

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING ON TUESDAY, May 3, 2022, AT 7:00 P.M., VIA GOTOMEETING: by web, <https://global.gotomeeting.com/join/352338141>; or by phone, United States: +1 (646) 749-3129, Access Code: [352338141#](#).

Present were Chair Michael Feldman, Vice-chair Michael Sacks; and Commissioners Michael Beauchamp, Robert Breckinridge, Gary Gianini, and CJ Hauss. Also present was Emily Kyle, Planning and Community Development Specialist/Wetlands Agent.

Chair Feldman called the meeting to order at 7:00 p.m. There is a quorum of 6 Commissioners.

I. PENDING APPLICATION:

**APPL. #777** – Orafol Americas Inc., Owner and Applicant; request for regulated activities within the 100 foot upland review area: construction of addition to existing building and related site work. Location: 120 and 140 Darling Drive, Parcels 2030120 and 2030140.

Present for the Applicant is Michael Arsenault, Managing Director of Orafol Americas Inc., Michael Cegan, Rachel Meier and Bill Weckman of Richter & Cegan Inc., Landscape Architects and Urban Designers, Eric Davison of Davison Environmental, Allen Lehrer and Dave Ziaks, Civil Engineer.

M. Cegan stated that this 21.6 acre site is located in the industrial park at 120 Darling Drive. Orafol has been in this location for 30 years and was previously known as Reflexite. He spoke about the existing building and existing conditions at the facility. The main entry is off of Darling Drive with a large parking lot to the west of the facility (the “West Parking Lot”). There is a secondary entrance off of Darling Drive at the northeast corner of the site that extends along the east side of the building, loops around the back side and connects with the West Parking Lot. The service drive is primarily for truck access and enters off of Darling Drive, just west of the West Parking Lot, and then curls around to the circulation area. The back or south half of the parcel, extending to the northwest corner all the way back around to Darling Drive is entirely wooded. A tributary of Nod Brook and a wetlands system is located within this wooded area. E. Davison will provide a detailed description of the wetlands and site vegetation which are in the area of the West Parking Lot where most of the proposed improvements and all of the activity in the upland review areas are located. The site plan shows the proposed improvements and modifications which include the expansion of the existing facility with an addition on the west side about 30,000 square feet, a smaller addition of about 1,650 square feet at the back of the south side of the building, and a new covered storage shed adjacent to the existing loading docks at the back corner of the service area which is about 1,200 square feet. The expanded building footprints with the exception of the proposed storage shed are located within the existing parking lot areas. The new proposed parking lot circulation and landscaping will be designed in a way that they are entirely within previously disturbed areas and include a new main entry drop off, parking, walkway and landscaping in front of the building, and service, delivery area and circulation drives behind the west building addition. M. Cegan continued with the Grading Plan which shows minimal earthwork on the project especially in the upland review area since most of the work is in the relatively flat, existing parking lot, and most of this work is just a slight

manipulation of grades to ensure positive drainage around the proposed addition. The site plan shows proposed landscaping at the front of the building including new trees and scrubs. The site vegetation and landscaping to the south or behind the proposed addition along the edge of the existing parking lot will be preserved and the wooded areas will remain undisturbed. The total regulated area is 0.702 acres and there will be no activity that occurs directly in the wetlands or watercourses - all regulated activities are in the upland review area and there is no new disturbance. The regulated activities include portions of the proposed additions, a portion of the small addition behind the facility, and a corner of the proposed addition to the west - the larger 30,000 square foot addition. It also includes a service drive around the back of the addition. The proposed activity in the regulated area has been significantly reduced from activity that was previously approved in the 2012 plan, which was included in the Application. These changes are because previous parking regulations required Orafol to build a significant amount of unnecessary parking. These parking regulations were recently modified which allowed Orafol to build this addition in the existing parking lot with minor additional impervious material. The parking regulations at the time were not geared to manufacturing facilities heavy on equipment but light on the labor required. Chair Feldman asked about the reserved parking area towards the back of the property shown on the 2012 plan and whether all of it was actually built. M. Cegan replied that it was not though it was fully designed and engineered, the impacts were evaluated, and it was approved by the IWC. Orafol will still have more parking than is required based on the revised parking regulations and the amount of staff.

