

SOUTHINGTON INLAND WETLANDS AGENCY
 Regular Meeting
 Thursday, October 1, 2009
 7:00 pm - Town Hall Council Chambers
 75 Main Street, Southington, Connecticut

MINUTES

The Southington Inland Wetlands Agency held a regular meeting on Thursday, October 1, 2009. Chairperson Theresa Pereyo called the meeting to order at 7:00 o'clock, p.m.

The following Councilpersons were present, viz:

James Sullivan, Chris Borowy, Ted Cabata, Kevin Conroy and John DeMello

Alternates:

Anne Hulick
 William Camp

Ex-officio members present were as follows, viz:

David Lavallee, Assistant Town Planner
 Joseph DePaolo, Assistant Town Attorney

Absent: William Barry

The Chair seated William Camp for William Barry. A quorum was determined.

THERESA PEREYO, Chair, presiding:

Approval of Minutes - Regular Meeting: September 3, 2009

The Chair noted the introduction should read:

THERESA PEREYO, Chair, presiding:

With that correction, Mr. Sullivan made a motion to approve the Minutes. Mr. Camp seconded. Motion passed unanimously on a voice vote.

Treasurer's Report

Mr. Sullivan gave the Treasurer's Report to date. The Chair declared the report be accepted as read. Motion passed unanimously on a voice vote.

Reports from Public, Press and Ex-Officio members regarding items scheduled for action.

No response.

Inland Wetland/Floodplain Filling Applications:

A. Information IW #1164, application of Southington Land Associates seeking to fill 4,951 sf of wetlands for road crossings and disturb upland review area for a 9 building industrial park. Property located at West Queen Street.

Sev Bovino, Planner with Kratzert, Jones & Associates represented the applicant. He stated the property is located on the north side of West Queen Street, 27.7 acres of woods and meadows. And, 6.7 acres are wetlands. It will be served by public water and sewer. It slopes from west to east and it is bisected by the Farmington Canal. (Indicated on the map)

The slope to the west varies from about 4 percent at the beginning to 14 percent in the back of the property. The east slopes are between 3 and 5 percent in this area.

The proposal is for a 9-lot subdivision. The size of lots is a minimum of 1.2 acres and a maximum of 5.2 acres. The zoning allows in this area 20,000 sf lots. Most of the lots are above an acre minimum.

The plans show a very detailed grading plan and storm water design for each lot. That's so you can see what the potential is for development on each one of those lots and how it's going to be handled.

We have investigated multiple alternatives which are part of your package. Explained the prior alternative.

This proposal now is similar in nature except the road is shorter and it does not bisect the canal. This proposal now has the shortest road and the least impact. The road proposal was explained as being west of the canal and the design maintains the current hydrology patterns of the property.

The four discharge points were discussed.

The treatment train was detailed.

The five crossings were explained using the map. He noted they are all water dependent crossings which means to get to the large area of nonwetland area; we need to cross those locations.

The basins all of fore bays, check dams and swales. The existing canal will be cleaned of debris and improved at the northerly end. We'll reshape the canal to create the original section of the canal and place a plaque with a short description of the history of the canal.

The total wetlands disturbance is 4,951 square feet which will be mitigated based on David Lord's report previously provided. The mitigation area was noted on the map for the commission.

The appropriate notes and construction sequences are on the plans. Erosion controls are shown on the plans.

David Lord is here to discuss the proposed mitigation and the wetlands type found on this property.

David Lord, professional soil scientist and environmental consultant. My company is Soil Resource Consultants; Meriden, CT. Reviewed the wetlands on the property noting they were previously flagged by a different soil scientist. They were submitted to you back in the early 1990's. It is my understanding that the boundaries you see were approved in 1992. The site has been extensively disturbed both for the construction of the canal, which is an older disturbance, and also in the eastern portion grading down in this portion (indicating) of the property which was a partial attempt to create building pads for an earlier approved subdivision on the property for industrial use.

Wetland soils were described as noted in his report.

There are a number of intermittent watercourses associated with the wetlands on the site. They basically bisect the property from the west to the east (indicating) through this corridor system here. They run along the eastern side of the property and they're associated with the large wetland system in the center portion. The canal, also a watercourse, wetland feature, running through the center on the north/south access.

The development challenge was to find places for the proposed crossings to access the large areas of upland soils to minimize the amount of wetland impact that we have proposed.

