

INLAND WETLANDS AGENCY
JANUARY 25, 2006 - 7:30 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Agency: Scott, Block, Sutphen
Alternates Ashworth and Furlong
Staff: Jones, Discordia

II. PUBLIC HEARINGS

1. Groton Highpoint Subdivision, 245 Hazelnut Hill Road

Chairman Scott called the public hearing to order at 7:34 p.m.

Chairman Scott appointed Furlong and Ashworth as voting members.

Clinton Brown of DiCesare-Bentley Engineers presented some additional alternatives based on comments and questions from the first hearing. Jim Cowen has prepared some supplemental remarks regarding wetland impacts and Ray Jefferson would like to illustrate the sensitive development plan that the applicant will implement.

Mr. Brown reviewed the erosion and sediment control plan. Before any activity starts on the site, the applicant has to submit a plan of best management practices to the Planning Department detailing the parking of equipment, cleaning of equipment, spill control, and dust control. There will also be a pre-construction meeting before work begins. Mr. Brown stated there is a requirement to post an environmental bond before any trees are cut.

Mr. Brown stated that the contractor will flag the clearing limits according to the plans, protecting any trees or natural features that are to remain. They then establish a construction entrance on Hazelnut Hill Road. The construction staging/storage area will be located around the intersection of Road A and Road B. It is in the front of the site so it can be easily seen and monitored. Mr. Brown stated there are inspections coordinated with the Planning Department at this stage.

Mr. Brown stated there are several stockpile areas on the site for the clearing operation, cutting of the trees and stock piling of wood. They will construct sediment traps positioned around the site based upon the topography and the 2002 CT Erosion and Sediment Control guidelines. There will be diversion ditches, which are created to conduct any sediment laden runoff to those sediment traps. As the road base is established they move into phase 2 of the construction plan and start to install catch basins.

Mr. Brown stated once the road base is established, the cuts are stabilized with seed and an erosion control mat as necessary. When the lot development is done they will put down the final base on the road and remove temporary fencing.

Mr. Brown stated with lot development, the first part is to flag the clearing line for the lots and then call the Planning Department for inspection before any work is done. The lots will be posted with conservation easement signage. On each individual lot there are separate erosion and sediment controls. There will be sediment fence along the edge of each lot. Trees to be removed will be marked with an "X" and trees to be saved will have a fence around them.

During the Phase 1 of the erosion control plan, they will place water bars just below the sediment trap below Road A and Road B. Mr. Brown stated there will be stone filters from the road down to drainage easement as it is a steep embankment. There will be erosion control blankets placed in two areas which require significant grading.

Mr. Brown discussed an erosion control maintenance program. Hay bale barriers and sediment fences will be inspected once a week and within 24 hours after a rain storm of ½ an inch or more. If the sediment builds up against a barrier by more than half its height, it is to be removed. If there is a repetitive failure then they will use the guidelines to correct it. Temporary sediment traps will have the same inspection schedule. If sediment fills half the trap it is to be dewatered and sediment to be removed to a location that would not cause an erosion problem. The temporary diversion ditches will be inspected at the end of each day. The stone will be replenished periodically and any stone or sediment that falls off vehicles will be removed. The roads will be swept up weekly. Responsibility for installation and maintenance is with OJP Development and with the contractor for the day-to-day operations.

Mr. Brown stated that there is a separate set of notes for the wet basin construction. The E&S program provides that the construction will be supervised by qualified wetland scientists. The basin will be monitored for two full growing seasons.

Mr. Brown showed some design alternatives in response to comments and suggestions from the last meeting. He presented an alternative layout where in lieu of Road B loop, a cul-de-sac type road is built on the south side of Road A. This alternative would eliminate 3 lots. They would have to bring a drainage pipe down through lots. They would have to go through one of the hilltops, building a road with a 10% slope which is the maximum the Town allows. This alternative is problematic. With this alternative they would have to request a waiver from the Planning Commission to allow 18 lots on a dead end street when regulations call for no more than 15. Mr. Brown stated they are not in favor of this alternative.

