

INLAND WETLANDS AGENCY
FEBRUARY 8, 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 7:31 p.m.

Chairman Scott appointed Furlong and Ashworth as voting members.

Harry Clark of DiCesare-Bentley Engineers presented alternatives to address concerns raised at the last meeting. He reviewed a plan to increase the distance between the storm water basin and the wetlands. He noted the revised grading on the downside of the basin. A short retaining wall will be built to reduce the grading. This will increase the undisturbed area from 10 feet to 30 feet. Mr. Clark reviewed some of the alternatives from the previous public hearing.

Block asked Mr. Clark to point out the lots that are going to be reconfigured. Lots 24 through 27 are pulled closer to the road to provide more of a buffer to the wetlands.

Furlong asked what kind of equipment they would use to build the retaining wall at the stormwater basin. Mr. Clark stated they would use a small backhoe. Furlong asked if they would have to cross into the wetlands to build this wall and Mr. Clark stated they could stay on the northerly side when constructing the wall.

Furlong asked what lots would still be built on a 25% slope. Mr. Clark stated lots 15, 19, 20 and the back of lot 9.

Chairman Scott asked about the sediment trap on lot 13. Mr. Clark stated in order to minimize the grading on the slopes they would create a diversion ditch for runoff. When construction is complete it would be graded over.

Ashworth asked the status of the emergency access road. Mr. Clark stated that the Fire Marshal does not feel it is necessary but it may be required per subdivision regulations and the Planning Commission still has to review this application.

Chairman Scott asked the intervenor for comment.

Sigrun Gadwa, speaking for the Groton Open Space Association, handed out her report to the Commission. Ms. Gadwa followed up on her comments from the last public hearing. She believes that it would be an improvement to have the storm water basin drain to the west. Fort Hill Brook has experienced some bank erosion problems. She was concerned that stormwater run off would be too much for this basin and would like to see it demonstrated that it could handle larger storms. Lot 15 has a very steep slope and she is worried about sediment getting through the silt fence. Ms. Gadwa stated that it was very important that the clearing limits, and where the homes are actually built on the lots, be stipulated in the Agency's conditions so the Planning Commission cannot change these factors. She stated that these plans need to have strict stipulations as to not allow any future development.

Priscilla Pratt, President of GOSA, pointed out on page 5 of Ms. Gadwa's report that curbs should be curved to allow amphibian migration. Ms. Pratt pointed out Ms. Gadwa's summary in the report that a decrease in numbers of lots and an increase in lot size would protect more of the natural habitat and still receive adequate market value. She suggested an independent inspector, paid for by the developer, be required as the Town staff does not have the time to adequately inspect this site while under construction.

Joan Smith, 58 Mohegan Road, member of GOSA spoke to emphasize the importance of language. She stated that if a condition is not written into the permit or onto the plans it's not enforceable.

Chairman Scott asked for public comments and there were none.

Staff reported that the Town Engineer has reviewed the alternatives presented at the last meeting. He is not in favor of the straight cul-de-sac as an alternative to loop Road B and he cited grading problems with this alternative. The Town engineer does not recommend more houses on grinder pumps. He recommended against rain gardens in the cul-de-sacs, as the Public Works department cannot maintain them. He does not see any problems with shifting Road A north or terminating Road B in a cul-de-sac. The engineer is comfortable with the detention basin alternative as presented tonight; noting that it does pull the work away from the wetland. Staff stated she wasn't in favor of constructing a storm water basin on a steep slope, as construction and stabilization is difficult. She noted that this site doesn't offer many level sites to put a basin. Staff stated that the appropriate plantings could be made a condition of the permit. Staff suggested that they Agency require that an erosion control specialist certify the erosion control plan before filing the plans in land records. Staff stated that the plans call for an independent inspector to report back to the staff periodically regarding the erosion controls. She stated that the additional mews are an improvement and encouraged the Agency to incorporate it if in fact they voted in favor of this plan. She noted that the emergency access would have a permanent impact on the wetlands.

Joan Smith requested an agreement with the homeowners association to monitor any landscaping after construction is complete.

James Cowen, soil scientist, spoke regarding the methods they used to evaluate a wetland. They used the Army Corp of Engineers methodology. The soils of this wetland are a glacial till and there is no potential for recharge. The function of this wetland is a discharge wetland, as it is at the top of the wetland, essentially a perched wetland. He stated that functions tend to be limited in smaller wetlands. He considers it to currently have low function for nutrient removal.

