

MINUTES  
INLAND WETLANDS AGENCY  
DECEMBER 13, 2017 - 7:00 P.M.  
TOWN HALL ANNEX – 134 GROTON LONG POINT ROAD  
COMMUNITY ROOM 2

I. ROLL CALL

Agency: Scott, Sutphen, Williams, Ashworth  
Staff: Jones, Allen, Galetta

Chairperson Scott called the meeting to order at 7:00 p.m.

II. PUBLIC COMMUNICATIONS – None

III. APPROVAL OF THE MINUTES

1. October 11, 2017

MOTION: To approve the minutes of October 11, 2017, as written

Motion made by Sutphen, seconded by Williams, so voted unanimously.

IV. NEW APPLICATIONS

1. IWA 17-09, Laurel Glen Drainage Improvements, 68-86 Buddington Road

Staff introduced the application to the Agency noting that the property is in the Water Resource Protection District (WRPD) overlay district. He explained that this is the location of a condominium complex that was built in the 1970's. The owners would like to make some drainage improvements to roof water runoff from the condominium buildings which currently drains onto the asphalt parking lot and other impervious surfaces. Staff further noted that the WRPD Regulations were recently rewritten and this is the first Wetlands Permit Application in the WRPD received since that rewrite. One specific regulation addresses stormwater discharges onto impervious surfaces and no longer allows it. The proposal the Agency will be hearing is in alignment with the new Section 6.12-7c 3 of the WRPD Regulations.

Paul Biscuti of Loreiro Engineering presented the application to the Agency. He described site of the location reiterating that the facility was constructed in mid-1970. Currently, the pavement in the parking areas is broken and has settled unevenly. The owners are undertaking a repaving project and have determined that this is an appropriate time to take care of stormwater issues. Biscuti explained that the site was a ledge that was cut out and wetlands were filled to create the parking pad. Large boulders form the embankment between the parking lot and the wetlands. The asphalt has many ponded areas causing icing in winter. Some areas have water flowing into garages. The proposal is to pipe the roof runoff underground into the wetlands, discontinuing discharge onto the pavement. Piping the runoff will minimize the amount of contaminants flushing off the pavement and is consistent with the goals of the WRPD in this respect.

The Agency voiced concern over erosion at the proposed and existing outfalls. Biscuti explained the piping would be designed to minimize velocity of discharge.

Staff had advised the applicant to incorporate treatment for at least 40% of the property's impervious cover in order to meet the zoning requirements as there may be

work in the upland review area. The Agency will schedule a site walk and complete their review when the plans have been revised as there may be additional wetland impact as a result of the revisions.

V. NEW BUSINESS

1. Earth Friendly Farm, 159 Fishtown Road, Jurisdictional Ruling

Staff provided an overview of the plan for the Agency noting that the property is located on Fishtown Road across from Cutler Middle School and was approved for subdivision many years ago. While the subdivision was never built, the wetlands were delineated at that time. The current proposal by the property owner Kirk Bryson is to have a farm. The regulations state that farming is a use that is allowed as of right in wetlands and regulated areas. For purposes of the jurisdictional ruling, the specific activity Bryson is proposing is the filling of a regulated area that is adjacent to wetlands near the frontage at Fishtown Road and the placement of a permanent farm stand structure. The other uses planned for the location include a barn, chicken coop, and winter greenhouse for off-season production. The owner additionally proposed a home but this must be looked at separately and for purposes of tonight's decision must be struck from the ruling. Staff noted that Wetland Regulation 4.1 is being used and explained that activities allowed as of right have to be directly related to farming.

The Agency did not find where the regulations address the selling of farm products to be an as of right use. If this is the case, the Agency did not feel that this proposal falls into an as of right use category.

Sutphen disclosed that she is an adjoining property owner. She also noted that she would have no monetary gain or loss by having input into this ruling.

Kirk Bryson, owner of 159 Fishtown Road, addressed the Agency and read from Town of Groton and State of Connecticut Regulations. He noted that the State Statute defining farming does include the sale of agricultural and horticultural commodities.

Staff noted that the State Statute is included in the Inland Wetlands Regulations as Appendix A which was read to the Agency.

Bryson described how he plans to improve the property. He will use rock and clean fill to level the area for the farm stand. He will not use any asphalt. The Agency was concerned about erosion and requested the use of hay bales and sediment fencing during construction. Bryson is agreeable to this as well as further erosion controls once finished. He will stabilize the slope with plantings and rock barrier. The area will be smoothed out with gravel and grass. The Agency noted it does flood in this area. Bryson agreed.

Bryson also explained that there is no well or drinking water source onsite. He intends to create a pond that will be used to water the animals and for irrigation. He will not need a 3-acre pond which the regulations allow. He is expecting to make one that is only  $\frac{1}{2}$  -  $\frac{3}{4}$  acre. He may use a backhoe to create the pond. He plans on thinning trees to get sunshine to the area to get a pasture growing. There is also the need for sun on the winter greenhouse. He will cut the little trees and leave some of the bigger ones up.

Bryson revealed that he is working with Bill Mulholland who is the Noank Zoning Enforcement Officer. He noted that the Noank Zoning Regulations do not address farm stands. They have been working on language to address farm stands which will go before a public hearing in Noank in the near future.

The Agency noted that the stream can flow very fast in that area and expressed its concerns about erosion into the watercourse and whether the pond might change the natural configuration of the landscape.

Staff noted that filling or reclamation of watercourses with continuous flow is not allowed as of right and it will be incumbent upon the applicant to make sure this doesn't happen.

**MOTION:** To find that the proposed work at 159 Fishtown Road is directly related to farming operations. The Agency determines that the proposed activity is permitted as of right as defined in Section 4.1a of its regulations and does not require a wetland permit.

Motion made by Ashworth, seconded by Williams, 3, 0, 1 (Sutphen). Motion passed.

2. Report of Chair – None

3. Report of Staff

Staff distributed an article published in the Hartford Courant in October. The article concerns an interesting court case about farming and what is permitted as of right. The Town of Canton did not allow a farmer to demolish dilapidated buildings as of right and he is suing the Town. Staff will keep the Agency updated as the case progresses.

The Public Works Department sent out Town-wide notification that they have closed the Quaker Farm Road Bridge. The bottoms of the twin pipes have deteriorated allowing the top of the pipes that support the roadway to drop. The bridge has been closed to traffic while the department considers the options that are available to address this situation.

Staff also distributed the fall issue of *Habitat*.

## VI. ADJOURNMENT

Meeting adjourned at 8:04 p.m.

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Eunice Sutphen, Vice Chairperson  
Inland Wetland Agency

Prepared by Lynda Galetta  
Office Assistant II