

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A REGULAR MEETING ON TUESDAY, JUNE 4, 2019, SELECTMEN'S CHAMBER.

Present were Clifford Thier, Chair, and Michael Beauchamp, Vice-chair; and Commissioners Bob Breckinridge, Michael Feldman, Jed Usich, and Martha Dean. Absent was Commissioner Dean Applefield. Also present was John McCahill, Planning and Community Development Specialist/Wetlands Agent.

Chairman Thier called the meeting to order at 7:00 p.m.

OUTSTANDING APPLICATIONS

APP. #761 – Nod Road Preservation, Inc., c/o Robinson & Cole LLP applicant: Requests proposed regulation text amendment of the Town of Avon Inland Wetlands and Watercourses Regulations: The proposed amendment expands the upland review area for applications proximate to Avon's watercourses from 100 feet to 200 feet measured horizontally from any watercourse boundary.

Present on behalf of Application #761 was Attorney Evan Seeman, Robinson & Cole LLP.

Chairman Thier inquired of Attorney Seeman if he wished to address any issues this evening, and Attorney Seeman indicated that his party would be prepared to present all relevant issues on the evening of the public hearing. John McCahill proposed the dates for the public hearing to be either Tuesday, July 16, 2019, or Wednesday, July 17, 2019. Attorney Seeman stated that his party would be available on Wednesday, July 17, 2019, for a public hearing.

A motion was requested to set the special meeting for a public hearing date for Application #761. Vice-chair Beauchamp motioned to set the public hearing date on Wednesday, July 17, 2019. The motion was seconded by Commissioner Breckinridge; all were in favor. Staff will inquire about the availability of Avon Firehouse Company 1, at 25 Darling Drive, to hold a public hearing.

APPL. #762 – Rotondo Pizza House Inc., and Dolores Wiener, and the Estate of Philip Rotondo, owners; Connecticut Self Storage of Avon, LLC, J.R. Clisham applicant: Requests for regulated activities within the 100 foot upland review area: 1) Convert existing parking lot to a detention basin. 2) Demolish existing buildings, construct parking lot and access drives, construction of building, related grading, utilities and drainage. 3) Enhance existing vernal pool; crush discharge pipe, minor regrading of existing "piles," create depressed area. Location 275 West Main Street, Parcel 4540275; and 279 West Main Street, Parcel 4540279.

Present on behalf of Application #762 were J. R. Clisham, of CT Self-Stor; James Sakonchick, PE LS of Kratzert, Jones & Associates, Inc.; and George T. Logan, MS, PWS, CSE, Certified Professional Wetland Scientist and Registered Soil Scientist. Attorney Robert Meyers, of the Law Offices of Robert M. Meyers, LLC, was also present on behalf of the owners, Kurt Wiener, Dolores Wiener, and the Estate of Philip Rotondo.

Attorney Meyers stated that the property owners were in full support of the applicant's proposal.

Mr. Clisham stated that he has been involved with the self-storage industry since 2001. He has built 11 self-storage facilities in both Connecticut and Massachusetts, and currently oversees the operation of seven facilities. He served on the board of directors for the National Storage Association, from 2011 to 2014, and served as national chairman for the organization in 2015; and served as president of the Connecticut association in 2008. He displayed a rendering of the intended building facility on Route 44 in Avon, and indicated that it would be a top-class facility utilizing high-quality materials.