Granville Morris, an attorney representing the applicant, submitted for the record a decision regarding the Toll Brothers, Inc. vs. Bethel Inland Wetlands Commission. He stated that this decision concerned a property of 22 acres of undeveloped land. The applicant, Toll Brothers, Inc., looked for approval of an affordable housing development. It involved 2 ½ acres of wetlands. Toll Brothers proposed a wall to eliminate a lot of grading. The wall was located as close as 3 feet and an average of 20 feet away from the wetlands. Attorney Morris stated that this ruling stated that any potential affect on the wetlands must be specific and not generalized.

Gene Chmura, Chairman of the City of Groton Conservation Commission, asked if the run off water in the southerly direction and underground could enter a fairly large watershed. He reported that he had asked Mayor Popp if that water could be filtered as the City will need more water eventually. The Mayor stated that the water may be salty, as the water is tidal. They are worried about losing a good source of potable water. He stated that the State is looking closely at Birch Plain Creek.

Staff interjected and asked Mr. Chmura if he was talking about Catherine Kolnaski Elementary School and he stated he was. Staff explained that this hearing was for Groton Highpoint Subdivision and asked him to hold his testimony until the Kolnaski public hearing opens.

Furlong asked staff if the land to the north of this subdivision is zoned industrial and if the Town may consider extending water and sewer up Hazelnut Hill Road. Furlong asked if the water could be pumped up from Pequot Health Center. Clinton Brown stated he talked with the City regarding this and they decided that the most efficient way to get water to this subdivision was through Meryl Court. Staff stated that the Town does not foresee at this point running sewer up Hazelnut Hill Road.

MOTION: To close the public hearing for Groton High Point Subdivision, 245 Hazelnut Hill Road.

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

2. Catherine Kolnaski Elementary School, 500 Poquonnock Road

Block read the call as it appeared in The Day.

Chairman Scott asked if the certificates of mailing were in order and staff responded they were.

Rick Norris, project manager, stated that the presentation would be done by JCJ Architects who have brought in their own team of specialists.

Greg Smolley from JCJ Architecture, Inc. presented the project to the Agency. He explained the proposed school would be a 2-story building consisting of grades pre-K through 5. The site is 124 acres. The building would be about 68,000 square feet. There would be a gym, music room and a couple of large gathering rooms in addition to classroom space. All the storm water is collected and treated on site before it is discharged. He stated a phase I and II environmental analysis had been conducted on the site. A couple of areas of contamination have been identified. There is a site near the railroad that is contaminated with ash residue. There is also coal ash on another. In the lower left corner of the site are 55-gallon drums. They were leftover from a strike at EB and they used for fires to keep the strikers warm. Other areas include fill pushed into the wetland area behind the Sneakers Plaza during construction. He identified archaeological sites on the property. They have been disturbed and the report is on file with the Town.

Mr. Smolley showed three potential access points to the Agency. The south access point is the best place of entry. They located the school on the western side of the site. They've done their best to avoid the steep sloped areas. There are a few areas they need to fill. The proposal is to level the hill and use the fill to build the roadway. They will remove any excess rock from the site.

Mark Friend, a soil scientist and engineer with Megson & Heagle Civil Engineers & Land Surveyors, spoke before the Agency. He stated there is a large wetland area in the southeast corner, the soil type is highly organic and very poorly drained. There is open water through the middle of those areas and quite a bit of disturbance on the south side. The run off quality from this area is marginal. The soil map shows some tidal wetlands in a small finger of the wetland, but there is no tidal wetland on this property according to his analysis. There is a potential vernal pool on the north east side of the site where he noted egg masses. Mr. Friend stated there is a proposed water line installed south of this. There are small isolated wetland areas on the south side of the site. One of the wetlands will be filled during construction of the access road. The other is an excavated pit that fills with water. The access road will be constructed east of this wetland. There is a narrow band of wetland on the slope to the west side of the site. Within this wetland is Birch Plain Creek. Mr. Friend submitted a letter for the record stating there are no tidal wetlands on the site.

Mr. Smolley explained there would be a two-loop drop off system in front of the school. Overall, 75 parking spaces are located to the east of the building. There will be two playscape areas with wood chips and bark mulch so water will percolate through and recharge the ground water. There is a wetland area to the west about 125 feet away. Mr. Smolley explained the largest fills are in the road right-of-way. They are cutting the top

of the hill and leveling it out and taking quite a bit of fill off site. The building is curved to match the contours at the top of the hill.

The Town has two pieces of frontage on Poquonnock Road. They chose the access point that busses would pull into a T-intersection and a flat road. The other point was into a busy 4-way intersection and up a hill, so they disregarded this access point.

