

SOUTHINGTON INLAND WETLANDS AGENCY
Public Hearing and Regular Meeting
Thursday, June 4, 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, June 4, 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, William Barry, Kevin Conroy and John DeMello

Alternates:

Anne Hulick

Ex-officio members present were as follows, viz:

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

Absent: William Camp, Alternate

A quorum was determined.

THERESA PEREYO, Chair, presiding:

Public Hearing Items:

A. 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.

Anthony Denorfia, Attorney, at 133 Main Street, Southington. We represent the applicant. With me tonight is David Lord, Soil Scientist from Soil Resources Consultants, Philip Doyle, Planner from LADA and Kevin Clark, professional engineer.

There are two applications on tonight. The first is a continued public hearing concerning a wetland boundary map amendment to reflect the findings of David Lord, soil scientist.

The property in question is located off of Spring Street and consists of approximately 57 acres. Owned by two related entities, Twinco Corp and Senco, LLC.

The application has been before this board previously and I would ask that the following submittal documents be acknowledged to be a part of the record. Dave Lavalley indicates that all of these are in the record, but I would like to mention a few of them.

- Application of March 31, 2009 as amended on May 29, 2009.
- A-2 Survey by Jones Engineering dated March 25, 2009 as amended on May 20, 2009 which field located the wetland flags placed by David Lord.
- Four reports by Mr. Lord.
 - March 24, 2009.
 - May 22, 2009.
 - Two on May 27, 2009.
- Minutes to the meeting of April 2, 2009, April 16, 2009, May 7, 2009.
- Aerial photography for the site from 1934, 1951, 1965, 1991 and 2006.

There are other exhibits but I think those are the most pertinent to this application.

David Lord, soil scientist, presented his findings. I am presenting the findings of an onsite investigation the original of which was completed on March 19th with a subsequent report.

He extensively reviewed his report of March 24, 2009 (on file in the Town Planner's Office.)

He then extensively reviewed his report of May 22, 2009 which is the additional site investigation we did subsequent to the May 13th site walk by the inland wetland commission (on file in the Town Planner's office.) This report is in the back of the Function and Values Assessment Report.

The area was thoroughly investigated. The area was not historically a wetland. It's even different from a soil perspective at present because of the additional layer of fill.

The vegetation on this site appears to be the result of the compaction of the original topsoil layer and the fact that this is the low point in the surrounding open field area, the test holes indicate the area has been extensively worked, compaction has taken place there. I believe what is occurring is that the water that moves through the soil hits that compacted layer and stays there beneath the soil surface and has allowed the vegetation species (indentified) to have established and to have flourished.

Wetlands in Connecticut are classified by soil type and not by vegetation. The area is not classifiable as an inland wetland. The extent of wetlands are as indicated. One additional area observed during the site walk is in the northwest corner and has been added to the drawings (indicated). It is approximately 600 sf. That area was not graded level with the additional areas on either side. It's about one foot above the bottom of this wetland and native wetland soils present in the identifiable wetland and formerly residing this area. Deep test holes indicated a mixed layer of fill (36 to 42 inches thick) overlying wetland topsoil material consistent with what is present to the south (indicating).

The wetlands as shown on this drawing with the flag numbers is in my opinion the actual extent of wetlands on the subject property.

I'll answer any questions on the depiction of wetlands.

(No questions/comments from the commissioners)

Attorney Denorfia indicated that concludes our presentation on this application.

(Those speaking in favor of the application)

(No response)

(Those speaking in opposition to the application)

(No response)

The Chair closed this public hearing item.

B. IW #1156, application of Phil Doyle seeking to perform earthwork within an upland review area for storm water discharge from a new commercial activity located on Spring Street.

Anthony Denorifa, Attorney, at 133 Main Street, Southington. We represent the applicant. With me tonight is David Lord, Soil Scientist from Soil Resources Consultants,

Philip Doyle, Planner from LADA and Kevin Clark, professional engineer.

This application is to conduct a regulated activity within a wetland and upland review area in conjunction with the construction of a BJ's Wholesale Club and a gas station and possible future restaurant site. It is a parcel of land a little over 20 acres on Spring Street. That property is presently owned by two related companies, Twinco Corporation and Senco, LLC.

