



TOWN OF MONROE

INLAND WETLANDS COMMISSION

7 Fan Hill Road
Monroe, Connecticut, 06468

Inland Wetlands Department: (203) 452-2809
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Inland Wetlands Agent: Denise Halstead

Note: Meetings are Video and Audio Recorded

Minutes of February 26, 2020 Regular Meeting

I. Call to Order:

The Regular Meeting of the Inland Wetlands Commission ("Commission") was called to Order at 7:04 p.m.

(A) Pledge of Allegiance

(B) Roll Call

Present: Lois Spence, *Vice Chairman, Secretary*
James Stewart, *P.I., L.S., Treasurer*
Ross Mastrorocco, *Commissioner*
James Weinberg, *Commissioner*
BJ Hall, *Commissioner*

Absent: Keith Romano, *Chairman*
Clark Gingras, *Commissioner*

Also Present: Denise Halstead, *Inland Wetlands Agent*; Donna Suszynski, *Office Manager*; Barbra Schellenberg, *Town Counsel*; Sarah Stroud, *Recording Secretary* and members of the public.

Lois Spence was acting Chairman during this meeting.

Ms. Suszynski noted that 17 Enterprise Drive has been added to item V, and 462, 464 Main Street was added to item VIII.

(C) General Business - None

(D) General Public Participation – None

II. Subdivision Report/Recommendation to the Planning & Zoning Commission: None

III. REGULATED ACTIVITIES:

A. Regular Meetings (No public input): None

B. Public Hearings:

- **IWC-2020-01 536 Monroe Turnpike**, Gas Station underground tank removal & replacement, storm drainage installation, asphalt removal & replacement, building addition, well replacement and trash enclosure

Attorney Ian Cole was present on behalf of the applicant. He presented and submitted the proof of notification for this application. Mr. Cole presented a letter from a resident who is in favor of the application.

Mr. Cole reviewed the basis of the application for the Commission. He noted the existing service station will be replaced with a convenience store. He advised the gas pumps will be replaced with digital pumps.

Mr. Cole noted a letter from Aquarion that states concern about a gas station being within a public water supply. He stated it is his belief that this comment does not hold weight on this application because it's an existing gas station within a public water supply being brought up to date.

Mr. Cole commented on the land use staff's comment concerning the existing well, noting that the well is going to be decommissioned and a new well will be drilled.

Mark Smith, engineer, was present on behalf of the applicant. Mr. Smith reviewed the current site conditions for the Commission. He noted the existing canopy will stay, but will have a new surface treatment. He reviewed the gas pumps that will be replaced with new digital pumps.

Mr. Smith reviewed the trees that were marked to be removed after a site walk was completed with the Wetlands' Agent. He noted the landscape islands and the detention basin that will be added to the site. Mr. Smith noted that the septic system was designed by Spath-Bjorklund Associates and already approved. He advised that this plan is included within his submitted plans.

Mr. Smith reviewed the lawn area that is being added to assist with the water quality basin that is planned for the site. He pointed out the wetland markers that have been added to the plan as requested by staff.

Mr. Smith pointed out the small stone splash pads that the roof leaders will drain off to on the site. He explained the drainage system and pattern that has been designed to limit the impact to the wetlands.

Mr. Smith reviewed the floor plan for the proposed convenience store.

Mr. Smith reviewed and responded to the staffs' submitted comments. He noted the basin can be maintained with a string trimmer. Mr. Smith reviewed the plan for filling the existing well. He stated that he believes the well is shallow enough that it can be filled with hand mixing concrete. He noted that if a truck is needed that a truck can park on the pavement and a two foot hose can be used to fill the well, which will minimize and avoid direct wetland impacts.

Commissioner Hall asked if the existing propane tank on the back of the property will be removed. Mr. Smith advised that propane sales will be eliminated, but a tank to heat the building will be replaced.

Commissioner Stewart asked about the details for the planned planting sassafras. Terry Hahn of LADA Land Planners was present to speak on the application. She noted that the sassafras will be planted on either side of the well and will be maintained. She noted the planned sassafras is a shrub form that will get about 4 feet high.

Commissioner Weinberg noted he believes the entire project aside from the southwest corner is within the upland review area. Mr. Smith confirmed this information. Commissioner Weinberg asked if the proposed basin is scientifically calculated to hold one inch of rain water. Mr. Smith advised that this was calculated using current standards. Mr. Smith reviewed the runoff patterns for the Commission.

Chairman Spence asked if a test pit has been completed. Mr. Smith noted a test pit is planned to be completed. He noted if the basin does not appear to drain out within two days then a small layer of stone can be added to fix the issue.

Chairman Spence asked what percentage of the drainage will be going to the proposed basin. Mr. Smith noted he believes about 50% of it will drain to the basin. He reviewed the drainage plan for the Commission.

Chairman Spence asked if there will be two propane tanks on the site. Mr. Smith noted there will be only one propane tank. Chairman Spence noted the piping needs to be shown in the plans. She suggested if a new system needs to be installed then maybe moving the propane tank further away from the brook would be a good option. Commissioner Stewart suggested just rotating the pad 90 degrees. Mr. Smith noted the owner is willing to use the existing piping and just rotate the pad 90 degrees.

