

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A MEETING
ON TUESDAY, APRIL 3, 2018.

Present were Clifford Thier, Chair; Michael Beauchamp, Vice Chair; Commissioners: Bob Breckinridge, Martha Dean, Jed Usich, and Michael Feldman. Also present were John McCahill, Planning and Community Development Specialist/Wetlands Agent and Christine Campasano, IWC Clerk. Commissioner Dean Applefield was absent.

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

No communication items from the public were received.

NEW APPLICATION:

APPL. #755 – Avon Dreamer, LLC, owner/applicant: Requests activities within the wetlands and within the 100' upland review area: 1) Fill in wetlands for proposed driveway, culvert and utilities 2) Temporary disturbance in wetlands for sanitary sewer installation 3) Remove scrub growth and minor grading in upland review area 4) Remove invasive species in upland review area 5) Remove invasive species within and immediately adjacent to wetlands and implement an enhancement program (to include a foot trail, short boardwalk and construction of a small dock). Location: 230 Old Farms Road, Parcel 3360230.

Those in attendance on behalf of the applicant were David Whitney, P.E., George T. Logan, registered soil scientist and Hutch Haines, principal of Avon Dreamer, LLC.

David Whitney, P.E, started the presentation by describing the plan sheets he prepared for this IWC application. He noted Sheet 1 is the overall map of the site and shows the entire property; the total area of the parcel is 35.9 acres. The property has with frontage along Old Farms Road; there is a large pond and the Avon Self Storage complex to the north; Sconsett Point is to the south and the easterly property line is the Farmington River.

The area of activity for this application is in the front portion of the site which is approximately 3.0 - 3.5 acres. The wetlands were originally delineated in 2007 and located by a surveyor. These are the same wetlands which were presented in previous applications.

Mr. Whitney noted there are three (3) areas of wetlands. The first is the area closest to Old Farms Road where the old canal was. The second is a linear band of wetlands with a little wetland finger and this area flows slowly to a watercourse off the property and onto the Sconsett Point property. The third area of wetlands is easterly near the pond. Mr. Whitney noted Mr. Logan will describe these wetlands and what is proposed for each location.

Mr. Whitney then described Sheet 2 as the site plan with a scale of 1"=40'; this is an enlargement of the front portion of the site where most of the activities will be taking place. Essentially, the applicant would like to construct a driveway extending off the end of Sconsett Point down to a relatively flat area where he would like to have the ability to build a home. The proposed house, garage and pool are preliminary locations.

Mr. Whitney stated the applicant would like to be granted permission to do some clearing, grading and removal of invasive species to establish a building envelope inside of which a home and garage eventually can be built. The driveway coming down from Sconsett Point would cross a narrow band of wetlands (Wetlands A) where they would install an 18" culvert and place fill. The proposed direct wetlands impact is 1,326 sf. In addition, three (3) utility lines would come up - the water line, a gas line and sewer force main. Tim Foster, Sewer Superintendent, would like them to connect into the existing manhole; so the sewer force main would cross through the old canal bed (Wetland B). This would be a 210 sf wetland impact which is a temporary disturbance of the wetlands.

All other activities are within the 100' URA; the entire site is regulated. Referencing the site walk map, Mr. Whitney stated the olive brown area is approximately 1.8 acres and they are proposing to remove the scrub growth and perform some minor grading in this area. Mr. Whitney explained this is a historically disturbed property. The history of this site is that many, many years ago materials were excavated from the site, ponds were created and materials were brought back to site. The green area depicts a separate proposed activity where the applicant proposes to remove invasive species in approximately .9 acres. The black outlined area is the third requested activity, the wetland enhancement area, which includes the delineated wetlands plus 15' outside of it on all sides for a total of 1.04 acres. Mr. Whitney pointed out that Mr. Logan will further explain these activities.

Mr. Whitney explained that the third sheet is essentially an enlargement of the area where the house, driveway and utilities will be built. This is called the detailed site plan and it would be submitted when the applicant is applying for the building permit. It is a larger view of the proposed activities.

