

SOUTHINGTON INLAND WETLANDS AGENCY  
 Public Hearing and Regular Meeting  
 Thursday, May 7, 2009  
 7:00 pm - Town Hall Council Chambers  
 75 Main Street, Southington, Connecticut

MINUTES

The Southington Inland Wetlands Agency held a public hearing and regular meeting on Thursday, May 7, 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, and John DeMello\*

Alternates:

Anne Hulick

Ex-officio members present were as follows, viz:

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

(\*Arrived at 7:09 o'clock, p.m.)

Absent: William Camp, Alternate  
 William Barry, Commissioner  
 Kevin Conroy, Commissioner

The Chair seated Ms. Hulick for Mr. Conroy for this evening's meeting. A quorum was determined.

THERESA PEREYO, Chair, presiding:

Public Hearing Items:

A. Information - MA #133, application of Phil Doyle seeking to amend the IW Mapping to reflect the findings of Soil Scientist David Lord in conjunction with the construction of a commercial site, property located at Spring Street and Queen Street.

Philip Doyle presented the map amendment application. He noted it is a 20 acre property off Spring Street. It's a

rectangular piece of property. The town mapping shows regulated wetland as about 9 acres +/- of land. Explained the markings on the map.

The Soil Scientist, David Lord, has identified approximately 2.5 acres of wetland area.

Explanation of the line bisecting the property and the history of that piece being approved for a development of a commercial venture. Based on that approval, there was soil moved on the site. That area is part of still the town mapping system. Town staff found no records going back to the 90's for an actual map amendment. So we are seeking an amendment for the entire area of 9 acres for that map boundary amendment even though a portion of it has already been filled and has been subject to an approved site plan application by the Town of Southington.

We filed application per Section 13 of the Town Inland Wetland and Watercourse Regulations. Explained it is incumbent upon the applicant to provide the data to support the evidence there is or is not a wetland on the property.

We believe Dave Lord's report and his flagging is clearly defined where the boundaries are. I would ask Dave to continue the presentation and explain what he discovered on the property.

I would say the site was subject to a site walk and we met on a separate date with the Town Environmental Planner. We, meaning myself, David Lord and our project civil engineer, Kevin Clarke.

(Mr. DeMello entered the meeting)

David Lord, soil scientist and environmental consultant. My company is Soil Resource Consultants with an office in Meriden, CT.

I will present the findings on site investigations that were done over a several week to several month period of time. The delineation in the report which is dated March 24<sup>th</sup> was completed on March 19. And, at that time I not only flagged the wetland boundary that is subject to this map amendment but also the larger parcel which is to the west which is part of the reason why you'll see a break in the numbers of flags. Explained.

Explained the wetlands consisted of very well defined low lying areas interconnected with flow either to the west or the south.

Defined the wetland soils classification on site. The majority of the subject property can only be classified at the generic level because of the previous and historic disturbance

activities. There are some major stockpiles out there and major evidence of grading, filling, leveling, smoothing, you name it and it's probably occurred on this site. There are no indications that I could find of any natural soils within a zone probably 10 to 15 feet inside the existing tree line easterly through the area where the development is proposed to occur.

All soils within the areas of proposed development activity are consistent with the generic term, disturbed upland soils.

The importance of the tree line and disturbance of soils, there is a significant amount of fill spoil which is pushed or has been pushed up against the existing tree line and actually inside the tree line. One thing we are looking to do with that and it'll slightly change from a boundary amendment, but I thought it was important to mention it now, was that those spoil piles which consist of gravel, concrete, large rock and other earthen materials will also be removed from portions of the site just inside the tree line to level and return to a more natural soil condition by removal of the overlying soil material.

We did have a second site walk with the Environmental Planner. We dug a number of holes (indicating). The area that was questioned was looked at extensively. The entire area along the tree line was looked at very extensively because the ground is extremely hard, very densely compacted. There is evidence of a bituminous roadway generally in this area here (indicating). It is tightly compacted and doesn't allow for infiltration into the ground. There is some shallow depressional areas that collect water and very slowly allow that to soak into the ground.

