

INLAND WETLANDS AGENCY
AUGUST 23, 2006 - 7:30 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

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

Chairman Scott appointed Furlong as a voting member.

II. PUBLIC HEARINGS

1. Mystic Woods, Fort Hill Road & Flanders Road

Staff noted that letters regarding the application were placed in the Agency's agenda packets. Staff has received an additional 13 Notices of Interventions. They are all identical except for the names and she distributed one of them along with a list of all interveners to the Agency. Staff noted that the interveners describe the original application which has since been modified. Staff read into the record the Planning and Conservation Commission comments. The Planning Commission commented that they would like to see sidewalks in and outside the development. They also suggested that development be kept off of the steep slopes. The Conservation Commission recommended that all construction be kept off the steep slopes. Staff received a review of the stormwater calculations from an engineer in the Department of Public Works. The engineer noted that pre and post development subwatershed areas were different and he could not confirm that the basin sizes were adequate. He also questioned the calculated water velocities. Staff's review of the project focused on the development on the steeper slopes as well as erosion and sediment control. She was concerned with any work being done on 20 percent and above slopes on the property and had asked the applicant to eliminate work on these slopes. She was concerned with how close the basins are to the wetlands. She stated that the current plan has the potential to permanently affect the wetland areas.

Richard Snarski from New England Environmental Services has been hired by the Town to review the impact of stormwater on the wetlands. He reported that basins B2 and B3 between wetland areas 7 and 8 were not in the best location as these are high quality wetlands. He suggested having the basins designed to hold a 1 inch rain event and if there is no more than 2 feet of standing water there could be wetland vegetation. He felt the basins should be up top in the development area as they are less likely to become decoy vernal pools. Shifting the location would also limit impact to wetland areas 7 and 8. He was concerned about the drainage proposed along Route 1. Currently, there is a gully about 2 feet deep that ends about 30 feet from the wetlands. He is concerned that more water discharged in this area could accelerate erosion. The isolated wetland in the middle

of the development is a low quality wetland and he didn't see a problem with developing it into a pond. He felt that all of wetland 11 functions as a vernal pool. This is a high quality organic muck wetland. The basin adjacent to wetland 11 has been moved 100 feet away. Mr. Snarski did not feel that amphibians would go into it if it were designed to hold a 1 inch rain event.

Sutphen stated that she received a phone call from Wendy McFarland and Ms. McFarland stated there were a lot of residents who were going to band together against this project. Furlong stated that she received a phone call from Wendy McFarland and other residents regarding traffic. Chairman Scott stated that the Agency should not discuss the application outside of the public hearing so that everyone has access to all the information and comments.

Chairman Scott called from the list of interveners and asked them to make their presentation.

Dawn Ackley was not present.

Susan Sutherland, of 32 Neptune Drive, distributed her material to the Agency. She spoke against the application and read into the record her presentation.

John F. Harms, of 73 Stonecrest Road was not present.

Susan M. Aguiar, of 260 Fort Hill Road, was not present.

Michael Simoncini, of 15 Hemlock Road, is a new homeowner. He is concerned that the wetlands will be destroyed and he is opposed to this project.

Lisa E. Utt, of 5 Hemlock Road, was not present.

Rachel Jasenak, of 81 Hemlock Road chose not to speak.

Michael E. Jasenak, of 81 Hemlock Road, distributed materials to the Agency. He is an abutter to the proposed project. He spoke against the application and read into the record his presentation.

Patricia A. Oliver, of 75 Hemlock Road, chose not to speak.

Anna L. Sullivan, of 81 Flanders Road, read into the record her presentation and submitted it from the record.

Barbara W. and William N. Pugliese, of 65 Hemlock Road, chose not to speak.

David A. Oliver and Mark A. Oliver, of 75 Hemlock Road, were not present.

Joan Smith, a member of the Groton Open Space Association, requested that the Agency request an Environmental Review Team from the State. She requested that the Agency deny without prejudice this application until they have more information from specialists.

Sydney VanZant, a member of the Groton Open Space Association, submitted materials to the Agency and applicant for the record. She read her presentation into the record.

Wendy McFarland distributed the State Environmental Review Team application forms to the Agency. She stated that they are requesting a hydrologist as well as other specialists. She went to the Town Council and requested they intervene and request an ERT. Ms. McFarland suggested that the applicant withdraw the application without prejudice until an Environmental Review Team has time to report back on this.

Attorney Peter Cooper, of 51 Elm Street in New Haven, representing the Groton Open Space Association, addressed the Agency. He submitted a written statement to the Agency and applicant. He stated that this application should be denied according to regulations 9.2a thru 9.2g. He highlighted certain points from his submitted statement to the Agency.

