

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A REGULAR MEETING ON TUESDAY, DECEMBER 3, 2019, IN THE TOWN OF AVON SELECTMEN'S CHAMBER.

Present were Chair Clifford Thier, and Vice-chair Michael Beauchamp; and Commissioners Jed Usich, Michael Feldman, Martha Dean, and Bob Breckinridge. 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 7:02 p.m.

NEW APPLICATIONS

APPL. #765 – Lawrence Baril, Town Engineer, applicant; Town of Avon, owner; requests within wetlands/watercourse and within the 100' upland review area: 1) Work area access (wetlands temporary disturbance); 2) Installation of sheet piling, placement of streambed material over riprap (watercourse temporary disturbance); 3) Bridge construction, installation of riprap (wetlands permanent disturbance); 4) Bridge construction, installation of riprap (watercourse permanent disturbance); 5) Bridge and wing wall construction, new pavement, slope filling, removal and installation of drainage, and installation of guide rail (upland review area). Location: Cider Brook Road over Cider Brook (Bridge #004012), between Parcel 1800018 (18 Cider Brook Road) and Parcel 4500400 (400 Waterville Road).

Present on behalf of the applicant was Gary Giroux, P.E. and Sr. Project Engineer, of Cardinal Engineering Associates, Inc., and Scott Stevens, Certified Professional Soil Scientist, of Soil Science and Environmental Services, Inc.; present on behalf of the owner was Lawrence Baril, Town Engineer, Town of Avon.

Mr. Baril stated that the Cider Brook Bridge replacement is an important project for Avon since Cider Brook Road is considered to be one of the worst functioning roads in the Town. Cider Brook Road is on the eastern side of Waterville Road. The road is residential; however, there are not many resident properties on it. The bridge was inspected by the Connecticut Department of Transportation (CT DOT) and found to be in extremely poor condition. The Town of Avon applied to the CT DOT Local Bridge Program for grant money assistance, as part of the State's Infrastructure Renewal Program. The Town hired Cardinal Engineering Associates, Inc., of Meriden, Connecticut, to prepare the bridge design. A representative, Mr. Giroux, from that company is here this evening to present the design plan.

Mr. Giroux presented a Power Point summary describing the project and design plan for the replacement structure at the Cider Brook Road location. He pointed to the location of Cider Brook Road on a map, which runs north and south. The road is considered a local rural road. The average daily traffic (ADT) is fairly low, at less than 100 vehicles per day. The existing bridge is very narrow and carries two lanes of traffic; however, the traffic is alternating and two cars cannot pass at the same time. The restriction of dual-lane passage is one of the major issues with the current bridge, which is considered functionally obsolete. The existing bridge's length is 12 feet. The bridge was built in 1900 and rebuilt in 1934. The existing bridge consists of steel

