

**TOWN OF GOSHEN  
INLAND WETLANDS COMMISSION  
REGULAR MEETING MINUTES  
THURSDAY, SEPTEMBER 1, 2016 – 7:15PM**

**PRESENT:** Chairman Tom Stansfield, Danielle Breakell, Allen Kinsella, Lorraine Lucas, and Rick Wadhams; Martin Connor, AICP, Town Planner/Inland Wetlands Enforcement Officer.

**EXCUSED:** Ray Turri.

**1. CALL TO ORDER:**

Chairman Tom Stansfield called the meeting to order at 7:15PM. The proceedings were recorded digitally, and copies are available in the Land Use Office in Town Hall. Rick Wadhams arrived to the meeting at 7:22PM.

**2. PUBLIC HEARINGS:**

No business was discussed.

**3. READING OF THE MINUTES:**

**A. August 4, 2016 regular meeting.**

**MOTION** Ms. Lucas, second Ms. Breakell, to approve the minutes of the August 4, 2016 regular meeting as written; unanimously approved.

**4. OLD BUSINESS:**

**A. Kelly & David Asbury, Trustees, Bartholomew Road (Assessor's Map #07-012-005) – Construct Driveway & Drainage with Wetlands Crossing and Single Family Dwelling with Associated Septic System in the Upland Review Area.**

Dennis McMorrow, PE, addressed the Commission regarding this matter. Mr. McMorrow briefly reviewed the application with the Commission, explaining that the property was 12 acres in size with 5 acres of wetlands. Mr. McMorrow explained that while it may appear on the plans that there was an area that appeared to be a smaller wetlands crossing, it would in fact be more difficult and more significant to attempt a crossing in that location, as an 8-foot wide brook ran through the area.

Mr. McMorrow stated that, while no specific information had been requested by the Commission at their previous meeting, he did drainage calculations which verified that the two 15-inch pipes would be adequate for the 3.2-acre watershed through which the crossing was proposed; he submitted a copy of the calculations for the record. He explained that he had also re-set the pipe inverts, and therefore the plan was revised from the previous month; a copy of the revised plan was also submitted.

Mr. McMorrow said that he had visited the site with Mr. Connor. Mr. Connor stated that he agreed that the site chosen was the best location for the crossing; the area was actually dry at the time they visited the site. He recommended approval of the application.

**MOTION** Ms. Lucas, second Ms. Breakell, to approve the application in the matter of **Kelly & David Asbury, Trustees, Bartholomew Road (Assessor's Map #07-012-005) – Construct Driveway & Drainage with Wetlands Crossing and Single Family Dwelling with Associated Septic System in the Upland Review Area** per the revised plans dated September 1, 2016; the motion carried 3-0-1 with Mr. Kinsella abstaining.

At this time, Mr. Wadhams arrived to the meeting and was seated for the rest of the agenda.

- B. Donald & Debra Germain, 154 Sandy Beach Road – Shoreline Stabilization.**  
Donald Germain addressed the Commission regarding this matter. The Commission reviewed the pictures submitted as a part of the application. Mr. Connor stated that he had visited the site, and he felt that this proposal was similar to other shoreline stabilization applications approved by the Commission. He noted that when completed, the shoreline would match others on either side of this property. Ms. Lucas verified with Mr. Germain that the work would be completed during drawdown of Tyler Lake. Mr. Stansfield then confirmed that no machinery would be used on the lakebed. Mr. Germain explained that they proposed to use stones already present onsite.

**MOTION** Ms. Lucas, second Mr. Wadhams, to approve the application in the matter of **Donald & Debra Germain, 154 Sandy Beach Road – Shoreline Stabilization** subject to the condition that all work is to be performed during lake drawdown; the motion carried 4-0-1 with Mr. Kinsella abstaining.

- C. James Mersfelder, Vice President/Treasurer for Woodridge Lake Sewer District - Construction of a wastewater transmission system from the Existing WLSD Water Pollution Control Facility (WPCF) at 113 Brush Hill Road to the Existing Municipal Sewer System in the City of Torrington. (Starting at the Goshen-Torrington Town line heading west and south, the Project traverses: Torrington Road (State Route 4) at Goshen-Torrington Town line west to East Street South; then south along East Street South (Town road) to Pie Hill Road; then west on Pie Hill Road (Town road) until Old Middle Street (State Route 63); south on Old Middle Street (State Route 63) to Brush Hill Road; then west along Brush Hill Road (Town road); the portions of the proposed Project in State Routes 4 and 63 are within the State right-of-way; the proposed portions of the proposed Project within East Street South, Pie Hill Road and Brush Hill Road are within the Town right-of-way; the proposed Project also traverses two proposed easements from Brush Hill Road (Wadhams easement at 533 Old Middle Street, and Goodhouse easement at 38 Brush Hill Road) before it enters the Woodridge Lake Sewer District (WLSD) property of 113 Brush Hill Road to the existing Water Pollution Control Facility (WPCF).**  
Mr. Stansfield verified that he, Ms. Lucas, Ms. Breakell, and Mr. Wadhams would be seated for discussion and possible action on this matter. Mr. Kinsella stated that he was abstaining as he had not been present for the public hearing.

