

## MEETING MINUTES

Conservation Commission  
September 22, 2022 6:30 PM  
Waterford Town Hall

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

2022 SEP 29 AM 10:28

RECEIVED FOR RECORD  
WATERFORD, CT

### **1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES**

The meeting was called to order at 6:33p.m. B. Bray was seated for the vacant seat.

### **2. APPROVAL OF THE September 8, 2022 MEETING MINUTES**

**Motion:** Motion made by T. Maidelis, second by M. Keatley to approve the September 8, 2022 meeting minutes.

**Vote:** 4-0-2(G. Renegar and W. Thomas abstained)

### **3. APPLICATION REVIEW**

**C-22-11, 10 Donna Street, Channel lining, Embankment Stabilization, Rashmi Shrestha, Owner & Applicant, Draft permit (address correction made).**

**Motion:** Motion made by W. Thomas, second by T. Maidelis to approve the draft permit with address correction.

**Vote:** 6-0

**C-22-10, 184 Boston Post Road, Civic Triangle Pond, Universal Access & Pond Improvements, Town of Waterford, Owner & Applicant, Kent + Frost Landscape Architecture, LLC, Agent**  
Public hearing scheduled October 6, 2022

### **4. PUBLIC HEARING**

**C-22-9, 21 Gurley Road, Commercial Office and Warehouse Complex, Stone Ridge R E, LLC, Owner & Applicant, CLA Engineers, Agent**

R. Muckle, Chairman opened the public hearing at 6:38 pm. and read the public notice.  
M. Fitzgerald read the list of exhibits 1 through 5.

EXHIBIT 1 - Application Submittals  
1a Application Form (5 pages)  
1b Statewide Wetlands Reporting Form (6 pages)  
1c Site Plan entitled "Stone Ridge Business Park, 21 Gurley Road, Waterford, Connecticut" prepared by CLA Engineers, Inc., Revised Date July 27, 2022 (17 pages)  
1d Drainage Plans – Sheets 1 through 4

- 1e Drainage Calculations, Hydraulics & Hydrology Report, Stone Ridge Business Park, 21 Gurley Road, Revised Date July 2022, prepared by CLA Engineers, Inc.
  - 1f Inland Wetlands Report, prepared by CLA Engineers, Inc., date Rev. July 27, 2022
  - 1g Response to Environmental Planner Comments, July 27, 2022, prepared by CLA Engineers, Inc.(2 pages)
- EXHIBIT 2 - Letter dated September 7, 2022 to Stone Ridge R E LLC regarding Public Hearing requirement.
- EXHIBIT 3 - Petition requesting public hearing (2 pages)
- EXHIBIT 4 - Notice of Public Hearing, printed in The Day newspaper on Friday, 9/9/2022 and Monday, 9/19/2022.
- EXHIBIT 5 - Certificates of Mailing Receipts for notice of public hearing sent to all property owners within 100 feet of the subject property, list of property owners within 100 feet of the subject property, submitted by TCORS Attorneys, received September 12, 2022.

Attorney William Sweeney, counsel for applicant and Bob Russo, certified soil scientist (CLA Engineers) were present for the application. Attorney Sweeney gave an overview of the project stating the site consists of 22 acres of industrial zoned land. The project proposes no direct impact to wetlands or watercourses and indirect impacts are mitigated. The project engineer is not available to attend this evening and Attorney Sweeney requested an extension of the hearing if needed to answer any engineering questions.

Attorney Sweeney noted that pursuant to the regulations and state statute a public hearing is required due to a petition submitted to the Commission. He stated that the fact that a public hearing is being held does not change the jurisdiction of the committee, it does not extend to any other matter unrelated to inland wetlands and watercourse areas.

B. Russo, certified soil scientist, CLA Engineers, reviewed the site location and past uses of the property including a farm and gravel excavation area. The proposed disturbance is 9.6 acres, however, after construction much of the area would be revegetated leaving 4.6 acres developed. He described the wetlands on the property. A perennial stream on the western side of the site is carried under I-95 and flows south to the Niantic River. The stream receives stormwater run-off from the highway. East of the stream is a wetland area that developed in an excavation area according to the 1961 aerial photographs, supported by shallow groundwater. At the east side of the property is a farm pond. Wetland #1 is the perennial stream channel with riparian wetland vegetation. Wetland #2 is a wooded swamp with an isolated depression. Wood frog eggs were present in the spring but the pool dries out before the tadpoles matured. No spotted salamander eggs were present. The site was studied over 2 years. B. Russo stated vernal pool egg masses and hydrology supporting the propagation of vernal pool species were observed in two areas in the easternmost wetland that function as vernal pools.

