

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A MEETING ON TUESDAY, DECEMBER 5, 2017 AT THE AVON TOWN HALL.

Present were Clifford Thier, Chair, Michael Beauchamp, Vice Chair, Bob Breckinridge, Jed Usich, Dean Applefield, Michael Feldman, Martha Dean (arrived 7:10 pm). Also present was John McCahill, Planning and Community Development Specialist/Wetlands Agent.

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

NEW APPLICATION:

APPL. #753 –Town of Avon, owner; Brandon Robertson, Town Manager, applicant; Andrew and Amy Quinn, owners (5 Vermillion Drive); Laurinda J. Lee Revocable Trust, owner (50 Oak Bluff): Requests/activity within wetlands and within the 100' upland review area: 1) Installation of a dry hydrant in pond located along Oak Bluff for fire protection; 2) Removal of trees and construction of a turn-out area within the road right-of-way for fire apparatus. Location: Town of Avon right-of-way; 5 Vermillion Drive, Parcel 4420005; and 50 Oak Bluff, Parcel 3330050.

Larry Baril, Town Engineer; Michael Trick, Chief of the Town of Avon Volunteer Fire Department; James Dipace, Fire Marshal/Emergency Management Town of Avon, Joshua H. Wilson, Senior Ecologist/Risk Assessor, Fuss & O'Neill were present. Also present were residents of Oak Bluff and Vermillion Drive.

Larry Baril, Town Engineer, explained that Brandon Robertson, Town Manager, asked him during the past summer to investigate the feasibility of using Oak Bluff Pond as a source of water for fire protection purposes. The Engineering Department performed a bathymetric survey to determine the depth and volume of the pond, surveyed wetlands, and reviewed design alternatives.

Due to the volume of work involved in this project and the current workload of the Engineering staff, Mr. Robertson suggested the Town use a consultant to complete the wetlands application and prepare plans for the proposal. The Town contracted with Fuss & O'Neill which had their own in-house environmental staff, they did the design work and the environmental investigation. The result of their work is the submitted wetlands application and plans before the Commission.

Mr. Baril stated that the Oak Bluff Pond is not perfectly suitable for this use according to standards set forth by the NFIP which recommends a pond 1-2' deeper; however, after staff review and looking at both the pond's volume and depth, although not ideal, it is certainly suitable. The pond's volume is somewhere in the neighborhood of 950,000 gallons with approximately 600,000 gallons available in normal conditions for firefighting use. The design includes the installation of dry hydrant piping in the pond with a concrete support, a strainer at the end to pull the water in, and a 5' wide pull-out area (as NFIP standards suggest) for fire vehicles. The physical components of the plan are fairly simple from an engineering perspective. The location and length of the pipe is installed so it reaches the deepest part of the pond with the least amount of impact to the pond's bottom.

At this point Mr. Baril turned the presentation over to Chief Michael Trick, Town of Avon Volunteer Fire Department and resident of 48 Pine Tree Lane to discuss the need for this proposal.

Chief Trick stated this proposal stemmed from the recognized need for an additional water source at this end of Town after a fire at 35 Vermillion Drive in February of 2016. Homeowners in this area have, since the fire, approached the Town to discuss the possibility of the installation of a dry hydrant.

This pond was inaccessible as it was coming off a deep freeze when the Vermillion fire occurred. Chief Trick went on to explain the tactical approach the Fire Department used to supply water for the fire at 35 Vermillion Drive. Chief Trick believes the pond would be a very good supplemental source for water in this area. It would allow them to reduce their cycle times to refill their tankard trucks. The tankard trucks could be refilled at the pond instead of the fire hydrant near the Reggio Magnet School of the Arts (CREC School); if the fire were close enough firefighters could even lay firehose within roughly a 3,000 foot radius of the pond.

Chief Trick stated that from the standpoint of being a supplemental water source this proposal would be highly desirable with minimal impact on surrounding areas. He also added that water recharge rates are good and the pond would be recharged fairly quickly.

John McCahill, Planning Department, who has been involved in this process for some time, asked Chief Trick to confirm the proximity to the nearest public water source and speak to this proposal's ability to have far reaching effects on additional neighborhoods.

