

MEETING MINUTES

Conservation Commission
January 26, 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

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WATERFORD, CT
2023 FEB - 2 P 2: 51
ATTEST: *[Signature]*
TOWN CLERK

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

The meeting was called to order at 6:32p.m. I. Plis was seated for the vacant seat.

2. APPROVAL OF THE January 12, 2023 MEETING MINUTES

Motion: Motion made by T. Maidelis, second by M. Keatley to approve the January 12, 2023 meeting minutes.

Vote: 5-0-1 (D. Lersch abstained)

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, read the public notice and the list of exhibits, 1 through 14.

EXHIBIT #

- 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

Attorney M. Branse and D. Held, P.E. (Provost & Rovero, LLC) were present for the applicant. Attorney Branse advised commission members that notices to residents within 100 feet were sent two times (14 days and 16 days prior to hearing date) as well as notifying the City of New London, these items are on the exhibit list as #'s 11 and 12. Attorney Branse said he met virtually on June 26, 2022 with the City of New London, plans were submitted at that time and updated plans have been submitted. A conservation easement was requested by the City of New London and Attorney Branse has agreed to do that. An evaluation of wetland function/impact was submitted as well (exhibit #3). Attorney Branse stated they received comments from the 3rd party, SLR and will be submitting responses. Attorney Branse submitted a copy of a petition from facebook (exhibit #15), pointing out there are numerous errors as to the information provided in this petition. The errors included the applicant information, the amount of area cleared is not 16 acres but 8 acres of disturbance. He noted the development. under 8-30g, 30% of the homes are affordable. This area is not in a flood zone. He referenced CT general statute 8.2. Attorney Branse stated not one square inch of wetlands is being touched by the proposed development, the only activity within the 50 ft buffer is the stormwater discharge and the plan will be eliminating pollution from the existing drainage outfall. Attorney Branse said he has been asked by C. Haase (property owner) via email if their hired expert can obtain samples from the property. He said they will accommodate the request for site access if there is not going to be a public site walk by the commission.

D. Held, P.E., L.S., (Provost & Rovero, Inc.) reviewed the site development plans. He explained the proposed stormwater treatment train includes catch basins with sumps, a hydrodynamic separator, a diversion weir to a bio-retention basin to treat the water quality volume. Discharge volumes greater than the water quality volume are directed to a detention basin. He described the hydrodynamic separator removes particulates and the associated pollutants adhered to particulates, from the run-off.

He stated the project does not increase peak flows to Fenger Brook, or impact downstream

flooding. The level spreader discharge from the detention basin controls flow velocities to control erosion of downstream areas. The Town storm water outfall discharging into the property will be captured and piped into the proposed system, and will be polished before reaching the wetlands.

He stated there are no direct wetland impacts. The most critical period is during construction. He reviewed sheet 13, the erosion and sediment control plan. He reviewed details of the constructed bio-filtration basin and planting plan. He explained there is an underdrain at the base to allow filtration of storm water through the specified bio retention media. The detention basin has a low-level 10 inch outlet at the base of the basin to control groundwater levels. He expects hydric soil conditions in the detention basin to support the wet-mixture seed planting, which will also provide bioremediation of the stormwater run-off. An operation and maintenance plan is provided. Due to the area of construction disturbance, a State of CT DEEP stormwater permit is required.

R. Muckle opened the floor to commission members for questions.

D. Lersch questioned the flow rate discharged from the level spreader and the potential erosion impacts downslope. D. Held reviewed the low flow outlet, level spreader and concrete weir controlling flow discharging from the basin, which forces the water to spread out. D. Held replied he does not have a concern with downgradient erosion, the gradient lessens as it continues downhill toward the wetland.

D. Lersch asked if there were any plans to control the dense vegetation east of the development.

D. Held replied the area to the east is on Bates Woods property.

Attorney Branse stated the City of New London recommended the remaining on-site land be placed in a conservation easement to protect it in perpetuity.

T. Mailedis asked how the wetlands will be permanently delineated on the property. D. Held replied the wetland flags were surveyed and they would most likely permanently mark the wetland buffer.

