

MEETING MINUTES

Conservation Commission
February 9, 2023 6:30 PM
Waterford Town Hall

Members Present: Matthew Keatley, Dave Lersch, Tali Maidelis, Rich Muckle, Wade Thomas
Members Absent: Geneva Renegar
Alternates Present: Ivy Plis
Alternates Absent: Bud Bray
Staff Present: Maureen FitzGerald, Environmental Planner
Leanne Santos, Recording Secretary

RECEIVED FOR RECORD
WATERFORD, CT
2023 FEB 15 P 3:33
ATTEST: *[Signature]*
TOWN CLERK

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

The meeting was called to order at 6:34p.m. I. Plis was seated for the vacant seat.

2. APPROVAL OF THE January 26, 2023 MEETING MINUTES

T. Maidelis noted on page 3 the discussion regarding marking the wetland buffer limit, the applicant's agent agreed to mark the wetland buffer limit to identify the limits of activity.

Motion: Motion made by M. Keatley, second by W. Thomas to approve the January 26, 2023 meeting minutes.

Vote: 6-0-0

3. PUBLIC HEARING

C-22-14, 109R & 131 Clark Lane, 47 Unit Residential Development, Leo J. & Mary P.T. Archambault, Trustees, Owner; Kingstown Properties, LLC, Applicant; David Held, P.E., L.S., Provost & Rovero, Inc., Agent

R. Muckle, Chairman opened the public hearing. Staff noted the exhibit list contains exhibits 1 thru 37 at this time. Attorney Branse acknowledged receipt of updated exhibit list. M. FitzGerald entered exhibits #38 thru #46 into the record and distributed copies to the Commission and applicant's representative.

EXHIBIT #

- | | |
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| 1 | Application Form/Supporting documents (6 pages) |
| 2 | Wetland delineation report dated 5/6/2021, prepared by Joseph R. Theroux |
| 3 | Wetland function & value and impact assessment report dated 8/11/2022, prepared by Joseph R. Theroux |
| 4 | Storm Drainage Report dated 10/10/2022, prepared by Provost & Rovero, Inc. |
| 5 | Site Plan (sheets 1-21) entitled, "Proposed Affordable Housing Development" 109R & 131 Clark Lane, Waterford, CT, prepared by Provost & Rovero, Inc; dated 05/14/2022, |

revised through 12/5/2022

- 6 Alternate Site Plan 1, prepared by Provost & Rovero, Inc., dated 12/06/2022
- 7 Alternate Site Plan 2, prepared by Provost & Rovero, Inc. dated 12/06/2022
- 8 Alternate Site Plan Narrative prepared by Provost & Rovero, Inc. dated 12/06/2022
- 9 Letter to Kingstown Properties, LLC dated 1/6/2023, public hearing requirements
- 10 Notice of public hearing printed in The Day newspaper on Thursday 01/12/2023 and Thursday 01/19/2023
- 11 Certificates of mailing receipts for notice of public hearing sent to all property owners within 100 feet of subject property, list of property owners within 100 feet of the subject property, submitted by Halloran Sage LLP dated 01/12/2023
- 12 Notification of application to the City of New London, sent by Provost & Rovero, pursuant to section 8.2 of the Waterford Inland Wetlands and Watercourses Regulations, dated 12/06/2022
- 13 Notification of application to the City of New London, sent by Waterford Conservation Commission pursuant to section 8.4 of the Waterford Inland Wetlands and Watercourses Regulations, dated 12/14/2022
- 14 Request for application fee for independent consultant review sent to Kingstown Properties, LLC dated 01/06/2023
- 15 Petition started by Ashley Roselund from facebook, submitted by Atty. M. Branse at the public hearing on 01/26/23
- 16 Peer review from SLR International Corp. dated 01/26/23.
- 17 Review letter submitted by Carya Ecological Services, LLC, Sigrun Gadwa 01/26/23
- 18 Comment letter submitted by Christine Haase 01/26/23
- 19 Comment letter submitted by Arlene Sherman 01/26/23
- 20 Comment letter submitted by Robert Roselund 01/26/23
- 21 Correspondence received from Halloran Sage regarding hearing notification dated 01/30/23
- 22 Attachment to Carya Ecological Services Review: 2009 and 2012 University of New Hampshire Reports, Bioretention Systems, submitted 02/06/23
- 23 Attachment B: to Carya Ecological Services Review of proposed Clark Lane Residential Development, January 2023, submitted 02/06/23
- 24 Connecticut Watershed Response Plan for Impervious Cover, CTDEEP 2015, from A. Sherman & C. Haase, submitted 02/06/23

