

**Town of Winchester
INLAND WETLANDS & WATERCOURSES COMMISSION
Minutes of Special Meeting
June 15, 2009**

The special meeting of the Inland Wetlands & Watercourses Commission met in the Probate Room, 2nd Floor, Town Hall, 338 Main Street, Winsted and was called to order at 8:05 p.m. by Vice Chairman Waring. The roll was called:

2. Roll Call:

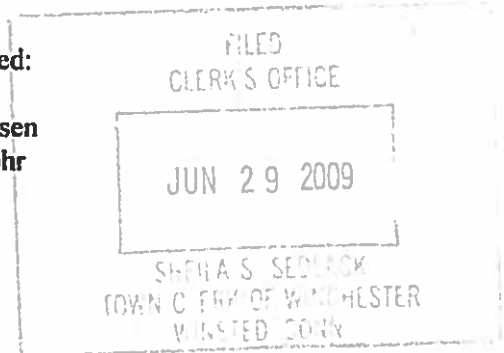
Present:

Ric Nalette, Jr.
Robert Haburey
James Rollins, Jr.
Brian O'Heron

Christopher Kiely
Christopher Waring
Stephen Molinelli

Absent/Excused:

Tim O'Meara
Sherrie Andersen
Agent Eisenlohr



- A. Application #IW09-03 – Public Hearing Open
 Applicant: PCNK, LLC
 Location: 120-126 Colebrook River Road
 Map: 012, Blk: 150, Lot(s): 048E Zone: IA-1
 Proposal: Construct 30,000 SF industrial building with parking lot, driveway,
 Storm, drainage and utilities.

Motion made by Commissioner Molinelli and seconded by Commissioner Haburey to open the Public Hearing at 8:05 p.m.

In favor: Commissioners Kiely, Haburey, O'Heron, Waring and Molinelli.

Absent from vote: Commissioners Rollins and Nalette. Motion passes.

Jason Dismukes, Civil Engineer was present for the applicant, PCNK LLC. Mr. Dismukes presented Vice Chairman Waring with the legal notice and receipts of certified mailing that were sent.

Commissioner Nalette asked if there was any information since last meeting on who needed to be included in the certified mailings. Vice Chairman Waring said that the Town Attorney deemed original notifications as sufficient. However, the new certified mailings were sent to additional members that were out of the 300 foot range. It was stated that Mr. Dismukes received that information regarding the Town Attorney opinion only today.

Mr. Dismukes wanted to give a brief overview. What the Commission originally saw was two detention basins at the end of the parking lots and underground chambers under the driveway. In response to the Trinkaus comments they went back and in accordance with the water quality design manual from DEP they redesigned the detention basins so they have fore bays. The overland flow from the parking lot will flow into the fore bays and the leak offs from driveway and parking lot will drain into the fore bay and the berm in the middle will have an overflow cell that will go into the detention basin. They are detention and infiltration basins and have water quality volumes in both. This will be considered primary treatment. He said he has eliminated the underground chambers for several reasons. The first is a maintenance issue. Second, they are not cheap and third, if you want to get actual water quality treatment filter you have to design them more like a sand filter and not just put them in stone. They have eliminated those and pushed

the embankment out and the toe of the embankment will have a vegetative swale that will have a shallow depression and will be planted and the flow from the shallow depression and from the loading dock will go into swale. This will be a secondary treatment. He showed these changes on the map.

Commissioner Rollins asked about the areas of mitigation along the river. Mr. Dismukes said that the compensatory storage hasn't changed. He said that it was brought up last meeting asking if they will need an Army Corps Permit and the answer is yes they will need that. He explained that even though they are offsetting filling in the flood plain with compensatory storage it triggers a Category Two Programmatic General Permit. It is a DEP and Army Corps combined process. The Category Two threshold is up to an acre. They have 10,000 square feet. They had just shy of 5,000 before. He said to keep in mind that the entire site is heavily disturbed over the years and the wetlands bear that out and the delineation bears that out.

