Received
11-9-2015

INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
TUESDAY, NOVEMBER 3, 2015
7:00 P.M.

Present: Lenny Liguore, Ray Fenn, Gary Lipstreu, Peter Piecyk, Rick Zulick, Ken Garee (alt.), Bob Michel (alt.).
Also present: Joe Theroux, Wetlands Agent; Michael Gardner, Zoning Enforcement Officer; and Francine Hodovan, Recording Secretary.

Guests: Matthew Ranelli, Shipman & Goodwin; Kevin Thatcher, CHA; Mr. and Mrs. Bill Darcy, James Reviczky, Linda Gardner, Paul Varga, Dan O'Leary, Nord Yakovleff, Karen and Edward Oberg, Bob Zaicek, Linda Liguore, Richard Williams, William Falletti, Dorothy Wicklund, Bobbi-Jo and Peter Wicklund, Anthony Paticchio, Loretta Wrobel, Angie DeSanto, Janet Bellamy, Judith Austin, Charlene Armitage, Sherry and Art Talmadge, Frances and Bill Gorman, Mark Crofford, Sandra Moquin, Marian Matthews, Ruth Cutler, Susan Eastwood, Jeffrey Silver-Smith, Cathryn Silver-Smith, Liz Kiss Little.

Call to Order: Chairman L. Liguore called the meeting to order at 7:00 p.m.

Seating of Alternates: Ken Garee was seated for Jack Barclay and Bob Michel was seated for Dave Rechel.

Review and Acceptance of Meeting Minutes Tuesday, October 6, 2015:
B. MICHEL MOVED AND G. LIPSTREU SECONDED A MOTION TO ACCEPT THE MINUTES OF THE OCTOBER 6, 2015 IWWC REGULAR MEETING AS WRITTEN. THE MOTION PASSED WITH EVERYONE VOTING AFFIRMATIVELY, EXCEPT FOR P. PIECYK AND R. ZULICK WHO ABSTAINED.

Public Hearing:

Cumberland Farms W-03-15, 33-35 Pompey Hollow Road: see attached Minutes.

Old Business:

A. Tasko: W-04-15, 119 Amidon Road: Mssrs. Garee and Moran stated that they went on a site walk of this property and found that the owner had cut a slope of about 10 feet back in order to get down to the pond's edge. They have it supported with stones fashioned sort of like a stone wall with some places carved out for sitting. It was very well done. They basically made a small, very shallow beach. The workmanship is excellent. As background, Agent Theroux had sent the owner a Notice of Violation and they were ordered to Cease and Desist after they stabilized the area once it was brought to the IWWC's attention that the work was being done. He noted that they did a good job working on the existing slope and did have E&S measures in place to protect the edge of the water. They did as well as they could but they failed to get a permit first. They have since filed a completed application and paid the fees. To date: the owner has abided by the C & D Order, the site walk was successful and we have received the full application and fees.

B. MICHEL MOVED AND G. LIPSTREU SECONDED A MOTION TO APPROVE THE SITE PLAN FOR 119 AMIDON ROAD, APPLICATION #W-04-15 – TASKO AS RECEIVED. THE MOTION PASSED WITH EVERYONE VOTING AFFIRMATIVELY.

B. <u>Cumberland Farms W-03-15, 33-35 Pompey Hollow Road</u>:
P. PIECYK MOVED AND G. LIPSTREU SECONDED A MOTION TO APPROVE APPLICATION #W-03-15 BY CUMBERLAND FARMS FOR THE PROPOSED DEVELOPMENT ACTIVITIES ON THE PROPERTY LOCATED AT 33-35 POMPEY HOLLOW ROAD, ASHFORD, CT DUE TO THE FACT THAT THE CONSTRUCTION AND OPERATION OF THE PROPOSED DEVELOPMENT WILL NOT CONSTITUTE SIGNIFICANT OR ADVERSE IMPACTS UPON THE DELINEATED WETLANDS BASED ON THE FOLLOWING:

- **THE LETTER FROM SYL PAULEY, NECCOG REGIONAL ENGINEER, STATES "IT IS MY PROFESSIONAL OPINION THAT THE PROPOSED DEVELOPMENT INCORPORATES RECOGNIZED BEST MANAGEMENT PRACTICES AND SHOULD NOT CREATE AN ADVERSE IMPACT ON ABUTTING PROPERTIES AND, IN PARTICULAR, TO THE OFFSITE WETLAND."**
- **THE OPINION OF JONATHAN A. SISSON, III AS STATED IN HIS LETTER TO MR. THATCHER DATED OCTOBER 28, 2015 (WHICH IS INCLUDED IN THESE MINUTES).**
- **IWWC REGULATIONS, PARAGRAPH 10-6 WHICH STATES THAT, "**
- **SPECIFIC SITE PLAN FEATURES DESIGNED TO ATTENUATE AND TREAT STORM WATER DISCHARGES SUCH AS CATCH BASINS WITH HOODED PIPE OUTLETS, THE UNDERGROUND STORAGE/DETENTION/INFILTRATION SYSTEM, AND TWO HYDRODYNAMIC SEPARATORS.**

AND WITH THE REGULAR CONDITIONS AND THE SPECIAL CONDITION THAT THERE BE A WRITTEN MAINTENANCE SCHEDULE THAT IS ADHERED TO FOR CLEANING THE HYDRODYNAMIC SEPARATORS. THE MOTION PASSED WITH EVERYONE VOTING AFFIRMATIVELY.

New Business: <u>#W-06-15 WICKLUND – RESIDENTIAL SITE PLAN 592 FERENCE ROAD:</u>
Mrs. Dorothy Wicklund and Mr. and Mrs. Peter Wicklund submitted a completed application with fees for a 4-bedroom home on a property they purchased 8 years ago. They'd had plans at that time and today they have brought them back although they are somewhat modified to have to house farther from the water's edge and they repositioned the septic system. It was suggested that they bring their soil scientist along with them to the next regular meeting of the IWWC.

R. FENN MOVED AND R. ZULICK SECONDED A MOTION TO ACCEPT THE APPLICATION FOR #W-06-15, WICKLUND, RESIDENTIAL SITE PLAN 592 FERENCE ROAD FOR REVIEW. THE MOTION PASSED WITH EVERYONE VOTING AFFIRMATIVELY.

P. PIECYK MOVED AND R. FENN SECONDED A MOTION TO ACCEPT THE 2016 MEETING SCHEDULE AS WRITTEN AND POSTED IN THE LAND USE OFFICE. THE MOTION PASSED WITH EVERYONE VOTING AFFIRMATIVELY.

Member Reports: P. Piecyk requested a moment to recognize long-serving member and first Chairperson of the IWWC, David Schroeder who passed away last week. He was a member of the IWWC for 20 years or more and is also recognized as the founder of the Forestry Department at UConn.

M. Gardner reminded those who want to go to the CACIWC program should attend and then submit their registration for reimbursement.

Chair Liguore reminded everyone that the hearing for the POCD will be on November 16 with the BOS and with P&ZC on November 14, 2015. M. Gardner will send out an email with the hearing dates.

Adjournment: MR. LIPSTREU MOVED AND MR. PIECYK SECONDED A MOTION TO ADJOURN THE NOVEMBER 3, 2015 REGULAR MEETING OF THE INLAND WETLANDS AND WATERCOURSES COMMISSION. THE MOTION PASSED WITH EVERYONE VOTING AFFIRMATIVELY.

The regular meeting of the IWWC was adjourned at 8:50 p.m.

Respectfully submitted,

Francine Hodovan
Recording Secretary

/fjh

TOWN OF ASHFORD PUBLIC HEARING
CUMBERLAND FARMS APPLICATION #W-03-15
33-35 POMPEY HOLLOW ROAD, ASHFORD, CT.

Cumberland Farms W-03-15, 33-35 Pompey Hollow Road:
It was disclosed that the following members and parties of interest are professionals in their fields: Mr. Richard Zulick, Certified Soil Scientist; Mr. Leonard Liguore, Civil Engineer ; Mr. Michael Gardner Certified Wetlands Agent; Mr. Joe Theroux, Certified Wetlands Agent and Certified Soil Scientist and Consultant for the Town of Ashford.

