

DRAFT

MINUTES
LITCHFIELD INLAND WETLANDS COMMISSION
March 9, 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 7:05 p.m.

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

Members Absent: Anthony Paradise, Jack Hamill

Recording Secretary: Ann Curtis

1. Public Comment: William Abbott explained an issue with a road washout on Old Highway near the intersection with Whiskers Lane. Sediment from the gravel driveway of his abutting neighbor at 3 Old Highway, Richard Geddes, is washing into the wetlands, Moosehorn Brook. This has been going on for two years. Mr. Geddes does put in more fill, but it just washes out again. Dr. Tobin showed the file with map when Mr. Geddes received the certificate of occupancy on his property. Dr. Tobin will investigate the permits issued, and Mr. Abbott will talk to Public Works Director Jack Healy.

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

3. CA Litchfield Land, LLC – Shepaug Crossing
Review and consider partial bond release

3/9/11

Dr. Tobin requested approval of the release of \$147,335.36 to CA Litchfield Land, LLC as bonding reduction request #2, after doing a site inspection and gaining supporting information from the Public Works Director (1/12/11 memo). The remaining amount of \$63,634.53 equals a 16% retention of bond monies for protection against incomplete items and stormwater system and driveway failures.

Motion: Carol Williams moved to release the partial bond of \$147,335.36 for Shepaug Crossing as per the memo of 1/21/11 from Dennis Paul Tobin, Ph.D.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

4. Notice of Violation – 54 East Litchfield Road, South

Dr. Tobin explained he discovered logging activity taking place in a regulated area at 54 East Litchfield Road South, property owned by Dennis and Karen Finello of 93 East Street. He spoke to L. B. Logging employees on site who said they were doing blowout cutting as a result of the tornado. Dr. Tobin estimated they had clear cut about 5 acres, and there was timber in the stream. They said they did not have a permit but would obtain one for the owners. So far no response has come, and apparently the property has been foreclosed on by the bank. Dr. Tobin will look into this and have the responsible party pay to clear out the stream.

APPLICATION CONSIDERATIONS

5. 6645 Federal Square Realty – Village Green Drive

3/9/11

Removal of 8 trees at top of bank behind Building A, brush not to be disturbed

No one was present to represent this application.

Motion: Barbara Brower moved to dismiss this without prejudice until these representatives come before the Commission.

Second: Dr. Frank Schildgen

Vote: All voted aye and the motion carried.

6. Harper Grace, LLC – 725 Bantam Road

3/9/11

Install 4" PVC pipe to discharge into regulated area

Ron George of CCA represented the applicant and showed a map of the property. The building will house retail office and warehouse space. It has eave troughs that channel runoff into a catch basin in the front of the building. Water in the back of the building should discharge into the ground at the site of an old dry well and the pipe will carry any overflow to the back of the property into the regulated area.

Motion: Barbara Brower moved to approve the application of Harper Grace, LLC at 725 Bantam Road to install a 4" PVC pipe to discharge into the regulated area per site plan dated 11/19/10, revision 12/17/10.

Second: Carol Williams

Vote: All voted aye and the motion carried.

APPLICATION RECEPTIONS

7. Towne & Aurell, Inc. – 80 Milton Road

3/9/11

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

No one was present for this reception. Dr. Tobin appeared on site and asked Towne & Aurell to apply for a permit. When no one appeared for an application, Dr. Tobin visited their place of business to request it. They will be asked to come to the meeting next month.

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

3/9/11

Construction of propane storage and dispensing facility

Mr. Blazek recused himself from this application at 7:30 p.m. and Barbara Brower became Acting Chairman. Bill Colby of Colby Engineering and Consulting represented LaPlaca Oil & Propane. Owner Gerald LaPlaca was also present. The property is between the driving range and Goff's Equipment on Torrington Road. It is a fill pad located almost completely in a regulated area. The property is owned by Marshal I. Cohen, and he has given permission by email for them to apply for the permit for property on Assessor's Map 145, Block 021, Lot 10F. The Gulfstream Wetlands surrounding the property is a very important wetland according to Barbara Brower. Mr. LaPlaca said there is a proposed entrance off Torrington Road that is awaiting DOT approval. The wetlands are delineated by George Malia, a certified soil scientist, and are defined by the contour of the fill pad. Ms Brower advised them that there will be a public hearing on this application. She also advised them they would need to pay for the services of Land Tech and post a \$5,000 bond for the review. Per the site plan, construction will include two 30,000 gallon propane storage tanks in the back area of the property so the tractor-trailers can drive through to load up. Small delivery trucks will also be coming through. There will be a cylinder storage area for underground tanks. Mr. LaPlaca assured the group that there is no danger of contamination from propane. If it leaks from a vessel it would vaporize into a gas immediately. There will also be an office building with sewer

available and a well. They propose sheet flow for water drainage. The slope has been stabilized with trees and plantings, and should not be disturbed. Gravel will have to be brought in to level the top of the slope.