Discussion.

It was very evident through visual observation of the test holes that the water was sitting on the surface of the soil and not coming up from the bottom or being a true groundwater table driven moisture condition. It was just the retardance of that surface water and its ability to move into the soil. The soils were in no way characteristic of a wetland or what I feel would even be transitional or if left in place long enough would turn into wetlands.

Happy to answer questions you may have.

The Chair asked if a Function and Values Assessment was done. Mr. Lord said one was not one done at this point. The development activities are outside of the 50' upland review area and we do not have any direct impacts other than the discharge of storm water.

The Chair brought up the potential areas of vernal pools and were those areas investigated? Mr. Lord said the areas you are talking about is an area here (indicating) and one in this

area here (indicating) where there is some shallow ponding. I did look at those for the presence of vernal pool species. I did find some wood frogs. The Chair asked if that was egg masses he was referring to and Mr. Lord said he did find some in that particular area.

The Chair noted within the wetlands we have a vernal pool which has a different review which is a 200' review area. Has that been addressed in the application?

Discussion.

Mr. Lord said it was experience the wetland delineations and the boundary amendments are done to flag line and not as part of a characterization of those wetland resources are. That's a second stage of the process. I do have some response to that issue in some of the design elements we'll be getting into at the second stage of the presentation on the development activities and we have addressed those issues and concerns.

(Those speaking in favor of the application)

No response.

(Those speaking in opposition to the application)

No response.

The Chair said the commission had no formal consensus in agreement based on the two site walks with the delineated area. I think we need more information. I believe that a Wetlands Functions and Values might be appropriate. We believe there is a potential for significant impact by pollution of some sort affecting the special aquatic resources which in this case would be the vernal pools and the significant amount of wetlands that is on the property.

Extensive discussion.

Mr. Lavallee suggested tabling the public hearing, going out to the site, have the commissioners look at the delineation so they're comfortable with it, with you on site as opposed to just me on site. Mr. Lord agreed.

Once we approach the portion that deals with the site plan, and then we can discuss if there are any findings of significance there that would drive a public hearing, added Mr. Lavallee.

Since there were items incorporated into the plan to compensate for any issues, then you are obviously aware of that.

Mr. Lord continued he understands that. He is just trying to get a handle on the boundary amendment part.

The Chair said they are going to table this evening. When we have our next site walk which we are going to schedule, that we have some more information related to the functions and values of the wetlands which you said you have already done, whether in report form or data. Mr. Lord said that's not an issue.

The issue is, is it part of the wetland boundary amendment which is a public hearing or is it part of the development activity application.

The Chair said there is combination.

Mr. Lord asked for special questions about the site walk and delineation. Mr. Sullivan said the main issue was the area you spoke about in detail. We noticed and David pointed out where that old roadway was. And, again, we did a partial walk. The site walk was a little confusing and we didn't have a chance to see all the areas. There was some confusion.

The Chair said she would like to see more historical information regarding the fill on the property. The point is we have a map that shows wetlands that were in this location. Now whether they were filled at some point, we don't know that. Mr. Lord said he didn't give that part of his usual presentation. But it is appropriate at this point.

You have to understand that your town map is based on an original survey done in 1955. And transferred to mapping at a much enlarged scale. It's not uncommon for this type of difference between what a map shows and what a soil scientist will find in the field to have this much difference in size.

The area that some of you questioned on the site walk is approximately 5' higher than the obviously water table driven portions of the wetland that's flagged and delineated on its eastern most terminus. Explained you will not see a great slope to that.

Mr. Borowy concurred with a request for additional information as well as the presence of a soil scientist at the site during another walk.

Mr. Cabata made a motion to table. Mr. Borowy seconded. Motion passed 6 to 0 on a roll call vote.

Site walk set for May 13, 2009 - Wednesday.

(The public hearing portion was adjourned at 7:28 o'clock, p.m.)

