



TOWN OF WINCHESTER
INLAND WETLANDS & WATERCOURSES COMMISSION
Town of Winchester Town Hall, 338 Main Street
P. Francis Hicks Room – 2nd Floor
March 4, 2020 – 7:00PM
Special Meeting Minutes

1. CALL TO ORDER:

Chairman Ric Nalette called the meeting to order at 7:00PM.

2. ROLL CALL:

Roll call was completed by Mr. Nalette. Present at the meeting in addition to Mr. Nalette were: Christine Hunter, Chris Kiely, Andrea Krawiecki, and Kurt Timmeney as well as staff member Pam Colombie.

Russ Davenport was absent. Steve Molinelli and Jackie Mulvey were absent excused.

3. OLD BUSINESS:

A. IWWC#20-03 Applicant/Owner: East Coast Assistance Dogs (ECAD) Location: 149 Newfield Road Proposal: Site Plan Modification – All Activities Associated with the Site Plan that are not Regulated Activities.

Mr. Kiely reported that while he was absent for the February 19, 2020 regular meeting, he had listened to the audio of the entire meeting.

Attorney Peter Herbst accompanied by East Coast Assistance Dogs (ECAD) Executive Director and President of the Board of Directors Dale Picard, Professional Engineer Jason Dismukes, and Architect Michael Boe appeared before the Commission regarding this application. Attorney Herbst reviewed the approval that had been granted in 1995 for the driveway. He indicated that while there was no regulated activity proposed, he was seeking a finding from the Commission to concur with that position as well as approval for the soil erosion and sedimentation control plan.

Mr. Dismukes reviewed the plans noting the existing +/-8900 square foot building that has associated parking. He identified the paved portions and gravel portions of the site leading down to the driveway. He noted that the proposal includes construction of a 5000-square foot building on the parcel. Mr. Dismukes explained that the intention had been for ECAD to have a three-phase project, which had originally included a building down by the road. He explained that project was subsequently abandoned. Additionally, he noted that the subject building had been part of ECAD's intended Phase III.

Mr. Dismukes reviewed the existing water quality feature. He explained that it had been referred to as a bioretention basin and noted that stormwaters collected from the building and the majority of paved parking area are sent down to that basin currently. Mr. Dismukes explained that the original finish floor plan is being modified so as to allow a handicap-accessible route. He noted that the current proposal is to lower that finish floor elevation for a much flatter entrance.

Regarding Low Impact Development, Mr. Dismukes explained that the current design is to take all of the water from the roof of the building and the stormwater from the back of the building and add a parking lot of pervious pavers. An underdrain is included in the low end of the new parking lot in case the lot is so inundated, according to Mr. Dismukes.

Mr. Dismukes reported that approval had been received from Torrington Area Health District.

Mr. Dismukes noted that a Maintenance Plan had now been submitted pursuant to comments received from the previous meeting.

Presently, storm water flows into the existing basin but with the current plan a vegetated water quality basin is designed to treat the first inch of stormwater, Mr. Dismukes explained. He noted that with heavier storms, the water will slowly drain out under the basin. Additionally, he explained that his revised plan for the basin includes room for storage. The bottoms of the basins are planted with a wetland mixture of plants and the banks of the basin include an upland conservation mix, according to Mr. Dismukes. He noted that the plants are a woody stem type that are knocked down every couple of years with a bushhog and then left to grow.

Mr. Nalette questioned the driveway that appears to run through a wetlands boundary. Attorney Herbst referenced a March 18, 2016 memo from a meeting at Town Hall with former Wetlands Agent Steve Sadlowski whereby it was noted that there he approved a five year extension of a wetlands permit from Dale Picard to improve and widen the existing driveway and to install telephone and electric under central line of the road as approved on March 16, 2011. Mr. Sadlowski had been under the impression that the permit was extendable for not more than fourteen years, or until 2020, according to the memo as read by Attorney Herbst. Staff questioned how the 2005 permit that was extended in 2011 was deemed to be valid without having returned to the IWWC. Attorney Herbst noted that all the work had been done by 2020.

Mr. Nalette questioned what percentage of the parcel is disturbed in regrading the slope. Mr. Dismukes estimated it to be 50% but referred to an already approved site plan noting that the building was going to be sitting on a filled site. With the current proposal, the cuts and fills will be more balanced, according to Mr. Dismukes. Discussion ensued regarding the term approved, with it being noted by staff that this Commission has never reviewed the site for soil erosion and sediment control as that responsibility had not been theirs until the change in the Zoning Regulations in 2016.

Regarding the proposed grading changes with the plan, Mr. Dismukes reported that about 300 yards of fill would be required to be brought on to the site.

Mr. Dismukes opined that the proposed plan has less of an impact on the wetlands than the existing conditions. He reviewed the shortcomings of the existing system. Mr. Dismukes noted that his proposal will result in less water traveling down the hill as the larger storms will be retained.

Mr. Dismukes reported his visit to the Northwest Conservation District (NWCD) following the February 19, 2020 regular meeting. He explained that after having witnessed the IWWC send other applications to the NWCD for independent reviews, he had wanted to get a jump on that process. Mr. Dismukes reported that the NWCD had shared their preference to provide opinions only after having received requests to do so from local towns. He relayed to this commission that after having conversations with NWCD, they were of the opinion that the proposal did not include regulated activity. Staff reported that NWCD had reached out to the Town and NWCD was both surprised and unaware that the IWWC has been charged with the responsibility to review soil erosion and sediment control plans. A formal review had not been provided by NWCD because none had been requested at the February 19, 2020 regular meeting, according to staff.

