

DRAFT

INLAND WETLANDS COMMISSION
December 14, 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 7:03 p.m.

Members Present: Robert Blazek, Barbara Brower, Dr. Frank Schildgen, Jack Hamill, Frederick Minck, Jeffrey Zullo, and Carol Williams. Also present were Inland Wetlands Agent Dennis Tobin, Ph.D, and Recording Secretary Ann Curtis. Abby Conroy arrived at 8:00 p.m.

Members Absent: None

1. Public Comment: None

2. Appointment of Alternates: Chairman Blazek appointed Jeffrey Zullo as a regular voting member.

APPLICATION CONSIDERATIONS

3. Litchfield Public Works – Plumb Hill Road 12/14/11
Replacement of two tennis courts

Jack Healy, Public Works Director, was present to explain that they will take up the old asphalt and replace it with new asphalt. They will reset the nets and replace the fence if that part of the capital plan is approved. He expects work to start in July.

Motion: Jeffrey Zullo moved to approve the application by Litchfield Public Works for work on Plumb Hill Road to replace two tennis courts with new asphalt, reset the nets and possible new fence per map dated 10/26/11.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

4. Town of Litchfield – Constitution Way 12/14/11
Replacement of existing sidewalk in kind from Rt. 202 to Plumb Hill Road

Jack Healy explained that the sidewalk replacement would measure 900 ft. by 5 ft. Silt fencing will be used, and the project is slated for April.

Motion: Carol Williams moved to approve the Town of Litchfield application for replacement of existing sidewalk in kind from Route 202 to Plumb Hill Road per sketch map dated 12/14/11 and Assessor's map 106, block 49, lot 45.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

Motion: Barbara Brower moved to add to the agenda as 10a) "Fee Discussion."

Second: Carol Williams

Vote: All voted aye and the motion carried.

5. Northland Properties, LLC – 583 Bantam Road 12/14/11
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 three big stumps out. He wants to add gravel and eventually pave with asphalt. One catch basin in front drains to a pipe and cross culvert on North Shore Road per map dated 12/14/11. J. Healy advised the applicant to contact the DOT,

since the area is a State right of way, which he said he had done. Dennis Tobin copies in the State on all correspondence relating to permits. Six parking spaces will be paved on the side of the building, and the front will be paved where the stumps were removed. Nothing will be done in the back of the building.

Motion: Dr. Frank Schildgen moved to approve the application of Northland Properties, LLC, 583 Bantam Road, for the after-the-fact application for land clearing and repaving parking area, per map dated 12/14/11, Assessor's map 187, block 7001, lot 060. This application makes notice of removal of several large stumps; this area will be graded and paved to accommodate six cars.

Second: Jack Hamill

Vote: All voted aye and the motion carried.

AGENT DETERMINATIONS

6. Patchell/Litchfield Professional Trades – 141 Woodruff Street

12/14/11

Concrete parking area at rear of building at overhead door

David Patchell, Litchfield Professional Trades, was present to explain his adding a concrete pad in a gravel parking lot at the entrance to two overhead doors in the rear of the building. It is 80' from the brook. The concrete pad is at least 6" thick and is 24' X 48'. They used silt fence and hay bales in the process and followed Agent Tobin's instructions. The Commission said they would have been more comfortable with this information coming first before the Commission, and Chairman Blazek asked Agent Tobin to bring these types of matters to the Commission first. Barbara Brower said the proper form has not been submitted. Mr. Patchell said a site plan was submitted earlier at the business closing and for work that was done with the power lines. He said that problems that exist with the property existed prior to his ownership of it. Mr. Blazek said he was not pleased with the way this proceeded, as he would have asked for a review by Sean Hayden. He asked for a more detailed site plan, given the proximity to Tannery Brook.

Motion: Jack Hamill moved to approve the after-the-fact application of Patchell/Litchfield Professional Trades, 141 Woodruff Street, for installation of a concrete pad at the rear of the building at the overhead doors per map 197, block 47E, lot 035 as an agent determination.

