the Superior Court; (c) that the Commission consider approving an additional five years for the Wetlands Permit whereby the total time period is 14 years; and (d) that the Commission consent to the Wetlands Permit being transferred to a potential purchaser subject to closing.

The tolling says the five years doesn't start until they go back to the court on the 28th. They are asking for a 17-month reset from the 7/10/10 approval until the settlement finalizes. Dr. Tobin asked if he should re-issue the permit. J. Zullo suggested that the Commission's attorney review for opinion on (b), (c) and (d) of the request before they make a decision. He also asked for a build-out plan and schedule based on the extension request.

Motion: Jack Hamill moved to approve in the letter dated 11/8/11 from Shipman & Goodwin the following requests: (a) that the Commission confirm that the Wetlands Permit's initial five year time period is extended by

four years by Public Act No. 11-05; (b) that the time period for the Wetlands Permit commences upon the settlement of the related site plan appeal in the Superior Court, subject to confirmation by the Commission's attorney that this is the applicable law; and (d) that the Commission consent to the Wetlands Permit being transferred to a potential purchaser known as Litchfield Chase LLC subject to closing.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

9. Approval of Minutes of October 12, 2011

Motion: Barbara Brower moved to approve the meeting minutes of 10/12/11.

Second: Fred Minck

Abstention: Jeffrey Zullo

Vote: All others voted aye and the motion carried.

Motion: Carol Williams moved to add to the agenda 9.a) "Approve 2012 Inland Wetlands Meeting Schedule."

Second: Jack Hamill

Vote: All voted aye and the motion carried.

9.a) Approve 2012 Inland Wetlands Meeting Schedule

Motion: Barbara Brower moved to approve the 2012 Inland Wetlands Commission meeting schedule as presented.

Second: Carol Williams

Vote: All voted aye and the motion carried.

10. Correspondence: Barbara Brower asked to request from the Town an explanation on Beecher Lane and why they did not show up with a plan for the tennis courts and the sidewalks. Jeff Zullo gave kudos to Dennis Tobin for finding these after-the-fact instances. He said the contractors and engineers know better but have been consistent in ignoring the law and the requirements of this Commission. Should we increase fines and penalties for after-the-fact applications? Should we see what other towns do? Barbara Brower will ask Goshen, Harwinton, Morris, Washington and Warren.

11. Adjournment

Motion: Barbara Brower moved to adjourn at 9:35 p.m.

Second: Carol Williams

Vote: All voted aye and the motion carried.

Respectfully submitted,



Ann D. Curtis

Recording Secretary