

MEETING MINUTES

Conservation Commission
Waterford Town Hall

December 15, 2011
7:00 PM

Members Present: Henry Curtis, Nancy Hicks, Gary Johnson, and Jeff Sims.
Members Absent: Harold Hansen, David Lersch, and Richard Muckle
Alternates Present: (2 vacancies)
Alternates Absent: Wade Thomas [notified absence]
Staff Present: Maureen FitzGerald, Environmental Planner
Katrina Kotfer, Recording Secretary

1. CALL TO ORDER AND APPOINTMENT OF ALTERNATES

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

2. APPROVAL OF THE December 1, 2011 MEETING MINUTES

MOTION: Motion made by J. Sims, seconded by H. Curtis, to approve the minutes of the December 1, 2011 meeting as written.

VOTE: 5-0-3 D. Lersch, H. Hansen, R. Muckle abstaining (not present at meeting)

3. APPLICATION REVIEWS

#C-11-2 305 Great Neck Road: Expansion & Site Development Improvements at the Eugene O'Neil Theater Complex; Preston Whiteway - Agent, Town of Waterford - Owner, LRC Group – Robert P. Pryor, PE, LS - Agent. (Action Date 1/20/12, Last Meeting Date 1/12/12)

Robert Pryor, PE, LRC Group, and Steven Holmes of Centerbrook Architects presented the application.

Mr. Pryor submitted revised drawings and a written response to staff comments dated December 15, 2011. Mr. Pryor reviewed his response to comments with the Commission. He stated that soil test holes had been conducted in the area of the basins and seasonal high groundwater was encountered. The basins have been designed without liners to allow infiltration of run-off during the summer months, when the facility will have the most use.

Mr. Pryor reviewed a modification to the driveway width in the western loop road that pulls the edge of pavement farther away from the large trees. He stated that connecting the loop driveway to the beach access driveway will result on the loss of too many parking spaces. He is requesting a reduction in the width of the driveway be approved by the Fire Marshal's office. The pavement width around the loop will be reduced by 1 in the area of the beech trees.

G. Johnson questioned R. Pryor about the steep slopes to the rear of the proposed theater building and the proximity of the level spreader. R. Pryor stated that construction of the theater will need to be done with care as the level spreader will already be installed. There will be a separate E & S control plan for that area to address the unique conditions in the area.

James Cowen, wetland scientist, Environmental Planning Services, reviewed in depth the proposed design for the biofiltration basins and the proposed planting plan. He explained that they were designing for water quality treatment during summer conditions when the most activity would occur on the property. He reviewed the planting plan and the proposal for selective invasive plant removal to preserve native canopy trees on the site.

G. Johnson questioned if there is a maintenance plan for the proposed plantings and raised concerns that the theater building could have a “blowout” of the slope during construction.

J. Sims questioned if using temporary basins were an option instead of building the permanent basins around the theater during construction. R. Pryor responded that the basins are proposed to be completed to provide water quality treatment for the parking area. There was discussion regarding phasing the basin plantings.

M. FitzGerald recommended completing the water quality basins for treatment purposes and requiring detailed construction plans for the theater portion of the project to be submitted for additional review and approval to the Conservation Commission.

J. Sims questioned why the laundry building and cottage near the theater cannot be moved to a different location on the site to provide more room for the water quality basin and construction of the theater. Steven Holmes explained that due to the conditions of the lease, they need to work with the design presented.

D. Lersch questioned if all excavated material will be used on site. R. Pryor stated that there will not be much material generated from the construction and there are no major grade changes.

J. Sims recommended that a visual buffer be created with plantings to help with any light pollution and impact to the residential area. He asked Mr. Cowen to address potential impacts to the large copper beach trees located by the proposed loop driveway.

Mr. Cowen reviewed the location of the trees and the extent of the root zone. He recommended careful removal of the existing asphalt in this area, use of tree fencing, and application of a pavement overlay only, without excavation.

4. NEW APPLICATIONS

#C-11-3 22 Susan Terrace: Construct Freestanding Garage; Craig Caulkins - Applicant, Larry & Diane Osborne – Owner

The Commission reviewed the draft permit.

MOTION: Motion made by J. Sims, seconded by H. Curtis, to approve the draft permit as written.