T. Mailedis asked if they had to apply for a permit with New London.

Attorney Branse responded no, there is no regulated activity in New London, but they notified the City.

Chairman Muckle asked about the location of the concrete truck wash-out area. D. Held explained CT DEEP considers concrete to be clean fill, the wash-out area will either be removed or the material used on-site as clean fill.

M. Keatley asked about the impact of clearing 8 acres on the wildlife species.

Attorney Branse stated Mr. Theroux's report addresses that and notes the better habitat is along Fenger Brook, which they are not touching.

I. Plis questioned the size and depth of detention basin, whether it will be a pond and should it be fenced for safety concerns. D. Held stated that the basin will be empty within 24 hours after a rain event, it is designed to de-water. He does not feel it is a safety concern.

I. Plis asked if the basin size is relative to the impervious area and number of proposed units.

D. Held answered size is relative to water shed and impervious surface and includes stormwater run-off from off-site development and Clark Lane. He explained detention basin is designed for the design point at the southeast corner of the property where the brook flows off property. It

has to account for drainage area from the City of New London as well. He noted less units would not have much of an impact on the basin size. Attorney Branse adds the largest impervious surface they have to deal with is Clark Lane itself.

W. Thomas asked what is being proposed for on-site equipment refueling. D. Held answered they can provide a paved pad with curbs.

W. Thomas questioned if the StormCeptor is prone to flushing if a bypass is not provided, and the capacity of the weir plate. D. Held answered they have designed the unit size to be consistent with the anticipated gradation of sediments used on roadways and he is confident the unit will handle the 21 cfs, 10-year storm without resuspending/flushing out sediments.

W. Thomas asked if invasive species removal was considered. D. Held answered there are a lot of invasive plant species within the 50 foot buffer, if the Commission feels removal is a good idea they can include that.

Chairman Muckle asked what draw-down time is anticipated in the basin for the 25, 50 or 100 year storm and will the basin empty. D. Held answered the basin will still empty out within 24 hours, you may see ground water seepage after a large rain event, but not standing water.

Chairman Muckle asked three times if anyone wished to speak in favor of the development. W. Thomas asked about a time limit. Chairman Muckle suggested a time limit of three minutes. Attorney Carey advised against a three minute time limit, but to advise speakers to refrain from repetitive comments and refrain from comments that are not wetland or environmentally relevant.

Chairman Muckle asked if anyone present wishes to speak against the development.

Sigrun Gadwa, ecologist of Carya Ecological Services, LLC spoke against the project and submitted a report as Exhibit 17. She discussed issues of water quality impacts and changes to site hydrology from the development and potential impacts to adjacent trees and wetlands.

Christine Haase, 117 Clark Lane, Waterford CT spoke against the project and submitted comments for the record as Exhibit 18.

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

8:35 pm recess called
8:44 hearing resumed

Carolyn Yost, 8 Monroe Street, Waterford CT spoke against the project.

Arlene Sherman, 119 Clark Lane, Waterford CT spoke against the project and submitted written comments for the record as exhibit 19.

Rob Roselund, 121 Clark Lane, Waterford CT spoke against the project and submitted written comments for the record as exhibit 20.

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

Allan MacDougall, 164 Clark Lane, Waterford CT spoke against the project.

Elizabeth Carlson, 115 Clark Lane, Waterford CT spoke against the project.

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

The public hearing was recessed at 9:12 pm and will resume at the February 9, 2023 Conservation Commission Meeting.

4. **NEW APPLICATIONS** – none were received

5. **APPLICATION REVIEW**

C-22-15, 130R Great Neck Road, New construction single family home and outbuilding, Dan Russ, Owner; David Balfour, Applicant/Agent – staff reported the applicant is working on the revised plan requested.

6. **VIOLATIONS** – staff reported on the status

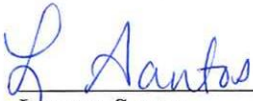
7. **OTHER BUSINESS** – none

8. **ADJOURNMENT**

Motion: Motion made by W. Thomas, second by T. Maidelis to adjourn at 9:20pm.

Vote: 6-0-0

Respectfully Submitted,



Leanne Santos
Recording Secretary