Mr. Whitney turned the presentation over to George Logan to discuss his findings and to define the activities and impacts. George Logan introduced himself as a professional wetlands scientist, certified senior ecologist and registered soil scientist with REMA Ecological Services, LLC.

Mr. Logan clarified he reviewed the most recent plan set provided dated March 14, 2018 by Mr. Whitney. Mr. Logan confirmed the wetlands have not substantially changed since 2007, when the original delineation was conducted. He went to the site on January 15, 2018 and the photos provided were taken then. He focused mostly on the wetlands that surrounded the area of activity and he did not make his way down to the bottom of Wetlands C. Mr. Logan stated that he has been familiar with these wetlands for a number of years due to prior applications.

He stated these wetlands are disturbed in nature. The canal was even disturbed; it was man-made in the 1960-70s and when the property was mined for gravel. Mr. Logan referenced Figure 1 of his report a circa 1981-1982 USGS map. The sand and gravels were taken out and that activity went all the way to the canal; and in process of doing that Wetlands B and C were created. There are three (3) wetland areas associated with the study area, each associated with a specific topographical terrace. Wetland B is the upper terrace and it is the least disturbed; Wetland A is the middle terrace and Wetland C is the lower terrace, which discharges into the man-made pond. Mr. Logan spoke of the issues with the invasive species in the wetlands particularly the bittersweet.

Mr. Logan discussed the direct impacts on the wetlands. The wetland in the old canal is probably the most functioning. It is a man-made canal that was constructed to hold water, and the way that was accomplished was by using clay. Mr. Logan stated that when they are laying the sewer line, precautions need to be made in order not to alter the hydrology of the wetlands. Clay soils should be placed back in the channel and a hydraulic stop should be added, if needed.

Mr. Logan mentioned that Mr. McCahill noted (in his memorandum dated March 27, 2018, #14) that they should attempt to shorten the proposed 18" culvert under the proposed driveway. Mr. Logan does not feel this is a substantial crossing. Wetlands A is a transitional wetlands with no vegetation; it is not a high functioning wetland. He believes it is a minimal impact to a low-functioning disturbed wetland. The second impact is temporary in nature and it includes the sewer connection. Mr. Logan noted he suggested in his report that a summer connection would be preferable since this wetland is inundated/saturated during the early portion of the growing season.

Mr. Logan explored what they are doing in respect to vegetative management in the uplands and wetlands. The brownish/reddish area referenced is the area that they will be removing the vegetation and all the invasive growth, and they will do some smoothing of the area by taking out the boulders which were left there as they were not commercially viable. Mr. Logan explained that the idea is to provide a standard warm all season grass mix to vegetate that area. He mentioned perhaps the most interesting of what they are proposing are the activities at the bottom terrace (Wetland C).

Mr. Logan described that they will be addressing this area in two (2) stages. First, in the upland review area they will leave a buffer to the wetlands area of about 15' and get rid of the invasives in the wetlands. The second stage would be to go within that buffer and just take the invasives out. He stated that they have not proposed to plant anything back in there as after you take out the invasives, you will have encouraged the natives to grow and spread. Mr. Logan further explained the process of removing the invasives which he will detail in the management plan he submits. He would like to see this area in season prior to putting a restoration and enhancement plan together.

In his opinion, this a good plan where short term and long term impacts are significantly minimized. In addition, they are not adversely effecting the hydrology of the wetlands or the quality of the wetlands, and they will adhere to the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control during construction. Mr. Logan finished his presentation and turned the presentation back over to David Whitney.

Mr. Whitney provided some historical background of the property. He stated in that 2008, Avon Self Storage had an approval to expand and part of the approval of the previous application for the remaining land was very similar what is proposed now. The previous application included some minor grading and removal of scrub growth and that was approved by this commission in 2008, so there is some historical precedent in what they are proposing to do.

Mr. Whitney described previous plans for this property that had more impact on the wetlands than what is now proposed. The applicant had presented some previous plans and this is in the category of feasible and prudent alternative to extending Sconsett Point to the site. If the previous plan was implemented, the wetlands would need to be crossed in three (3) places to

connect to the stub that exists to Avon Self Storage. Mr. Whitney mentioned that previously Steve Kushner, the prior Town Planner, wanted the stub to remain so that the owners of Sconsett Point would know the stub may go through some day. The previous plan called for seven (7) dwelling units similar to Sconsett Point, which would have greater impact. This application would preclude that this will not occur.