B. Russo reviewed the results of the Natural Diversity Database review for the site. The plans include best management practices to protect two species of snake and one species of turtle which may occur on the site. Final CT DEEP approval for the management plan has not been received.

B. Russo reviewed the stormwater treatment plan and stormwater basins and infiltration areas. He stated the hydrologic study demonstrates reduction in peak flows post-construction. He reviewed the proposed phased construction. Phase 1 involves Building 1 and its associated parking and stormwater management basin. Phase 2 involves constructing building 2 and the loop driveway and utilities. Temporary sediment basins will be installed and the site graded, hydroseeded and stabilized. The remainder of the buildings will be constructed over time. A CTDEEP permit will be required and the site will be monitored and inspected.

B. Russo reviewed the post-construction water quality treatment measures for each building. He noted the basins as designed treat 3 to 9 times the calculated water quality volume of run-off from the building sites. He noted the volume exceeds what is specified in the CTDEEP stormwater manual. A 50 ft. vegetated buffer is provided between the basin outlets and the wetlands. He feels the water quality treatment is at a high level and protective of on-site wetlands and the Niantic River. All basins hold the 2-year storm event without discharge. Data from the University of New Hampshire show that holding the 2-year event does a better job of treating stormwater. Low impact development measures include 9 rain gardens and infiltration of roof run-off where soils are suitable at buildings 1, 2, 3 and 4. B. Russo submitted from Green Site Design, LLC a permeability of soils report (Exhibit #6). He stated he feels the plan would not result in wetland impacts.

R. Muckle invited any commission members to ask questions or address comments to B. Russo.

Commissioner Thomas questioned B. Russo regarding the hydrology report and the precipitation amounts used in the calculations for run-off. He requested the calculations be completed using the NOAA Atlas 14 Vol. 10 precipitation rates to evaluate the capacity of the basins. He asked B. Russo if the collected soil samples were tube samples or re-compacted. B. Russo responded they were re-compacted samples due to the cobble content of the soil. W. Thomas also requested a cut-sheet be submitted for the elastomeric coating proposed for the building roof areas and an example of the use of the material in an acidic rain environment.

Commissioner Renegar asked B. Russo to indicate on the site plan the activity proposed in the 3.25 acres of 100 foot upland review area (URA). B. Russo traced the 50 ft. vegetated buffer on the site plan, stating the activity within the 100 foot upland review zone occurs on the outside of the 50 ft. vegetated buffer. Primary activity in the URA is storm water basin construction, a portion of the access drive and portions of parking areas and buildings.

Commissioner Bray noted that run-off from roadways is known to contain heavy metals which can affect benthic organisms and shallow groundwater and asked B. Russo how heavy metals coming off site will affect the ground water and the potential impact over 30 years. B. Russo responded that the basins will be lined with a soil that is organic rich and they will be vegetated with a number of plant species that are designed to fit the hydrology of the basins that tend uptake some of the metals in the form of micro-nutrients. Per the CTDEEP manual, the type of basins proposed are good at removing metals and they are using the best available science in the proposed design.

Chairman Muckle inquired about the effects of the discharge from the basins and whether there is any impact in the stream downstream of the property. B. Russo responded that there is not a hazard presented by the discharge from the site to the stream.

Chairman Muckle asked what the species of concern were and if they would be reintroduced to the site after construction is complete. B. Russo responded that two avian species, the yellow breasted chat and the brown thrasher, were listed as potentially using the site in addition to the smooth green snake, the eastern ribbon snake and the eastern box turtle as these species have been identified on nearby properties. While construction is ongoing B. Russo would inspect site and if any were found they would be moved outside the work zone and they would be kept out with a perimeter silt fence. Following construction, the barriers will be removed.

M. Fitzgerald submitted staff review comments dated September 22, 2022 into the record as Exhibit #7. M. Fitzgerald asked if designing the size and capacity of the basins, was roof run-off infiltration and any exfiltration through the basins excluded. B. Russo replied infiltration of roof run-off and exfiltration from basins was not included in the calculations for sizing the basins. They do expect exfiltration from the basins even though it wasn't factored into the calculations. M. Fitzgerald asked if the relative elevation between the basin bottom and the adjacent stream results in a positive hydraulic gradient to the stream. B. Russo replied he will provide that information. Based on the test pits conducted close by to the stream they did not hit the water table even at a time when there was water in the stream, which leads him to believe there is a positive gradient.

