

**DURHAM INLAND WETLANDS
and
WATERCOURSES AGENCY**

Regular Meeting Minutes
Monday, August 10, 2009

Call to Order: The meeting was called to order at 7:30 PM by Vice-Chairman Dick Eriksen at the Durham Public Library.

Roll Call: Members present: Bob Czarnecki, Pat Dinatale, Dick Eriksen, Joel LaBella, Chris Meisenkothen and Alternates Present: Karen Cheney, Rob MacDuff and Mike Fumiatti. Staff: Geoff Colegrove and Trish Dynia.

Seating of Alternates: Rob MacDuff was seated for Al Petrzal. Mike Fumiatti was seated for George Zeeb. (Karen Cheney asked not to be seated as she would likely be participating as an abutter during the public hearing.)

Approval of Agenda: *A motion was made by Rob MacDuff, seconded by Chris Meisenkothen, to approve the agenda with the following addition: Add as Item 8A, Tilcon Tomasso, Inc. The motion passed unanimously.*

Approval of Minutes: *A motion was made by Pat DiNatale, seconded by Joel LaBella, to approve the July 13, 2009 minutes as written. The motion passed unanimously.*

Public Session: None

Tilcon, Inc., Site Plan Review for Renewal of Earth Excavation and Removal Permit, South Side of Wallingford Road: Geoff Colegrove reported that Tilcon is scheduled to appear before Planning & Zoning at their August 19, 2009 meeting. Although they failed to apply specifically to Inland Wetlands, this agency must review the site plan prior to any action being taken by Planning & Zoning. According to the Connecticut Department of Agriculture maps Geoff viewed on line, there does not appear to be any activity within the review area, however these maps are not very sophisticated. Wetlands on the property include a small sedimentation pond and some intermittent streams. This is a 1,000 acre property, with four to five acres of quarries.

A motion was made by Pat DiNatale, seconded by Rob MacDuff, to approve the site plan submitted by Tilcon Tomasso and dated June 12, 2009. The motion passed unanimously.

A motion was made by Pat DiNatale, seconded by Bob Czarnecki, to require that next year's application include mapping of the wetlands within 500 feet of the active pit, referencing Map dated June 12, 2009. The motion passed unanimously.

A motion was made by Pat DiNatale, seconded by Joel LaBella, to open the public hearing. The motion passed unanimously.

PUBLIC HEARING

Regional School District Thirteen, Request for Renovations of Existing High School Athletic Complex with Filling, Excavation, Drainage Improvements and Utilities Within Wetlands and Upland Review Areas Associated with Reconstruction of Existing Running Track, 144 Picket Lane: Mr. Eriksen noted that the same members were present and seated and the recording secretary read the call of the public hearing.

Mr. Eriksen stated that the Commission attended a joint site walk with Conservation, Planning & Zoning and Zoning Board of Appeals on Saturday, August 8, 2009, at 9:00 AM. The presentation that morning touched on issues under the purview of the various commissions but tonight's comments must be limited to wetland issues.

Attorney Tom Hollister spoke on behalf of the applicant and introduced the following individuals: Project Manager Dick Webb, District Building Committee Member Bill Curlin, Superintendent of Schools Sue Vicarro, District Business Manager Ron Melnick and Environmental Scientist Ben Rieger. He distributed the following materials: Certified return receipts for abutting landowners, Presentation Outline, Regulatory Compliance Chart and Revised Exhibit A containing estimates of material volumes. He noted that the public hearing sign was posted on July 31, 2009 and is still standing.

Environmental Scientist Ben Rieger presented an overview of the two wetland areas. He described Wetland One, immediately adjacent to the southeast corner of the existing track, as a permanently flooded, manmade, isolated system, with no native soils, which essentially functions as a drainage swale. Water enters from the track, flows linearly into the catch basin, and intersects the storm water system. It is a wetland area of little to no habitat value, containing common reeds and no wildlife vegetation.

Wetland Two is located off the southwest corner of the track on the Stannard property. It contains wetland soils, wildlife grasses and sediment reduction, and connects to a natural stream. It is a high quality habitat with a mix of forest, wet meadow and grassland. It is easily accessed by the public and could serve as an outdoor classroom for nearby schools and a nature watch area for the general public.

Landscape Architect Dick Webb reviewed the existing school and athletic field complex and noted that the tennis courts and track are in a significantly deteriorated state and have reached the end of their useful life. The plans call for the replacement of the paved, six lane, 400 meter track with an eight lane, 400 meter track with a synthetic surface and multi-purpose athletic field in the center (220' by 345'), also synthetically surfaced. There will be four light poles, one at each corner of the track, as well as a 1,000 seat grand stand bleacher assembly on the southern slope. Parking is to be expanded from 230 to 246 spaces, with a total of 75 spaces on the north side and 172 on the east side, 57 of which would be gravel. Other improvements include water, electric and sanitation lines, concrete pad for a facility support building, five reconstructed, lighted tennis courts and two natural grass practice fields on the Stannard property.