A Function and Values Assessment Report was submitted with the application which describes the wetland resources on the site, the canal, the wetland areas, the watercourse features. Generally those features that are either closely associated to a proposed development activity or are proposed to be directly impacted by a proposed crossing were identified as a separate resource area. Vegetation characteristics are described in the report.

The federal highway methodology was used to assess the function and values in each of those separate resource areas. Some photos in the report also give you an understanding of what we're talking about with each of the resource areas.

A Wetland Mitigation Plan has been prepared for the re-establishment of wetland or the creation of wetlands adjacent to the large central wetland area.

Discussion.

A Planting Plan for each of the water quality detention basin structures has been submitted.

Discussion.

I'll answer questions at this time.

The Chair asked when the last time Mr. Lord was on the site and during any of these dates were the wetlands re-evaluated or redelineated? Mr. Lord said he looked at the proposed impact areas and the areas immediately adjacent to them based on the initial plan that I had which was an earlier concept than what is now being proposed. You will note in the Functions and Values Assessment, I also looked at a number of alternative plans that have been proposed for this site over the years. I looked at this site back in the early 90's, and more recently with this application.

Discussion.

Mr. Lord said while he did not do a redeliniation, he did look at the boundaries that were on the property. I did do some soil borings and some verification, especially in the areas where the proposed development activity was close or directly impacting the wetlands just to verify what I was describing was appropriate for the application.

Discussion.

The Chair indicated that per the plan, the delineation was done well over 15 years ago.

Discussion.

Mr. Conroy said he felt a redeliniation was appropriate and the Chair concurred. It is imperative that we represent the most accurate conditions on the site, added the Chair.

Extensive discussion.

Mr. Lord clarified when he said he didn't redeliniate he site, he means he didn't hang a flag as I do normally when doing a site freshly. But I did do enough soil borings and based on the previous experience with the site, that I did back in the 90's and I did do an extensive amount of work then, and with my newer more recent work, I feel comfortable in stating that this is the extent of the wetlands on the property. They are relatively well defined.

Discussion.

Mr. Conroy said the 15-year thing is a concern for him. The other concern is that the projects limits seem to follow right along the edge of the wetlands and the total here is 4,951 square feet and I'm sure that's not a coincidence it's under 5,000 square feet. Mr. Lord indicated it starts out larger and we got it down to this point. Mr. Conroy said he felt it important from a regulatory standpoint that we have an up to date delineation.

Mr. Bovino commented in the early 90's David Lord was not only involved in doing the reports but he also confirmed the line. We put the flags up based on the survey. His report from the 90's is in the town file that shows Dave did that work.

And, also he has been there and we put the flags up based on an A-2 survey that we did back then.

Also, we went through an official map amendment procedure, public hearing. So this is not a wetland that was flagged 15 years ago and no action was taken by the commission or nobody looked at it to confirm. It was voted on and confirmed after a public hearing.

If you have a concern in certain areas, we can place the flags. But in my opinion, continued Mr. Bovino, this wetland through a public hearing and it was confirmed as that was the wetland line. Mr. Lord can testify to that fact. But to have it reflagged, that's quite a bit of work.

Discussion.

The project map from 1992 that was approved was shown and discussed.

The Chair suggested two scenarios: (1) The applicant can regenerate every single flag at every single wetland point and survey it and place them in the field for us to verify them or (2) have the line delineated. Once the flags are reset in the field, we can perform our site inspection.

Discussion.

Ken Farone, O & G Industries. One of the principals of the property owners who own the parcel. I was around in the 90's when it was originally approved. The regulations in place at that time was a 25' foot buffer and now it's a 50' buffer. You are correct in your question as to having 4900 plus square feet of disturbed area or fillings was by design. We were trying to limit any crossings and fillings to the least amount possible. In 15 years, I don't think the boundaries for the wetland are going to change. We want to be sure you understand the lay of the land and the where the wetlands are relative to the upland areas.

Discussion

Mr. Lavallee pointed out that the wetlands flags are a good point of reference to place erosion controls so if there is no flags there is a question on how to measure the controls there.

Site walk set for October 10, 2009

B. Information - FF #219, Application of Bio Diesel 1 seeking to mitigate for floodplain filling. Property located at 102 West Center Street.