The activity we are proposing consists of filling approximately 600 sf of wetland soil to temporarily disturbing 16,486 of upland review area which has already been disturbed and providing mitigation of approximately 5,000 sf for the 600 sf that we're hoping you give us permission to fill.

This application has been pending before this board and I would again ask that the following items previously submitted become a part of the record in addition to the items that I am not mentioning.

- Application of March 31st as amended on May 29th, 2009.
- A-2 Survey by Jones Engineering dated March 25, 2009 as amended on May 20, 2009 which field located the wetland flags placed by David Lord.
- Four reports by Mr. Lord.
 - March 24, 2009.
 - May 22, 2009.
 - Two on May 27, 2009 (Wetlands Function and Value Assessment and Wetlands Restoration Plan and Planting Detail).
- Minutes to the meeting of April 2, 2009, April 16, 2009, May 7, 2009 and May 19th.
- Phase I Environmental Report dated June 16, 2000 by BL Companies of the subject property.
- Report of Groundwater monitoring from the former Pratt & Whitney site by LFR Environmental Management Consulting Engineers dated September 27, 2009 (sic).
- Aerial photography for the site from 1934, 1951, 1965, 1991 and 2006.
- Storm Drainage Report by Clark Engineering dated May 5, 2009.
- Engineering Report by Clark Engineering dated May 5th as amended through May 28, 2009.

- Report on Southington Aquifer Regulations concluding that this property is not within a regulated aquifer by LADA Land Planners dated April 22, 2009.

- The big thick set of maps that are always submitted before the commission given by LADA.

I'd like to have Phil Doyle give an overview of the application at this time.

Phil Doyle indicated the access would be off Spring Street on the eastern fifth of the property. Access would come in. We'd have a parking lot developed on the eastern side of the site.

In the center of the property we would be locating the building. We are proposing a BJs gas station in the northeast quadrant of the property and we would be leaving an area undeveloped at this point. In the master plan we included in the set, at some point in the future we might return to the town and seek an approval in this undeveloped portion of land for some either retail or restaurant or bank type use. Discussion.

The proposal would call for all the developed areas of the site, all the drainage to be collected and discharged towards the west. Explained.

We have tried to locate the development outside of the wetland areas and as much as possible confined to those areas that were previously disturbed. On the most recent site walk we showed you some aerial photos that indicated various level areas of disturbance. That general area of disturbance that historically been the case is the back edge of our site grading and includes the area that David Lord described as having test pits done and that area in the 1965 and 1991 air photos had buildings. It was a developed property for something. That's where we've proposed our storm water basin.

David Lavalley has given us staff comments. We've tried to address those comments. He gave feedback on the plans and we responded as quickly as we could (the beginning of this week) so he had everything up to date.

I would mention that he had asked from the northerly detention basin to change our discharge point from a discharge running east/west and try to extend it. We proposed extending it further adding about 30 or 40 feet of length to the discharge. We will take and swing the pipe around.

We've tried to address all comments. We've provided full erosion control drainage planting. David Lord has proposed mitigation planting and I would point out the 5000 sf area mitigation is an area that appears to have been a fill in a

wetland some time ago and we would be looking to pull that area back. Explained.

Vernal pools was a topic of discussion at our previous meeting. The Chair indicated that the data sheets and our analysis had not considered the impact of vernal pools at that meeting. A second site walk was done. David Lord was present. We talked about three vernal pools. Explained locations)

We have shown the upland review area that would be 200 feet around those vernal pools. Most of that upland review around the vernal pools are wetland areas and covers upland review areas associated with the wetlands. A large section is on the adjoining property, off site. And, a small section of the upland review area for the vernal pools runs behind what we would propose as the BJs building and encompasses a disturbed area where we're proposing our storm water basin. Explained they are located in the areas that were previously disturbed as identified in the '65 and '91 air photos.

That is a general overview.

Attorney Denorfia introduced Kevin Clark to touch on the drainage and the design of the structures.

