

INLAND WETLANDS AND WATER COURSES COMMISSION
MEETING MINUTES
OF
JULY 11, 2023

CALL TO ORDER:

The Inland Wetlands and Water Courses Commission Meeting was called to order by Chairman Peter Nieman at 7:00 p.m. on July 11, 2023 in the Berlin Town Hall, Public Works Department (Room 120), 240 Kensington Road, Berlin, CT. Additionally, the meeting was accessible remotely through Zoom.

ATTENDANCE:

Chairman Peter Nieman, Commissioners: Rick White, David Rogan, Michael Cassetta, and Bill Jackson. Absent: Gary Pavano and John Russo. Staff- Jim Horbal.

AUDIENCE OF CITIZENS: None.

MINUTES:

The minutes of the June 6, 2023 meeting were previously distributed for review.

Commissioner Cassetta made a motion to approve the minutes of the June 6, 2023 meeting, seconded by Commissioner White. The motion was unanimously approved.

PUBLIC HEARING:

Commissioner Cassetta made a motion to open the Public Hearing for Application 23-05W, seconded by Commissioner White. The motion was unanimously approved.

Application 23-05W - Proposal by Little House Living, LLC to construct residential dwelling units and discharge drainage within an Upland Review Area on Lot 10, Block 114, #1676 Berlin Turnpike.

Attorney Christopher J. Smith, Alter & Pearson, LLC, Mr. Zachary A. Georgina (Project Engineer), Juliano Associates, LLC, Ian T. Cole, Professional Soil & Wetland Scientist, Ian T. Cole, LLC, and applicant Pat Snow were present for the Applicant.

Attorney Smith introduced the application (from the submitted application letter). The Applicant respectfully requests approval to either modify an existing wetlands approval and permit for regulated activities associated with an eighteen (18) unit multi-family residential community development of the subject property that was approved by the Commission on May 3, 2022 (“prior wetlands approval”) or, in the alternative, approve a new wetlands permit for regulated activities associated with the modified site plan for a twenty (20) unit multi-family residential community development of the subject property (“modified site plan”).

The regulated activities associated with the modified site plan are substantially and

materially the same, or within the scope of, the regulated activities approved by the Commission with the prior wetlands approval. There has been no substantial change in circumstances concerning the regulated wetlands/watercourses, or upland review areas. The regulated activities associated with the modified site plan will not result in an adverse impact to the wetlands or watercourse.

Therefore, the Applicant respectfully requests that the Commission: (1) find that the regulated activities associated with the modified site plan are within the scope of the regulated activities associated with the prior wetlands approval and, therefore, a new or modified wetlands approval of the regulated activities is not required; (2) find that the regulated activities associated with the modified site plan are substantially and materially the same as those regulated activities approved by the Commission with the prior wetlands permit approval; or (3) find that the regulated activities associated with the modified site plan are substantially and materially the same as those regulated activities by the Commission with the prior wetlands approval and, therefore, approve the subject application as a new wetlands permit.

Attorney Smith asked Mr. Georgina to continue with the application.

Mr. Zachary Georgina, Juliano Associates, LLC, (Project Engineer) further summarized the Stormwater Report (on file):

The subject site is a 82,758 Sq. Ft. (1.90 Acre) parcel located on the west side of the Berlin Turnpike (CT Route 15) in Berlin Connecticut. The property lies within both the Berlin Turnpike (BT-1) zone and the Planned Residential Infill Development (DD) district. The presently existing site consists of a vacant parcel but was historically used as a motel featuring eight (8) standalone rental units and two larger buildings.

The proposal is for the redevelopment of the property as a planned residential infill development. The proposal calls for eighteen (18) residential buildings consisting of twenty (20) units to be constructed on the property with a looped driveway providing access to the units as well as unit specific parking provided by an interior garage and driveway parking. All dwellings will be served by municipal water, municipal sewer, and electric services.

The construction of the proposed building and parking area increase the total amount of impervious surface on the parcel when compared to both current site conditions and historical site conditions. As such, the need to mitigate the increase in stormwater runoff is required. The proposal to mitigate that increase consists of three underground stormwater systems. Due to the volume of water collection and the depth to ground water all systems are designed with infiltration in mind while utilizing outlet control structures to manage peak flows. The two minor systems located to the southwest of the property are designed to address the roof runoff from five (5) of the buildings (seven (7) of the dwelling units). These two systems utilize an existing stormwater swale to receive water from their outlet systems. The third larger unit located in the northwest corner of the property is designed to collect stormwater from driveway via a network of four (4) catch basins as well as ten (10) of the residential dwellings. This system uses a level spreader to reduce the velocity of the flow leaving the system.