The site is currently served by a 30" reinforced concrete pipe which empties into Allyn Brook. Improvements to the drainage system are designed to maintain the same drainage pattern while intercepting some pipes that feed into the 30" line, rerouting them and tying back into the 30" pipe. This would avoid drainage improvements under the track, which would compromise the stability of the track. The track and field are proposed to be drained to a shallow (2 or 3 foot) detention basin at the northwest portion of the track. It will capture and attenuate peak storm water flows and drain within 24 hours.

Mr. Webb sited four regulated activities as follows: 1. Impact and filling of the 10,238 square foot Wetland One with 450 cubic yards of material, 2. Reconstruction of the eastern parking area within the 100 foot review area, utilizing 550 cubic yards of fill material in a 27,714 square foot area (Clearing limit for construction of the gravel parking area extends about 50' from the edge of the existing woods). 3. Replace concrete splash pad at base of 30" pipe outlet over an approximate three day period, vegetation to be cleared as needed to access the splash pad itself, install erosion control measures, (turbidity curtains and sandbags will likely to be used) to be done during periods of low flow. Attorney Hollister added that this is a maintenance activity requested of the school district by the town, and is permitted as of right under the general statutes. 4. Construction of natural grass athletic fields within 100 feet of a wetland utilizing 2,300 cubic yards of material in a 28,384 square foot review area for filling and grading. Slopes are designed at a gradient of 2 ½ to 1. which are less steep than the geotechnical recommendations of a maximum of 2 to 1. Fill slopes are proposed to be covered in erosion control netting, with a double row of silt fence and hay bale at the toe of the slope during restoration.

Mr. Webb and Mr. Rieger reviewed the five alternative concepts that were considered during the early design stages. Concept A is essentially the same as what is proposed and involves the filling of Wetland I. Concept B moves the support buildings and bleachers to the north side of the track, a situation which would affect safety and security as it cuts off view from the high school. Concept C switches the track and varsity baseball field locations, resulting in the track backing up to the more valuable Wetland II, even if the smallest regulation size track possible is built. Concept D reorients the track to a north south position, requiring 25' to 30' cuts into the existing slope and alters the hydraulics of the wetland. Concept E reorients the track north to south and utilizes an 8' to 10' high step retaining wall which would also alter the hydraulics but to a lesser extent than Concept D.

Attorney Hollister responded to several points in the memo from Nathan Jacobson and Associates Inc., as follows: 1. The applicant's wetland specialist is of the opinion that filling of the wetland is outside the jurisdiction of the US Army Corps of Engineers because the wetlands drain to a storm drainage system rather than directly into a watercourse. They will check on this as recommended. 2. Size of conservation easement is roughly the same as wetland being filled - Easement will be expanded to include upland area down to southern property line and extend east to the highest contour that captures wetland two, and square it off to the north. It would be roughly an elongated L shape, encompass two acres, and be approximately 90,000 square feet. 3. No alternative plans presented in the report - Those were presented this evening, 4. Recommendation for buffer plantings between the easterly edge of the parking lot expansion and the wetland area - plans have been revised to include deciduous plantings to tuck under the

current tree canopy, 5. The project narrative does not include estimated material volumes to be placed in the wetlands and regulated areas – These figures were distributed tonight as supplemental materials at the beginning of the meeting.

Attorney Hollister then reviewed the Compliance Chart distributed at the beginning of the public hearing.

COMMISSION MEMBER QUESTIONS

Pat Dinatale: What criteria were used to define Wetland I as a ditch versus defining Wetland II as a high value area? Mr. Rieger: Besides soil identification, by definition it is a ditch, as in a depression dug into an upland for the purpose of conveying water. It is, in fact, “an overgrown unmaintained ditch.” In contrast, Wetland II contains a significant volume and variety of wetland soils and plants.

Chris Meisenkothen: Are there any activities proposed for the baseball fields? Mr. Webb: No, although one of the alternatives did consider that.

Joel LaBella: How much of the proposed conservation area was non-wetlands? Mr. Rieger: The wetlands have not been surveyed yet, but the estimates are as follows: In terms of mitigation area, the total conservation easement is proposed at 90,000 square feet, with 50,000 square feet in the review area and 40,000 square feet in the wetland.

Chris Meisenkothen: What is the grade change for the western practice field at the top of the knoll? Mr. Webb: Grading would come down the slope and the toe of the slope is outside the wetland area. Grade now varies from 10 to 15 percent slope and the proposed slope is 2 ½ to 1.

