



TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY
41 WEST STREET, CROMWELL, CT 06416

REGULAR MEETING
7:00 WEDNESDAY, SEPTEMBER 5, 2018
ROOM 224
CROMWELL TOWN HALL, 41 WEST STREET

AGENDA

RECEIVED FOR RECORD
AUG 30, 2018 01:34P
JOAN AHLQUIST
TOWN CLERK
CROMWELL, CT

1. Call to Order
2. Roll Call
3. Seating of Alternates:
4. Approval of Agenda:
5. Approval of Minutes:
 - a. August 1, 2018
6. Development Compliance Officer Report:
 - a. Status of On-going Project and Existing Cease and Desist Orders
7. Town Planner Report:
8. Public Comments:
9. New Business Accept and Schedule New Applications:
 - a. Application #18-18: Request to conduct activities within the Wetlands and the Upland Review area (construct a boardwalk over the existing stormwater pond) at 52 Missionary Road (Covenant Village). Covenant Home Inc. is the Applicant and the Owner.
 - b. Application #18-19: Request to conduct activities within the Wetlands and Upland Review Area (install ground water monitoring wells) at 79 and 90 River Road. Arcadis U.S., Inc is the Applicant and River Road of Cromwell LLC is the Owner.
10. Old Business:
 - a. Application #18-16: Request to install erosion control within 200' of the Connecticut River at 100 Golf Club Road. The Tournament Players Club is the Applicant and the Owner.
11. Commissioners' Comments and Reports:
12. Adjourn

Application # 18-18

TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY

APPLICATION TO CONDUCT REGULATED ACTIVITY

Street Address: <u>52 Missionary Road</u>	Map/Block/Lot: <u>42/25A</u>
Applicant: <u>Covenant Home Inc. CIO Michael F. Dowley</u>	Volume/Page: <u>1187/168</u>
Address: <u>52 Missionary Road Cromwell, CT 06416</u>	Owner: <u>Covenant Home Inc.</u>
Phone:	I hereby consent to the Applicant acting as my agent for the purpose of this application. I hereby permit the members and agents of the Agency to inspect the subject land both before and after a final decision has been issued.
Parcel ID #: <u>00106000</u>	
Signature:	

Reason for the Proposed Wetland or Upland Review Area Disturbance (not a description of the project, but an explanation of why this disturbance is necessary to complete the project):
<u>The proposed boardwalk over the stormwater management pond will provide a scenic and passive recreational walking path and viewing platform for the elderly residents of Covenant Village. The URA Disturbance is a result of the proposed addition that connects two existing buildings as well as the new entrance drive to West Street.</u>

Area of Wetland Impacted by this Project (in square feet or acres): <u>2,800 SF</u>
Area of Upland Review Area Impacted by this Project (in square feet or acres): <u>75,200 SF</u>

Application # _____

Description of Alternative Methods Considered, and Justification for Method Chosen:
1. Filling at the edge of the pond to create an at grade sidewalk. This would result in greater direct wetland impacts.

Certification of Notice to Neighboring Municipalities	
Is any portion of the wetland or watercourse impacted by this application within 500' of Rocky Hill, Berlin, or Middletown?	Yes / <u>No</u> Not Applicable
Has a copy of this application been sent to the Rocky Hill, Berlin, or Middletown municipal Inland Wetlands and Watercourses Agency?	Yes. / <u>No</u> <u>Not Applicable</u>
Has a copy of the plans been sent to the Rocky Hill, Berlin, or Middletown municipal Inland Wetlands and Watercourses Agency?	Yes. / <u>No</u> <u>Not Applicable</u>

I, the undersigned, hereby certify that the information presented as part of this application is to the best of my knowledge, true and accurate and that should such information be proved to be inaccurate or misleading, any permit issued on the basis of this information may be revoked.

Covenant Home Inc.

