

Inland Wetlands & Watercourses Commission
Regular Meeting
Final Minutes
October 4, 2012

Chairman Lee Reichart called the meeting to order at 7:05 p.m. In attendance were Alisa Morrison, alternates Amanda Lindberg and Deborah Downie. Wetlands Enforcement Officer Candace Palmer was also present. Nick Salerno, Nat Trumbull and Phil Biondo were absent. Amanda Lindberg was seated for Nick Salerno, and Deborah Downie was seated for Nat Trumbull.

Chairman Reichart asked if there was any correspondence or comments from the public. There were none.

New Business:

IW #12-13 Aquarion Water Co. – Seeking a permit for the widening and paving of a gravel driveway near the wellhouse within the upland review area. Property located at 229 Lantern Hill Rd., Stonington. Assessor's Map 169 Block 1 Lot 5. Zone GB-130.

IW #12-14 Glenn Giuliano – Seeking a permit to construct a 576 s.f. garage within the upland review area. Property located at 25 Davis Ave., Pawcatuck. Assessor's Map 10 Block 2 Lot 3 Zone RA-20.

The site walk for the two new applications was scheduled for October 27, 2012.

Administrative Approval:

IW #12-12AA Denison Pequotsepos Nature Center – Seeking a permit to build a new flight enclosure for hawks & owls within the 100 ft. upland review area. Property located at 109 Pequotsepos Rd. Assessor's Map 151 Block 2 Lot 1 Zone GB-130.

The purpose of this application is for the construction of a 220 sq. ft. owl/hawk enclosure to be used in the Nature Center's education programs. The lot is zoned GB-130.

James R. Cowen, Soil Scientist, inspected the property and reported that the proposed enclosure would be approximately 84 feet from the wetlands at its closest point. The location is well vegetated and rocky and there is a path between it and the wetlands. It was his professional opinion that there would be no adverse impact to the wetlands associated with the construction of the proposed enclosure.

Mrs. Morrison was concerned about the disposal of the owl's fecal waste. Staff stated that it will be disposed of properly.

A motion was made by Mrs. Morrison and seconded by Ms. Lindberg to approve the application to build a new flight enclosure for hawks and owls within the 100 ft. upland review area. The motion was unanimously approved.

Old Business:

IW #12-11 38 Old Stonington Rd. LLC - Seeking a permit to excavate 80 cubic yards of contaminated soil and replace with clean fill within the upland review area. Property located at 38 Old Stonington Rd. Assessor's Map 153 Block 2 Lot 2. Zone GC-60.

The applicant is seeking permit so remedial actions can be conducted to achieve compliance with the Connecticut Department of Energy and Environmental Protection (CTDEEP) Remediation Standard Regulations (RSRs).

The proposed property is zoned GC-60. Prior to 1964, the site was undeveloped land with wooded vegetation. Densmore Oil Co. owned and operated a retail home heating oil distribution facility at this location from 1964 to the present. Mark Densmore has been the owner of the site's retail oil vending

business since 1989. Prior to 1989, the business was owned and operated by Raymond Densmore. According to Mr. Densmore, the site has never stored or vended gasoline.

The 3,350 sq. ft. garage building was constructed in 1988 and the 3,200 sq. ft. office/garage in 1977. There are no superficial indications that the site is, or has been used for the disposal of hazardous waste or petroleum. Waste oil is stored in a 500-gallon AST on-site. Manifests were provided by the applicant indicating that United Industrial was contacted to remove the stored waste as requested. No MSDS sheets were observed on site. In addition small quantities of miscellaneous cleaning and maintenance supplies were observed in the site's eastern building and are stored in containers of five gallons or less in size. No evidence of a release from these containers was observed. According to Connecticut DEEP records, the retail #2 fuel oil storage facility does not have a USEPA ID Number and does not generate hazardous waste.

Phase I Environmental site Assessment conducted by CEI in February of 2008 identified Five (5) areas of concern.

Soil Scientist, Richard Snarski of New England Environmental Services in Marlborough, CT confirmed that the wetland boundaries were delineated.

The Town Engineer, Larry Sullivan, had no comments on this application.

Hansen Cummins, LEP, Principal Geologist from Cummins Envirotech Inc. presented this application. Mr. Hansen stated there are three areas of concern. They are seeking permission from the inland Wetlands Commission to excavate and remove the contaminated soil from three locations around the building on the east side of the property near tidal wetlands. The contaminated soil will be removed and replaced with clean fill, then top soil, mulch and seed. Hay bales will be used for soil stabilization. There was a discussion regarding the location of the contaminated soil in regard to the property line and the depth of the excavation necessary to remove the soil. Mr. Cummins stated the contamination is around the property line and they would not dig any deeper than 5 feet. The water table is approximately 4 feet down and the contamination level is located just below the water table. The contaminated soil will be put into containers and hauled away. Mr. Cummins said they would be getting pre-authorizations for disposal sites prior to excavation and there would be no temporary stockpiling of the removed soil. Mrs. Downie asked if there are any issues with putting wells in and Mr. Cummins said that there are no issues.

A motion was made by Ms. Morrison, second by Ms. Lindberg to approve the application with the following stipulation:

- 1) Staff shall be notified prior to the start of construction to inspect sediment and erosion control measurements.

