

INLAND WETLANDS AGENCY
SEPTEMBER 12, 2007 - 7:30 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

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

Chairman Scott called the meeting to order at 7:30 PM

II. PUBLIC COMMUNICATIONS - None

III. APPROVAL OF THE MINUTES of August 15, August 22, and September 5, 2007

Furlong asked that a change be made of the minutes of August 15, 2007. She stated that page 2, 6th paragraph, "herbatologist" should be "herpetologist".

MOTION: To approve the minutes of August 15 (as amended), August 22, and September 5, 2007

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

IV. NEW APPLICATIONS - None

V. PENDING APPLICATIONS

1. Mystic Woods, 0 Flanders Road

Ashworth stated he would like to see buildings reoriented and roadways removed in order to provide a larger non-disturbance area around wetland 4.

The Agency discussed the Flanders Road sidewalk and its impact to wetland 11.

Furlong was concerned with testimony from the experts during the public hearing who stated that the amphibian population in wetland 11 would not be affected yet testifying that the egg masses would probably be reduced. Furlong was concerned that the road, with years of construction traffic, would impact the water quality of wetland 11.

The Agency reviewed the steep slopes adjacent to wetland areas 10 and 11. They noted expert testimony and agreed that construction on these slopes could seriously impact the wetlands and discussed various methods of designating a larger non-disturbance area. Chairman Scott would like to see the non-disturbance area extend beyond the top of the steep area to allow for construction work.

Furlong stated that she did not think this plan would adequately protect wetlands areas 10 and 11 and she would prefer to deny this application due to the development's impact on wetland

11 and on Fort Hill Brook. She was also concerned about the potential slumping of the slope above Fort Hill Brook and felt that this issue was not adequately addressed by both the applicant's engineer and the Town's consultant.

Ashworth stated that he would like to impose a larger buffer for wetlands areas 4 and 11 to protect the wetlands.

Sutphen stated that she would like to require a larger enhancement area for wetland area 4. She asked staff about the process for releasing environmental bonds and suggested the Agency review the stormwater basin monitoring reports before the bond is released.

Staff distributed a draft motion which the Agency reviewed and modified.

MOTION: To approve the Mystic Woods application for the following reasons:

1. A prudent and feasible alternative does not exist for the construction of the sewer line in Route 1 within the upland review area associated with wetland area 12 in that the gravity sewer line will be placed under the paved surface of Route 1, over top of the existing concrete pipe culverts in an area that will result in no disturbance to the adjacent wetland resources.
2. A prudent and feasible alternative does exist for the construction of the sidewalk along the west side of Flanders Road, adjacent to wetland area 11 in that there are other areas within the Flanders Road right of way that could accommodate a side walk resulting in less wetland impact.
3. The Agency finds that wetland area 4 is an isolated wetland of limited functional value. A prudent and feasible alternative to its enhancement does exist in that the enhancement area could be expanded.
4. A prudent and feasible alternative does not exist for the wetland impact associated with the construction of the pedestrian path within the upland review area in that the applicant has provided evidence that the path will be placed over top of the proposed sanitary sewer gravity main. The Agency notes that pervious material will be used for path construction.
5. A prudent and feasible alternative does not exist for the construction of the sanitary sewer gravity main in the upland review area associated with wetland areas 1 and 3 in that the applicant has provided evidence that it has been located to provide gravity sewer flow and has minimized disturbance to the upland review area.
6. A prudent and feasible alternative does not exist for the impact associated with the construction of road, buildings, utilities and associated grading within the upland review area around wetland areas 1 and 4 in that the applicant has provided convincing evidence that the design is in accordance with sound engineering practices. The Agency notes the limited Route 1 frontage of the subject property

and finds that the access has been designed to limit wetland impact. The Agency also notes that expanding the enhancement area for wetland 4 will result in less wetland impact.

7. A prudent and feasible alternative does not exist for the impact associated with the construction of stormwater basins, outfalls and the discharge of stormwater in the upland review area in that the applicant has provided convincing evidence that the stormwater management system and basin design minimizes erosive velocities of water, discharges water in a pattern similar to pre-development conditions and will minimize the deposition of pollutants in downstream wetlands.
8. The Agency finds that Fort Hill Brook and its associated wetlands are unique and valuable resources deserving of enhanced protection. These resources are adequately protected for the long-term by the large non disturbed area up slope from the brook and wetlands, the Conservation Easement as offered by the applicant and by the pollution attenuation of the stormwater management system.
9. The Agency finds that there are no future regulated activities made inevitable by this permit.
10. The Agency finds that removal of vegetation, soil disturbance, and construction on steep slopes will result in high velocity, sediment laden stormwater entering the wetlands. The Agency finds that sediment attenuation and the filtering ability of non disturbance areas decreases with an increase in slope and that sediment will find its way to wetland 11 if the non disturbance area is not increased. The Agency finds that wetland 11 is of high quality and contains a tier I vernal pool. The Agency finds that the introduction of sediment to wetland 11 will result in an unacceptable environmental impact on the wetland.

