

LITCHFIELD INLAND WETLAND COMMISSION
Regular Meeting Minutes
April 13, 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 (alt.), Carol Williams, Abby Conroy, Barbara Brower (alt.), Anthony Paradise. Also present were Ann Combs, Recording Secretary, and Dennis Tobin, Ph.D, Wetlands Agent

Members Absent: Frederick Minck

Public Comment: None

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

Motion: Carol Williams moved to add to Receptions 7a), Caroline Ugurlu – 70 Camp Dutton Road; pond cleanout – 10 ft.

Second: Barbara Brower

Vote: All eligible voting members voted aye and the motion carried.

Motion: Barbara Brower moved to add to Receptions 7b), Tapping Reeve Village Assn. – 99 Tapping Reeve Drive; relocation of 12’X24’ shed in a regulated area.

Second: Carol Williams

Vote: All eligible members voted aye and the motion carried.

APPLICATION CONSIDERATIONS

1. Copeland – 57 Spencer Street

4/13/16

After-the-fact application for clearing of invasive vines and dead trees, replanting trees and replace broken culvert pipe

Mr. Copeland said he removed vines and had people from the Northwest Conservation District come to identify species and make recommendations for what to plant. They identified the species as an invasive Asian vine with red berries (bittersweet). Soil scientist Cynthia Rabinowitz flagged the property and submitted a report. He presented a drawing showing where he cut about 15 live trees and where he wants to plant many new trees throughout the 4-acre property. Mr. Blazek and Dr. Tobin inspected and saw water permeating the soil down from the driveway and again behind the home. Mr. Copeland was 150 ft. off the watercourse cutting trees and using a mini-backhoe. Mr. Blazek warned he should be careful cutting trees in that area, as root structures hold the soil in place. Mr. Copeland plans to spread piles of dirt out as topsoil. A soils and wetlands report from ConnSoil dated 3/21/16 to Mr. Copeland was submitted for the file. It was a site inspection to evaluate the presence of inland wetlands and watercourses. He replaced one collapsed culvert. He was told not to cut any more live trees and will plant the new trees this spring, maybe 50 to 75, some fruit trees and some white pines and reseed the area that was disturbed. He had permission to cut dead trees that have already fallen. Mr. Blazek warned him to not come in any more for an after-the-fact application. A. Paradise asked about the historic tree and Mr. Copeland said it was a red oak (white oak per Sean Hayden). He asked that it be documented on the map

and recorded on the historic registry. Northwest Conservation District submitted a letter to Dr. Tobin dated 3/21/16 after its review of the property and noticed wetlands and exposed soils. Sean Hayden advised Mr. Copeland get a soils scientist. Silt fence was not installed properly and he should use hay bales to minimize eroding soils. Mr. Copeland said he complied.

Motion: Jack Hamill moved to approve the after-the-fact application of Gary Copeland, 57 Spencer Street, for removal of invasive vines, trees and subsequent planting of new trees and grass to stabilize, and replace broken culvert pipe.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

Mr. Blazek warned Mr. Copeland not to do any future work without coming into the Land Use office for a permit.

2. Veerman – 401 South Street

4/13/16

Single family house construction with utilities

Kenneth Hrica, Professional Engineer and Licensed Land Surveyor, reviewed the application and said Mrs. Veerman would like to sell both lots, but would like to have the small lot ready for a modest home to be built on it in the future. All utilities are available to serve the lot. Roof leaders will go into the town's drainage system. The house area is as far away from the wetlands as possible. They are not directly affecting a wetland area.

Motion: Linnea Healy moved to approve the construction of a single family household and utilities on 401 South Street, Veerman property, per Site Plan dated 2/29/16.

Second: Anthony Paradise

Vote: All vote aye and the motion carried.

3. Fasulo – 96 Prospect Street

4/13/16

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

Dennis McMorro, Berkshire Engineering and Surveying, showed new plans, signed and sealed, showing existing house, garage, and driveway. He had answers to Commissioners' questions from last month. They wish to add a pool 14'X32' with terrace and planting beds. S. Bertaccini had surveyed. The depth of the pool will be approximately 5 ft. Soil borings show ash trees, scrubby vegetation and deciduous trees. He found an existing metal pipe and small intermittent watercourse, suspected from road drainage from Tallmadge Lane. Pool excavation will use a filter bag during construction to take silt from the water and remove it from the site. The deer fence is only 6 ft. high, but they need a fence around the pool. They will hand dig post holes.

Motion: Abby Conroy moved to approve application by Fasulo, 96 Prospect Street, for a pool construction with fence, planting beds and terrace in upland review area, deer fence with posts that will be in wetlands but will be minor and hand dug per plan dated 4/12/16 by Berkshire Engineering.

Second: Jack Hamill

Vote: All voted aye and the motion carried.