Kevin Clark, professional engineer, Clark Engineering in Granby, CT.

As part of this project, we designed the storm water management system. He described it as consisting of a treatment train. There are certain components of the system are all designed to treat the storm water to a certain amount. Explained the system.

The ponds are designed to treat storm water and detain the peak flows so we do not increase the peak flows for the 2 to 100 year storm.

The outlet control structure was described.

The water quality volume and flow computations for the project including the roof area were done. The storm water treatment units are designed to treat the water qualify flow to 80 percent. We also have within the wet basins so by the time we get done we would expect to see somewhere around the 90 percent removal.

Utilities - sanitary sewer and water come in off of Spring Street. Explained connections.

David Lord passed around and submitted for the record a color rendering of the two storm water wetland type detention basins that were just described. It is hopefully to going to

give you a better understanding of how water moves through the storm water wetland system. Explained further.

Referring to the Stormwater Wetland Basins and Planting Details report, dated March 24th, that is the step by step sequence for the establishment of the vegetative plant communities that we are proposing the northern and southern basins. He went through the report page by page. (Report on file in the Town Planner's Office.)

Mr. Barry questioned the process. He did note that we have an awful lot of information that we just got today. Discussion.

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

Discussion continued on who had requested the public hearing. Mr. Borowy noted the applicant requested the expediting of the hearing itself. Mr. Lord noted the first meeting when we submitted the original application, the public hearing was set for the boundary amendment but the public hearing was not set for the development activities. Subsequent to your first on site, issues and questions arose from the commission that warranted our requesting the public hearing because we wanted to get and move the process forward.

Attorney DePaolo interjected the bottom line is this is the public hearing on the application so we should allow them to present on both of the applications.

Mr. Lord added the reports he was referencing this evening were submitted last Thursday. I'm not sure when you got your copies, but I submitted them a week in advance.

Mr. Lord referencing Page 5 at this point then continued with his page by page review. (Will be provided to the Commission at a later time for those who did not have it in their report.)

He particularly noted a page with a description of the plant species and what particular pollutant/contaminant they've been recognized as removing the storm water.

The function of the one wetland system that we are impact that is addressed in the Function and Values Report. Highlighting, this area is a disturbed wetland pocket. It appears to collect localized surface water runoff and trap that and slowly allow it to infiltrate into the ground. There's about a foot of disturbed soil in the bottom of this wetland system above the identifiable wetland or original wetland surface, elevation which is consistent with the topography that's shown on the site plan drawings. It's grown up in a very weed type

invasive dominated plant community in the wetland portion there are cat tails. A sign of disturbed wetland systems. Explained vegetation around both invasive and native.

It has very limited functioning other than for the collection and slow release of that collected surface water runoff through its bottom area. In effect, it's a small manmade detention functioning wetland type system, very limited detention because it does not drain a large area or hold a large amount of water but overall that's probably the primary function of that type of wetland area on the site.

Mr. Borowy said that removal of contaminants and whatever means you propose to handle that mission are pretty important in consideration of this application.

Mr. Lord concurred it is the driving force for his portion of the storm water wetland systems that we're talking about. It is improvement of site generated storm water runoff quality.

Mr. Barry asked if there were pollutants on the property and Mr. Borowy responded once we have traffic flow, we will. Mr. Barry clarified he was talking about in on the ground on the borders of Pratt & Whitney and things like that.

Attorney Denorfia pointed out two reports had been submitted --- the Phase I Report and also the Report which had to do with Groundwater Monitoring that our consultant got from Pratt & Whitney. Pratt & Whitney had placed groundwater monitoring wells around the border of the property and those are no longer monitored by Pratt & Whitney because the groundwater flows in a north/northwest direction so the groundwater goes away from this property and therefore any pollutants in the groundwater are going away from this property.

Mr. Barry said that water on this property flows opposite the river? Attorney Denorfia said it flows to the west/northwest. If there are no longer monitoring out of those wells, that means that they try and catch the samples at a point downstream from the pollutants.