D. Ziaks is a professional engineer with F.A. Hesketh & Associates, Inc. in East Granby and has been working with Richter & Cegan Inc. on the drainage changes and utility plan and erosion and sedimentation control plans. He said that the site is a tributary to Nod Brook which is north of this site. Along the southerly portion of the site is the wetlands area. There is an unnamed watercourse that flows through the wetlands towards Darling Drive to the north and then crosses under Darling Drive and connects with Nod Brook. So this is a small site relative to the overall Nod Brook watershed. In 2012, changes were made to the drainage plan – large water quality treatment structures were installed along the southerly portions of the parking areas. These are two discharge points on the southwest corner of the parking lot. There is a discharge point down to the watercourse and in the northwest corner of the parking lot, near the driveway connection with Darling Drive, is another smaller discharge point to the watercourse. He is not proposing any work or changes to those discharge points – all of the work takes place within the system that is inside the current parking lot. He did a comprehensive review of the discharge system on the site to make sure that peak flow was maintained and he tried to reduce it further. The other goal was to introduce some LID features into the stormwater system by installing some underground infiltrator systems that will capture 1” of runoff off the roof from the new addition and infiltrate and store that. 1” rainfall events are about 80% of all rainfall events. Most of that rainfall will be captured and infiltrated by that system into fill on the property and will not make it to the watercourse - it will be a big improvement over what currently exists there. There is no LID now other than the landscaping in the parking lot. Chair Feldman asked about LID and D. Ziaks replied that it is low impact design – an attempt to reduce the amount of flow that comes off a property through various techniques like building an infiltrator pond or an infiltrator system. It tries to contain the volume of flow on the property before a discharge. Currently everything here is sheet flow to the existing drainage system and then into the watercourse by intercepting the runoff from the roof. For those storms of 1” or smaller, the site will achieve that

goal by capturing quantity of flow on the site and retaining it there. Those are the goals of new drainage designs. As far as utilities go, they are adding a new fire line from the public water system to the new addition for the purposes of dealing with the sprinkler system in the building. There are very few changes to the overall utility system coming into the property currently. Finally, the erosion and sedimentation control plan is a typical erosion control plan and we will have all the barrier, silt fence and hay bale systems around the perimeter of the work area to be sure that nothing escapes off the work surface into the surrounding woodland and wetland areas. He is proposing silt sacks and all the existing catch basins will remain active to capture any sediment. There will be a construction entrance at Darling Drive so that once they remove some of the asphalt and start rebuilding the front entrance area, they will put a stone pad construction entrance at that location so that the trucks do not track sediment onto Darling Drive. This is all consistent with guidelines from the Town's regulations and DEEP. This is an easy construction in that we are working on areas that have already been disturbed and there will actually be very little grading – just changes that are necessary to slope the parking lot to a new catch basin.

E. Davison began by stating that the original wetland delineation work was done by Michael Klein in 2012. Last year he had the surveyor relocate or reset the flags in the field, which E. Davison field reviewed on July 21, 2021. The delineation is essentially the same as what was presented in 2012. Outside the developed areas of the site, the site is forested with relatively flat topography, especially in the wetlands, and then there are some steeper slopes on the east side. The dominant vegetation for this site is forested, either upland forest when you are outside of the wetlands or forest wetlands for the interior of the wetlands. There is a perennial unnamed stream that flows through the site which is a tributary of Nod Brook that flows south and west through the property. As the stream turns and wraps around where the parking area is now, the stream becomes fairly defined and as it wraps around the south side of the parking area toward the northwest corner of the property, the wetland widens out again. There is an existing culvert crossing. The wetland is forested, a mixture of deciduous and coniferous forest, as is typical for the region. The hydrology ranges from saturated to seasonally flooded. Most of the wetland is saturated which means that for most of the growing season, the water table is right at the wetland surface. The vegetation in the wetlands is typical for this part of Connecticut. The tree canopies are red maple dominated, the shrub layers are dominated by spice bush and high bush blueberry, and the herbaceous layer is dominated by skunk cabbage and various ferns like cinnamon fern and royal fern. There is some white pine in the tree canopy in the wetlands as well, mostly just carryover seeding from the upland areas because it is not typically a wetland species. The principal functions of the wetlands are flood flow alteration because it is a headwater system that feeds down to the lower reaches of a much larger watershed. He also identified shoreline stabilization which means you have a stream flowing through a wetland area and that wetland helps stabilize the hydrology of that stream. He identified some wildlife related habitats, basically wetland wildlife habitat and then production export which is a function of biomass being exported from headwater wetlands. In terms of evaluating the impacts of the project on wetlands and watercourses, he feels that this is a straightforward project that is not going to have any adverse impacts on the wetlands, the primary reason being that essentially all the activity is to occur on areas that are already developed and impervious, or have been graded and filled. There is no clearing or impact on native vegetation to construct the addition. There is no direct impact on wetlands or watercourses, just some relatively minor upland review area activity mostly in paved areas. The grades are shallow and flat and the activity areas are well defined and

not occurring on steep slopes where you would have a lot of grubbing and grading. So the sediment discharge during construction is low risk. There is no impact to flow patterns, surface floor groundwater flow patterns, or the existing hydrology of the upland sites and how that water feeds down to the wetlands. The addition of the infiltrators will be helpful in that it will reduce surface runoff and increase groundwater discharge to the wetlands. It is always a better way to get runoff from development back into a wetland and watercourse through the ground as opposed to over the surface. It is a minor change to the flow patterns and hydrology but a positive change in the sense that it will increase the infiltration.