Chairman Liguore read the Notice of Public Hearing into the minutes of this Hearing. Then, Attorney Ranelli presented the site plan for the proposed expansion of the Cumberland Farms service station at 33-35 Pompey Hollow Road. He stated that the plan has been accepted for review by both the Planning and Zoning Commission and the IWWC. It was reported that the plan of expansion has no direct impact on wetlands in the area but may have some impact in the upland review area. It was noted that the package approved at the last IWWC meeting included the following:

- Cover Letter and Application Form
- Completed Site Plan Application and September 11, 2015 Application Letter
- Authorization Letter from Mr. William Darcy
- Wetlands Report from Soil Scientist
- DEEP Response Letter
- Existing Conditions Plan Sheet
- Full Plan Set Revised to September 9, 2015 per DEEP Response Letter
- Storm Water Management Report
- Letter from NECCOG dated October 2, 2015
- Revised Storm Water Management Report based on NECCOG letter
- Five (5) Plan set sheets revised as of September 28, 2015 based on comments received from NECCOG.

Mr. Thatcher (CHA) then reported that the plan is to build a larger convenience store further back on the site, on to the residential property to the south and farther back to the west on the current property where it abuts the Reviczky property. The expansion will require a larger drainage system which includes a subsurface infiltration system that will connect to the existing closed drain system (which drains underneath Route 44). He stated that almost 100 % of storm water will be infiltrated into the current drainage system. He also said that in the under the 10-year storm scenario there would be only slight runoff, and that in any case, it would be less than is experienced at current rates due to the subsurface treatment system to be put in place. The plan is to reduce runoff which will improve water quality at the drainage points. Mr. Thatcher stated that the current site plan proposal for development recognizes and includes best practices based on the comments from NECCOG and is an improvement on the current, failing septic system. They are proposing 40,000 gallons of storage, which is more than they currently have. If necessary soil remediation will be done before the new tanks are placed in the ground. All hazardous materials will be properly removed and all new equipment will be of the highest quality available.

Mr. Thatcher also noted 2 changes that were made since their meeting with the P&ZC on November 13, 2015 and they are: the ramp area that connects to the library will also have a stairway for those who wish to use it per a P&ZC request. The landscaping was redesigned to use native, non-invasive species per a request from IWWC (see attachments).

The floor was opened to any professional spokespersons to ask questions. Since no one requested to be heard, the floor was then opened to the general public.

Ms. Ruth Cutler requested to see the exact location of the new septic tank since the site map could not be seen by the audience. Her concern is that it may be within the watershed area of the Mt. Hope River which leads to the Willimantic River and into our drinking water supply. A short overview was given as to where various components of the proposed site plan lay, showing that no watershed or wetlands will be disturbed. He further stated that the State review process is underway and the site plan appears to be suitable, and in fact, shows some improvements to things as they now stand.

Mr. Anthony Paticchio asked if the existing wetlands were taken into consideration when creating this plan. Mr. Thatcher stated that the wetlands were flagged for the purposes of this application. Mr. James Reviczky, landowner of abutting property asked Mr. Thatcher to point out where the wetlands were on this from the 1940's or 1960's. He stated that his property used to be wetlands. Commissioner Piecyk noted that during the hurricanes of 1938 and 1939 this land was all under water including where the store was at that time. Atty. Ranelli stated that the paved portion of the site will be on raised ground (approximately 4 feet).

An unidentified individual asked if this issue would be put to a vote and it was explained that this is a decision to be made by the IWWC.

Ms. Marian Matthews asked if the pavement is going to be permeable. Mr. Thatcher stated that it will not be. He said that the water will collect on the pavement, then go through a closed system of pipes where it undergoes a hydrostatic storm treatment. During the winter it is outside of the frost table and if there are rain or water events it will follow the soil and drain in to the subservice system.

Mr. Bill Darcy (current owner of adjacent property at 35 Pompey Hollow Road), stated that rain water currently flows downhill from his house to the Cumberland property and that in this site plan the water flow is more controlled down to the storm water system and this hydrodynamic system is better than the currently system. He also read and delivered a petition signed by town residents in favor of the new building project. He stated that although there may be other reasons that this site plan be rejected, wetlands is not one of them. He also quoted statements from Regional engineer Syl Pauley and the applicants Soil and Wetland Scientist that stated that there would be no significant or adverse impacts to the wetlands due to the development of the site.

Mr. Dan O'Leary wanted to know why, if there is no adverse impact to the wetlands what is the purpose of this classification? It was noted that the markers are there to show where an area in question could be in danger.