At Mr. Stansfield's request, Mr. Connor read into the record his memorandum on this matter dated August 27, 2016.

Mr. Stansfield made a motion to approve the application per the recommendations contained in Mr. Connor's memo dated August 27, 2016; Mr. Wadhams seconded. At this time, the Commission commenced discussion of the application.

Ms. Lucas asked Mr. Connor if all of the recommendations made by Lenard Engineering were to be included in the approved plan. Mr. Connor responded affirmatively. Ms. Lucas then expressed concern regarding what would happen in the event of a break in the line. She noted that while the applicant had discussed their alarm system, she expressed concern that a problem could be found and resolved promptly, particularly given the fact that there were two different facilities responsible for maintenance. Members responded that the Woodridge Lake Sewer District (WLSD) would be responsible for maintenance in Goshen, and the City of Torrington's Water Pollution Control Department and Public Works Department. Mr. Stansfield then stated that the line is a force main through Goshen, and becomes a gravity line around the Town line with Torrington; therefore, the potential for pressure issues and accompanying alarms would largely be within the Town of Goshen.

**IWC Minutes 090116**

Mr. Stansfield and Mr. Connor reminded the Commission that their review only encompassed that portion of the sewer line that was located in the Town of Goshen. They both then noted that no expert testimony had been presented stating that the activities proposed would have the potential to create an adverse impact. Mr. Connor noted that the system was designed to meet Department of Public Health standards, and that testimony had been presented that similar sewer lines passed through watershed areas elsewhere in the State. Mr. Stansfield concurred, and noted that as this was a transmission line, there were no intrusions into the pipe, such as manholes, etc. Mr. Wadhams observed that only a very small portion of the sewer line's crossing of the Allen Dam watershed occurred in Goshen. Mr. Stansfield stated that the present WLSD sewer system in its entirety is located in the Shepaug Reservoir watershed for the City of Waterbury; he was not aware of any complaints from them regarding the system's impact on their watershed.

At this time, hearing no further discussion, the motion was restated:

Whereas James Mersfelder, Vice President/Treasurer for Woodridge Lake Sewer District, has made application for regulated activities within 100 feet of wetlands or watercourses, including construction of a wastewater transmission system line from the existing WLSD Water Pollution Control Facility (WPCF) at 113 Brush Hill Road to the Town of Goshen Town/City of Torrington Town line;

Whereas said application contains the following maps and plans titled, "Woodridge Lake Sewer District, Goshen, Connecticut, WLSD Regional Sewer Extension, Torrington & Gosh, CT, Project No. 214383.00," dated June 2016, by Woodward & Curran and David Prickett Consulting, LLC, along with other documents, letters, reports, submitted along with the application, as well as the testimony accepted at the public hearing on August 4, 2016;

Whereas, the Inland Wetlands Commission of the Town of Goshen convened and completed a public hearing on this application August 4, 2016;

Whereas, the professional advisors have reviewed said application and provided written and verbal reports to the Commission on this application;

Whereas, the Inland Wetlands Commission of the Town of Goshen, has evaluated the application according to the standards and criteria for a decision per Section 10 of the Town of Goshen Inland Wetlands and Watercourses Regulations, in carrying out the purpose and policies of Section 22(a)-41 of the CT General Statutes, including matters related to regulating, licensing and enforcing the provisions whereof, the Commission has taken into consideration all relevant facts and circumstances. The proposed regulated activities do not represent a significant activity per Section 2 of the Town of Goshen Inland Wetlands and Watercourses Regulations. The Commission finds that there is no reasonable likelihood of adverse impact to the wetlands and watercourses from the regulated activities proposed.

**NOW THEREFORE BE IT RESOLVED by the Inland Wetlands Commission of the Town of Goshen that the aforementioned application is approved with the following conditions:**

1. If the authorized activity is not completed within Five years from the issuance date of **September 1, 2016**, said activity will cease and, if not previously revoked or specifically renewed or extended, this permit will be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the Town of Goshen. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.