stringers and a multiple beam super-structure with a concrete deck on top. The bridge is functionally obsolete and structurally deficient; the steel is rusted and the structure has diminished to the point where it may have to be posted for the weight of certain sized vehicles. Typically the posting will occur at the behest of the CT DOT. At this time, a limitation has not been posted. That type of weight limit posting usually restricts truck traffic over the bridge. The deteriorated structure will create issues for services including those of a delivery, municipal, and emergency nature. The replacement of the structure will occur by closing the road. All associated project costs will be funded by both the Town of Avon and State of Connecticut, in a 50-50% cost share basis. There had been an old dam in the brook east of the bridge, but the dam had been breached and water continues to run around it. Downstream, the natural state of the brook exists with water flowing over bedrock. The existing conditions of the natural brook will be maintained in the bridge replacement and the natural channel bed will remain intact. The bridge is approximately 500 feet upstream from the culvert on Waterville Road. The replacement structure will be comprised of a single-cell, reinforced concrete three-sided box; footings will be built and the box will be sited on the footings. The bridge will utilize the 50-year design flow guideline with proper freeboard at the roadway, and proper underclearance; the use of riprap will be minimized to the extent possible, only to protect the wingwalls, and no riprap will be used across the channel itself. The structure will provide for fish passage, if this exists, and the engineering team will coordinate with the Fisheries Division of the Connecticut Department of Energy and Environmental Protection (CT DEEP) and the U.S. Army Corps of Engineers (US ACE) to comply with the Stream Crossing Guidelines. CT DEEP requires a certain ratio of adequate area to the length of the structure. The vertical profile of the road will be modified to create a more uniform grade, as opposed to the road's current condition which dips up and down. There will be minor fill, approximately 1.5 cubic feet, for the roadway itself. Horizontally, the alignment will follow the existing road; however, the roadway will be widened at the bridge to accommodate a width of 24 feet, curb-to-curb, which creates 11-foot travel lanes and one-foot shoulders. Those figures are the standard CT DOT guidelines for this type of roadway and its traffic conditions. Once past the bridge, the roadway will transition to the existing state of roadway, which is approximately 19-20 feet depending on the location. The length of the new bridge will match that of the existing bridge at 12 feet. The total impact to wetlands and watercourse is 545 square feet (sf) for this project. The impact to the watercourse will be 232 sf on a temporary basis, and will be 297 sf on a permanent basis. The impact to wetlands will be minimized to the greatest extent possible, while implementing a design that will accommodate traffic and handle heavier vehicle weight loads.

John McCahill requested an electronic version of Mr. Giroux's PowerPoint presentation this evening for the Town record.

Mr. Giroux responded in the affirmative regarding the PowerPoint presentation document.

John McCahill stated that he had worked closely with Mr. Baril and Mr. Giroux in planning the project over an approximate period of six months. Recommendations were made on the plan and documents were provided to the Commission. The relevant key items were captured in the memorandum that was provided to the Commission.

Commissioner Breckinridge inquired about the possibility that the long-eared bat will nest under the bridge.

Mr. Giroux responded in the negative, and stated that the bats nest in trees and not under the bridge. The US ACE will be involved in the necessary removal of some of the trees. There are two specific trees near the bridge that will be removed. The US ACE requires that the trees be removed by April 1st due to the bat's roosting period.

Commissioner Breckinridge inquired if the water flow would be stopped at any time during the construction.

Mr. Giroux responded in the negative. It would not be necessary. A temporary coffer dam will be constructed of bags of sand to protect the area of excavation and allow for temporary water flow during construction; there will be a four-foot opening. The CT DOT requires a design for the two-year storm conditions. At the time of construction, the contractor will need to know the current weather conditions in case a major storm approaches. Changes would need to be made quickly in order to allow for an increase in water flow of the brook, if a storm were to occur.

Commissioner Breckinridge inquired how the old concrete would be removed.

Mr. Giroux responded that the removal will be easily facilitated given the poor condition of the existing concrete. The coffer dam will be installed first and then excavator jaws will be utilized to pull apart the remaining concrete. Any other concrete will be removed by hammering the concrete.

Commissioner Breckinridge inquired if the excavation would cause the addition of a significant amount of silica to the water.

Mr. Giroux responded in the negative and stated that everything would be confined to the coffer dam. Turbidity curtains would be installed across the brook as a preventative measure. Erosion control measures on the slopes would include a silt fence or hay bales.

Commissioner Beauchamp inquired about the timeline for the bridge replacement and traffic access to private properties.

Mr. Baril responded that the work on another major construction project in the Town, the new Old Farms Bridge at Waterville Road/Route 10, is slated to be completed by October of 2020. The Town would like to plan the start of the Cider Brook Bridge replacement for the spring of 2021.

Mr. Giroux stated that the Cider Brook Bridge construction would last for an approximate maximum of two months in its entirety. Traffic access will be maintained for all private properties on Cider Brook Road along with a short detour at Bishop Road in West Hartford.