Michael Early with Jones Engineering representing the applicant presented. We're here in reference to a floodplain filling application of a parcel of land located at 102 West Center Street. Bio Diesel operates out of a building that's within 102 West Center Street. The parcel sits on the south side of the road and is bounded on the east by the Rails to Trails.

The applicant had constructed some concrete pads and some concrete containment bins in construction with his business. He did not obtain the appropriate permits for the pads and bins. As a result, the town put a cease and desist on the business and we're currently trying to get the site in conformance with town zoning.

As part of that conformance, the applicant has to obtain the necessary permits for what he's done on site and he also has to remove the material from the floodplain which was displaced by him in constructing the concrete pads.

The entire envelope of his operation lies within the floodplain on the FEMA map. So, what I've done is I've submitted a site plan and I've created some sections through the containment bins and through the concrete slabs to give you a visual of where the original grade was, where the floodplain elevation is and the area that was displaced.

There are five areas that I did sections on. Explained each area. I have calculated in total the volume displaced was 18.4 cubic yards. To resolve this, what we're proposing is to remove 5 inches of material in a grassy knoll that lies within a gravel turn around and it's approximately a 1600 square foot envelope, removing 5 inches of material, that is approximately 23 cubic yards and in addition to that, there is a concrete planter within the envelope that also contains approximately 4 cubic yards of material. That is a net gain of almost 11 cubic yards which is just over a 1.5:1 ratio.

On another note, we are going in front of the Board of Water Commissioners because that fire main runs underneath this containment slab. (Indicated)

Discussion.

Carl Radune explained some necessary improvements on the site.

Discussion of the permits that the property has to-date.

Site walk set for October 10, 2009

Communications

A. Reports from Public, Press and Ex-Officio members regarding items other than those scheduled for action.

None.

Conservation Issues/Unfinished Business/Miscellaneous

- Informal discussion of the replacement of the bridge on Old Mountain Road

Dennis Scarso, WMC Consulting Engineering, Project Manager on the project. We were hired by the town to perform the design of the replacement of the Old Mountain Road bridge project.

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

Gave an overview of the project. The wetlands were flagged by a certified soil scientist in June, 2009 and they were located by a land surveyor, Harry Cole & Son, in June, 2009.

I'd like to present to you tonight the preferred alternative as chosen by the town. The project involves approximately 415 lf of roadway reconstruction. The road will be widened from 22 feet to 30 feet, curb to curb. Most of the widening will occur to the north. The town is flattening out the horizontal geometry slightly. The intention is to try to maintain the existing profile as best as we can with some slight cutting and some slight filling.

The drainage improvements were explained.

The new bridge will be a complete replace. We're replacing it with a 72 inch RCP pipe and we're doing some work for aesthetic purposes.

Also there will be a grass shelf on the southern side and also maintaining a mitered end to the pipe on the upstream end.

Also, the alignment of this pipe will be in a separate location as the existing bridge today. Because of the alignment of the existing stream which runs as it passes through the existing bridge is it takes a hard right and runs parallel with the road, with this widening we'll also have to construct a long retaining wall along that area to try to minimize the impact to the stream.

Also, we'll be doing some riprap protection on the outfall end of the pipe. That is to help to stabilize the stream from velocities.

The pipe will be buried 12 inches and will have baffles constructed within them to keep the material within the pipe for fish enhancement.

The proposed bridge passes the 50 and 100 year with approximately 1.5 feet of freeboard.

Current construction, we will have to provide a bypass to the east of the existing structure to handle water during construction so we can build and place new pipe and also do removal of the existing.

We're estimating that we will start in the spring of 2010. It is a six to eight month duration.

As far as wetland impacts, we've estimated 2200 square feet, both federal and state.

That completes my presentation and I'll take questions.

The span of the existing bridge is 8 foot. The replacement will be sections roughly 4 feet in length. It is a tributary to the Humiston Brook.

Mr. Conroy did comment that he had a hard time grasping that a 6 foot pipe can sufficiently pass what an 8 foot bridge used to. Is that a question for the Town Engineering Department?

Discussion.

- Update on previously approved earth excavation for West Pines Drive

Stephen Giudice from Harry Cole & Son presented the update. He gave a brief background on the project using maps.

Where we are right now is the neighbors are not excited about this. So, we're proposing a major downsize on our current earth excavation application. This plan is proposed to reduce our excavation to 25,000 cubic yards and to bring the northerly property into compliance. We are negotiating with abutting property owners trying to find an alternative access point for the remainder of the material on site. If that comes to fruition, we will be back before this commission with a modification to our original application.

