

**INLAND WETLANDS COMMISSION
REGULAR MEETING
October 5 2016**

MEMBERS:

Mary Davis, Chair
Sally MacKenzie - absent
Marcia Puc
Tracy DeBarber
Mark Bakstis
Jeffrey Litke, Alternate

OTHER:

Sue Goggin, Town Planner/ZEO/WEO
Lori Rotella, Assistant ZEO
Wayne Zirolli, Borough Engineer
Attorney Fitzpatrick
Public - 4

SHOW CAUSE HEARING

6:00 P.M. Continued Show Cause Hearing for activities within the 100 foot wetland and watercourse Upland Review Area at 106 Bowman Drive.

Susan Goggin and Wayne Zirolli inspected the property on Tuesday, October 4, 2016. Susan stated that the bank was stabilized, the wood chips were in place and plantings were in. Louise Gertz explained she has as much done as she possibly can do at this time. She will not be installing the split rail fence this year. Mary Davis thanked Louise for being so attentive to everything and closed the show cause hearing.

PUBLIC HEARING

6:30 P.M. The Wetlands Commission will hold a Public Hearing for activities considered significant associated with (IW # 16-10) for proposed construction of a building and parking lot within the 100' Upland Review Area, 18 & 30 Raytkwich Road, Applicant: A Better Way Wholesale Autos, LLC.

Mary Davis opened the 6:30 p.m. public hearing. Steven Trinkaus, Professional Engineer, Southbury was representing A Better Way Wholesale Autos. A new site plan has been submitted. He also noted the previous plans that were submitted were approved. A new application has been filed and they are using the same area for parking and storage. They are no closer to the disturbance. Steve outlined the previous approved plan and the new plan submitted. Mary Davis went over the public hearing procedures. Steve discussed the primary change in the application and how the site will be graded. The prior plan had some level and some sloped parking of the cars and large retaining walls. The cost to build the previous plan would have been 3 million dollars. The new plan will go more with the existing topography. Steve explained that the new plan will have a gravel parking lot and fewer parking spaces. They were previously approved for 765 parking spaces and the new plan has 706 parking spaces. Steve explained in detail the new LID (Low Impact Development) plan for the site. The original plan called for a 22,000 square foot building. The new plan has a 7,500 square foot building which could possibly expand to 10,000 square feet. There is also a small portion of the driveway to be paved. Steve also went over the new landscaping plan. There will be a double row of staggered

evergreen trees along the top of property. The parking will be 14 feet below grade. The trees to be planted will be 6 feet tall and will grow to give a better buffer to the residents. The grading will be slightly different than the original approval. Steve submitted for the record the following documents to address the remediation of any oil drips. The documents submitted were: 1. Microbial Degradation of Petroleum Hydrocarbon Contaminants: An Overview, 2. Power point slides – Water Quality Treatment in Permeable Paving, 3. Microbial Degradation of Petroleum Hydrocarbons: an Environmental Perspective, 4. Biodegradation of petroleum hydrocarbons in contaminated clayey soils from a sub-arctic site: The role of aggregate size and microstructure, and 5. Oil Retention and Microbial Ecology in Porous Pavement Structures. The cars will be repaired, if need be, prior to being put on the lot. You will get an occasional drop of oil approximately the size of your thumbnail. If 5 gallons of oil spilled, it would coat the stone and sit on top of the stone. They would then have to dig out the material containing the oil and get rid of it under DEEP's spill prevention policy. Steve stated that the new plan will be better for the environment. Mary noted that we have a tax form but the fees have not been paid yet. Also, notices were sent to the abutting property owners. Sue stated the public hearing was noticed in the newspaper. Steve paid the fees at the meeting of \$150 and \$60. Mary asked Steve to explain to the public how LID works. Steve explained that you have to have the right soils for this to work properly. Permeable pavement is pavement without a high sand content. This allows the runoff to go through the gravel layers, get filtered and then end up back into the ground. It cleans the runoff so the water going back into the ground is not polluted. This will have no effect on resident's wells. This is a more environmental approach to storm water management. The application was sent to Roman Mrozinski. Steve had a letter from Roman dated August 16, 2016 with his comments. Steve responded to Roman on August 25, 2016 and changes were made on the plan that the commission currently has. Mary commented on Roman's report where he mentioned it is difficult to work with the soils. Steve explained what types of soils were on the parcel. Steve will supply the soil test results from the old record. Mary stated that the building is within the 100' buffer area. Steve responded that he moved the building a little to the north but the limit of disturbance did not change from the original approval. Mary also mentioned that a lot of the parking is located within the 100 foot buffer area. There was some discussion regarding the slope of the parking lot. Steve said it will be on a 6% or less slope. He also explained how underground berms help with the slopes and LID. Mary stated that she did some research on the bacteria that eat the oil and mentioned it takes a long time before the bacteria actually eats the oil. Steve responded that it depends on the size of the oil spill and the spills are just drops. He stated that 100 drops is not more than a cup of oil. He also reiterated that the cars will be fixed prior to being parked on this lot. Mark Bakstis stated that he had a concern with de-icing agents. Sand will not work on this type of parking lot. Steve explained that you will not have to use any de-icing agents on this type of surface. It is not an impermeable surface. The water will still be able to infiltrate through so you will not have black ice. You would plow the snow but you will not need to sand or de-ice. Steve will look for a video link for the commissioners from the University of New Hampshire's Storm Water Center. This has a lot of information. Marcia Puc questioned Steve about gas or antifreeze spills. Steve again stated that the cars parked here do not have major problems with them. If there were to be a spill like that, you would dig up the material and remove it. If it were a gas spill, DEEP would be involved. Steve further explained that wells have to be dug down into the bedrock aquifer. No surface water gets into your well. Marcia wanted to know how many cars will be parked in the 100 foot buffer area and is it more or less than the last application. Steve

