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9-11-18

### Minutes

#### Inland Wetlands and Water Courses Commission

Regularly Scheduled Meeting: September 11, 2018

Town Hall, Lower Level Meeting Room

617 Orange Center Road

Orange, CT 06477

#### **Commission Members Present**

Chairman Mangione called the meeting to order at 7:31 p.m. In attendance were, Vice Chairman Ross, Commissioner Ruotolo, Commissioner Perfetto, Commissioner Ewen, Secretary Giovanelli, Enforcement Officer R.Scott Allen, and Recording Secretary Lynn Collucci, absent was Commissioner Hudson.

#### **Consideration of August 14, 2018 Minutes**

A motion was made by Commissioner Ruotolo, seconded by Commissioner Ewen to accept the August 14, 2018 minutes as written. The motion carried with all six members present being in agreement.

#### **Enforcement Officer's Report-**

A motion was made by Commissioner Ruotolo to move the agenda out of order as there was time until the 8 pm Public Hearing, to hear a portion of the Enforcement Officer's Report. Commissioner Ewen seconded the motion. The motion carried unanimously.

Enforcement Officer Allen, as background information regarding the fence location on 1 Farm River Road, passed out a site plan he signed in May and a copy of the December 8, 2015 Wetland Minutes that were approved on January 12, 2016. Enforcement Officer Allen reported that he had made an error when reading the site plan. In remembering that a pool was proposed on the property, Mr. Allen had mistakenly thought that the fence that was being put in was actually silt fence. Mr. Allen apprized the Commissioners that the December 8, minutes stated that the principal of Compass Builders, Mr. Dave Salerno, said that a 40ft. wetland setback line was used as in the past and would be continued, and the only part in the upland-review area would be the septic system. Mr. Allen stated that this was true until the 6 foot vinyl fence went up around the entire property, close to the wetland markers. Mr. Allen stated that the property is almost impossible to enforce because of the fence and asked the Commissioners how it should be handled.

A discussion ensued among the Commissioners, regarding their concerns with mowing, disturbance of the existing trees or shrubs that would protect fertilizers from seeping into the wetlands.

Ken Steeves, owner of 1 Farm River Road came before the board to answer some additional questions. Mr. Steeves stated that when he came to get the fence approved, he had brought with him the information regarding

the fence to be installed. Mr. Steeves informed the Commissioners that the fence was not put on the monument, that there is 30' of plantings that are approximately 25' in from the fence, and that the right hand corner of the lot, by lot #10 is the only area where the wetland marker is against the fence. The Commissioners informed Mr. Steeves that if the plants were to get too big that he would need to do something to take care of it. If Mr. Steeves were to plant anything they would have to be non-invasive plantings, and also approved by the Wetland Commissioners, but the Commissioners thought that the existing plantings would help to protect the wetlands.

Commissioner Ross made a motion to let the fence remain in place, and allow the existing plants to remain as a buffer, and to also have a landscaper to look at the property and check for invasive plantings. The motion was seconded by Commissioner Ruotolo, all were in favor. Mr. Steeves requested a letter stating the decision made to allow the fence to remain. The Chairman apprized him that it would be noted in the minutes.

### **Public Hearing**

Scannell Properties, LLC, 161 Marsh Hill Road

Secretary Giovanelli read The Notice of Public Hearing that had appeared in the newspaper for this application.

John W. Knuff, Esq., of Huwitz Sagarin Slossberg & Knuff, LLC, representative for the applicant, Scannell Properties, returned before the Wetland Commission after the decision was made by the Commissioners that there would be significant upset caused to the wetlands for the proposed construction of an office building and parking area, proposed maintenance facility and a service center with associated fill and grading, storm water management and all utilities on 161 Marsh Hill Rd., Zone LI2, that had been presented at the Pre-application meeting held on July 10, 2018.

Mr. Knuff gave a brief overview of the proposed project consisting of approximately 41 acres of a large and undeveloped parcel, noting that the applicant worked on a number of important changes for this proposal. The applicant proposed to fill in two small wetland areas that consist of approx. 6500sq.ft. that offer no function or value. Also in the proposal the viable wetlands would be maintained and protected, with no environmental impacts, long term productivity of the wetlands would be maintained, overall property maintenance and enhancement will be provided.