All three systems as proposed handle storms up to and including the 100-year storm while decreasing the peak flow leaving the site when compared to its previous development. All systems maintain a minimum separating distance from groundwater of three (3) feet to ensure water quality of infiltrated run off. The largest system does utilize an isolator row which will require regular maintenance as outlined in the stormwater maintenance plan to keep the system functioning optimally. The two smaller systems do not feature isolator rows as only roof runoff is being directed into the system which is assumed clean.

In sizing the volume of the detention system water quality volume was calculated to assure

a minimum retention. In doing so the total proposed site impervious (including sidewalks paved areas, and concrete pads) was determined to be approximately 48.2%, when pairing this value with the site area in the following equation a retention volume of 3,324.3 cubic feet is required.

$$WQV = \text{Din}(12)(A)1/(12\text{inft}) = [(1\text{in})(0.05+0.009(48.2\%))(1.90\text{acres})]/(12\text{inft}) = 0.0763 \text{ acre-ft} = 3,324.3 \text{ cubic feet}$$

Our three proposed systems provide a total storage volume of 3,342.5 cubic feet, which exceeds the required water quality volume.

Chairman Nieman, on behalf of the Commission, received a letter from the Berlin Land Trust for the record (on file):

Dear Chairman Nieman, Members of the Commission and Mr. Horbal;

The Berlin Inland Wetlands and Water Courses Commission ("IWWC") is charged with the protection of Wetlands.

Wetlands serve important functions:

1. Maintain water quality;
 2. Reduce erosion;
 3. Limit flooding;
 4. Support marshal plants;
 5. Offer aesthetic support to all us;
 6. Control insect populations;
 7. Provide a national habitat for local flora and fauna;
 8. Assist scientific inquiry;
- (cf. William J. Mitsch and James G. Gosselink, Wetlands, p. 556.

To protect wetlands buffers, also known as upland review areas, are required.

When water flows into a wetland it carries chemicals that are detrimental. For example, inorganic herbicides, fertilizers and pesticides, as well as oils and salts from the developed area are chemicals harmful to the wetlands. Buffers allow these chemicals to be absorbed before they are transported into the wetlands. So, buffers shield the wetlands from harmful chemicals. Berlin protects its wetlands with a very limited buffer, a mere fifty (50') feet. Therefore, if this limited buffer is to protect the wetlands effectively it must not be utilized by the developer for any purpose.

The plans submitted by Little House Living, LLC disregard the intention of the buffer to protect the wetlands:

Our review of the Site Landscaping Plan (Sheet 5 of 10) indicates that Units 1, 3, 5, 7 and 8 and the Cultec Recharger 180 1 + D all are all located within the buffer area. In fact, these five units and the large recharger unit obliterate the buffer area. In effect the buffer has been eliminated. The Berlin Land Trust

("BLT") objects strongly to this blatant misuse of the minimal fifty (50') foot buffer to the wetlands.

BLT requests that the wetlands in question be protected as follows:

1. That the buffer (upland review area) of fifty feet remain permanently undisturbed;
2. That the developer covenant with IWWC that neither it nor its successors will use inorganic herbicides, fertilizers, pesticides on the site. The Developer or its assigns should indicate to the IWWC annually that no inorganic herbicides, fertilizers and pesticides have been used on site for the last twelve (12) month period.
3. Proper siltation and oil/gas recovery protections must be incorporated into the plans where practicable.

Of course, these covenants are often honored in the breach. That is why the buffer must still be protected.

Each parcel of land is unique. Some have more limitations than others. The fact that wetlands are present at the northerly border of the site limits the potential development of this site. The wetlands and the minimal buffer of fifty (50') feet should not be affected by the development. The number of units this site affords a developer is not relevant to IWWC which is expected to protect wetlands. The IWWC should just say "no" to the placement of five (5) units and the Cultec Recharger within the buffer area intended to protect the wetlands. Thank you.
Very truly yours, Dennis L. Kern

Mr. Georgina, Project Engineer, addressed some of the letter, impromptu, and provided further information on the property as it looks today and what was there previously. He discussed the soil and erosion control measures that will be set in place with DEEP guidelines.

Chairman Nieman questioned the runoff from the Berlin Turnpike and he was told that stormwater should go to the catch basins and they will repair the curbing to keep it from going on to the property.

