

INLAND WETLANDS AGENCY  
MAY 26, 2004 - 7:30 P.M.  
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Present: Scott, Sutphen, Block, Williams, Alternates Ashworth and Furlong  
Staff: Jones, Vislosky

Ashworth was appointed to sit for Keeler.

II. PUBLIC HEARINGS

1. Great Brook Subdivision, Gales Ferry Road and Daboll Road – continuation

Chairman Scott continued the public hearing at 7:31 p.m. Attorney Timothy Bates, representing the applicant, responded to several concerns and questions raised at the last public hearing. Groton Utilities has indicated their satisfaction that the project will not affect the quality of drinking water. He distributed a letter explaining why septic systems are now proposed when during the last application they noted that septic systems were not a good environmental alternative. Arguments can be made in support of and against septic systems; however, public sewers are not an alternative in this area. They have made amendments to the proposed open space covenant which allows future homeowners, Groton Utilities and the Town to enforce conservation easement regulations on the private lots; however, the Town has its own regulations to protect open space.

Clint Brown summarized the wetland activities. They conducted long term studies monitoring groundwater levels to determine the adequate depth and plantings for stormwater basins D and E. A soil scientist will supervise the construction. They performed a P8 study of the water quality from the basins and he submitted a summary with assumptions and results. The basins will have a 90% total suspended solids removal rate; the Department of Environmental Protection requires 80%. They looked at various locations for the basin D outlet and determined that outletting on the northern end is tough to manage as high velocities may cause erosion. They have supplemented this with additional rip rap on the slope. They will also remove some recommended plantings that were found to be invasive. The proposed septic systems are schematic designs based on minimum system spread. The health code provides information in case a larger system is required such as shifting location or proposing one less bedroom.

The clearing limits shown are associated with initial development of the house, driveway and septic system. They have shown a typical lot layout, but the Planning Commission will review and approved clearing limits. He then presented a plan showing the maximum clearing extent allowed. ACS's study was based on the ultimate clearing plan. Steep slopes and soils have been identified and provided on the plan. He reviewed changes associated with an alternative road A layout with 500 feet less road. It reduced the upland review area disturbance by 12,000 square feet and moved activity another 100 feet away from vernal pool 5. It also allows a contiguous open space area. Road B will

be 50 feet longer than allowed and a waiver would be required from the Planning Commission. The minimum block length between Gales Ferry Road and road B is 400 feet and they only have 240 feet. Discussion continued on the size of open space B with road A as proposed and with the alternative layout and Brown noted there would be a slight reduction with the alternative layout.

Rich Snarski, Soil Scientist, reviewed the nature and characteristics of the wetlands and vernal pools and responded to concerns raised at the last hearing. The slow drainage flow from the stormwater basins will not dislodge or affect the egg masses in the vernal pools. He reviewed the thermal affect on the marsh habitat in stormwater basin D and found no concerns because of holding times. He is also not concerned with any affect on Great Brook because water will travel over 1000 feet in a Red Maple Swamp before reaching Great Brook. There is no vernal pool near City Utilities' land. The Showy Aster, a state listed species, is not a wetland plant and has not been found on the property. Nitrate is hard to quantify as it changes depending on the time of year. It is difficult to determine what impact nitrate loading will have on Great Brook; however, it has to flow through a long Red Maple Swamp which is a good wetland for filtering out nitrate. The proposed setback from vernal pool 5 is adequate to protect the pool against septic system leaching. Scott questioned the quality of the manmade wetlands proposed for filling. Snarski noted they are excavated ditches that intercepted groundwater creating manmade watercourses. The quality is low as its only wetland function is to transmit surface water. Furlong questioned nitrate loading at peak times from Lots 13, 14, 15 and 16 that will flow directly into wetlands, not into a basin. Snarski felt there would not be a problem because of the 1000-foot travel area before reaching vernal pool 4. He cannot determine what harm, if any, nitrates pose on aquatic life and amphibians. Furlong expressed concerned with the gradual affect on wetlands and watercourse and the reservoir. Snarski noted that plants love nitrates and will not have a problem.

Brad Kargl distributed and reviewed a secondary report answering concerns raised by Carya Ecological and GOSA. He has updated precipitation numbers. He used a USGS study that provided real information to balance his original controlled analysis.

Staff distributed an updated file inventory. She clarified that the Great Brook Subdivision property is not Class I, II or III watershed land, as a utility company does not own it. She also noted that the Agency cannot consider the State or Town's Plan of Conservation and Development. She provided a soil map and noted that Showy Aster is not a wetland plant. The slopes are at 15% and the erosion and sediment controls will help prevent erosion. Wetlands 1-3 are manmade and have low value in terms of wetland resources. The Agency must base their decision on specific wetland impacts caused by the proposed activity.

