

LITCHFIELD INLAND WETLAND COMMISSION
Regular Meeting Minutes
February 10, 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, Frederick Minck (7:05 p.m.), Dr. Frank Schildgen, Anthony Paradise. Also present were Ann Combs, Recording Secretary, and Dennis Tobin, Ph.D, Wetlands Agent, Russell Cyr, P.E., of Alfred Benesch & Co., and Attorney Steven Byrne

Members Absent: Abby Conroy, Barbara Brower, Carol Williams

Public Comment: None

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

APPLICATION CONSIDERATIONS

1. Roberge – 89 North Shore Road

2/10/16

Construct new dwelling and septic in upland review area

Dennis McMorow, Berkshire Engineering and Surveying, reviewed the application and said it is on White Memorial property. It will meet White Memorial's criteria as evidenced by the January 20th letter from Keith Cudworth giving permission to demolish the cottage and rebuild a new cottage per plans. He stipulated that there can be no work done between June 15th and Labor Day. Mr. McMorow explained a minor revision to the plan. They will be able to put in a septic system within the regulated area. The shed will be removed and not rebuilt. Torrington Area Health District found the plan acceptable, and they are now waiting for CT DEEP.

Motion: Linnea Healy moved to approve the construction of a new dwelling and septic in the upland review area at 89 North Shore Road per map prepared for Lisa Roberge by Berkshire Engineering and Surveying dated 1/21/16.

Second: Anthony Paradise

Vote: All voted aye with one abstention by F. Minck, and the motion carried.

2. Hrica Associates LLC – Torrington Road, Map 145/021/10F

2/10/16

Construction of a 2100 sq. ft. office building, 576 sq. ft. garage, paved parking and driveway, and a bio-filtration basin

Mr. Hrica noted the letter from Sean Hayden, Northwest Conservation District dated 2/3/16. Mr. Blazek read the letter of Mr. Hayden's review. After a site walk and review of Mr. Hrica's site plan dated 1/6/15, Mr. Hayden recommended use of native grass filter strips, a wet bottom swale, and design elements including a sand filter weir, a stone check dam, and a planting/filtering organic soil media. He also advised a wood chip berm to minimize soil erosion. Ken Hrica said all suggestions have been incorporated into the plan. There will be a 30' X 70' building with a paved driveway and parking area. Water will drain toward the wet bottom swale and filter through the basin. He will remove invasive plants and plant native species. Dr. Tobin said there is \$525 remaining of the fee that they would like used for Mr. Hayden to do inspections and post-construction inspections.

Motion: Dr. Frank Schildgen moved to use the \$525 for post construction inspections to be done by Sean Hayden of Northwest Conservation District.

Second: Anthony Paradise

Vote: All voted aye with one abstention by F. Minck, and the motion carried.

Motion: Dr. Frank Schildgen moved to approve the application of Hrica Associates LLC, Torrington Road, Map 145/021/10F, for construction of a 2100 sq. ft. office building, 576 sq. ft. garage, paved parking for 12 spaces and driveway, and a bio-filtration basin with additional requests from Sean Hayden in letter dated 2/3/16 to be followed.

Second: Anthony Paradise

Vote: All voted aye and the motion carried.

3. Litchfield Housing Trust – Torrington Road (Map 145, Block 020, Lot 005)
Eight-unit affordable housing development

2/10/16

Chairman Blazek first determined if the Commissioners were all qualified to vote by verifying with them that they had reviewed the documents and listened to the proceedings of any of the public hearings they had missed. All present were determined to be qualified to vote. Mr. Blazek read the applicant's engineer, Ken Hrica's letter dated 10/14/15 recapping the history and an overview summation of the application. Mr. Blazek said that all this information, as well as information provided by the intervenors, must be considered. He then read the letter from Russell Cyr, P.E., of Alfred Benesch & Co., the Commission's engineering firm, dated 11/2/15, presenting an overview and summation of its findings.

Motion: Dr. Frank Schildgen moved to collect \$500 for application review fee.

Second: Fred Minck

Vote: All voted aye and the motion carried.

