INLAND WETLANDS AGENCY
JUNE 23, 2004 - 7:30 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Present: Scott, Sutphen, Block, Ashworth, Furlong
Staff: Jones, Vislosky

Furlong was appointed to sit for Keeler and Ashworth was appointed to sit for Williams.

II. PUBLIC HEARINGS

1. Groton Multifamily, LLC (Ledges East), 375 Drozdyk Drive - continuation

Chairman Scott continued the public hearing at 7:34 p.m. Gary Craig submitted and summarized the latest requests from Groton Utilities. In response to some of the requests, the applicant has moved the culverts to a low point in the wetlands and that movement works hydraulically. The applicant requested that they be allowed to remove some of the spoil pile so their hands are not tied in the future. They have modified the easement line and are providing maintenance vehicle access to the easement. The boardwalk has been pushed against I-95. They will restore the construction area, grade and replant. They have no plans to re-channel flow from I-95. Modifications to the easement area have made it possible for Groton Utilities to move in a 150-ton crane. He reviewed photos of an open bottom concrete culvert and provided a map showing both of The Ledges developments.

Garrett Tunison reviewed and submitted into the record an updated wetland mitigation report. There is no alternative to access the eastern upland area without crossing the wetland. They examined crossing the wetland at its narrowest point but that area has never been disturbed so they determined that the proposed cart path location had the least amount of wetland disturbance. Under Permit 97-1, the wetland crossing in the area of the cart path would have disturbed 6272 s.f. of wetland and filled 3175 s.f. of wetland. Under this proposal, 4851 s.f. of wetland disturbance is proposed and 4528 s.f. of wetlands will be altered. Also, this area has less vegetation, hydrological functions and wildlife.

He reviewed the construction of open bottom concrete culverts noting that if they were used for the wetland crossing it would reduce the amount of wetland disturbance to 2608 s.f. compared to 4528 s.f. without the culverts. The culverts would allow more sunlight and a larger area for wildlife passage. They can also set the culvert in a manner that will allow the ponding of water north of the crossing, which currently happens.

The eradication of 13,464 s.f. of phragmites, the placement of three culverts within the Groton Utilities' easement, the removal of the spoil pile and restoration of the wetland in that area are additional benefits to the proposed wetland mitigation plan.

The applicant has determined that a raised boardwalk would have less impact on the wetlands because a boardwalk placed directly on the wetland surface may have a long-term effect on wetland vegetation and aquatic habitat.

The applicant is proposing a five-year monitoring program of the wetland restoration and a letter would be submitted at the end of every growing season.

Tunison concluded by noting that the crossing has been changed to minimize wetland impacts and to improve water quality. The disturbance of 4851 s.f. and alteration of 4528 s.f. of wetland will be mitigated with the restoration of 11,651 s.f. of wetland and the restoration will be monitored for five years. The culverts proposed within the Groton Utilities easement would enhance flow between wetlands, restoring a hydrological connection. He also reviewed four components for a successful project: proper construction sequence, eradication of invasive plant species, proper wetland plant restoration and monitoring of the restoration. Discussion ensued on the area of phragmite eradication and Craig explained that approximately 13,000 s.f. of phragmites will be removed and approximately 11,000 s.f. of wetlands will be restored. Craig also noted that he recalculated the area of wetland fill associated with Permit 97-1 and determined it was 3175 s.f. Tunison reviewed photos of an open bottom three-sided concrete box culvert associated with another project.

Debbie Marshall Baker reviewed changes to the plan and construction of the infiltrator. She noted that moving the three culverts would accommodate Groton Utilities' crane needs and there are no large velocities of water flowing to the culverts. She reviewed the boardwalk detail noting it has been moved as far from Groton Utilities' tower as possible. They will also incorporate the technical comments from the Department of Public Works into the site plan.

She reviewed possible box culvert locations. The advantage of a large span is placement of a grit separator in the management area and no floodwater restriction. It needs to be installed properly to address stormwater issues and wetland plants would grow around it. Utilities would be placed on top of the culverts. There will be some disturbance with the construction of the culvert footings.