Chairman Scott asked for comments from the Intervenor.

Priscilla Pratt, representing GOSA, responded to Attorney Bates' letter concerning septic systems and quoted a statement from the first application that septic systems are not a good alternative in this area. She also clarified that their opposition to septic systems

does not imply they are in favor of sewers as proposed in the first application. She introduced GOSA's consultants, Sigrun Gadwa and Dr. Harvey Luce, and reviewed their qualifications.

Attorney Bates objected to Dr. Harvey Luce presenting new information not already contained in his report. The applicant had hoped to respond to comments raised at the last public hearing and for the public hearing to be closed. If Dr. Luce provides new information, it might require a continued public hearing. Staff noted that the hearing must close tonight or an extension is required. Scott noted that a public hearing is a fact finding process and if it needs to be continued, so be it.

Sigrun Gadwa, representing GOSA, introduced Dr. Harvey Luce and explained he would be speaking from his report. She is still concerned that the volume of water flowing from the basins could cause pronounced channels over time.

Dr. Harvey Luce, representing GOSA, wanted to respond to misleading information presented by the applicant. He raised concerns with the estimated contribution of nitrates from lawns and there only being one study of one soil in one area. Homeowners do not follow directions for using fertilizers, pesticides and herbicides. Nature is not an average and the true peaks and lows can be extreme from the average. Concentrating on the protection of drinking water is good for protecting human consumption, but 1.5 parts per million is an outrageously high number for Great Brook and the reservoir. He questioned if anyone has studied phosphorous, which is more detrimental than nitrogen. He also raised concerns with the engineer's inadequate erosion and sediment control plan and suggested Rich Snarski review the plan. Attorney Bates asked Dr. Luce if septic systems 100-200 feet from wetlands would have a substantial affect on wetlands. Dr. Luce did not know and stated that nitrates could move through the soil, but phosphorous will not.

Sigrun Gadwa stated that performing a P8 study on the stormwater maintenance is good, but questioned the hydraulic residence rate. She is not optimistic about homeowners monitoring themselves and feels it is impossible to enforce. She is also concerned with the elevation of the basins. Outlet B is good, but is concerned if it fills up and recommended two orifices.

Joan Smith, representing GOSA, distributed and reviewed information questioning the conservation easement language that does not exist at this time and cannot be reviewed by the public. If the Agency finds the information unclear, they should deny it or request less density.

Chairman Scott asked for public comments.

Genevieve Cerf, 17 Crescent Street, noted that the RTM has passed a \$25,000 open space line item. She is concerned with water and air quality and feels this subdivision has a high density so close to watershed and wetlands. She asked the Agency to help alleviate citizen concerns.

Marty Young, Mystic, questioned the definition of the covenant on some of the lots and why the Agency cannot consider the Plan of Conservation and Development. Staff noted that a wetland review is based on State Statutes. The statutes and the Town's wetland regulations do not require that regulated activities be consistent with the State's Plan of Conservation and Development. The Planning Commission will review the subdivision application and its consistency with the Town's Plan of Conservation and Development. Attorney Bates explained the original covenant and a subsequent amendment that has been submitted. The covenant would be filed in Land Records, but would need enforcement by the Town and/or Groton Utilities.

Sutphen asked Dr. Luce how the erosion and sediment was inadequate. He noted it was too generic.

Furlong questioned if the Planning Commission could change the language of the covenant if they make it a condition of wetland approval. She is concerned with not having the last word on language, it being impossible to enforce and the Town not having the resources. Bates noted the homeowners and Groton Utilities could have a role in the enforcement that could include penalty fees. All the calculations provided by the applicant did not consider the covenant being in place. Furlong also questioned the use of pesticides and automobile work done by homeowners.

Scott questioned the remaining land in the Great Brook watershed in terms of buildable versus protected land. Brown noted a significant amount of land to the west is owned by City Utilities, but there could be more developments in the future.

Ashworth stated for the record that he walked the site on May 25.

Dr. Harvey Luce gave some examples of how the erosion and sediment plan was inadequate. He questioned the definition of topsoil feeling its texture, structure and organic material should be defined. The soil test recommendations should specify standards. He questioned the seed mixture and the recommended rates. Red canary grass is a plant approaching invasive. The use of jute netting is outdated. Haybales could be adequate for some slopes, but not all. Root grass should not be used in shaded areas, maybe sunny areas. Silt fencing and haybales are not shown in certain areas where they should be.

Rich Snarski noted there is a low probability of stormwater channeling in a Red Maple Swamp.