Motion: Dr. Frank Schildgen moved to declare this a significant activity related to a wetland that is in the public interest with a public hearing to be held at 7:00 p.m. at the Commission's next meeting on April 13, 2011. A bond of \$5,000 will be posted by Mr. LaPlaca for a site survey review by Land-Tech Consultants, Inc. with full report of findings and attendance at the next meeting's public hearing.

Second: Fred Minck

Vote: All voted aye and the motion carried.

Mr. Blazek returned as Chairman at 7:50 p.m.

9. Town of Litchfield – Intersection of West Morris Rd. & Stoddard Rd. 3/9/11

Bridge replacement of West Morris Road over Hill Brook

Public Works Director Jack Healy explained the reasoning for the bridge replacement and the procedures that will take place from start to finish. GM2 is the engineering firm designing the project. He has prepared the application with other site and road work concurrently to improve the road in that area.

Motion: Carol Williams moved to receive and approve the application from Town of Litchfield for bridge replacement at the intersection of West Morris Road and Stoddard Road over Hill Brook as per map of Replacement of Bridge No. 073-011 dated 10/30/10.

Second: Jeffrey Zullo

Vote: All voted aye and the motion carried.

10. James P. Dunn – 699-703 Northfield Road 3/9/11

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

Jeff Lowy and Jim Dunn were present, with Mr. Lowy speaking on Mr. Dunn's behalf. He explained a map showing the area behind the building where they want to put down gravel to accommodate 4-6 cars. There is a stream at the rear of the property with about 60 ft. between the stream and the proposed lot. The building will be Mr. Dunn's home as well as his business as an HVAC contractor. There will be no hazardous materials stored in the building or on the property. Per Dr. Tobin they have been before Planning and Zoning and were advised to go to Wetlands also. Permission was granted for Commissioners to visit the property and the application was received. Mr. Blazek will place them before the public hearing on the next agenda.

11. Approval of Minutes of December 8, 2010

Motion: Barbara Brower moved to approve the meeting minutes of December 8, 2010.

Second: Jeffrey Zullo

Vote: All voted aye and the motion carried.

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

The Commissioners agreed they should review the information and set a date for the public hearing at the next meeting.

13. Election of Officers and Review of Bylaws: Chairman Blazek said per the bylaws they cannot elect officers without a full regular membership board present. It can then be scheduled and acted upon at the

next meeting using a majority plus an alternate. Members will review the bylaws before the next meeting. They can be amended at any meeting with a unanimous vote.

14. Correspondence

- a) Courses are available through the DEP. Workshops are offered and there are also DVD's available as an alternative to the workshops. There may be some in the Land Use office.
- b) Chairman Blazek said that the letters sent by Byrne & Byrne in response to the Ron's Automotive application were inaccurate and that he was unhappy because we were paying for something that was of little value to the Commission. Mr. Blazek ultimately found his answers from the DEP. In response to Mr. Blazek's disappointment, Byrne & Byrne has since reduced the first bill of \$930 to \$465 and the second bill from \$465 to \$232.50. Mr. Blazek told Byrne & Byrne that if this type of thing keeps happening, they will look for another law firm.
- c) "What to Do While Applications are Hibernating", an article by Attorney Janet P. Brooks
- d) "Invasive Plants – Identify, Eliminate, Replace" a workshop sponsored by the Harwinton Garden Club 3/19/11, 10:00 a.m. – noon at the Harwinton Town Hall.
- e) *The Habitat*, Winter 2010

Motion: Jeffrey Zullo moved to add to the agenda as 14a) a discussion of the 2011-2012 budget.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

14a) Discussion of 2011-2012 Budget: Dr. Tobin said he has supported moving all three Land Use Commissions under one department administratively and financially. He presented a total budget with a .7% increase for next year, managing to support the bargaining unit increases and retaining the recording secretary. The Commissioners discussed the pros and cons of imposing fines for repeat offenders who fail to get applications for after-the-fact activity.

Chairman Blazek read the resignation letter from alternate member Jack Healy effective 3/9/11.

15. Adjournment

Motion: Carol Williams moved to adjourn at 8:39 p.m.

Second: Barbara Brower

Vote: All voted aye and the motion carried.

Respectfully submitted,



Ann D. Curtis
Recording Secretary