Chairman Spence asked about the process of decommissioning the existing well. Mr. Smith reviewed the process and state standards of decommissioning the well.

Chairman Spence asked if the tree line is considered the limit of disturbance for this project. Mr. Smith confirmed that this will be the limit of disturbance.

Chairman Spence requested the resubmitted plans include the LOD line and the new position of the propane tank.

Chairman Spence asked if everything behind the building is planned to be cleared because she believes there are some young trees in this area. Mr. Smith reviewed the process of selecting the trees that are planned to be removed. Chairman Spence asked if a no mow grass would be able to be planted in this area so no fertilizers are used. Terry Hahn advised this area is intended to be a lawn area that will not have any fertilizers once it's established.

Chairman Spence opened the hearing to public comment.

Ms. Suszynski read a letter from residents Robert and Deirdre Giardini that was in favor of the application.

There were no other public comments.

Ms. Suszynski read the exhibits for the record.

Commissioner Weinberg motioned the public hearing be closed. There was no second.

The public hearing was continued to 3/11/2020.

IV. Enforcement:

A. Notice of Violation Discussion:

- **IWV-2014-04 64 Cambridge**, unpermitted excavation in regulated area

Kevin Solli of Solli Engineering was present on behalf of the property owner. Arnold Karp, owner, was also present. Stephen Finn, owner's attorney, was present, as well.

Mr. Solli reviewed the current site conditions that have been assessed over the last month for the Commission. Mr. Solli noted the current owner acquired the property in May of 2019, and that the issues listed in the violation predate his ownership. He advised his client is motivated to fix these violations despite this fact.

Mr. Solli compared the original wetland delineations to the current wetlands delineations; that have been reflagged and evaluated by Bill Kenny. He noted that there are no noted changes in the delineations that would be from overstepping

the limit of disturbance. Mr. Solli compared the approved limit of disturbance to the current limit of disturbance. He noted that Mr. Kenny did not find any direct impacts to the wetlands on the site.

Mr. Solli compared the original, approved, and the current grades on the property. He noted some of the grades did exceed what was approved, and he presented this assessment to the Commission.

Mr. Solli noted the various state agencies that have visited and evaluated the site that found no violations on the property. He advised that one of these agencies, Water Resources wrote a letter regarding their findings, and noted a copy of this letter was included in the submission to the Commission.

Chairman Spence asked when the industrial and commercial general permits were approved. Mr. Solli noted that the original approvals were from 2006, but the permits have been kept up and renewed since that time.

Mr. Solli noted the existing water shed's contribution to the easterly wetlands has been evaluated. He reviewed the current drainage to the existing wetlands. He advised the water shed has been reduced. It is their intention to submit an application by April 7, 2020 that would include grading to restore the water shed in this area.

Mr. Solli explained this application would include clean fill being brought in to restore some of the over excavated areas.

Mr. Solli noted the material piles found on the site have been identified and included in the submitted report. He advised the native materials on the site will be used to fill the deepest spots in the excavated areas. He stated this process could take 8-12 months.

Commissioner Stewart asked if the site is currently being dewatered in these deeper excavated areas. Mr. Solli stated the site is being dewatered periodically, as needed.

Commissioner Mastrococco asked where the fill that is currently being brought in is being stored. Mr. Solli replied the fill is being stored at various points around the site. Commissioner Mastrococco asked what the plan for future grades of the site, 10-15 years from now, will be. Mr. Solli noted that the owner wants to eventually develop the site, and that an all around 450 grade is the goal.

Chairman Spence asked if the filling of the site will be even or top down. Mr. Solli advised the easterly edge of the property is the priority, and then fill will be as uniform as possible.

Commissioner Stewart asked if Mr. Solli had the current State definition of clean fill. Mr. Solli replied he would submit it for the next meeting.

Commissioner Weinberg asked if there is anything being done by the applicant currently to respond to the violations. Mr. Solli responded by explaining that the owner has restored one of the basins on the property, but didn't want to complete further work without an approved plan.

Commissioner Weinberg asked if a point by point response will be given to the notice of violation. Mr. Solli advised a response of this nature could be prepared.

Commissioner Weinberg expressed concern about the possible time clock of the notice of violation running out before an application is submitted. Attorney Finn stated he did not believe there is a timeclock and that the violations are currently static.

Arnold Karp, owner, spoke about the timeline of the proposed application; noting, he wants to move as fast as possible to complete remediation and bring the site into compliance.

Chairman Spence asked if processed material is currently or will be removed from the site. Mr. Karp stated that processing has ceased and no material is being taken off the site.

Mr. Karp offered to do a walk of the site with the Commission members. The Commission will set this up before the next time this item will be on the agenda.

A remediation plan will be submitted by 4/7/2020.

