

LITCHFIELD INLAND WETLAND COMMISSION
Regular Meeting
October 14, 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, 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. Members of the public were present as well as presenters for the applications and public hearings. First Selectman Denise Raap hosted Zoom.

Members Absent: Anthony Paradise

Appointment of Alternates: Brooke Healy was seated as a regular member for Anthony Paradise.

AGENT DETERMINATIONS

1. Alibozak – 475 South Street **10/14/20**
Demolition of barn and pool. Installation of underground propane tank.

Dr. Tobin reminded the group of this property and said the barn is more of a shed behind the garage. Both the barn and pool Mr. Alibozak wanted to eliminate were in the regulated area, so Dr. Tobin gave them an agent determination. The propane tank was a separate activity for which he also gave an agent determination.

2. Rissolo (Eanes) – 55 Litchfield Ponds **10/14/20**
Extending deck to 12' x 22'

Dr. Tobin said it was a standard deck extension with only a couple holes in the ground, so he gave the applicant an agent determination.

3. Main (Litwin) – 122 Sawmill Road **10/14/20**
Demo and rebuild garage

The barn is 120 ft. from the river with a stone wall in between, but Dr. Tobin required a silt fence nevertheless, as the City of Waterbury owns the adjacent land with the river its source for drinking water. He issued an agent determination.

4. White Memorial Foundation – 121 North Shore Road **10/14/20**
Demo and rebuild garage

Dr. Tobin issued an agent determination and said White Memorial is building a new garage in the same footprint at one of its properties.

APPLICATION CONSIDERATIONS

5. Greenstone Investments (Cozy Hills Campground) – 1311 Bantam Road **10/14/20**
BMX bike bump track addition with stockade fence & dog park with gravel path and parking and clean up debris in upland review area

Dennis McMorrow, Berkshire Engineering and Surveying, was present to represent the applicant. He gave an overview of the activities proposed. Regarding Commissioners' concerns about dog urination, he stressed the dog park is only used by the campers, is open six months per year and only used Friday through Sunday during that time. Therefore he felt the dog park would be very low usage. The area will be leveled with a sand bed under the astro turf to help infiltration into the ground. Dr. Tobin will inspect before, during and after construction. The closest point of the dog park to the wetlands is 10 ft. In answer to B. Healy's question about permeability of the astro turf, Mr. McMorrow felt the dog urine would not pond up on the surface. Mr. Blazek asked how many dogs would be using it, and Lelah Campo of Cozy Hills Campground said about 60 campers may have dogs on any given weekend. After question by A. Conroy regarding a first flush one-inch rainstorm causing an influx of nutrients entering the wetland, Mr. McMorrow felt the sand would help but said the volume would not be great. Lelah said that if there was concern, they could put an infiltration trench of gravel on the lower edge to further disperse the urine. Mr. McMorrow agreed the trench could be about 2 ft. wide and 2 ft. deep filled with ¾-inch trap rock to help with the first flush concept. He offered to add the infiltration plan to the application as a condition of approval.

Motion: J. Healy moved to approve this application for a BMX bike bump track addition with stockade fence & dog park with gravel path and parking and clean up debris in upland review area, with consideration of an infiltration trench as noted by Dennis McMorrow.

Second: F. Minck

Vote: All voted aye and the motion carried.

APPLICATION RECEPTIONS

6. Vescera – 133 Prospect Mt. Road

10/14/20

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 on his property, drain the water level, use a backhoe to deepen out the pond level and spread the spoils on his property. Dr. Tobin read a letter from Jason White, abutting neighbor, giving his permission for Mr. Vescera to do pond maintenance on their shared adjoining pond. Commissioners were given permission to visit the property.