Mr. Sakonchick, engineer and land surveyor, has worked with the Clishams on 17 facilities. The Avon facility is proposed to be a multi-story building and is also based on staff input. To minimize the impact to the site and the wetlands, the facility will have three levels. In a three-level facility, sprinklers, elevators, and stairs, are required under the building code. The site layout has been minimized to the extent possible in order to avoid sacrificing quality and economic viability. He distributed a reference map of wetlands that had been flagged on the site in the past, not submitted for the record, for purposes of discussing the wetlands delineations of past and present. He will provide the Commission with a proper site walk map in accordance with the current wetlands delineation as flagged on the site last week. He then discussed the proposed development on Map S-IFLD; including the wetlands boundary, the watercourse, a sizeable pond, and a smaller pond functioning as a vernal pool, but explained that a clogged drainage pipe has allowed for water collection and the growth of a subsequent habitat. He described the areas within the 100' upland review area on the property that would be impacted by the proposed development. The lower story entrance will be accessible on-grade and the other three sides will be hidden by the land by approximately five feet. The front of the facility, on Route 44, will have an attractive façade. The proposed building will be completely surrounded by a driveway. In some cases, the driveway will be 35 feet wide, and wider in some areas to accommodate parking, and then 30 feet wide in others in order not to impact wetlands. He noted the importance of the driveway capacity to accommodate large emergency vehicle access. The geology of the site is an alluvial deposit with coarse sands and gravels found in the Hinkley soil classification. He indicated that the site was likely a pit where the sands were removed in order to create concrete, for the purposes of the Rotondo business. The ponds on the site likely resulted after excavation of these areas. The low areas are likely man-made, where the river floodplain was extended by these actions. Proposed buildings and parking will be above the floodplain. Due to the nature of the gravel composition, there is an advantage for the storm drainage system. Roof drains will run directly into long horizontal drywells. Much of the water on the site will be absorbed in the soils. On a relative scale, there will be a less than traditional impact on the storm drainage system. The traffic on a self-storage property is extremely low. There will not be long-term parking, or multi-car traffic at one time. A detention basin will be installed for any remaining discharge that will not infiltrate the ground. The outlet discharge pipe will be six inches in diameter and perforated, and on a vertical riser with stone. Water will need to flow through it on route to the outlet structure. From the basin, there will be a 12-inch pipe going out; if it is any smaller, animals will build nests. A couple of challenges with the site force the development to get close to the wetlands. Large block retaining walls, to act as guard rails, will be installed around the parking areas. A proprietary patented ready-block, to be interlocked, will be used. He described the process for heavy equipment to remove trees, build

trenches, and fill the stone. The wetlands side will be maintained with the use of hand-tools in order to limit the disturbance. Snow will be controlled at designated storage areas. Anywhere near the wetlands, there will be a "no-snow" sign posted. He then submitted his responses to comments stated in John McCahill's memorandum, dated May 29, 2019, to the Commission for the record. He has met with John McCahill and the Town of Avon Engineer to further discuss the issues, as stated in the memorandum. Town staff indicated in the meeting that there was a need for additional separate and clear maps, and dedicated plans and staking for the demolition, clearing and grubbing, establishing a retaining wall, grading of the site, the installation of the temporary sedimentation pond, storm drainage, final detailing, landscaping, and lighting. A clearer and larger wetlands site walk map, along with corresponding numbered stakes in the field, was also requested.

Mr. Logan referenced his report, dated May 23, 2019, that had been submitted for the record. He began his review of the wetlands and watercourses on the site. He recently re-delineated the wetlands which are closest to the development, on the east and west sides, and flagged those areas. He did not re-delineate the boundary that is on the far east side of the watercourse. He instead verified the wetlands in that area as being substantially correct. The surveyor will be on the site next week. He then submitted his REMA Ecological Services, LLC *On-site Soil Investigation & Wetland Delineation Report*, dated May 31, 2019, to the Commission for the record. He referred to Figure A of this report in discussing the wetland boundaries. Delineated on the west side is a large wetlands system associated with Wiggins Brook, with significant organic deposits. It is an emergent wetland area with a scrub shrub perimeter, and the system comes around the site and joins the Nod Brook corridor along Route 44, and then heads south. Two isolated wetlands were identified with a series of flags; the vernal pool is the Wetland D series, and the one further north is the Wetland C series. This last wetland grew in size by four to five times. There were buried wetland horizons within a 20-inch soil profile. The site had been disturbed and filled in particular areas, including in the Wetland A series. Only approximately 20 percent of the site's soils are in their natural state. If the top soil profiles are not intact, the subsoil profiles are still intact. The pond formation occurred sometime after 1970, as determined by reviewing aerial footage. The pond is six to eight feet deep, contains fish and snapping turtles, and connects to Nod Brook, where it collects the brook's overflow. The vernal pool is only a small portion. This Commission denied an application for a car dealership in 2014 or 2015. One of the issues in the denial was that a proper study on the vernal pool had not been done. In 2015, the property owners approached his firm to conduct a proper study. Wood frog egg masses were present, and in significant amounts in order to classify the vernal pool as Class I. The vernal pool was examined again in April or May of this year, and it was discovered that the productivity had fallen even within a wet year. After a wet year, the egg masses had decreased to numbers in the forties. The water level was less than 20 inches, as had been in the past, and approached 12 inches this year. The breeding habitat had shrunk considerably. A large portion of the wetland is open, with a highly productive sedge meadow active in the soil. The vernal pool is on the verge of loss within the next decade. A query had been done on the CT DEEP Natural Bio Diversity Database, and several listed species existed at the site, including eastern box turtle, wood turtle, and ribbon snake. A query has been recently submitted for the current conditions. The geological feature called an esker, a narrow spit of sand, had been excavated on the eastern site. This application does not impact one square foot of wetland, with the exception of the vernal pool rehabilitation. Step-by-step, detailed information for the

