

LITCHFIELD INLAND WETLAND COMMISSION
Regular Meeting Minutes
June 8, 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 Healy, Jack Hamill, Abby Conroy (7:04 p.m.), Barbara Brower, Anthony Paradise. Also present were Ann Combs, Recording Secretary, and Dennis Tobin, Ph.D, Wetlands Agent

Members Absent: Frederick Minck, Linnea Healy

Public Comment: None

Appointment of Alternates: Chairman Blazek appointed alternate J. Healy as a regular voting member.

Motion: B. Brower moved to add to 9a. “Jonathan G. Zeiner (McCoy), 95 Marsh Road, commercial timber harvest on approximately 25 acres”

Second: J. Healy

Vote: All voted aye and the motion carried.

APPLICATION CONSIDERATIONS

1. Arethusa Farm Dairy, LLC – 822 Bantam Road

6/8/16

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

Dennis McMorow, Berkshire Engineering & Surveying, continued his report on this property, which is a capped landfill. J. Healy had referred to a map which Mr. McMorow obtained from Public Works and superimposed into his drawing. They dug three sets of test pits to look for evidence of the old landfill which they found, and #4 and #5 showed evidence of oil, so there are two areas they must stay out of, which is not a problem for this application. Further inquiry showed that the freezing trouble was at the tank. The lines go to the shed garage and into the building as one line. They plan to pipe the second tank into the first pipe where it goes into the shed.

Motion: A. Paradise moved to approve the application of Arethusa Farm Dairy LLC, 822 Bantam Road to install a 2,000 gallon underground propane tank, with no direct wetland impact, per map No. 2110 Berkshire Engineering & Surveying LLC dated 2/15/12 and revised 6/7/16, titled Test Pit Location with modification to the map.

Second: B. Brower

Vote: All voted aye and the motion carried.

2. Pogodzienski – 248 Fern Avenue

6/8/16

After the fact application for installation of pipe to cross creek

Sean Hayden walked the property per Mr. Pogodzienski. He made recommendations that were added to the map. Mr. Blazek read the 5/25/16 letter from Sean Hayden, Northwest Conservation District to Dennis Tobin. It asked for a diversion (stacked logs) to be installed between the portable saw mills and the open water wetland, using a temporary sediment trap to capture soil before releasing water to the

wetland. He also asked for the inlet and outlet pipes of the wetland crossing to be stabilized with ¾" stone to minimize movement of sediments. Mr. Hayden was okay with the saw mill in the regulated area, as it was higher up on gravel. Mr. Blazek was not comfortable with its proximity to the stream. A. Paradise preferred to move the saw mill as well. Mr. Pogodziński offered to move it toward the house about 10 ft. northeast. This made the commissioners more comfortable.

Motion: A. Paradise moved to approve the after the fact application of Pogodziński, 248 Fern Avenue, for installation of pipe to cross the creek, moving the sawmill 10 ft. northeast based on Sean Hayden's directive 5/25/16 for a diversion to be installed between the portable saw mills and the open water, including moving the saw mill 10 ft. to the northeast of its present location; and stabilizing with ¾" stone the inlet and outlet pipes of the wetland crossing with 4 yds. of material, 1 yd. per inlet, 1 yd. per outlet times the two pipes. This is per map hand drawn sketch for Lot 1248 Fern Avenue dated 6/6/16 by Dennis O'Sullivan, PE.

Second: J. Hamill

Vote: All voted aye and the motion carried.

3. Pogodziński – 248 Fern Avenue

6/8/16

After the fact application for house (well and septic tank) and shed with proposed septic fields

Mr. Pogodziński said the earth has been excavated for the house. He wants to pour the concrete and tie in utilities in regard to the well, and tie it into the foundation. The septic tank has already been installed; he would like to now install the galleys for the system and tie it into the foundation as soon as possible. Sean Hayden said the shed was stable on the ledge site; he will store his tractor and lawn mower inside. Silt fence will be installed as recommended by Sean Hayden. A. Paradise had a concern with running electricity to the road through the wetlands crossing.

