

**LITCHFIELD INLAND WETLANDS COMMISSION**  
**Regular Meeting**  
**December 14, 2022 ~ 7:00 p.m.**  
**In Person at Town Hall Annex, 80 Doyle Road, Bantam**

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

**Members Present:** Robert Blazek, Abby Conroy, Jack Hamill, Mike LoRusso, Martin Connor, William Dooley, and Susan Clarkin. R. Blazek introduced Spencer Musselman, the Town's new Land Use Administrator who will be acting as Wetlands Agent. Ann Combs, Recording Secretary, was absent.

**Members Absent:** Jack Healy

**Appointment of Alternates:** Susan Clarkin was appointed as a regular voting member.

**APPLICATION CONSIDERATIONS**

**1. Meredith – 318 Milton Road**

**12/14/22**

*House addition with deck, pervious parking, pool and rain garden in upland review area (0.13 acres)*

Paul Hinkel, architect for the project, represented Christopher Meredith. He summarized the proposal shown on the site plan. It's a very tight site. They are adding a fourth bedroom that the septic system can handle per the engineer. M. Connor said he did meet with the engineer on site and that paperwork has been submitted to Torrington Area Health District, but S. Musselman will not be able to issue a permit unless he has a sign off from TAHD. He felt that the area for the addition is a non-pervious surface where the old turn-around was, and there will be no wetlands disturbance. The pool will not be drained and only backwashed once a year, so there should be no impact on the wetlands from that, either. The rain garden will handle the drainage from the new addition and is a bonus since there is no other mitigation for stormwater.

**Motion:** M. Connor moved to approve the application of Chris Meredith of 318 Milton Road, for a proposed house addition with deck, proposed pervious pavers, proposed pool and rain garden per map by Civil 1 Engineering dated 10/10/22 and sheet C.1.1 and C.1.2 showing proposed activity. J. Hamill seconded, all voted aye and the motion carried.

**2. Greenstone Investments (Cozy Hills) – 1311 Bantam Road**

**12/14/22**

*Widen exit driveway (0.4 acres)*

Dennis McMorro, Berkshire Engineering and Surveying, was present to review the application. No wetlands are directly affected. Because of the narrow driveway, people cannot get out when RVs are using the dumping station. The inside of the driveway away from the wetlands will be widened so that nine or ten RVs can line up while others will be able to leave. It is a sheet flow, process gravel driveway. It is also a safety feature for emergency vehicles.

**Motion:** J. Hamill moved to approve the application of Greenstone Investments, 1311 Bantam Road (map 61/87/43) per map by Berkshire Engineering dated 10/31/22 for access to exit driveway. M. Connor seconded, all voted aye and the motion carried.

**3. Greenstone Investments (Cozy Hills) – 1311 Bantam Road**

**12/14/22**

*Construct a pickleball court and pave portion of existing gravel drive in upland review area (0.30 acres)*

Dennis McMorrow, Berkshire Engineering and Surveying, pointed out the beginning of the exit driveway where there are horseshoe pits in a level area. They would like to replace these courts with a pickleball court, and will need to add a little fill on the downhill side and a small cut on the uphill side. They will pave the portion of the driveway that has a steep 15% slope in order to prevent erosion. They will pour a 52' x 26' concrete slab for the court and surround it with a 10 ft. chain link fence. There is no impact to the wetlands.

**Motion:** M. LoRusso moved to approve the application of Greenstone Investments, 1311 Bantam Road, to construct a single pickleball court and pave portion of existing gravel drive to mitigate erosion in the upland review area, with no direct wetlands impact, per map by Berkshire Engineering dated 10/31/22. J. Hamill seconded, all voted aye and the motion passed.

### **APPLICATION RECEPTIONS**

#### **4. T. C. Builders – 145 Buell Road**

**12/14/22**

*Construct a stormwater infiltration trench to detain and infiltrate stormwater runoff from a new house and grading below septic area (.06 acres)*

No one was present for this application. M. Connor said the application is complete, and it will be continued to 1/11/23.