proposal to enhance and ensure survival of the vernal pool will be provided to the Commission at the request of Town staff. With shallow water, the habitat is limited for tadpole development. The very large population of painter turtles had decimated the tadpole population. Without entering into the wetland and vernal pool area, to the extent possible, the piles will be pulled out and the area will be dug down to find the pipe which will be plugged permanently. The existing vernal pool will be expanded by pulling back the edge of the wetland very carefully, causing a fringe wetland disturbance of approximately ten to twenty feet. By doing this, the habitat will be secured for the coming decades. Once the wetlands are delineated, the exact distance of activity away from the regulated review area can be determined. A 100-foot envelope around the vernal pool is the goal to limit the amount of development within the critical terrestrial habitat. In this case, it is almost a peninsula surrounded by wetlands. There is a distance of approximately 200 feet from the edge of the wetland and the vernal pool habitat to the silt fence, basically the edge of the clearing. The storm water will be infiltrated into the ground and feed the wetland fringe on the west side and also feed Wetland A. What typically generates chemical pollution of the water from impervious surfaces, is the movement of vehicles. There will be very little traffic at this site that the groundwater impact is not of concern. Hydrological impacts are also not of concern. In conclusion, the impacts from this particular development, in both short and long-term, are very minimal. Existing functions and values will be preserved.

Chairman Thier inquired with the Commission, that without objections, he would postpone questions from the Commission in order to enable Commissioners to first walk the site with the detailed site walk map, to be submitted by Mr. Sakonchick. The Commission did not object.

John McCahill asked the applicant to submit any additional materials for the Commission by June 19, 2019, in order for staff review time.

Mr. Sakonchick acknowledged June 19, 2019, to be a deadline goal, depending on weather and rainfall.

APPL. #763 – Avon Mill LLC c/o Silco, owners; Lee Land Development LLC, applicant: Requests for regulated activities within wetlands and/or the 100 foot upland review area: 1) Remove invasive species (purple loosestrife) in wetlands area (existing retention basin). 2) Construct a portion of new road and parking area (6,500 square feet of new impervious surface) and construct infiltration basin within 100 foot upland review area. 3) Remove invasive species and replace with native species and wetlands seed mix. Remove landscape debris and litter. 4) Stabilize existing drainage channel with riprap in eroded places. Create two infiltration swales from existing paved leakoffs. Location 64 Avonwood Road, Parcel 1220064.

Present on behalf of Application #763 were Attorney Robert Meyers, of the Law Offices of Robert M. Meyers; Tim Lee of Lee Land Development LLC; David Whitney of David F. Whitney Consulting; and Michael Klein, Registered Soil Scientist and Professional Wetland Scientist.

Tim Lee, of Long Island, introduced the application regarding Avon Mills. He stated that his intentions and interests are in not harming the environment with toxic material applications. The goal is to leave the land better than it was found.