Mr. Dean Gustafson, Professional Soil Scientist of All-Points Technology Corporation PC., came before the Commissioners to explain that the parcel consists of 5 wetland areas, located in the eastern portion of the property. Wetland # 1 is an important wetland system considered to have association with a perennial stream, with backflow characteristics, providing important flood attenuation, which also does receive untreated water from Route I95.

Wetland# 4 a large shallow pond with a narrow border of vegetated wetlands with mud flats bordering around most of the Wetland, and mature forest trees, supporting Bass and Painted Turtles. Wetland #3 adjacent to Route I95 consists of 2 small depression pockets which appear to have been created in the past as a result of digging for irrigation ponds. Wetland # 3 does have some functionality and does support some habitat. Wetlands, #2 and #5 are both very small and isolated, containing wet soils but minimal wetland vegetation, and appear to have very little in function or values. A vernal pool investigation was performed and found that the interior of Wetland#1 does support Wood Frog and Spotted Salamander breeding, and the same in Wetland #3. Mr. Gustafson stated that they did an investigation using The Analyzing Methodology of Calhoun & Klemens 2001 in that all vernal pools exceeding 25% area of terrestrial habitat development

generally do not to have high conservation priority. Wetland # 1=41%, Wetland # 2= 39%, and Wetland # 3=39%. So in using this methodology none of the vernal pools would be considered to have a high priority for conservation.

Mr. Nathan Kirschner P.E. with Langan Engineering and Environmental Services came before the Commission to explain the development plan for the Western portion of 161 Marsh Hill Rd. The focus of the proposed project is a 4000 sq. ft. service center and maintenance shop located on the central part of the site with a robust storm water plan to each of the wetlands to ensure that they remain vibrant. The proposal is to use catch basins thru-out the property, underground infiltration, and an above ground detention pond in the northern portion of the property. The controlled outlets feeding wetland #1 and all other outlet locations will have scour pads.

Mr. Kirschner, proposed an approximate 1360 foot retaining wall ranging in height from 3' to 35' located 10' from the wetlands. The wall would be backfilled on the back side of the wall. Mr. Kirschner apprized the Commissioners that the storm water management would be accomplished in two phases.

Phase 1 to install diversion swales going to two temporary sediment basins.

Phase 2 proposes anti tracking pads and fiber rolls to be placed along the wetlands, to be removed after the completion of the project. The proposed project also includes a fueling station with a list of environmentally safe features.

A discussion ensued among the Commissioners with their concerns and questions. Chairman Mangione was concerned with the ground water and the type of wall that would be erected, and also that Mr. Kirschner had mentioned using deep sumps(which are (4ft.deep), but on the plan it was showing 2 ft.sumps. The Commissioners were also concerned with how the water would be cleaned before going into the storm drains. Mr. Kirschner replied that they would be using hydrodynamic separators to capture oil and grease before going into the storm drains. Other concerns were the limit of disturbance past the wall, and what type of planting plan there would be. The Commissioners also asked for hoods to be added to the catch basins.

Mr. Gustafson explained to the Commissioners that with this proposed project wetland # 2 and # 5 would be eliminated. Mr. Gustafson opined that he did not consider there to be a significant impact on the wetlands with the proposed project, but that he would recommend a best management protection plan for the vernal pools during the construction of the proposed project, and in addition scour pads to provide improvement to the existing Chanel.

Mr. Knuff apprized the Commissioners that he would be addressing all of the concerns listed in Mr. Robert H. Brinton Jr.,P.E. letter dated 9-7-18 at the next Inland Wetland Meeting scheduled for 10-9-18. Mr. Brinton is The Engineer for The Town of Orange.

Commissioner Mangione at this time asked if there were any questions from the public.

Mr. George Finlay of Indian River Road first commented that it was a big development, and with the garage facility how they would take care of cleaning up the oil and handle the toxic solutions.

Mr.Kirschner explained that an oil and water separator would be used for the garage facility and then goes into the sanitary sewers.

Commissioner Ross requested that the applicant bring back a 3 year plan for plantings on the east side of the property to the Commission and that the public hearing would be continued to the next Commission meeting on October 9, 2018.

Commissioner Routolo made a motion to adjourn the meeting at 9:05 pm, seconded by Commissioner Ewen, all were in favor.

The next meeting is scheduled for October 9, 2018.

Respectfully Submitted,

Lynn Collucci,  
Recording Secretary