Chief Trick responded that the nearest hydrant is located near the CREC school. The CREC hydrant is the optimum hydrant with a staging area for tankard trucks and it is the last hydrant south on Waterville Road. There is also a hydrant on the corner of Route 10 and Route 44.

Chief Trick mentioned that this proposal will be far reaching by not only bringing supplemental water to this immediate neighborhood but other neighborhoods and surroundings areas on the mountain. He added that initial studies with the Avon Water Company showed the estimated cost of bringing a water line from Hunters Run, up Pine Tree Lane and across to Vermillion to be roughly \$1.5-1.8 million. The assessment needed to fund this water line was calculated to be approximately \$200K per property owner. This option was explored and reviewed at by Town; however, it was Chief Trick's opinion that the Town is not in the water business but in the sewer business.

The next presenter was Josh Wilson from Fuss & O'Neil, a professional wetland scientist and registered soil scientist. Mr. Wilson was asked to evaluate the wetlands on-site and provide an assessment of the ecological functions and values. He submitted a wetland delineation report dated November 8, 2017 which was included with the application. He went on to summarize his report.

Mr. Wilson visited the site to conduct the delineation. His focus on-site was primarily on the areas where direct impact would be and where the adjacent pull-out area was proposed. The wetlands are confined essentially to the pond itself. It is a man-made pond created in the 1970s in a small drainage way. It is fed by an intermittent stream and a significant amount of

groundwater recharge. Since it is a man-made pond, it offers some limited habitat but does not support a significant finfish habitat, maybe just small minnows. It does provide groundwater recharge, sediment storage and nutrient renovation. The pond is also aerated (by a fountain) which maintains the quality of water and improves the downstream output quality as well. The natural diversity database was reviewed and there were no listed species on-site or adjacent to the site and none were observed at the time of the inspection.

Mr. Wilson explained that in terms of impact, there would be a temporary impact from the water withdrawal from the pond for fire suppression. Since there is significant upland drainage and this pond is recharged from both groundwater and surface water, there would likely be no adverse effect to pond or wetlands adjacent to it.

Mr. Thier asked if there were any other presenters on behalf of this proposal. There were no further presentations.

Dean Applefield asked staff when a development is approved what are the requirements if any related to ensuring there is adequate fire protection service available.

Mr. McCahill directed the question to James (Jamie) DiPace, Fire Marshal. Mr. DiPace responded that when a developer comes in, be it for a subdivision or a commercial property, they are required by regulation to provide fire protection. The Fire Department provides them with a number of fire protection choices; such as running public water to the site, installing cisterns, installing fire sprinklers, etc. Mr. Dipace stated it really depends on how far away the public water system is.

Mr. McCahill pointed out that Mr. Dipace is speaking of the current regulations and not necessarily those that existed at the time these home were built in late 1960s, early 1970s. It is not clear if there were any regulations in place at that time. Mr. Dipace added that the Far Hills project off of Vermillion is the latest project built in around 2005. Sewers were run and installed and they installed a dry hydrant in a small pond south of Far Hills. Mr. Applefield stated that he was still somewhat unclear if there were any requirements for this area at the time these homes were built. Chief Trick agreed there were not.

Members of the audience, Dave Ingram, 15 Vermillion Drive and James Genco, 25 Vermillion Drive offered additional information stating their homes were built around 1979 and they did not have any provisions for fire protection.

Mr. Applefield clarified himself. He did not mean to question if the homeowners had fire protection provisions, but rather meant that when Planning & Zoning authorized the construction of new homes did they take into account if the Town had adequate fire protection services for those homes. Mr. Applefield further stated he was referencing building in an area where there was no public water supply, he was also not referencing insurance ratings.

Mr. Dipace stated that since 1995, for any subdivision that crossed his desk he has strongly recommended residential fire sprinklers in the homes. Residential fire sprinklers are going to save lives and property. This is stressed by the Fire Department, whether or not developers or owners install these sprinklers is another story. Some builders/contractors do not see the benefit of residential sprinklers.