R. Breckinridge asked if the parking lot lighting will be changed at all and is it downward reflecting. M. Cegan answered yes – the parking lot lighting will use similar fixtures to what is there now with minor changes and it would all be night sky compliant (downward fixtures) around the parking lot area. R. Breckinridge asked how they are handling snow removal given how tight the parking is with this change. M. Cegan said that there is adequate areas around the perimeters where snow can be piled. R. Breckinridge asked if it was possible to plow away from the wetlands. M. Cegan answered that they were not that close to the wetlands in several areas and the snow can be piled up in the corner by the proposed storage shed. R. Breckinridge said that the area of concern would be in the service area. M. Cegan answered that because there is not a lot of parking lot area in the back that the snow will be pushed through to the other corners of the site. He does not see much piling in the back area.

M. Beauchamp asked E. Kyle for an overview of the project. E. Kyle believes that this is a tremendous improvement from what has previously been approved here where there were direct wetland impacts with a huge increase of surface area of impervious area. Meeting a business's needs for extra space to continue the growth of their company while also not creating an additional disturbance to the surrounding wetlands is a creative and important way to design this. She thinks the snow removal question is a good one and that may be something we could have a condition on to ensure that it is not problematic. But she believes that the Applicant made good use of the site and what is already existing and there is minimal trauma to the system.

Vice Chair Sacks asked if the transformation of the space from use as a parking lot to a large building will affect animal life in any way. E. Davison replied that in terms of heat or thermal impacts, he thinks you probably have a reduction in the temperature of the runoff from a parking lot – this runoff would likely be heated to higher degree than it would from a building. He does not believe that the building would reflect in a way that would increase reflective light or temperature into the forest any more than the parking lot would. In terms of movement, animals migrating through this system are going to stay close to the wetlands and forested area and for most wildlife, a parking lot is an insurmountable or avoidable habitat just like a building is. Most wildlife would avoid a parking lot because they are so open and exposed.

C. Hauss and G. Gianini had no questions. Chair Feldman asked for clarification whether the proposed addition is going to go where the existing parking lot is now. M. Cegan said that was correct. Chair Feldman asked if because there is a tremendous amount of excess parking, there will not be any need to create additional parking to offset the loss. M. Cegan said that was correct. Chair Feldman asked to confirm that the footprint of the improved, developed area of buildings and pavement was not being increased. M. Cegan confirmed this and said that the

backside of the proposal where it says service delivery area is at the back side of the existing parking lot now so they will not be any closer to the wetlands. Chair Feldman noted the regulated activity summary indicating that in the upland review area there is 29,000 square feet, the building is 5,700 square feet, and the impervious circulation is 19,816 square feet which he assumes is the paved parking area that will remain. M. Cegan said that was correct. Chair Feldman asked if there were opportunities for further enhancements here such as using some permeable surface materials instead of impermeable surfaces in the parking lot or perhaps having rain gardens off the parking lot that would allow for drainage into a natural rain garden with native plants would absorb the runoff rather than have it go directly into the wetland area. M. Cegan said there was an existing rain garden by Darling Drive. D. Ziaks said that there is a rain garden feature located in the northwest corner near the driveway and on the northeast corner at the other driveway is not a rain garden but an open water quality pond. The open water pond acts as a retention basin for that section of the site. One of the reasons why they introduced the infiltrator system is because for the roof water the infiltrator system is essentially the same type of device as a rain garden – it is containing the volume of flow from the site and in this case rather than discharging it to a surface rain garden, it is discharging it into an underground infiltrator system. As far as introducing additional rain gardens here, there is not a lot of opportunity because there is not substantial island areas available in the very limited parking that goes around the outside of the building. Chair Feldman asked about the use of pervious surface materials in lieu of some of the asphalt. D. Ziaks replied that since the asphalt is limited here, he is not sure how effective any of that would be. M. Cegan said taking the clean roof water and putting in infiltrators would go a long way to what pervious pavers would do. Chair Feldman asked if there would be any changes or improvements to the left side of the site plan with the exception of an outbuilding. M. Cegan said this was correct – it would all remain undisturbed.

Chair Feldman confirmed that there were no further questions from the Commissioners and no further presentation from the Applicant. Chair Feldman asked about the issue of snow removal and if there was a proposal to make to address that as a condition. M. Cegan indicated that he could work with staff as a condition of approval to earmark some spots for snow storage that is acceptable to Town staff. E. Kyle agreed that would work. She did not have anything in the conditions outside of the standard conditions provided for each application.

