

INLAND WETLANDS AGENCY
JULY 28, 2004 - 7:30 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Present: Scott, Block, Williams, Furlong, Ashworth

Staff: Jones, Vislosky

Furlong and Ashworth were appointed to sit for Sutphen and Keeler.

II. PUBLIC COMMUNICATIONS - None

III. APPROVAL OF THE MINUTES OF June 23, 2004

MOTION: To approve the minutes of June 23, 2004 as written.

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

IV. NEW APPLICATIONS

1. Kings Height Technology Center, 9-23 Kings Highway

Steve Hess, applicant, explained that the application is to upgrade water and sewer lines to the 30-year-old facility. The new, plastic sewer line will be in the same location within existing pavement as the existing line and will tie into Kings Highway.

The new water line will be mostly located in pavement and then run down the edge of pavement along a landscaped area, but will not be in the same location as exists because they do not want to disrupt the existing line. No wetland disturbance is proposed and erosion and sediment controls will be in place. Staff review has not yet been held. The entire trench will not be open at one time. Hess pointed out a 10-15 foot slope down to a watercourse. Scott questioned the use of a double pronged water line and Hess noted it is for redundancy in case there is a problem with one of the lines, but they are still working out the details.

The Agency scheduled a site walk for August 3, 2004 at 3:30 p.m.

MOTION: To classify the application as minor.

Motion made by Ashworth, seconded by Block. Furlong questioned potential disturbance to wetlands and Hess noted there would be zero wetland disturbance. Furlong expressed concern with the steep slope leading toward wetlands. Hess noted that the work area is in the parking lot that has a 1-5% slope, there is a 100-foot buffer from wetlands, and a curb between the proposed activity and landscaping. The motion carried unanimously.

2. Schulz/Stone Property, 217 Noank Road

Karen Stone, applicant, reviewed the location of the site and the 3000 s.f., 6-foot-deep pond that is filling in from silt and road sand. Muskrats are also digging tunnels through the lining in the small dam. Two previous permits have been issued for pond maintenance. Her contractor plans to check for a leak and repair it by lowering the water level, removing debris, repairing the bank and filling it up again. Scott asked if a State permit is needed because of the dam and staff noted she would check into it but that no state permit was required for the first two repairs. Staff noted that this would continue to happen because the pond receives direct stormwater discharge from a stream collecting sediment. Stone noted she is hoping to do the work in late summer during the low flow period.

MOTION: To classify the application as minor.

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

3. Delaporta Property, Noank-Ledyard Road

Staff reviewed the location of the site noting it was the former Kackowski Subdivision. Wetland and subdivision approval was obtained for the land split; however, the wetland permit has lapsed and the rear lot is now being developed. Well and septic is proposed and the Ledge Light Health District has reviewed the proposal, but staff review has not yet been held. All work is 50 feet away from wetlands. A sump pump is proposed so the footing drain outlet is not adjacent to the wetlands as it was on the previous permit.

MOTION: To classify the application as minor.

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

4. Crawford Way Subdivision Sidewalk, Toll Gate Road

Staff noted that this sidewalk is proposed in connection with an approved seven-lot subdivision off Toll Gate Road. The Planning Commission required the applicant make a good faith effort to obtain a wetland permit to build the sidewalk as shown. If the Agency does not approve the sidewalk as shown, the sidewalk would be built outside the regulated area. The proposed location is along the subdivision's frontage, but on the opposite side of the road. The 4-foot-wide bituminous sidewalk is proposed along the edge of the road with no snowshelf. A concrete sidewalk is not being required because Toll Gate Road is planned for reconstruction; however, the reconstruction will not occur within the next six years, at least. Staff review has not yet been held, but staff noted that the sidewalk will need to be modified near a telephone pole and handicap ramps are needed.

The sidewalk is entirely within the Toll Gate Road right-of-way and is 23 feet away from wetlands at its closest point. Eventually this sidewalk will connect to a soon-to-be-

constructed sidewalk in front of the Groton Bible Chapel. There is also an existing sidewalk near the convenience store on the corner of Route 12 and Toll Gate Road. Ashworth questioned the need for school children to cross the street to use this sidewalk and staff noted the school children would have to cross the street regardless of which side of the street the sidewalk is constructed on. The Town has no plans at this time to construct a sidewalk on the same side of the road as the school and there is a steep slope on the south side of Toll Gate Road and retaining walls would be required.

5. Receipt of New Applications

- Emerald Estates, Lambtown Road

Pat Gallagher, applicant, reviewed the location of a proposed seven-lot subdivision off a 750-foot cul-de-sac on 13 acres of land. Wetlands have been flagged. A portion of the road work is located within the regulated area, but not wetlands, and some lots will have a regulated area after development. A wet basin is proposed to accommodate subdivision drainage. The Agency scheduled a site walk for August 3, 2004 at 4:15 p.m.