Mr. Applefield stated he was just wondering if this issue was considered when the homes in this area were constructed, if options were considered.

Mr. Baril added that it was worth noting that he has been with the Town for ten (10) years and he has not experienced a subdivision application on the east side of Town that has required fire protection. However, newer subdivisions such as Parsons Way and Skyview have cisterns in place.

Mr. Applefield questioned if this proposal was described as a supplemental source of water, what would be the primary source? Chief Trick replied that the tankard truck strike team is the primary source – a reliable method of moving large volumes of water on wheels. Mr. Applefield further questioned if the CREC school hydrant area would be used. Chief Trick stated they would utilize their established system. He then went on to describe the regional fire efforts put forth in previous firefighting efforts. They would use the water in the pond if it were available, the CREC school hydrant and maybe the hydrant at on the other side of Route 44.

Mr. Applefield asked what magnitude the pond would contribute to firefighting efforts. Chief Trick stated there was 400,000 useable gallons at all times. Mr. Applefield asked Mr. Trick if the pond were available to fight the 35 Vermillion Drive fire would the outcome have been different. Chief Trick responded it would not have been a different outcome.

Mr. Applefield stated that they mentioned that the recharge rate was good and he wanted clarification on what it meant when they said that they did not look for finfish habitat. Mr. Wilson stated he looked at the functions and values. There was no evidence of a finfish habitat. The pond is not large and is a small contained pond. It likely contains very small fish such as minnows, tadpoles and other amphibians.

Mr. Applefield asked if the pond serves as a food source or in the ecological system actually providing food. Mr. Wilson said from a physical standpoint the groundwater is recharging the pond which provides a cool water system that helps feed downstream. There is a benefit of oxidation provided from the fountain. There is very limited aquatic wildlife and semi-aquatic wildlife; such as ducks and geese and other species which use the edge of the pond.

Mr. Applefield wanted to know if the pond were drained would the functions and values return, to which Mr. Wilson replied yes. There would be a short term dewatering. Mr. Trick added due to the design and strainer assembly, the pond would never be completely drained. Mr. Wilson confirmed that there would always be several feet of water in the pond – there would always be a “refuge pool” for any species using it.

Mr. Applefield questioned how quickly it would take the pond to recharge. Mr. Wilson stated he did not do calculations on the recharge rate. However, he believed it would be fairly quick. Mr. Wilson added that it would be in the days to months range not months to year range.

Chief Trick said he believed one (1) significant rain event would recharge the pond due to the significant watershed up on the mountain. Being a resident of that area he is familiar with its dynamics. Mr. Baril stated there was a fair amount of recharge beyond the normal watershed.

Mr. Baril also added that the pond has surface runoff by virtue of topography and a storm drainage outlet from road drainage so there is a fair amount of recharge beyond its normal

watershed.

Mr. Trick stated if this system was place it would not have helped in the Vermillion fire or changed its outcome. Mr. Dipace agreed and further added that during the fire encountered at Vermillion much of the damage was done prior to arrival. Mr. Dipace went on to stress – the damage was done. The fire was far in advance of a possible frontal attack, as Mr. Trick had previously stated.

Mr. Beauchamp said he had a chance to visit the site and he thought what they were doing made all the sense in the world. He went on to say he had no problem with using a wetland resource for fire safety. He applauded the Fire Department and stated that they were doing a great job.

Mr. Breckinridge had a quick question for Larry Baril, Town Engineer. He wanted to know if the pipe shown in red on the plans was sitting on a footing in the pond. Mr. Baril responded by referencing sheet 3 of the plan set showing the concrete anchor. He stated that the pipe is to be supported on the concrete block. He went on to explain that to install the block and pipe they would likely use a portable dam or cofferdam. He explained that sheeting is put in and walls are installed so only a portion of the pond is drained. Once the cofferdam is installed they will drain a portion of the pond, hand excavate down until solid ground is reached, lay 6” of gravel and then will set the precast concrete block. The concrete block serves two purposes, it anchors the pipe and does not allow it to float up. Once construction is complete and no leaks are found, then the temporary cofferdam can be removed and the pond can recharge. Due to the cofferdam usage, the maximum volume of the pond should still be there.