The Chair asked Mr. Lord to speak about the Wetlands Functions and Values Assessment. Mr. Lord reviewed his report for the Commission. It's a report dated May 27th of this year. (On file in the Town Planner's Office.)

He noted the Natural Diversity Database mapping by the Connecticut DEP. These are listings for state or federally plant or animal species on this site or in immediately proximity to the site. The closest area is to the south of 84. That identified area is approximately 2500 feet to the south of our site.

He extensively explained the three pool areas which are contained in the report for reference.

He discussed the fourth area looked at which is in the far northwest corner which is classified as a pond.

Continued with page by page review of the report.

He specifically referred to the Summary on Page 12 and explained each item.

The Wetland Mitigation Plan has been developed to restore an area of filled wetland south of detention basin 1 approximately 5,000 to 6,000 sf. Reviewed the report.

The Restoration Plan has been developed focusing specifically on the restoration area. Explained.

On Page 13 is the concluding statement. In my professional opinion the proposed development of BJ's Wholesale Club as currently designed does not represent any significant potential for adverse environmental impacts to the existing functioning and values of the onsite wetland or associated wetland and watercourse resources for their long term functioning at present levels.

I'll take questions at the appropriate time.

Mr. Conroy noted you described the function and values of the smaller wetland to the north. Can you describe the function and values of the main wetland body on the southwestern part --- Wetland B.

Mr. Lord noted Page 10 to Page 11 and explained extensively.

Mr. Barry added you mentioned the current soils help in cleaning the storm water, is there a maximum capacity at a point where it no longer can help? Extensive discussion with Mr. Lord concluding that he doesn't see that happening on this site. But it would have to be reviewed on an individual wetland by wetland basis.

Mr. Conroy asked Mr. Lord to speak to the function of production export as it relates to nutrient production and food production. What types of organisms are we talking about here as part of the wetland function? Mr. Lord said what you are looking at the export and that goes with the surface water discharge that flows through the wetland system. It is the buildup of bio mass within the wetland systems. The trees and shrubs (described) with the leaf drop and degradation of leaves into organic matter. The flowing of water through the wetland system exports that type of organic matter through the wetland system.

You also have the export of bio mass from wildlife species that eat the berries and the food sources from the wetlands and the uplands and move off site.

You have insect populations which are generated by the flowering season of the trees and shrubs within the wetland system which act as a food supply to higher organisms.

All of those mechanisms go into the export process. Primary you are looking for is there a constriction of the wetland system that would trap and not allow that nutrient export out of the wetland system which is not the case here because we do have connection and discharge from the wetland system without any real constriction. The export function is available through the wetland system for the processes I described.

The Chair commented the Wetland Value Function data sheets are both on and it looks like you put a lot of time into this for each wetland area. Specifically when you went into detail with the various references and rationales for each function and value. That's appreciated.

The ground water table elevation is roughly 163, 164.

Regulated aquifer was clarified by Mr. Clark. He noted this is not on a regulated aquifer on a local level, per the Town Planner. That means that we are not within one of the areas that has the limitations on use per the DEP.

Mr. Borowy asked does that mean there is no potable water or water supply out of that aquifer. Mr. Clark said the DEP has required water companies to identify where they have their wells or potential wells. They've made the water companies map the aquifer areas. Those areas become regulated because they are potable sources of water. The DEP map included in this submission has indicated there is no aquifer mapping along any section of this site. Discussion.

(End of Tape #1, Side B)
(Beginning of Tape #2, Side A)

(Those speaking in favor of the application)

(No response)

(Those speaking in opposition to the application)

(No response)

The Chair closed this public hearing item.

Mr. Sullivan made a motion to adjourn from the public hearing portion of the meeting. Mr. Borowy seconded.

(Motion passed unanimously on a voice vote.)

(Whereupon, the public hearing portion was adjourned at 8:40 o'clock, p.m.)

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Public Hearing and Regular Meeting
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7:00 pm - Town Hall Council Chambers
75 Main Street, Southington, Connecticut

MINUTES

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The following Councilpersons were present, viz:

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

Alternates:

Anne Hulick

Ex-officio members present were as follows, viz:

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

Absent: William Camp, Alternate

A quorum was determined.

