

MINUTES  
INLAND WETLANDS AGENCY  
MAY 9, 2007 - 7:30 P.M.  
TOWN HALL ANNEX - COMMUNITY ROOM 1

I. ROLL CALL

Agency: Scott, Sutphen and Block  
Alternates Ashworth and Furlong  
Staff: Jones and Discordia

Chairman Scott appointed Ashworth and Furlong as voting members.

II. PUBLIC HEARINGS

1. Mystic Woods, 0 Flanders Road

Chairman Scott called the public hearing to order at 7:34 p.m.

Sutphen read the call as it appeared in The Day.

Chairman Scott reviewed the public hearing procedures.

Staff stated that the mailings are in order.

Scott Cohen one of the principals of Hawthorne Development Partners, LLC, gave a briefing of the company. He stated that his company is responsible for the development of Academy Point, assisted living facility, on Bank Street in Mystic.

Attorney Harry Heller of Heller, Heller and McCoy 736 Norwich-New London Turnpike in Uncasville, presented to the Agency. Attorney Heller introduced Michael Ericson from Diversified Technology Consultants, George Logan, wetlands scientist and environmental consultant and Dr. Robert Roseen. Dr. Roseen performed a peer review of the storm water management project. Attorney Heller submitted hard copies of the PowerPoint presentation for the record. Attorney Heller stated that Hawthorne Development has been involved with this project for over two years.

Attorney Heller stated that they submitted an application last year to the Inland Wetland Agency. The original application as submitted contained no direct impacts to the watercourses. There was discussion of enhancing wetland area 4. They have incorporated changes to wetland area 4. They are now proposing 1,400 square feet of wetland disturbance. However, Attorney Heller stated that there are 3 alternatives for this area. Alternative 1 is the one submitted with the application to convert the wetland to open body of water with shallow water marsh. Alternative 2 is avoidance of any impact to wetland area 4. The third alternative is vegetative

enhancement of wetland area 4 which does not involve any soil disturbance. Attorney Heller stated that last years application was withdrawn so they could incorporate revisions to the application in light of the discussions and suggestions from last year's public hearing.

Attorney Heller stated that this application is for 211 housing units on 105 acres of land on the northerly side of Fort Hill Road. Public sewers will be extended up Fort Hill Road and through the property to Flanders Road. The site will also be served by public water.

Attorney Heller stated that the critical time for wetland impact is during the construction phases. There is a comprehensive erosion and sediment control plan. Another area of critical concern is storm water quality management.

Andy Bevailacqua, engineer with DTC, presented to the Agency. Mr. Bevailacqua explained how they decided to layout the site and access areas with no impact to the wetlands and limit impacts to steep slopes. They have reserved some areas for a conservation easement. There will be a secondary easement for trail access. He pointed out the amenities on the site such as a club house and green area. A utility easement would be provided to the town for expansion of sewer service.

Mr. Bevailacqua reviewed storm drainage for this site. He showed a map displaying the existing natural drainage areas and then showed a map with the proposed drainage areas. There are a number of storm water detention facilities to follow the natural drainage path already in place on the site. The site would be developed to accommodate the 2, 10, 25 and 100 year storm events.

Each of the detention basins has an outlet structure placed to provide the detention for the full range of storm events. There is a closed drainage system throughout the site designed to fully protect through the 25 year storm. Mr. Bevailacqua discussed outlet protection and showed a diagram of an infiltration level spreader. The flow will be spread out to form a sheet instead of a point discharge. He presented a diagram of a rip-rap stilling basin.

Mr. Bevailacqua discussed soil erosion and sediment control. The plan is designed according to the 2002 DEP Guidance manual. He stated that cutting a road through the site is providing a drainage path that will discharge the storm water safely off the site. Silt fence and wood chip berms will be used around the perimeter of the area. They will provide water to spray on the site to control dust.

Mr. Bevailacqua discussed construction phasing. Stage 1 is the establishment of the primary road way system. The detention basins and storm water drainage systems will also be developed in this stage. There will be some construction of units as well during stage 1 and includes wetland area 4. Stage 2 will include the town green area and more units. Stage 3 is construction of the remaining units.

Mr. Bevailacqua discussed post construction stormwater quality and read off a list of points including treatment train components which is a series of measures in the design to treat the

stormwater runoff from source to discharge. He stated they have a detailed maintenance plan for this facility throughout the life of the site.

George Logan, soil and wetland scientist stated he would bring his resume to the next meeting for the record. The wetlands assessment is dated February 12, 2007. He discussed the current landscape setting of the site. He stated there has been significant disturbance on the site in the past 120 years. There are some old fields but it is predominately hardwood forest. There are also several wetland areas on this site. Mr. Logan stated they have a significant amount of information regarding the wetlands on this site due to the fact they have been studying and testing for the past 2 years. They have monitored 8 wells in the locations of the stormwater basins from December 2006 to May 2007. Some of this information has been submitted at this hearing and the rest will be submitted at the next meeting.

