

MINUTES
INLAND WETLANDS AGENCY
JUNE 8, 2005 – 7:30 P.M.
TOWN HALL ANNEX – COMMUNITY ROOM 2

I. ROLL CALL

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

II. PUBLIC HEARINGS

1. The Ledges East, 375 Drozdyk Drive

Chairman Scott reopened the public hearing at 7:30 p.m. Ashworth was appointed to site for Keller.

Gary Craig, representing the Ledges, distributed a letter dated June 8, 2005 addressed to staff regarding revisions and additional information. He reviewed the alternative grading plan for the recreational area. Craig stated that the courts were lowered and the amount of fill reduced. Cutting and filling is minimized, and the amount of land disturbance is reduced. The proposed eastern-most tennis courts have an elevation of 50 feet. Staff explained that this alternate was requested to limit the amount of fill being utilized and to minimize erosion potential.

Furlong stated for the record that she listened to the audiotapes of the last public hearing, as she was unable to attend the last meeting. She asked whether the applicant had considered using sand for the table tennis and volleyball courts, to limit stormwater runoff. Craig explained that the tennis courts will have an infiltrator directly below the courts to accept the runoff. Furlong asked whether Craig had considered placing some of the courts on the roofs of the buildings. Craig responded that the paddle tennis court may be able to be moved to the top of Building 3.

Craig reported that he has had several discussions with Groton Utilities about their comments. He believes that all items have been addressed to Groton Utilities satisfaction. The revised maintenance road incorporates adjustments to the radius on the road. The revised plans include a gate only on the south side of the tower. A fence with barbed wire will be installed around the tower to address security concerns. Groton Utilities is concerned about the weight of maintenance and emergency vehicles influencing the foundation of the tower. Craig explained that the foundations are deep in order to carry the wind load for this tower. Craig explained that the location of the road has been shifted far enough away so that any vehicle on the road will not impact the foundation of the tower. The road has been moved into the current location of the spoils pile. The utility easement will be adjusted to incorporate the new road location.

Craig explained that the maintenance agreement with Groton Utilities will require the contractor to clean up the work area at the end of each workday to allow emergency vehicle access to the tower. Craig summarized that the revised plans would reduce the amount of wetlands disturbance.

Staff asked whether wetland soil would be removed in addition to the spoils pile in order to create a suitable base for the maintenance road. Staff is concerned about the removal of additional wetland material. Craig stated that they will have to dig at least 2 feet below the surrounding ground surface. He does not know what they will find under the spoils pile.

Williams questioned figures in the summary of wetland disturbance and mitigation impacts table. Craig will review the figures for accuracy.

Debbie Marshall Baker, Cherenzia Engineers, addressed Groton Utilities concern that the tower and easement are not accurately depicted on the plans. She explained that the easement was shown on a 1997 VHB survey and on plans prepared by DiCesare-Bentley in 2001. The tower was located by aerial flight and utilized the same grid as the wetland flagging.

Marshall Baker explained the drainage and reviewed the details for the vortech unit used for oil and grit removal. She noted that the Vorsentry unit removes 80% of the grit during peak flow before discharge. She noted that rooftop water is not treated and is discharged directly into the wetland.

Block questioned the monitoring and maintaining of the stormwater system. Marshall Baker stated that the sediment removal should occur in the spring and fall. The apartment management will hire a company to provide these routine maintenance procedures which include vacuuming out the catch basins and replacement of filters. Marshall Baker explained that maintenance of the canister for the storm filters in the parking garage is a yearly maintenance item.

Michael Richards, Fire Marshall for the Poquonnock Bridge Fire Department, informed the commission that changes to the plan increase the radii to allow the fire equipment to access the site. The applicant must provide access for ambulance, police and fire equipment to reach the recreation area on the east side of the site. He stated that all hydrants will be located out on the street. Richards noted that these changes will occur outside the 50' wetlands buffer.

