

SOUTHINGTON INLAND WETLANDS AGENCY  
 Regular Meeting  
 Thursday, February 4, 2010  
 7:00 pm - Town Hall Council Chambers  
 75 Main Street, Southington, Connecticut

MINUTES

The Southington Inland Wetlands Agency held a regular meeting on Thursday, February 4, 2010. Chairperson Theresa Albanese 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:           William Camp  
                               Richard Post

Ex-officio members present were as follows, viz:

David Lavallee, Assistant Town Planner  
 Louis Martocchio, Assistant Town Attorney

Absent:     Anne Hulick, Commissioner

The Chair seated Mr. Camp for Ms. Hulick this evening. A quorum was determined.

**THERESA ALBANESE, Chair, presiding:**

Approval of Minutes: Regular Meeting of January 9, 2009

Mr. Sullivan made a motion to approve as submitted. Mr. Camp seconded. Motion passed unanimously on a voice vote.

Treasurer's Report

Mr. Sullivan gave the Treasurer's Report to date. Mr. DeMello made a motion to accept the Treasurer's Report as read. Mr. Borowy seconded. Motion passed unanimously on a voice vote.

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

None this evening.

#### 7. Inland Wetland/Floodplain Filling Applications

A. Information/Action - IW #1166/FF #220, application of the Southington Water Department seeking to complete a previously approved water line crossing below the Eight Mile River on Welch Road.

Randy Brown of Tighe & Bond represented the application. He did an overview of the project to date. Concerns mentioned on the site walk were discussed. (Passed around drawings in response to comments.)

The project is anticipated to take a two to three week period start to finish.

Mr. Lavallee asked for clarification as to whether or not that by pass pipe is going through one of the existing culverts that is there. Mr. Brown said it is shown that way, yes. It would be underneath the culvert.

The culverts will remain in place with no disturbance anticipated. Discussion.

In response to a comment by Mr. Conroy, there was discussion about the capacity of the pump specified.

Sediment trap location was discussed. Mr. Conroy said he would want to see that on the revised plans.

The Chair noted the Army Corp of Engineers may need to be notified. They will assume jurisdiction even in Connecticut with the changes to the regulations.

Mr. Conroy made a motion to table. Mr. Cabata seconded. Motion passed 7 to 0 on a roll call vote.

B. Information/Action - IW #1161.1 application of Philip Doyle (LADA) seeking to modify an existing approval for storm water improvements at the BJ's site (Spring Street).

Attorney Anthony Denorfia, representing the applicant, presented the application. He said he had a letter to submit requesting a 65-day extension for decision. (Submitted for the record.)

He recapped the instructions given at the last meeting which they have been diligently working on. A final plan has not been submitted

yet for the proposed alternative. We don't have our storm water report 100 percent complete. With your indulgence, we'd like discuss all of that this evening.

The three specific items we were looking at:

- As far as alternatives, one suggestion was to look at the one basin alternative.

- Look at the development potential of the rear parcel which is a 40 acre parcel behind this parcel which is hoping to obtain access to through the application.

- Compare the impacts of this application versus the approved application.

In this particular change we are about to show you, we've done away with the impact to that 600 sf of isolated wetland. We are able to leave that intact.

We increased our buffer areas what we would classify as slight in two different locations. One was around the main impact, around that isolated wetland area, that 600 sf, there is about 6000 sf of buffer area to be affected there.

We did increase the buffer impact of about 2400 sf because of the detention basin getting bigger. That totals about 8400 sf.

Then, because of the regrading of the site because in this plan we can drop the elevation of the site, that vernal pool area which was in the original detention area that you wanted moved that we have done away with, we have decreased the buffer impact by 3600 sf.

So the buffer impact was increased by 4800 sf, approximately, in total. And, we are not proposing any impact to the wetland itself.

I'd like to have Phil Doyle discuss the one basin alternative and also the development potential of the rear parcel.

Then Kevin Clark can go over the storm water quality and the storm water calculations.

And, then George Logan is also here.

Phil Doyle, LADA, reviewed the plan which was filed back in November and explained the proposal.

Various access options to the rear parcel were discussed at the last meeting.