Mr. Meisenkothen: What are the run-off effects from pesticides and over-all increase in water volume? Mr. Rieger: District Thirteen does use not pesticides or herbicides on their fields as standard practice and they will recommend using slow acting fertilizers which seep into the ground gradually. In response to Mr. Meisenkothen’s question regarding water volume change, Mr. Webb replied that there would be no change in water volume based on tweaking of the design.

Geoff Colegrove read from the Jacobson memo, Page 2, Paragraph 3, as follows:

... The proposed Erosion and Sediment Control plan for the westerly practice field in the Stannard property shows the limit of disturbance extending to the edge of this wetland area with the Demolition Plan showing the removal of a portion of the forested border area to the south. In addition, the proposed Grading Plan shows a long fill slope at 40% grade extending to within 5 to 15 feet from the edge of this wetland, with the depth of fill exceeding 10 feet within 30 feet from the edge of wetland. As noted above, the close proximity of the westerly practice field to this wetland area also raises questions regarding surface runoff impacts resulting from fertilization of the field as well as the application of any pesticides or herbicides...

Mr. Colegrove: Stated that the change from a course area to a manicured field, along with the increased slope, would result in a higher coefficient for that area. Mr. Webb: Though there is a portion of the fill slope that will increase, there is also a big portion of the contributory slope that will be flattened. There is no appreciable difference.

Chris Meisenkothen: Expressed concerns about older pipes containing dangerous materials such as asbestos. Mr. Webb: The 30" pipe and contributory pipes have been video inspected, no problems were found and there is no reason to discontinue their use.

Joel LaBella: Do they have calculations on a typical small storm and settling of particulates? Mr. Webb: All detention basins will have deep sumps and best management practices will be employed.

Chris Meisenkothen: Would the field within the track be made of an impermeable surface? Mr. Webb: Yes. Going from six to eight lanes will slightly increase the impermeable coverage because the permeable sub layer will be top coated with and the top ½" of polyurethane base spray.

QUESTIONS FROM THE PUBLIC

Dick Eriksen acknowledged that town resident John Corona had submitted a Notice of Intervention. Mr. Eriksen asked if Mr. Corona had any questions at this time. Mr. Corona replied that he did not.

Corinne Brodie, 49 Guire Road: How far would the expanded parking lot extend into the woods? Mr. Webb: The eastern side would be extended by one foot and on the southern side, four feet. The woods would not be touched and the grade would remain at the current level. As stated earlier more trees would be planted under the canopy.

Donia Viola, 46 Partridge Lane: Would Alternate Concept D have the least impact on Wetland I. Mr. Webb: It would but it would also be the most invasive to the slope. As we regrade that slope we would have an impact similar to what is proposed. It would be very difficult to construct the project in such a way that Wetland I would not be impacted without impacting other areas of wetlands, specifically Wetland II, which has been deemed to be more valuable. Ms. Viola: Had they then, effectively made a trade off. Mr. Webb: In comparing the two wetlands, they had "performed some triage "and saw more value in Wetland II". Ms. Viola added that she would like to think that all wetlands have value, are worth saving, and filling over 10,000 square feet of wetlands is unacceptable.

Ms. Viola: Is the field in the center of the reconstructed track designed to support javelin and discus? Mr. Webb: It was not and those areas would be to the west of the track on natural grass. Space does not allow for separate areas. Ms. Viola: Would Alternate Concept C be friendlier to the wetlands? Mr. Webb: This configuration would adversely affect the more valuable Wetland II. She concluded by stating that she does not feel that redesigning makes something better. Infringing on wetlands is a serious undertaking and animals do use small, unattached wetlands.

Karen Cheney, 60 Guire Road: Is there any way to adjust Alternate Concept B to allow for site visibility one option being the possible use of security cameras. Mr. Webb: From a police perspective driving around this area, the proposed configuration is the best.

Karen noted that during the site walk there were signs that spring flooding had scoured the land in the Stannard property area. Mr. Webb agreed that there was some evidence of flooding, but there would still be a grass slope for infiltration and vegetation, and the area will not be constantly mowed.

In response to an additional question from Corinne Brodie, Mr. Webb replied that there is no proposed slope change in the areas west of the basketball courts.

John Corona, 17 Johns Way: How many playing fields were on the site now. Mr. Webb: There are now eight game fields and the site plan calls for two additional practice fields. Mr. Corona: What is the difference between practice and game fields? Mr. Webb: Game fields are generally more accessible to the public, though some games could be played on practice fields. Mr. Corona: Confirmed the dimensions of the current six lane track and the fact that the interior could accommodate a football field and wondered why the track was not being left at its current dimensions to accommodate such. Mr. Webb: The field as it currently exists is not safe due to coming too close to the touch line and catch basins. Widening the field provides flexibility and a buffer zone for safety. The number of lanes has nothing to do with the inside dimension of the track. Also, soccer is the main sport played on the inner field and the design was chosen to accommodate this. In response to several more questions from Mr. Corona, Mr. Webb reviewed the field's drainage system, slopes and elevations related to the bleacher system, cut and fills in the practice field areas, parking plan and relative value of the two wetlands.