#### **5. Copeland – 342 Bantam Road**

**12/14/22**

*After the fact – survey/reactivate ¼ acre access way*

Gary Copeland was present to explain there is an accessway in the northeast corner that was blocked with debris. M. Connor went out there and saw a disturbance that looked like someone was punching out a driveway down to the base of the slope that appeared to be wetlands. They called Mr. Copeland to discuss. We had nothing in our files to show any existing accessway. Mr. Copeland said they had used it back in the '70s to haul material out when Milton Road Extension was constructed. Mr. Connor said there would have been a driveway permit from our engineering office. It looks very steep, and he did not think it would have met the engineering requirements for a driveway. S. Musselman said he issued a letter dated 12/8/22 regarding activity within the 150 ft. wetland area without a permit. R. Blazek read the letter that asked Mr. Copeland to stop all work and file an after-the-fact application. Mr. Copeland said he had the wetlands re-flagged and is waiting for Ken Hrica to complete the survey map. Mr. Connor thought silt fence should be put at the toe of the slope to prevent further erosion and some hay mulch put on the driveway. Perhaps erosion control matting on the slope would also help. Mr. Connor thought it would be unlikely that this commission or the Town would allow him to put a driveway there. Mr. Copeland insisted there is an existing accessway there. They will inspect after he wraps the area in silt fencing. The silt fencing has to be properly trenched at the base, 1/3 of the way up and 2/3 of the way up. In the spring it should be seeded and mulched. When asked if the dead trees can be removed, Mr. Copeland was told to flag them and work with S. Musselman as the Enforcement Officer.

**Motion:** M. Connor moved to direct the owner to install silt fencing at the base, 1/3 of the way up and 2/3 of the way up, and in the spring stabilize the area with seeding and mulch as an enforcement action for restoration, and a letter will be sent to the applicant. S. Clarkin seconded, all voted aye and the motion passed.

#### **6. Town of Litchfield – 29 Stoddard Road**

**12/14/22**

*Installation of 40' x 60' PVC outlet piping for solar array rain garden to existing catch basin in upland review area (1.2 +/- acres)*

Kenneth Hrica, Professional Engineer and Land Surveyor, and Noel Lafayette of SHR Energy (the applicant and developer) were present. The Town is the owner. Mr. Hrica said they are proposing a  $\frac{3}{4}$  acre solar array with 1.86 acres to be cleared for sunlight. There is 0.2 acres of upland review area disturbance, strictly within the tree removal area. The map shows drainage directions predominantly to the west, with wetlands to the east. Riprap swales will collect water outside the fenced area and will go to two rain gardens, or vegetated forebays, that will allow sands and silts to drop out into the basin (that can be cleaned out) and then into the catchment areas leading to the Bantam River. There is a small area in the bottom of the tree clearing area that will flow overland to the wetlands, but has nothing to do with the array area. There is one notable tree, a 62" white pine that is 15 ft. from the wetlands that will be saved. It has been documented as 130 ft., has a 65 ft. spread and they will leave a buffer of trees around it. The solar array covers .75 acres. There is concern from Carol Bramley of Planning and Zoning about this tree being protected. R. Blazek asked if they looked at any other areas of the 45 acres there. Mr. Hrica said this site was the best to mitigate impact on wetlands and watercourses. R. Blazek asked if anyone from the State Department of Forestry had looked at the stand of white pines, and he said not to his knowledge, but White Memorial had a hand in choosing this tree. Mr. Blazek thought there might be other areas that may be possible sites. Mr. Lafayette said he does a process of elimination by proximity to rivers and streams, topography and exposure to sunlight. He found the current site to be the best. Other areas were ruled out by the Plant Superintendent as possible plant expansion areas. Mr. Lafayette has hired an arborist to come out and do a root system analysis of the white pine. They asked also for a value study for the trees in the area, and that can be added to the application. They also asked for an amended application to show the 0.2 acres of disturbance in the upland review area. Mr. Blazek asked if this is an area where vernal pools may become active in late February, but no one had investigated. M. Connor asked for a public hearing for the next meeting, as it is in the public's interest. The arborist should also come to the next meeting. Mr. Lafayette answered Commissioners' questions. Dr. Tobin also asked for a construction plan and a planting plan in the application, number of trees and sizes in the regulated area, and if there will be a temporary stockpile. Dr. Tobin also asked for placement of a sign ahead of the public hearing. S. Musselman asked for a separate sediment erosion plan from what was on the plan. Ground screws will be used to mount the panels, as there may be ledge to drill through. R. Blazek again asked for alternatives to this site on the property. Mr. Connor suggested we get a written statement from Ted Donoghue as to the availability of the site south of the plant.