By: David Erickson
Applicant's Signature

8/27/18
Date of Submission

DAVID G. ERICKSON
Printed Name Senior VP

The Cromwell Inland Wetlands and Watercourses Agency has detailed environmental information on many of the wetland areas in town. The applicant is strongly encouraged to request a copy of this information.

Milone & MacBroom, Inc. (MMI) investigated the 37.71-acre property located at 52 Missionary Road to assess existing wetland conditions related to proposed site improvements. The proposed project involves the redevelopment of an existing continuing care facility, Covenant Village of Cromwell. The proposed activities include fifty-four independent living apartments, the creation of a state-of-the-art central care facility along with appurtenant parking, access drives and a new main entrance for the facility on West Street. Some existing infrastructure will be razed to accommodate the improvements. Portions of the proposed activities will take place within the 100-foot upland review area associated with two inland wetland systems on the site; a 2.1-acre existing stormwater pond and a 0.61-acre emergent wetland located south of Missionary Road. The area of disturbance in the upland review area is 75,200 square feet. The only direct wetland impact will be the placement of piles in the existing stormwater pond to support an elevated boardwalk over the water. The area of wetland impact is 2,800 square feet. However, the proposed activities will not result in an adverse impact or affect to the physical characteristics of these wetland systems.

Application # 18-19

TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY

APPLICATION TO CONDUCT REGULATED ACTIVITY

Street Address: <u>79/River Road</u> <u>90</u>	Map/Block/Lot: <u>53/ /14</u> Volume/Page: <u>601/57</u>
Applicant: <u>Arcadis U.S.</u>	Owner: <u>Adron Schames</u>
Address: <u>213 Court Street</u> <u>Suite 700</u> <u>Middletown, CT 06457</u>	Address: <u>2842 Main Street #108</u> <u>Glastonbury, CT 06033</u>
Phone: <u>860-503-1447</u>	<i>I hereby consent to the Applicant acting as my agent for the purpose of this application. I hereby permit the members and agents of the Agency to inspect the subject land both before and after a final decision has been issued.</i> Signature:
Parcel ID #: <u>00387900</u>	

Reason for the Proposed Wetland or Upland Review Area Disturbance (not a description of the project, but an explanation of why this disturbance is necessary to complete the project):

The work is required pursuant to an Administrative Order from the CT DEEP to complete the investigation of the site and to monitor groundwater quality following the planned soil remediation w/in the upland review area.

Area of Wetland Impacted by this Project

(in square feet or acres): < 3,000 sf

Area of Upland Review Area Impacted by this Project

(in square feet or acres): < 2,000 sf

Description of Alternative Methods Considered, and Justification for Method Chosen:

Several other monitoring wells have been installed within the Upland Review Area on the property. Additional wells are needed to monitor the success of the planned soil remediation. Per the attached cover letter / Project narrative, potential impacts will be minimized to the extent possible.

Certification of Notice to Neighboring Municipalities

Is any portion of the wetland or watercourse impacted by this application within 500' of Rocky Hill, Berlin, or Middletown?	Yes / <u>No</u> Not Applicable
Has a copy of this application been sent to the Rocky Hill, Berlin, or Middletown municipal Inland Wetlands and Watercourses Agency?	Yes / <u>No</u> Not Applicable
Has a copy of the plans been sent to the Rocky Hill, Berlin, or Middletown municipal Inland Wetlands and Watercourses Agency?	Yes / <u>No</u> Not Applicable

I, the undersigned, hereby certify that the information presented as part of this application is to the best of my knowledge, true and accurate and that should such information be proved to be inaccurate or misleading, any permit issued on the basis of this information may be revoked.



Applicant's Signature

8/29/18

Date of Submission

Lance Kazzi, LEP

Printed Name

The Cromwell Inland Wetlands and Watercourses Agency has detailed environmental information on many of the wetland areas in town. The applicant is strongly encouraged to request a copy of this information.