Mr. Logan explained the wildlife inventory conducted over the past two years. They are confident there are no wood turtles associated with Fort Hill Brook. They conducted vernal pool habitat investigations in 2005-2007.

Mr. Logan explained there are 11 delineated wetland units. Wetland area 1 and 3 are on the southwestern area of the site. This is mostly off-site and it is a wooded swamp area with very few invasive vegetative species. Wetland area 4 is a small isolated pocket of wooded swamp with a few invasives. Wetland area 5 is a large wetland that includes the side slope wetlands down to Fort Hill Brook. There are few invasives in area 5. Wetlands 6 and 7 are fingers of wetlands that come up on slopes and the terrain is very rocky. These are seasonally saturated and they feed the Fort Hill Brook after major storms. Wetland area 8 is on the northern portion of the site and is the most active seep on the site. It drains off site to the larger wetland associated with Fort Hill Brook and has few invasives. Wetland areas 9 and 10 are part of the same wetland and flow off site. Mr. Logan stated they drain through a seasonal stream to Fort Hill Brook. Wetland 11 has semi-permanent open water and contains two vernal pool habitats. There is additional habitat between two pools during wetter years. He stated there is sufficient hydrology for amphibian reproduction.

Mr. Logan stated they have done 6 sampling sessions of three locations on Fort Hill Brook during the wet and dry seasons. They sampled for a variety of nutrients and they also sampled the two vernal pools.

Mr. Logan stated there are only 0.04 acres of wetland disturbance. There are approximately 14.71 acres of wetland on the site and a total of 60.4 acres will be left undisturbed. He showed the difference between the disturbed areas with the first application and the current application. The buffer to Fort Hill Brook is 550 feet. There will be a buffer of over 300 feet to slope base wetlands. There is greater than 70 feet to wetland area 6 and greater than 75 feet to wetland area 7 in order to get level spreaders close to the wetlands for proper drainage. There are over 260 feet to wetland area 8 and 35 feet to wetland area 1 and 30 feet to wetland area 3. Mr. Logan stated there is a buffer of over 100 feet to wetland areas 9, 10 and 11. There is greater than 40 feet from the access road to area 11.

Mr. Logan discussed the hydrology of the site and the impacts of the stormwater management system. The system is designed to not divert substantial surface flows from existing wetlands and watercourses. He stated they have aggressive planting plans for each above ground stormwater management basin, a total of 6 basins. Mr. Logan stated they have an invasive plant species management plan and landscaping and integrated pest management plan.

Dr. Robert Roseen presented to the Agency. He manages the stormwater center of the University of New Hampshire. Dr. Roseen performed a peer review of the stormwater management system for the project. He stated that every recommendation he made has been incorporated on this plan. Dr. Roseen stated that this is the best stormwater management system for a project of this size he has seen. There is infiltration provided for the first 1 inch of rain water runoff. He presented a diagram showing how they test these systems at the University of New Hampshire.

Block asked what are the long term plans for maintaining these stormwater management systems. Dr. Roseen stated this is one of the lowest maintenance systems there is. He explained that these systems will perform for an indefinite period of time and have a small potential for clogging.

Furlong asked if they were still using 1961 rainfall statistics for storms. Dr. Roseen stated that rainfall has increased 30% overall and those figures are incorporated into their University of New Hampshire findings.

Chairman Scott asked what the actual figure would be for sediment removal and Dr. Roseen stated that it is actually a 30% removal rate. Chairman Scott asked what effect the phosphorous removal would have downstream and in brackish waters. Dr. Roseen stated that phosphorous is the toughest element to remove. Chairman Scott asked how the removal was for sodium chloride. Dr. Roseen stated that the removal rate is very good. Chairman Scott inquired if the gravel wetland would eventually become hazardous in terms of its chemical components. Dr. Roseen agreed that they did not know what the long term effects would be of this new drainage system.

George Logan addressed the impact the phosphorous would have on wetlands. He stated that if you have stormwater drainage system that removes metals it would therefore remove the phosphorous as well since phosphorous attaches to metal.

Attorney Heller asked Dr. Roseen to explain why the rain gardens were so critical to the protection of wetlands. Dr. Roseen stated that rain gardens do 90% of the cleaning of roof top runoff.