Penny Sharpe a biologist and wetlands scientist for Groton Open Space Association, submitted materials to the Agency and applicant for the record. She submitted her resume for the record. She stated that she visited the site in May. She agrees that the wetlands are high quality wetlands with the exception of wetland 4. Wetlands 7 and 8 are not only high quality wetlands but they drain into Fort Hill Brook. She is concerned that there isn't any soil test data submitted yet. She highlighted some points from her submitted statement. Ms. Sharpe agrees with Mr. Snarski that the whole of wetland area 11 is a vernal pool not just two separate pools. She questioned the terminology for the basin and how it would work. Ms. Sharpe stated that in wetland 4 that the applicant was going to have a detention basin disguised as a pond and it would be 2 feet deep. She stated that this would probably be covered with algae during the hot summer months and probably become a nuisance more than anything. She pointed out that any individual wetland converted to a stormwater basin requires a permit from the Army Corps of Engineers.

Steven Trinkaus, a consulting civil engineer and a certified professional in erosion and sediment control and storm water quality, represented the Groton Open Space Association. His business is based in Southbury, Connecticut. He submitted a letter including his qualifications to the Agency and applicant. Mr. Trinkaus highlighted certain points of his submitted statement for the record. Mr. Trinkaus pointed out page 5 in his packet which is a table from the Stormwater Management Center of New Hampshire. It shows that the hydrodynamic separator that the applicant claims will remove 80 percent of total suspended solids, actually only removed 19 to 29 percent when tested. He noted several inconsistencies with the drafting of the plans. He also noted that grading wasn't referenced on the walkways and that it falls under the Agency's purview. Mr. Trinkaus stated that the lined pond in wetland 4 is actually going to defeat the purpose of a wetland

as no ground water will be contributing to the pond only stormwater runoff. The infiltration, level spreader, bio-filter system that the applicant has on the plans is unclear as to what the structure actually is and how it works as each descriptive is a separate entity. Mr. Trinkaus stated that the construction plan is faulted and the narratives on the plans are inconsistent. He stated that the applicant should have submitted a commonly known routing table showing surface water and discharge rates with the stormwater plan.

Attorney Peter Cooper, stated that, in light of all the technical information the Agency has just heard, the Agency should deny this application. Attorney Cooper stated that there are too many inconsistencies in this proposal and it is too risky without more information. He pointed out the regulations supporting this. He highlighted a few of the points of his submitted letter. Attorney Cooper went through the regulations supporting a denial of this application. He supported the applicant withdrawing this application until and Environmental Review Team can make a report. Attorney Cooper asked staff to check into the abutters list as he believes there are 4 people who were not notified.

Chairman Scott asked if there were any comments from the audience.

James Zamzes of 248 Fort Hill Road stated he is concerned about all the neighbor's wells and septic systems. He is concerned about the blasting associated with this site. He stated that he is the owner of the property at 248 Fort Hill Road.

Wendy McFarland of 48 Bel Aire Drive stated that the Agency has no option but to deny this permit. She feels that the Town of Groton should be stricter in allowing the size and scope in developments as they have increased in the last ten years. She stressed that an ERT was important to this application. Ms. McFarland stated that these professionals are needed.

Genevieve Cerf of 17 Crescent Street of Groton Long Point, stated that she presented development issues associated with this application to the Town Council. She stated that the new zoning regulation for active adult housing increased the allowed density for the site. She stated that land use agencies should be allowed to work together.

Joan Smith stated that this parcel is a collection of 6 or 7 parcels put together. It is possible a reconfigured plan could utilize the individual lots to protect the wetlands.

Michael Jasenak, 81 Hemlock Road wanted to state for the record that his letter was mailed 8 days before the hearing not 15. Staff stated she would check the dates.

Harry Heller an attorney with the firm Heller, Heller and McCoy in Uncasville, represented the owners, Hawthorne Development LLC. In regards to the notice issue, they have submitted the green cards and they are only required to provide receipts of the mailings. Attorney Heller stated they do not research the abutters as the list is provided by the Town through their GIS system. He stated that he submitted the application in the beginning of May. GOSA has been intimately involved in this application since that time.

Attorney Heller stated they have no objection to an ERT of the project but they do object to delaying the project. He stated that ERT reports are highly generic and do not compare to independent engineers and scientists reviewing this application. He stated they are engaged in an archaeological site assessment of the site. He addressed wetland area 4 and they have revised their methodology as a result from comments received from staff. The depth of the pond is 4 feet not 2. He disagrees that a permit is needed from the Army Corps of Engineers for this wetland. Attorney Heller stated they just received comments from a Town engineer today and they haven't received a report from the privately hired consultant, Mr. Snarski. He requested that the hearing be continued to the September 27th meeting.

Furlong asked if the applicant will be submitting a modified plan on the September 27th hearing and does the Commission have to make a decision on that date. Staff stated the Agency has 35 days after the close of the public hearing to make a decision.

Attorney Heller asked how he would notify all the interveners when the revisions are submitted. Staff stated he could leave them at the Planning Department for pick up as long as he notifies the interveners.

Joan Smith requested that the information be submitted two weeks prior to the final hearing so their experts have sufficient time to review the information.

Attorney Heller stated that he has also received information at the last minute. Chairman Scott stated that a week before the hearing for both parties should be sufficient.