Mr. Nalette questioned whether drainage calculations had been submitted. Mr. Dismukes indicated that they had not. He referred to Sheet C4 that addresses the water from the impervious surface area, of which information had been taken from the State of Connecticut Department of Energy and Environmental Protection (DEEP) Water Quality and Design Manual, to determine the volume of stormwater that needs to be treated. That calculation had been included on the plans.

Mr. Dismukes explained why in this situation with his design, the water will be detained, allowed to be absorbed by vegetation and noted that by having the underdrain in the bottom of the basin, water will be allowed to filter down through the topsoil and sand before being picked up in the drain. He noted that some will

recharge but the idea is for it to be cleaned before it recharges. Mr. Dismukes described the weir utilized and elaborated why it was the most suitable method of treating and cleaning the water before it gets recharged by the water table. He explained why detaining the water is better for this project rather than an off-line treatment through a structure.

Mr. Nalette questioned whether the applicants had been provided with copies of communications provided by the neighbor at 147 Newfield Road. Mr. Dismukes confirmed. It was noted that there were four documents provided by that neighbor including a letter to the IWWC, a letter to the Planning and Zoning Commission, and two other documents that included suggestions. Additionally, it was noted that both the Commission and the applicant had been provided with copies of an email from Ms. Hunter sharing her concern relative to runoff into Newfield Road in this area as well as a response dated March 3, 2020 in reply to that concern from Department of Public Works Director Jim Rollins.

Mr. Dismukes noted that the concern shared by Ms. Hunter was with the water out in Newfield Road that becomes ice and could be creating a hazard. He read aloud the reply memo from Mr. Rollins. In his memo, Mr. Rollins refers to an old wood's road, which Mr. Dismukes presumed was ECAD's driveway. Mr. Rollins had indicated that the surface flow needed to be redirected to the existing watercourse and was partly on the subject site and partly on the neighboring property at 151 Newfield Road. Mr. Dismukes reported that the water is not stormwater coming off of the driveway but is instead coming down the hill naturally. He noted that after conferring with his client, the culvert that is under the driveway in/near the wetlands has never overtopped. Instead, Mr. Dismukes explained, the water comes out of the culvert and flows behind the house next door into a watercourse that is not maintained. As a result, the water flows around that house, straight down the hill, and into a Town culvert that goes into a headwall across the road.

The Commission recessed at 8:11PM. They resumed at 8:14PM.

Mr. Dismukes agreed to provide an updated site plan that incorporates the stormwater quality maintenance plan on the drawings.

MOTION: Mr. Nalette, Mr. Kiely second, having found at the last meeting that the proposal did not pose a significant activity, to approve Application IWWC#20-03 Applicant/Owner: East Coast Assistance Dogs (ECAD) Location: 149 Newfield Road Proposal: Site Plan Modification, based on oral and written testimony and subject to the standard Inland Wetlands and Watercourses Commission conditions:

1. The permittee shall notify the Inland Wetlands Enforcement Officer immediately upon the commencement of work and upon its completion.
2. If the authorized activity is not completed within five years from the issuance date of March 4, 2020 said activity shall cease and, if not previously revoked or specifically renewed or extended, this permit shall be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the Town of Winchester. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.
3. All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. A copy of the permit and plans shall be on site at all times. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension or revocation.
4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.
5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee shall employ the best management practices, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. Permittee will provide a copy of approved plans to contractor which

shall stay on site and be available for review or inspection during the duration of work. For information and technical assistance, contact the Wetlands Enforcement Officer. The permittee shall immediately inform the Commission of any problems involving the wetlands or watercourses that have developed in the course of, or that are caused by, the authorized work.

7. No equipment or material including without limitation, fill construction materials, or debris, shall be deposited, placed or stored in any wetland or watercourse on or off site unless specifically authorized by this permit.

8. This permit is subject to and does not derogate any rights or powers of the Town of Winchester, conveys no property rights or exclusive privileges, and is subject to all public and private rights to all applicable federal, state and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Winchester.

9. If the activity authorized by the inland wetlands permit also involves activity or a project that requires zoning of subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.

10. The permittee shall maintain sediment and erosion controls at the site in such operable conditions as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee shall correct any such deficiencies within 24 hours of said deficiency being found. The permittee shall maintain such control measures until all areas of disturbed soils at the site are stabilized.

11. The permittee, contractor and/or owner shall conduct all operations at the site in full compliance with this permit, to the extent provided by law, may be held liable for any violations of the terms and conditions of this permit and are responsible for any violation they may have created.

12. Wetland flagging to stay in place during the construction process. Missing flags to be replaced upon the Wetland Agent's request if required for inspection or enforcement.

13. Cash erosion and sedimentation bond totaling \$2500 to be submitted to the Inland Wetlands Office prior to the commencement of work.

14. The applicant will work with the Town and the neighbor to address the driveway drainage issues per the letter from Jim Rollins dated March 3, 2020.

15. The final plan to reflect the stormwater management plan.

16. Drainage calculations to be submitted to the Wetlands office;

unanimously approved

4. ADJOURN:

MOTION: Ms. Hunter, Ms. Krawiecki second, to adjourn at 8:35PM; unanimously approved.

**Respectfully submitted,
Pamela A. Colombie
Recording Clerk**