will look into that. Mary asked if the public had any questions or concerns. Paul DiLiberto, 40 Charlene Drive, had a concern with his well and if anyone would be testing it before the development starts. He would also like to know what if it does become contaminated. Nela Canale, 87 Jolie Road, stated she has the same concerns as Paul. She also stated that she feels the new plans are totally different than the original plans. Jackie Perugini, 47 Jolie Road, had a concern with security. She said that was never addressed. Mary explained that security would come under the Zoning Commission. Paul DiLiberto, 40 Charlene Drive, questioned if they had a building permit. No not until after all approvals from the commissions are obtained. Steve addressed Paul DiLiberto regarding gas spills. He stated that if a gas spill is not reported to DEEP, than their license could be on the line. Also there will be no washing or servicing of any vehicle on this site. Steve also mentioned that drilled wells have a casing that goes into the bedrock 20 feet to seal it off. If you have a lower yield of water the deeper the well is drilled. A spill might infiltrate 2 to 3 feet into the soil. Water follows the slope. The spill would not move down to the bedrock. He suggested to Paul to have his well tested prior to construction. Paul wanted to know who will pay for the testing. Steve stated that they will be eliminating the retaining walls and grade the site using all of the material already on the site. There will also be a full perimeter, 8 foot fence around the property with a gate. Only the applicant will have access to the area. Steve also explained the lighting plan. There will be only enough poles to illuminate that lot for public safety. Jackie Perugini stated that if the town would put in city water, she would have no problem. Mary noted that she would like to see the building size be reduced or moved out of the 100 foot buffer area and the parking lot taken away for that area also. She felt they won't lose that many spaces. She wants to protect both sides of the wetlands. Steve stated they already had a valid permit for the previous plan. Mary also stated since this is a significant activity, they will also have to have an alternative plan. Steve explained the upland review area. It has to have an adverse physical impact, not potential impact. Mary felt strongly about having the building moved out of the upland review area. Mary submitted, for the record, a document she pulled from the EPA website regarding slopes, terraces, etc. She suggested a small rain garden and grassy areas. Steve showed on the plans the lawn area with trees or mentioned it can have be a meadow that would be mowed less. He also stated there is no need for a rain garden with this plan. He felt this is the best system for this site. There was a discussion regarding hydrodynamic separators. Steve explained that hydrodynamic separators are not always great at removing sediment. They are not always applicable. This site does already have one. Wayne Zirolli agreed with Steve Trinkaus. Attorney Fitzpatrick stated that the letter from Southwest Conservation dated August 16, 2016 should be part of the public record and the public should be allowed to review the letter as well as Steve Trinkaus' response dated August 25, 2016. Marcia asked if the amount of disturbance was the same as the previous approved plan. Steve stated the disturbance was reduced by 530 square feet on the south side and 677 square feet on the north side. The total amount of disturbance is approximately 1,100 square feet less than the original approved plan. The power point presentation will be made available to the commission as well as anyone else from the public. Mary stated that this new concept is breaking ground here. She would still like to see them move the cars and building out of the 100 foot buffer area. She felt this is important. Steve will ask his client.

Public Hearing continued to a special meeting on November 9, 2016 at 6:00 p.m.

Susan Goggin noted that she received payment from the applicant for this application and would have receipts for the next meeting.

Meeting recessed at 7:55 p.m.
Meeting reconvened at 8:04 p.m.