7. Hoffman – 107 North Shore Road

10/14/20

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

No one was present for this application. Dr. Tobin reviewed the unpermitted activity on this property. Once he sent a letter to White Memorial Foundation, the owner of the property, calls were made by its Director, Lucas Hyder, and Dr. Tobin received a long letter of explanation dated 10/1/20 from Attorney James Orioles. White Memorial wrote him a letter back asking for impervious pavers in the spring, which they will have to enforce. Dr. Tobin will speak to Raz Alexe about the new catch basin and if it will catch stormwater from this area.

8. Moore – 39 Camp Dutton Road

10/14/20

Construction of 40' x 80' barn

Tom Moore said Dennis McMorrow has helped him with the site plan, and Mr. McMorrow explained it to the Commission. The proposed barn would be 34.3 ft. from the wetland line and 42 ft. from the property line on the western side. There will be ample area to work and minimal grading. There will be a new well (frost-proof hydrant) proposed at the next meeting on the east side of the barn away from the regulated area. There are deep holes in back showing reserve area for the house for the application submitted to Torrington

Area Health District. There will be no hazardous substances stored in the barn. The barn will have a foundation and footings and a concrete slab with no floor drains needed. Mr. Moore had not considered gutters, and he and Mr. McMorrow decided on a drip edge with stones. They will add this to the plan as well as a temporary construction access. Dr. Tobin said they should get a driveway on the plan. Commissioners were given permission to visit.

ENFORCEMENT ACTION (CONT.)

9. 107 North Shore Road – Hoffman

10/14/20

Construction of unpermitted gravel driveway and curtain drain within 200' regulated area of Bantam Lake

Dr. Tobin said the after-the-fact application stays the enforcement actions for the time being. He noted the notice of violation letter he issued to White Memorial Foundation and the letter from WMF to Hoffman with permission to add permeable pavers.

PUBLIC HEARINGS

After a short break Chairman Robert Blazek called the public hearing continuation to order at 8:13 p.m. with all attending commissioners participating. He then read the titles of the three applications as listed below. He reviewed the rules, with the applicant speaking first, followed by the Commissioners, public in favor, public against and finally back to the Commissioners.

10. NERP Holding and Acquisitions Co. LLC (Cattey) 634 Torrington Rd. (Map145/021/010) 10/14/20

Re-subdivision and dissolving current property line separating the two parcels and re-subdividing into a 10.94 acre Parcel A for commercial development and a 92.79 acre Parcel B which is not being proposed for development at this time

11. NERP Holding and Acquisitions Co. LLC (Cattey) – 634 Torrington Rd.

10/14/20

Construction of 2,100 sf commercial building (proposed bank). This parcel is the subject of the re-subdivision application above and will be part of larger overall commercial development (Proposed Lot A containing 10.94 acres)

12. NERP Holding and Acquisitions Co. LLC (Cattey) – 634 Torrington Rd. (Map145/021/010) 10/14/20

Construction of a 19,097 sf commercial building (Tractor Supply Company) and outdoor display area and a 10,080 sf retail space and associated parking and drives on a (Proposed Lot A containing 10.94 acres)

Applicant

Jim Cassidy, PE and Principle with Hallisey, Pearson & Cassidy Engineering Associates, reviewed the first application (#10) for a re-subdivision of the property with no impacts in the wetlands or upland review area.

Commissioners

Chairman Robert Blazek noted that three commissioners (no quorum) attended a site walk with Mr. Cassidy to view the property on September 20th. B. Brower requested a map be shared. Only J. Healy had a question on Application #10 about an access through Lot A to the back parcel. Mr. Cassidy said they were not planning one, as there is an access from Hart Drive and Clark Road. No other commissioners had questions at this time.

Applicant

Jim Cassidy explained Application #11 as listed above for construction of a bank. The existing garage will be removed and the driveway will remain where the existing driveway lies. There will be a series of catch basins leading to the larger stormwater basin which will eventually direct water to the wetlands to the east.

Commissioners

The Commission's engineering firm, Alfred Benesch & Company had no questions, and the Commissioners had no questions on Application #11.