Mr. Blazek then entertained questions from the Commissioners. A. Paradise asked if all recommendations in Mr. Cyr's letter were included in the application, and Mr. Cyr said the applicant's engineer promised to make the revisions. Mr. Paradise clarified with questions about the definition of the access road. Mr. Blazek clarified that it is a private driveway and a P&Z matter. Mr. Cyr said the drainage system defines the driveway specifications. Mr. Paradise said he cannot do his job if he does not understand how the water will get from one side of the driveway to the other. F. Minck was concerned about monitoring and reporting into future. He was also concerned about well water. Attorney Steven Byrne said it would be the jurisdiction of TAHD. J. Hamill asked about surface water flow and if it will affect well usage, and where the sediments will go from disturbances and how they will affect the habitat. He was also concerned about how the Commission fits in with its charge over a specific site vs. the State and Federal approvals in a general permit. Mr. Cyr said the general permit was very specific to this site and very encompassing. It was reviewed and approved by some of the best and brightest minds in the State and was issued by the Army Corps and CT DEEP with no adverse impact to the environment. Mr. Byrne then advised the panel that they are not allowed to speculate and that decisions are to be based on evidence in the record. A. Paradise asked how he can make a decision when he doesn't know the flow rate data relative to a road not yet determined. Mr. Cyr replied it was already reviewed and approved by the Army Corps and CT DEEP. A. Paradise asked why the local Commission is here if the State and Feds have already approved it. Mr. Cyr said this is an unusual application with the local authority approving last. Attorney Byrne said they should make their decision without disregarding the findings of the experts. Mr. Paradise would like a clear definition of the three distinct areas in the plan so that when it is approved anyone can see later exactly what was approved. He wants to make sure the local Commission's function is fulfilled. Mr. Cyr said details of the component are all shown on the plan and P&Z will approve the driveway. Attorney Byrne said all details of the experts' decisions are not always stated, but if they had any concerns or

hesitations, they would be stated. R. Blazek said he trusted in the experts and pointed out the multiple layers of review that has taken place. Dr. Schildgen spoke of the history of the site in the 1950's with stripping of soils and compression of the soil. Because compressed soil does not drain well, he maintains that this property is by State definition a wetlands. Mr. Cyr said the wetlands delineation defines where the wetlands are. Dr. Schildgen then said they are also responsible for the flora and fauna in a wetland area. He cited the shrubland birds and the pale green orchid that was said, by an employee from the Brooklyn Botanical Garden, to have more plants on this site than in all the rest of New England. J. Hamill added that per Mr. Davison, when chemicals leach into the ground water from the surface level, they potentially accumulate. So it is hard to say what effect this would have over time after the chemicals accumulate. R. Blazek commented that per regulations the Commission's primary function is to respect poorly drained soils; flora and fauna are secondary. J. Hamill said that because the soil was stripped, the entire area was converted into a wetland, with sheet flow runoff that could percolate with chemicals that could be a soils issue. S. Byrne said he would have to have something in the record to back that up. Mr. Blazek reiterated the multiple layers of experts who have made determinations, and Dr. Schildgen said not to trust everyone who says "I know." Mr. Cyr read the Inland Wetlands Regulation's definition of wetlands, the CT definition. When the Army Corps got involved, its delineation is by soil type, vegetation and hydrology. Therefore, the Corps line was more landward than the other delineation, more like 9 out of 12 acres. Dr. Schildgen noted proof of compression from heavy vehicles was first mentioned in 2012 minutes when he questioned cellar holes and what impact soil compression would have on sheet flow into the soils.

Mr. Cyr stated he felt the Army Corps engineer did an outstanding job in his design. Mr. Byrne reiterated not to speculate and pointed out that the wetland delineation lines done by the Army Corps have not been refuted by any other expert. Mr. Blazek asked why the burden of a decision should be borne by the Commission when the experts have ruled. Mr. Byrne said they have to use experts to show that the application does comply with the regulations.