Mr. Brown stated that the next alternative involves a cul-de-sac on Road B. It eliminates about 400 feet of road, and requires the reconfiguration of lots 33 and 34 to share a common driveway. They would still have to bring the storm drain lines down to the cul-

de-sac. They adjusted lot 19 to move development further away from the easterly wetland. This plan would also require the same waiver to the subdivision regulations.

The next alternative was to shift Road A northerly. This complicates the intersection of Road A and Road B. It eliminates lot 4. They would still have to bring the storm drainage down to the cul-de-sac. They eliminated some grading by putting in a retaining wall that is 6' high. They would still need the road waiver from the Planning Commission.

Mr. Brown stated they looked at shifting the utility easement north to the emergency access area. Currently it is between lots 22 and 23. This would result in 9 additional lots being on grinder pumps. The current plan call for 6 houses on grinder pumps.

Mr. Brown stated they looked at pushing some homes on lots 10 through 18 closer to the street. This allows them to tighten the clearing limits and get homes out of the 100 foot buffer zone of the wetlands. They are currently working on moving the westerly homes at least 50' away from the wetlands.

Mr. Brown identified areas with a 25% slope or greater. He noted that there are some lots that have 25% slopes in the area proposed for houses. He presented a typical house plan that could work on these slopes. Mr. Brown submitted to the Agency an individual house design for two of the lots. This house can make up to a 20 foot elevation difference between front and back. Mr. Brown stated that this kind of construction is quite common in New England.

Jim Cowen, a registered soil scientist, responded to questions raised at the last meeting. Mr. Cowen noted that studies that recommend 100-foot buffer zones do not assume any best management practices will be utilized. At this site, control of erosion on slopes will be comprised of diversion ditches and sediment traps; minimizing the exposed soil and stabilizing those areas as soon as possible and also installing barriers such as hay bales, water bars and silt fences. The erosion control plan will be reviewed independently by erosion and sediment control specialists. They are recommending rain gardens and grass swales on individual lots. These will be located as each site is developed. Mr. Cowen addressed the concerns regarding work in the regulated area of lot 19. He stated that they are clearing the easterly side of the lot within the regulated area. However, the lot drains parallel to the wetland. The greater erosion potential will be on the south side of the lot where it is very steep and would eventually drain into Fort Hill Brook and this part of the lot has a much larger undisturbed area.

The second issue that was raised at the last meeting was the potential impacts to upland habitat for salamanders. The most significant vernal pool is on the southeast part of the site and is associated with Fort Hill Brook. The shrub swamp area has excellent breeding habitat potential for vernal pool species. There is no activity within the vernal pool nor within 100 feet of the pool. They do not anticipate any impact to the upland habitat or to the vernal pool.

Mr. Cowen noted that there was testimony regarding an offsite vernal pool at the last meeting, but they don't have any data to evaluate its productivity. It's likely that the primary terrestrial habitat is on the north side of Hazelnut Hill Road. Mr. Cowen stated that Hazelnut Hill Road lies within the vernal pool envelope. He pointed out the old field area. It is suboptimal for amphibian migration. If salamanders were successful in crossing the road they would have a long way to go. They typically wouldn't travel so far and probably would travel to the west side wetland. They are advocating that the emergency access road not be built to limit disturbance to amphibian migration.

Mr. Cowen stated that the northern most portion of the western wetland is a wooded swamp, with large trees and some maples. Along the edge is quite brushy with some invasive species. There is an intermittent watercourse and an open brushy area. There is some wetland wildlife value. There is a short hydro period in this area. In Don Fortunato's report submitted for the record, the ponded area had less than 6-10" of water and he observed no egg masses. Another limiting factor for amphibian use is the surrounding residential land use.

Mr. Cowen discussed the impact of blasting on wetlands. Typically the charges used are kept to a minimum extending the impact a typical distance of 6 to 10 feet. Blasting on this site may be needed approximately 70 feet from wetland flag 310 and 75 feet from wetlands 302 to 305 for road construction. Mr. Cowen stated they would need to blast 70 feet from wetlands markers 40 to 50 for the storm water basin. Additional blasting may occur on different locations for utility installation. The wetlands are comprised of glacial till and organic soils, both of which are elastic not brittle, therefore they can handle movement. Mr. Cowen stated that it is his belief that any impact to wetlands from blasting will be minimal.

