

**LITCHFIELD INLAND WETLANDS COMMISSION**  
**Regular Meeting**  
**February 8, 2023 ~ 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, Jack Hamill, Martin Connor, Susan Clarkin and William Dooley. Also present was Spencer Musselman, Wetlands Agent.

**Members Absent:** Abby Conroy, Mike LoRusso, Jack Healy

**Appointment of Alternates:** R. Blazek seated Susan Clarkin as a regular voting member.

**PUBLIC HEARING**

**1. Town of Litchfield - 29 Stoddard Road**

**2/8/23**

*Installation of 40 ft. of 6-inch PVC outlet piping from solar array rain garden to existing catch basin and 0.2 acres of tree cutting and planting (no stump removal) in upland review area (total project area 2.2 +/- acres)*

Chairman Blazek opened the public hearing at 7:02 p.m., continued from the 1/11/23 meeting. He explained that they would first hear from the applicant, then from Commissioners, then from the public in favor, and finally from those opposed. There were no interveners.

**Applicant Presentation**

Kenneth Hrica, Professional Engineer and Licensed Land Surveyor, was present on behalf of the Town of Litchfield and SHR Energy for a proposed solar array to power the Town's sewer plant at 29 Stoddard Road. This is an entirely different site from the last meeting, where it was sited on the hillside across the road from the main plant. The Commission asked them to look at other sites so as not to disturb the stand of significant heritage white pine trees there. George Logan, Professional Wetlands Scientist, investigated the west side of the access drive for wetlands. Finding significant wetlands along the driveway and also to the west, it made little sense to pursue that area any further. They then looked to the east side of the driveway and found an area with some wetlands, but enough area to fit the same size array in a slightly different configuration outside the white pines stand. While there is no direct wetland impact, it is within the regulated area of some wetlands. They do plan to do some trenching along the road to remove an underground conduit to move the electricity from the array to the power plant. With the mandatory fencing proposed using 1.06 acres, the array area is just under one acre. There is an access way behind the plant that will be used for maintenance purposes. They will be clearing trees close to the property line due south to insure enough sunlight to power the array. Water will sheet flow from the panels to be collected in a planted rain garden, with overflow water to be piped to an existing channel that runs into an existing brook. An existing stone wall makes a natural barrier for the solar array and separates the wetland pocket from the array. There exists an eroding ditch that will be cleaned and replaced with a riprap channel with a riprap weir at the end to act as a secondary holding device. All runoff eventually finds its way to the Bantam River. He noted that Raz Alexe, Public Works Director, was pleased they will run pipe from the wetlands to the ditch so the water will no longer flow over and erode the gravel roadway. There will also be a riprap swale to further still the water before continuing on to the brook.

### Commissioners

J. Hamill asked about the electrical feed from the array and how it gets to the plant. Mr. Hrica explained that it goes outside the rain garden, crosses the road and stream and on to the sewer treatment plant. M. Connor asked if Sustainable Litchfield Committee is aware of this project. Noel Lafayette, President of SHR Energy Management responded, saying this project was the brainchild of Sustainable's Chairman, John Post. M. Connor added that the Planning & Zoning Commission had given the original project an unfavorable recommendation and also asked that the applicant explore other alternatives. S. Clarkin asked for clarification on the path of the water leaving the rain garden. K. Hrica said it will exit via 6" PVC pipe and go into a new channel capturing water in a riprap area and weir overflow. In response to R. Blazek's question about the type of panels proposed, Mr. Lafayette said it has not yet been determined if a single axis tracker that moves with the sun will be employed due to the extra cost. It can add 15-20% additional production, but they can freeze in the winter and require maintenance. He is assuming use of a fixed tilt panel as of now. Either way, tree removal is the same, and all trees must be cut back far enough and stumped to not risk shaded areas. The trees to be cut are much lower value than at the previous site. Eversource, the abutter, is fine with the project and will have no clearing on its property. The added drainage work is a bonus for the Town. S. Musselman asked if the applicant had filed with the Waterbury Watershed and the Commissioner of Public Health. It was determined that this area does not fall within the watershed area, so the filing is not required.