VOTE: 7-0-0

The Commission adjourned for a 5 minute break and reconvened at 8:30 p.m.

R. Muckle recused himself from application C-11-4 28 Industrial Drive and left the room.

#C-11-4 28 Industrial Drive: Manufacturing Facility for Building Materials and 1-lot Resubdivision, Kobyluck Construction Company- Applicant, Kobyluck Brothers, LLC – Owner, CLA Engineers, Inc. – Agent.

Ellen Bartlett, PE, and Robert Russo of CLA Engineers, Evan Glass of Alta Environmental, and Matt Kobyluck were present for the application.

G. Johnson questioned if the project to be built is going to take 5 years as it states in the application or 10 years as they have previously stated in their presentation. He asked what the volume/rate of removal will be per year.

E. Bartlett replied that the first phase should be 1 year and would entail 110,000 cubic yards of material being removed. The second phase would entail removal of 220,000 cubic yards of material. It will be removed as fast as market conditions require, it could take up to 10 years.

H. Hansen questioned about the road construction. E. Bartlett explained that the bridge will be the first item constructed on the property to access to the rest of the site. The existing culvert on Industrial Drive will remain in place until the bridge is installed.

G. Johnson questioned why the application form indicates no area of wetlands altered. E. Bartlett stated there are temporary impacts but there will be no permanent fill in the wetlands. M. FitzGerald stated that rip-rap will be placed in the channel according to the plans and sediment removed from the channel. She requested the activities be identified in the application.

G. Johnson asked E. Bartlett to describe how the temporary diversion channels will direct run-off to the basin. E. Bartlett reviewed the phasing plans 4A, 4b and 4 and the construction of the stormwater system. She stated that the system is designed so there is no discharge except during a 100-yr storm event.

G. Johnson asked where the artesian well boring is located and whether the blasting will affect groundwater.

M. FitzGerald asked for the groundwater elevation and its affect on basin storage.

H. Hanson questioned when the material crushing and processing occurs on the site.

E. Bartlett replied at the end of the first year after the scale house is built.

H. Hansen requested a more detailed timeline and description of the construction and operation phases of the project.

M. FitzGerald questioned what is the proposed treatment for runoff during the first year while construction is still occurring. She asked what was the basin designed to accommodate and where the discharge from the basin will be directed.

M. FitzGerald questioned if the site clearing and grubbing can be phased.

E. Glass reviewed the StreamStats model, stating it is used to determine flow in a stream at a given location during one of six bio-periods. He described the two scenarios evaluated with the model and the findings presented in the report. He described that the sand and gravel layer

proposed to be placed in the processing area will provide storage and slow release to baseflow conditions.

M. FitzGerald questioned if the created wetland basins can infiltrate and conduct the run-off from the 6 inch outlet to provide the baseflow to the wetlands and vernal pool.

R. Russo noted the model point B is located on the intermittent stream adjacent to the vernal pool.

G. Johnson questioned how the proposed blasting will affect the watercourse in the northern wetlands. E. Glass reviewed the drainage basin area and impacts.

M. FitzGerald asked R. Russo if there will be impacts to the wetlands on the site. She stated the assessment report does not discuss the direct impacts or indirect impacts associated with the proposal. She referred the Commission to correspondence dated December 15, 2011 addressing regulated activities and a finding of significant impact activity.

G. Johnson stated the proposal has a high potential for significant impact activity based on the aerial extent of the excavation and the length of time the site will be open. He requested the Commission make a motion based on the information provided by staff that the Commission make a determination of significant impact activity.

MOTION: Motion made by J. Sims, seconded by H. Curtis, to find that based upon information from town staff there is potential for significant impact.

VOTE: 6-0-0

G. Johnson stated that the Commission has found there is significant impact activity and a public is required. The Commission discussed possible dates.

G. Johnson stated that there will be volumes of information for the Commission to review. M. FitzGerald explained to the Commission that the 65 day review period will expire February 3, 2013. The last available meeting date before the expiration date would be January 26, 2012 unless the Commission would like to hold a special meeting. G. Johnson asked the Commission if they wanted to hold a special meeting. The public hearing date was scheduled for January 26, 2012. G. Johnson asked the applicant if that date was agreeable. The applicant agreed.