He then reviewed the second plan which was presented about a month or so ago. We were looking for a way to get rid of basin B and to enlarge basin A.

This third plan, the latest we've developed, shows the grading and drainage here with a planting plan underneath it. We have been able to demonstrate to ourselves that basin A which is now the only basin --- on the northern side of the site --- is sufficiently large to handle the entire property.

Discussion.

We have eliminated the need for basin B. All the storm water would be directed into Basin A. Explained the drainage flow. The grass lined swale follows the line of the originally approved discharge swale.

Explained.

So we won't have to come back and ask for any additional earth work in the future should the land to the rear be developed, is that we're showing the grading along the property line. If one were to build a 24-foot wide road for access to the industrial land in the back, we're showing the grading. We are not proposing it right now. It is currently about 12 foot wide dirt road that goes out back and we're proposing to just leave a 12 foot gravel road to the rear for the tenant's access. But we are showing all the earth work that would be necessary to accomplish that and calculating it into the numbers.

We've changed the grading on the southwest corner of the service area for the proposed BJ's. We've lowered the grades in that area and we've pulled back the edge of disturbance from what was approved, still within the 200 foot upland review area of the vernal pools, we've pulled that a further 12 feet back.

In expanding basin A, we had buffer disturbance, upland review area disturbance in this zone (indicating) that we do not have on the approved plan. We've pulled it in back in this area (indicating).

I would also mention that on the approved plans, we had not identified this fourth vernal pool (indicated). We've shown that and we are now adding that area into our calculations so that the total square footage of upland review area is increased eventually on the numbers that are in total. We are out of that area in terms of disturbance, but we added that to the plans.

What we have done is we have taken an A-2 survey for the entire holdings of the applicant and the parcel in the back we've commonly talked about as the back 40. It is not quite 40 acres, it's about 37.4 acres. Our application before you now and the application that you've approved has two properties listed on the application. The Twinco Property which is the area here (indicating) and then it has the Senco Land in this area(indicating). The Senco Land has been

involved only to the extent that this leg, a rear lot with a pan handle attachment to Spring Street, that land is part of the overall site plan because it is the edge of the parking areas. There are various cross easements to allow that to exist.

Our proposal had not been at this point to develop any land in the rear. The historic access was described.

Wetlands were identified and are shaded in blue on this plan. There are areas that are unrestricted in that they are not part of an upland review area. We have also taken a look at the watersheds.

Discussion.

The two parcels are separate in terms of surface drainage.

Discussion.

The current access was discussed. Development in that area of the site was discussed. After doing calculations, there are about 15 acres of unrestricted land. (Not a floodplain, wetland, upland review area or wetland) The zoning is I-1 which allows 25% building coverage. You could probably anticipate 160,000 sf of commercial development on the rear of the property. It would have to have appropriate parking (maybe 300 spaces). It'd have to have storm water mitigation and all of those development issues. But that's generally what might happen in the back.

This point seems to be the best point of access into the rear (indicated). We do not want to use that leg because of the wetlands involved. It was put for a zoning purpose and not necessarily for an actual use.

Discussion.

That's why we've said we'd like to maintain this access. We don't have an intention of building a road or anything, but we need to maintain access to get back there. Over time, as the adjoining properties are developed, we'll see what makes sense.

Discussion.

On the plan we'd like to give the staff in the next couple of days, we're showing the mass grading necessary to create a pad for the road so that at some point in the future we would hope that we would not have to be back in front of you to say we're going to have to do this fill. We'd like to say to you we're going to pave this, we're going to put drainage in to the back. We'd have to seek that permit from you but we'd like to not have to go through earth work.

Discussion.

Land easements for "common" areas on site were briefly discussed.

Mr. Conroy asked about the easement access for the road. Is it permanent or temporary? Mr. Senese said it was permanent that lasts for the term of the land lease. Mr. Conroy said that should be shown

on the plan if we are considering that as a future preferred alternative.

Discussion.

Mr. Doyle explained the easement plan that is being put together which could be attached to the submittal plans. Mr. Conroy said that should be a condition of approval that be codified in some manner.