Ms. Loretta Wrobel asked to have more information about the oil separator and if there was a scheduled maintenance plan for it. Mr. Thatcher stated that this is a hydrodynamic oil separator and it is designed for spill prevention and surface oil management. They will have raised pads, containment sumps, and they do have a maintenance schedule that they will provide to the IWWC as part of the site plan, but the intention is to clean it at least annually.

Mr. James Reviczky asked if it could remove antifreeze, road salts and de-icers. The answer is that it can remove gasoline but Thatcher was not sure about antifreeze, there are no systems or BMPs that remove roadway salt and nothing can be done about that. Mr. Reviczky wanted to know the rational for discharging water on to his property. Mr. Thatcher said that no additional water will be discharged to his property and the impervious surface will be actually smaller than it is now. Mr. Reviczky stated at present no water goes on to his property and that should not be changed. Mr. Reviczky stated that he feels

that this is an "easement, taking [his] property without compensation or permission." He suggested two other drainage spots neither of which were feasible based on DOT rules and the fact that the areas are part of the State Highway System. Mr. Thatcher explained that currently water from the site does discharge onto the Reviczki property. Mr. Thatcher also stated that this is a good water treatment system that would reduce flows to both the front and rear of the site and Mr. Reviczky suggested that the Commission members take a site walk to look at the properties involved.

Gary Lipstreu said that the public may benefit from an understanding of what wetlands are and how they are determined and how they change. R. Zulick gave some general knowledge, stating that the IWWC was started in 1972. They act on behalf of the State of CT and follow their statutes and rules. They are appointed by the Town at elections. He stated that he is not speaking for or against the application and disclosed that he works for the Department of Public Works for a large municipality. He is a Sanitarian for the Health Department and is a Certified Soil Scientist. He stated that wetlands have a distinct set of characteristics. Soil Scientists look at the top 20" of soil. If soil was buried after 1972, it is considered illegal. J. Theroux stated that wetlands areas are protected because they have functions and values such as ground water recharge, wildlife habitat etc.

The Commission was then asked for questions or comments. Mr. Garee stated that he would like to make a site walk of the properties involved. R. Fenn asked if Cumberlands has a spill containment plan. Mr. Thatcher stated that they do have a spill containment plan in place as part of the application. It was asked if transferring water discharge from the rear to the side of the property would increase flow into the Mr. Hope River. Mr. Thatcher stated that it would increase flow into the underground drainage system and possibly into the river. Would the DOT allow for increased flow into their system and the short answer was "no." G. Lipstreu commented that there will be all new gas pumps, underground containers, all soil checked and all old, hazardous materials will be carried away safely in accordance with state guidelines.

L. Liguore stated that he was impressed with the fact that less water will flow from the site under the proposed conditions, good job. He is pleased that existing conditions, particularly no spill containment plan and a failing septic system, will improve. He appreciated that the site plan is thorough and has been reviewed and the presenters did a good job giving their information. Soil and erosion controls are as good as any he's seen on any application and that a maintenance schedule for the catch basin (monitoring and cleaning) should be a formal part of the site plan. He stated that the burden of decision, i.e., voting on the proposal is done by the IWWC; it is their job to look at the facts and stand by the information given by the professionals, the engineers and soil scientists. The decision of the IWWC will take all of this into consideration as well as the comments and questions of the audience here today.

Finally, it was clarified by K. Thatcher that the drainage area at the front of the store has a significantly smaller impervious area and therefore, less runoff. The area at the rear of the store is about equal to what it is now, but the subsurface can infiltrate significantly more flow. These areas were tested for 2, 5, 10 and 100 year events. It was clarified that the infiltration system is very large and uses state-of-the-art hydrodynamic separators to remove oil and floatable sediment, like a septic tank. A pipe from the road brings storm water in which circulates in the system and pushes the sediment away with cleaner water than when it entered. They will provide a maintenance schedule. It was clarified that the soil in the area is sandy loam and gravelly sandy loam.

P. PIECYK MOVED AND G. LIPSTREU SECONDED A MOTION TO CLOSE THE PUBLIC HEARING OF THE CUMBERLAND FARMS APPLICATION #W-03-15. 33-35 POMPEY HOLLOW ROAD. THE MOTION PASSED WITH EVERYONE VOTING AFFIRMATIVELY.

The Public Hearing of the Cumberland Farms Application #W-03-15, 33-35 Pompey Hollow Road, was closed at 8:16 p.m.