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

1. The construction of the sidewalk along Flanders Road is denied and shall be removed from the plan.
2. Those sections of the pedestrian path with slopes greater than 5 percent shall be stabilized with a pervious, non-erosive material.
3. The erosion control plan shall be certified by an erosion control professional certified by the Soil and Water Conservation Service prior to the final plan being filed on the land records of the Town Clerk.
4. An environmental bond in an amount to be determined by the Groton Planning Department shall be posted prior to the start of construction to insure the implementation of the erosion control plan, the stormwater basin monitoring plan

5. The construction of the stormwater basins shall be certified to be constructed per the plan by the design engineer
6. The planting of the stormwater basins and the enhancement of wetland area 4 shall be certified to be planted per the approved plan by the design wetland scientist.
7. The stormwater monitoring and scheduling requirements outlined in the July 10, 2007 Water Quality Monitoring plan shall be noted on the final plans. The monitoring results shall be reviewed by the Agency at the end of the seven year period to determine whether additional monitoring or repair is necessary.
8. A site monitor shall be retained by the developer to inspect and report to the Agency as described in Narrative Description and Construction Sequence Relative to the Development of Mystic Woods, last revised June 12, 2007 as submitted by the applicant. This requirement shall be noted on the final plan.
9. The sewer easement on proposed Road I, in the vicinity of Flanders Road shall be shifted south such that it lays overtop of Road I.
10. The clay trench drain shall be replaced with the town standard of concrete.
11. The enhancement area associated with wetland 4 shall be extended to a distance of 50 feet from the wetland boundary.
12. In order to limit construction on steep slopes adjacent to wetland areas 10 and 11 there shall be no disturbance below contour elevation 174 southwesterly of wetland 10 from wetland flag 5A to 18A and no activity within 160 feet of wetland 11 northwesterly of wetland flag 40.

Findings with respect to the provisions of Section 22a-19(b) of the Connecticut General Statutes regarding alleged unreasonable pollution, impairment, or destruction of the public trust in the air, water, or other natural resources of the state:

The Agency finds that after review and consideration of the record, including testimony and other evidence from the applicant, the interveners, the public and the staff, as well as all relevant circumstances and factors, the regulated activities associated with the Mystic Woods Active Adult Community, as modified, do not have or are not reasonably likely to have, the affect of unreasonably polluting, impairing or destroying the public trust in the air, water, or other natural resources of the state including but not limited to, such resources as wetlands and watercourses, and based on this finding there is no need to consider whether a feasible and prudent alternative exists which is consistent with the "reasonable requirements of the public health, safety and welfare".

Motion made by Sutphen, seconded by Ashworth, four in favor, one against (Furlong).

2. Mill Pond Estates Subdivision, 0 Gold Star Highway

Scot Deledda of Deledda Engineers presented the plan to the Agency. Mr. Deledda reviewed the design of the road and how it impacts the stormwater quality basin. He stated that could not rotate the basin as Public Works suggested as it would cut too deep into the groundwater table, reducing the basin's capacity. He distributed a drawing of the changes to the Agency. He stated they have tried to place the basin as far away from the wetland as possible, noting that the sketch shows the disturbance 30 feet from the wetland.

Mr. Deledda and the Agency discussed different options of keeping the disturbance as far away from the wetlands as possible.

Ian Cole, soil scientist, presented to the Agency. He explained that the wetland near the basin discharge is somewhat degraded from runoff from the adjacent parking lot. It is a very shallow wetland with poorly drained soils.

Chairman Scott asked if a small retaining wall on either side of the road would reduce the grading in the regulated area. Mr. Deledda confirmed that it would pull grading back approximately two feet.

MOTION: To approve the Mill Pond Estates Subdivision application for the following reasons:

1. There is no loss of wetland or watercourse associated with this project.
2. The applicant has provided a drainage system designed to treat the first inch of stormwater runoff from the new road.
3. The applicant has shifted development activity more than 100 feet from the wetlands associated with Great Brook

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

1. The construction sequence for the rain gardens shall include measures to insure that the soil is not compacted. Stockpiles shall not be placed on top on top of the areas designated for rain gardens.
2. The stormwater quality basin and outlet shall be shifted 30 feet away from the wetlands as shown on the sketch dated September 12, 2007.
3. The stormwater quality basin shall include a sediment fore bay and a reinforced level spreader outlet.
4. A retaining wall shall be constructed out of right-of-way to support new road in vicinity of wetlands to limit disturbances.

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

3. Elm Grove Cemetery Association, 0 Welles Road

Nuria Stockman of DiCesare-Bentley Engineers presented the plan to the Agency. This property is currently used to process mulch, sand, and other earth materials on a small portion of its 50 acres. The Agency walked this site on September 5, 2007. There have been no changes to this application.

The Agency stated that they were comfortable with the activity and asked that the cemetery association stop placing fallen trees beyond the tree line on the east side of the property.

MOTION: To approve the Elm Grove Cemetery Association Earth Products Removal application for the following reasons:

1. There is no loss or wetland or watercourse associated with this application
2. There are no future regulated activities made inevitable by this permit.

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

1. There shall be no additional activity beyond the tree line as shown on the plan.

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

VI. NEW BUSINESS

1. Report of Chair

Chairman Scott asked staff for more information regarding the zoning regulations allowing active adult communities.

2. Report of Staff

Staff reported that it appears that a small wetland has been filled as a result of construction of the Leonard Drive Subdivision. She will have more information at the next meeting.

3. Commission Schedule for 2008

MOTION: To approve the Commission Schedule for 2008.

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

VII. OLD BUSINESS - None

VIII. ADJOURNMENT

The meeting adjourned at 10:30 PM.

Eunice Sutphen, Secretary
Inland Wetlands Agency

Prepared by Sheila Discordia, Office Assistant II