

LITCHFIELD INLAND WETLAND COMMISSION
Regular Meeting Minutes
July 11, 2018 – 7:00 p.m.
Town Hall Annex, 80 Doyle Rd. Bantam, CT

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

Members Present: Chairman Robert Blazek, Anthony Paradise, Barbara Brower, Jack Hamill. Also present were Dennis Tobin, Ph.D, Wetlands Agent.

Members Absent: Frederick Minck, Jack Healy, and Ann Combs, Recording Secretary

Public Comment: None

Appointment of Alternates: None available

APPLICATION CONSIDERATIONS

1. Pollack – 119 North Shore Road

7/11/18

After-the-fact application for installation of plastic pavers (9'x16' area)

Frank and Caroline Pollack were present. Chairman Blazek read a letter from White Memorial dated 7/3/18 giving permission for them to install permeable pavers per plans submitted 6/29/18 with one exception. The size of the patio will be 9'x32' and not 12'x32' as shown in the plans. Permission is also contingent upon obtaining a permit from Town of Litchfield, with copy to White Memorial before work begins. Work may take place only between Labor Day and the following June 15th. The Pollacks said there will be a paver wall and stairway or rail to the patio. They were advised not to disturb the tree roots in laying stones. They added the railing into the application, the 12" high safety wall, and changed "plastic" to permeable pavers. The Pollacks signed and dated the changes.

Motion: J. Hamill moved to approve the application by Frank and Caroline Pollack at 119 North Shore Road (Map 169/68/79) for installation of pervious pavers in a 9'x32' area with a 12" high wall and railing for handicap accessibility.

Second: A. Paradise

Vote: All voted aye and the motion carried.

APPLICATION RECEPTIONS

2. Benjamin – 3 Breezy Knoll

7/11/18

Temporary (seasonal) boat dock

Tim Benjamin explained his project to put in an aluminum dock with piers resting on the lake bottom. It will be 60 ft. long and have two boat lifts at the end of the dock. It is held in place by its own weight. It will go in about April or May and come out in late October. Mr. Paradise asked for the manufacturer's technical data on the materials used and weight.

3. Tavino – 68 South Street

7/11/18

In-ground pool and patio

Peter Tavino explained how he would secure a permit for an in-ground pool if one were to be installed. The pool would be 59 ft. away from wetland soils. The depth of the pool would interfere with the geo-thermal

pipes, so the geo-thermal system could be abandoned and just heat with oil. Commissioners will take a look at the property. There are wire stakes and orange flags.

4. Jagger (Hortico) – 23 Tulip Drive

7/11/18

Armor existing stream embankment and installation of trench drain at loading dock

Paul Jagger spoke for Hortico, saying they have two areas of activity. One is around the stream bank where the wire cage and riprap has been undermined by the stream. They would like to add 25 tons of riprap between the bottom of the cages at the stream bed affecting 38 ft. of stream. The riprap will extend about 3 ft. out from the bottom of the cages, and they will use a Bobcat to place the rocks. The second area is the installation of two 6 ft. baby trench drains that will lead to an existing catch basin to prevent puddling at the loading dock. A. Paradise was concerned about all the parking lot drainage going into the stream. He wants to see a drawing showing what the catch basin does, where the pipes are and the size, and whether there is a system underneath being fed by other areas.

PUBLIC HEARING

5. Friends of Litchfield Community Greenway, Inc.

7/11/18

Bissell Road to Northshore Road – construct greenway

Chairman Blazek read the public notice published in the newspaper on 6/27/18 and 6/26/18. He then said the applicant will present (30 min.), then any opposition (30 min.), then public (3-5 min. each). A decision will not be made tonight and this hearing will be continued until next month. He then read the legal opinion letter from Carmody dated 7/3/18.

Dennis McMorrow, Berkshire Engineering and Surveying, represented the Friends of the Litchfield Community Greenway, as well as Matt Blasavage from the Friends. Mr. McMorrow was in the process of working with Eric Davison, Soil Scientist, from Davison Environmental, who was also present, when he received the letter from Carmody. They submitted plans with changes to Dr. Tobin. He said the narrative with matching plans has been done and distributed to all Commissioners.

In order to fulfill the three requirements listed in the conclusion on page 4 of the Carmody letter, he explained the changes via the drawing.