Commissioner Feldman stated that the engineering firm is represented by thorough professionals and the project should be approved without delay.

Mr. Giroux stated that the next step by the engineering firm will be to apply to the US ACE for a permit.

Chairman Thier inquired how long the permit process will take.

Mr. Giroux responded that the firm will complete and submit a Self-Verification Notification Form (SV) to the US ACE. The permit is typically issued within two weeks. It is a type of permit that is self-directed.

Chairman Thier inquired why the Cider Brook Bridge replacement project could not be concurrent with the Old Farms Road bridge construction.

Mr. Baril responded that the traffic on that side of Avon is already impacted, especially for those living in that vicinity, by the current bridge construction at Old Farms Road and Waterville Road/Route 10. The Town felt that if Cider Brook Road were to close, the inconvenience would be exacerbated. The current traffic associated with the ongoing bridge construction at Old Farms Road is moving smoothly. However, the impact will be more severe fairly soon, during late winter and early spring when the roadwork on Waterville Road/Route 10 begins. There would be too much activity within a small area. The Town did not want to encounter the issues that would arise from the contractors of the two different bridge projects needing to coordinate the use of the same space and roads.

John McCahill stated that his memorandum to the Commission listed the standard conditions along with the addition of comment #4, which references the project being an SV process as part of the US ACE general permit program. The Commission would want a copy of the SV approval issued by the US ACE for this inland wetlands application file.

Commissioner Usich motioned to approve Appl. #765 with the standard conditions and special approval condition #4 as noted in a memorandum by John E. McCahill, dated November 25, 2019. Commissioner Breckinridge seconded the motion. All were in favor, with none opposed, and Appl. #765 was approved.

COMMUNICATIONS FROM THE PUBLIC

No member of the public offered commentary.

OTHER BUSINESS

Connecticut Water Company correspondence dated September 30, 2019; the company respectfully requests reconsideration and that the Commission concludes that the proposed activities are as of right and that no local inland wetlands permit is required for wetland encroachments during water main replacement activities on Ox Bow Drive and Woodhaven Drive right of ways.

Chairman Thier recused himself from the Connecticut Water Company matter of tonight's meeting. Vice-chair Beauchamp served as chair during the Commission's discussion on this matter.

Present on behalf of Connecticut Water Company was David Radka, Senior Environmental Specialist, of Milone & MacBroom; and David Peeling, Director of Engineering, of Connecticut Water Company.

Mr. Radka thanked the Commission for reconsidering the Connecticut Water Company's request that a permit would not be required for proposed water main replacement activities and that the activities would be deemed as of right. For the purpose of background, Connecticut Water Service, Inc. (subsidiary Connecticut Water Company) acquired the Avon Water Company in 2017. The company serves approximately 3,000 people in more than 60 towns across the state. The company regularly advises and consults with either the local wetlands commissions or their agents on projects as a matter of practice according to regulatory guidelines. The Avon Water Company may have approached this Commission with inconsistency in the past; however going forward, the Connecticut Water Company will look to provide consistency in the approach for commission's consideration when presenting proposed activities in any town. This approach would include the provision of the applicable Connecticut General Statute (CGS), in this case the statutory exemption in CGS Section 16-235, which had been omitted in the previous company's document submission to this Commission.

John McCahill stated that the Commission was familiar with all of the materials that had been submitted prior to this evening. The current matter of the Connecticut Water Company's proposed activities was referred to Town Attorney Kari Olson for her opinion. The Commission has that documentation in her memorandum, dated October 24, 2019. The company is taking a different approach as to how it would like the Commission to consider CGS 16-235. The approach likely will give the Commission more comfort in referencing the proposed activities. The decision as to whether or not the activities would be deemed exempt is ultimately the Commission's. If the Commission concluded that the proposed activities were exempt, it has a full packet of construction and operating plans by which the water company would have to abide. A staff-level review has been completed and the Town is comfortable with the soil erosion and sedimentation controls plans that have accompanied the water line replacement project for Ox Bow and Woodhaven Drives.