**REGULAR MEETING**

## 4. Approval of Minutes - Regular meeting of April 2, 2009

Mr. Borowy made a motion to approve the Minutes of April 2, 2009 as presented. Mr. DeMello seconded. Motion passed unanimously on a voice vote.

- Special On site meeting of May 16, 2009

Mr. Cabata made a motion to approve the Minutes of the Special on Site Meeting of April 16<sup>th</sup>, 2009. Mr. Sullivan seconded. Motion on a majority voice vote with Mr. DeMello and Ms. Pereyo abstaining.

## 5. Appointing of Nominating Committee

The Chair appointed John DeMello and Ted Cabata for the Nominating Committee.

## 6. Treasurer's Report

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

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

No response.

## 8. Items from the Public Hearing:

A. Information/Action - MA #133, application of Phil Doyle seeking to amend the IW Mapping to reflect the findings of Soil Scientist David Lord in conjunctions with the construction of a commercial site, property located at Queen Street and Spring Street.

Mr. Sullivan made a motion to table MA #133. Mr. Cabata seconded. Motion passed unanimously on a voice vote.

9. Inland Wetland//Floodplain Filling Applications

A. Information/Action - IW #1155, application of Donald Sirois seeking to develop a site for a restaurant and associated parking within the upland review area of wetlands, property located at 1032 Meriden Waterbury Road.

Donald Sirois indicated they had turned in an updated report from Ali's and other than that, I know you did the site walk.

Mr. Lavallee said the commission did look at the site. I don't think we had too many issues with it. The only thing that was outstanding was a planting plan for the basin. It's going to be a conservation mix which is pretty standard - for the interior basin. And, then some dogwoods on the top, 15' on center on the river side. That's acceptable.

The beech trees are going to remain per the applicant's representative. Applicant mentioned they would just trim some branches.

Mr. Borowy made a motion to approve IW #1155 as presented. Mr. Sullivan seconded. Motion passed 6 to 0 on a roll call vote.

B. Information/Action - IW #1156, application of Philip Doyle seeking to perform earthwork for storm water discharge in an upland review area, property located on Spring Street.

Mr. Lavallee advised that if a determination of significant impact was made, we should probably table it until we have a public hearing.

The Chair asked for comments from the commission regarding the thought that the activities could cause pollution of the wetland or the special aquatic resources which may be the wetland areas and also the vernal pools.

Mr. Borowy commented that given the extent of what we believe the wetlands to be at this point, until we approve a map amendment that would be a fairly logical conclusion.

Discussion followed.

Mr. Doyle wanted direction on how to proceed. We believed we had two absolutely distinct applications. One for a boundary adjustment that we had hoped was relatively clear-cut in defining the limits of the wetlands and based on that delineation, we have prepared an application that makes certain assertions about how much upland review area and/or wetland impacts we have.

If you're taking the position that the foundations of that application are faulty, then it makes no sense for us to continue with this presentation. We need to know where you're going.

Discussion.

The Chair explained the map amendment public hearing has been tabled and the application because some of the commissioners do not feel that they had a satisfactory site walk and there's some areas that have come up as potential areas that might need to be revisited besides the area that the Town Planner went out to look at with David Lord. There is also the potential there are vernal pools out there. And, they have a separate upland review area of 200', so that would change some of the direction of the way that we're addressing the issues related to the application and your addressing the application.

And, then in the sense, we believe that there's a need for a more detailed Wetlands and Function Value Assessment related to the wetland system and how the development impacts on the wetland system, including the vernal pools areas.

Discussion.

Discussion of the vernal pool area. The Chair pointed out it is the applicant's responsibility to show to us, to prove to us, to give us the data and information to make the determination or justification of whether this is significant or not. At this point, we believe it is. We have special aquatic sites.

Discussion.

Mr. Doyle asked to establish a public hearing date rather than debate whether we have a significant or insignificant activity. We will do an additional site walk and we will have Mr. Lord do a functional evaluation and determine whether or not the wetlands are more extensive or if they include vernal pools.