REGULAR MEETING

1. Mary Davis called this meeting to order at 6:05 P.M. Mary noted there was a quorum. Mary opened the meeting with the Pledge of Allegiance. Jeffrey Litke was made a regular voting member in place of Sally MacKenzie.
2. Executive session with Borough Attorney.
There was none.
3. Public comment
There was none.
4. **OLD BUSINESS**

A. Long Meadow Pond Brook ERT Study

Wayne Zirolli stated there was nothing new to report yet. The King's Mark study was received November 2013. Attorney Fitzpatrick asked if the follow up study was done and recommendations made. Mary answered yes, but only for the town, not the Wetlands Commission. Attorney Fitzpatrick asked Wayne to send the study to Public Works for recommendations.

B. Commission discussion regarding an existing Commercial Outdoor Automobile Storage (IW#14-01) located at the Risdon Property, Arch Street, Scott Road, Andrew Avenue and Rubber Avenue; Applicant: A Better Way Wholesale Autos, Inc.

Susan Goggin stated that the existing site looks good. The cars are parked in the same place. Susan updated the new commissioner, Jeffrey Litke, on what was going on at this location.

C. Commission discussion regarding the proposed construction of a building and parking lot (IW #16-10) located at 18 & 30 Raytkwich Road, Applicant: A Better Way Wholesale Autos, Inc.

There was no discussion.

D. Commission discussion/decision regarding application for drainage improvements in the 100' Upland Review Area at 49 Raytkwich Road (IW #16-09), Applicant: A Better Way Wholesale Autos, Inc.

Steve Trinkaus, Professional Engineer, representing A Better Way Wholesale Autos, Inc. explained that there is an existing building on the property. The service bays and detailing will be done inside this building. There will be outdoor storage on the western side of the building. There will be an underground

detention system per Wayne Zirolli's recommendation. There are wetlands in the northwest corner of the site. All washing of the cars will be done inside. There will be an oil/grit separator outside to convey the car wash water to the sanitary sewer system per DEEP. Mary Davis noted that the fees were paid and the tax sign off was received. Mary stated that in the plans last month, Steve spoke about storm water separators. Steve explained that per Wayne's memo, they will go before the underground gallery system. Steve also noted that he will address all of Wayne's comments and he does not have any objections to any of them. Steve reviewed for the commission what took place at last month's meeting. He went over the site plan. Steve also said he will modify the plans to reflect Wayne's comments. He also stated that he only wants to put in one separator, which will be enough to catch all of the runoff. Steve explained the storm water plans to the commission. Wayne stated that he did incorporate some Zoning issues into his comments. Steve explained different ways to address item # 6 on Wayne's report dated October 3, 2016. He also noted that the revised storm water report will show 0 percent or less than 0 percent runoff. There were no questions from the commission. Steve asked if the commission could approve the application with conditions. Wayne explained the conditions were minor details. He also explained that more of his comments were geared toward Zoning. The changes will be done before the next Zoning meeting. There was a discussion regarding some conditions. Steve explained that the interior floor drains have to go through separators to the sanitary sewer. Mary also noted that they will need to get permission from the DMV and DEEP.

VOTED: Unanimously on a motion by Marcia Puc and seconded by Tracy DeBarber to **APPROVE** IW #16-09, Applicant: A Better Way Wholesale Autos, LLC regarding improvements in the 100' Upland Review Area at 49 Raytkwich Road with the conditions that Wayne Zirolli recommended in his October 3, 2016 report along with the addition of the second storm water drain and another item of no washing of vehicles permitted outside of the building and all necessary permits to be obtained from the DMV and DEEP.

Meeting recessed at 6:35 p.m.

Meeting reconvened at 7:05 p.m.

5. NEW BUSINESS

- A. Commission discussion/decision regarding application for proposed mixed use development within 100' Upland Review Area for property at 874 May Street (IW #16-11), Applicant: Yeshiva Ohr Hachaim

Mary Davis noted the fees were paid for this application. Susan confirmed we do have the tax sign off sheet in the file. Curt Jones, Professional Engineer, Civil 1, 43 Sherman Hill Road, Woodbury and Bobby Jacobs, Developer for the project were here on behalf of the applicant Yeshiva Ohr Hachaim. Curt explained that there is one wetland crossing for the road that is noted in the application but not on the agenda. The parcel is a 56 acre piece of land at 874 May Street, located on the north side of the road between Maple Hill Road and Longview Terrace. The land has gently rolling terrain, sloping to the northwest. There is a stream in the backside of the property. There is currently