My client is going to make sure this project moves forward in the proper fashion and take the proper steps to move this project forward. And, just making sure we are onboard with the town staff and commissions every step of the way.

We hopefully will have a revised plan for you within the next couple of months. We hope to move forward with the PZC on this alternative we are proposing.

The original applicant did stay away from the wetlands. There was a point where erosion controls were starting to deteriorate. The town called the bond and went out and re-established some of the erosion controls. The applicant is ready to reinforce those controls as well. The review area and the setback area were respected.

During the last application there was a question of contamination from some of the material that was brought to the site. We did have a Phase I Study and additional soil tests done on the piles and it was clean.

Mr. Lavalley pointed out right now there is one consolidated approval for all the lots around the bog, the road coming and the crossing. Mr. Giudice added the previous application included the entire property you see here. They were all incorporated in the 2006 application for the earth excavation and subdivision application.

Discussion.

Mr. Lavalley said he thought the 2006 approval covered everything but he wanted to explain to the commission and see if there was anything outstanding.

Discussion.

Mr. Conroy recapped. First you are going to restore the northern parcel to the conditions of the permit using the material from the northern half of this parcel. Disturbances were noted. Mr. Giudice referenced a remediation plan that phased the activities in small sections as we work to the back stabilizing two acres at a time.

Discussion.

- 5 year extension request of David Bucholz, West Pines Section 2 - IW #1206.

Mr. Giudice explained the original approval was done in 2004 and that's what we're asking for an extension on tonight. However, in 2006 our application included this property, as well. So we may have an approval from 2006, but just to insure, I wanted an extension on the 2004 approval.

Discussion.

The commission concluded they did not need an extension as it is included in the 2006 approval.

Mr. Giudice respectfully requested the matter be withdrawn.

- 5 year extension request of Phil Nanfito, 119 Winding Ridge IW #977.

Mr. Lavallee noted this is from a number of years ago. He's just waiting to build. He hasn't done much. It is stable. I don't have any issues.

Discussion.

The Chair noted as Agent, he could do an approval. Mr. Sullivan did make a motion to grant a five years extension for IW 977. Mr. Borowy seconded. Motion passed 7 to 0 on a roll call vote.

- Southington Land Associates. The Ass't Planner noted routinely he goes out to a site once he gets an application to do a checklist. I had never been on this site before. I went to the higher side and noticed some disturbance of what is questionably a swale, ditch, watercourse. It was defined as a ditch in 1992. But every indication I saw it had all the characteristics for a watercourse from the section I could still see. I have some pictures. (Passed around)

It definitely conveys water, has banks and it has hydrophytes in the disturbed soil. It was scoured and it was holding water. The casting of the soils is right into the wetlands. It goes right into the brook unprotected. This was done within the last few weeks. This is brand new. It was so obviously done I can't believe they thought it wouldn't be wrong to do it.

Discussion.

The Minutes from 1992, the onsite, are very scant. Just a paragraph. The contours definitely show on the map of the topography.

Discussion.

At this point, we are seeking restoration. The applicant proposes to fill it, but once you see it on site, you can determine.

The Chair pointed out it was still a regulated area that was impacted.

Sev Bovino noted he was here to show you the maps and Ken Farone will address the commission regarding the work that was done.

Mr. Bovino said historically it was a farmer's ditch built years and years ago before the development upstream that took place and conveyed the water that was coming down the hill. Normally watercourse runs perpendicular to your grades. This is parallel to the grade. To put the water into a small brook that runs east/west.

Discussion.

During the 92-93 approvals, the commission ordered that that would be looked at as a ditch. Over the years there has been erosion and I understand they are looking to develop this piece of property now and that's why they're coming to get the reapproval. They thought about maintaining the ditch. Showed the topo map and the swale was pointed out. It is less than three acres of an area that feeds this area now.

The map is a town map and it shows the wetland lines that were approved and implemented on the town map.

Discussion.

The applicant is willing to stabilize it. He was planning to do it and when we received the email from Dave, I called him up and told him to hold off until we go in front of the commission, added Mr. Bovino.

Dave Lord went and checked the swale, also.

The Chair confirmed that what is immediately needed is restoration, definitely, of the area.