- 25 Southeast Shoreline (CT2000) Summary, CTDEEP, Fenger Brook (CT2000-30-01), from A. Sherman & C. Haase, submitted 02/06/23
- 26 Provost & Rovero, Inc. responses to SLR review comments and issues raised at public hearing, dated February 6, 2023.
- 27 Joseph R. Theroux response to Carya Ecological Services LLC and SLR International Corporation reports, dated 2/3/2023
- 28 Supplemental Storm Drainage Report, Proposed Affordable Housing Development, Clark Lane, dated February 5, 2023, prepared by Provost & Rovero, Inc.
- 29 Revised Site Plans (sheets 1-21) entitled, "Proposed Affordable Housing Development" 109R & 131 Clark Lane, Waterford, CT, prepared by Provost & Rovero, Inc; dated 05/14/2022, revised through 2/5/2023
- 30 Alternate Site Plan No. 3, prepared by Provost & Rovero, Inc., Revised through 2/5/2023
- 31 Curriculum vitae, Sigrun N. Gadwa, MS, PWS
- 32 Review letter part 2 submitted by Carya Ecological Services, LLC, Sigrun Gadwa, dated 2/7/2023
- 33 Attachment to review letter part 2 submitted by Carya Ecological Services, LLC, Sigrun Gadwa, dated 2/7/2023
- 34 Waterford Woods development site plan (5 sheets) submitted by Halloran Sage, 2/7/2023
- 35 Waterford Heights development site plans (2 sheets) submitted by Halloran Sage, 2/7/2023
- 36 Application review part 1; revised, submitted by Carya Ecological Services, LLC, submitted 2/8/2023
- 37 Revised Curriculum vitae, revised Sigrun N. Gadwa, MS, PWS received 2/8/2023

Submitted During Feb. 9, 2023 hearing

- 38 109R & 131 Clark Lane Parcel Located in Jordan Brook Watershed Area, submitted by M. FitzGerald, 2/9/2023
- 39 Comment letter submitted by Shirley Sherman, 2/9/2023
- 40 Comment letter submitted by Arlene Sherman, 2/9/2023
- 41 Review of Stone Gate Village, submitted 2/9/2023
- 42 Map of wetland and stormwater basins submitted by Carya Ecological Services, LLC, 2/9/2023
- 43 Email from Sigrun Gadwa to accompany map of wetland and stormwater basins, 2/9/2023
- 44 Correspondence from Carya Ecological Services, LLC Response to Applicant's rebuttals,

housekeeping for the public record, 2/9/2023

- 45 Memorandum from Atty Mark Branse to Waterford Conservation Commission, 2/9/2023
- 46 List of Requested Information, items 1 – 8, submitted by Arlene Sherman & Christine Haase, 2/9/2023
- 47 Photos of red maple trees submitted by Joseph Theroux, 2/9/2023
- 48 Provost & Rovero, Inc. responses to Carya Ecological Services, LLC report, with detail plan of bioretention ISR system, 2/9/2023
- 49 Correspondence submitted by Robert H. Roselund Jr., 2/9/2023
- 50 Correspondence submitted by Robert Roselund III, 2/9/2023
- 51 Comments submitted by Christine Haase re: Urban Forests, 2/9/2023
- 52 Presentation materials prepared by Carya Ecological Services, LLC , 3 presentation boards

Attorney M. Branse and D. Held, P.E. (Provost & Rovero, LLC) were present for the applicant. Attorney Branse advised the commission that he, D. Held and the applicant escorted S. Gadwa of Carya Ecological Services, LLC on a review of the site on February 3, 2023 and S. Gadwa collected samples. Attorney Branse advised the commission that revised plans were submitted in response to review comments submitted by SLR, as well as a revised storm water report. He referenced site plans submitted from the Waterford Heights and Waterford Woods permitted developments, comparing the proximity and depth of basins approved adjacent to wetlands to those proposed in the current application. He stated no public comments against those projects were made.

