

INLAND WETLANDS AGENCY
DECEMBER 8, 2004 - 7:30 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Present: Scott, Keeler, Block, Williams, Sutphen (7:37), Ashworth, Furlong
Staff: Jones, Vislosky

II. PUBLIC HEARINGS

1. Boulder Heights, Colver Avenue – continuation

Chairman Scott continued the public hearing at 7:35 p.m. Steve McDonnell, engineer representing the applicant, noted that revised plans were submitted last week. David Lord, Soil Scientist, has certified the wetland location map. He read into the record David Lord's report on the wetland proposed for filling.

Staff noted that the plan revisions were primarily zoning issues and did not alter the regulated wetland activities consisting of filling a wetland pocket and work within the regulated area for the installation of a pedestrian path. She did require a more stable surface for the path located on steeper slopes. Bob Burreshi reviewed a detail of the path showing pavers in areas with over a 5% slope, otherwise a stonedust surface is proposed. Some digging is required to lay the pavers. At its closest point, the six-foot-wide path is 40 feet from the vernal pool. They will snake the path around trees and boulders to avoid any disturbance.

McDonnell stated that storm drainage would be detained on-site underground resulting in a zero net increase in runoff from the site. They are also proposing an infiltration system within the detention basin. The soils are somewhat permeable. The infiltration system was not accounted for in the drainage calculations so they have a little more of a safety buffer than what is shown in the calculations. The Agency stated that runoff must increase during a heavy downpour with the new impervious surface. McDonnell noted that there would be an increase in volume, but not in the rate. They have examined a 2-100 year storm to determine no adverse change in downstream areas.

Staff requested an erosion and sediment control plan for the initial clearing of the site as well as during construction and some adjustments in the timing of construction.

Chairman Scott asked for public comments.

Al Tuchman, 79 Courtland Drive, thanked the board for their diligent review resulting in a reduction of impervious surface that will help control runoff. Both the board and residents will benefit.

MOTION: To close the Public Hearing for Boulder Heights.

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

III. PUBLIC COMMUNICATIONS - None

IV. APPROVAL OF THE MINUTES OF November 17, 2004 and November 29, 2004 Site Walk

MOTION: To approve the minutes of November 17, 2004 and November 29, 2004 Site Walk as written.

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

V. NEW APPLICATIONS

1. Receipt of New Applications - None

2. Windward Passage Subdivision, Polaris Street and Crystal Lake Road

Attorney Tim Bates, representing the applicant, noted that he hoped after the presentation the Agency would rule that the proposed activity to construct the subdivision does not require a permit. An application has been submitted in case the Agency requires a permit. A 20-lot subdivision is proposed that avoids any wetland activity. There is a small section of a much larger wetland that does have a vernal pool within it in the northeast corner of the subject property. They are proposing an oversized Lot 10 and a conservation easement to protect the wetland. The only regulated activity is clearing a small area for a sewer line within 100 feet of the wetland. They have designed the drainage system so that stormwater flows through rip-rap and into an existing swale. The swale is not a wetland or watercourse and he presented photos. The swale picks up a portion of road water that then backs up into the vernal pool. The vernal pool was inadvertently created by water backing up from a crushed drainage pipe on an old dirt road leading to Navy property.

Jim Cowan, Soil Scientist and Wetland Scientist, reviewed his report on the manmade vernal pool that amphibians are using for breeding. He believes there is probably a second vernal pool near Route 12 and that the subject pool is a secondary pool. There is a significant amount of amphibian activity. He discovered 63 spotted salamander egg masses and hatched wood frog larvae from at least 25 egg masses. There is also an adequate food source for frogs and invertebrates. The pool had two feet of water in May and one foot in July so there is enough water to create a viable pool for amphibians. He reiterated that a significant vernal pool should have maximum protection.

Cowan has determined that the existing swale carries storm flow, and not groundwater flow, because it does not have flow after a storm event. Although he did not flag the wetlands, he agrees with John Ianni, the Soil Scientist that did, that this swale is not a wetland or watercourse. It has no wetland vegetation. He reviewed the drainage path noting that

stormwater will infiltrate up to a 25-year storm. He noted that the proposed drainage system for the new road incorporates infiltration rather than a detention basin. The benefit of proposing infiltration over detention is a detention basin acts as a decoy and the amphibians that choose that location will die when the water dries up. Also, disturbance is necessary for the construction of the basin.

During large storm events, water will flow out a pipe at the end of the proposed cul-de-sac in the vicinity of the swale, dissipate and eventually end up in the vernal pool. The most contaminated first inch of rainfall will flow into infiltrators so clean water will discharge to the vernal pool.

Cowan discussed several recommendations for protection. There should be no direct activity within a 100-foot radius of the pool. Clearing should be minimized. There should be maximum protection of the upland forest that coincides with the steep slope and conservation easement. A pre-construction meeting with the contractor and wetland scientist should be held because the key for a successful project is in the construction sequencing. No work should occur between early March and the end of April. Silt fence should be installed at the northern and eastern ends of the clearing limits. He suggested a DEP permit for pit fall traps. The purpose of the traps is to collect amphibians trying to get to the pool, relocate them to the safe side of the fence, and the fence would prevent them from returning to the construction zone. They would be re-directed to forested areas. The traps would be installed at the end of March through April and removed when they are finished moving the amphibians. The sewer line activity should be occurring after the May breeding season when all the amphibians have dispersed. The area should be stabilized as soon as possible. The tree canopy should also be maximized. It has since been confirmed that the soils have the capacity to treat infiltrated water. He also suggested the use of cape cod berms so that amphibians are not stopped at a traditional curb. His last recommendation is to maximize protection at the outlet pipe for large storms with either rip-rap or a plunge pool. Cowan noted there should be no impact to the wetland or vernal pool if the recommendations are followed.