- Boulder Heights, Colver Avenue

Steve McDonnell, representing the applicant, reviewed the location of the site, the proposed site plan consisting of eight, 31-unit buildings, and modifications made to the plan based on preliminary Agency comments. They are developing 14 out of 20+ acres of land. They have avoided work in the main wetland areas and 100-foot buffers, but they are proposing to fill a small pocket of wetlands created by a sewer easement creating 2000+/- s.f. of direct wetland impact. McDonnell is finalizing drainage calculations and will submit them to staff as soon as possible. They are proposing all underground drainage structures. He recognizes that drainage is a major concern and noted that they are proposing a zero net increase in runoff from the development, will reduce existing runoff conditions from the property, and believes down gradient flooding issues should be resolved. They are proposing an arch bridge crossing over wetlands as approved by the Agency.

MOTION: To classify the application as major and to schedule a September 8, 2004 Public Hearing because of the potential significant impact to the wetlands.

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

V. PENDING APPLICATIONS

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

In response to a question raised at the last meeting regarding the amount of impervious surface area outside wetlands and 50-foot buffers, staff presented a colored map outlining areas of buildings, pavement, sidewalks and driveways. Scott noted that the main issue involves the crossing of an undisturbed wetland and proposed sharp turn. A roadway is

considerably different from the previously approved cart/walking path. Staff noted that the existing permit for wetland fill is in the area of the cart path and involves steep side slopes. The Agency noted that there is no hard drainage from the cart path. There are runoff issues with the proposed roadway crossing and both sides of the roadway are heavily developed. Staff noted that the roadway stormwater would flow through a Stormceptor to pick up suspended solids. The Agency understood that, but questioned the presence of salts and oils in an area with no buffer. Staff noted that the proposed footprint of fill is less than what was previously permitted. The Agency, in considering long-term versus short-term impacts, feels the current proposal has greater long-term impacts. Vehicles will create problems over time with lead and heavy metals causing a continual source of wetland problems. Furlong questioned building up to the edge of the buffer. Staff noted that the applicant is holding a 50-foot buffer and in most cases is proposing a wall at the buffer line. They discussed the use of three sided culverts or a bridge to cross wetlands, but even a bridge would not help with the elbow turn.

Staff distributed considerations for decision.

MOTION: To deny the Groton Multifamily, LLC application for the following reasons:

1. The Agency finds that the proposed wetland activity will have a more significant long-term impact than the previously approved filling of the disturbed cart path.
2. The Agency finds that the proposed use of the crossing for vehicular traffic will have a greater long-term impact on the wetlands in that there will be stormwater discharge into the wetlands. The Agency acknowledges that the stormwater would be treated by a system designed to limit sediment discharge, however, hydrocarbons, heavy metals and other pollutants would still be discharged to the wetlands. The Agency finds that the existing permit, which allows a pedestrian crossing over a disturbed area of wetlands, will have less long-term impact to the wetlands.
3. The Agency finds that there may be prudent and feasible alternatives to the proposed wetland activity, which have less impact on the wetlands. The applicant may investigate the following types of alternatives:
 - Eliminate the driveway crossing across the wetlands and the buildings and parking areas on the east side of the property.
 - Propose a pedestrian crossing of the wetlands to the east side of the property. Place recreational structures and activities on the east side of the property and buildings on the west side of the property.

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

2. Neal Subdivision, 119 New London Road

Staff noted that a 65-day extension was approved at the last meeting. She is still waiting for revised plans and if they are not received two weeks prior to the next meeting, she will ask that the application be withdrawn.

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

Clint Brown, representing the applicant, reviewed the location of the two lots that are the subject of two applications, and their history. A landscaping business nursery and storage building for trucks are proposed on the 7.5-acre Lot 2. There will be no sand or salt storage. An office building is proposed on the 2-acre Lot 1. The site will be constructed in phases starting with the landscaping operation, garage, and then the office building. The drainage system was constructed under a prior approval. There is no direct wetland activity proposed, but there is some upland review activity within 100 feet of wetlands. An existing drain will stay at its current elevation, but the proposed catch basins will be elevated. Wells and septic systems are proposed at this time.

Brown reviewed the 40-foot elevation difference from Flanders Road to the back of the site. An Administrative Site Plan was approved to allow fill more than 100 feet from wetlands. The applicant does receive paving material that he recycles when enough has been received. The Agency questioned whether bituminous fill would impact wetlands and staff noted that it is not considered a hazardous material by the Department of Environmental Protection. Brown noted that the Zoning Regulations require a 50-foot landscape buffer along Flanders Road. He plans to ask the Planning Commission to reduce it to 25 feet to limit wetland impact.