B. Remediation Submission(s): None

V. Application Hearing Determination:

- **IWC-2019-09 A1 17 Enterprise Drive**, amendment to previously approved site development, outdoor storage area to be paved and graded, extension of detention basin, addition of subsurface detention to accommodate increased impervious service, and additional landscape planting required under PZ approval

Ms. Halstead noted this application was received on 2/25/2020 and that she was made aware the submitted plans were not the most up to date. She states she has advised the applicant to submit the most up to date plans for review.

The application was accepted but no determination of review type decided. The Commission will continue determination proceedings at the next regularly scheduled meeting on March 11, 2020.

Motion to accept the application

Made by: Commissioner Stewart

2nd by: Commissioner Weinberg

Vote: 5 – 0 – 0 in favor, no abstention

VI. Other:

- **IWC-2015-12 54 Garder Road**, field changes

The Inland Wetland Agent reviewed the proposed changes and the Commission agreed that the scope of work would be categorized as “field changes” and the Inland Wetland Agent could oversee the changes.

- **555 Fan Hill Road**, CT Precast, preliminary review of building addition

Ms. Halstead reviewed the letter that requested allowing the applicant to bypass the Inland Wetlands Commission and move straight to Planning and Zoning Commission. She noted there has never been an Inland Wetlands permit on this site. She advised that this is a previously disturbed area against the wetlands line.

The Commission determined more information was needed.

- **IWC-2018-15 575 Monroe Turnpike**, Daycare, field changes to storm water outlet which will be outside of the Limit of Disturbance (LOD)

Motion to allow the proposed changes

Made by: Commissioner Stewart

2nd by: Commissioner Weinberg

Vote: 5 – 0 – 0 in favor, no abstentions

VII. Deliberations on completed Hearings: None

VIII. Bond Release, Reduction, Reports:

- **IWC-2014-09 36 Timothy Hill Road**, Bond release requested

Ms. Halstead reviewed the site report for the Commission. Bill Carboni of Spath-Bjorklund was present on behalf of the owner. Mr. Carboni reviewed the property's current conditions for the Commission. He noted one of the plank crossings is not on his client's property, and therefore his client cannot remove that crossing.

Commissioner Weinberg motioned to approve a partial release (\$55,000) of the bond with the remaining (\$20,000) to be held for the removal of bridges, silt & construction fencing with approval to do the work.

Made by: Commissioner Weinberg

2nd by: Commissioner Mastrococco

Vote: 3 – 2 – 0, Commissioners Spence and Stewart voted against the motion, no abstentions

Motion passed

- **IWC-2014-11 A1 462,464 Main St.**, Bond release requested

Tabled - More information is needed for the Commission to make a decision.

IX. Time Extensions:

- **IWC-2018-01R A1 98 Enterprise Drive**, 30 day time extension

Ms. Suszynski reviewed the site and extension request for the Commission.

Motion to grant a 30 day time extension

Made by: Commissioner Stewart

2nd by: Commissioner Weinberg

Vote: 5 – 0 – 0 in favor, no abstentions

X. IWC Agent Activities Report:

Agent Approvals: None

Permitted Uses As of Right: Reviewed

- **IPU-2018-01** Department of Public Works - road repair, replacement and/or general maintenance - I/W Regulations Section 4.2 (C) (Expiration 3-28-2023)
- **IPU-2020-03 222 Jockey Hollow**, permitting of existing structure in upland review area
- **IPU-2020-04 138 Greenwood Lane**, septic repair

XI. Enforcement Deliberation

Deliberations on completed Remediation Submissions: None

Administrative Review/Enforcement Issues:

- **IWV-2014-26** 1366 Monroe Turnpike, follow up on a previous violation of activity within a upland or regulated area
- **IWV-2019-15** 1380 Monroe Turnpike, activities within a regulated area
- **IWV-2019-16** 43 Birdseye Road, activities by adjacent property owner within upland and/or regulated area

The Commission advised the Inland Wetland Agent to issue the Notices of Violation on the above referenced addresses. An attorney for one of the properties was present and will work the Inland Wetland Agent to resolve the issues.

Status/Updates: None

XII. General Discussion/Other: *Tabled to the next regularly scheduled meeting on March 11, 2020*

- **Minutes of January 22, 2020 –**

Regulation Amendment Committee – no update – waiting for review by Land Use Attorney

Public Outreach Committee – None

XIII. Correspondence: *Tabled to the next regularly scheduled meeting on March 11, 2020*

XIV. Adjournment: 11:00pm

Motion to adjourn

Made by: Commissioner Stewart

2nd by: Commissioner Mastrococco

Respectfully Submitted,

Sarah Stroud, Recording Secretary

NOTE:

- A recorded copy of this meeting is on file in the Inland Wetlands Office, Monroe Town Hall.
- These minutes are contingent upon the approval of the Inland Wetlands Commission.
- These minutes provide a general overview of topics discussed and are not meant to be a transcript of this meeting.
- All meeting minutes are posted on the Town Website: www.monroect.org. Select Town Hall Departments/Inland Wetland. Choose meeting minutes from the left column.

Date of Approval: _____