Stuart B. Popper, AICP
Director of Planning and Development
Town of Cromwell
41 West Street
Cromwell, CT 06416

Arcadis U.S., Inc.
213 Court Street
Suite 700
Middletown
Connecticut 06457
Tel 860 503 1500
Fax 860 346 2853
www.arcadis.com

Subject:
Inland Wetlands and Watercourses Agency
Application to Conduct Regulated Activity

ENVIRONMENT

Date:
August 29, 2018

Dear Mr. Popper:

Contact:
Lance Kazzi, LEP

Arcadis U.S., Inc. (Arcadis), on behalf of Chevron Environmental Management Company (CEMC), is pleased to submit this Application to Conduct a Regulated Activity to the Town of Cromwell Inland Wetland and Watercourses Agency.

Phone:
860.503.1447

Background

Email:
Lance.Kazzi@
arcadis.com

Arcadis has conducted various investigation activities over the past few years at the property located at 79 River Road in Cromwell, Connecticut (the "Site"). Work has been performed under Administrative Order AOWSMT 13-001 with the Connecticut Department of Energy and Environmental Protection (CT DEEP).

Our ref:
B0048972.0010

The Site is bound to the south by residential properties, to the west by a CSX Corporation partner railroad (Providence and Worcester Railroad Company), and to the north by a wetland area identified as Dead Man's Swamp (see attached figure). Topography throughout the Site is relatively flat. The elevation of the Site ranges from approximately 12 feet above mean sea level (msl) at the eastern property boundary along River Road to 20 feet above msl along the northwestern boundary adjacent to the railroad. The Connecticut River is located approximately 200 feet east of the Site on the east side of River Road.

On-site investigation and evaluation is substantially complete, although limited investigative items still remain to be completed as a part of a long-term monitoring plan. In order to adequately monitor the groundwater during and following the upcoming remedial action at the site, additional monitoring wells (MW) are proposed to be installed both on and off the Site. As detailed below, some of these locations are within areas designated as wetlands while others are located within the upland review area (URA).

Proposed Monitoring Well Installations

The proposed monitoring well locations are indicated on the attached figure. These locations are considered approximate and may be subject to change based on field observation of less-intrusive installation areas. Of the seven proposed locations, four are located within areas designated as wetlands, and two are located within the URA.

- Wetland Boundaries: Wetland boundaries across the site and adjacent properties were delineated via a certified soil scientist (Gibson Environmental) in May 2018 and are represented on the attached figure.
- Vegetation Management: It is the intent of Arcadis to minimize the amount of vegetation management required wherever possible. However, some degree of removal is required for both the health and safety of the field staff, as well as for logistical equipment access. Arcadis is proposing to use the smallest drill rig feasible to install the wells and to access the locations via the shortest appropriate route, thereby minimizing potential impact to vegetation. Overall impacts to the wetland areas are expected to be minimal and temporary.
- MWs within wetlands: P-MW-24, -27, -28 and -29
 - *P-MW-24*: This proposed MW is located on the Site property and will be accessed from the site access road north of the fence. Due to the density of vegetation, it is expected that some vegetation clearance will be required for equipment to access this area. This may include the removal of small diameter trees (<6" diameter), as well as under-brush removal. Longer travel paths for equipment will be utilized where possible to minimize vegetation management and will be assessed by the field team.
 - *P-MW-27*: This proposed MW is located on the Site property. It is anticipated that minimal vegetation management will be required to safely maneuver a small drill rig into this area, which may entail removal of under-brush vegetation. Tracking over vegetation as opposed to removal will be assessed by the field team.
 - *P-MW-29 and P-MW-30*: These proposed monitoring wells are located on the property adjacent to the Site, 90 River Road owned by Waters Edge LLC. It is anticipated that only minor vegetation management will be required to safely maneuver a small drill rig into these two proposed locations. It is possible that some small trees will need to be removed (<6" diameter) to allow access. Tracking over small vegetation as opposed to removal will be assessed by the field team.
- MWs within URA: P-MW-25, -26
 - *P-MW-25 and P-MW-26*: These proposed areas are located on the Site property. It is anticipated that minimal vegetation management will be required to safely maneuver a small drill rig into this area, which may entail removal of under-brush vegetation. Tracking over vegetation as opposed to removal will be assessed by the field team.
- Well Construction: The wells will be constructed with a typical steel riser outer casing (~3-ft stick-up). The well casings will remain locked when not in use.