M. Fitzgerald asked what the purpose for the flat area east of building 2 is and suggested it be planted to preclude use as a storage area. Attorney Sweeney stated that there is absolutely no outside storage on site.

M. Fitzgerald noted the Niantic River is the receiving water for this site, and is listed as an impaired water with the State of CT and EPA due to bacteria. She asked for an evaluation of the stormwater treatment system functionality in mitigating bacteria from the proposed run-off.

Attorney Nick Kepple clarified the exhibit number for the soil permeability report is 6. He asked for clarification in the total area of disturbance versus the area of upland review area disturbance. B. Russo replied the area of permanent disturbance includes area outside the upland review area. Attorney Kepple asked Commissioner Thomas to rephrase his question regarding rain volumes used in the calculations so the public and commission members can understand. Commissioner Thomas stated there is newer rainfall data published by NOAA he would like to see used in the calculations.

Attorney Sweeney requests the commission continue the public hearing following the public comments so they can respond to the questions and have opportunity for rebuttal of any public comments.

Chairman Muckle asked three times if anyone in favor of the application would like to speak. No speakers in favor.

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

Lilly Glynos, 108 Huntsbrook Road, Quaker Hill. She resided on 39 Oil Mill Road for several years and has personal knowledge of the property. She expressed concerns about flooding impacts to neighboring yards noting her basement flooded 5-6 times during the time she resided there. Rain events have also washed away a land bridge that used to cross the stream on the property. She noted that in the past she has found 2 eastern box turtles on the site and believes

they may nesting in the area of building 1 and also has observed green snakes. She noted threats to box turtles include habitat loss and fragmentation, and vehicle strikes. She also has observed ruffed grouse, scarlet tanagers and Baltimore orioles on the site. She noted DEEP just completed a fishery survey on Oil Mill Brook and she stated there are juvenile trout in the perennial stream. She requested a survey be conducted.

Attorney Sweeney clarified for the record that L. Glynos was there as a resident not an official representative of the DEEP. L. Glynos clarifies on the record she is speaking as a resident.

Deb Mosier Dunn, 7 Plant Drive, Waterford. Vice President of Save The River, Save The Hills, D. Dunn read into the record a letter from Save The River Save The Hills, submitted as Exhibit #8. She expressed concerns with the impact to the Niantic River. Save the River Save the Hills has hired an engineer to review the proposal and has preliminary review comments to date. She expects to have the full report to submit to the record by next week.

Todd Beers, 12 Gurley Road, Waterford.

T. Beers inquired about the duration of the construction and proximity to Oil Mill Brook and expressed concerns related to existing flooding on the roads and the control of water run-off and sediments from the site.

Eric Levine, 48 Gurley Road, Waterford.

E. Levine stated the stream from the site flows through his property and expressed concerns regarding potential erosion and contaminants to the stream during and after construction as well as mosquito breeding and flooding following construction. During rain events there is a lot of run-off flowing down Gurley Road and he is concerned with the impact the increased impervious area will have on run-off amounts and flooding.

Brian Nichols, 54 Gurley Road, Waterford.

B. Nichols expressed concerns about the project impacts on stream quality and groundwater quality. He has a shallow well and experiences issues with bacteria.

Chairman Muckle asked three times if there was anyone else who was not in favor of the application that would like to speak.

Attorney Nick Kepple clarified that the engineer Ellen Bartlett will attend next meeting. Attorney Sweeney stated he hopes she will, if not a certified engineer will be available.

**Motion:** Motion made by T. Maidelis, second by G. Renegar to continue the public hearing to October 13, 2022 at 6:30pm.

**Vote:** 6-0

## **5. NEW APPLICATIONS – None**

## **6. VIOLATIONS**

**1122, 1124 Hartford Turnpike, Unauthorized fill, grading & deposition of materials adjacent to inland wetlands.**

Site restoration due to be completed October 30, 2022. Staff gave a brief update on the restoration work.

**7. CORRESPONDENCE**

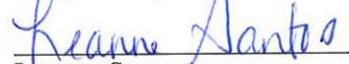
Staff discussed the CT Association of Inland Wetlands & Conservation Commission upcoming conference. Commission members can be reimbursed if they choose to attend.

**8. ADJOURNMENT**

**Motion:** Motion made by W. Thomas, second by T. Maidelis to adjourn at 8:35pm.

**Vote:** 6-0

Respectfully Submitted,



Leanne Santos

Recording Secretary