Commissioner Usich inquired about the Town Attorney's conclusion.

John McCahill referred Commissioner Usich to Town Attorney Olson's memorandum.

Commissioner Usich read Town Attorney's memorandum and stated that Town Attorney Olson's opinion concluding the water company's exemption from this Commission's permit process was clear to him.

Commissioner Feldman inquired about the exemption and the role of the Commission.

Mr. Radka responded that the Commission's role would be to review project activities proposed by the company that involve a proposed water tank, which the Commission clearly has jurisdiction over. The water company would still present other proposed activities to the Commission, or its agent, in order to mitigate the impact to wetlands and watercourses by all possible means. If the Commission deems it appropriate that the plans for proposed activities within regulated areas needed revisions, the water company would conform to those measures and implement them in the plans.

Commissioner Feldman commented that the Commission's role would be in the advisory capacity.

Mr. Radka stated that the water company is obligated to come before the Commission as a public utility company under CGS Section 16.

Commissioner Usich had recalled prior project presentations by water companies and stated that it is more than a courtesy, it a requirement to present the project to the Commission or Town.

Commissioners Dean and Breckinridge remarked that the position seemed clear from the beginning with regard to the water company's document and submissions.

Commissioner Feldman inquired regarding a procedural matter; if the Commission makes a decision, whether or not the Commission has jurisdiction to reconsider that decision or if the recourse would be an administrative appeal.

John McCahill responded that Town Attorney Olson is fully aware of the process that the water company is taking and that it is acceptable for the Commission to take action.

John McCahill stated that a motion can be made this evening based upon the Commission's review of the current packet of information related to the Connecticut Water Company's proposed activities.

Commissioner Breckinridge made a motion that the proposed activities are as of right and no local inland wetlands permit is required for wetland encroachments during water main replacement activities on Ox Bow Drive and Woodhaven Drive right of ways. Commissioner Dean seconded the motion. All were in favor, with none opposed, and the motion carried.

STAFF COMMENTS:

Chairman Thier rejoined the Commission's discussion.

Vice-chair Beauchamp inquired if there were any matters in the foreseeable future to come before the Commission.

John McCahill responded that he was not aware of any upcoming matters at the present time. The Commission had received a copy of the Short Calendar Results Automated Mailing (SCRAM) notice that Blue Fox Run Golf Course LLC et al, appellants, had withdrawn its

lawsuit related to the administrative appeal, on November 21, 2019; and it was granted by the presiding judge. Regarding 232 Avon Mountain Road, the property was visited on October 21, 2019, and Assistant Building Inspector Rich McKinnon was also present for the inspection. The trees were planted in accordance with the requirements of the Town. The Town has issued a partial reimbursement for the required plantings but still has the legal fees, as per the agreement.

Commissioner Usich inquired about the type of trees and if the trees were of an appropriate caliper size.

John McCahill responded that the trees were appropriate according to the agreement. Another inspection will take place upon request of the Building Department's issuance of a Certificate of Occupancy (CO).

Chairman Thier inquired about the Avon Village Center project.

John McCahill stated that Phase 1 is currently in progress. Whole Foods is in contract to be operational by the end of 2020. There will be four additional accompanying buildings in place along with Whole Foods at the time of its opening. The rotary will also be constructed as part of Phase 1.

APPROVAL OF MINUTES:

- Minutes, October 1, 2019 – Regular Meeting and Public Hearing: 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.

Vice-chair Beauchamp motioned to adjourn the meeting. Commissioner Feldman seconded the motion. All were in favor with none opposed.

There being no further business, the meeting adjourned at 7:34 p.m.

NEXT REGULARLY SCHEDULED MEETING:

The next regularly scheduled meeting is Tuesday, January 7, 2019.

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