Furlong asked about blasting between wetlands flags 40 and 50. She asked if it was near the area of the waterfall and Mr. Cowen clarified that blasting will be between flags 38 and 49. Furlong stated she was concerned with losing so many trees during blasting. She stated the initial storm water runoff is going to be warm and will run into the brook and she is concerned that it will change the quality of water.

Mr. Brown stated that when blasting occurs the clearing is already done. He stated that they don't blast unless the area is cleared to the ledge. Furlong asked if he was going to blast for the storm water basin and Mr. Brown stated that they may have to in order to construct the basin in the proposed location. Mr. Cowen stated that the storm water runoff will be controlled with sediment traps and drainage ditches. He stated that runoff temperature will be moderated by contact with the soil.

Chairman Scott stated that buffers fulfill many functions beyond the removal of sediment. He asked if blasting could potentially crack bedrock on deeper levels. Mr. Cowen stated that they are 70 feet away from the wetlands at the closest blasting point. Mr. Cowen stated that in the remote chance that there was a crack it would be resealed by

the elastic sediment in a relatively short period of time. Organic soils in the Fort Hill Brook are even more elastic.

Chairman Scott disagreed that warm water would cool after passing through the storm water treatment structures. Chairman Scott stated that the water would heat up after going through treatment structures. Mr. Cowen stated there are a couple of factors involved. The extreme scenario is on a hot summer day when the pavement and surfaces are heated. Within a matter of a few minutes after contact with the soil it will cool down to approximately 50 degrees. The basin would meter the water out slowly and the temperature would moderate and become cooler over night. By moving the outlet of the basin to the west side there is more travel time before the water enters the brook. Chairman Scott stated that just a few degrees difference could have an impact on a fish population in the brook. Mr. Cowen stated that they would mark and maintain as many trees as they can along the south edge as possible. They can also do an extensive shrub planting to shade the ground and water on the berms in the storm water basin.

Staff asked if they actually saw egg masses in the shrub swamp on the southeast side of the site or were they speculating that this area is a vernal pool. Mr. Cowen stated they speculated. She asked if there was the possibility that fish could enter the pool. Mr. Cowen stated there are hummocks in the backwater area near the brook that would prevent fish from entering. Staff asked if the egg masses could have already hatched in the western ponded area and asked whether Mr. Fortunato did any dip netting. Mr. Cowen stated he did not and he didn't believe that there were any eggs there. Mr. Cowen stated that the water was only 6-10" deep. Staff asked what would be the impact if the emergency access is built. Mr. Colin stated it would not directly affect the wetland, but there is forested area that would need to be cleared and the reduction in cover would have an affect on some of the upland habitat.

Ray Jefferson, 790 Farmington Avenue, Farmington, CT, is a landscape architect. He met with Jack Kepper of Kepper Associates regarding a house plan on steep lot 19. They have moved the homes as close to the road as possible to give even more of a buffer to the wetlands. Mr. Jefferson stated that with elimination of the loop roadway, the construction of a turn around, and the use of mews, there would only be two curb cuts on the roadway. They are not only leaving the stone walls undisturbed but they are restoring natural landscape beyond the existing vegetation. They would like to keep the turnarounds landscaped. They will have a homeowners association responsible for maintaining any common areas.

Mr. Brown submitted a copy of a letter from the fire department regarding the emergency access road. The letter stated that because the developer agreed to install sprinklers in each of the homes the fire marshal felt that an emergency access road would not be needed.

Mr. Brown went over a table summarizing the alternative data with the Agency. Whenever the alternative has resulted in a change of wetland activity they crossed out the

original number and recalculated the specific amount of disturbance. Mr. Brown showed the Agency which plans went with which alternatives.