G. Johnson referenced Section 20 of the Town of Waterford Inland Wetlands and Watercourse Regulations that discusses Complex applications. He felt this application was a complex application and offered to entertain a motion to find that application C-11-4 is a complex application.

MOTION: Motion made by H. Hansen, seconded by H. Curtis, to find that application C-11-4 is a complex application and that the Commission will need expert review for the review process.

VOTE: 6-0-0

G. Johnson noted that the Commission has found the application has potential for significant impact activity and that it is a complex application.

M. FitzGerald stated that a complex application fee determination will require staff to draft an RPF for specific review services by a third party and then forward a cost estimate to the applicant for payment.

M. FitzGerald asked the Commission what specific areas of expert review they were looking for. H. Hanson stated he was looking for hydrogeological information. G. Johnson stated he was looking for expert review on impact to wetlands, potential habitat loss, and impact on vernal pools.

M. FitzGerald requested from E. Bartlett digital copies of the application and supporting materials to assist with the review process.

G. Johnson noted that three letters had been received from neighbors.

R. Muckle returned to the room and rejoined the Commission.

5. VIOLATIONS

20 Rope Ferry Road: IWW Permit #2010-017, Unauthorized Discharge of Sediment to Inland Wetlands and Watercourses; Modified Corrective Actions Approved 12/1/2011.

Gus Kotait, Project Manager, O&G, Scott Medeiros, P.E., McFarland Johnson, Joseph Theroux, Certified Soil/Wetland Scientist, Jerome Belair, Superintendent of School, Jay Miner, Buildings & Grounds-Waterford Public Schools were present.

S. Medeiros reviewed the status of the site work and corrective actions and the recommendations in his December 13, 2011 report regarding a winter E&S control plan.

G. Johnson asked who will be responsible for the inspections and maintenance of the E&S controls. G. Kotait reported that VHB, the Town's 3rd party E&S inspector will be submitting reports weekly and after rain events. S. Medeiros reviewed recommended snow removal practices. He reported that O&G has installed temporary gutters as the roof is installed to direct the flow into drainage system.

G. Johnson questioned who will be accountable for the plan.

S. Medeiros stated that if the recommended measures are installed in the next week, he feels the plan will work. R. Muckle asked who signs the inspection reports. G. Kotait replied that VHB submits them to O&G and the Town.

M. FitzGerald asked when the frak tanks will be drained. S. Medeiros reviewed the nature of the stored water and options to discharge the water to the stormwater basin. G. Johnson stated it would be okay to discharge the decanted water to the stormwater basin as long as the discharge is monitored to ensure there is not a sediment release.

G. Johnson asked that an update be presented to the Commission at the next meeting, January 12, 2012.

G. Kotait introduced Paul Bellavander, Environmental Director-O&G.

Joseph Theroux, Certified Soil/Wetland Scientist submitted a 12 page report summarizing his review of the wetland impacts from the sediment discharge. He reviewed his findings with the Commission stating that no removable sediment deposits were identified .

G. Johnson directed the actions be implemented and that a report be given by the applicant at the next meeting.

12 Memory Lane: Shed & Yard Improvements in Designated Non-Encroachment Area; Restoration plantings Required by May 31, 2012.

M. FitzGerald reported that Mr. Patten had called to thank the Commission for their fairness with his application.

14 Memory Lane: Unauthorized Clearing & Lawn Extension in Designated Non-Encroachment Area, Notice Letter issued November 4, 2011.

M. FitzGerald stated the clearing has been approved by the Commission.

28 Butlertown Road: Abatement Order: August 17, 2010. Amended Abatement Order-12/8/10. Wetland Restoration Plan to be completed by May 31, 2011.

M. FitzGerald reported that she has not received any further information on this matter. The stipulated agreement allows the wetland restoration to occur next growing season.

6. OTHER BUSINESS

No discussion occurred.

7. CONSERVATION COMMISSION TASKS

No discussion occurred.

8. CORRESPONDENCE

The Commission reviewed the correspondence.

9. PAYMENT OF BILLS

MOTION: Motion made by H. Curtis, seconded by J. Sims, to pay the \$71.70 bill from The Day.

VOTE: 7-0-0

10. ADJOURNMENT

As no further business was on the agenda G. Johnson adjourned the meeting at 10:54 pm.

Respectfully Submitted,

Katrina Kotfer
Recording Secretary