Mr. Breckinridge redirected his question to Mr. Wilson as to when he would recommend this construction should be done. Mr. Wilson replied he would recommend that the construction occur outside of the breeding period and in a relatively dry period.

John McCahill added the plans note that the pond can be drawn down no more than 12” per day. This control is in place to help drain the pond at a lower rate in order for the habitat to have a chance to adapt.

Mr. Breckinridge noted this was good since he was concerned about possible egg masses. He then inquired how deep the pond was. Mr. Baril answered that the pond was approximately 6’ deep.

Mr. Wilson added he believed that limiting work in the winter months or after June would make the most sense. Mr. Breckinridge asked if this is this could be stipulated and Mr. Thier replied it could once a motion was made.

Mr. Usich stated he thought this a very important project and that it is a great plan. The Town should install more of these in unprotected parts of the Town.

Ms. Dean questioned if this was a standard approach by the Town. It sounded to her like the Town was creating a standard approach. Mr. Dipace interjected and said it all depends on what resources are available in the area. Public water and fire hydrants would be the first approach.

Ms. Dean inquired if other ponds have been used for this purpose. Mr. Dipace stated yes, Ely

Pond but it failed. The Town is leaning toward cisterns, fire sprinklers, etc. There were also dry hydrants at Huckleberry Hill at Countryside Park, but they were eliminated. There is also a dry hydrant one located at Fisher Meadows, which is seasonal and it was out of service for most of the dry season.

Ms. Dean questioned the use of other alternatives such as water from the Farmington River, water tanks and adding water lines. Mr. Dipace and Chief Trick spoke to this, and other alternatives, and locations of water tanks. Chief Trick went on to explain the timeline and responses to the Vermillion fire and their firefighting efforts.

Ms. Dean asked if the cause of the fire was arson. Chief Trick responded that the cause of the fire was still undetermined.

Mr. Applefield stated he did not have the actual IWC application in front of him; however the Town is the applicant and there are two (2) or three (3) property owners involved in this project. He questioned if it was clear that these property owners consented to the use of their properties in this way and if so how was that manifested.

Mr. McCahill clarified there are actually two (2) properties involved in the application, 5 Vermillion and 50 Oak Bluff. Mr. McCahill explained that Hiram Peck, the Town Planner was tasked with contacting the property owners. Mr. McCahill mentioned that there are agreements the Town will have to implement if approval is granted to do the construction and have the dry hydrant installed on the properties. The Oak Bluff property is currently held in a trust. Mr. McCahill read Mr. Peck's email dated November 20, 2017 into the record substantiating the authorization from the two (2) property owners.

Mr. Applefield questioned if the Town will be requiring easements over those properties. Mr. McCahill responded yes, the Town will have construction documents and easements in place. Mr. McCahill said granting the permit would allow the Town to move forward with easements and documentation to do the work. The Town needs to secure the permit first and then they will pursue easements and legal documentation.

Mr. Applefield wished the Town had received a written commitment from the property owners for the easements prior to the application.

Mr. Thier asked for additional questions from the audience.

Paul Mozzicato, 33 Oak Bluff Drive, directly across from 50 Oak Bluff, stated that two years ago there was a catastrophic fire which identified a public safety issue. He appreciates the Commission and their efforts but he believed there should be no question or debate about whether or not this is needed. He went on to say that even if this proposal could save one life it should not matter if the pond was drawn down to zero killing, everything in it, it still should be done.

Mr. Thier interrupted and redirected Mr. Mozzicato stating this Commission was not making that decision, it is the Town. The Town already believes this is a wise decision. Mr. Thier stated the intent of the Inland Wetlands Commission was to evaluate what damage, if any, would be done to the wetlands, and if there were any feasible alternatives.

Mr. Mozzicato described his level of frustration. He was not sure why this was not a seamless process – “a non-red tape procedural effort” to take care of public safety. He was uncertain what the debate was about.

Mr. Thier pointed out that the purpose of the last hour was to gather information from the professionals involved in order for the Commission to make an educated decision. Mr. Thier told Mr. Mozzicato if he was not speaking to the danger to the wetlands then he was done.