Mr. Cyr brought approval and denial motions which the commissioners took some time to study. Chairman Blazek asked how this is viewed legally - is this a new application? Attorney Byrne said the second applications is new, but they can take notice of the prior application. Mr. Byrne said the second application can be seen as the prudent and feasible alternative to the first application by reducing the wetlands impact. A. Paradise asked if they could change "associated access road" to "driveway" in the second paragraph of the prepared approval motion. Next, upon Dr. Tobin's request, Mr. Cyr suggested the bond be bumped up from \$53,000 to \$75,000 to allow for Sean Hayden of Northwest Conservation District to do 50 weekly inspections. Both changes were made to the motion.

Motion: Using the prepared denial motion, Dr. Frank Schildgen moved to deny this application for an affordable housing subdivision site on Torrington Road, Map 145/020/005. The denial motion reads as follows:

APPLICANT: Litchfield Housing Trust, Inc.

PROPERTY: Torrington Road, Litchfield, Connecticut (Map 145, Block 020, Lot 005)

Whereas, Litchfield Housing Trust, Inc. submitted an application to conduct an activity regulated by the Town of Litchfield Inland Wetlands Commission (the Commission) at an 12.66 acre property on Torrington Road for a project known as Gagarin Place, identified at Map 145, Block 020, Lots 005;

Whereas, the applicant has proposed to construct (8) eight detached residential dwelling units along with associated private driveway, stormwater management facilities, sanitary sewer, individual water supply wells and utility services:

Whereas all activities proposed for the project are within the area regulated by the Commission:

Whereas, the Commission deemed the proposed activities to be significant as defined in Section 2.1 of the Town of Litchfield Inland Wetland and Watercourses Regulations (the Regulations) and held duly called public hearings on November 10, 2014, continued to December 9 2014 and January 13, 2016:

Whereas, three interveners filed as interested parties under Section 22a-19 of the Connecticut General Statutes alleging:

- The application is incomplete due to the applicant's failure to delineate the boundaries of the wetlands on the site in accordance with the Town of Litchfield's Inland Wetlands and Watercourse Regulations and with the Connecticut Inland Wetlands and Watercourses Act (C.G.S. Section 22a-38)
- The shrub land-nesting bird species Blue-winged Warbler, Prairie Warbler, and Rufous-sided Towhee that have been detected on the site will be impacted by the development

Whereas the United States Army Corps of Engineers (USACE) was requested to review the delineation of the wetlands on the site.

Whereas a delineation of Federal Wetlands was flagged in the field by the USACE and the field locations of this flagging used as the wetland delineation for the application site plans.

Whereas, the proposed site plan has been reviewed by the USACE and the State of Connecticut Department of Energy and Environmental Protection (CTDEEP) and was issued a Connecticut General Permit for activities that include the discharge of dredged or fill material into water or wetland of the United States.

Whereas, in accordance with Section 10 of the Regulations, the applicant was required to provide feasible and prudent alternatives for activities deemed to be significant;

Whereas, the Commission contracted the services of a third party engineering consultant to review the application, plans and reports.

Now therefore be it resolved, that the Litchfield Inland Wetlands Commission deny the application of Litchfield Housing Trust, Inc. for the following reasons:

- a. The wetland limits identified in the application are not in accordance with the definition of "Wetlands" within the Town of Litchfield Inland Wetlands and Watercourse Regulations. The wetlands delineated within this application are as defined by the USACE and are outside the regulatory purview of the Town of Litchfield Inland Wetlands Commission.

- b. The applicant failed to provide a “feasible and prudent alternative” as required by the Town of Litchfield Inland Wetlands and Watercourse Regulations Section 7.5.f. The applicant has represented that the current application serves as a feasible and prudent alternative to the application submitted and withdrawn in 2012. This application must stand on its own merit and “alternatives which cause less or no environmental impact to wetlands or watercourses and why the alternative set forth in the application was chosen” must be submitted.
- c. Irreversible and irretrievable loss of wetland resources will occur as a result of the proposed activity.
- d. The applicant has failed to satisfactorily address concerns raised by Corrine Folsom-O’Keefe of the Audubon Connecticut concerning the impact of the proposed project on the shrubland birds detected at the site.