Mr. Conroy asked the applicant to show the complete design, knowing it's not going to be built, for the current application process, that the final condition be shown. Show the impacts of the permanent access up to the parcel line for the record. Mr. Doyle said we can show it but we are not asking for permission to build it.

The Chair said if we are approving something, we want to be able to see it on the plan that we're approving.

Mr. Conroy brought up the second parcel development. I know that this is in the future but you mentioned it might be limited to the unrestricted land area? Mr. Doyle said that was a supposition.

Discussion.

Mr. Conroy said they were looking for a reference as to what the wetland impacts would be from the development. It doesn't need to be designed but we are looking for the general limits of the future development, an envelope of some sort. You don't need to show buildings. We are concerned about what the potential effect of future development on that parcel is so we can properly decide on the one that's before us as it is for both parcels shown.

Extensive discussion.

Attorney Denorfia pointed out that at this time we have no proposal, nothing, other than we know where the wetlands are and where the buffer areas are and we know what is potentially developable which I think we outlined to you and we know that based upon zoning we're probably looking at a 160,000 sf or maybe 200,000 sf. I don't know how we could do what you're asking.

Extensive discussion.

Mr. Conroy pointed out that even in his own practice, what is required is the proposed limits of development, an envelope of some sort and usually some narrative description of what the impervious and drainage effects of that would be. We'd want to be able to evaluate the effects on the wetlands by trying to understand what is potentially coming in the future. Whatever you put on that parcel will need its own permit or permit revision, but our finding and our decision on this particular application is affected by what is there. I think for the record and the completeness of the application it should be provided.

Discussion.

Mr. Borowy seconded the suggestion by Commissioner Conroy. If we are going to reapprove some kind of revisions to the front site -

(End of Tape #1, Side A)

(Beginning of Tape #1, Side B)

-- some kind of insight as to what the extent of the disturbances might be, envelope of development, something like that, some estimate on impervious area. We need something on the proposed development back there just so we can reflect upon what the final effect would be on the wetlands we're trying to protect in the front area. I don't think that is an unreasonable request.

Extensive discussion on what the Commission is looking for with this request.

Mr. Doyle pointed out the application is for the Twinco Land specifically and he is not making an application for the land to the rear. He did not believe under state statutes that we are required to go beyond that to start speculating about other applications we might make. The question you are asking, I believe, should be related to connectivity. What is the connectivity, if any, in some area where we're saying we'd like to maintain our historic access. We are indicting that that connectivity does not exist. That is specific to the drainage areas. We have a ridge that runs along the back section of our property just about where the property line is that takes the drainage on our site, which we are not disturbing, that runs into a vernal pool. All of the areas that immediately about the developed portion we're seeking our approval for, all are isolated drainage areas. We have no direct connection in terms of drainage between what we are proposing and the back lands. The back lands are a separate unity. That's our testimony. Because there is no connectivity, we don't believe it is necessary to go further than that about coming up hypothesis, et cetera. We are not making an application for that and I don't believe under state statutes we're compelled to make that application.

Discussion.

The Chair said that in this situation, what we are trying to say is we need to look at the whole picture.

Discussion.

George Logan explained his visit to the back lot which turned up at least two potential vernal pools based on the hydrology. (Passed around an aerial photo showing the vernal pools #4, #5 & #6)

Explained.

Discussed the factors of consideration under the state statutes.

Mr. Logan stated from his investigation, there is no physical or hydrologic nexus between the wetlands here and the wetlands on the site (indicated). That's important.

Discussion.

My conclusions are that basically as I've looked at these improvements and prepared what I have said before to this commission both in my oral testimony and my report, they meet and exceed the factors of my previous impact analysis which had me conclude at that time that it is likely that no adverse impacts will be realized on the regulated resources on this site or off site, both short term and long term. And, the reason for stepping into that conclusion is that there were three things that happened as part of the revised set of plans.

- The elimination of the 600 sf of wetlands impact.
- We have a properly designed and sized storm water management system, treatment train that will accommodate and meet or exceed all of the recommendations by the 2004 storm quality manual.
- Looking at the plans, I still see proper erosion and sedimentation control.