Penny Sharpe, Wetlands Biologist. Ms. Sharpe said that she has been in the field for 30 years or more and has office in Northford CT. She said that she has visited the site several times in 2008. She showed on the map where the compensatory storage is going to be done and showed the small area that is the wetland and where it is going to be excavated. When she went to the site it was quite disturbed but has some flood plain aspects to it. She stated that there are sycamore, silver maple, sugar maple, etc along the river. She said at the same time there are areas where there are Japanese knotweed and there are big stands of that in the flood plain which indicates disturbance in the past.

She said that most of the area that is going to be excavated is herbaceous or shrub growth. She showed this area on the map and feels there is nothing in the area of great importance and when they reseed it they will be monitoring for a three year period following the replanting for invasive plants.

Commissioner Rollins asked what they are going to do when digging through an area of Japanese knotwood because it has to go somewhere. Ms. Sharpe said it will be incinerated or taken off the property.

Mr. Dismukes said that the key point in compensatory storage it has to be hydraulically connected to the river so that when flood waters rise water can come up into the area and when it recedes it can come back out. Digging a pond does not satisfy compensatory storage. He proposed in the E & S sheets they have a stone check dam and haybales and all will remain disconnected until the entire site is stabilized and once stabilized they will come in and take that out. He showed this on the mapboard

Commissioner Rollins asked if there was any other alternative design without having to put in the compensatory storage. Mr. Dismukes said that the 100 year flood elevation is 630 which runs right up through where the building is located. He said that what drove the design is accessing the site with a tractor trailer. It is an enterprise zone-industrial park and whole point is to get a building in that will meet industrial use. As a side note he has written response to all of Mr. Trinkaus' comments including prudent and feasible alternatives. He said there is a very steep embankment all along Route 8 and he showed on the mapboard the only access to get a tractor trailer into the site. They wanted to protect the site from flooding and that would be to keep driveway above 630 which is the flood elevation. Once the driveway elevation is set everything goes from that.

Ms. Sharpe said that all of the area coming out is upland and showed the area that will probably end up becoming wetland on the mapboard. If they plant it as they plan to then it will be better than it is. It could end up being a benefit.

Commissioner Molinelli asked on the driveway off Route 8 what is the proposed solution for snow removal and storage. Mr. Dismukes said that the driveway can be plowed down to the end or off the sides. Wherever it goes.

Commissioner Haburey said that they are 2 separate properties and can he please establish the line. Mr. Dimukes showed on the mapboard but said that the second property is on the edge of the plan. He does have a survey from John DiCara. Mr. Dismukes said that it is one piece at this point and separation may occur before going to Planning & Zoning. It is eligible for a free split. He further stated that he is calling out a Conservation Easement around it.

Ms. Sharpe showed on the mapboard on the site where you enter the property there are a bunch of planted Yew trees that are growing. She showed where wetlands begin and where the line follows and has only seen the revised plan in the last few days but from what she remembers in the flood plain area along the river there are larger trees and dense shrubbery. It is a little less disturbed and then showed where there is an open area. She said that the other wetland impact that they should be aware of is where they access the little island of upland which is going to be excavated that there is a small wetland finger or crossing which will be abandoned once excavated and restored back to its original condition. She showed this on the mapboard.

Commissioner Rollins asked if the compensatory storage is direct connectivity. Mr. Dimukes said that it is connected because they are not digging down but shaving off a mound. There is a distinct mound with white pines and they are shaving that off.

Ms. Sharpe showed the other area of compensatory storage on the mapboard and said that it will have direct connectivity to the other.

Commissioner Haburey said that he understands they found an endangered plant species. Ms. Sharpe said yes. She took a GPS reading and reported it to the DEP. It was St. John's Wort.

Commissioner Nalette asked what will happen if they find another three stems in the middle of the building. Ms. Sharpe said that they won't. It's not wet enough. Commissioner Nalette asked what would happen if they found something else endangered. Ms. Sharpe said it's not endangered. It is of "special concern". Ms. Sharpe said that special concern really means that the population numbers are low that they know about so they want to make sure that it gets some level of protection. If they did find it they could attempt to transplant it and would be in touch with DEP for advice.