Second: There came no second to the motion; therefore the motion failed.

Motion: Fred Minck moved to approve the application for discussion as per the following motion:

APPLICANT: Litchfield Housing Trust, Inc.

PROPERTY: Torrington Road, Litchfield, Connecticut (Map 145, Block 020, Lot 005)

Whereas, Litchfield Housing Trust, Inc. submitted an application to conduct an activity regulated by the Town of Litchfield Inland Wetlands Commission (the Commission) at an 12.66 acre property on Torrington Road for a project known as Gagarin Place, identified at Map 145, Block 020, Lots 005;

Whereas, the applicant has proposed to construct (8) eight detached residential dwelling units along with associated private driveway, stormwater management facilities, sanitary sewer, individual water supply wells and utility services:

Whereas all activities proposed for the project are within the area regulated by the Commission:

Whereas, the Commission deemed the proposed activities to be significant as defined in Section 2.1 of the Town of Litchfield Inland Wetland and Watercourses Regulations (the Regulations) and held duly called public hearings on November 10, 2014, continued to December 9 2014 and January 13, 2016:

Whereas, three interveners filed as interested parties under Section 22a-19 of the Connecticut General Statutes alleging:

- The application is incomplete due to the applicant’s failure to delineate the boundaries of the wetlands on the site in accordance with the Town of Litchfield’s Inland Wetlands and Watercourse Regulations and with the Connecticut Inland Wetlands and Watercourses Act (C.G.S. Section 22a-38)
- The shrub land-nesting bird species Blue-winged Warbler, Prairie Warbler, and Rufous-sided Towhee that have been detected on the site will be impacted by the development

Whereas the United States Army Corps of Engineers (USACE) was requested to review the delineation of the wetlands on the site.

Whereas a delineation of Federal Wetlands was flagged in the field by the USACE and the field locations of this flagging used as the wetland delineation for the application site plans.

Whereas, the proposed site plan has been reviewed by the USACE and the State of Connecticut Department of Energy and Environmental Protection (CTDEEP) and was issued a Connecticut General Permit for activities that include the discharge of dredged or fill material into water or wetland of the United States.

Whereas, in accordance with Section 10 of the Regulations, the applicant was required to provide feasible and prudent alternatives for activities deemed to be significant;

Whereas, the Commission contracted the services of a third party engineering consultant to review the application, plans and reports.

Now therefore be it resolved, that the Litchfield Inland Wetlands Commission approve, subject to the conditions listed below, the application of Litchfield Housing Trust, Inc. for the following reasons:

The Commission finds that on the basis of the record that:

- a. The proposed activities which includes a discharge of dredged or fill material into waters or wetlands will have only minimal individual and cumulative impacts on waters of the United States including wetlands. This is supported by a review of the proposed project by the USACE and the CTDEEP and the issuance of a Connecticut General Permit by the USACE dated July 2, 2015 and a 401 Water Quality Certification by the CTDEEP dated May 7, 2015.
- b. The conditions of the Connecticut General Permit includes a "Declaration of Conservation Restriction" which, as an integral part of the permit, will serve to protect the designated conservation land in perpetuity. The document is to be filed in the Town of Litchfield land records.
- c. This plan represents a feasible and prudent alternative to the plan submitted by the applicant in 2012 and that it will have less environmental impact on the wetlands on the property.
- d. The proposed wetland disturbance in this application is in a wetland area as defined by the USACE and not as defined by the Litchfield Wetlands and Watercourses Regulations.

Be it further resolved that this application is approved with the following conditions:

1. Conditions enumerated in the Connecticut General Permit will be implemented and adhered to.
2. That the Application is approved in accordance with the following plan sheets prepared by Hrica Associates, LLC:
 - Human Use Plan, Sheet H1, dated 3/15/15