**Motion:** M. Connor moved to hold a public hearing at the January 11, 2023 meeting at the top of the agenda, as this application is deemed to be in the public's interest. J. Hamill seconded, all voted aye and the motion carried.

#### **7. Town of Litchfield – Reder Road**

**12/14/22**

*Reconstruction of existing drainage, reclamation of road and new bituminous pavement (.09 +/- acres)*

Raz Alexe, Public Works Director, and Dennis McMorrow, Berkshire Engineering and Surveying, were present for this application. Mr. McMorrow explained the improvements planned for Reder Road. There are two existing stream crossings and a watercourse down the shoulder of Marsh Road. The entire road will be a full reclamation, and they will replace old drainage pipes with plastic ADS pipe. The concrete cross culverts are in good shape and will not be touched. Mr. Connor felt the plan is complete and should not impact the wetlands. R. Alexe said the project is overdue, and they should bid the project in January to get contractors lined up. They have also received a grant. When asked why they cannot rule on this tonight, M. Connor cited the CT General Statute that says once accepted, an application must be pended over for 14 days to have time for people to request a public hearing.

#### **8. Town of Litchfield – East Litchfield Road**

**12/14/22**

*Roadway drainage and resurfacing (.452 acres total)*

Raz Alexe, Public Works Director, said the engineer of record is Ken Hrica. R. Alexe said this is part two of a long overdue project. There are subgrade issues and deep channels that will need to be addressed from Clark Road to Wheeler Road. There are open channels that are a major concern. There is also a wall of

water flowing off Naser Road that floods three residences. Tree work has been done. There is no wetlands impact and 0.452 acres of work within the regulated area. He is hoping to do this project within four months. All materials have escalated in price as time goes by. M. Connor said this application is complete.

**9. Town of Litchfield – Brush Hill Road**

12/14/22

*Culvert replacement and reconstruction of 150 ft. of roadway (.05 acres)*

Raz Alexe, Public Works Director, said this bridge is just before Duck Pond Road and is feeding from Butternut Brook. There are a lot of basins that flow into this small culvert that is in dire straits. They will do dewatering to do one side at a time and will address the uneven situation that prevents fish from getting through the channel. He can accommodate a 25-year flood, but not a 100-year flood. They will use two squash pipes that will last between 30 and 40 years. R. Alexe further said he would set up a public information meeting once he gets the approval. He will need temporary easements signed. The detour from Baldwin Hill to Duck Pond Road will be unpopular. The approval from the State is pending but is sure.

**10. Town of Litchfield – Raz Alexe**

12/14/22

*Bridge update*

Raz Alexe, Public Works Director, said there are 71 major structures in Town. Of them, there are 37 that are over 6 ft. All 14 spans longer than 20 feet are complete. Structures 6 – 20 ft. have five left after Brush Hill is done. They are on Perkins (if closed road re-opens), Blakeslee, Marsh, Norfolk and Milton Roads.

**11. Appoint Spencer Musselman as Inland Wetland Agent: Motion:** J. Hamill moved to appoint Spencer Musselman as the Inland Wetland Agent. S. Clarkin seconded, all voted aye and the motion carried.

**12. CONSTRUCTION PERMITS**

- **Litchfield Housing Trust (Gagarin Place) – Torrington Road (CC#00001197):** S. Musselman said he and M. Connor made a site visit and met with the Northwest Conservation District, the Litchfield Housing Trust and Burlington Construction to address some issues with erosion and sedimentation control. Burling Construction is going to repair and replace silt fence along the conservation areas. They will install 6" of trap rock in the swales as indicated on the original site plan, and install some larger riprap along the steep banks to address unanticipated erosion. They will plant more grass in the spring to help stabilize the banks. Hay bales and silt fence will be completed by Friday and trap rock and roadside swales by end of December.

**13. Approval of Minutes of November 9, 2022: Motion:** M. Connor moved to accept the minutes as submitted, and W. Dooley seconded. All voted aye except R. Blazek, who abstained because of absence, and the motion carried.

**14. Adopt 2023 Meeting Calendar: Motion:** W. Dooley moved to accept the dates presented on the memo to the Town Clerk. M. LoRusso seconded, all voted aye and the motion carried.

**15. Correspondence:** None

**16. Adjournment: Motion:** W. Dooley moved to adjourn at 9:20 p.m. and M. LoRusso seconded. All voted aye and the motion carried.



Ann D. Combs, Recording Secretary