Brown reviewed the 1:1 slope on the back side of the lot. They examined creating a 2:1 slope, but that would make it twice as long so they thought a 1:1 slope was better. They are proposing Tensar turf reinforcement mats to stabilize the slope. A stone-lined sump, oil and grit separator, and roofed storage bins are proposed in the area of the landscape material for additional protection before water enters the drainage system. The temporary roof will be retracted as the material gets used. The applicant has addressed comments received from staff, the Department of Public Works and Ledge Light Health District. There will be no truck washing, vehicle maintenance, or fuel storage at this site. Pavement is proposed under bins and for parking areas otherwise the site will be gravel.

Staff noted that she was concerned with the proposed 1:1 slope. She researched the proposed Tensar turf reinforcement mats made of a plastic material that stay on the slope, do not disintegrate and allow grass to grow through. Brown noted that they removed the proposed driveway in back of the site and there will be limited sheetflow down the 1:1 slope.

Staff distributed considerations for decision for Lot 2. It was noted that Lot 2 does have a stormwater discharge point and a small 100-foot buffer intrusion, but the applicant has made a good attempt to stay out of the buffer.

MOTION: To approve the Prestige Park, Lot 2, application for the following reasons:

1. There is no filling of wetlands or watercourses associated with this application.
2. There are no future regulated activities made inevitable by this project.

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

1. The erosion control plan shall be modified to incorporate the phasing plan, and a maintenance schedule for the catch basins.
2. Tensar turf reinforcement mats shall be applied on the 1:1 slope.

Motion made by Block, seconded by Ashworth. The motion carried with three votes in favor (Block, Ashworth, Scott) and two abstentions (Furlong and Williams).

Staff distributed considerations for decision for Lot 1. It was noted that this lot has less than a 2:1 slope and there are catch basins, but no stormwater drain. The Agency reviewed the 50-foot buffer noting there is some grading within 100 feet of wetlands.

MOTION: To approve the Prestige Park, Lot 1, application for the following reasons:

1. There is no filling of wetlands or watercourses associated with this application.
2. There are no future regulated activities made inevitable by this project.

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

1. The erosion control plan shall be modified to incorporate the phasing plan, and a maintenance schedule for the catch basins.

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

VI. NEW BUSINESS

1. 101 Prospect Hill Road – preliminary discussion

Bob Samokar reviewed the location of the lot where his house is under construction. He reviewed photos noting he wants to remove invasive plant species from the wetlands and wetlands buffer and then plant perennials or native species. Staff noted that most of the land is within the upland, but a watercourse does form at the base of the slope and flows to the south. She wants to know how much work Mr. Samokar can do without obtaining a permit. There are other non-invasive species present so the wetlands and buffer should not be stripped after the invasive species are removed. The Agency noted that a permit would not be required if only invasive species were removed by hand and with absolutely no equipment. Mr. Samokar can then work with staff on recommended plantings.

2. Report of Chair

Furlong distributed copies of an Old Saybrook zoning regulation that requires developers of large, intense developments or developments with significant impact to pay into a fund that the Town can access to hire experts to counter a developer's expert testimony. She has researched that other towns are changing their regulations or adopting more stringent ones to protect resources. Scott noted that the regulations in many towns are behind Groton's regulations. Furlong also noted that if Groton were developed per the Plan of Conservation and Development it would destroy the character of the Town.

Staff reviewed the history of a concern that Furlong reported after visiting the LBI site, Route 117, during a recent weekend. Furlong had pictures of vulnerable silt fences, erosion, erosion around a telephone pole that was so bad it looked like the pole may fall over, debris, and stains on the parking area. Staff reported that she had conducted an erosion control inspection and noted that some of the construction has been done out of sequence and beyond the clearing limit line. There was active erosion near the proposed sidewalk otherwise Mr. Legnos has addressed most of the concerns.

Peter Legnos noted that he had planned to construct the sidewalk in September toward the end of the project, but has since started to construct the sidewalk to address erosion caused by Route 117 drainage. After the State re-paved Route 117, they never came back to re-create curbs so there is very little original curb exposed. After a rainstorm, water is easily flowing over this curb causing erosion because water is not properly hitting a curb and flowing to a catch basin. He is hoping that the sidewalk will act as a curb and direct water to the catch basin until the State comes back and properly sets curbing.

He explained that although it looked ominous, there was never any threat of the telephone pole falling over, as it is at least eight feet deep. He has fixed silt fencing and the contractor cleaned up the spill after it occurred. He has been busy monitoring the contractor's crew and asked the Agency to understand that this is a tight construction area and he is doing his very best to balance the work zone with the erosion controls.

3. Report of Staff

Staff noted that the Great Brook decision was appealed by the developer.

VII. ADJOURNMENT

The meeting adjourned at 9:45 p.m.

Respectfully submitted,

David Scott