Dr. E.A. Welles reviewed the change in the location of the maintenance road by Groton Utility's tower, and its impact on the wetlands. He noted that the road has been shifted to the spoils pile area and this will lessen the amount of wetlands affected by the road construction.

Staff asked Dr. Welles if he has reviewed the wet basin-planting schedule. She has concerns that there may be too much water to support some of the recommended species and not enough for others. Dr. Welles will provide his input at the next meeting.

Welles noted that he has recommended limited restoration of the test pits area.

Scott asked staff for comments.

Staff read Conservation Commission comments from a meeting on June 7, 2005, and read a letter dated May 25, 2005 from Mark Sheinberg of Boulder Heights, LLC.

Staff reported that Mike Fedors, of Groton Utilities, has not reviewed the plans that have been presented tonight. She wants to confirm that Groton Utilities is satisfied with the revisions.

Scott asked for comments from the public, and there were none.

MOTION: To continue the public hearing on the Ledges East to June 22, 2005.

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

Scott closed the public hearing portion of the meeting at 8:38 p.m.

III. PUBLIC COMMUNICATIONS – None.

IV. APPROVAL OF THE MINUTES OF May 11, 2005

Sutphen had several questions about the minutes, and no action was taken.

V. NEW APPLICATIONS

1. Machette's Pond, corner of Route 215 and Cedar Road

Nick D'Alfonso and Mary McFadden stated that they have been removing briars, bittersweet, Japanese knotweed, and other invasive species. They have submitted an application to replant the area with a woodland garden to create a buffer between the pond and the road. They plan to leave the existing large fallen maple, to remove the invasive species by hand, and to chip large vegetation. The disturbed area will be temporarily planted with grass until the garden is established. McFadden explained that they plan to assist the decomposition of the stumps with a nitrogen fertilizer. They would mulch the area through the summer season to aid killing the roots of the knotweed. The trees of heaven will be removed. They will continue the clearing started in 2003, mulch the area in the summer, and plant some trees. This fall, they would remove the mulch from the knotweed, and then plant the remainder of the trees. The garden would be completed next spring.

Scott is concerned about the erosion of soils into the pond. McFadden stated that presently they are just cutting vegetation by hand and pulling up roots.

Sutphen would like to walk the site, and asked the owners to mark the trees that they plan to cut.

2. Receipt of New Applications - None

VI. PENDING APPLICATIONS

1. The Ledges East, 375 Drozdyk Drive – continued.
2. Watrous/Kent Driveway Culver Replacement, 113 and 125 Fishtown Road – tabled.
3. Antonino Property, Gold Star Highway

Mike Scanlon, DiCesare-Bentley Engineers, presented the project to build 2 single-family homes on two parcels west of the Antonino Acura property off Route 184. One lot has an old foundation. The second lot will require subdivision approval.

Both lots will be served by municipal water and sewer. A combined driveway will be constructed within the regulated area in the same location as the driveway that used to serve the house on lot 1. Electric and telephone utilities will be placed underground from an existing pole adjacent to the wetlands.

Scanlon noted that the houses would be built into the slopes to minimize grading. Garages will be built under the houses. This would keep clearing to a minimum. The site will be cleared of debris.

Scott questioned the distance of the driveway to the wetlands. Scanlon stated it is approximately 10-12 feet from wetland flag 3.

Discussion continued about acquisition of the state land abutting this property in order to move the driveway away from the wetlands. Scanlon stated that only an adjacent property owner can ask to buy an undersized lot from the state, and the applicant doesn't yet own the property. Buying land from the State can be a lengthy process.

Staff stated that the Agency can make a recommendation to the Planning Commission that the applicant purchase the State surplus property to complete this project as submitted, the Agency can deny the application because it has too great an impact on the wetlands, or the Agency can specify the distance the driveway must be from the wetlands.

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

1. There is no loss of wetlands or watercourses as a result of this application.
2. There are no future regulated activities made inevitable by this project.
3. The applicant has adjusted the utility locations to limit impact to the wetlands.

