

LITCHFIELD INLAND WETLAND COMMISSION
Regular Meeting
August 12, 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. 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, Brooke Healy

Appointment of Alternates: None available

APPLICATION CONSIDERATIONS

1. Yonker - 83 Cathole Road **8/12/20**
Construct in-ground pool in upland review area

Dennis McMorrow, Berkshire Engineering & Surveying, was present to explain the revised plan with clarifications and changes made. There is no backwash on the pool as it a filter use that for draw down will discharge through a 100 ft. hose, over lawn, through a stone wall and into the storm drain on Cathole Road. The patio and pool were realigned for more distance from the wetlands to work in. J. Healy was concerned with any water that may discharge onto another property across the street and was told by Mr. McMorrow that he anticipated no negative impacts as it was an open swamp. **Motion:** J. Healy moved to approve this application with reservations about discharging water onto someone else's property. J. Hamill seconded, and all voted aye except Jack Healy, who voted nay. R. Blazek announced the motion passed.

AGENT DETERMINATIONS

2. Baldwin -25 Camp Dutton Road **8/12/20**
Septic repair in upland review area

Dennis Tobin performed an agent determination. Dennis McMorrow, Berkshire Engineering & Surveying, explained the plan. The regulated area line runs through the house and garage. They are having problems with the existing septic system, and after digging test pits, found a better soil location further from the river, with tank and leaching fields in the back yard.

3. Torrant – 17 Goodhouse Road **8/12/20**
Landscape repair; reinforce deteriorating retaining wall

Dennis Tobin explained that an existing retaining wall of railroad ties is failing, and they would like to replace it. The resident will call once he has decided on materials, and Dr. Tobin will determine any precautions needed. Upon question by A. Conroy the height of the wall is about 5 ft. and is a landscaped terrace wall. Commissioners may visit the property.

APPLICATION RECEPTIONS

4. Moore – 39 Camp Dutton Road

8/12/20

Selective removal of invasive plants and deadwood, primarily Japanese barberry and burning bush on 28 acres

Property owner Tom Moore explained he wants to clean up the property and make it safe. The west side borders the Bantam River in part, and there are a lot of dead trees. He will do the work himself and has a flail mower. There was a question of a vernal pool near the pond, so he will approach the Northwest Conservation District about this. A. Conroy and J. Hamill both asked for more detail on what is planned for each section.

AFTER THE FACT APPLICATION

5. Gervais – 323 Norfolk Road

8/12/20

Deposition of fill in regulated area

Dennis Tobin introduced this application as a previously approved project. He noticed that Mr. Gervais had added a couple extra feet of soil between the barn and the wetland area that was not part of the earlier permit. Mr. Gervais said they ran into stumps, had to drop the grade, remove the stumps and rocks. After the footings were in they had to bring up the grade to an 8-ft. wall instead of a 6-ft. wall to backfill the foundation. He said they did not extend into the wetlands, and it is seeded and stabilized. Commissioners will take a look at the property.

ENFORCEMENT ACTION

6. 107 North Shore Road – Hoffman

8/12/20

Construction of unpermitted gravel driveway and curtain drain within 200-ft. regulated area of Bantam Lake

Dennis Tobin said that Elizabeth Hoffman had her driveway work done without a driveway permit from DPW or approvals from Wetlands or White Memorial. She was told she had no approval to do any work until she had these approvals. Therefore a notice of violation was issued. She did receive the certified letter but has given no response. Dr. Tobin will follow up after White Memorial (property owner) has talked with the renter and advised him of their findings.

PUBLIC HEARINGS

Chairman Robert Blazek called the public hearing to order at 7:40 p.m. with all attending commissioners participating by roll call. He then read the 7/9/20 public notice published in the Republican-American. He reviewed the rules, with the applicant speaking first, followed by the Commissioners, public in favor, public against and finally the Commissioners. He read the titles of each activity in Items 7, 8 and 9.