George Logan, Certified Soil Scientist, presented his report and said he did the delineation for the previous site two years ago. This one, done in January of 2023, shows wetlands made as a result of manmade activities. A little pocket (A) is bracketed by the wall on one side and the road. The second, a burrow pit (B), looks like it was hogged out. Both are forested and not considered vernal pools. He reviewed areas needing stabilization and said once the site is stabilized, the rain garden will do its job. He feels this is a much better location, from both an ecology and wetlands perspective. In answer to J. Hamill's question on stumping, Mr. Logan said erosion controls would go up and be maintained during the cutting. Stumping will follow, with suggestion of long term grass seed mix with the addition of ryegrass for quick stabilization. M. Connor asked about a solar array in Goshen, and G. Logan said that it was in a wet meadow but had no effect on the wetlands. M. Connor was concerned that our project may have an adverse effect on the adjacent wetlands, but Mr. Logan felt with proper erosion controls and maintenance, there would be no problems.

### Public

Jeff Zullo, Board of Selectmen member, expressed his support for this project and explained the background and the role of the Selectmen and Sustainable Litchfield in the past few years. John Post was an initiator of the analysis. There is a zero renewable energy credit (ZREC) on the project that will help finance the project for the Town and the developer. The project is a power purchase agreement (PPA) with SHR Energy that provides a 25 year flat fixed fee, somewhere around 8.5 – 9 cents/kwh. Savings will be about \$700,000 over 25 years to Litchfield taxpayers and sewer users. He added that the WPCA is solidly behind this initiative.

Kate Taylor, resident, asked for further clarification as to where the project will be sited. The project will take 2-3 months to complete.

Matt Tobin, 96 Jefferson Hill Road and member of the Board of Finance, asked about the AC/DC ratio and was told about 15-20%, around 290-310. Panel tilt will be about 15 degrees. He made some suggestions based on his experience with solar at his company.

Laurie Kilburn asked about setbacks from the watercourse, and Mr. Hrica said there are no setbacks, but did say it is about 90 feet away. Mr. Connor said that because it is within 100 ft. of the wetlands, it is in the regulated area and required to go before Inland Wetlands.

Commissioner J. Hamill asked about the inverter system and where it would be located. Mr. Hrica said they would be at the ends of the long rows of panels. He then asked about plantings outside the fence for a buffer, and recommended P&Z consider a landscape buffer whose height does not affect the array. An easement would have to be considered by Eversource if under wires. Dennis Tobin asked that the description of the project be amended to reflect the new location per the new map.

**Motion:** M. Connor moved to close the public hearing at 8:27 p.m. and S. Clarkin seconded. All voted aye and the motion carried.

**Motion:** M. Connor moved to approve the application by SHR Energy Management LLC, with property owner Town of Litchfield, WPCA, 29 Stoddard Road, for a solar array in accordance with a plan prepared by Hrica Associates LLC dated 2-27-23 and titled "Alternate Solar Array Location, Litchfield WPCA Property, 29 Stoddard Road, Bantam, CT" with the condition that ryegrass seed be used with the initial seed mixture after they have disturbed the site; and that landscape screen be considered at the beginning of the solar array to provide some visual screening from Stoddard Road; and the qualitative measurements of the solar array shown on "Alternate Solar Array Location, Litchfield WPCA Property" be submitted as an amendment to their final application.

**Second:** J. Hamill

**Vote:** Upon voting all voted aye and the motion carried.

### APPLICATION RECEPTIONS

#### **2. Neary – Mt. Tom State Park Road**

**2/8/23**

*Extend existing patio by building a 2 ft. retaining wall, backfilling to level, and then cover with bluestone*

William Neary explained he would like to extend the existing bluestone patio toward the pond 10-12 ft. He presented a map showing the need for a 2 ft. retaining wall on the slope. He will use silt fence, hay bales and filter fabric so the soil does not go through the rocks. M. Connor asked that the bluestone not completely abut the other stones to prevent all water from running off. Mr. Neary will meet commissioners at any time to see the site and will have a #9 sign posted for them.