Commissioner Nalette asked Ms. Sharpe how does more than doubling the wetland impact change the evaluation of her report. Ms. Sharpe said that even though it is going to impact 10,000 square feet total considering how many thousands of square feet are out there it will not be a loss of functions or values. They will be increasing wetland acres by the compensatory storage. They will actually end up with a better situation. The Army Corps is going to require mitigation as well.

Commissioner Nalette asked if there is a specific formula if they are going to fill in wetlands and will this meet that formula. Ms. Sharpe said that she believes so but the Army Corps will tell them that.

Commissioner Rollins asked what is the efficiency of a reconstructed wetland as opposed to a natural one and how long does it take for a reconstructed one to become what it should. Ms. Sharpe said that there are several studies done and one in particular said that within a five year period from when they get going the reconstructed wetland will perform as well. The Army Corps not only looks at the size but at the habitat they are disturbing such as scrub shrub habitats and have them replant to the same habitat.

Mr. Dismukes said that the Army Corps will get into these points and really let them know what is needed and what is warranted. Ms. Sharpe said that they will definitely have them doing mitigation.

Commissioner O'Heron asked if the bottom line is if they agree on everything. Mr. Dismukes said that there are some minor exceptions but has taken the majority of his comments especially in reference to water quality. Mr. Dismukes said that he has also consulted with Sean Hayden over the last week or so in

revising this plan based on the comments and for input on the changes. He further stated that there was discussion at the last meeting of sending the plans to Sean Hayden from the Commission but that never occurred. He has revised the drainage report in response to Mr. Trinkaus' comments.

Mr. Dismukes was asked his thoughts on Mr. Trinkaus' software. Mr. Dismukes said that he is bound by the State's Water Quality Manual and that provides methods for calculating water quality volumes and if you satisfy those requirements the pollutant loading is not required and when it goes to DEP for the general permit process they will be looking at all of these calculations, etc.

There was a brief discussion on the software.

Mr. Dismukes gave the Commission his response to Mr. Trinkaus' comments.

Mr. Dismukes said that Mr. Trinkaus first called into question the wetlands delineation and why the flags are not in straight lines. He did not make that delineation, Mr. Stanton did the line work and placed the flags based on his field work and observations. Sean Hayden said that wetlands are not created in straight lines. The delineation should stand as is without correction.

The topographic information does stop a bit short. The site is very flat and he showed the information on the mapboard of being very minor and doesn't really change. It will probably have to be augmented at the DEP level.

Mr. Trinkaus commented that the ecological study was required and not submitted so it is obvious he did not have a copy of Ms. Sharpe's report that was submitted with the application.

Mr. Dismukes said that on prudent & feasible alternatives he did not provide drawings but has commented on what was looked at on this site and can show what they thought of doing originally. He showed this on the mapboard. He said that are two curb cuts. They had discussed sharing the curb cut and bringing the driveway parallel with Route 8 into the site. He pointed out where there are all wells along the toe of the slope and when they got the wetlands delineation this area was all wetlands and they abandoned that idea immediately. This design disturbs much less. He further stated that the layout of the driveway is driven by getting a tractor trailer in and then back out.

Mr. Dismukes said that this is the only way to get a tractor trailer in and out. The driveway is the minimum of getting service to the building. Even if they shrank the building he can't move the detention basin out of the way. He doesn't have grade for catch basins and pipe. To get it to work the detention basin position is pretty fixed at the ends of the parking lots.

Mr. Dismukes said that he looked at comments on E & S controls and made significant changes based on his comments. He said that he revised the storm drainage to account for the fore bays and the detention basins.

Commissioner Rollins asked about the comment under general site plan number 7 on excavation. Mr. Dismukes said that the gravel area located to the south and it is an obvious mound and has pine trees on it. He showed where it is on the mapboards and all of the E & S controls. Ms. Sharpe said that they can also use an orange construction fence because it is a barrier in addition.