Mr. Whitney pointed out that the Sconsett Point development was a successful project with fourteen (14) homes built and it is a good example of how the land can be developed. The applicant is instead proposing a single family home on this site.

Mr. Whitney referenced John McCahill's memorandum dated March 27, 2017 stating that the comments 1, 4, 5 and 15 were informational comments; items 2, 6, 7, 8, 10, 12 and first half of 14 are engineering items that he will address in his revised plan set; items 3 and 9 are items the applicant needs to consider; items 11, 13 and second part of 14 are items for George Logan to address.

Mr. Whitney asked the Commission if they would like him to address these items now or wait until the next meeting since they did not anticipate a decision to be made tonight. Chairman Thier directed him to wait and review those items at the next meeting, and allow the Commission to consider and process the information they received at tonight's meeting.

In response to John McCahill's memo, comment #14, where he asks if the amount of fill can be reduced in the wetlands where they are crossing the driveway; 5' of fill is required – it is a 10' driveway with 5' shoulders, and a 3:1 slope down; the 50' culvert allows for the water to flow from one side to the other; not a fast flow but with a gentle pitch; it gradually flows to the south in a culvert which is needed under the driveway in order to prevent any damming up of the water.

Mr. Whitney calculated about 130 cubic yards of fill is needed and stated he will look at Mr. McCahill's suggestion in regards to reducing the amount of fill. Mr. Whitney will also incorporate a detail for hydraulic water stops in the trench as Mr. Logan suggested.

Mr. Whitney referenced comment #5 of Mr. McCahill's memorandum regarding the requirement of a special exception application to Planning & Zoning Commission going forward for activities in floodplain. He explained both Sconsett Point and Avon Self Storage required similar approvals. Essentially, what will be required will be to balance the cuts and fills or have a net cut, they cannot do anything on the site which will reduce the storage capacity of the wetlands. The proposed grading is not necessarily a balance of the cuts and fills since they will need a detailed house plan before they can do that.

Mr. Whitney concluded his presentation and asked if there were any questions from the Commission.

Commissioner Feldman asked how the area immediately to the south of the property would be described. Mr. Whitney replied that it is virtually the same, some scrub growth with irregular topography. Mr. Logan added that the Commission should reference Figure 2 in his report, which shows an upland meadow similar to where the proposed house would be and photo #2, a mosaic of shrubs and open area. Mr. Whitney also mentioned there was an area of wetlands

which drain into an intermittent watercourse towards the pond and the wetlands continue to Sconsett Point. There are some wetlands to the south, as shown on the plan, and the old canal continues southerly through the entire Sconsett Point property.

Mr. McCahill pointed out there is approximately 200' feet from the proposed home to the beginning of the homes on Sconsett Point. Mr. Whitney added that Sconsett Point has building envelopes by private restriction similar to what there is on this property.

Mr. Feldman mentioned he did try to walk the site and it was difficult due to some steep topography coming down from the road. He wanted to know how this will effect the drainage and where the runoff will end up. Mr. Whitney answered when they are all done there should be no change in hydrology. The culvert under the driveway is for the water to continue to flow slowly south as it does now. He further explained that at Sconsett Point, there are two (2) driveways (Whalers Walk and Will's Way). The proposed driveway will look like those but narrower because it is relatively steep coming down. Five (5) feet of fill is needed in the wetlands to allow the driveway to come down at a reasonable grade, which is 10%.

Mr. Feldman then asked if this application is approved will there be no further development. Mr. Whitney responded that there is a potential for an additional home on the northerly portion of the site. Mr. Feldman questioned if the entire parcel was owned by the same owner to which Mr. Whitney replied yes.