Attorney Bates noted the erosion and sediment plan would be reviewed and improved by staff and final approval granted by the Planning Commission. In any other area not near the reservoir, the proposed setbacks and open space would not cause any concern. It is primarily Groton Utilities' job to protect the reservoir and they have stated this subdivision will not impact the reservoir. If Groton Utilities is not concerned, then why should this subdivision be considered different from any other. The Agency needs to look at the wetland activities, the disturbance of a manmade wetland, the wetland

crossing for a trail system, and the upland review area work. He feels they are proposing a sensitive subdivision with minimal impact. There has been no evidence presented that the concerns raised will be realized. The Agency can consider the alternative road layout and this development is in the ballpark for development north of a reservoir.

Priscilla Pratt and Joan Smith noted that Karl Asimovic stated that the applicant addressed their questions, but did not make a statement that the plan was approved. Attorney Bates read Asimovic's statement that the study met their criteria for analysis.

Dr. Luce stated that the drinking standards have nothing to do with a class AA stream. It's meaningless. The applicant has to get the number under 1 part per million.

Edith Fairgrieve, Rowland Street, noted that the City owns 4.5 square miles of the 14.2 square miles of water supply watershed.

MOTION: To close the Great Brook Subdivision Public Hearing.

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

## 2. Groton Multifamily, LLC (Ledges East), 375 Drozdyk Drive

Chairman Scott opened the public hearing at 10:04 p.m. and Block read the legal ad. Staff noted the certificates of mailing are in order. Gary Craig, co-owner/applicant, distributed and reviewed information about the merging of Groton Community LLC and Groton Multifamily, LLC lands and his credentials. He reviewed surrounding land uses and noted the property is within Watershed 11 of the Long Hill Study.

Regulated activities involve clearing and excavation for a 31-foot wide wetland crossing, a 5-foot wide pedestrian walkway and 36" culvert. They propose mitigation of a previously filled wetland within a Groton Utilities electric easement. He reviewed the differences between Permit #97-1, issued for an assisted living facility proposed for this property, and the proposed work. The length of the proposed centerline crossing is 19 feet longer than the existing permit allows, but is 19 feet narrower. There is 1374 s.f. less wetland disturbance and 146 s.f. less watercourse disturbance. They propose to mitigate 245 feet of a Groton Utilities easement that includes 7000 s.f. of wetland mitigation. Additional review is needed to determine if removing gravel will adversely affect the tower.

Craig reviewed the purpose of the work which is to extend The Ledges apartment complex by 5 residential buildings. It meets a planning goal to provide access to the future Boulder Heights development. They want to use all the land they own and currently there is no upland access between the west and east sides of the property. The current proposal disturbs less regulated wetland than Permit #97-1 and will not have any non-mitigated environmentally significant impacts.

Craig explained the characteristics of the site noting that the remaining cart path acts as a wetland flow impediment, utilities are present, and there is a market need for apartments. He briefly reviewed the project feasibility.

Craig reviewed several alternatives. A northern route still requires a wetland crossing and had no staff support. Using the Groton Utilities easement created a larger disturbed area and had no staff support. A shorter route, close to the current application, has less wetland disturbance but it involves a higher quality wetland so that was rejected. Proposing one large building on the west side with a pedestrian crossing to the east side would have no vehicular crossing and no mitigation of the Groton Utilities easement. This is not feasible and would require more rent due to associated costs. Three buildings on the west side only with a pedestrian crossing to the east would have no vehicular crossing, no mitigation of the Groton Utilities easement, would create less tax revenue and require higher rents. A final alternative is all five buildings with a bridge crossing the wetlands, partial mitigation of the existing cart path, no mitigation of the Groton Utilities easement, no wetland benefit and more disturbance would be created with the bridge construction.

Garrett Tunison, Sanford Ecological Services, reviewed his qualifications and his report. He reviewed why they proposed the crossing as is after investigating the best area for the wetland crossing and are trying to use the cart path as much as possible because it has low wetland and habitat value.

He reviewed steps for mitigation and restoration of sections of the Groton Utilities easement, cart path, and habitat in the buffer and upland areas and providing a nature and fitness trail. They will remove invasive species using a brush application rather than spray to avoid spraying non-targeted plants. A wetland scientist will be present during the planting and will provide long term monitoring. He also reviewed the method for restoring wetland areas by removing invasive species, reusing wetland soils from the crossing and planting new wetland species. He reviewed photos of successful restorations. The Agency questioned the quality of the soil on the path. Tunison noted that the soils just outside the path would be used and some areas on the cart path might be used for the microbes in the soil. He concluded by noting there will be no irretrievable or irreversible loss of wetland.

Ashworth questioned how Groton Utilities would maintain their lines and Debbie Marshall-Baker noted they propose access elsewhere.