Scott Lindgren, a civil engineer with Pare Engineering, presented to the Agency. The new driveway location has a large rock outcrop along the eastern side. This rock will be blasted out to create a roadway. There is a 23-foot rock cut needed. Due to the constraints of the utility poles and abutting property and a gas protection anode, they've placed the roadway at the center of the frontage that the Town owns. As they climb up the roadway to the existing cart road, they will utilize some swales and storm water treatment units to treat runoff for this part of the roadway between stations 600 to 800. They are not able to construct a typical storm water basin structure. They can only capture the drainage in physical structures due to the grading. There will be a series of catch basins and a final stormwater basin to treat it.

From station 800 to the high crest of the road at station 1900, there will be approximately 900 feet of roadway. A series of catch basin structures will discharge to a detention basin along the north side of the roadway. This will be discharged 100 feet from the wetland area.

Mr. Lindgren stated the southern portion of the site would have a stormwater treatment center and discharge to a basin which would then discharge through the natural land water course.

Mr. Smolley stated they carefully evaluated the area of rock cut. They were told that the power line supplies Pfizers and the poles cannot come down nor be down for any period of time, so they must work around it.

Dr. Clarence Welti, a geo-technical engineer spoke before the Agency. He displayed pictures of similar rock cuts to the one proposed for this site. He showed a rock cut on Route 84 in Vernon. This rock cut had a wetland up above. The area on the rock cut side has remained dry through several decades.

Dr. Welti stated that the blasting along the road frontage will be very controlled and have minimum charged blasting as to not affect the power lines. The blasting on the high west side is 150 feet away from the wetlands. He stated that he didn't think it would affect the wetlands at all.

Chairman Scott asked if there was any potential for fracturing rock or draining along the frontage. Dr. Welti stated that the wetland is at 7 feet above sea level and it cannot go any lower.

Chairman Scott asked what they are using to blast. Dr. Welti stated that he did not know, as they still have to present a blast plan.

Mr. Smolley discussed the erosion and soil control measures. There will be a series of hay bales and sediment fencing. The water line is proposed to come in across from the east. Chairman Scott asked if he was planning on putting in concrete check dams along the water line to prevent the migration of ground water. Mr. Lindgren stated yes.

Bob Russo, a biologist and soil scientist, spoke to the Agency. The wetland to the east of the entrance drive doesn't look like a classic vernal pool but there are areas that could provide habitat. This site plan avoids working in any potential vernal pool areas. The primary work around this wetland is the entrance road. The middle wetland area looks like it may provide breeding habitat. The larger wetland system on the west side has a pond and further north is a larger wetland system.

Ashworth asked what Mr. Russo's opinion regarding the wetland shown to be filled. Mr. Russo stated the wetland's hydrology is minimal and it wouldn't support long term water.

Chairman Scott asked about the polluted sites and Mr. Russo stated that the wetland near the entrance is already compromised. Mr. Smolley stated that Public Works has a report that states if they don't remove the barrels there is no immediate threat of pollution. Rick Norris stated that they have those sites defined but it is not part of this project. Staff stated she would check on the status of clean up these polluted sites with Public Works.

Mr. Smolley stated that there is a directive from the Town to rebuild any stone walls that are disturbed on site.

Furlong asked if all the discharge outlets are 100 feet from the wetlands. Mr. Lindgren stated all except the one at the entrance.

Furlong is concerned with increased water and the potential for flooding along the west side. Mr. Smolley stated they are back up hill, therefore there is no potential for flooding along the west side.

Staff asked what they are considering a steep slope. 20% and above replied Mr. Smolley. Staff read the Planning Commission and Conservation Commission comments. Staff stated they received revised plans on Friday and they don't have comments back from Public Works yet. Staff is continuing to review the erosion control plan.

Chairman Scott asked for any public comments.

Jim Mumford, of 842 Poquonnock Road stated there is standing water behind his property and there is a swale that runs parallel to Amtrak. When Amtrak put down new ties, they threw the old ties into the swale and never cleaned it up. Hence there is stagnating water. He asked if there was a potential to be flooded out with this blasting.

Mr. Smolley stated that most of the drainage is discharged to the west. He stated that it wouldn't have any impacts on the abutting property to the east.

Staff stated that she doesn't have a current contact for Amtrak but will check with the Town Manager.

Gene Chmura, Chairman of the City Conservation Commission said that he is worried about any siltation coming down into Birch Plain Creek as they are earmarking that site for potential potable water in the future.

MOTION: To continue the public hearing for Catherine Kolnaski Elementary School until the next regularly scheduled meeting.

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

III. PUBLIC COMMUNICATIONS - None

IV. APPROVAL OF THE MINUTES OF January 23, 2006 and January 25, 2006

Furlong noted that her request to have detailed plans for the alternatives presented for the Groton High Point Subdivision were not included in the minutes.

MOTION: To approve the minutes of January 23, 2006 and January 25, 2006 as amended.