That means that no physical impacts will be had to these wetlands both short term and long term from construction or post construction phase.

As to the general statutes, I've looked at them, and I find that they meet these particular factors which my translation is if they do meet them, then this proposal is worthy of approval.

Kevin Clark, Clark Engineering. We've done some revisions to the storm water management system on this project. The basics of the design is that the system both treating volume and storm water quality is sized to treat the entire developed parcel. He then proceeded to explain the drainage system.

Mr. Clark said he would present the drainage report to staff for review and approval when finalized.

In response to a question by Mr. Conroy, Mr. Clark explained this assumes the development as a normal commercial development within the zoning regulations.

Discussion.

Attorney Denorfia wanted to recap the five specific areas that you would like:

- Comparison of the impact with the previously approved plan.
- Show on the plan here the potential or impervious area that is shown for the pad - the assumption.
- Show an easement map.

- Show the potential road, 14' road, grade for the road to the back.
- On a conceptual plan, two alternatives, show the development alternatives in the shaded areas.

Mr. Conroy made a motion to table IW 1161.1. Mr. Camp seconded. Motion passed 7 to 0 on a roll call vote.

Mr. DeMello made a motion to put Item 1161.1 on the Agenda. Mr. Sullivan seconded. Motion passed unanimously on a voice vote.

Mr. DeMello made a motion to approve the request for 65-day extension for Item 1161.1. Mr. Borowy seconded. Motion passed 7 to 0 on a roll call vote.

C. Information/Action - FF #211.1, application of Tahoe Realty seeking to waive a previous condition of approval. Property located at 100 West Main Street.

Sev Bovino, Planner with Kratzert, Jones & Associates, represented the applicant.

Gave a brief background on the buildings in the area.

This map was submitted with the application and shows the building, the floodplain line and elevation at 135. Under your regulations, Section 605.4, the lowest floor should be one foot above the depth specified under the FEMA map. The FEMA map indicates the floodplain is 135. The floor of the building which has existed for many years, is 136.09. The existing floor already meets your regulations. (Passed around a copy of Section 605.4.2)

Discussion of the address being 100 vs 120 West Main Street.

The approval was given with the stipulation that the building be constructed with a flow through arrangement. The property owner has tried to do that and it is very difficult, almost impossible for him to operate under that kind of situation. We looked at the data and discovered this meets the regulation as it stands. So we would like to request the Commission to consider modifying the previous recommendation of July 17, 2008 to be just a recommendation for approval of FF 211 without including the language "flow through" of the building.

Discussion.

Mr. Lavallee reported that technically the Town Engineer does not have an issue with waiving this requirement because it does meet the regs.

(End of Tape #1, Side B)

(Beginning of Tape #2, Side A)

Mr. Sullivan made a motion to recommend waiving the first vertical foot requirement. Mr. Conroy seconded. Motion passed 7 to 0 on a roll call vote.

D. Information - IW #1170, application of Central CT Contracting, LLC seeking to disturb wetlands and u.r.a. in association with the construction of a sports complex and associated improvements. Property located at Smoron Drive and Spring Street.

Stephen Giudice of Harry & Cole represented the applicant. Explained the location of the parcels involved, approximately 82 acres. Our application is just for this property (indicated).

We had Cynthia Rabinowitz go out and flag the wetlands. Then we field located the wetlands. Explained the soils on site as being nonwetland.

The topography on the site is generally sloping from 84 in a northwesterly direction. He explained the lowest point on the site is basically over in this corner (indicated).

Our proposal is a 171,000 sf sports complex located on Parcel 2 (indicated) and an access drive on Parcel 1.

He explained the detention basin storm water collection systems.

He explained the design of the sports complex, even though it is not a wetlands issue, just for information.

When designing this project, we looked at the future development of Parcel 1. We laid out a roadway for tentative consideration and possible subdivision of the property in the future. I will be able to submit something to you on a preliminary basis at the site walk or the next meeting so you know why we did what we did.

The idea is to get the sports complex up and going and then the subdivision will follow, hopefully.

We typically try to avoid direct wetland impacts when we do our design. We did a good job with this one but we do have one small area, but we try to be sensitive to the environment and the areas on site.