Mr. Popper
Town of Cromwell
August 29, 2018

Please let us know should you have questions regarding the information provided in this letter.

Sincerely,

Arcadis U.S., Inc.



Ed Meyer
Project Manager, Arcadis



Lance Kazzi, LEP
Principal Geologist, Arcadis

Enclosures:

Figures

- 1 Site Plan and Proposed Monitoring Wells

**TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY
REGULAR MEETING
7:00 P.M. WEDNESDAY, AUGUST 1, 2018
ROOM 224 CROMWELL TOWN HALL 41 WEST STREET
MINUTES AND RECORD OF VOTES**

Present: Chairman Joseph Corlis, G. Alden Nettleton, William Yeske, John Whitney

Absent: Wynn Muller, Amanda Drew

Also Present: Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska, Town Manager Anthony Salvatore, Town Engineer Jon Harriman

1. Call To Order

The meeting was called to order by Chairman Corlis at 7:03 p.m.

2. Roll Call

The presence of the above members was noted.

3. Seating of Alternates: NONE

4. Approval of Agenda:

A motion to approve the agenda was made by G. Alden Nettleton, Seconded by John Whitney. *All in favor; motion passed.*

5. Approval of Minutes:

a. July 12, 2018: A motion to approve the minutes as presented was made by John Whitney; Seconded by G. Alden Nettleton. *All in favor; motion passed.*

6. Development Compliance Officer Report

a. Status of On-Going Projects and Existing Cease and Desist Orders: Mr. Driska said that the development at 120 County Line Drive was proceeding and that straw matting was installed and the stormwater basin was hydroseeded. Work at the TPC was proceeding as well. Supplemental erosion control devices were installed. He was monitoring them and they appeared to be functioning well.

7. Town Planner Report

Mr. Popper said that Application #18-16: Request to install erosion control within 200' of the Connecticut River at 100 Golf Club Road would not be heard tonight and instead continued to the next meeting. He said that the work planned was close to the railroad and the applicant needed approval from the railroad before they could proceed. He said that the site was being closely monitored and there was no erosion noted.

8. Public Comments

There were no public comments at this time.

9. Old Business:

- a. Application #18-10: Request to remove soils within 200' of the Connecticut River at 79 River Road. Arcadis U.S., Inc is the Applicant and River Road of Cromwell LLC is the Owner.

Lance Kazzi, Arcadis U.S, 213 Court Street, Suite 700, Middletown, Connecticut, presented the application. He said that the next phase of the soil remediation and removal is to take place at the front part of the property. He had received, and would comply with, the Town Engineer's previous comments. He said that the erosion noted at the last meeting appeared to be from storms and not caused by the work they were doing, but they would address that as well. All soil removal would be within the Upland Review Area with no encroachment on Dead Man's Swamp or the wetlands near the railroad. He corrected the July 12, 2018 minutes to say that they were removing four feet of soil, not four inches.

Mr. Driska read into the record his memo dated July 9, 2018, requesting the following conditions of approval: a pre-construction meeting with Town Staff, that weekly activity and Erosion and Sedimentation Control reporting be provided to Staff, and the name and phone number of a 24/7 available individual responsible for maintaining E&S.

Mr. Popper told the Agency that they had previously determined this to not be a significant activity and that the conditions of approval should be to comply with the Town Engineer's comments and Mr. Driska's comments.

John Whitney made a motion to approve Application #18-10: Request to remove soils within 200' of the Connecticut River at 79 River Road, subject to the conditions contained in Bruce Driska's July 9, 2018 memo; Seconded by G. Alden Nettleton. *All in favor; motion passed.*

- b. Application #18-13: Request to construct a single family house within the Upland Review Area at 62 Evergreen Road. Shady Lane Farm LLC is the Applicant and the Owner.