THERESA PEREYO, Chair, presiding:

Approval of Minutes - Regular Meeting: May 7, 2009

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

Special On-site Meeting: May 13, 2009

Mr. Sullivan made a motion to approve the Minutes as written. Mr. Borowy seconded. Motion passed on a majority voice vote with Mr. DeMello abstaining.

Election of Officers

Mr. Cabata and Mr. DeMello were the nominating committee.

The slate proposed: Theresa Pereyo as Chairman
Jim Sullivan as Vice Chair
Bill Barry as Treasurer
Chris Borowy as Secretary

All candidates accepted their nomination and appointment.

Mr. DeMello made a motion to accept the slate proposed for nomination for next year. Mr. Conroy seconded. Motion passed unanimously on a voice vote.

THERESA PEREYO, assuming the Chair:

Treasurer's Report

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

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

No response.

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 conjunction with the construction of a commercial site, property located at Spring Street and Queen Street.

Mr. Barry made a motion to approve MA #133. Mr. Borowy seconded. Motion passed 7 to 0 on a roll call vote.

B. Information/action - IW #1156, application of Phil Doyle seeking to perform earthwork within an upland review area for storm water discharge from a new commercial activity located on Spring Street.

Mr. Lavalley added that the small area of fill will be included. The application was amended to include that. Mr. Lavalley advised that all of his comments were addressed - rather expediently - which was appreciated.

(Pause)

Mr. Conroy asked the following question of Mr. Lavalley: At the public hearing, the applicant indicated that one of the primary functions of Wetland B is wetland habitat. Combined with the presence of the vernal pool system, include the high quality vernal pool 2, do you have an opinion on the effect of the loss of critical habitat within the 200 foot regulated area would have affect on that function? Mr. Lavalley it is basically forage in the upland review area which may or may not be replaced by some of the plantings within the ponds themselves. When you look at habitat function, you really don't base a decision on that, but its part of the big picture. So there are plantings that provide nutrient uptake and habitat food value that are proposed as part of that.

Mr. Conroy continued that his concern here is that we are impacting a significant portion of that upland habitat which I think is a critical to the function of that particular wetland. As a breeding pool, it only works if there is a place for the offspring to then live. Given the presence of the predators that the soil scientist mentioned up at the northern section, the bull frogs and the turtles, it seems to me that the only real critical habitat that these particular animals have is where this detention basin is going.

So with that loss of habitat, the function of the wildlife support for that particular wetland would seem to me to be lost. Do you agree with that?

The Chair indicated she definitely agreed.

Mr. Lavalley responded said you can't put a tracking device on the actual amphibian, so it may or it may not be a critical area for them to use.

Mr. Conroy pointed out that was the primary function that was identified in the wetland report, so it would seem to me that that would be something that we would be wanting to look at.

The other concern I have has with respect to the conversion of the upland area and not just the regulated area but the entire upland area from a pervious site system to an almost completely impervious site system in spite of the fact they're providing storm water detention and some water quality treatment although that is not the preferred method under the DEP Storm Water Quality Manual. I feel that it is appropriate here just from a perspective of runoff that a larger zone be provided around the wetland system in order to protect it from a concentrated runoff and runoff that is untreated by the system.

The applicant mentioned that the off line oil separator does not function during high flow storms and the same is true for the detention basin system here as well.

The applicant also mentioned that this system is groundwater fed so that the presence of the berm to protect the wetland does not really apply the water contaminants that infiltrate into the ground do show up in the wetland system.

Those are my concerns about the particular application. I was wondering if there were any alternatives that could be conceived of that would address my concerns, concluded Mr. Conroy.

The Chair said that is part of the decision process, reviewing the regulations and looking at the overall picture and how the whole project is impacting, if it is or isn't. One of the decisions that we need to as commissioners come up with is there a feasible and prudent alternative which would create less environmental impact.

Mr. Lavallee added you look at the Best Management Practices. Kevin alluded to a different practice. What would that be?