Staff noted that the latest comments from the Department of Public Works were more technical and not wetland related. She also recommended the incorporation of some type of sediment removal into the stormwater system to prolong the life of the underground system. She reviewed a map outlining disturbance areas under Permit 97-1 and the current proposal. Staff also recommended that the Agency require an environmental bond to ensure receipt of a monitoring report each year.

Chairman Scott asked for public comments and there were none.

Furlong questioned the amount of water from impervious surfaces draining toward Drozdyk Drive and asked where the infiltrator water would go. It was noted that water flow is in a southeast direction. Marshall Baker explained the proposed catch basins and sumps.

Block questioned the percentage of impervious surface on non-wetland areas and without researching the drainage report, Marshall Baker thought it was 47% including roof areas. She further explained that the drainage system was designed for intensity within a 24-hour period, not the amount of water. With an intensity greater than that associated with a 25-year storm, debris would still be picked up. The system must also be able to accommodate a 100-year storm without damage.

MOTION: To close the Groton Multifamily, LLC (Ledges East) Public Hearing.

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

III. PUBLIC COMMUNICATIONS - None

IV. APPROVAL OF THE MINUTES OF May 12, 2004, May 26, 2004, June 9, 2004

MOTION: To approve the minutes of May 12, 2004, May 26, 2004 and June 9, 2004 as written.

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

V. NEW APPLICATIONS

1. Receipt of New Applications - None

VI. PENDING APPLICATIONS

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

The Agency reviewed the location of 150-foot buffers from natural wetlands. Sutphen questioned correspondence received from Ledge Light Health District and Groton Utilities. Staff noted that all correspondence is in the file. Sutphen asked if a renovation sewer analysis was done and staff noted it was done by ECS Marien. Sutphen asked if Groton Utilities' concerns were addressed and staff noted that all Groton Utilities noted was that all the information they requested was received.

Agency members preferred the alternate road layout as it pulls work further away from wetlands. Imposing a 150-foot buffer along with the alternate road layout would not affect the alternate road layout, but it may affect lots and the location of detention basin E. Furlong noted that the larger, 150-foot buffer makes her feel better, but she still feels the development is too intense for the area. She believes density is a wetland impact. It will be difficult to restore the environment if this development causes pollution. Discussion continued on a 150-foot buffer offering considerable protection as it allows more time and distance for water renovation. They felt a 150-foot buffer was appropriate on such a sensitive site even though some lots may be lost. Staff cautioned the Agency that they needed public hearing testimony to support a larger buffer and that even Dr. Luce could not say whether a septic system 100-200 feet away would help or hurt the wetlands.

The Agency had no problem with the filling of the manmade wetlands. Furlong reiterated her concern with runoff to Great Brook and wetlands noting that nitrates and phosphorous travel.

Discussion continued on conservation easement areas falling along non-disturbance buffer lines. The Agency felt the homeowner restrictions addressing car washing, septic system maintenance, pet maintenance, etc. would be hard to enforce; however, any cooperation from homeowners would provide additional protection.

Discussion continued on how to avoid maximum lot clearing. It was noted during the hearing that less lawn area and lawn runoff is better for the watershed. Sutphen suggested defining the clearing limit lines for all lots as part of the permit. Scott felt that would be difficult to enforce. Staff noted that it is easier to define and enforce tree lines in Open Space Subdivisions; this is not an Open Space Subdivision. She felt the Agency would be inundated with permit applications and it would be difficult to tell a homeowner over 1000 feet from wetlands that removing a tree on his lot would require a wetland permit. The Agency could make a recommendation to the Planning Commission suggesting conservative clearing limits.

The Agency had no concern with the raised boardwalk over wetlands.