Second: Jeffrey Zullo

Vote: All voted aye except Barbara Brower and Fred Minck, who abstained and Dr. Schildgen voted nay; motion carried.

APPLICATION RECEPTIONS

7. Patchell/Litchfield Professional Trades – 141 Woodruff Street

12/14/11

Drainage repair and upgrades

David Patchell, Litchfield Professional Trades, was present to explain that a residence on the corner of his property ran drainage through his property to the brook. He thinks the pipe is broken because water is perking up and coming in his building. He wants to repair it by cutting it and replacing it with the correct pipe. Jack Healy, Public Works Director, said he should be allowed to fix the pipe and remove the existing catch basin. Mr. Blazek asked for a review by Sean Hayden of the Litchfield Conservation District, but Mr. Healy said this is not a soils issue. He will visit the site and give his suggestions at the next meeting. *[Abby Conroy arrived at this point at 8:00 p.m.]*

AFTER-THE-FACT APPLICATIONS

8. Tomascak – 28 Old Forge Hollow Road

12/14/11

Three pipe crossings for trails

Property owner Tom Tomascak had a map that showed three stream crossings constructed using a 15"-24" culvert pipe. He has trails on his property that is sloping downhill in the back. He put up silt fence when he excavated, but nothing was caught. All agreed the work was done properly and it was approved by Agent Tobin. Mr. Tomascak was advised to make an application for any future work on the property.

Motion: Fred Minck moved to approve the after-the-fact application for three pipe crossings for trails on the property of Tomascak, 28 Old Forge Hollow Road.

Second: Carol Williams

Vote: All voted aye and the motion carried.

9. LaTulipe – 21 Thomaston Road

12/14/11

Re-grading land

William J. LaTulipe Sr. said he re-graded the property to improve the use of it. He changed the contours slightly but there is no discharge from the property. Eventually he wants to build a 40' X 60' garage, and he showed a map. He is not finished and will bring in fine gravel to finish it. He will also use silt fence.

Motion: Abby Conroy moved to approve the application of LaTulipe, 21 Thomaston Road, for re-grading of land, installing silt fence (map 130, block 01B, lot 00E).

Second: Barbara Brower

Vote: All voted aye and the motion carried.

PERMIT REVIEW

10. Springfield Dev Inc. - Hunters Chase

12/14/11

The permit review stands with the Commission's vote from the 11/9/11 meeting. A letter received from Byrne & Byrne, LLC dated 12/6/11 confirms the motion's stipulation of Item (b) as follows: "(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."

10a. Fee Discussion

Commissioners Jack Hamill and Barbara Brower each contacted several towns to learn their process for handling after-the-fact applications, with their findings as follows:

Roxbury: \$350 ATF in addition to regular application fees of \$90 plus State \$60

New Hartford: \$300 ATF in addition to regular \$60 plus State \$60; public hearing \$200. Refusal of ATF application triggers a show-cause hearing within 10 days.

Southbury: Double normal fees for ATF; fees are \$250 plus State \$60 for maintenance and restoration; subdivisions \$150 per lot, \$750 commercial; and renewals \$150

Winsted: \$500 ATF flat fee; regular fees \$155 plus State \$60

Washington: \$750 ATF application fee; failure to comply \$1,000

Warren: \$230 ATF

Goshen: \$225 ATF; regular \$125 fee with additional \$200 for public hearing

Harwinton: \$650 ATF

Chairman Blazek and Agent Tobin will call Attorney Byrne for his opinion on how to proceed.

11. Approval of Minutes of November 9, 2011

Motion: Barbara Brower moved to approve the meeting minutes of 11/9/11.

Second: Fred Minck

Vote: All voted aye and the motion carried.

12. Correspondence: None

13. Adjournment

Motion: Dr. Frank Schildgen moved to adjourn at 8:55 p.m.

Second: Fred Minck

Vote: All voted aye and the motion carried.

Respectfully submitted,



Ann D. Curtis
Recording Secretary