Mr. Whitney spoke about the location of the Avon Mills apartment complex. It is located directly in back of the CREC Reggio Magnet School of the Arts off Waterville Road. He explained that the key map submitted as part of the application shows the site to be 46 acres in an RU-2A Zone. Sheet 2 is a map of the existing conditions based upon the new survey. The Avonwood driveway also leads to another condominium complex named Avon Place. The existing buildings collectively are named Avon Mill Apartments at present, built in the late 1970s. Additional buildings will be proposed for the site. As for the wetlands, there are two locations of wetlands that are actually retention basins. Retention Basin 1, or Wetlands Area 1, is approximately 15,000 square feet, roughly one-third of an acre. Wetlands Area 1 receives storm drainage from the Avon Place apartment complex on the higher land above it. There is a 42-inch pipe which discharges storm water to this retention basin. There is a 30-inch outlet pipe that comes out of the retention basin at a higher elevation. A pipe then goes approximately 2000 feet through the Avon Mill property down to the river. It is unknown how often water goes through the outlet pipe, however some of the catch basins in the Avon Mill parking lot contribute to it. Generally, the retention basin is large enough and the soil is well-drained. The retention basin, over time, has developed wetland characteristics. There is a second retention basin on the eastern part of the site, directly behind the CREC school that receives runoff from the parking lot. The 100' upland review area has been shown around each of the two wetland areas. There are some alluvial soils along the toe of the slope near the Town's Alsop Meadows area. The subject site has approximately 170 feet of frontage along the Farmington River. Sheet 3, the Overall Plan of Development, shows a proposed loop road around the site with two four-story apartment buildings, and a number of duplex apartments. The only activities within the 100' upland review area will be a small amount of activities around Wetland Area 1, where the parking lot terminates but the road will extend around. The loop road needs to extend around for emergency vehicles and for the water line. Sheet 4 is a large scale map, named the Proposed Activities within Wetland Regulated Area. It shows Wetlands Area 1 and a certain number of activities proposed within the regulated area. The design for the drainage is not to increase any flow into the wetlands and not to alter them. There will be a small amount of new paved surface, shown in grey, which is roughly 6,500 square feet. There are also two existing parking lots, which discharge via existing paved leakoffs that direct the storm water into the wetlands. The proposal is to eliminate the paved leakoffs and to bring the water to catch basins in the new area leading to the same manhole. This was the site of a former gravel pit, so there are very well-drained soils. The system has been designed to handle the 100-year storm. The water quality volume is designed based upon one inch of rain, per the state manual. This is the first flush of water, which is generally the dirtiest of water. The minimum requirements have been well-exceeded in this design, so as not to adversely impact the wetlands and properly treat the storm water runoff.

Mr. Klein, biologist and Registered Soil Scientist, began with an overview of Sheet 2. The eastern portion of the site is a level plateau well above the Farmington River, which is a substantial distance from the site. The wetland boundaries have been marked within the eastern portion of the site. There are two detention basins which have developed wetland characteristics. The soils would be described as disturbed wetland soils. They have developed aquic moisture conditions and have the ability to support wetland vegetation. The western portion of the property has a small area along the Farmington River which is flagged. There is an alluvial wetland to the northwest but it is generally located offsite. There is a steep slope break that goes

down to the river, approximately 20 feet below. The wetland is at the toe of the slope and its boundary is marked on the plan. There will be no activity in that area. The focus will be the activities in the upland review area, associated with the southern two detention basin wetlands; referred to in the soil report as the Southern Basin or Wetland Area 1. On Sheet 4, the wetland boundary is shown in dark green. This is an emergent wetland marsh, dominated by herbaceous species including cattails, sedges, etc. There is a minor component of some invasive species, predominantly purple loosestrife along the margins of the wetland. There is some evidence of erosion and transported materials from the parking lot. The outlet is elevated above the bottom of the basin. It is an early pioneering implementation of low-impact development. Under most conditions, typically 90% of the state's rainfall is an inch or less. Under those conditions, there is no discharge from the basin and water infiltrates into the ground. Treatment occurs not only in the soil, but also on the densely vegetated stalks and through bacterial breakdown from the sun, and plant nutrient uptake. The organic soils have a high capacity to attenuate pollutants. Anything beyond that infiltrates into the ground. Looking at the conceptual plans for the site, the recommendations are not to disturb the natural system, but to provide some additional treatment and enhancement of the system. It is currently functioning quite well. The proposed regulated activities are all associated with addressing the minor elements from the past; such as the erosion and runoff that moves from the slope overland down the slope into the wetlands, from the two existing pavement leakoffs. There are steep banks and eroded areas along the inlet from the Avon Place condominium location. Those issues need to be addressed. Also, removal of the land debris from the wetlands, treatment of the invasive plant species, and enhancement of the buffer around the wetlands will have a positive impact on the biodiversity in the area. The activities associated with this application involve a water quality or infiltration swale from the southeast corner of the parking lot, just north of the basin. It will overflow into an infiltration basin and then eventually the emergency overflow will go into the storm water basin. These will handle the new pavement and existing pavement. There will be remediation of the steep banks and erosion of the inlet channel; including the removal of trash and landscape debris, such as pine needles, the spot treatment of purple loosestrife, and the planting of native shrubs and trees. The only activities that are proposed within the wetlands themselves are remedial measures. The activities proposed in the upland review area either enhance the system or provide water quality treatment. These proposed activities will not have a negative impact on the wetlands.

