

WINDHAM INLAND WETLANDS & WATERCOURSES COMMISSION

Minutes for Thursday, July 9, 2009

I. Call to Order

DRAFT

The meeting was called to order at 7:02 PM by Vice Chair Nancy Tinker. Chair Johnson arrived at 7:05 P.M. Members present were Chair Susan Johnson, Joseph Marsalisi, Helmut Traichel and Joseph Wagner. Also present was Agent James Finger.

II. New Business – DISCUSSION/POSSIBLE ACTION

1. John Bellavance -- 490 Boston Post Rd., North Windham -- Request for a permit on property in preparation for development -- no wetlands on site. Normand Thibeault, licensed professional engineer, spoke for the applicant. Mr. Thibeault's partner, Greg Glaude, had appeared last month, and Mr. Thibeault he would now address items that came up at that time from the meeting and from Joshua's Trust. The current plans were revised based on those comments. He recapped the applicant's intentions. It is a 1.49 acre site on Rte. 6 next to the Tractor Supply and adjacent to the Joshua's Trust white cedar bog. He displayed a map, which showed a 200' setback from the bog. He said we propose to remove buildings, a pool, and sheds, and to grade to create a building pad area. The plan to remove 5400 cu. yards of material has been revised to 5100 cu. yards. The figure changed because of revised grading based upon the request to preserve trees and minimize impact. The demolition plan lists the structures they propose to remove. The grading plan shows how they propose to remove a hump at the front of property to make the site visible. The map delineates limits of disturbance and show silt fence usage. Chair Johnson asked about the current drainage and the impact of removal of the bump on drainage. She said we are concerned about runoff on wetlands.

It came to light that drainage into the wetlands was permitted by the DOT in 1996 when the highway was constructed. Chair Johnson said this must be documented. Mr. Thibeault said he learned of this from a member of Joshua's Trust. He described the current drainage with the use of a map on page 2 of his application. He described a history of excavations. Just east of Rt. 6 is the high point, which runs in a northeast/southwest direction. The low point of the property is in the northeast corner by the wetlands, and Agent Finger thought this low point was probably a previous excavation. Mr. Thibeault said the wetlands are actually at a higher elevation than this low point.

Mr. Thibeault had read the minutes for Tractor Supply in which Mr. Logan had said the ground water table was approx. 5 - 7' below the elevation of the wetlands, and by that fact, there is no hydraulic connection between these properties and the wetlands. He said there is some separating mechanism between the groundwater table and the wetlands.

Chair Johnson asked Mr. Thibeault if he had reviewed the testimony of the Tufts University soil scientist who had also addressed the Tractor Supply matter. Chair Johnson would like to review this because there was a difference of opinion between Mr. Logan and the Tufts University soil scientist. A delineation of the wetlands by Ian Cole had been submitted in the application. (See also letters from John Paginni attached)

Mr. Thibeault said that when the structures are removed, 6' stone retaining walls will be exposed. This will create a liability and the applicant proposes to remove them, which will affect the root structure of trees on the ridge. Agent Finger said that he and the Town Engineer had reviewed the initial plans and compared them with the current plans, and there is much less cutting and filling proposed for the site.

Chair Johnson said we are working in a vacuum because we don't know the use of the site.

Mr. Thibeault compared the first set of plans with the current plans. The removal of material has been reduced and the grading has been changed on the southeastern portion of the property to reduce its proximity to the bog. 6-10" of soil will be scraped to tie into existing contours. No topsoil will be removed from the area, and it will be stabilized with a natural seed mix. Basically the first plan's footprint was shrunk to produce the second plan. We don't anticipate runoff; this is a flat area with very porous soils called Merrimac sandy loams. The groundwater elevation is below 251.5 and the wetland elevation is 253, and he concludes this bog is a perched water table. There is a hydraulic separation between the two. They did the survey twice to make sure.

Chair Johnson said we should go back and walk the site. Mr. Thibeault welcomed her to do that. Mr. Thibeault cited his degree in civil engineering with a specialty in hydraulics and water resources. He showed a potential use of the property. The schematic showed a 2,400 sq. ft. building with parking, a drive-through and 2 curb cuts. More trees will be planted than they propose to remove. All the area to be developed is on previously disturbed soils.

Agent Finger commented that he was pleased to see the parking would be placed in the front to keep potential pollutants away from the bog. He said that the removal of the 3 pines may be a safety matter. He suggested a slight change in grading that would preserve two maples for the time being. He said that he thought that prudent and feasible alternatives have been addressed.

Ms. Tinker made a motion to approve the application, with condition to keep two maple trees as described by Agent Finger, until a final plan is submitted.

Mr. Marsalisi seconded the motion. The vote was unanimous, in favor.

2. Kristen Glanert 6-8 Mountain St., Willimantic -- Application for permit for dog day care business. Ms. Glanert looked into perc tests but was advised that is not the appropriate test to do. She hired a Soil Scientist Steve Dumas from Chaplin to go to the property to assess impacts. He wrote a letter which states: The location of the exercise yard for the

dogs has a 30' lightly forested buffer between it and the river; Feces will be picked up immediately after each animal; A dog waste removal service will probably be used to pick up daily or weekly; US Dept of Agriculture Soil Survey of Windham County, CT says the site has soils of the Charlton Chatfield Complex type. Several borings were conducted adjacent to the forested area by SPD, LLC.