Rachel Jasenak asked if she was going to be notified by mail or phone in a timely manner. Chairman Scott asked that the interveners leave their phone numbers with staff so they may be notified.

Neil Brown, 79 Edgewood Street, Mystic, member of the shellfish commission, stated that runoff will impact salt water species. He is concerned about the shellfish bed in Mumford Cove.

Sutphen stated that she is not a fan of ERTs, but she feels the request should be discussed. Furlong stated that a lot of residents are in favor for it. Furlong stated that the issue is time and there isn't enough time to do this. Furlong stated that the only way to obtain an ERT report is to deny the application. Chairman Scott stated that we are in the middle of a public hearing and we cannot decide a denial at this time. Sutphen suggested requesting ERT now and to get the process started so that other land use Commissions will have the information available to them. Staff stated that can be done, but if the information comes in after the hearing is closed then the Agency cannot have access to it.

Rachel Jasenak asked that the Town hire a hydrologist. She stated that this information would be good for future reference as well.

Mary Ellen French, Little Gull Lane, a member of the zoning commission, stated it would be a benefit to their commission if the Wetland Agency started this ERT process.

Attorney Cooper suggested requesting an ERT with a broad range of needs.

MOTION: To grant an extension for Mystic Woods, Flanders Road until the next regularly scheduled meeting on September 27, 2006.

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

MOTION: To initiate the process to request an Environmental Review Team for the Mystic Woods, Flanders Road application.

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

MOTION: To continue the public hearing for Mystic Woods, Flanders Road until September 27th, 2006.

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

III. APPROVAL OF THE MINUTES OF June 14, 2006, July 12, 2006 and July 26, 2006

Approval of the minutes was tabled until the next regularly scheduled meeting.

IV. NEW APPLICATIONS

1. Groton Landing, 290 Gold Star Highway

Staff stated that the Agency reviewed this property last year when the owner proposed a two lot subdivision. The access is near the Acura dealership. The permit allowed activity within 25 feet of the wetland. The owners do not want a two lot subdivision anymore, but want a storage facility for antique cars. Activity is now proposed as a 24 foot wide driveway. The driveway at the closest spot is 22 feet from the wetland and grading is within 5 feet. Staff review was held yesterday and staff expects revisions.

2. Oat Property, MacDonald Court – Extension

Staff stated the applicant is working with Noank zoning regarding fill and is requesting an extension.

MOTION: To grant 2-year extension for the Oat Property, MacDonald Court.

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

3. Receipt of New Applications - None

V. PENDING APPLICATIONS

1. Mystic Woods, Fort Hill Road and Flanders Road

The public hearing will be continued until the September 27, 2006 meeting.

2. Sahin Property, 95 Flanders Road

Staff stated that the applicant wants to install underground utilities and widen the driveway to 14 feet in the area of the wetland. Staff stated that there are a couple of areas that are now right on the edge of the rock fill. In some spots staff stated the driveway was as narrow as 8 foot 6 inches.

Mr. Sahin stated that he wants a safe driveway. Anything under 14 feet wide is not safe for a fire truck to come in.

Chairman Scott stated that from day one they have stated they will not allow fill to be placed in the wetland. Mr. Sahin stated that the engineer is recommending that there is a slope to support the driveway which would require stones be placed in the wetlands to fill some gaps in the existing driveway fill.

Block asked if traffic would displace this driveway and the Agency and staff stated that the rocks are massive and Mr. Sahin has already had construction equipment travel the driveway without displacement.

Furlong suggested a wooden bridge with a railing that could be placed on top of the existing driveway which would make the driveway a foot wider. The Agency suggested guard rails along the narrow area. The Agency stated that they do not want the rocks moved or any fill in the water. Chairman Scott explained to Mr. Sahin that if he wanted 900 square feet of fill, that would be classified as a major application and would require a public hearing.

MOTION: To approve the Sahin Driveway Improvements application for the following reasons:

1. The utilities and grading will be within the footprint of the existing driveway.
2. This is a one-time activity of limited duration only to occur during the dry period of the year with no adverse long-term impact to the wetland.

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

1. The utility installation shall be done between June 30 and October 31 to limit contact with the groundwater.
2. A preconstruction meeting shall be held with the Environmental Planner and the site contractor prior to the start of work.
3. All work shall be done within the footprint of the existing driveway with no fill placed in the wetlands.

Motion made by Block, seconded by Sutphen

VI. NEW BUSINESS

1. Report of Chair

Block suggested that each member of the Agency be assigned certain minor applications to go out and monitor.

2. Report of Staff

Staff reported that the Town has received notice of an application to the Connecticut Siting Council for 2 cell towers on the Crouch property on Route 184. The application involves upgrading an existing wetland crossing. Siting Council staff has not been assigned to the application and staff will coordinate Agency comments to the Council. The Agency does not have permitting jurisdiction over this activity.

VII. ADJOURNMENT

The meeting adjourned at 10:55 PM.

Respectfully submitted,

David Scott