Debbie Marshall-Baker, Cherenzia and Associates, reviewed her qualifications. She reviewed the drainage report addressing water runoff and quality. They plan to let water flow without restriction. There will be a 5 c.f.s. increase in runoff during a 100-year storm and she reviewed proposed drainage patterns and treatment. She reviewed details of the proposed wetland crossing noting it will be constructed of Redi-rock concrete block. This will allow them to create the work site as they go and keep equipment on an engineered surface.

Sutphen noted a wet area near Groton Utilities' tower. Marshall-Baker noted they would use Redi-rock to minimize spread. Groton Utilities is concerned with the removal of material in this location.

Furlong questioned the length of time wetland soils would be held before being reused. Marshall-Baker explained that they might be held for as long as 3-4 weeks while they create a new access for Groton Utilities. The soils will be kept out of direct sun and will be sprinkled down if necessary.

Gary Craig and Jim Psaki, co-owners/applicants, explained that the proposal consists of five buildings, 212 units, similar to The Ledges. They are providing 1.75 cars per unit and 40% of the parking is proposed under four out of five buildings. They are proposing a 50-foot wetland buffer in most areas and grades are supported by two styles of retaining wall, boulder and Redi-rock. Marshall-Baker reviewed the location of the sewer line as per a Town Engineer request. The Agency asked how they plan to clear the road of snow and Marshall-Baker noted they would use sand with some salt and they are providing catch basins to avoid icing problems.

Staff read correspondence received from the Conservation and Planning Commissions and an e-mail from Mike Fedors stating that Groton Utilities needs more time to review the mitigation plan. Craig noted that Groton Utilities now has the information they requested for their review.

Chairman Scott asked for public comments and there were none.

MOTION: To continue the public hearing to June 9, 2004.

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

III. PUBLIC COMMUNICATIONS - None

IV. APPROVAL OF THE MINUTES OF May 12, 2004

This item was tabled to the next meeting.

V. NEW APPLICATIONS

1. Yoo Property, 71 Cow Hill Road

Staff explained the application to allow the removal of sediment from Bindloss Brook on the property. This item was tabled to the next meeting.

2. Receipt of New Applications - None

VI. PENDING APPLICATIONS

1. Great Brook Subdivision, Gales Ferry Road and Daboll Road

This item was tabled to the next meeting.

2. Ninety Nine Restaurant and Pub, 117 Long Hill Road

William Bentley, representing the applicant, explained the existing building would be removed and a new building constructed. Parking has been reduced from 137 spaces to 99 spaces. Impervious surface has been reduced from 98,000 s.f. to 71,000 s.f. He reviewed the proposed drainage system. Regulated activities include removal of pavement and grading within 50 feet of wetlands.

Staff distributed considerations for decision.

MOTION: To approve the Ninety Nine Restaurant and Pub application for the following reasons:

1. This project will result in a net reduction of impervious pavement.
2. The proposed filter strip, as modified, will result in an improvement in stormwater quality.
3. There is no irreversible or irretrievable loss of wetlands associated with this application.

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

1. The area between the proposed parking lot and wetlands shall be a vegetated filter strip of perennial grasses or other low growing dense vegetation designed to remove sediment and other stormwater pollutants. The final design and maintenance schedule shall be approved by the Environmental Planner.

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

3. Groton Multifamily, LLC (Ledges East), 375 Drozdyk Drive – public hearing continued to 6/9/04.

4. Neal Subdivision, 119 New London Road

This item was tabled to the next meeting.

VII. NEW BUSINESS

1. Boulder Heights LLC, Colver Avenue – preliminary discussion

Mark Sheinberg noted that they received resubdivision approval and are about to design the site plan for a 248-unit apartment complex with 164 parking spaces. They have provided a 6-acre conservation easement to protect wetlands and no excess drainage will flow into the existing system. They are proposing to densely cluster the units because of the buffer. A walking path is proposed that links with The Ledges apartment complex.

Steve McDonnell noted that 100-foot buffers are proposed with some parking within the buffer at two locations. Runoff will be collected in a detention basin. The Agency noted that they are proposing a maximum development of the upland area and that the open space is wetland area. Sheinberg noted the conservation easement was approved by the Planning Commission. No topography was shown and the slope to the brook will be tricky as well as the detention basin. The Agency wants all work pulled 100 feet away from wetlands and thought maybe one too many buildings are proposed. They will want to re-examine vernal pool counts provided during the resubdivision approval and would want the percentage of impervious surface in the developable land.

2. Report of Chair - None

3. Report of Staff - None

#### VIII. ADJOURNMENT

The meeting adjourned at 11:47 p.m.

Respectfully submitted,

David Scott