Justin Packard, Civil Engineer with Hallisey, Pearson & Cassidy Engineering Associates, presented the application. He said that the site plan of this 15 lot subdivision was previously approved. He reviewed the location of the lots, the three open space areas and the three conservation areas. He said that the proposal was to swap Lot 15, which was along Evergreen Road, with Open Space B, which was in the middle of the subdivision. Originally, 9,500 square feet of Upland Review Area was impacted by activity on the current Lot 15, but only 9,100 square feet of Upland Review Area would be impacted on the proposed Lot 15. He said that the swap would eliminate the need for the town to maintain the stretch of sidewalk in front of the current Open Space B as it would be taken care of by the future homeowner instead. He reviewed the grading of the proposed Lot 15.

Mr. Popper said that the subdivision modification would be heard by Planning and Zoning, but the impact on the Upland Review Area of the proposed Lot 15 needed to be heard by this Agency first. He said that the Agency had found this activity to not have a significant impact. Mr. Popper read the Town Engineer's memo dated July 31, 2018, which said that he had no comment on the application. Mr. Driska read his memo dated July 31, 2018, which contained the following three conditions of approval: a pre-construction meeting with Town Staff, that weekly activity and Erosion and Sedimentation Control reporting be provided to Staff, and the name and phone number of a 24/7 available individual responsible for maintaining E&S.

John Whitney made a motion to approve Application #18-13: Request to construct a single family house within the Upland Review Area at 62 Evergreen Road, subject to the conditions contained in Bruce Driska's July 31, 2018 memo; Seconded by G. Alden Nettleton. *All in favor; motion passed.*

- c. Application #18-14: Request to construct a building within the Upland Review Area at 113 Berlin Road. Ganesha Hospitality is the Applicant and the Owner.

Justin Packard, Civil Engineer with Hallisey, Pearson & Cassidy Engineering Associates, presented the application. He began by reviewing the site location and abutters. He said that the site was within the 200' Upland Review Area of the Mattabassett River. The site currently contained the 77-room Quality Inn and Suites, associated paved parking area and a large gravel lot. He reviewed the drainage and the location of the catch basins, which discharge to the rear of the property. He said that the applicant was proposing to split the lot into two, with the existing hotel on one lot and the gravel parking lot on the other. He said that the plans show a schematic four-story, 80 room hotel, to show the largest development possible on the site. He said this was necessary before shopping the plan out to possible vendors. He said that the proposed improvement of the site would include increased control of runoff, directing it to the catch basin so it could be cleaned prior to reaching the river, as well as increased landscaping. He said that the 200 foot Upland Review Area and 50 foot building line make development of the site almost impossible. He said that the existing building and parking lot are located within the Upland Review Area.

Mr. Popper said that the site details regarding the resubdivision would need to be presented to Planning and Zoning and said that this Agency needed more detail on the grading and drainage planned. Mr. Popper said that that the Agency could approve the application with the condition that additional information be submitted to Town Staff and Mr. Harriman agreed with that proposal. G. Alden Nettleton wanted it clarified that they were approving the application in concept only and that no work would be done. Mr. Popper said that the Agency could require another application based upon the final plan.

John Whitney made a motion to approve Application #18-14: Request to construct a building within the Upland Review Area at 113 Berlin Road with the condition that the

applicant submit additional information regarding site development to Town Staff; Seconded by Bill Yeske. *All in favor; motion passed.*

- d. Application #18-16: Request to install erosion control within 200' of the Connecticut River at 100 Golf Club Road. The Tournament Players Club is the Applicant and the Owner.

John Whitney made a motion to table Application #18-16: Request to install erosion control within 200' of the Connecticut River at 100 Golf Club Road; Seconded by Bill Yeske. *All in favor; motion passed.*

10. Public Hearings:

- a. Application #18-12: Request to dredge and enlarge existing pond at 80 Coles Road (Hoffman Farms). The Town of Cromwell is the Applicant and the Owner.