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

V. NEW APPLICATIONS

1. Receipt of New Applications

a. Hilton Garden Inn, 224 Gold Star Highway

Staff stated that it is located east of Walmart and she showed the Agency where the wetlands are. The Agency stated that they did not need to walk the property, as they are familiar with the site.

VI. PENDING APPLICATIONS

1. Groton Highpoint Subdivision, 245 Hazelnut Hill Road

The public hearing was closed and discussion was tabled to the next meeting.

2. North East Academy, 115 Oslo Street

Mr. Smolley handed out a copy of his presentation to the Agency. The site has 23.8 acres. Their design was aimed at not impacting the on site vernal pool. The proposed school will be approximately 51,000 square feet. He stated they would have a two-loop drop off area. There is an old septic system that will be removed. There will be a long grass swale around the field. He addressed the Agency's concern with the location of the playscape near the wetlands. Mr. Smolley stated that in order to move the playscape they would have to remove a large outcropping of rock.

Mr. Smolley reviewed several drainage designs which were developed to limit the impact of stormwater on the on site vernal pool. In all cases care was taken to avoid impacting the high quality vernal pool located off site to the north. They considered underground detention and storing stormwater on the play field. These alternatives were dismissed as being either too expensive or impractical. The third alternative eliminates the stormwater basin and replaces it with a swale with a formal outlet. A small knoll will be removed to create the outlet.

Bob Russo, biologist and soil scientist with CLA Engineers renewed the current drainage patterns on site. The existing discharge has an iron fixing bacteria present indicating poor water quality. He showed the Agency pictures of sediment deposition near the vernal pool. Mr. Russo spoke in favor of the current drainage plan noting that it incorporates sediment removal and a grassed swale. The swale will not have standing water in it and will not be a decoy vernal pool.

The Agency discussed the benefits of removing the small knoll to create a grassed swale versus leaving the outlet where it was originally proposed which requires minimal grading and allows water to flow over a forested area.

Furlong asked what schools used for fertilizers and pesticides on their playing fields. Mr. Smolley stated that the Board of Education has regulations that stipulate natural based fertilizers.

MOTION: To approve the Northeast Academy application for the following reasons:

1. There is no loss of wetland or watercourse associated with this project.
2. The applicant has revised the drainage system to limit any impact to the vernal pool and to provide detention to limit impact to downstream properties.
3. The new school and associated improvements on this site will incorporate best management practices for stormwater quality that do not exist for the existing school and parking lot.

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

1. The phased erosion control plan shall be placed on the plan. Any changes to this plan shall be reviewed with the Environmental Planner.
2. A preconstruction meeting shall be held with the Planning Department prior to the start of construction.
3. The basin outlet shall be shifted north to its original location as far from the wetlands as possible.

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

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

MOTION: To grant a two-week extension for Candy Lane Subdivision.

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

5. Watrous Resubdivision, 113 Fishtown Road

Block noted that she has recused herself from this application.

Staff stated the Public Works doesn't have any comments. Staff had concerns with their right to install underground utilities on another property. She stated they do have a letter on file from the property owner.

The applicant will apply for a waiver to the Planning Commission for public sewer and water.

Staff stated that Ledgelight is satisfied with the septic design.

MOTION: To approve the Watrous Resubdivision application for the following reasons:

1. There is no loss of wetlands or watercourses as a result of this project.
2. The applicant is proposing minimal disturbance within the regulated area and all work will be upland of an existing driveway that parallels the wetlands.

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

1. The erosion control plan shall be revised to incorporate anti tracking pad detail from the 2002 CT Guidelines for Sediment and Erosion Control and the telephone number of the erosion control contact person.

Motion made by Sutphen, seconded by Ashworth, 4 in favor, one abstention (Block).

6. The Woodlands, 0 Ronald Road

Staff noted that the detailed investigation by the soil scientist concluded that the wet area near their entrance drive was not wetland soil.

MOTION: To classify The Woodlands as a minor application.

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

MOTION: To grant a two-week extension of The Woodlands application.

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

7. Maple Glen Subdivision, 0 Pleasant Valley Road North

Maple Glen Subdivision was tabled until the next regularly scheduled meeting.

VI. NEW BUSINESS

1. Discussion of Section 18.1 Regulation Amendment

Staff handed out the draft amendment for section 18. All the regulation fees have been increased to cover the cost of legal ads, postage and copies. A new section allows the Agency to charge a complex application fee to cover the cost of an outside review of studies and reports submitted by the applicant. Staff will submit an application at the next regularly scheduled meeting.

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

VII. ADJOURNMENT

The meeting adjourned at 11:25 PM.

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Respectfully submitted,

David Scott