Discussion.

The Chair said she believed at this point there was a public interest and a need to go forward with setting up a public hearing regarding the potential for significant activity.

June 4<sup>th</sup> will be the public hearing date.

Mr. Cabata made a motion to schedule 1156 for a public hearing on June 4<sup>th</sup>, 2009 to discuss the possibility of a vernal pool in the area and the boundary in the wetlands. Being that

it's in the public interest to further evaluate there is a potential for a significant impact from the proposed activities related to the fact there could be possible pollution with coming into the vernal pool area and also the upland review area which is the protection of the vernal pool area. Mr. DeMello seconded. Motion passed 6 to 0 on a roll call vote.

Site walk set for May 13, 2009.

C. Information - IW 1158, application of Scott Putnam seeking to remove sediment from a ponded area/watercourse, property located on the corner of Flanders Road and Flanders Street.

Scott Putnam presented the application. It's just the storm drain dumps most of the road sand right into the pond. It's over the last ten years it has accumulated again. We'd like to clean out the south side.

Mr. Lavallee noted this had been approved before as part of an application. It's pretty much the confines of what you see. Sediment from the road sands accumulates and he wants to clean it up. It's better for water quality if you do clean it out. And, the scope of it pretty much goes up to the bridge. A couple of hundred feet of sediment removal.

Discussion.

Disposal of the sediment will be off site.

Mr. DeMello made a motion to table IW 1158. Mr. Borowy seconded. Motion passed unanimously on a voice vote.

Site walk set for May 13, 2009.

D. Information - IW #1159, application of the Town of Southington seeking to temporarily disturb 4,916 sf of wetlands and 85,000 sf of u.r.a. for the installation of a 10" sanitary sewer interceptor from Panthorn Park to 169 Mt. Vernon Road.

Mr. Lavallee reported to the commission that they requested a site walk at this time with that much disturbance. Temporary

disturbance. We'll ask for special considerations for casting and putting the soil back the way it was through the wetlands.

(End of Tape #1, Side A)  
(Beginning of Tape #1, Side B)

Mr. Cabata made a motion to table IW 1159. Mr. Borowy seconded. Motion passed unanimously on a voice vote.

Site walk set for May 13, 2009.

#### 10. Communications

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

Lori LaPorte, 733 Berlin Street. There's a property adjacent to ours and for the years we lived on our property we thought were wetlands and they started bulldozing. I know there was a cease and desist order. My husband spoke to somebody last month and they said the meeting was tonight. That's why we're all here.

Mr. Lavallee clarified. If they propose anything on that site, any kind of construction, they have to come to us for a permit. They are under that understanding. The soil scientist that was here did the delineation on site. You'll see blue flags in the woods. That's the edge, according to him, of the wetlands.

We had them seed it immediately after they disturbed it because it was a violation. Now it's growing nicely. We had them put a silt fence up, just in case anything washed out in the road.

Sometimes during these meetings there is a report to the commission of what happens between meetings. The last meeting it was brought up by Commissioner Sullivan and a lot of people are aware of it.

You can check back in --- the meeting is the first Thursday of the month. Just a couple of days before check with our office if anything came in.

#### 11. Conservation Issues/Unfinished Business/Miscellaneous

Tree seedling give-away, May 16<sup>th</sup>.

Mr. Lavallee reported Arbor Day is May 16<sup>th</sup>. It is in conjunction with Touch a Truck. The seedlings disappear real quickly. It's behind Derynoski. Ten o'clock am.

Mr. Lavallee said the water department, one of their plants off Mariendale Drive; they want to replace one of the tanks out there. All the work is outside of the wetlands. It's within 50' or so. I can most likely handle it administratively. The area is fenced in. It's easier for them to the silt fence with the chain link.

Everyone agreed he could handle that administratively.

The Chair and the entire commission welcomed Anne Hulick to the Commission and introduced themselves individually.

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

(Whereupon, the meeting was adjourned at 8:00 o'clock, p.m.)