Mr. Brown submitted two documents to the Agency. One was a pamphlet from Granville Morris, a lawyer representing the applicant. The other was literature regarding a Marlborough subdivision built by the applicant. Mr. Morris submitted an example of a homeowners association document. This is a declaration put on the land records. There will also be an architectural review committee to oversee the architecture of these new homes. There are some forest preserve areas on the site with controls regarding allowed activity. Mr. Brown stated that the Association will have the ability to impose fines.

Ashworth asked if these documents are legally binding and Mr. Morris stated that they were.

Staff asked the applicant to submit detailed plans regarding the alternatives for the Agency to review.

Chairman Scott asked the intervenor to make their statement and the Groton Open Space Association (GOSA) stated that Sigrun Gadwa, registered soil scientist in Chester, Connecticut, would like to submit materials to the Agency. Ms. Gadwa stated that there is a tremendous amount of improvement between the alternatives and the original plan.

She reviewed her recommendations. An option for a very steep backyard would be to have a shrub backyard. There would be no issues of having to mow these steep areas.

Ms. Gadwa discussed her evaluation of the western wetland. Shrub thickets are not common in Connecticut. They are not as acutely sensitive to residential areas as interior forests. Ms. Gadwa would really like to see the shrub land protected and recommended that the emergency access road be eliminated. She stated that the ponded area in this wetland was too shallow for salamander breeding but could support wood frog eggs. Ms. Gadwa stated that neighbors had witnessed salamanders crossing over the road.

Ms. Gadwa stated that she wasn't happy with grading within 20 feet of the wetland boundary as sediment will get into the buffer. Ms. Gadwa stated that there are a significant amount of units and there will be a lot of sanding on the roads. Ms. Gadwa stated that the stormwater basin would need sun in order for the herbaceous plantings to grow. Shrubs would not grow well due to all the pollutants and sand from the road.

Ms. Gadwa stated that by blasting you could change the pattern of water flows if a crack is created. Ms. Gadwa stated that the waterfall was spectacular and that maybe there should be a pedestrian path for the greater public to view it. Ms. Gadwa stated there should be liberal use of water bars for steep slopes. Ms. Gadwa stated that she has seen other developments built by the applicant such as Devonshire in Farmington where the lots had very small lawns and lots of natural vegetation and forest were left in place. Ms. Gadwa stated that since they are only two months away from the vernal pool season it

would be a good idea to do a study of the vernal pool species. Vernal pool species sometimes migrate up to a 1,000 feet. She stated that this plan would not work without the mews or if the emergency access road was to be constructed.

Chairman Scott asked if the size of the basin would be affected by limiting the amount of impervious surface. Mr. Brown stated that although they were eliminating 400 feet of road they were putting in a large cul-de-sac. Therefore they cannot reduce the size of the basin as the runoff amount would essentially be the same.

Sutphen asked if they could pull the basin northerly. Mr. Brown stated that the slope is steep and couldn't support the basin.

Chairman Scott asked for public comments.

Priscilla Pratt, President of GOSA, brought Margaret Jones' letter to the Agency's attention. It was submitted at the last meeting. She wished the wildlife surveys were done in warmer seasons to get a more accurate assessment. Ms. Pratt asked if there were fewer houses would they need such a large basin.

Ron Chapel of 211 Hazelnut Hill Road stated that he has never seen a lizard cross the road. He has lived on Hazelnut Hill Road for 47 years and knows the property.

Peter Chapel of 217 Hazelnut Hill Road stated that there are no fish in the brook and the wetlands dry up in the summer.

Martie Young asked who monitors the maintenance measures. Mr. Brown stated that the applicant monitors it for the first two years and after that the Town of Groton.

Fred Van Riper of 46 Meryl Court. He is worried about being flooded if Fort Hill Brook is blocked off from sediment.

Mr. Brown stated that 25 years is the appropriate design for a basin in this location. They did calculations and acknowledge that Fort Hill Brook is a flood prone area. Mr. Brown stated that the basins for the streets are also designed for a 25 year storm.

Fred Van Riper asked what would happen during a 50-year storm in his neighborhood. Mr. Brown stated that he hasn't studied the whole watershed area.