Commissioner Dean asked if the grading and clearing was to create a lawn area. Mr. Haines replied that the area is a mess from the previous quarry operations with piles of debris. The surrounding area will be a meadow and around the house will be a landscaped lawn. Ms. Dean asked if there was anything preventing Mr. Haines from having that area as all lawn. Mr. Haines responded there was not; he was not restricted. Ms. Dean then asked after all of the invasives species are removed what is left. Mr. Logan referenced photo #6 depicting this area which showed saplings, trees, meadow and marsh. Mr. Logan explained that after taking out the invasives the good stuff, the natives, will spread out in that area. He suggested they could also utilize a special seed mix. He noted he would like to look at this area during the growing season. John McCahill noted that they had a similar favorable experiences on the Avon Self Storage property in which they did this.

Ms. Dean then questioned if the applicant would need to come back to the Commission if there were any further wetland impacts. Mr. Whitney replied that they would.

Commissioner Breckinridge asked if the Farmington River ran to the east of the pond on the property. Mr. Haines confirmed that it was the Farmington River. Mr. Whitney stated the 100 year flood line is at a 167 elevation and the 500 year flood line is at a 173 elevation. Mr. Whitney mentioned in Avon, the garage and first floor of the home must be above the 500 year flood line.

Mr. Breckinridge asked if another home could be built on this parcel. Mr. Whitney stated yes, if they raised up the site and balanced the cuts and fills they could create another building pad. Mr. Breckinridge then directed his question to Mr. Logan. He asked if he had any concerns with pesticides being used on the lawn leading into the pond, various watercourses and the Farmington River.

Mr. Logan stated there are always concerns but if the nutrients applied to the lawn are done correctly, there is very little impact. He expanded by stating that the basic thing is to be sure what is put back is good organic topsoil; it all has to do with proper practice.

Mr. Haines added that if you look in the back of the storage building you will see fields that they seeded.

Mr. Breckinridge asked if this was something that could be conditioned. Mr. McCahill said it could be a condition. Mr. Breckinridge also noted it was important to receive the Natural Diversity Database (NDDB) response for the site.

Mr. Logan replied that the CT DEEP is very far behind and it could be two (2) – three (3) months before an answer is received.

Commissioner Beauchamp commented that the application seemed liked it had a lot of moving parts. He asked if the main priority was to build the house. Mr. Haines explained step one would be to clean up the property. He stated the whole thing goes hand and hand. He will smooth out and get out rid of debris, boulders, and the invasive species. Once the property is cleaned up, they will create a building pad with the associated surroundings and see what type of home they will actually build.

Mr. Whitney added he should clarify that they are also showing a temporary access path from Avon Self Storage, which the applicant owns, so the driveway will not have to be built to get onto the property to perform some of the initial proposed activities.

Mr. Beauchamp asked if there were any alternatives to the driveway coming in from Sconsett Point. Mr. Haines said there are really no other alternatives.

Mr. McCahill commented that he and Hiram Peck met with the applicant at the property in January or February. They discussed how the applicant could approach getting an approval to clean the land and get to a point that would allow them to get a feel for where to place the home. Staff encouraged the applicant to come in with plans to show the full picture – clearing, grading, and a possible home site. Mr. McCahill said yes, clean-up is step one, but the applicant is also looking for some assurance that he can build a home there. Mr. Haines agreed with Mr. McCahill's statements and felt they were accurate.

Mr. Beauchamp inquired how one gets access to the property. Mr. Haines explained that there is actually an old dirt road you can go down and around and not have to drive through the wetlands. Mr. Whitney said there is an emergency fire access to get to the back side of Avon Self Storage. He added that a bobcat can get on to this property without crossing any wetlands. Mr. Haines said that there is no access without cutting through Avon Self Storage. It cannot be a permanent access point.

Commissioner Usich wanted clarification as to whether or not there will be a septic system. Mr. Whitney confirmed there is no septic. Mr. Usich asked if there will be a basement in the new home. Mr. Haines said there will be a partial basement with no utilities. Mr. Usich inquired about the flood zone. Mr. Whitney stated the property is in an AE zone, the flood elevation is established. The Town of Avon Zoning Regulations require the basement floor with utilities be

above the 100 year flood and they require living areas above the 500 year flood; the lowest the basement elevation can be is 169.

