

DRAFT

**MINUTES**  
**LITCHFIELD INLAND WETLANDS COMMISSION**  
**April 13, 2011 – 7:00 p.m.**  
**Town Hall Annex, 80 Doyle Road, Bantam, CT**

**Call to Order:** Chairman Robert Blazek called the regular meeting to order at 7:02 p.m.

**Members Present:** Frederick Minck, Barbara Brower, Jeffrey Zullo, Carol Williams, and Chairman Robert Blazek. Also present was Inland Wetlands Agent Dennis Tobin, Ph. D.

**Members Absent:** Anthony Paradise, Dr. Frank Schildgen, Jack Hamill

**Recording Secretary:** Ann Curtis

**1. Public Comment:** None

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

**3. Notice of Violation – 54 East Litchfield Road, South:** Dennis Tobin explained this violation where the trees were cut down in December by a rogue logging company, and the property is now going through foreclosure. The DEP is investigating the logging. There was no response to a cease and desist order. There is now a new owner and it is managed by TEC Property Management. Chairman Blazek asked that a certified mail notification of violation be sent to him as well as the owner. There will also be a fee for an after-the-fact application.

**4. Investigation Report – 3 Old Highway:** Dennis Tobin said this involved soil erosion coming from the neighbor's driveway and flowing into the road. Jack Healy of Public Works has reviewed Mr. Geddes property and has sent him a letter asking him to call on the matter.

**APPLICATION CONSIDERATIONS**

**5. Towne & Aurell, Inc. – 80 Milton Road**

**4/13/11**

*After-the-fact application for replacing 12"SDR-35 PVC pipe under driveway*

No one was present from Towne & Aurell. Chairman Blazek said he and Dr. Tobin will speak with Mr. Towne about after-the-fact applications. The pipe has been put under the driveway and the old pipe that connected to the pond will be replaced. They have paid for the after-the-fact application.

**Motion:** Fred Minck moved to approve the application of Town & Aurell, Inc. for property owner Ann Tyrrell at 80 Milton Road for an after-the-fact change cross pipe in driveway.

**Second:** Jeffrey Zullo

**Vote:** F. Minck, J. Zullo and R. Blazek voted aye; B. Brower and C. Williams voted nay; motion carried.

**6. James P. Dunn – 699-703 Northfield Road**

**4/13/11**

*2500 sq. ft. gravel driveway and parking at rear of building*

Jeff Lowy and James Dunn were present. They had a map showing the property, owned by Canoe Hill Associates. They had a letter from the owner, Peter Underhill, giving permission to apply for permits. They want to put gravel on the hard-packed driveway. The property will be used as Mr. Dunn's home and

HVAC business with no hazardous materials stored on the property. The lot is about 60 ft. away from the stream with no chance of the gravel washing into the stream.

**Motion:** Jeffrey Zullo moved to approve the application of James P. Dunn of 699-703 Northfield Road for 2500 sq. ft. gravel driveway and parking at rear of building per map entitled "Map Showing Land Located in Northfield, CT" submitted by James P. Dunn 3/4/11.

**Second:** Barbara Brower

**Vote:** All voted aye and the motion carried.

### APPLICATION EXTENSION

**7. Frankel – 568 Torrington Road**

4/13/11

*Request for 5-yr. extension of permit #CC0000722 for activities on lot #2 – single family dwelling, driveway, drainage and septic system. Original approval 5/10/2006.*

Damien Oskwarek was present and explained with his map that he had an old permit from 2006 and has not yet had a chance to build a house on the interior lot. The activity proposed will be identical to what was previously approved. Since the permit has expired, they are asking for a five-year extension and hope to begin building in 2-3 years.

**Motion:** Carol Williams moved to approve the application extension for Frankel at 568 Torrington Road for a five-year extension of permit #CC0000722 for activities on lot #2 for a single family dwelling, driveway, drainage and septic system.

**Second:** Barbara Brower

**Vote:** All voted aye and the motion carried.

### PUBLIC HEARING

**8. LaPlaca Oil & Propane – Torrington Road (Map 145, Block 021, Lot 10F)**

4/13/11

*Construction of propane storage and dispensing facility*

Robert Blazek recused himself from this discussion at 7:23 p.m. Vice-Chairman Barbara Brower continued in his absence and read a letter from Attorney Peter Herbst dated 4/12/11. Mr. Herbst is representing LaPlaca Oil & Propane and has withdrawn the application scheduled for public hearing. They will make revisions to it and resubmit. Robert Blazek re-entered the meeting at 7:25 p.m., returning as Chairman.