Motion: J. Hamill moved to approve the after the fact application of Pogodziński, 248 Fern Avenue, for house, well and septic tank and shed with proposed septic fields per map by Dennis O'Sullivan dated 8/16/15, revised 9/10/15, Assessor's Map 127/21/123.

Second: B. Brower

Vote: All voted aye and the motion carried.

4. Cecchinato – 159 West Street

6/8/16

Add fill to raise grade of existing driveway

Mrs. Ceccinato was present with her son-in-law. He explained the need to fill the driveway to get access to the back to park cars. They will bring in driveway base and process and put stones along the side, pitch it toward the house, and put a dry well in the back to catch the water. They will use silt fence. A. Paradise asked who sized the dry well. Brian Brickett is the contractor who said they will need 2 yds. of crushed stone for the dry well. It will be 70 ft. to the drain. The dry well will catch and disperse water instead of allowing it to go into the neighbor's yard.

Motion: B. Brower moved to approve the application of Cecchinato, 159 West Street, to add fill to raise the grade of the existing driveway per 5/2/16 plot plan.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

5. Mickor (Mirabilio) – East Litchfield Road (Parcel A) 109/21A/04A

6/8/16

Portion of proposed septic in upland review area

Dennis McMorow was present to explain the 2.2 acres with driveway, well, septic and house. Wetlands were flagged by David Lord, Certified Soil Scientist. One wetland band runs through the middle of the property. The driveway will be uphill of the wetlands but in the regulated area. A corner of the house is in the regulated area. The area along the edge of the road has stumps that need to be cleared. He would like to flush cut them and grind. Roots will not be disturbed. There were no questions from the commissioners.

Motion: J. Healy moved to approve the application by Michael Mirabilio, Mickor, LLC for East Litchfield Road, Parcel A, Assessors Map 109/21A/04A, for portion of proposed septic in upland review area per map prepared for Mickor, LLC by Berkshire Engineering and Surveying dated 5/6/16.

Second: Abby Conroy

Vote: All voted aye and the motion carried.

6. Mickor (Mirabilio) –East Litchfield Road (Parcel B) 109/21A/004

6/8/16

Portion of driveway and house within upland review area.

Dennis McMorow described the 8.4 acres that is Parcel B, creating a driveway with a swale so the water does not sheetflow across the driveway, and a lawn drain at the low point. It will discharge at the headwaters of the intermittent watercourse. The well is in the area and the septic is outside the regulated area.

Motion: A. Conroy moved to approve the application of Michael Mirabilio, property owner Mickor, LLC for East Litchfield Road, Map 109/21/004, for portion of driveway and house within the upland review area as seen on the site development plan prepared by Berkshire Engineering & Surveying dated 5/6/16.

Second: J. Hamill

Vote: All voted aye and the motion carried.

7. Wilson (Foster) – Milton Road (Map 154/075/003)

6/8/16

Convert existing farm road into driveway for development of property into single lot with underground utilities. Replace existing driveway culvert and remove existing beaver dam.

David R. Wilson was present to explain that this property is a number of existing overgrown wooded farm lots. The new owners want to raise animals and clear the farm lots in the back. The beaver dam portion was deleted from the application and initialed and dated by Mr. Wilson. He relocated the driveway around the barn for accessibility from the road. A diversion swale was added at the top to divert the runoff to the old road bed. He described the use of a drivable water bar which would occur every 100' in steeper areas. Utilities will go in below the cross culvert. The map includes a construction sequence narrative.

Motion: J. Hamill moved to approve the application of Wilson for property owner Foster, Milton Road, Map 154/075/003, for installation of underground utilities, road base and culverts as discussed, per map by Dave Wilson dated 4/2016.