Chairman Corlis read the public hearing notice for both public hearings scheduled tonight.

John Whitney made a motion to open the public hearing for Application #18-12; Seconded by Bill Yeske. *All in favor; motion passed.*

Jon Harriman, Town Engineer, presented the application. He said that they were proposing to enlarge the Hoffman farm pond. He reviewed the site location and abutters. He said that the pond was about 6,000 square feet, silted in, and not maintained. The town was proposing using the pond for passive recreation such as skating, fishing and picnicking. The proposal was to dredge the pond and expand it to three times the size, about 18,000 square feet. George Logan, of Rema Ecological, had delineated the wetlands and assessed the fish and wildlife. He was proposing to stock the pond with fish and had proposed a detailed planting plan. Mr. Harriman said that the Town had purchased the development rights to the property along with the State of Connecticut, and the DEEP was in favor of the project. He said that the work would be done by the Public Works staff and started this fall. He anticipated it to be a multiphase project, taking two seasons.

Mr. Popper told the Agency that they had found this activity to have a significant impact at the last meeting.

The application was opened to public comment.

David Unsworth, 14 Greenway, asked how dredging would affect the bottom of the pond and where the water would come from. He thought that the additional plantings would increase evaporation.

Mr. Harriman said that the pond was fed by Willow Brook. He said that there was plenty of water, although it might take a while for the pond to fill up.

George Logan, of Rema Ecological, said that the pond area was till dominant and very compact and that, in dredging down, they would be very close to the water table. He said that the pond appeared to be as large as they were proposing in photographs from the 1930s. He said that the increased pond area would mean that the meadow area was reduced, and there was a higher evaporation-transpiration rate associated with the meadow.

Bill Yeske asked if the dredged sediment could be used as fertilizer in the community garden. Mr. Logan said yes, but suggested that it be analyzed by the state laboratory to check the pH, so it could be balanced out. He said that the sediment would create a better structured soil.

Alice Kelly, 47 Willowbrook Road, said she was the abutting neighbor to this project. She said this was an excellent idea. She said that her husband had helped Mr. Hoffman dig out this pond in the past. She said there were a lot of rocks in the area, and they were likely at the base of the pond as well. She wanted a fence installed to keep people from her property and the dam. She said that she had never seen the pond without water and that it never froze all the water through. She suggested that additional enhancements be added, such as sidewalks and benches.

Mr. Popper said that, if the application was approved, there would be a mandatory referral to Planning and Zoning, but the Agency's only concern was as to the regulated activity.

Mr. Harriman said that he agreed to install a split rail fence, separating the public areas from Ms. Kelly's private land. He said that benches and sidewalks may be proposed in the future, and they would seek approval from the Agency for any activities within the Upland Review Area.

Joseph Koniushesky, 180 Evergreen Road, said he was in favor and that this project was long overdue. He said that there was plenty of water and thought that the pond would fill in three to six months. He thought that the planting plan should not include trees and cited falling and decaying leaves as causing fish kills. He suggested that the pond be made as deep as possible.

Mr. Popper read a letter in opposition from Nancy Blau and Curtis Blau, both of 1 Woodsboro Circle. They said that this was a quiet residential area and that there were plenty of other recreational spots in town. They said that the pond should be left as a respite for area wildlife. They cited concerns about people riding dirt bikes by the dog park.

Mr. Harriman said that it was his experience that someone was always opposed to a project. He said that the state enthusiastically endorsed this plan, as did Alice Kelly, and she was the main abutting neighbor. He said that remediating the pond was something that would help the wildlife that use it.

Joseph Koniushesky, 180 Evergreen Road, said that the police are prompt in responding to calls regarding problems in the area.