Mr. Conroy said if we were just talking about storm water quality treatment, the trend is to reduce the amount of piped storage in detention basins and to go for more open swale, a curbless system. Rain gardens, things like that. But my real concern is that this very intense development is but right up against our regulated area which is a very high quality wetland. And, based on the characteristics of the sight, I don't see that the current distance as provided would be accurate. I would be more comfortable with something larger than that.

Mr. Lavallee summarized, it is the treatment of the water and the ground water infiltration, interaction and the habitat function of the wetland. But the disturbed portion of the field is something that you feel should remain more of that or revegetate the mature species?

Mr. Conroy preferred it to be revegetated but it is really the point it is going from an impervious area now to almost a completely pervious system. I think the fact this wetland system has thrived so well even though the site has been disturbed over a number of years a number of times, it was never converted into a paved or an impervious system. I think if there was less pervious area in this particular proposal, then the wetlands have a better chance of survival.

Those are my comments based on the presentation.

The Chair said one of the regulated areas is the 200 foot from the vernal pool area. That is an area that has some significant value. As part of our regulations, we do look at it as what potentially could be impacting that area.

Mr. Lavallee asked if an alternative plan were to be produced, would it be a more linear system of ponds with less groundwater interaction but more side slope infiltration. Mr. Conroy said he wouldn't presume to tell the applicant what to propose but I think there are other alternatives there that could be explored. Other land is available on the site. There is less intense uses that could be proposed here. We're converting over ten acres of land into an impervious surface. That's over three quarters of the site and almost the entire upland area that is on the site. Just the intensity of the development and its effect on the wetland systems.

Mr. Lavallee pointed out as a part of the alternative analysis, the commission should give suggestions as to what to explore.

The Chair said one suggestion is that during the public hearing it was mentioned there is property in the front that is going to be possibly used for development of a restaurant or whatever in the future. Part of an alternative analysis would be evaluate moving or utilizing that portion of the property for this development.

Mr. Conroy suggested a less pervious system that isn't solely reliant upon the detention areas, the underground drainage system and the detention system.

Mr. Lavallee said still have infiltration, but spread it out throughout the site.

Mr. Conroy added also one that allows that wildlife habitat function to remain.

(Pause)

Mr. Borowy said he would like to second what Commissioner Conroy is saying in regards to the destruction of the upland

feeding area for the high functioning vernal pool #2. But beyond what we're seeing on the proposal which is unfortunate to me that we're going right up through the 200 foot buffer area and right up against the 50 foot upland review area with construction and development, I think inevitably you're going to have encroachment beyond the proposed development if not by the actual construction phase then as a follow up fact just from human proximity to a developed area and I am concerned for that.

I'm concerned we didn't see any prudent alternatives as required by the application process. One quick one I would suggest as the Chair indicated, take the island of land at the northeast corner that's not got a present usage and move everything 150 feet away from the vernal pool, negate my first concern. You've got the property doing everything you need in your current application and we didn't hear anything about that having been considered.

I was disappointed that it took this commission to point out a technical valid observation to the applicant and their technical experts in regard to having found a wetland that hadn't been identified on the mapping. It calls into question some of the other observations/conclusions offered by the applicants.

I think on this technical basis given that island of wetland associated growth that I think was pointed out that was a central key to our initial site tour; maybe we have a need for a second expert to do an evaluation of this proposal.

Mr. Lavallee noted the map amendment was closed. Mr. Borowy concurred and took the point back.

Mr. Borowy would like to get into the record the fact that that public hearing had in fact been requested by the applicant.

As a commissioner weighing this application, I am a little concerned also that the mitigation and restoration is pretty small scale compared to just the imposition into the regulated wetland area for the vernal pool alone. I don't think it's a fair trade off. I think we are going to have irreparable significant impact into the wetlands and into the vernal pool areas in particular.

I'm disappointed that we didn't have the literature or presentation on the contamination control mechanisms offered by the plant life proposed. I think maybe that could help some of these considerations.

That's it in a nutshell; my concerns at this point finished Mr. Borowy.