Mr. Usich noted there were established mow zone requirements in that area. He went on to say Mr. Haines cleaned up the property very nicely. Mr. Haines responded that he could seed the lower level areawith a meadow mix.

Mr. Beauchamp mentioned that, in the past, the Commission has seen applicants use barriers along the property edge to reduce further impact on the wetlands. He asked if there was any reason why that was not proposed for this project. Mr. Whitney said the applicant could consider that to avoid future encroachment.

The applicant and his professionals concluded their presentation. The applicant will return to the Commission in May.

OUTSTANDING APPLICATION:

APPL. #754 – PDP Financial LLC, Sterling Property Services LLC and Sunlight Construction, Inc., owners; Sunlight Construction Inc., applicant: Requests activities within the 100' upland review area: 1) Clear, grub and construct low-pressure sanitary within setback area 2) Clear, grub, grade and establish lawns within setback area 3) Clear, grub, grade, construct dwellings, driveways, utilities and establish lawns within setback area 4) Clear, grub, grade, construction of dwelling, driveway, utilities and establish lawn within the setback area associated with the normal water line of the water quality basin. Locations: 110 Bronson Road, Parcel 1490110, 125 Hollister Drive, Parcel 2770125 and 64 Stratford Crossing, Parcel 6470064.

Bill Ferrigno, Sunlight Construction, Inc. spoke on behalf of the application. He presented the revisions and modifications to the plans, based on the recommendations from the Commission and Town staff. He stated all the activities proposed are within the 100' upland review area and there are no activities within the wetlands. The property is situated north of Stratford Crossing which was approved four (4) years ago. He added the zoning part of this request is a nine (9) lot subdivision with eight (8) new lots, which includes a re-subdivision of the one existing lot at Stratford Crossing, which will make the configuration of the lot more desirable.

Mr. Ferrigno explained the original application requested three (3) activities now, now there are four (4) activities. The additional activity is associated with the setback for the water quality basin. At the previous IWC meeting, it was pointed out that this was, in fact, a regulated area so the application was modified to reflect that. Mr. Ferrigno went on to explain the additional activities requested. He stated one of the features of the subdivision is to construct a low pressure sewer main through and across to Hollister. By installing a second low pressure main in the same trench, they will be crossing over towards Hollister which will allow the Town to extend that low pressure main to the neighborhoods of Woodhaven and Oxbow. Mr. Ferrigno said it seemed like the right time to do since the two (2) pipes can go into the same trench. He pointed out that the area of impact is minimal since it is a narrow trench approximately 5' deep. The applicant took Mr. McCahill's advice and moved the trench to the west about 5' away of the wetlands.

Mr. Ferrigno noted the plans were modified and revised based on recommendations by Town staff and the Commission. These revisions and modifications were incorporated into the plans: 1)

the addition of proposed activity #4; 2) the force main was relocated 5' to the west; 3) demarcation feature and buffer plantings were added to discourage further activities into the wetlands; 4) slope designations (moderate, steep or critical) were identified on plan; 5) incorporation of Michael Klein's recommendations on the plans.

Mr. Ferrigno stated he did not have any objections to conditions recommended in John McCahill's memorandum dated March 23, 2018 which included a conservation restriction, a permanent demarcation feature and native buffer plantings, all work associated with the installation of the low pressure sanitary sewer within the regulated setback shall be completed in a timely manner, and strict adherence to a phasing plan

Mr. Usich commended the applicant for continuing the sewer system to the older neighborhoods.

Mr. Ferrigno concluded his presentation stating he addressed all comments from Town Staff and the Commission, and updated the plans in accordance. Engineering gave a favorable recommendation as well.

Mr. Breckinridge made the motion to approve **APPL #754** with the standard approval conditions, as well as the recommendations outlined by Mr. McCahill in his memorandum dated March 23, 2018.

Mr. Beauchamp seconded the motion.

Mr. Thier asked if there were any further comments.

Motion to vote. All were in favor. The motion passed unanimously.

APPROVAL OF MINUTES:

March 6, 2018

Minutes were tabled.

NEXT MEETING:

The next regularly scheduled meeting is May 1, 2018.

There being no further business, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Christine Campasano, Clerk
Inland Wetlands Commission