James Genco and Brian Harvey, who spearheaded the dry hydrant proposal effort, spoke. They also were not speaking to any dangers or ramifications to the wetlands. They stated concerns were raised when the 35 Vermillion Drive fire occurred and they felt strongly the dry hydrant would make a significant impact to protecting the neighborhood with the minimum amount of risk.

Mr. Thier stressed once again the Town has made the decision to go ahead with this project, what the Commission is concerned with is the project’s impact on the wetlands.

Mr. McCahill reiterated what was written in his memo received by the Commission dated November 28, 2017. Mr. McCahill explained he has been involved with the project since it started more than one year ago when staff was challenged to facilitate this application. Mr. McCahill worked very closely with Larry Baril, Town Engineer who was tasked to put the plans together and with Fuss & O’Neill. The plans have been revised to address the issues he thought the Commission would be concerned with. Mr. McCahill said he was confident his comments and concerns were addressed satisfactorily.

Mr. McCahill offered that it was important to note that within state statutes this was clearly a regulated activity that needs permission by this Commission. Mr. McCahill also cited Public Act 11-184 (2011), if this hydrant were installed, it is important to note that “as of right” the fire department would have the ability to withdraw water for fire purposes. He said this was the second step of the process, once the hydrant was installed the fire department has the authority to use it and this is facilitated and accomplished by the state statutes.

The cost of the project was then questioned Mr. Thier again stressed the cost of the project was not the Commission’s concern.

Ms. Dean wanted to clarify Mr. Genco concerns. Mr. Trick clarified that the question asked of him was if the use of the pond would have impacted the previous fire at 35 Vermillion and his answer was no, not in this case. However, he stressed it would absolutely make an impact on future events.

Mr. Wilson interjected with his calculation on the time required to recharge the pond which he estimated to be ten (10) to fourteen (14) days under average conditions. It would depend on the season but under completely average conditions this would be the case.

Karen Reich, 34 Oak Bluff, who lives adjacent to the pond spoke and stated that even in drought conditions over the last two years, there have been no adverse effects on the pond. They did not witness any significant drop in the pond. She added there is a lot of water steeping off the mountain.

Mr. Beauchamp made the motion to approve **APPL #753** with the standard approval conditions, as well as the recommendations outlined by Mr. McCahill in his memorandum dated November 28, 2017 and to use discretion as to when construction will start.

Ms. Dean seconded the motion.

Mr. McCahill added work shall not be done in normal breeding cycle and that work should be done in a relative dry period.

Mr. Thier asked if there were any further comments.

Mr. Baril questioned when construction could take place. They have been tasked to complete this project in a timely manner and if weather permitting, without freezing conditions, they may want to start in the winter.

Mr. Thier suggested they word the condition “shall minimize any disturbance” and leave it up to common sense.

Josh Wilson clarified the breeding season as mid-March through mid-June.

Mr. Applefield added the condition should state the Town will make best efforts to conduct work outside the breeding months. This way it does not preclude the Town from operating in that period but it expresses an intention to make best efforts to see if we can do it in a different time period.

John McCahill clarified there were no conditions of approval coming from his memo dated November 28, 2017.

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

OTHER BUSINESS:

The Commission went into executive session at approximately 8:07 pm. to discuss pending litigation regarding 232 Mountain Road- Cody’s Angel Investments LLC (Michael Flors).

In attendance were Commissioners Thier, Beauchamp, Breckenridge, Usich, Applefield, Feldman and Dean and also Town staff John McCahill and Christine Campasano.

STAFF COMMENTS:

There were no Authorized Agents Approvals to report.

APPROVAL OF MINUTES:

Minutes for the October 3, 2017 were tabled. Mr. McCahill stated the October minutes need to be reviewed and will be available at next meeting.

NEXT MEETING:

The next regularly scheduled meeting is January 2, 2018.

There being no further business, the meeting adjourned at 8:18 p.m.

Respectfully submitted,

Christine Campasano

Clerk, Inland Wetlands Commission