

LITCHFIELD INLAND WETLAND COMMISSION
Regular Meeting
December 9, 2020 – 7:00 p.m.
Remote Meeting by Live Internet Video Stream and Telephone

Call to Order: Chairman Robert Blazek called the remote meeting to order at 7:00 p.m.

Members Present: Chairman Robert Blazek, Barbara Brower, Jack Healy, Frederick Minck, Jack Hamill and Brooke Healy. Also present were Dennis Tobin, Ph.D, Wetlands Agent, and Ann Combs, Recording Secretary. First Selectman Denise Raap hosted Zoom.

Members Absent: Anthony Paradise, Abby Conroy

Appointment of Alternates: Brooke Healy was seated as a regular voting member.

APPLICATION CONSIDERATIONS

1. Hoffman – 107 North Shore Road

12/9/20

After-the-fact application for unpermitted gravel driveway and curtain drain within 200' regulated area of Bantam Lake

James Orioles represented Ms Hoffman and presented photos and summarized the water issues on the property. As she was told by White Memorial that this was a tenant issue, she hired a contractor who installed new curtain drain, storm drain, and had the driveway resurfaced. They have since receive the after-the-fact approval from the Wetlands Agent, Public Works Agent and from White Memorial. The next step is to add gravel to the parking area. The Town of Litchfield replaced the stormwater drain in the road to which her pipe empties.

R. Blazek said that he did not get a legal opinion as the Commission had requested because there are not enough funds left in the budget. He did, however, visit the site and noted that the other properties have drain pipes that empty into at least five culverts nearby that then drain into one 20" corrugated pipe and then into Bantam Lake. He also got an opinion from Raz Alexe, Public Works Director and Town Engineer, who said the Town has never, to his knowledge, required a permit for repair or replacement of a culvert that is considered regular road maintenance. Mr. Blazek also saw a photo from 2006 showing the driveway in the same place. For these reasons he felt comfortable with this application. B. Brower said she saw no problem with it. Dr. Tobin agreed it should be an after-the-fact approval.

Motion: B. Brower moved to approve this after-the-fact application for Ms Hoffman, 107 North Shore Road.

Second: F. Minck

Vote: All members voted aye except Jack and Brooke Healy, who voted nay. (J. Hamill - see discussion)

Discussion: B. Brower asked the nay votes if they had visited the property and why they voted nay. They had both visited, and Brooke Healy said that not all questions had been answered and they are setting a precedent. J. Healy said that if they were looking at a new application, they would not be approving it and would be asking for other means, so the Commission is not following its own rules. It sets a precedent because it is a new driveway that got after-the-fact approval because it was already done. It also discharges to Bantam Lake, which already has problems with siltation in the lake. R. Blazek asked how this driveway is any different from all other driveways on the same hillside. J. Healy said he is just following the regulations. J. Hamill then changed his vote to nay, saying it is the tenant who is responsible, and they cannot rely on the Town of Litchfield's stormwater management system to take

control of their sediment. R. Blazek then asked him the same question, and J. Hamill said it is a matter of procedure. They are looking at how ground water travels on the surface and how the property owner discharges it. He then changed his vote to "aye under protest."

Chairman Blazek then asked to revisit the vote by roll call.

Motion: B. Brower moved to approve this after-the-fact application for Ms Hoffman, 107 North Shore Road.

Second: F. Minck

Vote: **Aye:** B. Brower, J. Hamill (in protest, being careful how projects are considered in the future and how applicants handle their own projects including stormwater runoff control), F. Minck, R. Blazek. **Nay:** J. Healy, B. Healy. Chairman Blazek declared the motion carried.

2. Starr/Ziehl – 590 Milton Road

Construct single story addition on north end of house

12/9/20

Jason Dismukes, Civil Engineer, presented, with property owners also in attendance. The proposal is to raze the garage and reconstruct in the same footprint a new first floor master bedroom. Then they will construct a mudroom to the north and a new garage north of that. They will have a deep crawl space or a full basement, if possible, under the new bedroom. The garage will be slab on grade. Instead of routing all runoff directly to the pond in back as is the case now, they will direct it to a vegetative rain garden just outside the wetland boundary and then discharge to the pond. There will be no runoff from Milton Road. Gutters on the proposed garage will drain to the yard drain. The proposed addition will allow the residents to age in place and live on one floor.

Motion: B. Brower moved and F. Minck seconded a motion to approve of Starr/Ziehl, 590 Milton Road, to construct a single story addition on the north end of the house. All voted aye and the motion carried.

3. NERP Holding & Acquisitions Co. LLC - Torrington Road (Map 145/021/010)

12/9/20

Increase the proposed 19,097 sq. ft. Tractor Supply Company retail store building footprint by 4,000 sq. ft. for feed storage area. This 4,000 sq. ft. area is a portion of the 20,000 sq. ft. paved "Fenced Outdoor Display Area" that was previously approved.

Jim Cassidy, PE and Principle with Hallisey, Pearson & Cassidy Engineering Associates, explained that Tractor Supply is working on its retail model and modified the site plan to expand its storage for customers who buy online and pick up at the store in order to improve the customer experience. The expansion will not change the footprint of the building but will add a 4,000 sq. ft. addition on the concrete pad where customers can drive through and pick up their supplies. There is no additional parking required, no increase in pervious coverage, no change to drainage, and no additional impacts in the upland review areas already approved.

Motion: B. Brower moved and F. Minck seconded a motion to approve the application of NERP Holding & Acquisitions Co. LLC - Torrington Road (Map 145/021/010), to increase the proposed 19,097 sq. ft. Tractor Supply Company retail store building footprint by 4,000 sq. ft. for feed storage area. This 4,000 sq. ft. area is a portion of the 20,000 sq. ft. paved "Fenced Outdoor Display Area" that was previously approved.

Upon voting all voted aye and the motion carried.

4. Graham-Felsen (Yeramyran) – 14 Hubbard Pines

12/9/20

Demolition of existing house and construction of new single family dwelling

Joe Graham-Felsen explained that the house has been unoccupied and in a state of disrepair. Its west side is adjoining the 100-year flood line. They are proposing to demolish the house and construct a new 4-bedroom house about 10 feet further away from the flood zone and about 80 ft. from the river. The old

foundation will be filled in. Since it will be slab on grade, there were questions on drainage and footing drains that the applicant was unclear on. The Commissioners had other questions as well and asked him to bring his engineer, Ken Hrica, with him next month to answer questions. Documentation was also requested from Torrington Area Health on the septic. Commissions were given permission to walk the site, and the site will be staked out for building location.

5. Construction Permits

a) **Litchfield Housing Trust – Gagarin Place, Torrington Rd. – CC#00001197:** Cynthia Rabinowitz, Northwest Conservation District, continues her inspections with report number 7, and all is going well.

10. Approval of Minutes of October 14, 2020

Motion: J. Hamill moved to approve the November 18, 2020 minutes as presented.

Second: F. Minck

Vote: All voted aye and the motion carried. B. Brower abstained because of absence.

6. Adopt 2021 Meeting Schedule: **Motion:** F. Minck moved and J. Healy seconded a motion to adopt the 2021 meeting schedule as explained by Dr. Tobin. All voted aye and the motion carried.

7. Correspondence: None

8. Adjournment

Motion: B. Healy moved to adjourn at 8:04 p.m.

Second: F. Minck

Vote: All voted aye and the motion carried.



Ann D. Combs, Recording Secretary