John Whitney made a motion to close the public hearing; Seconded by G. Alden Nettleton. *All in favor; motion passed.*

John Whitney made a motion to approve Application #18-12: Request to dredge and enlarge existing pond at 80 Coles Road (Hoffman Farms); Seconded by G. Alden Nettleton. *All in favor; motion passed.*

- b. Application #18-17: Request to construct a building within the Upland Review Area and Wetlands at 136 Berlin Road. TNO Cromwell LLC is the Applicant and the Owner.

John Whitney made a motion to open the public hearing for Application #18-17; Seconded by G. Alden Nettleton. *All in favor; motion passed.*

Jim Cassidy, of Hallisey, Pearson & Cassidy Engineering Associates, presented the application. He submitted the mailing receipts and Affidavit regarding posting the required sign to Mr. Popper.

He began by reviewing the site at 136 Berlin Road. He showed an aerial photograph and described the site and abutting properties. He said that the plaza was mostly developed and consisted of one and two story retail shops and restaurants, comprising four buildings. He reviewed the topography and access roads into and out of the plaza. He said that the site was shaped like a bowl, and water drained into a detention basin and then across Berlin Road to the state drainage system by Dunkin Donuts. He said that George Logan of Rema Ecological had delineated the wetlands and was present to discuss his planting plan.

He said that the detention basin was fed by two 36 inch culverts and had one 36 inch outlet pipe. The developer was seeking to construct a new Starbucks with a drivethrough on about one quarter acre.

Mr. Cassidy said that he had reviewed several options in an effort to minimize the impact to the wetlands. They were proposing to use 15 parking spaces from Burger King as well as the entry access drive to locate the building, which would result in having to construct a new access drive off of Berlin Road, which would go through a portion of the detention basin. He review the proposed traffic flow as well as the parking plan. He said that the development would affect 4,990 square feet of wetlands and 22,800 square feet of Upland Review Area, most of which was already paved. They were proposing to reduce the elevation of a portion of the detention basin, which would inundate it with water, and replant it, to ultimately create 3,322 square feet of wetlands. He said that the volume would remain the same and there would be no loss of capacity. There would be a catch basin that would tie into the outlet system across the street. Stormwater quality structures would be added as well as small pump system.

Mr. Cassidy reviewed three alternate options for configuring the building and accessway on site, which would have disturbed 9,000, 11,000 and 13,000 square feet of wetlands, rather than the amount proposed.

George Logan, of Rema Ecological, spoke next. He said that he delineated the wetlands in 2018 and had conducted multiple site visits. He said that remedial activities had taken place by others in 2016 and that woody vegetation had been cleared previously. He said that the wetland soils had been removed at some point, but that a wetland community had been established within the detention basin. He said that the basin consisted of five main zones and described their dominant vegetation. He said that there were some plants there that he did not expect to find and thought they may have been introduced via a seed mix during a previous planting. He noted that the hard stem bull rush was a threatened plant and that DEEP may require it to be replanted in a different part of the basin.

Mr. Logan described his planting plan. He was hoping to grade the basin to create wetter environments where different plants could be planted. He recommended a minimum of two years of monitoring and removing invasive plants, such as phragmites. He said that the end result would be wetlands that maintain their stormwater function, but be healthier and more diverse.

G. Alden Nettleton asked about planting of trees and the effect on sightlines. Mr. Logan said he planned to clump them together and assumed there would not be an objection, as there are trees at the basin now. He said that the height at maturity of the taller trees would be 25-30 feet, with smaller trees about 8 feet.

Bill Yeske asked about the hydrology. Mr. Harriman said that the drainage report would be reviewed as part of the Planning and Zoning application and would also be reviewed at the state level before the applicant could tie into the state drainage system. Mr. Cassidy said that they were not adding any impervious coverage or reducing capacity.

The application was opened to public comment.

Gary Brennan, 10 Oak Road, said that there were drainage problems on Oak Road and he was worried the reducing the size of the wetlands would lead to bigger drainage issues. He wondered if the inlet pipes could be made bigger and how to prevent the pipes from becoming blocked.