Applicant

Jim Cassidy explained Application #12 listed above as the site for development of the Tractor Supply building. Access to the site is an existing driveway from Torrington Road. There will be parking and an outside display area that had been increased in size but with 19 parking spaces eliminated, thus reducing the impervious surface. He pointed out the infiltration swales that will accept sheet flow, which will then be directed through drains, a series of catch basins, on to the stormwater management basin, then through an outlet structure and out to the wetlands through a level spreader. Another basin is designed to take the water from the roof leaders of the building. They have received a follow-up letter from Benesch Engineering noting all outstanding comments have been accepted.

Commissioners

Will Walter of Benesch had no questions of Mr. Cassidy. He added the scope of his review included erosion control, hydraulics, hydrology and stormwater quality. Mr. Cassidy has addressed all items in his letter. F. Minck asked about a maintenance plan, and Mr. Cassidy said there is a maintenance plan including periodic cutting of material and cleaning sediment from the forebay. A. Conroy asked about the grade finish from the driveway to the adjacent property, and Mr. Cassidy said everything drains toward Torrington Road and into the road's storm drainage. J. Healy asked about the surface for the display area and was told it is concrete.

Public in Favor – None

Public Opposed – None

As there were no more questions from anyone, Chairman Blazek called for Dr. Tobin to speak before a motion was made. Dr. Tobin first explained the documents he created as conditions of approval including noting the site plan for Item #10 and another site plan noted for Items #11 and #12 with sheets listed as well as a list of 8 conditions and or modifications for Items #11 and #12. Chairman Blazek read the 8 conditions and or modifications into the record. Will Walter of Benesch suggested \$15,000 - \$20,000 for an initial erosion control bond and another \$10,000 for a maintenance bond. All 8 items were discussed and changes were made and approved by all in real time and are included within the motions below.

All Commissioners and parties involved were comfortable with submission prior to construction of a performance bond of \$15,000 and a maintenance bond of \$10,000, for a total of \$25,000 cash bond.

Motion: B. Brower moved to close the public hearing for all three applications at 9:00 p.m.

Second: A. Conroy

Vote: All Commissioners voted aye by roll call except J. Healy, as his internet connection dropped, and the motion passed.

Motion: A. Conroy moved to approve Agenda Item #10, the application by NERP Holding and Acquisitions Co. LLC (Cattey), 634 Torrington Rd. (Map145/021/010) for the resubdivision and dissolving current property line separating the two parcels and re-subdividing into a 10.94 acre Parcel A for commercial development and a 92.79 acre Parcel B which is not being proposed for development at this time. This is approved with the following site plan: "Resubdivision Plan Prepared for NERP Holding and Acquisitions Company, LLC for Property of Jeanne Aprile and Leon Cattey, Jr. Assessor's Map/Block/Lot #145-021-010 Torrington Road / New Litchfield Road (CT Rte #202) Hart Drive and Clark Road Litchfield and Torrington, Connecticut", dated June 19, 2020, consisting of Sheets 1 and 2 of 2.

Second: B. Brower

Vote: All Commissioners voted aye by roll call, including Jack Healy, and the motion carried.

Motion: A. Conroy moved to approve Agenda Item #11, the application by NERP Holding and Acquisitions Co. LLC (Cattey), 634 Torrington Rd., for the construction of 2,100 sf commercial building (proposed bank). This parcel is the subject of the re-subdivision application above and will be part of larger overall commercial development (Proposed Lot A containing 10.94 acres); and to approve Agenda Item #12, by NERP Holding and Acquisitions Co. LLC (Cattey), 634 Torrington Rd. (Map145/021/010), for a 10,080 sf retail space and associated parking and drives on a (Proposed Lot A containing 10.94 acres). These two applications are approved with the following site plan: "Town of Litchfield Wetlands & Site Plan Application for Tractor Supply Co. 19,097 sq. ft. Retail Building 10,080 sq. ft. Bank, Assessor's Map/Block/Lot #145-021-010 & #147-021-052 Torrington Road/New Litchfield Road (CT. Rte. #202) Litchfield & Torrington, Connecticut" dated May 5, 2020 and revised through September 8, 2020, consisting of the following:

Sheet 1 of 18, "Property/Topographic Survey Showing Existing Conditions"

Sheet 2 of 18, "Overall Site Development Plan"

Sheet 3 of 18, "Site Demolition Plan"

Sheets 4A & 4B of 18, "Zoning Improvement Location Survey / Site Layout"

Sheets 5A & 5B of 18, "Site Grading and Drainage Plan"

Sheets 6A & 6B of 18, "Site Utility Plan"

Sheet 6C of 18, "Plan & Profile of Access Driveway & Sanitary Sewer Extension"

Sheets 7A & 7B of 18, "Erosion and Sediment Control Plan"

Sheet 8 of 18, "Stormwater Quality Basin #1 Detail Sheet"

Sheet 9 of 18, "Stormwater Quality Basin #2 Detail Sheet"

Sheet 10 of 18, "Erosion and Sediment Control Notes"

Sheet 11 of 18, "General Notes"

Sheets 12 – 18 of 18, "Site Details"

Sheet LS-1.0 & 1.1, "Site Landscaping Plan"

Sheet 1 of 1, "Parking Lot Lighting Layout"

This approval is subject to additional conditions and or modification as follows:

ADDITIONAL CONDITIONS AND OR MODIFICATIONS

1. The applicant is required to submit the weekly erosion control inspections and monthly stormwater monitoring results, as required by the DEEP General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction Activities. The weekly inspections and monthly monitoring results shall be submitted electronically to the Land Use Administrator.

2. If necessary, the applicant shall apply for and receive any required permits from the CT DEEP dam safety section. If a permit is not required correspondence from the CT DEEP shall be provided to the Land Use Administrator.
3. A pre-construction meeting with Town Land Use Administrator will be held prior to the start of construction.
4. The applicant shall provide the name, e-mail, and phone number of the person responsible for the 24/7 erosion and sediment control compliance and response.
5. The applicant shall maintain sediment and erosion controls at the site. The controls are to be inspected by the applicant for deficiencies at least once per week and immediately after it rains. Any deficiencies shall be corrected within 24 hours after discovered.
6. The applicant shall provide an annual maintenance and wetlands report to be submitted by the first of each year to the Land Use Administrator.
7. All temporary erosion and sediment control devices shall be removed within 6 months after site stabilization.
8. A \$15,000 performance cash bond for soil erosion and sediment control measures and a \$10,000 maintenance cash bond shall be submitted prior to construction for a total of \$25,000.

Second: B. Brower

Vote: All Commissioners voted aye by roll call, and the motion carried.

13. Construction Permits

a. AEC Solar – 14 Plumb Hill Road, CC#00001407: Dr. Tobin added construction permits so he could update the commission with construction activity. He will inspect plantings tomorrow, and the rain gardens should be constructed within two weeks.

b. Litchfield Housing Trust – Gagarin Place, Torrington Road, CC#00001197: Burlington Construction is starting the project, working with Cynthia Rabinowitz from Northwest Conservation District.

14. Approval of Minutes of September 9, 2020: Motion: B. Brower moved and A. Conroy seconded a motion to approve the September 9, 2020 minutes as presented. All voted aye except Brooke Healy, who was not present, and the motion carried.

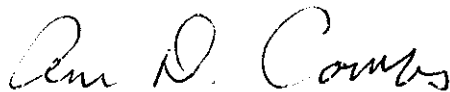
15. Correspondence: None

16. Adjournment

Motion: B. Brower moved to adjourn at 9:31 p.m.

Second: J. Healy

Vote: All voted aye and the motion passed.



Ann D. Combs, Recording Secretary