Mr. Whitney explained the various stakes highlighted on the site walk maps submitted for the record. In response to John McCahill's memorandum, dated May 29, 2019, there have been some resolutions since receiving the memorandum. Sheet 5 will be the overall grading plan and it will be submitted in the revised set of plans. The land is undulating. Wooded areas to remain will be shown on the map. The Commission will have a better sense that the proposed construction, and the cuts and fills, will be outside of the upland review area. There will be one location that will be close to the wetland alluvial soils, and Michael Klein will delineate that area carefully. The intent is to have no regulated activities around Wetlands Area 2, and no regulated activities within the eastern end of the site. The only regulated activities will be around Wetlands Area 1, as was just discussed. Sheet 6, to be submitted, will be the storm water management plan. Each of the duplexes will have their own storm water infiltration system for the driveways and rooftops. The systems will be sized for the 100-year storm rainfall amounts. The water will not be sent to the wetlands or river but will go through the roadway infiltration systems via the catch basins. Along with infiltration swales, there will be culverts underneath

the driveways; all of these elements will be shown on Sheet 6. Also, in reference to requirements noted in the memorandum, the request for soil data will be submitted and will reflect information from 25 deep pits. The average percolation rate at the site measured 1.3 minutes per inch, which indicated very well drained soils. Some of the soil tests were conducted at the exact site of the proposed infiltration system. There will be additional testing as part of the revised plans. Everything else contained within the memorandum will be addressed.

Vice-chair Beauchamp stated that he looked at the site today. He remarked that the retention basin appeared not to have been maintained since its installation. He asked John McCahill whether or not the retention basins are supposed to be maintained. He stated that the basin appears like a swamp and that it can also be a mosquito nuisance. It should be maintained periodically, or every two years. The buildings appear not to have been maintained well either.

John McCahill stated that the retention basin should be maintained.

Mr. Lee stated that nothing could be done currently since he does not own the property yet.

Attorney Meyers stated that part of John McCahill's memorandum references the basin maintenance. It will be accomplished. He noted that the buildings are also in poor condition.

Mr. Whitney stated that he had climbed down into the basin and found no debris, which led him to believe that very little water actually flows through the basin. He has looked at the pipe system and all of the structures and he noted that there are a couple of manholes with missing covers. The structures and the pipes do not appear to be clogged. The basin may not have been maintained, however the structure as a whole appears to function.

Mr. Lee stated that he was shocked to see some of the debris. He stated that when he retains ownership of the property, it will be better than it is today.

Commissioner Breckinridge thanked Mr. Whitney for his excellent staking job. He inquired why only one of the paved leakoffs was included in the infiltration system, but not the other one. He asked if it would make better sense, from a wetlands perspective, to have the two paved leakoffs incorporate infiltration.

Mr. Whitney explained that the land is very flat in that location and there is not enough pitch on the pipe to extend it to the other one. He explained the difference in the various elevations, the components, and the challenges of the ground depth related to proper functioning. However, an additional structure can be installed at the location if the Commission decides this should be the course of action.

Commissioner Breckinridge inquired whether the runoff from the entire parking lot would lead to that leakoff. Otherwise, it would essentially go unfiltered to the wetlands.

Mr. Whitney stated that an infiltration swale will be made with a sand base and textile fabric, which will allow it to soak into the ground.

Mr. Klein responded that other than trash or debris, there is no significant issue in terms of either alteration of the vegetation or any other adverse condition as it now exists. The infiltration swale will provide a longer travel time and more opportunity for treatment by the vegetation and infiltration into the ground. The system is vastly oversized, and can handle 8 inches of storm rain runoff. Referencing Sheet 4, the water quality treatment for this wetland/detention basin, in total, dramatically exceeds the recommendations for the amount of treatment required to protect the wetlands. He did not see the need to increase the storage capacity measures.

Commissioner Breckinridge indicated that the applicant might want a proposed alternative measure to the currently proposed swale, as the Commission might require it.