The motion was unanimously approved. The activity will not significantly impact or adversely affect the wetlands and watercourses. There is no character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity.

Public Hearing:

IW #12-10 Eric French Jr. – Seeking a permit to construct headwalls and wing walls for a 32 foot span to cross Whitford Brook in order to access a newly proposed single family residence. Activity and fill within the regulated wetlands and upland review area. Property located on Lantern Hill, Stonington CT. Assessor's Map 141 Block 1 Lot 2, Zone GB-130.

Mr. Norm Thibeault with Killingly Engineering Associates presented this application.

Mr. Thibeault explained that permits are needed from Stonington and Ledyard due to the layout of this property. The applicant has temporary permission to access the property through North Stonington even though this is considered the end of this property line and there is no activity. Installation of standard riprap on the eastern side of crossings is to be deposited due to the embankment being exposed and riprap will help prevent erosion and handle big storms. The work is planned to start on the Ledyard side of the property. The house was described as 4 bedrooms with a barn for Quarter Horses. The land is

well drained with a non-engineered septic system. There is no anticipation of problems with the septic system. A wire reinforced silt fence will be installed. The eastern wing wall will be filled from behind.

The Town Engineer did not express any issues with this application.

Mrs. Morrison asked why not build the driveway in the back? Answer: It is not a deeded access just temporary. Mrs. Morrison asked if there will be de-icing chemicals used on the bridge? Mr. Thibeault stated that he did not address that in his report but would be happy to do so. Mrs. Morrison would like a stipulation if this is approved that no sand or salt is to be used on the bridge in the wintertime.

Ms. Lindberg asked what the elevation is from the brook to the house? Mr. Thibeault said it was between 490-504 feet.

Town Engineer (Larry Sullivan): written comments: "I have reviewed the revised site development plans, dated September 21, 2012, and the drainage calculations dated September 27, 2012 for the above referenced project and have found that all of previous engineering comments (site plan dated July 12, 2012) have been fully addressed. I have no new engineering comments at this time."

Public Comments – In Favor: None

Public Comments – Against: None

Public Comments - General:

Mr. Rick Newton of the Avalonia Land Conservancy hopes the regulations will require applicant to find out what lives in the brook and put in place ways to protect the wild life.

Ms. Lindberg asked, which Town oversees the bridge? Staff answered: Stonington and staff will work with the staff in Ledyard on this project. Ms. Lindberg asked, do you know what is in the brook? Mr. Thibeault answered, no.

Rebuttal:

Mr. Thibeault stated that he will complete the application to find out the types of wildlife that live in the brook and address it appropriately. Mr. Thibeault stated that he is familiar with this process.

Discussion: Ms. Lindberg asks for clarification on what is the applicant asking the Commission to approve. Staff stated the house, bridge, and driveway.

A motion was made by Mrs. Morrison, and seconded by Ms. Lindberg to close this Public Hearing. The motion was unanimously approved.

A motion was made by Mrs. Morrison, and seconded by Ms. Lindberg to approve IW #12-10 Eric French Jr. – Seeking a permit to construct headwalls and wing walls for a 32 foot span to cross Whitford Brook in order to access a newly proposed single family residence for the following reasons:

1. The activity will not significantly impact or adversely affect the wetlands and watercourses.
2. There is no character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity.

Stipulations:

1. Staff shall be notified prior to the start of construction to inspect sediment and erosion control measurements.
2. Staff shall inspect site weekly while construction of the bridge is on-going.
3. No chemicals or salt/sand to be used for ice control on the bridge span.
4. The applicant will file appropriate forms with the DEEP to determine what species there are of special concern and will work with staff to make appropriate recommendations or adjustments as needed and a report of findings shall be sent to the IWWC for review.

The application was approved unanimously.

Other Business: None

Regulations:

1. The regulations are in effect until 1/1/12.
 - a. Permits 14-year lifespan – any issued after 7/11/12 will revert back to the 5-year lifespan.
 - b. A stipulation is needed that work can only be done at a certain time of year.
2. Mrs. Morrison is tasked with looking at POCD over the past 10 years. Mrs. Morrison suggested to the Commission that all items be reviewed and utilize a checklist to mark when an area has been reviewed. Mrs. Morrison would like the Commission to address and be more concerned with what is located in the wetlands and not the size of the wetlands. Mrs. Morrison would also like the Commission to consider and discuss what should be focused on over the next 10 years. The Commission will focus on how to respond to public comments. The first Plan of Conservation and Development public hearing has been scheduled for 10/29/12 at 7 P.M. in the Stonington High School Commons. Mrs. Morrison encouraged the Commission to attend this meeting.

Enforcement Officer's Report: None.

Review of Outstanding Minutes:

A motion was made by Mrs. Morrison and seconded by Mr. Reichart to approve the minutes of August 2, 2012. The motion was unanimously approved.

A motion was made by Mrs. Morrison, and seconded by Mr. Reichart to approve the minutes of September 29, 2012. The motion was unanimously approved.

Adjournment:

A motion was made by Mrs. Morrison and seconded by Ms. Lindberg to adjourn. The motion was unanimously approved. Chairman Reichart adjourned the meeting at 7:50 p.m.



Nick Salerno, Secretary