**IWC Minutes 090116**

2. The permittee will notify the Inland Wetlands Enforcement Officer upon commencement of work and upon its completion.
3. All work and all regulated activities conducted pursuant to this authorization will be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments, or regulated activities *not specifically identified and authorized herein* will constitute a violation of this permit and may result in its modification, suspension, or revocation.
4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.
5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee will employ the best management practices as outlined in the 2002 CT E&S Guidelines, March 2002 edition and all amendments, consistent with the terms and conditions of this permit, to control stormwater discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. For information and technical assistance, contact the Inland Wetlands Enforcement Officer. The permittee will immediately inform the Commission of any problems involving the wetlands or watercourses that have developed in the course of, or that are caused by, the authorized work.
7. No equipment or material including without limitation, fill, clippings, brush, construction materials, or debris will be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit. Any such activity not authorized by this permit may be just cause for revocation of the permit.
8. This permit is subject to and does not derogate any rights or powers of the Town of Goshen, conveys no property rights or exclusive privileges, and is subject to all public and private rights to all applicable federal, state, and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Goshen.
9. If the activity authorized by the Inland Wetlands permit also involves activity or a project that requires zoning or subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.
10. The permittee will maintain sediment and erosion controls at the site in such an operable condition as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee will correct any such deficiencies within 24 hours of said deficiency being found. The permittee will maintain such control measures until all areas of disturbed soils at the site are stabilized.
11. Erosion and sedimentation controls are installed and inspected **prior** to the start of construction.

12. Prior to commencing work, the Project Engineer, David Prickett, PE, David Prickett Consulting, LLC, shall incorporate into the plans the Commission's Consulting Engineer's comments in accordance with Mr. Prickett's August 3, 2016 written response letter to Todd Parsons, PE, Lenard Engineering Inc., which addressed issues raised in Mr. Parsons' letter to the Town of Goshen Land Use Administrator Martin Connor dated July 26, 2016.

**In response to the Intervention filed by the Torrington Water Company pursuant to Section 22a-19 of the Connecticut General Statutes, the Inland Wetlands Commission of the Town of Goshen makes a finding that this proposal does not have a reasonable likelihood of resulting in the unreasonable pollution, impairment, or destruction of the public trust in the air, water, or other natural resources of the State of Connecticut.**

**MOTION MADE BY:** Mr. Stansfield                      **SECONDED BY:** Mr. Wadhams

**IN FAVOR:** Mr. Stansfield, Ms. Breakell, Ms. Lucas, and Mr. Wadhams

**OPPOSED:** None.

**ABSTENTIONS:** Mr. Kinsella.

The motion carried.

**5. NEW BUSINESS:**

**A. The Torrington Country Club, Inc., 250 Torrington Road – Reconstruction of 3<sup>rd</sup> Hole Bridge and Redecking of 2<sup>nd</sup> and 11<sup>th</sup> Hole Bridges in the Regulated Area.**

Jerry Traub addressed the Commission on behalf of the applicant. Mr. Traub reviewed with the Commission pictures of the existing and proposed 3<sup>rd</sup> Hole bridge and explained that they wished to remove and replace portions of the bridge work so as to change the appearance of the bridge to a more rounded arch with a stone façade. Some regrading would be done around the bridge as well as placement of riprap. He estimated that it would take a few hours on either side of the bridge to cut back the abutments. Mr. Traub said that the area would be surrounded by silt fence. Mr. Stansfield questioned whether the work would be done during a low-flow time of the year, and Mr. Traub stated that they were hoping to start work at the end of October. He noted that there was not a great deal of flow under the bridge, as there is a pipe between the two ponds just west of the bridge.

Mr. Traub then explained that the work at the other two bridges was simply re-decking the existing bridge with no changes or work taking place in the wetlands.

**MOTION** Mr. Wadhams, second Mr. Kinsella, to accept the application in the matter of **The Torrington Country Club, Inc., 250 Torrington Road – Reconstruction of 3<sup>rd</sup> Hole Bridge and Redecking of 2<sup>nd</sup> and 11<sup>th</sup> Hole Bridges in the Regulated Area** and to schedule it for discussion at the October 6, 2016 regular meeting; unanimously approved.

**B. Chris Wright, 50 Cottage Grove Road – Shoreline Stabilization.**

Mr. Wadhams stated that he would abstain from this matter as he was related to Mr. Wright.

Chris Wright addressed the Commission regarding this matter. Mr. Wright explained that he wanted to install some steps down to his shoreline, in order to make it safer to access the lakefront. No grading was proposed. He stated he planned to use timbers to create steps. Ms. Lucas clarified that the timber steps would be above the waterline, and Mr. Wright responded affirmatively.