Mr. Horbal questioned if they might perform spot grades on the Turnpike and if the snow shelf in the State right-of-way could be addressed.

Commissioner Jackson questioned the functionality of a berm and the curbing.

Commissioner White questioned the stormwater getting over a 3" curb.

Mr. Georgina added that they have proposed a 3' level spreader which is a better system than the proposal from last May.

Mr. Ian Cole, Professional Registered Soil/Wetland Scientist, summarized his Impact Assessment (report on file) for the Application:

I [Mr. Cole] offer the following comments relative to assessing impacts to the freshwater inland wetlands and watercourses due to the proposed regulated activities.

The owner is requesting confirmation by our office as to whether the regulated activities associated with a new proposed multi-dwelling 8-30g residential development as illustrated on Juliano Associates' March 24, 2023, updated plan set, substantially and materially the same as, and within the scope of, those regulated activities approved by the Town's Application 22-02W.

This revised application includes modifications and improvements to the proposal that was approved in 2021 by the IWWC. Conceptually this proposal is very similar to the previous application. The changes reflected in this proposal center on repositioning of the proposed structures from duplexes to standalone units. These modifications fall within the proposed building envelope and essentially have the same footprint and scale of what was previously approved by the Commission. The redesign also includes stormwater management focused on infiltration to provide stormwater water quality renovation.

The proposed development will not result in any direct permanent wetland impact. Avoiding direct wetland disturbance, maintaining erosion and sediment controls during construction and the inclusion of a stormwater management system to renovate water quality runoff are included in this proposal to mitigate both short term and long-term development related impacts.

The development and regulated activities will maintain the holistic functions and value of the adjacent wetland resources. The wetlands including their existing functions as well as the on-site drainage patterns will be maintained. The beneficial and functional service of the neighboring wetlands is the conveyance of seasonal flow and groundwater recharge, which the development will be preserving by maintaining overall existing drainage patterns and flow dynamics.

The proposed reconfigured layout makes reasonable use of the property. The redevelopment will revitalize the vacant property into a modern residential development compliant with today's regulatory standards and best management practices.

In my professional opinion, the regulated activities associated with the residential community depicted on the subject site development plans are materially and substantially the same as, and within the scope of, those approved in the previously authorized Wetlands Permit. In addition, the regulated activities associated with the residential community will:

1. No result in an adverse impact to a wetland or watercourse;
2. Are consistent with and satisfy the statutory factors for consideration provided by Section 22a-41 of the Connecticut General Statutes; and
3. Are consistent with and satisfy the criteria for consideration provided by the commission's regulations.

Chairman Nieman asked the audience if there were any comments.

Petra Riley, 100 Peter Parley Row, read a letter from resident Linda Ahlstrand, 48 Holly Court.

At the April 5, 2022 Inland Wetlands Commission meeting regarding the 1676 Berlin Turnpike application, I asked the following:

Why was only one test hole dug where the original infiltration system was to be located? Now the applicant is proposing three smaller systems and has not provided enough test borings and information as to the present

conditions. More samples are required to make a proper evaluation of the soil's ability to absorb or transfer the water from the detention and recharge areas back to the soil.

What is the present depth to groundwater especially in all the areas where stormwater detention and recharge is proposed?

How will the proposed recharge affect the abutting properties where these properties are at a lower elevation than the site?

On the north side of 1676, out by the Turnpike, the topography begins at 133' and slopes down between 123'-122' at the boundary with 51 Holly and an additional 1' drop to the house foundation. Yet, last year, there was no concern for this 12' drop. The wetlands and the stream/culvert abut this property. The potential for major flooding is huge from storm water runoff for this property and other houses on the north side of the street.

On the south side of 1676, out by the Turnpike, the topography begins at 135' and slopes down to 128'-127' at the boundary with 48 Holly. The terrain then slopes down to 122' at that house foundation. Again, last year, there was no concern for that 13' drop. The potential for major flooding is also huge from storm water runoff and could flood those houses on the south side of Holly.

We are terribly concerned with storm water runoff from this high density project, having only a 15' buffer, 20 units being built 10' apart and their impervious surfaces of roofs and asphalt. A BT-1 50' rear buffer and 25' side buffers would certainly help stormwater to naturally be disbursed into the ground.

We have been inundated, at times, with many days of heavy rains and super storms. Even this past week, we have had flood warnings. These infiltration chambers will always be filled with stormwater runoff. All this recharged water coming out of the chambers and storm water runoff not captured by the infiltration system will be barreling down both above and underground adding to the saturated soil. This will flood our lower levels and could possibly undermine our foundations with catastrophic results.