Mr. Whitney stated that the swale is designed to be 50 feet long and that it should be adequate. He indicated that one of the paved leakoffs is directly next to a steep slope and one of the wetlands. The water quality swale could be increased, however that would require more clearing of the vegetation and also moving the swale to a much steeper slope than what is currently proposed.

Commissioner Dean inquired how the proposed regulatory amendment, of an application to be heard at an upcoming Inland Wetlands Commission public hearing, would affect this application's design proposal.

Attorney Meyers indicated that this application will not be affected because the current regulations are in effect at the time of this application's submission to the Commission.

Chairman Thier stated that the Commission would await further data from the applicant. He requested a date to receive the information.

John McCahill indicated that the information should be received in the timeframe from June 19, 2019, to June 21, 2019. The submission date for additional information from the applicant was revised to June 19, 2019.

Attorney Meyers requested that the application be heard further and placed on the agenda for the July 2, 2019, Inland Wetlands Commission meeting.

Chairman Thier affirmed this request.

APPL. #764 – The Estate of Donald L. Cole c/o William K. Cole, owner/applicant: Requests for regulated activities within wetlands and/or within the 100 foot upland review area: 1) Wetlands crossing #1, proposed driveway (approximately 1551 linear feet) with culverts and fill. 2) Wetlands Crossing #2, proposed driveway (40 linear feet) with culverts and fill. 3) Construction of driveway (470 linear feet), house, septic system, well, utilities, and related grading within 100 foot upland review area. 4) Excavation in upland review area to provide compensatory flood storage volume for driveway fill. Location 70 Sunrise Drive, Parcel 4190070.

Present on behalf of Application #764 were Bill Cole, the executor for the estate of Donald Cole; David Whitney of David F. Whitney Consulting; and Michael Klein, Registered Soil Scientist and Professional Wetland Scientist.

Mr. Cole stated that he has been working with town staff on a proposal for the estate, to come up with a plan for one additional estate-sized lot of approximately 3.4 acres, in the least impactful way.

Mr. Whitney introduced his prepared plans. He listed Sheet 1, named the Site Development Plan; Sheet 2, a Detailed Plan of Wetlands Crossing; and Sheet 3, Soil Details and Notes; and a site walk map. The Sunrise Drive subdivision was approved on July 1, 1962. He explained the orientation of the map; to the north is Haynes Road and to the south is Route 167; and in another direction is West Avon Road. There is an existing house, number 70. The site is a 12.4 acres lot. The existing house has an existing septic system and water well. The proposal is to re-subdivide the total acreage into two lots. Lot 1 will include the existing house lot, consisting of four acres. Proposed lot 2 will be the land at the rear portion of the site, consisting of nine acres. Michael Klein delineated the wetlands on the site and these flags were accurately located by Neriani Surveying. The wetlands on the property have been shaded on the map. There is also a pond in back of the existing property that extends onto the neighbor's property to the east. There is approximately 1.4 acres of non-wetlands around the existing house; there is a knoll in the middle of the site, approximately 8/10 of an acre, that is non-wetlands; there is another knoll in back that is approximately a 1/2 acre of non-wetlands; and there is also a larger area on the north side of the site consisting of 3.3 acres of non-wetland soils. The wetland soils on the site total 6.38 acres or 51%, and the non-wetland soils are 49%. The proposal is to construct one driveway that will go down from the cul-de-sac and cross the lower wetlands, named Wetlands Crossing 1. It is approximately 155 linear feet through the wetlands on a curve. There is an intermittent watercourse that comes down, where two culverts will be installed and fill will be placed to create the driveway. The driveway will come up onto the knoll and curve around and then cross the wetlands, named Wetlands Crossing 2, which is approximately 40 linear feet. Culverts will be installed, and the driveway will come up onto the knoll at the northern portion of the property, which is where the house will be located. In terms of regulated areas, 100 feet from the eastern most wetlands is indicated on the map by a pink line. Most of the activities on this site are within the 100' upland review area. Soil tests were conducted with the Farmington Valley Health District (FVHD). The soil tests up on the knoll indicated very well drained soils suitable for septic systems. A preliminary subdivision proposal was submitted to the FVHD in order to receive feedback, and the Commission should receive this by the next meeting. Sheet 2, Detailed Plan of Wetlands Crossing, is drawn at a 20' scale. It shows the driveway and the shaded wetlands it crosses, as well as grading. There will be three 15-inch pipes installed. There is a flood line that is associated with Big Brook, off to the north of the site. When Big Brook floods, the water comes onto this property. The light blue marking shows the flood line on the sheet and it corresponds to elevation 2.90. The wetlands crossing will involve fill of the flood fringe; as part of a future Planning and Zoning application, they will request filling of the floodplain. The fill in the floodplain will require compensatory excavation elsewhere to make up for the flood storage, lost due to the proposed fill. It is proposed to excavate an area of approximately 310 cubic yards, to an elevation of 288 feet to create more flood storage. This portion, instead of being a knoll, will be down toward the water table and it will become a

