

MINUTES
INLAND WETLANDS AGENCY
SEPTEMBER 8, 2010 - 7:00 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Agency: Scott, Sutphen, Block, Ashworth, Furlong, Williams
Staff: Jones, Silsby

The meeting was called to order by Chairperson Scott at 7:02 p.m.

II. PUBLIC COMMUNICATIONS - None

III. APPROVAL OF THE MINUTES OF August 25, 2010

MOTION: To approve the minutes of August 25, 2010

A typo was noted.

Motion made by Sutphen, seconded by Block, so voted unanimously, as amended.

IV. NEW APPLICATIONS - None

V. PENDING

1. Wal-Mart Expansion, 150 Gold Star Highway

Attorney John Knuff of Hurwitz, Sagarin, Slossberg & Knuff, LLC in Milford, CT. and Daren Gray of Doucet & Associates, Inc. in Northampton, MA, were present for this application.

Attorney Knuff stated that Soil Scientist Bruce Griffin of New England Environmental, Inc intended on being present tonight but has encountered traffic problems. Knuff submitted a detailed memo in response to the comment letters previously received. He believes that this proposal will treat the entire site and will be a substantial improvement to the environmental conditions on the property.

Staff stated that a narrative from the storm water report and a copy of the response to town comments was previously provided to Agency members.

Gray reviewed the revised storm water management plan and the storm water prevention plan. He stated that this system will be monitored by the State. He reviewed the responses to staff comments and questions that were raised by the Agency at the last meeting. The garden center roof will be made of an impervious material and will drain into the drainage system. A snow storage area is identified on the plan. The melted snow will drain through the storm water treatment system. He reviewed the enlarged Wetland map, the erosion sediment control plan, and the changes made, including plantings to withstand flooding conditions. The erosion sediment control plan at the front of the site has been changed to address staff and Agency comments. Temporary diversion dikes will be installed as well as catch basin protection to filter sediment. Discussion followed about the pavement and how runoff will be managed during the paving process.

Staff received a memo from Groton Utilities stating that they reviewed the submittal and found that all revisions meet their specifications. She noted that the applicant has met all staff's comments.

MOTION: To approve the Wal-Mart Expansion application for the following reasons:

1. There is no loss of wetland or watercourse associated with the application.
2. There are no future regulated activities made inevitable by this project.
3. The upgraded stormwater treatment system will be installed in an area that is currently an impervious parking lot and the stormwater will be discharged to an existing sediment basin and level spreader.
4. The Agency finds that the installation of the upgraded stormwater treatment system represents a substantial improvement in the treatment of stormwater runoff from the site.
5. The Agency finds that the erosion and sediment control plan and the post-construction stormwater monitoring program will ensure protection of the wetlands receiving the treated stormwater discharge from the site.

This permit is subject to the four standard conditions and the following additional conditions:

1. An environmental bond shall be posted with the Planning Department prior to the start of construction to ensure compliance with the erosion and sediment control plan, to ensure the first three years of the stormwater monitoring program and to ensure the monitoring of the wetland plantings.
2. The Stormtech Isolator Row system will be inspected and certified as constructed per the plan by the design engineer prior to the issuance of a Certificate of Site Plan Compliance.
3. A detail showing the grading of the garden center and the adjacent landscaped island shall be placed on the plan which shows the run off from the center flows to the landscaped island.

Motion made by Sutphen, seconded by Williams

Furlong stated that, for the record, it was previously noted that one wetland would be sacrificed for the good of another wetland, and she is not happy with that. She also spoke about planning better storm events. Staff explained that the wetland that receives the initial stormwater discharge is in terrible condition and was in that condition before Wal Mart was ever constructed. She had noted at the last meeting that the wetland at the discharge point slows the water down and protects the larger wetland located along Tollgate Road

Sutphen stated that if that were a new development on an undisturbed site, it is unlikely that a discharge would be allowed directly into a wetland. Under the current circumstances, this proposal will be a substantial improvement to the property.

Motion Carried Unanimously

VI. OLD BUSINESS

1. Wilson Property, 0 Lambtown Road, – Show Cause Hearing

The hearing was re-opened at 7:25 p.m. by Scott.

Staff stated that this hearing was held open until the Crandall restoration plan was near completion. The Wilson's will allow Mr. Crandall, Lambtown Development, LLC to go onto their property to remediate. The restoration plan was included in the agenda packets as well as an email analyzing how this restoration will impact the zoning order. The email and a map were reviewed. Staff clarified the intent of a memo written to the Agency by the Manager of Planning Services, M. Davis. Details were noted about the allowance of fill on the site, zoning regulations, and zoning permits.