Attorney Heller discussed the Environmental Review Team Report and the concerns that were addressed. The zoning is RU-20 and the Town of Groton Plan of Conservation and Development states this site is appropriate for medium density development. Attorney Heller stated that there would be one unit per 21,000 square feet. The State's plan targets this area for this type of growth. The ECCD portion of the ERT report concludes that this project could be

constructed without impact to the environment. Attorney Heller discussed basin C1. He discussed management of Japanese Knotweed. He stated there are a number of invasives on the site. The ERT was concerned that spreading of invasives could happen if topsoil was respread. Attorney Heller stated they are removing the top soil to prevent this. The plans require an independent site monitor throughout construction. The site monitor will report to the Town's Planning Department. There was a suggestion to reconfigure the access road to reduce effects on the vernal pool and wetlands. Attorney Heller stated they are considering removing the 9 foot vegetative divider to move the road further away from the wetlands. He submitted a new plan showing the removal of the vegetative divider. The ERT recommended Cape Cod curbing which has been incorporated into the design. Attorney Heller stated that REMA will evaluate the intersection of Route 1 and Flanders Road to see if any wetlands will be affected by a reconfiguration of the intersection. REMA stated no resources have been identified.

Attorney Heller stated that the filing of the intervention petition gives the intervener co applicant status. Attorney Heller discussed feasible and prudent alternatives to the current application.

Attorney Heller stated the standards and criteria for decisions as contained in Section 9.2 of the Inland Wetlands and Watercourses Regulations in the Town of Groton.

Furlong asked where the sewer connection would be and Attorney Heller showed on the site plans.

Ashworth asked if the road is one way would it change the width of the road. Attorney Heller stated it would change the width but it would not provide acceptable circulation. Ashworth would like to narrow the access road to move away from the wetlands. Attorney Heller will more fully address this issue at the next meeting. Ashworth asked if they could remove the Town green so units could be built there. Attorney Heller stated that according to the Planning Commission it is important to have common open space on the plan and that was not an option.

Furlong asked if the applicant could acquire land from Route 1 to move the project further away from the wetlands.

Chairman Scott called for each of the interveners to submit their comments.

Peter D. Cooper, attorney for Groton Open Space Association (GOSA), presented to the Agency. He stated that there is a long term risk to this site's wetland system. He is submitting his original statement in October 2006 and a new statement dated May 9, 2007. He stated that runoff is going to go downhill towards the wetlands and Fort Hill Brook.

Steve Trinkhaus, professional engineer, presented to the Agency representing GOSA. He stated that the development is very dense and does not conform to the land. He does not think that plans for building the units meets the state building code and the grading adjacent to the buildings must be changed.

Penelope Sharpe, certified wetland scientist, read her letter to the Agency and for the record.

Anna Sullivan of 81 Flanders Road is opposed to this project. She is concerned with stormwater runoff and submitted her statement

Susan Sutherland of 32 Neptune Drive read her letter to the Agency and submitted it for the record.

Edward Martin, chairman of the town of Groton Shellfish Commission, stated he hadn't heard any testimony of what the quality of Fort Hill Brook will be if this site is developed.

Jim Zamzes 248 Fort Hill Road is an abutter of this site. He had questions regarding zoning and blasting. He is also worried about septic systems, foundations and wells if there is going to be blasting.

The Agency continued the public hearing to the first regularly scheduled meeting in June to give all parties a chance to review the materials.

Staff handed out a list of the interveners and letters. She stated that Richard Snarski has been hired as an independent soil scientist for this project. Camp Dresser McKee has also been hired to review the hydrologic aspects of the application.

MOTION: To continue the public hearing for Mystic Woods, 0 Flanders Road to June 13, 2007

Motion made by Block, seconded by Ashworth, so voted unanimously.

III. PUBLIC COMMUNICATIONS - None

IV. APPROVAL OF THE MINUTES of April 25, 2007

Approval of the minutes was tabled until the next regularly scheduled meeting.

V. NEW APPLICATIONS

1. Mystic Business Park, 0 Flanders Road & 1085 Noank-Ledyard Road

Staff briefly reviewed the location for the application with the Agency. The Agency tabled discussion to the next regularly scheduled meeting.

2. Receipt of New Applications

VI. PENDING APPLICATIONS

1. Mystic Woods, 0 Flanders Road

The public hearing was continued until June 13, 2007.

2. Community Baptist Church, 0 Gold Star Highway

The Agency tabled discussion to the next regularly scheduled meeting

VII. NEW BUSINESS

1. Report of Chair – None
2. Report of Staff

Staff showed the Agency pictures of land north of Scheetz Plaza on Route 12 owned by Benejah Farms LLC. There has been clearing and cutting of trees within wetlands. The property owner has been notified and he has authorized his attorney to investigate.

VIII. OLD BUSINESS - None

IX. ADJOURNMENT

The meeting adjourned at 12:07 PM.

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Eunice Sutphen, Secretary  
Inland Wetlands Agency

Prepared by Sheila Discordia, Office Assistant II