

Inland Wetlands & Watercourses Commission
Minutes - Final
August 2, 2012

Chairman Reichart called the meeting to order at 7:12 P.M. In attendance: Vice Chair Alisa Morrison, Nick Salerno, Nat Trumbull, also present was Wetlands Enforcement Officer Candace Palmer.

Chairman Reichart asked if there was any correspondence, comments from the public, agenda items, or new business, there were none.

Public Hearing Continued:

IW #12-05 Summit Street Development LLC – Seeking a permit to construct a 4,944 s.f. medical clinic with associated access driveway, parking and landscaping. Property located at Harry Austin Dr. & Masons Island Rd., Mystic. Assessor's Map 160 Block 4 Lot 4; Zone M-1.

Mr. Pat Lafayette of Development Solutions presented on behalf of the applicant.

Mr. Lafayette summarized all stipulations from previous meeting and conclusions. He submitted these findings to the Town. The Town Engineer has issues with the rate of infiltration versus the rate of water coming in so Mr. Lafayette added more beds and made them longer which will allow for better infiltration (a 25 year storm with a 24 hour infiltration). This appeared to be satisfactory to the Town Engineer.

Mr. Salerno asked for clarity on the 4" drains elimination process. Mr. Reichart asked how much storage is entailed with the new system's feature of 25 year storm. Mr. Reichart asked if the system will capture and store water from a 25 year storm. Mr. Lafayette stated it would and the infiltration system would be used after a storm. Mr. Trumbull asked how much larger is the capacity of the storage tank. Mr. Lafayette answered that the tank is big enough to hold 25-year storm period.

Public Comments – In Favor: None

Public Comments – Against:

Ms. Priscilla Baillie, Ph.D, contracted by Mr. Jim Stanton, is a marine freshwater researcher in Gilford. Ms. Baillie stated that she reviewed the application and on 7/21/12 she looked at wetlands from the property of Mr. Stanton and walked around the area so several angles could be reviewed. Ms. Baillie stated that her report addresses Tidal and Freshwater Wetlands. Her findings are as follows: The tidal marsh, about 8-10 acres are in perfect condition. Also, a tidal flat and eel grass beds are in perfect condition. Currently, no stressors appear in the freshwater between land and salt marsh which contains mostly vegetation with fragmites. She feels that the applicant is trying their best to infiltrate and if it works as planned and is maintained well it could work in a positive way. She stated a 25 year storm in 24 hours would mean 5" of rain. It would not be impossible under these circumstances to generate overflow, which could wreck havoc on wetlands if not maintained. High nitrate levels could damage wetlands. In conclusion, her opinion is that a possible protection for a project this size would be to make room for a rain garden system.

After reviewing the new map brought in by Mr. Lafayette, Ms. Baillie changed her summary and responded favorably toward the increase in the number of beds and increase in the number of infiltration units. Ms. Baillie felt that these increases could be helpful to healthy wetlands.

Mr. Jim Stanton: Submitted 2 exhibits for the record – 1) a summary from Vaiciulis Engineering; and 2) a chronology of property that he developed on Pequotsepos Center Rd. He is concerned for the survival of the marsh, green/blue crabs. He sees fewer crabs each year. Mr. Stanton questioned whether tests were done because he saw the holes dug but never saw anyone at the holes conducting the tests on the soil. Mr. Stanton then asked the following questions and requested that they be answered by Mr., Lafayette: What was the date and time of a fax in question; did he look at the holes himself; why is the application request from Summit Street and not Development Solutions; who gets the application if approved; what time and day he visited the site; Mr. Stanton stated that he worked the entire week in his

garage and neither he nor any of his neighbors saw anyone inspect the test holes which were left open and not closed. Mr. Stanton clarified that he wants to protect the town.

Mr. Stanton was instructed by Chairman Reichart to address his questions to the Commission.

Mr. Chris Kerfus: A person who works in construction shared some of what goes on at construction sites as a product of the tasks at hand, i.e., the project will take years, in the meantime seasons will pass with the ground being compacted with equipment, vehicles, porto-potties. He wants the IWWC to consider that all of this will be washed into the ground and wetlands.

Ms. Mary Rioux: Stated that they are all concerned about the effects on the marsh. She said there are too many questions and for the IWWC to please consider this application with a heightened level of concern. She asked the IWWC if they are willing to develop a property that has been natural forever.

Mr. Dan Reid-Branch Director YMCA: Asked if the new filtration system would release water on to Harry Austin Drive?

