

LITCHFIELD INLAND WETLANDS COMMISSION
Regular Meeting
August 9, 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: Martin Connor, Jack Hamill, Mike LoRusso, and William Dooley. Also present were Spencer Musselman, Wetlands Agent, and Ann Combs, Recording Secretary.

Members Absent: Jack Healy, Susan Clarkin

Motion: M. Connor moved to add to the agenda as Item 3a, “Wilson – 11 Headquarters Road, Dismantle and reconstruct existing building with foundation and crawl space; add 13’ x 18’ addition to west side of building with crawl space and foundation”. W. Dooley seconded, all voted aye and the motion passed.

Appointment of Alternates: None

APPLICATION CONSIDERATIONS

1. Ace Hardware – 348 Bantam Road

8/9/23

Resurfacing of existing gravel area within the regulated area and the construction of a new paved parking lot in the upland area, including the appropriate drainage measures

Ken Hrica, Professional Engineer and Licensed Land Surveyor, was present with the owner of Ace Hardware, Roger Mahieu. He explained the plan for the gravel parking area in the back to be resurfaced with asphalt millings for reinforcement. This is all in the regulated area with no extra drainage proposed. Out front, they are proposing a parking area that slopes to the west with a catch basin added in the corner and sloping parking towards it to catch the runoff before it flows onto Route 202. The 12” pipe will increase to a 15” pipe size to the catch basin that has a sump. Mr. Mahieu’s access driveway is a permanent easement in his favor that he is responsible for maintaining, but the area to the east belongs to his neighbor, who has barricaded the area with pallets and is threatening with a lawsuit for parking in his right-of-way. He handed in one additional plan showing plantings as a screening for the front, with native species, trees and smPublic Works Director R. Alexe has reviewed the site plan and takes no exceptions. The propane tank will be slid back slightly from its present position.

Motion: M. Connor moved to approve the application of Ace Hardware, 348 Bantam Road, for resurfacing of existing gravel area within the regulated area and the construction of a new paved parking lot in the upland area, including the appropriate drainage measures; and based on a plan entitled “Parking Lot Expansion Plan, Ace Hardware”, 348 Bantam Road, by Hrica Associates, dated 7/7/23; and on the “Lighting and Landscaping Plan for Ace Hardware”, 348 Bantam Road, by Hrica Associates, dated 8/2/23. W. Dooley seconded, all voted aye and the motion passed.

2. Murdica – 11 Old Field Lane

8/9/23

Construction of a 62’ x 40’ garage in upland review area

Ann Murdica met with Dean Birdsall of the Litchfield Land Trust and reviewed the plan, as the Land Trust holds the conservation easement. The Land Trust’s letter says it does not impact the easement for the Land Trust property, so it has no objections to the project. Commissioners felt questions had been well answered.

Motion: J. Hamill moved to approve the application of Murdica, 11 Old Field Lane, for construction of a 62' x 40' garage in the upland review area per site plan dated 6/27/23 by Colby Engineering, with silt fence and hay bales used as protective measures. M. LoRusso seconded, all voted aye and the motion carried.

APPLICATION RECEPTIONS

3. Akumbak – 13 Baldwin Hill Road

8/9/23

Install new septic system in the upland review area (0.1 acres)

Dennis McMorow, Berkshire Engineering and Surveying, was present to represent Elizabeth Akumbak. The current septic has failed, the house is for sale, and it is a condition of the sale that the septic get fixed. It is a .46 acre parcel, and has a 3-bedroom ranch. There are no wetlands on the property, but the property behind it has a pond. The repair is a single row of 12" high galleries shoehorned into the property. There are well radius variances they need to obtain from State Health. Torrington Area Health District is reviewing the plan, but cannot issue an approval without the well radius variance. M. Connor asked for an agent determination and all agreed. Spencer will put it in the paper tomorrow. **Motion:** M. Connor moved to direct the Wetlands Agent to make an agent determination on this for a septic system repair in an upland review area at 13 Baldwin Hill Rd. J. Hamill seconded, all voted aye and the motion carried.

3a. Wilson – 11 Headquarters Road

8/9/23

Dismantle and reconstruct existing building with foundation and crawl space; add 13' x 18' addition to west side of building with crawl space and foundation

David R. Wilson, Registered Engineer, proposed a new building with foundation instead of piers. They will take the building apart, number the pieces, and reconstruct it in place with a crawl space foundation and with an addition on the back to use as a studio with a larger crawl space, foundation and mechanicals. Wetlands are in the neighboring property, but the entire property is in the upland review area. There are two material stockpile areas. Silt fencing will be used around the stockpile and on the downhill side. Permission was given to walk the property.