Detention basin areas (1,2 and 3) were discussed.

The erosion and sedimentation plan narrative was discussed. It is noted there are silt fences around all areas of disturbance. Hay bales are located in sensitive areas. There is construction fencing where necessary. Temporary stockpile areas for topsoil were discussed as being far away from the wetlands so we don't have any future problems. Overall, it is a big project but we tried to minimize our impacts as much as possible.

Our detention systems are all designed to the 100 year storm. We have included treatment train information and water quality volume calculations in our report, as well.

We are proposing a septic system on this site right in this location (indicated). We are hoping it will be a temporary system. It is designed for full capacity with safety factors included. At the moment there is no sewer service provided to Smoron Drive. The application has approached the Town Council about providing a sewer main and crossing the Quinnipiac River at this point (indicating). If this goes forward, he would continue it up Smoron Drive and into our site and connect our facility.

Discussion.

Mr. Conroy stated this is a phased development. Discussion of the two lot development. Mr. Giudice said they have looked at where the drainage is going to go and how we're going to handle it.

Mr. Conroy said as with the previous application, we would like to see a conceptual development of the whole project (both lots).

Extensive discussion.

Discussion of whether the building would be heated by oil or natural gas and the storage of same.

Mr. Conroy made a motion to table which as seconded by Mr. Borowy. Motion passed 7 to 0 on a roll call vote.

(Site walk set for February 20, 2010)

E. Information- IW #1171, application of Dr. Craig Bogdanski seeking to keep processed stone in the upland review area and restore unpermitted disturbance to the site. Property located at 825 M & W Turnpike.

Sev Bovino represented the applicant. Showed an area map and explained the location of the property.

Dr. Bogdanski didn't realize and he guess he ordered someone to put some processed stone in the back of the building on the grassed

area --- no trees removed for that --- for a parking area. He received a restoration order to show the remediation of the activity.

The proposal would be to remove that little bit of a wetlands impact, 6 sf. Remove that and move the additional stone area away from the wetlands and remediate that area and place additional plantings - plantings that were required originally on the original application - and additional plantings done.

He wants to have an area where he can pull in without going through the front door and getting out of his office without going through the front door.

Discussion.

Mr. Cabata made a motion to table. Mr. DeMello seconded. Motion passed 7 to 0 on a roll call vote.

Site walk set for February 20, 2010.

#### Communications

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

None this evening.

#### Conservation Issues/Unfinished business/Miscellaneous

(1) Extension request for IW #992 - Southington Country Club - 3 lot subdivision. Original Expiration Date April 14, 2005.

Mr. Lavallee advised this is a pretty standard request. We have some time. I am just requesting that you not take any action until they prove the conditions of approval are met.

- A conservation easement should have been provided for all the wetland areas associated with the application;

- construction activity on two of the lots prior to removal of soil piles on an adjacent properties to the west; and

- concrete monuments along certain flag numbers.

They are, apparently, getting confirmation of that at this point. Once we have that, we can put it up again for action.

No action is required. This is just for information.

(2) Administrative approval discussion for building size reduction on 169 Captain Lewis Drive.

Mr. Lavallee said this is a request for a building adjacent to a storm water pond the town owns on Captain Lewis Drive. What they're proposing is to reduce the impervious and the building size by about 1500 sf, roughly.

Explanation of the original application and what is proposed now.

The consensus was administrative approval would be appropriate.

Mr. Lavallee said he would make a note for the record and staple this to the approved plan.

**SITE WALKS SCHEDULED FOR FEBRUARY 20, 2010.**

Mr. Conroy brought up and extensive discussion followed regarding phased developments. I have been asking for more information because history of this commission is we seem to be approving these things piecemeal. The last guy on the block is the guy who gets all the scrutiny. I think it's better for the resources and for the applicant if we try to look at the resources from a more global perspective.

When presented with phased developments it's important that we have as much information as available that the applicant has.

Mr. DeMello made a motion to adjourn which was seconded by Mr. Camp. Motion passed unanimously.

(Whereupon, the meeting was adjourned at 9:46 o'clock, p.m.)