The Chair asked the intent of doing this work in the first place. Mr. Bovino said he thought it was a maintenance issue. They looked at the swale and it was full of silt and they said, let's go clean it up. I made the application right after, so it's not like something they were trying to hide.

Ken Farone, O & G Industries. As Sev indicated, the work that was done was intended. Obviously we knew there was an application that would be filed with this commission. The last time any maintenance work was done on that site was probably back in the early 90's when the application was filed with the previous wetlands commission.

The Chair again asked why would you need to go in there and do any maintenance. Mr. Farone said just to continue the function as it is. Pick up any surface runoff coming upgradient of it and convey it to the north.

Discussion.

The Chair stated this was a regulated area that was investigated and was put in the application was a regulated area. Mr. Farone said the ditch itself is not a regulated area. The Chair corrected her statement: I'm sorry, a regulated activity. It directly influences that brook, added Mr. Lavallee.

Discussion.

The Chair again asked: What was the intent of going in there recently, a week before you made the application, to perform maintenance. For what intent? Mr. Farone responded it was to allow the continued function of the ditch.

Discussion.

Mr. Conroy reiterated these are natural contours to the east and west. Mr. Bovino said the ditch is manmade. Discussion of the water flow on the property.

Discussion.

Mr. Conroy said he would support a restoration until some type of other determination is made.

David Lord passed around and explained a document which is his opinions on the drainage swale. There are a number of photos at the back of the report.

Discussion.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

Mr. Lord continues to review his opinion document.

Further discussion of whether it is a ditch or a permanent channel with banks.

The Chair said she was not too pleased with this. Mr. Lavallee said a lot of his decision was based on the last 30 feet or so of undisturbed area. Our regulations include manmade ditches as watercourses.

Discussion.

The Chair noted a lot of the characteristics have been met for it being a water course, per say, channeled, whatever, it seems. I'm kind of taken back that an application that came before us and this work was done prior to the application. And, it came into us a week or two after this work was done.

Mr. Lord felt it was an attempt to restore the drainage feature that's there. You'll see on the site walk an old woods road that leads up to this southern terminus of this drainage ditch. You can see it very clearly through the trees. The woods road has a flat surface, has a slight berm on the eastern side of the woods road. To me its indication there has been some alteration to the site.

Mr. Lord discussed the erosion in the area.

Mr. Borowy pointed out the applicant understands there is an urgent need for restoration. Mr. Lavallee said that is in the Notice of Violation. And, he further stated for the record he did respect Mr. Lord's opinion. We've worked well in the past and I'd like to discuss it with him the field. I didn't have the opportunity to see it when it wasn't disturbed, concluded Mr. Lavallee. That's my issue.
Discussion.

The applicant is prepared to restore immediately. Put in the staked hay bale check dams, put the seed down and stabilize it. Mr. Lavallee added straw bales so you don't get invasives from the hay and break up the bales and use as mulch. Mr. Lord agreed.

After discussion, it was decided this Notice of Violation would be a separate issue. This is not shown as a regulated area on the application.
Discussion.

Natural flow of the water on site was discussed by Mr. Conroy. Perhaps these two were connected at one time. I am fairly comfortable with the fact that the southern portion of that feature is natural. We won't know about the central part because it has been disturbed and. I'll abide by whatever Mr. Lord and Mr. Lavallee agree on.

A good 100 feet of the southern tip that you're talking about hasn't been disturbed, pointed out Mr. Lord.

Mr. Farone said he looked at the site today. We can send a crew in no later than Monday to get started. It is a fairly lengthy area and some areas might be 6 to 8 feet across. We'll start with the area closest to the knob of the wetlands and work in either direction from there. We'll hand rake that. I have seed and hay bales ordered. We'll certainly keep Mr. Lavallee apprised of where we are at and he has the right to come out and inspect the work being done. The Chair added you have people working out there without any kind of limit of disturbance flags and things like that in contrast to most of the applications that come before which have set flags in the field or the limits. Mr. Lavallee added Mr. Farone is very familiar with the rules and regulations of the Town of Southington.

Discussion.

An Order for Restoration will be put in place.

Pay careful attention to the area near the wetlands, as well, added the Chair.

Site walks set for October 10, 2009.

Mr. Conroy made a motion to adjourn. Mr. DeMello seconded. Motion passed unanimously on a voice vote.

(Whereupon, the meeting was adjourned at 9:05 o'clock, p.m.)