- Site Plan, Sheet S1, dated 3/15/15
 - Utility Plan, Sheet U1, dated 3/13/15
 - Notes and Details, Sheet D1, dated 3/13/15
 - Sedimentation and Erosion Control Plan, Sheet E1, dated 3/13/15
 - Sedimentation and Erosion Control Narrative, Sheet E2, dated 3/13/15
 - Planting Plan, Sheet L1, dated 3/13/15
3. The following plan modifications will be made to the plans:
- a) Remove “Stanton Wetland Flagging” and associated “Upland Regulated Area” delineation to avoid confusion with the Army Corps wetland delineation.
 - b) Areas of permitted wetland disturbance shall be delineated on the plans. Square footage of each area of disturbance shall be notated.
 - c) Elevations within 100 feet of wetlands and 150 feet of water courses shall be shown at 1 foot contour intervals.
 - d) Declaration of Conservation Restriction shall be revised to authorize vehicular access for maintenance purposes. All such vehicular access shall be under the authority and supervision of an agent of the Town of Litchfield Inland Wetland Commission.
 - e) The Unit #2 water supply well will be relocated to the opposite side of the private road to keep the “103 foot area of contribution radius” from encroaching onto the abutting property.
 - f) A notation stating that “Wetland flagging shall be easily visible prior to construction”
 - g) A notation stating that “Conservation Restriction tags shall be installed on trees or posts in the field at intervals of 100 feet along the boundary of the easement to deter encroachment from individual lots”. The locations of the tags and a detail of the tags shall be added to the plans.
 - h) A notation stating that “The proposed swale and water quality basin plantings shall be inspected post-construction to ensure proper growth and establishment shall be added to the plans.
 - i) The detail for the vegetated swale shown on sheet D1 shall be modified to specify “New England Roadside Matrix Wet Meadow Seed Mix” to be used to vegetate the swale.
 - j) An inspection and maintenance schedule for the water quality basin, sediment forebay, catch basins and infiltration galleries shall be added to the Gagarin Place Long Term Conservation Management Plan.
4. That a performance bond for sedimentation and erosion control be set in the amount of \$75,000 including payment to the Northwest Conservation District for 50 weekly inspections.
5. That the applicant be required to conduct regular site inspections before, during and after construction, consistent with the State of Connecticut General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities.
6. That the applicant, Litchfield Housing Trust, Inc., be designated as the “Registrant” under the State of Connecticut General Permit for the Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities.

And subject to the following Standard Conditions:

1. The permittee shall notify the Inland Wetlands Commission immediately upon the commencement of work and upon its completion.
2. If the authorized activity is not completed on or before 5 years or when the associated zoning approval expires, whichever is later said activity shall cease and, if not previously revoked or specifically renewed or extended, this permit shall be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetland Regulations of the town of Litchfield. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.
3. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation.
4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.
5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee shall employ the best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. For information and technical assistance contact the Land Use Administrator. The permittee shall immediately inform the Commission of any problems involving the wetlands or watercourses that have developed in the course of, or that are caused by, the authorized work.
7. No equipment or material including without limitation, fill construction materials or debris, shall be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.
8. This permit is subject to and does not derogate any rights or powers of the Town of Litchfield, conveys no property rights or exclusive privileges, and is subject to all public and private rights to all applicable federal, state, and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Litchfield.
9. If the activity authorized by the inland wetlands permit also involves activity or a project that requires zoning or subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.

10. The permittee shall maintain sediment and erosion controls at the site in such an operable condition as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee shall correct any such deficiencies within 24 hours of said deficiency being found. The permittee shall maintain such control measures until all areas of disturbed soils at the site are stabilized.
11. Erosion and sedimentation controls be installed and inspected prior to site disturbance.

Second: Anthony Paradise

Discussion: Jack Hamill stated he was still hung up on soil chemistry and his discussion with Mr. Davison at one of the meetings. Linnea Healy had no comment but said she agreed with Jack Hamill. Fred Minck had no further comment. Anthony Paradise asked once again, "Why am I here?" and said it is because of responsibility to the community and future generations of the town. Unfortunately he felt the Commission's power was usurped by the State and Feds, but yet he had no reason to deny. So by default he said he would approve. Dr. Schildgen asked what the Commission's role was in all this after the experts ruled. He asked if there was any independent opinion and wondered if they listened to the neighbors. R. Blazek said they did listen to the neighbors. Fred Minck said he hopes the other commissions listen and do their job.