Attorney Branse explained Alternate 3 was submitted in response to comments regarding maintaining the existing stormwater discharge from Clark Lane to the upland area instead of the stormwater basin. He indicated he did not believe that is what the plan should contain but offered the alternative to the Commission.

He responded to comments made during public testimony at the January 26, 2023 hearing session regarding lighting impacts, site maintenance responsibility of the owner, the upland buffer separation from the wetland, the units will be 15 ft. apart and that stumps would not be buried on site.

D. Held P.E. reviewed the plan revisions incorporated to address peer review comments offered by SLR and comments raised at the January 26, 2023 public hearing session. He reviewed revisions included in the ESC sequence, sediment basin de-watering, bioretention basin design and pollutant removal capacity of the revised internal reservoir storage area as described in written responses from Provost & Rovero, Inc. dated February 6, 2023 (exhibit# 26).

D. Lersch questioned the changes to the design of the bio retention basin and the improvements to stormwater renovation from the change. He noted that treating stormwater from Clark Lane would be a good alternative to the extension of the discharge to the eastern property border. He asked what would be the flooding impacts during a 100 year storm event. D. Held answered the

typical drainage system design is based on a 10 year storm which is the DOT standard. In the 100 year storm, temporary flooding would occur in low points of site.

D. Lersch asked about the roof discharge of the 3 units to the upland review area. D. Held responded they are neutral on the drains, if the commission feels the alternate plan with the roof drains to the ground are the plans that are approved it will be included, but they stand by the original design.

I. Plis asked what party is responsible for the maintenance plan for detention basins. D. Held answered the property owner is responsible. A maintenance plan is included on the site plans. He reviewed the proximity of the basin grading to the south property boundary is 6 - 7 feet from property line, but any noticeable grading will not be visible until approximately 20 feet into property. He also noted the units will be anchored to the concrete slabs and a possible fuel source would be propane.

W. Thomas asked if the drainage discharge for alternate #3 will require a drainage easement from City of New London. Attorney M. Branse answered there is no easement in favor of the Town of Waterford to currently drain onto the property, the plan proposes to provide an easement. The alternate plan includes a level spreader constructed on the applicant's property.

W. Thomas asked if the base of the bioretention system will be lined under the internal reservoir. D. Held answered bottom material will be an impermeable base layer created from on-site materials.

R. Muckle asked for clarification of the proposed run-off discharge from Clark Lane, if it will be collected into the treatment system. D. Held answered they have not changed their intention to collect and treat the Clark Lane discharge, only provided an alternate due to comments from the last meeting.

W. Thomas asked about the existing outfall, was there any evidence of erosion or long distance sediment transport. D. Held answered there is an eroded ditch that extends 60 feet past end of pipe. W. Thomas noted he does not support extending the existing discharge closer to the wetland resource.

Joseph Theroux, Certified Forester/Soil Scientist read his report dated 2/3/23 (Exhibit # 27). J. Theroux entered photos of red maple trees (Exhibit # 47) and gave a description of each picture. He stated he does not feel channel erosion is likely adjacent to Fenger Brook, there is close to 500 feet between the level spreader discharge and the brook. He reviewed responses to Carya Ecological Services part 2 report, explaining he disagrees with potential impacts to trees on adjacent properties and he does not believe there will be indirect adverse impacts to wetland functions from loss of mature trees, noting the upland buffer of mature forest provided between the development and the wetlands. He noted he does not believe the proposed activity will make a big difference in mosquito population.

R. Muckle asked about the potential turtle habitat on the project site and how it will be addressed during construction. J. Theroux responded he did not see any turtles present on his site visits, a biologist study would have to be completed to determine presence, but a perimeter exclusion fence is a control measure to protect turtles. D. Held added that the proposal requires the

applicant to register with CT DEEP for a construction stormwater permit, which requires consultation with the Natural Diversity Database for species of concern.