4. Forman School – 12 Norfolk Road

4/13/16

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

Dennis McMorrow, Berkshire Engineering and Surveying, and Robert Scodari, Forman School CFO and Business Manager, were present. R. Blazek read the report on its inspection schedule and cost estimate from Michael Morin, Northwest Conservation District, to Dr. Tobin dated 4/12/16. They estimated at least nine months of construction inspections, and cost of \$7,500. Mr. Blazek then read the first memo from Sean Hayden, NCD, dated 3/23/16, which showed comments and changes. The next letter was from Berkshire Engineering, dated 4/4/16 stating they agreed with Sean Hayden and added a construction limit line and silt fence. Next was the letter from NCD, Sean Hayden, dated 4/7/16, that stated Berkshire Engineering has met his concerns and presented an update on his third party review per revised drawings from Berkshire Engineering. Mr. McMorrow is reworking the driveway and curbing. New sewer line will connect to the sanitary line. They are collecting water from impervious areas and running to the water quality basin. The additional parking area is included in the approved plan should Planning and Zoning require it, but they don't want to do the lot. Atty. Robert D'Andrea suggested submitting the comprehensive plan so that P&Z could delete the parking lot if so desired. A. Paradise warned to make sure all the documentation reflects the addition; they can then subtract the parking lot. Mr. Blazek read the 3/23/16 letter and Mr. McMorrow responded. Mr. Blazek then read stormwater management recommendations, and Mr. McMorrow responded. Mr. Paradise was satisfied with his questions.

Motion: Anthony Paradise moved to approve Forman School application, 12 Norfolk Road, including the following documents: 4/4/16 letter from Berkshire Engineering to the Inland Wetlands Commission, 4/7/16 response letter from Northwest Conservation District, Sean Hayden, two maps representing this approval; 1) Future Parking Plan dated 4/4/16 and 2) Site Plan CO.1 through CO.9. Approval is to 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.

Second: Carol Williams

Vote: All voted aye and the motion carried.

Motion: Jack Hamill moved to require a \$7,500 bond for a Northwest Conservation District inspection and review.

Second: Carol Williams

Vote: All voted aye and the motion carried.

APPLICATION RECEPTIONS

5. Cowette – 29 Reder Road

4/13/16

Construct 36'X48' barn in regulated area

Mr. Cowette wants to store his RV and a tool truck in the barn. There will be no hazardous storage. There is an intermittent stream running through his property. He will bring the entire map for the next meeting. Commissioners will walk the property.

6. Arethusa Farm – 15 Webster Road

4/13/16

Construct septic for barn in upland review area

Dennis McMorrow said the septic system is too small for the milk barn now and they have a DEEP system going in on the other side of Webster Road. They want to add a bathroom for the staff, so they will add a septic tank in the upland review area. They are 53' from the wetland.

7. Arethusa Farm Dairy, LLC – 822 Bantam Road

4/13/16

Install 2,000 gallon underground propane tank in upland review area

Dennis McMorro said they are having problems with the two 1,000 gallon above-ground propane tanks servicing both the dairy and restaurant. The two tanks will stay above ground for the dairy, and they want to bury another 2,000 gallon tank for the restaurant. It will be just off the edge of the parking lot, using bollards for protection.

7a. Caroline Ugurlu – 70 Camp Dutton Road

4/13/16

Pond cleanout – 10 ft.

Chuck Birge represented the owner and explained the pipe entering Ms Ugurlu's pond is clogging. The owner says the pond is 10 -15 ft. deep. He proposes using a mini excavator and making supports with timbers and plywood so the excavator won't slide into the pond. Then he could dig out to clear the area and scrape some soil to make a small sandy beach area for the children.

Motion: Carol Williams moved to approve the application of Caroline Ugurlu, 70 Camp Dutton Road, to clean 10 ft. from the inlet and scrape a 20X20 ft. adjacent area for a beach.

Second: Jack Hamill

Vote: All voted aye and the motion carried.

7b. Tapping Reeve Village Assn. – 99 Tapping Reeve Dr.

4/13/16

Relocation of 12'X24' shed in a regulated area

An agent determination was made by Dennis Tobin, and they will move the shed further from the pond up on the parking lot.

Motion: Jack Hamill moved to approve the agent determination to move the shed.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

8. Stop & Shop Construction Update – IW Permit #CC00001073: Dennis Tobin granted the permit and asked for three sources of soils and weekly inspections on the samples and on soil they are bringing in, including source of soils. They came back with 51 sources of soils, and A. Paradise asked to verify all 51 sources. D. Tobin said he needs them to identify the source of the soil and give weekly inspection reports. He needs them soon and will ask them to appear if he doesn't get them by May.

9. Approval of Minutes of March 9, 2016

Motion: J. Hamill moved to approve the meeting minutes of March 9, 2016.

Second: Carol Williams

Vote: All voted aye and the motion carried.

10. Correspondence

a) Letter received 3/15/16 from Gail E. McTaggart, Attorney from Secor, Cassidy & McPartland, P.C. regarding the old jailhouse stating there are no wetlands, and no wetlands application is required.

b) City of Waterbury re dam inspection at Morris Reservoir Dam.

c) Litchfield Housing Trust Letter dated 4/7/16 [*Barbara Brower left here at 9:14 p.m.*]

d) Public Notice 3/21/16 re general permit

e) DEEP permit application for use of pesticides at Arethusa Farm Pond for aquatic weed control 3/30/16

f) Litchfield Housing Trust letter from T. Dennis Williams re Litchfield Housing Trust [*Abby Conroy left here at 9:15p.m.*]

11. Possible Executive Session to Discuss Pending Litigation

Motion: Jack Hamill moved to go into executive session at 9:17 p.m., inviting commissioners R. Blazek, C. Williams (abstaining from participation), L. Healy, J. Hamill, A. Paradise and Wetlands Agent D. Tobin. Barbara Brower and Abby Conroy had recused themselves and left as noted above. The subject was pending litigation.

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

The group came out of executive session at 9:27 p.m. with no action taken.

12. Adjournment

Motion: Jack Hamill moved to adjourn at 9:29 p.m.

Second: Anthony Paradise

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