

**LITCHFIELD INLAND WETLAND COMMISSION**  
**Regular Meeting**  
**November 18, 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, Abby Conroy, 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:** Barbara Brower, Anthony Paradise

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

**AGENT DETERMINATIONS**

**1. Cardwell – 50 Circle Drive** **11/18/20**

*Construction of a 10' x 5' wood shed in regulated area*

Dr. Tobin explained he issued the agent determination for a small wood shed near a drainage ditch.

**2. Charter (agent for Saunders) – 74 Old Forge Hollow Road** **11/18/20**

*Construction of 14' x 8' addition and 12' x 33' deck*

Dr. Tobin showed the site plan with a small addition on the existing house, using silt fencing against the stone walls. There is a stream down below in the ditch. He gave the applicant an agent determination.

**APPLICATION CONSIDERATIONS**

**3. Vescera – 133 Prospect Mt. Road** **11/18/20**

*Pond maintenance*

Mr. Christopher Vescera explained the pond is getting shallow and cloudy and will not be able to sustain the fish he has there anymore. He would create a berm between his neighbor's and his property, drain the water level, use a backhoe to deepen out the pond level and spread the spoils in an upland area on his property, as requested. He will use silt fencing. D. Tobin will check the location of the spoils after the work is done.

**Motion:** F. Minck moved to approve the application of Christopher Vescera, 133 Prospect Mt. Road, for pond maintenance.

**Second:** J. Healy

**Vote:** All voted aye and the motion carried.

**4. Hoffman – 107 North Shore Road** **11/18/20**

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

Attorney James Orioles was present for this application and reviewed the activity, with erosion undermining the foundation, retaining wall and front steps of the deck. It has also caused flooding of the basement. A contractor advised an upper curtain drain 154 ft. from the lake to replace a clogged existing curtain drain. He also advised resurfacing the driveway. He said the Town received a permit and they expressed interest in doing a storm drain in front of the house prior to the work being done. After a lag in time, he was told all permits were approved. At the beginning of the work, the lot was already torn up when they were told the work was not permitted by White Memorial. The job was completed and driveway resurfaced, so they are asking for forgiveness instead of permission.

J. Healy asked if the Town came to Wetlands for a permit for the storm drain. Dr. Tobin referred to a Nov. 9 Public Works email saying DPW inspected the site on 7/15/20. They found it in conformance with the Town's specifications; however, they did recommend to the property owner to consult with White Memorial Foundation and the Inland Wetlands Commission prior to final approval. They took no exception to the pavement work and the added curtain drain. J. Healy said the DPW changed the stormwater basin that goes to the lake, and questioned how silt or runoff material is prevented from going into the lake. Mr. Orioles said none of the erosion from the property went down as far as the catch basin. Chairman Blazek asked D. Tobin to speak to Raz Alexe for more clarity on where the water goes.

A. Conroy asked about runoff concentration coming from the driveway and if there is now a more direct result of stormwater being shed off site. Mr. Orioles said the curtain drain follows a 200 ft. pipe into the storm drain, and there is a processed gravel surface area of the parking space. A. Conroy said they have increased the impervious surface, so there is a greater area that can contribute to output into the lake without stormwater treatment mechanisms. J. Healy described the style of catch basin with a sump and was interested in the style that was put in by the Town. Mr. Orioles said that a second application of process gravel has not yet been put down. J. Hamill asked if they could add another layer of water quality management before the water gets to the storm drain. A letter from WMF dated 10/7/20 to Ms Hoffman suggested obtaining another after the fact permit from the Town once they have additional permeable pavers surface or gravel to top dress the seed and grass, with work done by 6/15/21. It was agreed that adding process gravel will not rectify the situation. J. Hamill suggested putting in another structure on the property to treat the water before it gets to the Town catch basin. J. Healy said if the Commission approves this and allows them to go forward, it is setting a precedent. If it denies it, they can come back with a plan. He wouldn't make a recommendation as to what to do, as that is their responsibility. Commissioners were in agreement that some measures need to be taken by the renter to protect runoff from going into the lake. J. Healy asked for clarification from an attorney whether the decision with stipulation for approval or denial should go to the tenant or to White Memorial, the land owner. D. Tobin said there would be enough time to get an opinion before making a motion.

**Motion:** J. Healy moved to extend this to the next scheduled meeting while getting a legal opinion on the matter.

**Second:** A. Conroy

**Vote:** All voted aye and the motion carried.

J. Healy asked again for clarity regarding approval by Inland Wetlands on the DPW's work on the catch basin. D. Tobin will talk to Raz Alexe.

**5. Moore – 39 Camp Dutton Road**  
*Construction of 40' x 80' barn*

**11/18/20**

Dennis McMorrow, Berkshire Engineering and Surveying, was present with Tom Moore. Mr. McMorrow said they are proposing removing an existing barn that is 30.1 ft. from the wetlands and proposing a new barn 40' x 80', 34 ft. from the wetlands and 42 ft. from the property line on the western side. Regarding access, the proposed driveway off Camp Dutton is shown on the new drawing with construction entrance. They added silt fence and topsoil stockpile along the driveway and a proposed well behind the barn. Since

they are not having gutters on the barn, they have added a drip edge detail with stone pad. A. Conroy asked about this being a natural diversity database that follows the river which may be indicative of wood turtles. She was concerned with this during construction. D. McMorrow said they could walk the perimeter of the silt fence and check for turtles looking for nesting areas.

**Motion:** J. Healy moved to approve the Moore application for a barn at 39 Camp Dutton Road.

**Second:** B. Healy

**Vote:** All voted aye except A. Conroy, who voted nay, and the motion carried.

### **APPLICATION RECEPTIONS**

#### **6. Starr/Ziehl – 590 Milton Road**

**11/18/20**

*Construct single story addition on north end of house*

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. Commissioners have permission to visit the site.

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

**11/18/20**

*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 would like 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. Chairman Blazek said this will be moved to next month's meeting for consideration.

#### **8. Graham-Felsen (Yeramyan) – 14 Hubbard Pines**

**11/18/20**

*Demolition of existing house and construction of new single family dwelling*

Joe Graham-Felsen explained that his partner had inherited the house in 2005, and it has been unoccupied and in a state of disrepair. It is also abutting the 100-year flood line, so they would like to demolish the house and construct a new home back off the flood line. The existing foundation will be filled, but there will be no fill within the flood line. The new house will be slightly larger, about 3,000 sq. ft. including an artist studio. The existing patio is within the flood plain. D. Tobin has reviewed this relative to the flood plain. The plan has been drawn by Ken Hrica and it includes the existing septic system which will be adequate for the new construction. The new driveway will be the same existing driveway. Commissioners have permission to visit the property.

#### **9. Construction Permits**

**a) AEC Solar – 14 Plumb Hill Road – CC#00001407:** Dr. Tobin said he signed off on the certificate of zoning compliance. They finished everything just in time.

**b) Litchfield Housing Trust – Gagarin Place – Torrington Rd. CC#00001197:** Dr. Tobin said things are progressing, with Cynthia Rabinowitz, Northwest Conservation District, on her fourth inspection.

**10. Approval of Minutes of October 14, 2020: Motion:** F. Minck moved and J. Hamill seconded a motion to approve the October 14, 2020 minutes as presented. All voted aye and the motion carried.

**11. 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.

**12. Correspondence:** None

### **13. Adjournment**

**Motion:** J. Hamill moved to adjourn at 8:35 p.m.

**Second:** A. Conroy

**Vote:** All voted aye and the motion passed.

A handwritten signature in cursive script, reading "Ann D. Combs".

Ann D. Combs, Recording Secretary