Scott asked if the sewerline would act as a conduit for water that should be flowing to the wetland in light of the considerable slope and gravel in the sewerline trench. Cowan noted that an engineer would be more appropriate to answer that question. He was not sure of the direction of groundwater flow. Attorney Bates noted that they have very little room to move the location of the proposed sewerline which has to connect to the adjacent Up Periscope project. Attorney Bates noted they are working with the Town Engineer on the proposed infiltrators and galleys and would come back to the Agency with an alternative plan if it does not work.

Block asked who would monitor the pit fall traps. Cowan noted that a wetland scientist should either do the monitoring or at least supervise a trainee to collect the amphibians at least three times a week. This is a supervised activity under the DEP permit.

The Agency was uncomfortable with not requiring a wetland permit especially with the potential for significant erosion down the steep slope during construction. They want to

thoroughly review the proposed erosion and sediment control plan. Cowan suggested that the 2002 Erosion and Sediment Guidelines be utilized. The Agency scheduled a site walk for January 3, 2005 at 3:00 p.m.

MOTION: To classify the application as minor.

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

VI. PENDING APPLICATIONS

1. Boulder Heights, Colver Avenue

The Agency noted that not much more could be done to protect resources and prevent downstream flooding. Much protection was gained under the driveway connection application. The applicant has come a long way especially with the reduction in the number of proposed buildings. Discussion continued on the need for the path and its location. Staff noted that the path is proposed to help fulfill a recreation requirement of the Zoning Regulations. The Agency noted the path could be moved further from the vernal pool. The Agency felt it was reasonable to require that the path be constructed at the edge of the conservation easement. Furlong asked if the Town Engineer was comfortable with the proposed drainage system not causing runoff into downstream areas. Staff noted that the Town is satisfied with the proposed drainage. Staff will prepare a draft motion for the next meeting.

2. East Farm Subdivision, 500 Noank Road

Art Hayward, engineer representing the applicant, reviewed the layout of the six-lot subdivision. They will be widening an existing driveway to serve four lots and constructing a new driveway for two lots. He reviewed the location of ponds, inland wetlands and tidal wetlands and noted that Lot 1 wetlands have been re-flagged. The existing driveway will be widened to at least 15 feet which is the width of an unimproved road in the area of wetlands, otherwise it will be 18-22 feet wide. The maximum 3:1 slope is proposed near the wetland where the driveway will be widened. He has not proposed a retaining wall in this area due to the location of the existing drainage pipe. He reviewed photos of the wetland area where the driveway will be widened. He discussed an area currently cleared that they hope can remain in a mowed state but any additional disturbance or structure would require a permit. Discussion continued on utility line locations. The Agency asked if a versalock wall to hold up the shoulder of the driveway was considered to reduce the width. Hayward noted it would require more wetland impact and because of lateral movement of groundwater it would probably collapse. Staff distributed considerations for decision.

MOTION: To approve the East Farm Subdivision application for the following reasons:

1. There is no loss of wetland or watercourse associated with the application.

2. The applicant has chosen to limit the density of development to that which can be served by a driveway rather than a new town road, thus limiting the impact to the wetlands.

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

1. The combined driveway, water and sewer lines for lots 1 and 2 shall be a minimum of 25 feet from the wetlands. The underground electric lines shall be a minimum of 15 feet from the wetlands when installed on private property.
2. Erosion controls shall be installed on both sides of the driveway to lots 3, 4, 5, and 6 during widening and utility installation.
3. A pre-construction meeting shall be held with the Planning Department prior to the start of work.

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

3. Victoria Gate, Pleasant Valley Road North

Staff noted the applicant has requested a 30-day extension.

MOTION: To approve a 30-day extension.

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

4. Delaporta Property, 77-79 Candlewood Road

Mike Scanlon, surveyor representing the owner, reviewed a plan for a single-family home with municipal water and a septic system. The wetlands have been flagged and they are proposing a 50-foot wetland buffer. The stream on the property discharges into a pond. There is an existing area of disturbance within the wetland buffer that they hope can remain in a clear, mowed state and any future activity would require a wetland permit. The plan will be modified to show the clearing line and erosion and sediment line in the same location. Currently, there are two leak-offs in Candlewood Road and drainage sheetflows over this lot. They are proposing to collect water in a culvert with a flared end and rip rap within the cleared area of the wetland buffer. The work is not quite 150 feet from the watercourse that flows around a knoll. The Agency asked that the stockpile be relocated within the clearing line. Staff distributed considerations for decision.

MOTION: To approve the Delaporta Property application for the following reasons:

1. There are no wetlands or watercourses lost as a result of 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 stockpile location and erosion controls shall be adjusted to be within the clearing limit line.

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

5. Lamphere Estates, Lamphere Road

Staff review was held yesterday. The application was tabled to the next meeting.

VII. NEW BUSINESS

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

Staff noted that the Town Attorney has notified her that Groton Multi-family LLC withdrew their appeal of the Agency's denial of their application.

VIII. ADJOURNMENT

The meeting adjourned at 9:27 p.m.

Respectfully submitted,

Girard Keeler