Carmody Requirement #1: A narrative, with matching plans, setting forth the exact activities that the Friends seek a permit from the Commission to conduct;

Wetlands filling of 4300 sq. ft. along Bissell Road has been changed to a boardwalk with piers, which will be 390 ft. long and have total impact of only 40 sq. ft. from the piers. They lowered the activity from 4300 sq. ft. of impact to 40 sq. ft. On the other side of the DOT property is the Eversource property with three wetland crossings. The north crossing has 1020 sq. ft. of wetland filling with 40 cu. yds. of gravel being brought in. The middle crossing was 1635 sq. ft. of wetlands filling which will now be a boardwalk 140 ft. long with 15 sq. ft. of impact, reduced from 1635. The south crossing (along North Shore Road) will have 1130 sq. ft. of wetlands filling. Army Corps has said a track machine can be used with matting for the boardwalk piers, and spoils must be removed to an upland area. He believes the plans match the regulated activities list.

Carmody Requirement #2: Statement as to the jurisdiction of each agency:

Mr. McMorrow said there is a heavy dashed line demarcating the State property lines with notes on the 20-scale drawings in the Town's file explaining there is no local jurisdiction. Eric Davison said the changes will drive the application for the Army Corp permit away from an unfeasible situation and toward a self-verification process, a much less detailed permit. Commissioners asked for and received clarifications on the method of operations and materials.

Carmody Requirement #3: Demonstration that the proposed activities are the only prudent and feasible alternatives.

Mr. McMorrow said that his summary of changes clipped to Mr. Davison's report talks about the four crossings originally totaling 8135 sq. ft. that was well over the 5000 sq. ft. threshold for the self-verification. They reduced 500 sq. ft. of wetlands filling between the north and middle crossing. They further reduced wetlands filling in the middle and south crossings, bringing the plan under the threshold for self-verification. Therefore, the realignment of the trail and two boardwalks are the prudent and feasible alternatives. Mr. Blazek asked if further using White Memorial trails would be more prudent, and Mr. McMorrow said they are already using their trails and utilizing the existing old rail bed with sewer line that has already disturbed the soils. Mr. McMorrow summarized the application for this section of the trail.

Opposition

Frank Pollack said White Memorial already has enough trails, and we should not be disturbing the wetlands any further.

Public Comments

Margaret Miner, Rivers Alliance, brought copies of comments for the Commission. She said they should consider using the regulated area where possible, rather than the wetlands. She would like them to avoid, minimize and mitigate wetlands impact. She asked for more detail in the boardwalk construction and maintenance plan. She asked them to consider the precedent, as it sets a standard for future projects. Regarding the self-verification process, she said to trust but verify.

Tony Mitchell, also of the Rivers Alliance, asked about other trail routes and if an analysis had been done. He asked if wetland water flow will be blocked by the fill and create a dam. How will the fill change the functioning naturalized wetlands?

Jeffrey Pratt, Director on the Litchfield Community Greenway, referred to the map and said some areas are dry and some are wet. There will be some disturbance, but not much, and it would settle. He also said that White Memorial did not want them to continue the trail any further through their trail system.

John Clock, also from the Greenway, asked Matt Blasavage if the boardwalk could be done on the Bissell Road side rather than the White Memorial side. He also said this trail is needed, since one of their missions is to keep pedestrians and bicycles off Route 202.

Chairman Blazek announced the public hearing would be continued to August 8th at 7:00 p.m. at the Town Hall Annex at 80 Doyle Road in Bantam.

6. New Business: None

7. Approval of Minutes of 7/12/17, 2/14/18, 4/11/18, 5/9/18: postponed to next meeting

Motion: B. Brower moved to approve the meeting minutes of 6/13/18.

Second: J. Hamill

Vote: All voted aye and the motion carried.

8. Correspondence

- Forested Wetland Soils Workshop in August
- PGP Notification of permit treating
- 6/28/18 Thighe & Bond General Permit Registration Form for Discharges to Surface Water and Groundwater (for the Bantam dam)
- 7/11/18 Letter from Rivers Alliance Re Greenway Phase 2
- The Habitat, Spring/Summer 2018
- Proposed Stream Flow Classifications informational sessions

9. Possible Executive Session: None

10. Adjournment

Motion: B. Brower moved to adjourn at 9:15 p.m.

Second: J. Hamill

Vote: All voted aye and the motion carried.

Respectfully submitted,

Ann D. Combs, Recording Secretary