Second: J. Healy

Vote: All voted aye and the motion carried. *[Abby Conroy left the meeting at this point.]*

APPLICATION RECEPTIONS

8. Goodwin – 393 Bantam Road

6/8/16

Replace 225' of 6" drainage pipe with 12" pipe. Add 40' of additional 12" drainage pipe to improve drainage.

Terry and Betsy Goodwin made a sketch to show what appears to be a spring coming from the Rt. 202 right of way. The DOT said it is not theirs. It come out of a 6" pipe and onto the lawn and is filled with silt. The contractor will replace the pipe with a 12" pipe, running it 225 ft. to the back of his property.

Motion: J. Healy moved to approve the application of Goodwin, 393 Bantam Road, Map 085/059/003, to install a 12" drainage pipe emerging from under 202 and running 225 ft. to the back of their property per drawing by Terry and Betsy Goodwin dated 5/25/16.

Second: B. Brower

Vote: All voted aye and the motion carried.

9. Potter (Scott Pools) – 26 Mike Road

6/8/16

Relocate septic tank and install 16'X44' in-ground swimming pool

Laurie Potter of Scott Pools presented a map of property now owned by Brian Smith. The pool area will be in the regulated area. The septic tank will also be in the regulated area. Torrington Area Health District has already approved the septic and pool. They are replacing one disturbed area for another.

Motion: B. Brown moved to approve the application of Brian Smith to relocate the septic tank and install a 16'X44' in-ground gunnite swimming pool as shown on the map entitled "Septic System Design Prepared for Jay and Alicia Galpin, Mike Road, Litchfield, CT," dated 12/15/04, updated 4/26/16, and 5/19/16.

Second: J. Healy

Vote: All voted aye and the motion carried.

9a. Jonathan G. Zeiner (McCoy) – 95 Marsh Road

6/8/16

Commercial timber harvest on approximately 25 acres

Mr. Zeiner, Forrester for 28 years, explained the project with portable bridges for two stream crossings. He will leave many hardwood trees.

Motion: A. Paradise moved to approve the application of Jonathan G. Zeiner (property owner McCoy), 95 Marsh Road, for a commercial timber harvest on approximately 25 acres, 86,969 board feet of mature hardwood. He will call Dr. Tobin before installing portable bridges and after removing them.

Second: J. Healy

Vote: All voted aye and the motion carried.

10. Stop & Shop Construction Update #3 – IW Permit #CC00001073: Dr. Tobin reported on the 5/19/16 letter from Pustola & Associates, saying that the source of the fill needed for this project is coming via O&G Industries from the Burryville Quarry at 3467 Winsted Road. They were relieved that it will be clean soil. The soil reports suffice for structural fill.

11. Approval of Minutes of May 11, 2016

Motion: B. Brower moved to approve the regular meeting minutes of May 11, 2016.

Second: A. Paradise

Vote: All voted aye and the motion carried.

12. Correspondence

- Comments requested for DEEP re "Culvert Program over unnamed brook" in Bantam
- Notice of Approval of NPDES Permit Renewal for sewer plant discharge in Bantam

13. Possible Executive Session to Discuss Pending Litigation

Motion: J. Hamill moved to go into executive session at 9:04 p.m. to discuss pending litigation with Commissioners Blazek, Hamill, Healy, and Paradise attending, as well as Dr. Tobin and Ann Combs. Barbara Brower left.

Second: A. Paradise

Vote: All voted aye and the motion carried.

They came out of executive session at 9:11 p.m. with no action taken.

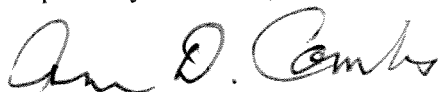
14. Adjournment

Motion: J. Healy moved to adjourn at 9:12 p.m.

Second: J. Hamill

Vote: All voted aye and the motion carried.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ann D. Combs". The signature is fluid and cursive, with the first name "Ann" and last name "Combs" being clearly legible, and "D." in the middle.

Ann D. Combs, Recording Secretary