What is the permeability of the soil at these detention/recharge areas and which way will the saturated groundwater travel once it is piped into the ground?

We are requesting that the applicant provide emergency spillways to control overflow of the proposed chambers should a storm frequency be higher than that which it has been designed.

We are requesting that the applicant be responsible for monitoring groundwater levels downhill of the proposed development at 51 and 48 Holly before and after installation of stormwater detention and recharge facilities.

Attached is page 11 of Town hired Planimetrics initial report dated June 30, 2023 citing stormwater drainage concerns for 1676 [Berlin Turnpike]. We hope that those comments and concerns along with our worries and comments will be fully addressed and resolved. Thank you. Linda Ahlstrand 48 Holly Ct

Planimetrics Initial Report —June 30, 2023

3. Parking / Emergency Accessibility - The applicant should explain to the Commission the rationale for providing no guest I visitor spaces *and* the possible Implications of guest/visitor parking on access by emergency vehicles.

4. Setbacks/ Buffering -The Commission should be aware drat any patios or other outside appurtenances (formal or informal) will likely be located within the setback/buffer areas.

Refuse Management —The applicant should describe how refuse/recycling will be handled since there are no dumpsters or other facilities identified.

6. Parking For handicapped -Site layout Plan states that two handicap accessible spaces are provided but the location of such spaces is not shown. Win the Loafs) for handicapped persons have handicapped bathrooms and other 'universal design' features? Now will handicapped persons access the second floor bedrooms?

7. Architectural Drawings -

- a. The Commission should request a report on whether the unit designs meet the Building Code / Fire Code with regard to the number of means of egress, windows, etc.
- b. The applicant should clarify the first floor elevations of units and garages.

8. Stormwater Drainage

- a. The Commission should request a report on whether the drainage is in accordance with 7004 Connecticut State Water Quality Manual (as stated by the applicants).
- b. The Commission should request a report on whether this property has adequate rights to discharge stormwater as shown. (level spreader).

- c. the applicant should provide information demonstrating that runoff from the property to the south which discharges to a swale on the subject property has been adequately accounted for in the proposed retention system and whether there will be any pending on the subject property which may affect the adjacent unit or present an attractive nuisance or a threat to health or safety.
- d. The drainage at the site driveway to and from the Berlin Turnpike should be clarified since the grading plan suggests that drainage water from the Berlin Turnpike could flow onto the site and overwhelm the storm drainage system.
- e. The Commission should request a management / maintenance plan for the drainage system, particularly with regard to siltation of catch basins possibly migrating into the retention structures. Perhaps covenants or restrictions should be placed on the land records clarifying the maintenance responsibility for this drainage system on future owners of a rental development or future owners of individual units if to be a common interest ownership community.

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Mr. Georgina, Project Engineer, addressed some of the letter, impromptu, and provided further information. There were 5 test pits with the new application and they designed for a 100 year storm and where there was nothing on the property before, the new design will make conditions better.

Chairman Nieman asked if there were any further comments.

Ms. Sherry Rice, 38 Holly Court, expressed her concerns about stormwater coming down to their neighborhood and causing basement flooding and foundation issues. She mentioned that the Gentleman from Berlin Automotive spoke the last time, and maintains the existing swales to keep water out.

Ms. Irene James, 51 Holly Court, was present and said she supports her other Holly Court neighbor's concerns.

A question arose about the previous foundations on the site, and Mr. Pat Snow pointed to the prints where that foundation was located.

Chairman Nieman asked if there were any further comments.

Commissioner White made a motion to continue the Public Hearing for Application 23-05W at the August meeting. The motion was seconded by Commissioner Cassetta. The motion was unanimously approved.

Attorney Smith questioned the actual meeting date, for the record, and August 8, 2023 was spoken.

Other Business to Come Properly Before the Commission

Mr. Horbal reviewed the status of some properties that have been reported that he is monitoring and suggesting remediation actions.

ADJOURNMENT:

Commissioner Cassetta made a motion to adjourn the meeting at 8:21 p.m. The motion was seconded by Commissioner Rogan. The motion was unanimously approved.

Lecia Paonessa
Recording Secretary

RECEIVED FOR RECORD
BERLIN TOWN CLERK

2023 JUL 18 PM 1:34

Katlynn Wall

BERLIN, CT.