Based on this information, it is the professional opinion of SPD Environmental Services, LLC that the proposed canine walking area represents a very low risk regarding potential impacts on the Willimantic River.

Mr. Traichel asked for a map so that he could understand the location of the ledge. Ms. Glanert gave the board a sketch. The borings were made as close to the river as possible. Planner Finger said the exercise area tips toward the street. There was a discussion of the potential volume of urine and the aerated quality of the passing river water.

Joe Marsalisi made a motion to issue a permit for the dog day care; Nancy Tinker seconded the motion, and all voted in favor.

III. Old Business-- DISCUSSION/POSSIBLE ACTION

Planner Finger proposed that item 2 of Old Business should be moved to item 1.

Mr. Marsalisi made a motion to move item 2 to item 1.

Nancy Tinker seconded the motion. The vote was unanimous, in favor.

1. 1565 West Main St., Willimantic - Progress report on abatement work

James Dutton, Dutton Engineering and Surveying, said that last week he had submitted an essay on their progress with 18 pictures. Chair Johnson thanked Mr. Dutton for his work. Mr. Dutton said we are still battling Japanese knotweed. The flooding condition in the parking lot has been solved; the swale is stable and doing its job. Water flows through its path where it's supposed to be. We seeded with a wildflower mix and perennial rye. Mr. Dutton showed a map. He said we removed debris. We will continue to monitor the knotweed. He noted that behind the car wash there is a patch of knotweed. Agent Finger has spoken to nearby property owners on the knotweed. Chair Johnson said we appreciate all the work. Ms. Tinker made a motion to accept the final report and lift the abatement order; Mr. Marsalisi seconded the motion. The vote was unanimous, in favor.

2. Windham TSC, LLC --476 Boston Post Rd., North Windham -- Review of ground water monitoring reports.

Agent Finger read a letter from Mr. Pagini of Joshua's Trust. Mr. Pagini had looked over the second report and found it acceptable. (Please see attached letter.) The letter also indicated that the consultant for Joshua's Trust, Scott Horsely, would work with the DOT to address the concerns they have regarding the runoff from Rt. 6 into the Joshua's Trust wetlands. The board discussed this development and expressed concern that the DEP had allowed this runoff. Agent Finger said that both he and Mr. Vertefeuille have visited the TSC site, and that as of that date there is no fence up to shield the bog from view. There was a discussion of fencing, and Agent Finger said that they would make sure

it was up before the CO was issued. Nancy Tinker made a motion to accept the report as submitted; Joe Marsalisi seconded the motion, and all voted in favor.

III. Routine Business – DISCUSSION/POSSIBLE ACTION

1. Approval of Minutes – Nancy Tinker made a motion to approve the minutes of June 11, 2009 Joe Marsalisi seconded the motion, and all voted in favor to approve.
2. Miscellaneous
 - A copy of the newsletter ‘The Habitat’ regarding watershed management planning was sent to the board.
 - Agent Finger also advised the Board of an email that he had sent out them and to the Planning and Zoning Commissions regarding the need to revise the Town’s zoning regulations on aquifer protection for the land abutting the Franklin Town line. Several documents were sent out but evidently did not reach recipients because of their size and e-mail filters. Agent Finger was trying to urge the Planning and Zoning Commissions to consider adding a provision to prohibit landfills as well as rezone the property along the river near the Scotland Dam to a conservation category, which was recommended by the Planning Commission. Chair Johnson agreed that this was good, as we have a vision for that area. Agent Finger advised the board that messages and attachments regarding this matter have been resent.
 - The Board of Selectmen had approved a tax abatement for Frog Bridge Development in return for easements for the public to enjoy access to the river. Agent Finger was asked to come up with areas where this could be established and to prepare a list of permitted activities. Attorney Cody had developed the legal document for the easement. Agent Finger talked with one of the principles, Mr. Schooley, who thought if the Town can secure funding, it would be an advantage to the development. Agent Finger provided a map of the easement, which includes access through the parking lot and an island, and it could connect with the railroad yard parking lot. There was a discussion about the DOT's lack of action on the railroad yard property. Chair Johnson writes to them every week.
3. Correspondence

Agent Finger reported that he had sent out a letter last November regarding a possible wetland violation to people located on Route 203 in South Windham by the old Windham Lumber site, who have been cutting and storing firewood and other material near the Shetucket River. They had sent a response to the letter indicating that had been using the back half of an old bus for wood storage since the mid 1960’s. Agent Finger said that this well before the Town of Windham had any wetland regulations. He showed pictures of the bus with the front chopped off - and said that there is no oil or anti-freeze from this vehicle. Agent Finger said that in review of the facts, he did not see this as a violation; and the Commission agreed.

V. Adjourn -- Nancy Tinker made a motion to adjourn; Joseph Wagner seconded the motion, and the vote was unanimous. Chair Johnson adjourned the meeting at approximately 8:45 PM.

Respectfully submitted,
Kathleen Wright, Clerk,
July 23, 2009