### AFTER-THE-FACT APPLICATIONS

**9. Litchfield Inn – 432 Bantam Road**

4/13/11

*Construction of open drainage ditch*

D. Tobin found two violations in the back of the property, one of which was a linear trench discharging into the Butternut Brook. The area is so flat that without drainage, the water would puddle, prompting the trenchwork. Ken Hrica, Professional Licensed Engineer and Land Surveyor of Hrica Associates LLC, was present representing the old and new owners. He explained that the new owner is the attorney for the estate and is away. Representing him to rectify the problem, Mr. Hrica is proposing a 20-foot wide swale with pitch to handle storm water and convey it to the brook without erosion. There will also be a curtain drain at the bottom. There will be a plunge pool at the embankment that will drain the water slowly from the swale with a riprap overflow on the bank. It is too wet to do the work now, so he said he will submit the application next month.

**10. Litchfield Inn – 432 Bantam Road**

4/13/11

*Deposit of evergreen brush in regulated area*

Ken Hrica, representing the owner, explained that the evergreens that were cut from the front had been piled out back in the upland regulated area on the bank in back of the building. When the ground is a little drier, the wood will be chipped and taken away.

**11. Kapoor – 713 Milton Road**

4/13/11

*Landscape planting within 150 ft. regulated area of a stream*

D. Tobin said they have landscaped within the stream bed without a permit, with no silt fencing used and soil erosion into the stream. Ken Hrica asked Mr. Kapoor for a master plan for the property. He showed the map that shows all the future plans. Other planting pods are already in place. Sediment erosion controls are needed for all future planting, with silt fence and hay bales. Mr. Hrica suggested allowing the Inland Wetlands Officer to be able to inspect as the work progresses and ask for additional measures he deems necessary.

**APPLICATION RECEPTIONS**

**12. Kapoor – 713 Milton Road**

4/13/11

*Construction of brick patio with stairs, stone patio and retaining wall, greenhouse, tree house, bark mulch walking paths and realignment of existing stone stairway*

Ken Hrica explained the construction plans. There will be a brick patio with stairs and trellis in the area of the old swimming pool overlooking the stream. There will be a stone patio and retaining wall in the area of the old foundation of the house. There will be a greenhouse with foundation. He will find out where the greenhouse discharge will go and what fertilizers will be used near the stream. There is an existing stand of trees where the treehouse is planned, but no specifics have been decided yet on these items. There will be bark mulch walking paths and a realignment of the existing stone stairway. Dr. Tobin asked Mr. Hrica to submit a specification sheet on each activity. He will return next month.

**13. Brandywine Assisted Living – 19 Constitution Way**

4/13/11

*Parking area and drainage for proposed two-story building addition*

Attorney Perley Grimes was present on behalf of Brandywine. Also present was Ron George, Engineer, of CCA, the Brandywine real estate operations person and the architect on the project. Mr. Grimes gave background on the project. In 2005 the owner got an approval for an addition which has now lapsed. This is a new and different application. He showed a map for an addition of 38,044 sq. ft. of building footprint and contended that this project is very similar to the previous application approved by Ruth Mulcahy on an Agency determination basis. There is 1,400 more sq. ft. of coverage area on this project. Ron George said the runoff will eventually be discharged into the wetlands after it is renovated. He explained the details on the map and said the current drainage system will continue to be used. Chairman Blazek asked that Sean Hayden, Soil Scientist for the Northwest Conservation District, investigate because of the close proximity to the wetlands. Mr. Grimes suggested that Rich Calkins of Northeast Consulting be considered since he did the prior work on the project and has studied for stormwater and soil and erosion controls. Mr. Blazek asked for a \$5,000 bond and to enlist a review from Sean Hayden and get an estimate of his charges for the applicant. J. Zullo asked for Dr. Tobin to give his rationale for why he chose not to do an agent determination. Dr. Tobin explained that the area is in close proximity to the Hamill well field which complicates the matter.

**14. Approval of Minutes of March 9, 2011**

**Motion:** Jeffrey Zullo moved to approve the minutes of March 9, 2011.

**Second:** Carol Williams

**Vote:** All voted aye and the motion carried.

**15. Review and consider setting public hearing for 2008, 2009, 2010 State of Connecticut DEP Legislation and Regulations Update Advisories**

Robert Blazek said they will set the public hearing for the next meeting at 7:00 p.m.

**16. Election of Officers and Review of Bylaws**

Dr. Schildgen and Jack Hamill were not present for the election of officers. J. Zullo asked if there should be something in the bylaws about membership attendance expectations. Mr. Blazek said this is only up to the Board of Selectmen. Other members agreed with J. Zullo. Mr. Blazek suggested everyone come to the next meeting with suggestions for bylaw language regarding attendance expectations.

**17. Correspondence:** None

**18. Adjournment**

**Motion:** Carol Williams moved to adjourn at 8:55 p.m.

**Second:** Jeffrey Zullo

**Vote:** All voted aye and the motion carried.

Respectfully submitted,



Ann D. Curtis  
Recording Secretary