Mr. Wright then explained that the previous owner had created a jetty jutting into the lake, over which he placed his dock. He said that the level of the rocks is too high, which makes it difficult to put his dock in and take it out again every year. He wished to remove some of the topmost rocks from the jetty in order to make it easier to place his dock. The Commission briefly discussed this with Mr. Wright and verified that he did not intend to disturb the lake bed. Mr. Wright said that he did not intend to remove rocks from the lake bed; he only wished to remove the topmost rocks for ease in placement of his dock. He proposed to move the rocks by hand.

**MOTION** Mr. Kinsella, second Ms. Lucas, to accept the application in the matter of **Chris Wright, 50 Cottage Grove Road – Shoreline Stabilization** and to schedule it for discussion at the October 6, 2016 regular meeting; the motion carried 4-0-1 with Mr. Wadhams abstaining.

**MOTION** Mr. Stansfield, second Mr. Kinsella, to amend the agenda to add item #5C – **The Torrington Savings Bank, 61 Sharon Turnpike – Regrade Parking Lot to Drain into Existing Raingarden and Relocate Outlet Pipe in the Regulated Area**; unanimously approved.

**C. The Torrington Savings Bank, 61 Sharon Turnpike – Regrade Parking Lot to Drain into Existing Raingarden and Relocate Outlet Pipe in the Regulated Area.**

Dennis McMorrow, PE, addressed the Commission regarding this matter. As background, Mr. Connor explained that there have been some ongoing issues with regard to water entering the basement of the plaza adjacent to the Bank and discussions as to where it emanated from.

Mr. McMorrow explained that, at the request of Torrington Savings Bank, he had reviewed the Commission's original approval related to the construction of the bank and visited the site, at which time he observed that the grading had not been entirely completed as per the approved plans. The water quality basin shown on the plans had been constructed; however, since the grading was not performed correctly, water now flowed down the connector road between the bank and the plaza next door, as well as around the basin, and toward the basement of the plaza. Mr. McMorrow explained that the Bank proposed to regrade the front of their parking area in order to direct the water toward the basin, as originally intended and approved by the Commission.

Additionally, an existing pipe on the plaza side of the connector road would be abandoned; a new pipe underneath the Bank side of the connector road would be installed. Water would still be directed toward the adjacent wetlands; however, the outlet into the wetlands would be further away from the plaza. Lastly, a trench drain would also be installed underneath the connector road adjacent to the Bank parking area.

Mr. McMorrow explained that the goal was to keep water from the Bank's property off the plaza property. Mr. Connor noted that a small portion of the work would be occurring on the plaza property, so Mr. McMorrow would need to submit the property owner's authorization for this work.

**MOTION** Mr. Stansfield, second Ms. Lucas, to accept the application in the matter of **The Torrington Savings Bank, 61 Sharon Turnpike – Regrade Parking Lot to Drain into Existing Raingarden and Relocate Outlet Pipe in the Regulated Area**; unanimously approved.

**MOTION** Mr. Stansfield, second Mr. Kinsella, to amend the agenda to add item #5D - **Howard Noreika for Goshen Family Holdings II, LLC, 56 Cottage Grove Road – Shoreline Stabilization**; unanimously approved.

**D. Howard Noreika for Goshen Family Holdings II, LLC, 56 Cottage Grove Road – Shoreline Stabilization.**

Mr. Connor explained that Mr. Noreika was unable to attend the meeting; however, the application was a standard shoreline stabilization application. The Commission briefly reviewed the application and supporting documents.

**MOTION** Mr. Kinsella, second Mr. Wadhams, to accept the application in the matter of **Howard Noreika for Goshen Family Holdings II, LLC, 56 Cottage Grove Road – Shoreline Stabilization**; unanimously approved.

**6. INLAND WETLANDS ENFORCEMENT OFFICER’S REPORT:**

The Commission reviewed Mr. Connor’s enforcement report for the period from August 5<sup>th</sup> through September 1<sup>st</sup>.

**MOTION** Mr. Kinsella, second Mr. Wadhams, to accept the Enforcement Report for the period from August 5, 2016 through September 1, 2016; unanimously approved.

**7. CORRESPONDENCE:**

The Commission received copies of the Summer 2016 edition of *The Habitat*.

**8. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

No business was discussed.

**9. ADJOURNMENT:**

**MOTION** Mr. Wadhams, second Mr. Stansfield, to adjourn at 8:30 PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik  
Land Use Commissions Clerk