4. The Agency finds that the plan as drafted has too great an impact on the adjacent stream and additional conditions are necessary to mitigate that impact.

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

1. Steep slope stabilization measures shall be included in the erosion control plan.
2. The eastern edge of the driveway shall be 20 feet of the edge of the wetlands, and that the driveway will be as straight as practical.

Block stated that she would abstain from voting, as she had not walked the property.

Motion made by Sutphen. Motion failed due to lack of a second.

MOTION: To deny the application because of the impact to the wetland is too great, and because there are other alternatives with less impact that could be pursued in that the adjacent State property could be purchased in order to move the driveway away from the wetlands.

Motion made by Ashcroft, seconded by Williams, voted 2 in favor, 2 opposed (Scott, Sutphen), 1 abstention (Block). Motion failed.

The Agency tabled discussion to the next meeting to allow Block and Furlong to walk the property.

5. Hickey Subdivision, Briar Hill Road

Discussion was tabled to the next meeting.

V. NEW BUSINESS

1. 135 Packer Road Show Cause Hearing

Scott opened the continuation of the show cause hearing. Staff stated that in April, a Town of Groton surveyor noted a driveway on Packer Road that did not appear to be built to town standards. He was doing survey work in preparation for repaving of the road later this year. He noticed a new driveway had been built that did not have a paved apron and had water flowing over top of it. He thought it was built over wetlands.

Staff informed the agency that IWA permit #98-8 allowed construction of a house and driveway on this lot. Staff reviewed the permit plans and wetlands as located on the site plan. The driveway was approved and built 50 feet from the wetlands. Staff displayed photos of the new driveway and the permitted driveway. A certified letter was sent to the owners of the property ordering removal of the unauthorized driveway and notifying them of the show cause hearing scheduled for the May 25th meeting. The owners did not

receive the letter before than the last meeting. The hearing was continued to this meeting to allow the owners, James Newman and Gretchen Kowal, opportunity to discuss the order.

James Newman stated he had asked about bringing stone onto his property and was told that as long as he did not bring in more than 50 yards of fill, he did not need a permit. He apparently spoke to a zoning official, and should have spoken to other staff members as he needed both a wetland permit and an excavation permit for this work.

Newman acknowledged that there are drainage issues associated with the new driveway. He has access to a new pipe and would like to install it under the apron. Newman added that there is a blocked culvert near his property and that may contribute to the water problem on the new driveway. He is open to suggestions on how to remedy this drainage.

Newman noted that the original driveway has limited visibility due to the trees and vegetation. He displayed photos from this site. He believes that the new driveway provides a safer exit from his property.

Scott stated that the location of the driveway was a significant issue when the original permit was issued. He stated that the new driveway required a wetland permit.

Sutphen questioned the reason for the blocked culvert. Staff will investigate and report at the next meeting.

Staff displayed a sketch from the file drawn by Rich Snarski who flagged these wetlands in 1998. Staff stated that there is a paved leakoff in the road. The culvert does not affect the fact that material was placed in the wetlands without a permit. Scott reminded the owners that wetlands couldn't be filled without a permit from the Agency according to State law. Newman asked about installing a bridge over the wetlands and Scott said that would require a permit.

Staff explained that this show cause hearing the result of an enforcement action. It is separate from any future permit application and should not be tied to a future permit. The Agency must decide whether to uphold, modify or withdraw the order once the hearing is closed. The Agency agreed that the driveway should be removed and the area restored.

MOTION: To close the show cause hearing at 10:11 p.m.

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

MOTION: To leave the original order in effect.

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

The Agency asked Mr. Newman to submit the restoration plan by July 30, 2005.

2. Report of Chair

Furlong asked about the status of the contamination of the Midway Commons Subdivision. Staff noted that the latest report is available in the subdivision file.

3. Report of Staff – None.

VIII. ADJOURNMENT

Motion to adjourn at 10:33 p.m. made by Block, seconded by Williams, so voted unanimously.

Respectfully submitted,

Barbara Block