



TOWN OF STONINGTON
Inland Wetlands & Watercourses Commission
 Stonington Police Station Meeting Room
 173 South Broad Street, Pawcatuck, CT 06379

The Inland Wetlands & Watercourses Commission held a public hearing on July 31, 2008, at the Hoxie Fire Station, Route 1, Mystic, CT.

Present: Matthew Berger, Larry Davis, Deborah Downie, Amanda Lindberg, Jeffrey Stritar, and Wetlands Enforcement Officer, Candace Palmer.

Absent: Alisa Morrison.

Call to Order:

Chairman, Matthew Berger called the meeting to order at 6:30 p.m. and read the following notice for continuation of public hearing:

IW #08-09 Retail Store Construction Co., Inc. (Liberty Crossing, LLC) – Seeking a permit for construction of a retail shopping center that requires the filling of wetlands, discharge of stormwater to wetlands, and other work in the Upland Review Area. Property located on the east and west sides of Liberty Street and Voluntown Road, Pawcatuck, CT. Assessor's Map 18, Block 1, Lots 6, 33, 33A, 34; Map 18, Block 2, Lots 1, 4; Map 20, Block 2, Lot 4; Map 20, Block 3, Lots 3, 5, 5A, 6, 7, 8, 9, 10, 10A, 11, 12, 13; Map 21, Block 1, Lot 39, Zone HI-60.

Thomas E. Collier, legal counsel, representing Liberty Crossing LLC, provided opening comments. He stated the original presentation was concluded at the July 3, 2008 hearing, however, since then some additional materials and correspondence have been provided to the Town. We have been working on an easement with an abutting property owner and there is a communication from BL Companies who represents another abutting property owner. He stated in the letter from CLA Engineering, it would be helpful to clarify some questions by meeting with the town engineer and the consultant. Chairman Matthew Berger questioned if the applicant had sufficient data to proceed with the hearing. Candace Palmer stated the deadline for the application is October. Attorney Collier stated October is the legal statutory limitation, however, the developer has deadlines so the applicant is ready to move forward. The next meeting of the Inland Wetlands & Watercourses Commission is August 7, 2008.

Larry Davis questioned the procedure that allows town staff and consultants to have a workshop with applicants once a town hearing is open. Attorney Collier responded that the town is allowed by law to use your consultants to evaluate the materials.

Attorney Collier stated there was a communication on the part of a consultant for Aquarion Water Company, abutting property owner. We are working toward an easement. Aquarion had an independent firm conduct a peer review of the application. The outcome was positive. We took their recommendations on certain minor modifications.

A meeting was held with BL Companies today and Mr. Collier feels confident that by next week a full resolution will be reached. BL Companies is satisfied with the ecological assessment. There are certain modeling calculations that are not yet complete.

Larry Davis raised a question regarding the wetlands, the pond, and the possibility of the 100 year storm being introduced into this wetland and what it will do to the vegetation. David Tompkins with Kleinfelder responded at the last hearing there was some confusion as to where the water would accumulate and a new drawing has been prepared. The water will be collected and routed to a collection system in the onsite pond. The pond will regulate the flow of water so it

is an orderly controlled discharge to the pond. The outfall will regulate what is discharged. It won't cause erosion. Regarding the vegetation, this area is a shrub zone. Buttonbush flourishes with water and this can be increased when the water increases. This pond can build up to 44 ft. if the storm comes through and floods those areas. The elevation pipe is 42.5 in a controlled manner without erosion. Nickitas Panayotou, TRC Engineering, reviewed Table 3 identifying rainfall storm events, post and pre development and days to drain. In a 100 year storm the volume is 22.26, but it will drain out five days faster. Larry Davis questioned the plants that grow in low water. Under natural conditions it goes up to 44 ft. We are going to drop that elevation so I don't think the scenario of a low emergent plant growing in a high water zone would apply. Jeffrey Stritar questioned David Tompkins about negative effects commenting that you have the same amount of water maybe 10 percent less in a storm and instead of taking 36 days it will take 17 days to drain and it strikes me as flushing that pond frequently and I can't imagine all the potential effects are good. I would like assurance there won't be a significant negative impact on that pond. You have not identified potential bad effects. If you find in six to eight years there has been a significant impact to the wildlife that depends on that pond, how would you fix that? David Tompkins responded that there is not a mechanism to monitor wildlife, but if we do water quality monitoring and find something in the testing, changes on the site will be required. If the outfall started to show some nutrients that would go back to the engineers to determine functionality. Nickitas Panayotou stated assuming that the problem is that the water stays in the pond longer, the answer would be to increase the size of the outlet. Discussion continued on days for drainage and existing conditions.

Matthew Berger questioned what vegetation will be affected. David Tompkins responded wetlands change every five years. There are data sheets in the wetlands delineation report and species. He will provide the Commission with a report.

Deborah Downie requested the applicant to supply information on test borings, monitoring wells and water level data for those wells. The applicant will also submit logs with the depth to rock showing a profile of existing and proposed terrain.

Amanda Lindberg requested clarification on the pipes, that being the size of the pipe for the pond versus the detention pipe. Nickitas Panayotou responded the area of the outlet structure that faces the pond has two orifices one at an elevation of 42.5 has a 3 inch pipe and the elevation of 44 has a 4 inch by 6 ft. pipe. One serves for volume control and the other for overflow. Once it gets into the structure the outlet pipe that goes through the Aquarion property is an 18 inch pipe.

Larry Davis questioned what the wetlands are around the pond and what species would be negatively impacted. The analysis was not done. Mr. Davis responded that if a lot of water is being dumped in that wetland than the evaluation should have been done. The applicant will map the area.

Jeff Stritar questioned the change in the balance where drainage is currently going and where it is proposed to go. The response was that it will do the same discharge and the current drainage system was reviewed. Our table shows because we are infiltrating the volume pre and post results are similar. We are metering it out slower. Some goes into the pond, currently the general water trend is to the north on the east side of Route 2 and for much of our site it actually goes in that direction. There is a limited area that ground water is going to the pond. Anthony Urbano, GZA GeoEnvironmental, Inc. stated pond data has been collected and reviewed the findings. Deborah Downie requested ground water levels in the well.

Public Comment:

Wayne Frasier, Development Manager with Readco stated the engineering companies have worked together and revised calculations will be forthcoming. Concerns have been addressed.

Derek Cole, Engineer, BL Companies. We reviewed preliminary information and prepared the letter raising concerns primarily about water quality and hydraulic concerns. A meeting was held with the applicant and they indicated that they would revise the hydraulic model and will evaluate additional measures to address our concerns. If those measures and calculations are rerun it appears our concerns will have been addressed.

George Logan, Director of Capital and Planning, Aquarion Water. Aquarion has conducted a complete review associated with storm water discharge. An outlet structure will be added and piped to an existing crossover. The access road will be constructed and connected to existing gravel drive. With the modifications made thus far and easement agreement currently being prepared, Aquarion has no objections to drainage and its impact.

Chairman Matthew Berger requested the applicant submit a written request for a continuance of the public hearing to August 7, 2008.

A motion was made by Larry Davis, seconded by Jeffrey Stritar, and it was unanimously voted to adjourn the hearing at 8:08 p.m.

Submitted by,

Jeffrey Stritar, Secretary