Commissioner Rollins said that they are taking gravel out and there is a wetland there and Mr. Trinkaus was saying that it may be more wetlands area. Mr. Dismukes said that it is an upland soil and when they take the two feet of the mound off the underlying soil is all sand and gravel and whether it will function as a wetland in all aspects may be questionable. When planting with a wetland mix because it is a wet area there's an existing pond and he showed this on the mapboard it will support the mix. Ms. Sharpe said that they can monitor the groundwater level now with pipes in the ground and seeing if the groundwater is

going to be two feet below the mound then a wetland mix will do well. But if it is several feet below they may want to use a conservation mix.

Commissioner Rollins asked how many cubic yards expecting to take out. Mr. Dismukes said about 1,200. There was a brief discussion on the excavation of this area. Phillip Chabot said that when they spoke about taking the gravel it has to do with the compensatory storage and they are taking from one and giving to another.

Vice Chairman Waring called for Public Comment.

Public comment:

Tony Cannavo:

Mr. Cannavo wanted to give some history of the property since he was one of the owners. He said that Town of Winchester made an industrial site from Route 20 to the Massachusetts border and west of Route 8 and east of Groppo Road was all encompassed as an industrial site. The condominiums got a waiver and shouldn't complain. He and his brother purchased the property that this building is going on now. It belonged to Weigold who had a farm across the street from here and he bailed hay all through the summer and the fall on this site.

When they purchased it they got soil analysis on it from Walter Gonnick who wrote the book on Litchfield County Soils and there was only three or four categories of soil and not one was wetland soil. He said that they started a nursery on the north end and trees were planted in there and the soil very free of stone. When building for Danfield Threads they got permission from the Corps of Engineers. Corps of Engineers gave them the elevation so it would be flood free and they had a boring company come in and they went down and it was 21 feet of solid gravel. They had good structural fill when had to raise the elevation of the building. They are manmade wetlands because there were no wetlands at all. When flood came it did not flood.

Mr. Cannavo said that If they put a driveway just north of Danfield there is a 12 inch water main running through that bank which may prohibit putting a driveway in because they gave an easement to the Town for the water & sewer line. Mr. Cannavo said that it would help the Town and doesn't impact the wetlands. He further said that the land to the north where pumping station is was a driveway that crossed through the river and the gravel for Main Street after the flood was taken from there which was approved by the Corps of Engineers.

The Commission discussed their concern that no other members of the Public were present. The mailing and legal notice was read to confirm they were correct. They were. Mr. Dismukes said that in the most recent certified mailing he clarified the property that is being presented was on the other side and it appeared by comments made last month by the condominium owners that they thought it was a property across the street to them.

Commissioner Rollins asked Mr. Dismukes if he had any other issues on the engineering review that he is in disagreement with.

Mr. Dismukes said that there was some discussion on hydraulic calculations. He said that the comment is that he did not use the full 14 acres for pre-development and post development. He said that he only looked at the area that is going to be affected and compared that same pre-development area compared to the same post development area. He said that it is a mute point what is being compared. It is either the entire site or the affected area. Either way you are calculating the same area in both pre and post.

He further said that there were comments about existing conditions plans with elevation and things on top of each other. The reviewing engineer felt it wasn't necessary. Mr. Dismukes feels it's better to have them on the plan.

Motion made by Commissioner Nalette and seconded by Commissioner O'Heron to table all further discussion and continue this Public Hearing on June 17th.

All in Favor. Unanimous. Motion passes.

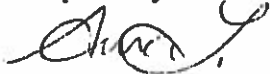
Ms. Sharpe said that because she cannot be at the upcoming meeting that the Commission give Mr. Dismukes any questions they may have and she will respond to them.

Adjournment

Motion made by Commissioner Nalette and seconded by Commissioner Haburey to adjourn the meeting at 9:24 p.m.

All in Favor. Unanimous. Motion Passes.

Respectfully submitted,



Clerk, Anna L.