D. Held entered his response dated February 7, 2023 to Carya Ecological Services, LLC report with a detail plan of the revised bioretention ISR system, (Exhibit # 48).

Motion: Motion made by T. Maidelis, second by M. Keatley to call a five minute recess.
Vote: 6-0-0
8:39 hearing resumed
8:34 pm recess called

D. Held read a summary of his responses to the Carya Ecological Services, LLC Part 2 report.

Attorney M. Branse spoke of the list of possible conditions he submitted with a summary of wording the commission may use, (Exhibit # 45).

R. Muckle opened the hearing to public comment, asking three times if anyone present would like to speak in favor of the application. No one present spoke.

R. Muckle asked if anyone not in favor of the application would like to speak.

Robert Roselund, 121 Clark Lane, Waterford CT spoke against the project, (submitted exhibits #49 & #50)

Nick Gauthier, 30 Norman Street, Waterford CT spoke against the project

S. Gadwa of Carya Ecological Services, LLC spoke as a hired professional representing neighbors. She reviewed comments submitted in exhibit #32 and display boards submitted as exhibits #52 and #53. S. Gadwa expressed concerns with loss of buffer vegetation, increased erosion and suspension of fine particles due to stormwater discharge and potential impacts to water quality. She discussed concerns with increased tree tipping, and resultant exposure of soils and erosion impacts to receiving wetland and stream. She encouraged the Commission to read her report and subsequent email submitted as Exhibit #43.

Staff stated the brook is part of the Jordan Brook watershed system and referenced (exhibit # 38).

Christine Haase, 117 Clark Lane, Waterford CT spoke against the project, requested an extension of public hearing and submitted documents (exhibit # 51).

Arlene Sherman, 119 Clark Lane, Waterford CT spoke against the project and submitted written comments for the record (exhibit # 40).

Rob Roselund, 121 Clark Lane, Waterford CT spoke against the project.

Carol Wilson, 107 Clark Lane, Waterford CT spoke against the project.

Chairman Muckle asked three times if anyone else would like to speak.

D. Held explained the forces associated with particle erosion and noted the discharge is not enough to erode the receiving soils.

Attorney Branse stated they designed site plans in accordance with Inland Wetland Regulations, accepted SLR's recommendations and they are willing to have a turtle study done if commission requires.

Motion: Motion made by T. Maidelis, second by M. Keatley to discuss continuation of the public hearing. Discussion followed. Chairman R. Muckle polled the commission members.

Vote: 4-2 (M. Keatley, D. Lersch voted to close hearing)

Public hearing will remain open and continue to the February 23, 2023 meeting held at the Waterford Town Hall Auditorium at 6:30pm.

4. APPLICATION REVIEW

C-22-15, 130R Great Neck Road, New construction single family home and outbuilding, Dan Russ, Owner; David Balfour, Applicant/Agent – staff has advised commission that applicant has requested the application be tabled due to unforeseen circumstances.

5. NEW APPLICATIONS

C-22-16, 5 Harvey Avenue, New single family construction, Douglas Wiech, Owner & Applicant

Application received and accepted.

6. VIOLATIONS

407 Boston Post Road: Unauthorized Fill Within and Adjacent to Inland Wetlands - staff advised commission members, she is waiting for the property owner where the violation occurred to agree to the restoration plan.

207 Waterford Parkway North: Unauthorized Clearing & Mowing Within and Adjacent to Inland Wetlands - staff advised a corrective action notice was sent to property owner.

7. OTHER BUSINESS - None

8. PAYMENT OF BILLS

Motion: Motion made by W. Thomas, second by M. Keatley to approve payment of The Day bill in the amount of \$362.08.

Vote: 6-0-0

9. ADJOURNMENT

Motion: Motion made by W. Thomas, second by M. Keatley to adjourn at 10:15pm.

Vote: 6-0-0

Respectfully Submitted,


Leanne Santos
Recording Secretary