Chair Feldman asked if there was a motion to approve Application #777 with the standard conditions plus a condition that the Applicant work with staff to develop a snow removal procedure. Vice Chair Sacks made a Motion. R. Breckinridge seconded. The Motion passed unanimously.

II. COMMUNICATIONS FROM THE PUBLIC: None.

III. STAFF AND COMMISSIONER COMMENTS:

Chair Feldman asked to discuss the minutes. He feels that they are more detailed than they need to be, especially the ones related to the training session where no IWC business was conducted and no applications were acted on. R. Breckinridge asked if our Town attorney can advise us on this. Chair Feldman indicated that he had experience with non-profit and corporate minute taking and the general rule is that it is supposed to be a record of action taken at the meeting –

identifying who is present, what the Agenda is, what motions were made, maybe a brief section on that discussion, and then a vote and a record of who voted in what manner. E. Kyle said that statutorily detailed, transcriptional minutes are not required. Other Town of Avon Boards also have minutes similar to transcripts – this has historically been the case in Town. Vice Chair Sacks found the minutes of the training sessions to be helpful. C. Hauss agreed.

The Commissioners discussed the two training sessions by Town Attorney, Kari Olson, held on March 23 and April 26, 2022. C. Hauss felt that the questions by the Commissioners could have been the most illustrative part though many could not be answered because answers are on a case by case basis. Chair Feldman said that the presentation was helpful to sensitize the IWC to a lot of the issues that are faced regularly. C. Hauss asked whether an application would come to the IWC if there truly was not a way to build on a particular lot. R. Breckinridge answered that most applications concern building lots approved years ago. He continued that the IWC was now seeing the tougher lots to build on because there are not that many lots left in Town. Vice Chair Sacks pointed out the DEEP regulations that talk about property reevaluation where an owner of property with wetlands or watercourses who may be denied approval may be entitled to a reevaluation of property to reflect the fair market value in light of the restrictions placed upon it. He feels that the State is expecting some denials of wetlands applications. R. Breckinridge confirmed that the IWC has denied applications in the past. He also said that if you have done research on an issue, you can use your information to indirectly ask the applicant questions. M. Beauchamp thinks that new Commissioners will get a better sense of the process after a few more applications. Chair Feldman agreed and said that it is good that recently we have had a variety of applications. Vice Chair Sacks read that it is very important that if you do not believe an expert's testimony, that you should say this during the meeting and you should say why so the expert can respond. Vice Chair Sacks said that he thinks there are changes to our regulations that should be made and asked how to go about making those changes. Some examples are fines for violations, changing the upland review area, or retaining or employing consultants for assistance. He would like to talk about the mechanism for considering, researching and implementing these changes. R. Breckinridge said that each Commissioner may not agree with changes so possibly Vice Chair Sacks could present his proposals at a future meeting for discussion by the IWC. Chair Feldman said that there limitations on changing regulations because it has to be within the scope of the statute and approved by DEEP. E. Kyle suggested that at some point the IWC can propose the topics of modification and she would do research including looking into what is done in other towns, communicating with DEEP to make sure we are consistent with model regulations, drafting proposed changes, and scheduling a public hearing on the proposed changes. E. Kyle continued that a fee ordinance would be handled separately because this would involve the Town Council. E. Kyle is familiar with Towns that have fines for both zoning violations and wetland violations but they are used more with zoning enforcement than wetland enforcement. E. Kyle is expecting a large agenda at the IWC June meeting so it may be hard to talk about regulation changes at that meeting. Vice Chair Sacks asked how long we would have virtual meetings. E. Kyle answered that on April 28 the CT legislature and the Governor signed off on the bill to allow towns to have virtual meetings with no expiration date on that. Chair Feldman asked if you begin an application and a Commissioner is absent, can they attend and participate in a continued session without having participated in the beginning part of the presentation. E. Kyle answered that a Commissioner could participate if they made a statement that they have reviewed all meeting materials including the recording or minutes so they are up

to date with the application. She continued that it is a requirement to familiarize yourself with everything that was discussed during the previous meeting in order to participate in the next meeting.

IV. APPROVAL OF MINUTES:

Chair Feldman asked if there was a motion to approve the minutes of March 23, 2022. C. Hauss made a motion to approve the minutes. R. Breckinridge seconded the motion. The minutes were approved by a vote of 5-1 with Chair Feldman abstaining.

V. NEXT REGULARLY SCHEDULED MEETING:

The next regularly scheduled meeting is Tuesday, June 7, 2022.

M. Beauchamp made a motion to adjourn. Vice Chair Sacks voted to second the motion. The motion passed unanimously.

There being no further business, the meeting adjourned at 8:35 p.m.

Janet Stokesbury, Clerk  
Inland Wetlands Commission  
Town of Avon Department of Planning and Community Development