wetlands mitigation area. He discussed the site walk map and the various flagged locations. He stated that all of the comments in John McCahill's memorandum would be addressed.

Chairman Thier requested written responses before the next meeting.

Mr. Whitney responded in the affirmative.

Chairman Thier indicated that the Commission will reserve its questions until the next meeting. Prior to that time, all of the data should be received, and the application will continue to be heard at the next meeting.

John McCahill inquired of the Commission whether it felt the impacts of the application, including the filling of portions of the wetlands, were significant enough to require a public hearing. The idea for the applicant's presentation tonight was to provide a general overview of the proposals.

Commissioner Dean requested a site walk to get a better understanding of the property issues.

Chairman Thier stated that the requirement of a public hearing would be determined at the next regularly scheduled Inland Wetlands Commission meeting on July 2, 2019. The Commission is waiting for additional information and will also have an opportunity to walk the site.

Mr. Whitney indicated that the additional information will involve written responses to John McCahill's memorandum.

Commissioner Feldman inquired whether or not the determination of a public hearing was discretionary by the Commission.

John McCahill responded that a public hearing can be discretionary or required by 25 signatures from the public.

Chairman Thier requested that the Commission hold a special meeting on July 2, 2019, at 5:30 p.m., at the site of 70 Sunrise Drive, starting at the cul-de-sac, for a site walk. The presence of David Whitney and Bill Cole was requested in order to guide the site walk according to the submitted proposal.

Commissioner Dean motioned to hold a special meeting of the Inland Wetlands Commission, to be held on July 2, 2019, at 5:30 p.m., at the site of 70 Sunrise Drive, starting at the cul-de-sac. Commissioner Feldman seconded the motion. All were in favor with none opposed.

Chairman Thier reviewed the upcoming meeting schedule to be the following:

- July 2, 2019, Special Meeting for a Site Walk, 5:30 p.m., at 70 Sunrise Drive (Appl. #764)
- July 2, 2019, Regular Meeting, 7:00 p.m., Selectmen's Chamber (Appl. #762, #763, #764)

- July 17, 2019, Special Meeting for a Public Hearing, 7:00 p.m., Firehouse Company 1, at 25 Darling Drive (preferred location), (Appl. #761, Regulations Amendment)

Chairman Thier confirmed that the deadline for the submission of additional information for the application will be June 19, 2019.

OTHER BUSINESS:

John McCahill summarized the lawsuit from the Blue Fox Run Golf Course owners received by the Town of Avon. The suit has been transferred to the land use litigation docket and will be heard by Judge Berger. Staff is copying files and plans, and determining the process to obtain verbatim transcripts. There is a status conference scheduled on June 21, 2019. There was a motion filed for discovery to depose the members of the Commission. Town Attorney Kari Olson intends to object to that motion.

Commissioner Feldman requested more detailed status from Attorney Olson.

John McCahill stated that summaries can be tracked on the judicial website. There is no additional information to provide at this time.

APPROVAL OF MINUTES:

Chairman Thier inquired if there was a motion to approve the minutes.

- Minutes - April 2, 2019, Regular Meeting: Commissioner Breckinridge motioned to approve the minutes as submitted, and Vice-chair Beauchamp seconded the motion; all were in favor, with none opposed, and the minutes were approved.
- Minutes - April 17, 2019, Special Meeting: Commissioner Usich motioned to approve the minutes as submitted and Commissioner Beauchamp seconded the motion; all were in favor, with none opposed, and the minutes were approved.

NEXT REGULARLY SCHEDULED MEETING

The next regularly scheduled meeting is Tuesday, July 2, 2019.

There being no further business, the meeting adjourned at 9:05 p.m.

Susan Guimaraes, Clerk
Inland Wetlands Commission
Town of Avon Planning and Community Development