#### **3. Boehme – 110 Prospect Street**

**2/8/23**

*Remove silt and vegetation from wetlands area (Tannery Brook) to restore storm water management capability*

There was a pond on the property at one point. Mr. Boehme would like to clear out the silt and vegetation including phragmites to restore the pond. The sides of the brook are caving in, and he would like to prevent this. He would plant grasses after the work is done between the pond and the lawn, and was asked to work with Spencer Musselman to find a wet meadow seed mixture. Commissioners may visit the property.

#### **4. Avritch – 87 North Shore Road**

**2/8/23**

*Demo existing cottage and rebuild on existing footprint*

Mr. Avritch said there is an existing cottage and deck he would like to remove and build a new cottage with a new well and septic system repair. The foundation will be removed and a new foundation put in. The structure will be bigger, minus the deck. The new deck will be smaller on the front. Footing drains will be on the left, right and back sides with solid piping emptying into a catch basin. With construction drive and silt fence, M. Connor thought he would be in good shape. Commissioners had permission to visit.

**5. Zitter – 77 Cathole Road****2/8/23**

*Enlarge existing parking area and create new parking area; each approximately 25' x 20'. Excavation of 12" of topsoil, installation of filter fabric and 20 ton base material. Placement of boulders for retainment and 6" of ¾" topcoat.*

No one was present for this application, so Chairman Blazek announced it would be tabled to the March meeting.

**6. Friends of the Litchfield Community Greenway, Inc.****2/8/23**

*Construction of the Greenway trail*

Clifford Cooper, President of the Friends of the Litchfield Community Greenway, explained this section as behind 28 Russell Street. It will parallel Russell Street from South Lake Street along the existing gravel path and terminate at the southwest corner of the Litchfield Land Trust building (the old rail station) that is being meticulously renovated to mimic the original station. They will fill the section and will not need to do excavation. According to the regulations, M. Connor said it was a nonregulated use, but Mr. Musselman said they would be adding gravel, so it would apply in this case. Mr. Cooper said the wetlands have been flagged, and there is no filling in the existing wetlands. Authorization letters have been received by Eversource and the Litchfield Land Trust. They would like to begin work in the spring. M. Connor clarified that a permit would be needed if there was deposition of material in a wetlands, and this work is in the upland review area only. There are no ponds or pools in the area. They decided to continue with the application. Commissioners have permission to visit the property.

**7. CONSTRUCTION PERMITS**

Litchfield Housing Trust (Gagarin Place) – Torrington Road (CC#00001197)

S. Musselman gave an update noting continued issues with heavy rainfall. Riprap has been installed but no plantings yet to stabilize the banks. Burlington Construction planted late fall, but the grass never had time to grow. Plantings must now all be done by June 1, 2023.

**8. Violations:** S. Musselman said he has noticed some activity in the Prospect Mtn. Road area that will be taken up at the next meeting. Mr. Copeland has put in hay bales and silt fence which is largely doing its job, although Mr. Musselman has asked for more.

**9. Approval of Minutes of January 11, 2023: Motion:** M. Connor moved to approve the meeting minutes of 1/11/23 and W. Dooley second. All voted aye except R. Blazek, who abstained because of absence, and the motion passed.

**Motion:** J. Hamill moved to approve the meeting minutes of December 14, 2022 and S. Clarkin seconded. All voted aye and the motion carried.

**10. Correspondence**

- Aquatic Pesticide application at Oneglia Pond, 24 East Chestnut Road
- Email to S. Dionne in the Finance Dept. from S. Musselman asking for a pay raise for Ann Combs, Recording Secretary, to \$25/hr. S. Musselman will follow up, as he has had no response to his request.

**11. Adjournment: Motion:** J. Hamill moved to adjourn at 9:07 p.m. and M. M. Connor seconded. All voted aye and the motion carried.



Ann D. Combs, Recording Secretary