The Chair said she dittoed pretty much everything that both commissioners have said and plus the best suggestion would be to

look at alternative, feasible alternative options. And, that hasn't been presented before the commission at any of the meetings. It comes down to that when you present an application you need to look at everything. We need to know what the impacts are and where they are and if they're potential impacts, well what has been done to alleviate the potential impacts, what has been done to present to us that the applicant has looked at alternatives to lessen the environmental impacts that were stated by all the commissioners this evening.

Mr. Lavallee added that one of the checklist items which he may have overlooked a response to, was Item 17; just requesting that some of the parking runoff be infiltrated to the east in a large open area thus reducing the size of the ponds to the west could provide storage infiltration. They may have discounted that because of the pad site proposed there. Now that it is before them, they may reconsider that.

Mr. Conroy concurred with what Commissioner Borowy said. I think 150 feet area would be appropriate for this site. Whether that would be revegetated or left in its current condition, I'll leave to the Ass't Town Planner to suggest as mitigation. I think from a proximity standpoint and the ability to continue to provide the functions described in the report, I think I would concur with that.

Discussion of timeline on this application. Mr. Lavallee said they could come back with an alternative plan and include all the information from the hearing and go from there.

Mr. Lavallee cautioned: Be clear that it's not the impact of the habitat that your decision is being based on and it's the impact to the water quality within the wetlands.

The Chair advised the public hearing has been closed, so we have to make a decision. Attorney DePaolo concurred.

Mr. Borowy made a motion to deny IW 1156 given the detrimental irreparable impacts to water quality in the wetlands in question. Mr. Cabata seconded.

Roll Call:	Sullivan:	Yes
	Barry:	Yes
	Cabata:	Yes
	Conroy:	Yes
	DeMello:	Yes
	Borowy:	Yes
	Pereyo:	Yes

(Motion to deny passes 7 to 0.)

Inland Wetland / Floodplain Filling Applications

A. Information/action - 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 Mount Vernon Road.

Mr. Lavallee advised this was viewed upon a site walk. There is a representative is here, the Assistant Town Engineer is here if you have any further questions.

All erosion control concerns were addressed on revised notes on a plan - my concerns.

Mr. Sullivan made a motion to approve IW 1159. Mr. Conroy seconded.

Roll Call:	Sullivan:	Yes
	Barry:	Abstain
	Cabata:	Abstain
	Conroy:	Yes
	DeMello:	Abstain
	Borowy:	Yes
	Pereyo:	Yes

(Motion passes 4 to 0 to 3 abstentions.)

B. Information - FF #216 - application of Landmark Properties, LLC seeking to excavate for floodplain mitigation in conjunction with parking and building construction at 148 Center Street.

Mr. Lavallee noted representatives are here.

Steve Braim, professional engineer, with Harry Cole & Son, on behalf of the Landmark Properties to present the project at 148 Center Street.

This project takes place on a parcel which is .41 acres in a CB zone. The site is basically vacant currently. There is a parking lot there right now. There is an existing building which is empty at this point.

We are proposing to come in and remodel the existing building into a restaurant, to improve the parking lot, add some

pavement and some sidewalks and then provide a second building. Also, along with that, to provide detention for the site.

Presently, there is no detention at all. The site drains from the road to the rear of the lot into a localized depression back there. And, then it just infiltrates into the ground.

The rear of the lot is located within a floodplain which is the reason why we're here tonight. The amount of storage back there is approximately 2,600 cubic feet. With the work we are proposing in the back of the lot, we are not going to reduce that. We are not going to fill the floodplain at all. We are actually going to increase the storage in the floodplain so we can offset the drainage we are generating. We will allow that to infiltrate into the ground in the same manner as it has been doing for years.

There are not wetlands per the town maps. There's no wetlands per the state maps. We did have Mr. Lord go out and look at it for wetlands and he did not find any information that would indicate wetlands.

We have submitted a copy of his report today.

Explained the proposed underground detention system.

Mr. Barry asked if the Ass't Planner had any problems with this. Mr. Lavallee said only if you want to confirm the wetland line or non-wetland line. Discussion.

Mr. Sullivan made a motion to table FF 216. Mr. DeMello seconded. Motion passed unanimously on a voice vote.