Deb Brennan, 10 Oak Road, spoke on her behalf and that of her mother, Helen Krashen, 16 Oak Road. She cited the drainage problems as well. She said that the wetlands were supposed to be maintained in perpetuity and that was a concession of the 1995 development. She said that the wetlands should be preserved for wildlife and said that she didn't think that constructing a new Starbucks was necessary.

Mr. Cassidy said that the drainage problems on Oak Road are caused by inadequately sized pipes but that they are not part of this property or this project. He said that they had

discussed addressing those problems when there was a previous proposal involving 55 Sebethe Drive, but that the project had not moved forward.

Bill Yeske asked why the detention basin had not been maintained in the past. Mr. Harriman said that he requires, as a standard condition of approval, that a maintenance plan be submitted by January 31 of each year. He said that previously approved projects did not have such conditions but the town catches up with them when they come in for modifications. Town Manager Salvatore said that the plaza is under new ownership.

Deb Brennan, 10 Oak Road, said that the plaza sweepers dump trash over the edge of the plaza by Oak Road. Mr. Popper said that Mr. Driska would discuss the issue with the maintenance company as well as the owner, as the Wetlands Enforcement Officer.

John Whitney made a motion to close the public hearing; Seconded by Bill Yeske. *All in favor; motion passed.*

Bill Yeske said he wanted people to follow through on taking care of the property. Mr. Popper said that the site plan would go to Planning and Zoning next and there would be a public hearing. The drainage report would be reviewed the Town Engineer and the maintenance agreement would be a condition of approval.

G. Alden Nettleton asked for clarification about the relocation of the accessway, which Mr. Driska reviewed.

Mr. Popper said that the Agency is only considering whether to approve the activity within the regulated area. He said that the road was moving to where the wetlands are, and the basin moved over closer to Baci Grill. He said that they could add as a condition of approval an annual report on the status of the basin, describing its viability, maintenance, and function.

Mr. Driska reviewed Page 10 of the submitted plans and read a portion of the narrative notes regarding maintenance. Bill Yeske said that he wanted the requirements to run with the land, regardless of ownership. Mr. Driska cited his July 31, 2018 memo and said they could also require an annual report due by the first of each year.

John Whitney made a motion to approve Application #18-17: Request to construct a building within the Upland Review Area and Wetlands at 136 Berlin Road, subject to the conditions contained in Bruce Driska's memo dated July 20, 2018, as well as the condition that an annual maintenance and wetlands report be submitted by the first of each year; Seconded by Bill Yeske. Chairman Corlis, Bill Yeske and John Whitney were in favor; G. Alden Nettleton voted against the application.

There was some disagreement among Town Staff as to whether four or three votes were needed for the motion to pass.

John Whitney made a motion to rescind the prior vote; Seconded by Bill Yeske. *All in favor; motion passed.*

It was determined that three votes were needed.

John Whitney made a motion to approve Application #18-17: Request to construct a building within the Upland Review Area and Wetlands at 136 Berlin Road, subject to the conditions contained in Bruce Driska's memo dated July 20, 2018, as well as the condition that an annual maintenance and wetlands report be submitted by the first of each year; Seconded by Bill Yeske. *All were in favor; motion passed.*

11. Commissioners' Comments and Reports:


Bill Yeske asked that Mr. Popper provide them with a definitive answer on the number of votes needed to approve an application.

G. Alden Nettleton asked Mr. Driska to read an article that appeared in the Summer 2018 Inland Wetlands and Watercourses newsletter regarding an Agency's authority to enter upon private property. Mr. Popper said that it had not been an issue in the past and that Mr. Driska, the Wetlands Enforcement Officer, was also the Zoning Enforcement Officer. Mr. Driska said that by submitting an application, there was implied consent on the part of the applicant.

12. Adjourn:

John Whitney made a motion to adjourn the meeting at 9:43 p.m.; Seconded by Bill Yeske. *All in favor; motion passed.*

Respectfully Submitted,


Julie C. Petrella
Recording Clerk