Sigrun Gadwa asked if the sizing of the basin included runoff from the emergency access road. Mr. Brown stated that the access road is outside of the area that drains to the basin. Mr. Brown stated they would like to landscape the inside of the cul-de-sac and allow storm water to drain to it. Mr. Brown stated that it wouldn't affect the size of the basin.

Staff stated that she would like input from the Department of Public Works regarding the alternatives submitted at this meeting and she would also like to review the plans to give the Agency her opinion on them.

MOTION: To continue the public hearing for Groton High Point Subdivision, 245 Hazelnut Hill Road until the next regularly scheduled meeting on February 8, 2006.

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

III. PUBLIC COMMUNICATIONS - None

IV. APPROVAL OF THE MINUTES OF January 9, 2006 and January 11, 2006

Sutphen noted that on page 2, first paragraph of January 11th minutes, that “feet above sea level” should be inserted after “The highest elevation is at 140”.

Sutphen noted on page 2, last paragraph of January 11th minutes, that it should read, “Mr. Brown stated that that averages 2 acres per house”.

Block noted that she did not attend the last meeting and did not make the motion to adopt the minutes. Sutphen made the motion.

MOTION: To approve the minutes of January 9, 2006 and January 11, 2006 as amended.

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

V. NEW APPLICATIONS

1. Maple Glen Subdivision, 0 Pleasant Valley Road North

Staff stated the site is located on Pleasant Valley Road North, Gungywamp and Briar Hill Road. Alan Gardner is the principal. Clinton Brown presented the subdivision which consists of 15 lot single family residential homes accessed from both Briar Hill Road and Pleasant Valley Road North. All lots are served by driveways. Lots 14 and 15 are associated with the most wetland activity. There are public water and onsite sewage disposal systems. Chairman Scott asked why the houses couldn't be pulled out of the buffer area. Mr. Brown stated they are constrained by where they can put the septic systems. Mr. Brown stated they are in a sewer avoidance area and public sewers cannot be extended to the site. Chairman Scott stated that they should have a site walk for this. The Agency set a date for a site walk on Monday, February 6 at 3:30 p.m.

2. Receipt of New Applications - None

VI. PENDING APPLICATIONS

1. Groton Highpoint Subdivision, 245 Hazelnut Hill Road

The public hearing was continued until the next regularly scheduled meeting on February 8, 2006.

2. North East Academy, 115 Oslo St. - tabled

North East Academy was tabled until the next regularly scheduled meeting.

3. Catherine Kolnaski Elementary School, 500 Poquonnock Road

Catherine Kolnaski Elementary School was tabled until the next regularly scheduled meeting.

4. Candy Lane Subdivision, 0 Bonnie Circle

Candy Lane Subdivision was tabled until the next regularly scheduled meeting.

5. Watrous Resubdivision, 113 Fishtown Road

Watrous Resubdivision was tabled until the next regularly scheduled meeting.

6. Kanor Property, 7 Haley Farm Lane

Greg Fedus reviewed the plans with the Agency. The plans meet all requirements for Ledge Light Health District. He noted that Haley Farm Lane is a state road so it would require state permits for work in the right-of-way.

Staff reported that her technical comments have been met. Mr. Fedus explained that moving the garage to the other side of the house would place the driveway in a dangerous location and would eliminate several trees.

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

1. There is no loss of wetland or watercourse as a result of this activity
2. There are no future regulated activities made inevitable by this project
3. The activity will take place on lawn area adjacent to the existing house and there will be minimal change to the function of the buffer area adjacent to the wetland.

This permit is subject to the five standard conditions.

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

7. The Woodlands, 0 Ronald Road

The Woodlands was tabled until the next regularly scheduled meeting.

VI. NEW BUSINESS

1. Report of Chair

Sutphen stated that water continues to flow from the Roche driveway onto Fishtown Road. Staff will notify Public Works.

2. Report of Staff

Staff reported that the draft for the fee schedule will be submitted for the Agency's review at the next regularly scheduled meeting.

VII. ADJOURNMENT

The meeting adjourned at 10:34 PM.

Respectfully submitted,

David Scott