Donia Viola expressed concerns regarding the grading plan for the practice fields and alteration of flow. Mr. Webb reviewed the grading plan and stated that they could study it further and possibly fine tune it.

Dick Parmelee, 260 Parmelee Hill Road: Does the Commission have access to engineering expertise? Mr. Eriksen: The Commission has the services of the Town Engineer who presented his findings in a three page memo available to the public. Mr. Parmelee: Expressed concerns regarding old pipes containing asbestos and asked if the Commission had looked down stream at Allyn Brook during the site walk. Mr. Eriksen: We only reviewed the scour pad area which the town itself requested to be repaired. Mr. Parmelee: Why hadn't they designed an underground system? Mr. Webb: They preferred the above ground system for ease of maintenance. Mr. Parmelee: Were they positioning a full slope at the west end of the Stannard property and was that to create a flat spot on top or as a place to deposit surplus materials from other parts of the site? Mr. Webb: This area was designed to create two practice fields that meet certain standards for high school athletics. The western field is to be 180' by 330' and the slope is within 7 to 15 feet of the wetland at its narrowest point and more in other areas. In response to a question regarding the need for a storm water permit, Mr. Colegrove replied that they had asked the Town Engineer to look into this and found that the school system is not in the SIC code so they are not subject to that provision.

Josh Stockdale of 93 Maiden Lane thanked the applicants for a thorough presentation and asked some brief questions about track runoff and under drains. He stated that he appreciates the improvements and will continue to use the tennis courts and track. He also asked if it was typical for the Commission to have a public hearing on what appears to be a minor wetland issue. Mr. Eriksen replied that the public hearing was a useful tool and a petition for the public hearing was submitted to the Commission prior to the decision to hold a public hearing and this action automatically triggered the public hearing.

Donia Viola stated it was appropriate to hold a public hearing on this matter and that she would not have voted for the project had she known the practice fields would be so close to the wetlands. She stated that allowing these fields would set a precedent for other projects to be that close to the wetlands when we're supposed to be staying 100 feet away from them. Mr. Eriksen explained that the regulations do not require that there be nothing built within 100 feet of a wetland, but only that if such a project is proposed, the Commission has jurisdiction over it.

John Corona stated that the fact that the easement had been expanded by 900% was a positive outcome of this public hearing process.

Mr. Meisenkothen verified with the presenters that in regards to outflow and runoff from the 30" pipe, both would be reduced, and that there are no wildlife that would be endangered due to the filling of Wetland I.

In response to several questions from Mr. DiNatale, Mr. Webb replied that the catch basins in the parking lot are all routed in a new pipe that parallels the north side of the track. Everything is routed to the 30" trunk line. It all flows into Allyn Brook and will continue to do so.

Corinne Brodie asked about the time line for the project. Mr. Webb replied that if all approvals are received by the end of August, they hope to start in the Fall of 2009 and finish in the Spring of 2010.

A motion was made by Pat DiNatale, seconded by Bob Czarnecki, to close the public hearing at 10:15 PM. The motion passed unanimously.

A motion was made by Pat DiNatale, seconded by Bob Czarnecki, that the Agency does not believe that the project is likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water or other natural resources of the State by filling and destroying and/or otherwise harming more than 10,000 square feet of wetlands and regulated areas; discharging storm water and suspended solids and other harmful substances into wetlands and watercourses, including Allen Brook, and otherwise unnecessarily and/or unreasonably disturbing wetlands, watercourses, and regulated areas which support wetlands and watercourses.

A motion was made by Pat DiNatale, seconded by Joel LaBella, to approve the project as presented, including the applicant's supplemental materials, and maps dated July 6, 2009, with the following conditions: 1. Increase in conservation easement to approximately 90,000 square feet, 2. Additional plantings, 3. Confirmation notification that this project does not fall under the

Army Corp of Engineers jurisdiction, and 4. Modify plan to a two to one slope between practice fields and Wetland II. The motion passed unanimously.

Wetland Enforcement Officer's Report: Mr. Colegrove reported that he has received some reports from Nathan Jacobs but cannot sign off on the bridge project at Prancing Ponies until all reports and changes are in.

Payment of Bills: *A motion was made by Bob Czarnecki, seconded by Pat DiNatale, to approve the following bill: Middletown Press, Legal Ad Publication, \$73.48. The motion passed unanimously.*

Miscellaneous: None.

Adjournment: *A motion was made Chris Meisenkothen, seconded by Pat DiNatale, to adjourn the meeting at 10:30 PM. The motion passed unanimously.*

Respectfully submitted,

Patricia Dynia
Recording Secretary

cc: Town Clerk, Midstate Regional Planning Agency