MOTION: To approve the Great Brook Subdivision application for the following reasons:

1. A prudent and feasible alternative does not exist for the wetland fill associated with Road E in that the applicant has provided convincing evidence that constructing a road to intersect with Gales Ferry Road in another location will result in inadequate sight lines or will result in an unacceptable impact to a higher quality wetland. The Agency notes that this fill will be placed in wetlands that were created by utility excavation associated with a previous subdivision.

2. A prudent and feasible alternative does not exist for the wetland impact associated with the boardwalk construction in that it crosses the wetlands at its most narrow point, can easily be removed and will allow a passive use of the open space associated with this subdivision. The Agency notes that the path through the upland area will be located to avoid excessive land disturbance and the removal of large trees.

3. A prudent and feasible alternative does not exist for the wetland impact associated with the regrading of wetland area 3 in that this work will stabilize eroding side slopes and the discharge point of a manmade wetland that was created during utility excavation associated with a previous subdivision.

4. A prudent and feasible alternative does not exist for the impact associated with the work in the upland review area as the applicant provided

convincing evidence that the grading is necessary and in accordance with sound engineering practices.

5. A prudent and feasible alternative does not exist for the impact associated with the stormwater discharge in that the applicant has provided convincing evidence that the stormwater management system is designed to town standards, is designed to minimize the erosive velocity of stormwater, and is designed to minimize the deposition of sediment in the downstream wetlands.

6. The Agency finds that the natural wetlands on the property provide nutrient and sediment removal necessary to maintain the excellent water quality of Great Brook, a feeder stream to the City of Groton reservoir system. The Agency also finds that the restrictions for homeowner herbicide and pesticide application as proposed by the applicant are not enforceable and finds that additional development restrictions are necessary to prevent the pollution of the natural wetlands by deposition of excess nitrogen and sediment.

7. The Agency finds that public sewers are not an option for this property and that the septic systems will be constructed per the public health code. The Agency did not find that properly installed septic systems will adversely impact the wetlands on the site.

8. There will be no injury to or interference with safety, health or the reasonable use of property caused by the proposed regulated activities.

9. There are no future regulated activities made inevitable by this development.

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

1. There shall be no activity within 150 feet of natural wetland areas 4, 5 and 6. The Agency endorses the proposed road locations shown on “Alternate Road B Overall Development Plan” as it meets this condition.

2. The conservation easement areas as proposed by the applicant shall include any area within the approved lots that fall within 150 feet of natural wetland areas 4, 5 and 6. The easement boundary shall be posted with signs every fifty feet.

3. An environmental bond in an amount to be determined by the Planning Department shall be posted with the Planning Department prior to the start of construction.

4. A pre-construction meeting shall be held with the Planning Department prior to the start of construction.

5. The erosion control plan shall be revised to be more specific. It shall include the characteristics of topsoil, the standards used to test soil, seed mix for both sun and shade conditions, and standards for erosion control blankets.

6. The homeowners association environmental stewardship program as proposed by the applicant shall incorporate best management practices for septic system and lawn maintenance, pest management, pet waste and deicing applications to protect water quality. The final document shall be specific to this project and shall be reviewed by the Environmental Planner.

Motion made by Sutphen, seconded by Ashworth. The motion carried with four votes in favor (Sutphen, Ashworth, Block, Scott) and one abstention (Furlong).

Findings with respect to the provisions of Section 22a-19(b) of the Connecticut General Statutes regarding alleged unreasonable pollution, impairment, or destruction of the public trust in the air, water, or other natural resources of the state:

The Agency finds that after review and consideration of the record, including testimony and other evidence from the applicant, the intervenors, the public and the staff, as well as all relevant circumstances and factors, the regulated activities associated with the Great Brook Subdivision, as modified, do not have or are not reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state including but not limited to such resources as wetlands, watercourses and wildlife, and based on this finding there is no need to consider whether a feasible and prudent alternative exists which is consistent with "reasonable requirements of the public health, safety and welfare."

The Agency recommended that the Planning Commission allow only that clearing necessary for lot development in order to limit the application of herbicides and pesticides by individual homeowners.