4. Moore – 39 Camp Dutton Road

8/9/23

Dredge small farm pond, restoration of an earthen dam, construction of a grass farm road, construction of two culverts, and construction of a riprap-lined channel

David Batista and Tom Moore, owner, were present to discuss dam repair and pond improvements. Mr. Batista said Mr. Moore would like to fix the dam, which is located very close to the Bantam River. There is a lot of site work proposed, almost an acre of disturbance, most of which is regulated, so the chances for erosion are significant. There is some wetland impact and some in the upland review area. They will be working on a terrace that is 20 ft. higher than the river, all within 100 ft. with many fingers of wetlands. The pond has a 10-acre watershed. The low hazard dam's jurisdiction was ceded to the local authorities by the DEEP, and its report is included in the drainage report as an appendix. The Army Corps of Engineers is an additional layer of permitting Mr. Batista said he has to go through. The earthen dam is an AA classification and is 9 ft. high max, with a hydraulic height of 7 ft. The pond is for recreational purposes, and 4 or 5 ft. will be dredged from the bottom with sides intact, leaving it 8 or 9 ft. deep. Several well points will be constructed at the base of the excavation to store water pumped from the pond and through a settling basin made from a hay bale enclosure with filter fabric lining. Spoils will be placed on a haul road in a basin with silt fence and hay bales surrounding it. Shrubs and trees will be carefully removed around the pond. They will be filling in the farm road, as gullies are cutting into it. He will send

a PDF of his entire presentation so commissioners could more easily read the construction sequence. The Commissioners have permission to walk it.

5. Litchfield Land INC - 432 Bantam Road

8/9/23

Construction of pool drain in the upland review area. Minor grading in regulated area. Construction of pool house, pool area, and patio in upland (0.04 acres)

Ken Hrica, Professional Engineer and Licensed Land Surveyor, said the Litchfield Inn would like to put in an outdoor pool for use by guests only. It will be located behind the long gravel driveway on the south side of the property. The 150 ft. regulated area is shown on the plan from the Butternut Brook. They will be bringing in a little fill to level and will be using a cartridge filter with no backwashing and will fence in. They will drain the pool down 18" in the winter with a garden hose directed to a vegetative swale in lieu of using a 2" pipe. A seeded lawn area will wrap around. Commissioners should check in at the front desk before visiting the area.

6. Matuszewski – 1062 Bantam Road

8/9/23

After the fact. Clean up existing debris from cleared area. Plant grass for stabilization. Installation of sculptures in review area (0.1 acres)

No one was present for this application. S. Musselman will write a recommendation memo since the area is already stabilized and will limit any further encroachment to the wetlands and limit the number of sculptures to the present number. He will present this at the next meeting for the commissioners' approval.

REQUESTS

7. Litchfield Housing Trust (Gagarin Place)

Bond release request

Jill Groody Musselman was present from the Litchfield Housing Trust to request release of its \$75,000 bond. She has had two years of weekly reviews with the Northwest Conservation District and she is very focused on the list. She reviews the property after every major storm and has an annual review with the Conservation District. M. Connor said they've done a great job but there are still three spots where there is still some erosion, but not \$75,000 worth of work to finish. M. Connor would like to release most of the bond and hold back a little for erosion control. He suggested releasing \$50,000 and keeping \$5,000. He added that the wetlands areas are fully protected at this point.

Motion: J. Hamill moved to release all but \$5,000 of the cash bond to the Litchfield Housing Trust for Gagarin Place. M. Connor seconded, all voted aye and the motion passed.

AGENT DETERMINATIONS

8. Nuredin – 548 South Plains Road

8/9/23

Construct new septic system in upland review area – no direct wetland impact (0.25 acres)

S. Musselman followed up on his agent determination for the septic repair with Dennis McMorro, and said it has been done.

9. Violations: S. Musselman reported that Hunter's Chase has a huge problem, with water filtering down between Haley Drive and Hart Drive since the large stock pile was removed. Runoff has flowed down on

the wooded edge between Haley and Hart, causing significant damage to several homes and has flooded Hunter Drive and Hart Drive. He and Raz Alexe are working with the property manager of MCR Property Management, and a plan is being developed. If nothing is done, we will get the Army Corps of Engineers involved and pull money from our letter of credit (\$450,000). They have done some temporary measures that are inadequate. He will keep the commissioners updated.

10. Approval of Minutes – July 12, 2023: Motion: M. Connor moved to accept the minutes of 7/12/23, and M. LoRusso seconded. All voted aye except R. Blazek and J. Hamill, who abstained because of absence, and the motion carried.

11. Correspondence

- Email from S. Clarkin that she was unable to attend the meeting
- PGP Notification of treatments at Schnitzer and Van Gerve ponds
- PGP Notification of treatments at Tapping Reeve Village Pond
- PGP Notification of treatments at Schildgen pond at 221 Richards Rd. Ext.
- IWC Bylaws

12. Adjournment: Motion: J. Hamill moved and W. Dooley seconded a motion to adjourn at 8:16 pm. All voted aye and the motion carried.

Ann D. Combs, Recording Secretary