one existing residence on the property. Curt Jones gave a brief background of the school. Touro College and University System was founded in 1970. They are headquartered in New York City. There are approximately 18,000 students in their system in 29 schools located in 4 countries. Curt went over all of the school's locations and degrees offered. The application submitted is for a high school which will hold 100 students. There will be dormitories, a gym, town houses, duplex housing and single family homes. There will be sidewalks for internal pedestrians. There will be one bus in the morning and one in the afternoon from Waterbury. Curt explained where the wetlands are located on the map dated September 30, 2016. There will also be 3 parks on the site to provide recreation for the residents. The road will be a private road, approximately 7,300 feet long. Construction will be in 7 phases. There is one wetland crossing which is an old wood road which will allow for a second form of egress. They kept all of the houses out of the buffer area. Curt explained in detail the storm water management system proposed. Marcia asked what will be on the backs of the house. Curt explained, depending on the grade there will either be a patio or deck. Tracy asked if this will be a PUD. This will be a PDD-13 which will allow for a mixed use development. Tracy asked if there will be a declaration and restrictions due to the fact that there are a lot of wetlands on the property. She is concerned with people fertilizing their yards. Curt stated that could be a condition of the approval. Attorney Fitzpatrick said that this type of condition is very common. Curt also explained that this type of development can control this restriction better than a 50 house subdivision. Mary questioned how many acres of the wetlands will be disturbed. Curt explained that there are two areas, one is 4,900 square feet in the wetlands which is approximately .11 acres. One area is inside the 100 foot buffer area which will be at the entrance. Mark asked about the sewer pump system. Curt explained the sewer system proposed for the development and also where the water will come from. Mary scheduled a site walk for Tuesday, October 18, 2016 at 5:30 p.m. Curt said they will have the area staked out ahead of time, the crossing, both entrances and some of the proposed road. Mark Bakstis noted for the record that he may need to recuse himself from this application due to a conflict with one of the neighbors. He also stated that he is not at that point yet. Attorney Fitzpatrick felt Mark should probably not be involved in the discussion at all. He suggests that Mark abstain and not comment on the public hearing vote. Mark stated that, at this time, he does not have enough information to make that determination.

VOTED: 4-0-1 on a motion by Marcia Puc and seconded by Tracy DeBarber that the commission finds that IW #16-11 development within the 100 foot wetland upland review area, for property at 874 May Street, be deemed a significant impact on the wetlands.

FOR

Marcia Puc
Mary Davis
Tracy DeBarber
Jeffrey Litke

AGAINST

ABSTAIN

Mark Bakstis

Mary Davis set the Public Hearing for November 2, 2016 at 6:30 p.m.

Mary mentioned that she knows that the applicant spoke with Roman Mrozinski and wanted to know if there was a report from Roman. Curt stated that Brian met with Roman for a preliminary discussion on the preliminary plans. The wetlands commission is also requesting a report from Roman. Curt will provide Roman with a paper copy of the final plans for his review. Susan will email Roman to let him know a copy of the final plans is on its way. Curt will also bring 11 X 17 size plans for the site walk.

- B. Additional items require a 2/3 vote of the Commission.

There was none.

6. **CORRESPONDENCE**

Sue stated that the Southwest Newsletter was sent out in their packets.

7. **WEO REPORT**

- A. Autohaus Property, 393 Rubber Avenue (IW #08-08)

Susan spoke with the Mayor and he will be meeting with Attorney Fitzpatrick tomorrow, Thursday, October 6th regarding this matter.

- B. Naugatuck HS Renovation (IW#12-04) – water quality test results

There is nothing new to report on this. The next text for this will be done in November 2016.

- C. 550 Horton Hill Road – Follow up inspection

Susan and Wayne inspected this on Tuesday, October 4, 2016. The bank was stabilized and the grass was in. Mary removed this item from the agenda.

8. **REVIEW/APPROVAL** of the September 7, 2016 Show Cause Hearing and Meeting Minutes.

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Marcia Puc to **APPROVE** the September 7, 2016 minutes with one correction as noted.

9. **ADMINISTRATIVE BUSINESS**

Mary Davis welcomed Jeffrey Litke as a new alternate member to the Inland Wetlands Commission. She also noted that Alex Olbrys has resigned from the Inland Wetlands Commission and is now on the Finance Board. The commission was given a copy of the proposed meeting schedule for 2017. Mary also mentioned that she attended the Natural Resource Fair on October 4, 2016. There was a speaker from UCONN on bees, butterflies and pollinators. This was attended by middle school children. The afternoon

session was on birds. This was attended by high schoolers. Mary said they were very educational presentations and she enjoyed them very much.

10. **ADJOURNMENT**

VOTED: Unanimously on a motion by Tracy DeBarber and seconded by Marcia Puc to **ADJOURN** the meeting at 9:01 P.M.

Respectfully Submitted,

Sally MacKenzie, Secretary /lr