J.P. Mereen of Gerwick Mereen reviewed the restoration plan and how it relates to the standing Zoning enforcement order.

Representing Mr. & Mrs. Wilson, Attorney Eric Janney stated that his clients are willing to allow access for remediation and may consider swapping lands in the near future. He noted that his clients live in Vermont and are very disturbed with what has occurred. He understands that his clients are ultimately responsible for their own property and intends to take action to ensure that Lambtown Development LLC completes the remediation on the Wilson property.

Staff spoke about removing the fill and upholding the order. She stated that the Wilson's are still responsible for remediation. She added that there are still pending litigations against Crandall, which began two years ago. Janney stated that the Wilson's have the ability to force Crandall to do the work. Staff stated that the Agency has the ability to use the court system to enforce the Wilson order.

MOTION: To close the show cause hearing for the Wilson Property, 0 Lambtown Road and leave the original order in effect.

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

Staff noted that the Agency could add the Crandall enforcement issue onto tonight's agenda in order to discuss the remediation plan.

MOTION: To add this item to the Agenda

Motion made by Sutphen, seconded by Ashworth, so voted unanimously

Staff noted that she had sent the Agency the remediation plan developed by Soil Scientist John Ianni. She reviewed the areas on site where fill must be removed. Ianni is proposing to continue to remove fill until they find the edge of the wetlands. A temporary stockpile area is shown on the plan. Staff stated that Ianni will be on site and will put together progress reports to document where wetlands are found. Concerns were raised about digging and stockpiling.

Mereen gave details about the roadway and the need for temporary stockpiling. He noted that after it is determined where the wetlands are located, Ianni will develop a restoration plan appropriate for each wetland. Mereen will then review the planting plan with the Agency. Once the wetland restoration is complete, he intends to go through the process of making this land a building lot.

The Agency noted that Ianni recommends restoring a 50 foot upland review area around wetlands 4, 5 and 6. The original order calls for a restoration of a 100 foot upland review area and the restoration plan should be changed to reflect this figure.

Mereen will address the zoning issues with town staff.

MOTION: The Wetland Agency finds that the plan to determine the original wetland boundary on the Lambtown Development LLC property, 0 Lambtown Road, is acceptable and fulfills a necessary step in bringing Lambtown Development LLC into compliance with the enforcement order issued on August 18, 2008. As noted in the narrative developed by Highland Soils, LLC, a progress report must be submitted to the Agency after the exploratory phase is complete.

Once the wetland boundary is established in areas 1, 2, and 3, as shown on the Gerwick Mereen Compilation Plan, last revised 9-2-10, a final restoration plan for all wetland areas must be provided to the Agency.

The Agency notes that additional zoning approvals may be required before the unauthorized wetland fill is removed.

Motion made by Sutphen, seconded by Block, so voted unanimously

Relative to Ashworth's inquiry, Staff stated that Crandall is still processing on his site. A court ruling on this zoning issue may be made within the next 30 days.

VII. NEW BUSINESS

1. Report of Chair

Scott stated that he has recently seen excavating equipment on the Petri Subdivision site. Staff will look into this.

Sutphen spoke about the paving on Fishtown Road, near Route 215, and the presence of sandbags. Staff stated that Public Works has determined that the north end of Fishtown Road is draining properly and no additional curb cuts will be made. The bank area has been stabilized with rip rap to prevent erosion. Furlong noted that there is still a sandbag on Fishtown road near Route 215. Staff will determine the purpose of the sandbags.

Furlong inquired about Mystic Weigh, off of Flanders Road, and asked whether there is any building in the open space area. Staff stated work has started on the two small cul-de-sacs near the open space and will confirm that work is not taking place in the open space.

Sutphen asked about the presence of stone adjacent to the GOSA property. Staff stated that Public Works put the stone there to stabilize it.

2. Report of Staff

Staff stated that the Electric Boat soil remediation plan is on-going. She explained that the footprint has expanded at one area where the building is located, which is a bit closer to the wetland than originally anticipated. EB will be submitting a report to the Agency at a later date. Staff noted that they are still searching for contaminated material.

Staff spoke about River Road where the bridge washed out. Public Works will be installing jersey barriers and placing rip rap along the eastern bank of the road in order to open it up to alternating one-way traffic on a temporary basis. A permit - application to replace the bridge is being developed and will be presented to the Agency at a later date.

VIII. ADJOURNMENT

Meeting adjourned at 8:12 p.m.

Barbara Block, Secretary
Inland Wetland Agency

Prepared by Robin Silsby
Office Assistant II