General Comments:

Mr. James Buckley: Commented that he found the engineer's presentation to IWWC very vague. He feels the engineer's plans are incomplete and IWWC should have entire calculations before making a decision. Mr. Buckley asked questions about how the system will be maintained against heavy foliage dropping in the fall season. It is his observation that many commercial areas do not maintain drain systems well and they get clogged and flooded. He complained that when the test pit holes were dug and tests done, they were not closed on the same day. He wanted clarity on who would be liable in this application. He asked for the total square footage of the building. He asked if there is a partial underground floor. Mr. Buckley wanted to know, if there is an underground floor, is there a chance that water flooding could occur. On a 25-year storm or greater neighbors have testified to flooding and it could be a disaster. He feels the building is too large and is concerned about what is dumped into wetlands. He feels the damage will hurt residents the most. Mr. Buckley asked if the Town sends over inspectors while an applicant is conducting a test pit hole.

Mr. Asa Polland: The system underground is not cement probably stone. Is there a way to inspect to ensure they are functioning properly and have not collapsed?

Rebuttal by Applicant:

Pat Lafayette responded. He said there is an Erosion Sedimentation Control Program awaiting approval that will help to protect wetlands from nitrates. During construction, Town Staff performs inspections. He gave all technical information to the Town Engineer so was not prepared to discuss specifics. Water quality – The blue items (as shown on site plan) in system will catch the first 1" of runoff. There is a maintenance program and manual that gets inspected regularly. Mr. Lafayette read the inspection report procedures and expectations as well as explained that typically the owner gets a contractor to review storm water procedures and prevention plan, that owner will keep in the files. Mr. Lafayette addressed the fear of collapsing basins and stated they are constructed of high density polyurethane for depth and loads. There should not be problems. The system is installed with gravel around it and at a particular depth so there should not be any chance of collapsing.

Mr. Trumbull asked Mr. Lafayette to show test holes results and asked for the dates. Mr. Lafayette explained that the IWWC asked for tests for ledge and ground water. The tests were completed and he saw small amounts of debris. Larry Sullivan, Town Engineer, asked for more depth in tests which was completed and found to be normal. When the contractor completed the last test pits, he got a flat tire. Mr. Lafayette explained that he went out the following day after receiving the phone call, measured the depth, saw Mr. Stanton's garage door open and it was around 2:30pm-3pm in the afternoon. The results showed that there was no ledge in the test pits. Mr. Lafayette clarified again that no water is released from the site except for the catch basin. All water from the property is held in ground tanks and infiltrated afterward.

Rebuttal by Public:

Mr. Chris Kerfus: There should be a provision on environmental safety at all sites. He made comments specific to bales of hay on work site and results after it rains of being washed into the wetland areas.

Ms. Tiffany Wyman Stanton: Described the neighborhood and then commented on the past projects that were approved and then left abandoned. She wanted to know what happens when a person occupies a building with systems installed that are not maintained. She wanted the IWWC to consider the quality of life for future residents such as the children and grandchildren of current residents in these abandoned cases before approving this applicant.

A motion was made by Ms. Morrison, seconded by Mr. Salerno to close this public hearing. The motion was approved unanimously.

A motion was made by Ms. Morrison, seconded by Mr. Trumbull for the purpose of discussion to approve IW #12-05 Summit Street Development LLC – Seeking a permit to construct a 4,944 s.f. medical clinic with associated access driveway, parking and landscaping.

Discussion:

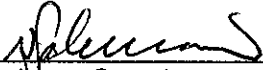
Mr. Trumbull asked if Ms. Morrison would discuss further a proposal she made at a past IWWC meeting for a rain garden stipulation on this application. Mr. Morrison stated that she has reviewed all the calculations and numbers, as well as the drainage report but regulations do not make contractors do rain gardens and IWWC cannot force it. Ms. Morrison confirmed that rain gardens work, but wanted to look at our charge as a commission. Ms. Morrison feels that this project is too large and IWWC could have them make it gravel. Mr. Salerno agreed and asked if there are any solutions to deal with vegetation. Ms. Morrison feels the system this applicant proposes will and has proven to work. The IWWC further stated that the Town staff will inspect the property regularly. IWWC again considered where a rain garden could be placed on this property. An area on the map was pinpointed for possible placement of a rain garden. IWWC reviewed the original landscaping plan for this property which was submitted February 2012. The Commissioners clarified that the lawn will be a large open area on the eastside of the parking lot extending up to Mason's Island Road. Staff confirmed that the Town Engineer had thoroughly reviewed the application and it meets all the requirements.

Roll Call / Vote: Ms. Morrison – approve, Mr. Salerno – approve, Mr. Reichart – approve, Mr. Trumbull – abstain. Motion approved 3:1.

Enforcement Officer's Report: Ms. Palmer reported that there will not be a need for an IWWC meeting for the month of September.

Review of Outstanding Minutes: A motion was made by Mr. Trumbull, and seconded by Ms. Morrison to approve the Wetlands Minutes of June 7, 2012. The motion was unanimously approved.

Adjournment: Mr. Trumbull made a motion to adjourn. Ms. Morrison seconded. The motion was unanimously approved. Chairman Reichart adjourned the meeting at 8:50 p.m.



Nick Salerno, Secretary