Vote: Anthony Paradise, Fred Minck and Robert Blazek voted yes. Jack Hamill, Linnea Healy and Dr. Schildgen voted no. Chairman Blazek announced the vote of 3-3 was a failed motion.

APPLICATION RECEPTIONS

4. East Litchfield Volunteer Fire Co. – 365 E. Litchfield Road

2/10/16

Driveway construction in rear of building and drainage along the north and east sides of the building

Arthur Schmidt, ELFD, explained they would like to excavate areas to the north and east of the firehouse, remove existing stairway and retaining wall, put in a walkway along the east side of the building, provide drainage on both sides of the building, with stairway down the back of the building to the west. There will be a concrete pad there for movement of existing generator. The driveway is ADA compliant. They will tie into existing drains under the surface in front of the firehouse. Egress will be down the side of the building for ADA compliance. The well will be moved to avoid being within 25 ft. of a perforated drain. TAHD said the site for the well is acceptable. Dr. Schildgen asked how they will offset the effects of truck washing going into the brook with native brook trout. Mr. Schmidt said it was no different than anyone washing their car in their driveway. A. Paradise asked if they could mitigate the slope to the brook. It is a major impact on the wetlands, since they will be digging into it. Art Schmidt said it already drains off since there is ledge. A. Paradise asked if there is any other solution their engineer can propose. The Commissioners will take a look at the site and Mr. Schmidt offered to walk it with them and have the engineer present.

5. Mohagel – 163 Clark Road

2/10/16

Install new septic and fields in regulated area

Mitch Mohagel said he saw Dick Rossi of TAHD who said it looked okay. He presented a map entitled "Subsurface Sewage Disposal Plan," By Ron Wolf, dated 1/26/16. The house was designed for two bedrooms, but there is only one. The septic system has failed. He wants to make it right and with two

bedrooms and then sell the house. R. Blazek said that if this is a safety issue with the old tank, they should move it along. All agreed.

Motion: Jack Healy moved to approve the application of Mitch Mohagel, 163 Clark Road, to install a new septic and fields in a regulated area, as this is a safety issue.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

6. Litchfield Hills Nursery, Inc. – 393 Torrington Road

2/10/16

Relocate and replace existing drainage pipe

John T. Acerbi showed the existing drainage pipe on the map. The pipe leading to the pond gets clogged, so they will have to put in a new drain. Another drain will go in running across the other to avoid accumulation of sediment and slippery and muddy conditions for the customers. He will reroute the long pipe. The wetlands will be flagged. They need better drawings, so David R. Wilson will have them for next month.

7. Sosnovsky – 78 Wheeler Road

2/10/16

As of right determination for thinning trees, clearing invasive brush and adding fence to improve field for sheep grazing

The applicant will be present for the March meeting. He is clearing land to use for a sheep pasture.

8. 278 North Shore Road – White Memorial Foundation, Inc.

2/10/16

Construct building addition and detached garage in upland review area

Dennis McMorow, Berkshire Engineering and Surveying, was present representing White Memorial Foundation. This property is the first cabin on the left. They are building above the flood plain, and will construct an addition and expand the driveway and add a garage. There is an existing well and no direct impact to wetlands.

9. Approval of Minutes of January 13, 2016

Motion: Dr. Frank Schildgen moved to approve the meeting minutes of 1/13/16.

Second: Anthony Paradise

Vote: Jack Hamill and Linnea Healy abstained; all others voted aye and the motion carried.

10. Correspondence

- 1) Application from CT DEEP to apply aquatic pesticides to waterbodies in town.
- 2) Letter from CT DEEP re Arethusa Farm permit to modify its existing onsite wastewater renovation system for the Webster Road milk barn.

11. Possible Executive Session to Discuss Pending Litigation: None


12. Adjournment

Motion: Dr. Frank Schildgen moved to adjourn at 9:17 p.m.

Second: Jack Hamill

Vote: All voted aye and the motion carried.

Respectfully submitted,


Ann D. Combs, Recording Secretary