7. NERP Holding and Acquisitions Co. LLC (Cattley) 634 Torrington Rd. (Map145/021/010) 8/12/20

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

8. NERP Holding and Acquisitions Co. LLC (Cattley) – 634 Torrington Rd.

8/12/20

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)

9. NERP Holding and Acquisitions Co. LLC (Cattley)– 634 Torrington Rd. (Map145/021/010) 8/12/20

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)

Chairman Blazek began with the estimate for a peer review from Benesch of Glastonbury in the amount of \$12,000 that will be charged to the applicant. **Motion:** B. Brower moved to set the fee for the applicant for the peer review at \$12,000, and J Healy seconded. All voted aye and the motion carried. Matthew Darling, applicant and VP of NERP Holding and Acquisitions, said the fee was exorbitant and was hoping to negotiate. Mr. Blazek explained the process and said that if the fee was not paid, the application would be deemed incomplete. Mr. Darling agreed to pay up to \$12,000 and said he would get a check to Land Use tomorrow. Mr. Blazek noted that any overage would be refunded to him.

Jim Cassidy, PE and Principle with Hallisey, Pearson & Cassidy Engineering Associates, reviewed the first application (#7) for a re-subdivision of the property with no impacts in the wetlands or upland review area. It is in the area where the garage and sheds exist, 32,000 sq. ft. They would like to dissolve the back line, creating a new parcel of 10.94 acres (Parcel A). The remaining property to the rear, 92.79 acres (Parcel B) would remain undeveloped at this time. This is merely pushing the line back on paper.

On the second application (#8), Mr. Cassidy described the plan for construction of a 2,100 sf bank on the front parcel near Torrington Road. They will remove the existing garage and shed and prepare an access drive, raising the grade 3-4 ft. with discharge to the east. The new bank will have a lot for 7 cars. The property will be connected to sewer and water. There will be catch basins for draining water to a stormwater basin and level spreader and finally to the wetlands on the east. They will need to do some grading in the upland review area resulting in minimal impact.

On the third application (#9), Mr. Cassidy explained there will be two buildings including Tractor Supply (19,097 sf) in the rear with a concrete pad to the west for large products to be left outside. The other building will be a 10,000 sf building for a future tenant. These buildings will be accessed through the Cablevision drive. There will be a sewer and water line extension to both buildings. Two stormwater management basins will be constructed. Catch basins will direct the water via underground pipes to the larger basin with a level spreader at the outlet directing the flow to the wetlands to the east. There is also a bio-retention swale to a perforated pipe before the basin, adding another level of treatment. The majority of the development will be outside the tree line, but there will be some shrub clearing. There will be no activity to the large wetlands area to the west and all discharges are away from this area.

George Logan, Principle Environmental Scientist of Ecological Services from Manchester, showed the site's proximity to the Gulf Stream. He showed previous disturbances of poorly drained soils in slides from 1965, 1986, 1990, 1995 and 2004. His 2004 photos show excavation and much wetter conditions. Upon his inspection in May of 2020, he discovered a fairly flat site with invasives. The eastern wetland photos show a sedge meadow with phragmites in the background. He showed more vegetation in poorly drained soils with no direct wetland impact or hydrological impacts planned to the eastern wetland. All guidelines will be met for treatment areas. There will be a robust planting plan around the basins with no significant indirect impacts.

Commissioners

A. Conroy asked about the wet basin and if there will be long lines of erosion control silt fencing that could trap wildlife. Mr. Logan answered said there will be a long slope for nesting, but he will monitor

this, and they will avoid nesting times for installing the fence. J. Hamill asked about other species and Mr. Logan was aware and offered his insight. J. Hamill asked what the grade change at the bank would do to the neighboring grades. Mr. Logan said there is a 5 ft. retaining wall to the ice cream shop to the west, so they would fill some of the retaining wall between. The slope on the east side will be accommodated. Snow will be directed to the bio-retention swales. R. Blazek asked further about any endangered species he might have seen, and there were none.

Public in Favor: None

Public Against: None

Commissioners: Upon question from A. Conroy, Mr. Logan has seen no sign of the pale green orchid in two years of searching, but the soils that have been disturbed are not a habitat for it. J. Hamill asked Matthew Darling about any services that would discharge gas or oils, and he said they do not do repairs, and the engines are sold dry. Commissioners secured permission to view the site. This application will be automatically continued until the next meeting on September 9, 2020.

10. Approval of Minutes of July 8, 2020: Motion: B. Brower moved and F. Minck seconded a motion to approve the July 8, 2020 minutes as presented. All voted aye and the motion carried.

11. Correspondence: None

12. Adjournment

Motion: B. Brower moved to adjourn at 8:54 p.m.

Second: F. Minck

Vote: All voted aye and the motion passed.

Ann D. Combs, Recording Secretary