Site walk set for June 18, 2009.

C. Information - IE #1160, application of Eric Thomas seeking to fill 3,845 sf of wetlands for grading around a new home, property located at 745 Berlin Street.

Eric Thomas, applicant, of 179 Liberty Street and I'm seeking to fill 3845 sf of wetlands for grading around a new home at 745 Berlin Street.

I have a letter from Gary Pranger, the land surveyor, who could not attend this hearing. His letter supports the current submitted application. He also discusses an alternative location of the house and the potential problems this could have on the wetlands. (Submitted for the record.)

I feel the application as submitted is less disruptive than the alternative location as discussed in Gary Pranger's letter.

I also like to mention my wife and I acquired this property from my wife's parents who had received approval to build a house and fill a portion of the wetland which was more than what we are asking for in this application. I have a copy of that letter to submit for the record. (Submitted letter for the record). That was in 1977.

I would like to turn it over to David Lord, the soil scientist, to allow him to discuss his findings of the onsite investigation he performed of the wetland area.

David Lord, soil scientist, reviewed his Wetland Delineation Report which is part of the application submitted. It is dated April 1st of this year. That is the findings of the onsite investigation.

Mr. Conroy made a motion to table. Mr. Borowy seconded. Motion passed unanimously on a voice vote.

Site walk set for June 18, 2009.

Communications

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

John W. Mayo, 33 Vernondale Drive. I am a principal in the Landmark Property with my daughter, Sarah. I think that we have contacted with Mark Sciota, with Jim Butler, with this gentleman here, with Tony Tranquillo and everything they have asked for has been put on the plans that Steve Giudice and Jim from Cole has prepared for us. We were told that everything was set for approval or a vote tonight. I was just wondering --- one of the gentleman made a motion to approve.

Mr. Barry responded: The problem is maybe some of the commissioners have never seen the property, so they're not familiar with it. I am familiar with it so. I jumped the gun and I shouldn't have.

We have a month. We have to let everybody go see the property to make sure that what we're being told is proper. I have visually seen it with my eyes and I know what he's talking about and that's different than everyone else.

Mr. Mayo said he was misled. I had heard that everybody was familiar with it.

Mr. Barry said they have never walked the site. Never a floodplain filling application.

The Chair said this application is the first time this applicant has come before the commission. It's not up for action.

Mr. Mayo apologized. Having talked with Mark and Tony and Steve and just, we were sort of wanted to get this thing so that we could finish it. We have a tenant. It's not a restaurant, it's not a bar.

If you want questions answered, we've been going crazy trying to get this thing started and done so we can get the tenant in.

The Chair explained there is an approval process that needs to be followed.

The commission will consider action at the site walk meeting.

Conservation Issues / Unfinished Business / Miscellaneous

Mitigation at 105 Doe Meadow Court

Mr. Lavallee advised the matter has been resolved. There is an issue with the 20 year old fill. It was resolved.

Issue at Shweky Lane.

The Chair indicated she received a phone call on this item. Mr. Lavallee explained there was a minor amount of fill placed in the upland review area and the neighbor upstream was concerned about the movement of water through his property.

There was a restoration order. We have a paper trail showing that we just want him to restore it back to the '05 aerials. They're willing to do, no problem.

I met with them onsite twice. Once with the Town Planner. The homeowner is here if you have any questions but he has responded to us. I don't have any issues with it.

The neighbor was told that he would have a tough time doing it, the same thing himself, so he was upset that he saw someone else working within 50 feet of the upland review area. It's being pulled back. The grass seed and conservation mix are being put in the disturbed area. Discussion.

(End of Tape #2, Side A)

(Beginning of Tape #2, Side B)

Arbor Day

Mr. Sullivan brought up the tree giveaway. The Chair indicated it went well. Mr. Cabata and she were out there maybe an hour.

The Chair mentioned that Ted had a suggestion that next year maybe we could do a little bit more. Have a little booth there and do like a conservation commission, what we're all about, kind of.

Discussion.

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

(Whereupon, the meeting was adjourned at 9:30 o'clock, p.m.)

Site walks set for June 18, 2009.