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

The Agency did not like the proposed crossing of an undisturbed wetland. They questioned the success of the proposed wetland mitigation noting how difficult it is to accomplish. Mitigated wetlands do not replace natural wetlands. They felt the use was too intense for the site. The permit issued in 1997 approved a walking path, which is very different from the crossing being proposed. They were also concerned with stormwater discharge directly into the wetlands. Block asked for the percentage of impervious surface minus wetland and buffer areas. Sutphen stated she opposes the proposed crossing of a high-quality wetland.

3. Neal Subdivision, 119 New London Road

This item was tabled to the next meeting.

4. Yoo Property, 71 Cow Hill Road

Staff noted that the application would be withdrawn. The site was developed on wetlands and it appears to be the high groundwater, and not Bindloss Brook, causing flooding in the garage. There is healthy vegetation growing and no evidence of sand in the brook or any clogging of the three culverts feeding the brook. Staff explained to the owner that dredging the brook would not affect the groundwater level.

5. Prestige Park, Lot 1 and Lot 2, Flanders Road

This item was tabled to the next meeting.

VII. NEW BUSINESS

1. 529 Gold Star Highway, 571 Gold Star Highway, 0 Antonino Road – preliminary discussion

Attorney John Nuff introduced Guy Hesketh and Rob Sonicson whom were also present to discuss the proposal. The project site consists of 30 acres located in a CB-15 zone and the Water Resource Protection District. There are two wetland areas on site, but they are not proposing any wetland activity such as filling, dredging or crossing. All work is located in the upland review area.

Guy Hesketh explained that the proposal consists of a 200,000 s.f. retail building with a 10,000 s.f. garden center, 791 paved parking spaces and 77 additional pervious spaces around the periphery, and a pad site for another establishment such as a restaurant. Access is from Gold Star Highway across from Toll Gate Road. He reviewed the location of flagged wetlands on and off site and the proposed drainage system that includes detention basins. They are incorporating best management practices. Nine to ten-foot-high retaining walls are proposed to accommodate grade differences. Off-site roadway improvements are also proposed.

Rob Sonicson reviewed the wetland characteristics and proposed protection of the wetlands, wildlife and aquatic life.

Sutphen noted she would need to site walk the property before offering an opinion. Scott noted they typically require 50-100 foot buffers and do not allow discharge points so close to wetlands. He anticipated issues with slopes, crowding the site and parking. Staff noted that a minimum number of paved spaces are being proposed. Block questioned the amount of impervious surface being proposed and whether one of the wetland areas was a vernal pool. Sonicson noted 40% of the site will remain open and because of the time of year, it is hard to determine whether a vernal pool is on site. There is evidence of standing water. Scott also thought there was an intermittent stream in the southern wetland and noted they typically require 100-foot buffers from a watercourse. Scott also noted that it would be difficult to approve the retaining walls as shown. The proposed discharge points will also need to be

changed and a brief discussion ensued on the use of level spreaders, rip-rap and the need for daylighting the water before entering wetlands. Scott also felt the proposed tree cover would not affect the temperature of the water entering the wetlands with such a close discharge point.

The applicant did not feel they were compromising the upland review area.

2. Report of Chair

Scott noted that a stockpile near Oxford Court is killing a very large tree. It has been there for a year. The stockpile is also eroding down toward the Precious Memories day care. Staff will notify the planner on the project.

Sutphen noted that it appears the McFadden's are using herbicides to eradicate invasive species on the Cedar Road corner lot. The Agency only gave approval to cut the plants by hand.

Furlong asked staff if the Town had the means to hire its own independent expertise to counter an applicant's expert testimony. Staff noted that the Town has no such regulations allowing this. Usually this is done in a town that has no staff resources.

The Agency canceled its July 14, 2004 meeting since so many members would be absent.

3. Report of Staff - None

VIII. ADJOURNMENT

The meeting adjourned at 10:30 p.m.

Respectfully submitted,

David Scott