

INLAND WETLANDS AND WATER COURSES COMMISSION
MEETING MINUTES
OF
DECEMBER 5, 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 December 5, 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, Michael Cassetta, John Russo, Bill Jackson, and Gary Pavano. Absent- David Rogan. Staff- Jim Horbal.
Guests: Applicants/Presenters, and Michael Kiely-Berlin Land Trust (via Zoom).

AUDIENCE OF CITIZENS: None.

MINUTES:

The minutes of the November 14, 2023 meeting were previously distributed for review.

Commissioner Pavano made a motion to approve the minutes of the November 14, 2023 meeting, seconded by Commissioner White. The motion was unanimously approved.

PUBLIC HEARING:

Commissioner Pavano made a motion to open the Public Hearing for Application 23-12WF, seconded by Commissioner Cassetta. The motion was unanimously approved.

Application 23-12WF - Proposal by John Gagas, c/o StanChem Polymers, Inc., to construct Industrial Improvements within a Floodplain, Floodway, and Regulated Wetland Area on Lot 10, Block 133, 401 Berlin St., East Berlin.

Stephen Benben, P.E., Triton Environmental, Inc. and Mr. Dennis Vachon were present for the presentation. Mr. Benben demonstrated prints and summarized the project:

Development Description

StanChem is proposing to construct a new storage tank containment structure and truck off-loading area to improve facility operations and off-loading efficiency. The improvements will be located north of Building #27 currently occupied by a dilapidated miscellaneous storage building, an outdoor concrete-block storage area for miscellaneous site debris and aggregate stockpiles, and an open compacted gravel area used for truck traffic and maneuvering. The existing features are located within the FEMA floodplain/floodway and 50-foot regulated wetland area. To facilitate the planned improvements, StanChem will demolish the existing storage building, building foundation, and

concrete access ramp, and will remove the concrete block storage area and existing debris and stockpiles.

The containment structure will be 46' x 46' reinforced concrete structure and will contain up to four 30,000-gallon storage tanks. The containment structure will consist of a reinforced concrete slab with three-foot high walls on all sides and will be supported by concrete piles and concrete grade beams, elevated above the floodplain. The area beneath the structure will allow unobstructed flow of water to flow beneath and around the structure to minimize impact to the floodplain and floodway. The storage tanks will be used to store and supply chemicals for the manufacturing process within the main building, as needed. The containment structure will provide sufficient containment volume in the event of a full tank failure. In addition to the storage tanks, the containment structure will house four new transfer pumps, an elevated tank access platform, elevated product supply lines, and a new elevated electrical service.

The truck off-loading area will be a 100' x 25' reinforced concrete slab directly west of the new storage tanks to provide StanChem flexibility and efficiency to off-load additional delivery trucks. The slab will be pitched to a trench drain in the floor of the slab to collect stormwater and/or potential spills during the off-loading operations. The trench drain will include two outlet configurations controlled by separate drain valves. During normal operations with no off-loading operations occurring, the trench drain will collect stormwater run-off, and direct it to a new stormwater quality basin east of the off-loading area. During off-loading operations, the outlet valve to the stormwater basin will be switched to a new 6,000-gallon double-walled underground tank will be opened. In the event of a spill, product will be collected by the trench drain and directed to the underground tank. The tank has been sized to contain the maximum spill from the largest tanker truck expected at the facility. The tank will be pumped out on a routine frequency to address any collected precipitation that might enter due to off-loading during precipitation events.

StanChem will be installing a new elevated off-loading gangway and automated control system within the footprint of the off-loading area to facilitate truck off-loading from the top of the trucks. In addition to the gangway, the off-loading area will include a new off-loading pump, access stairs into the elevated containment structure, and electronic pump operations controls.

The proposed site improvements also include installation of permeable pavers south of Building #50. The permeable pavers will provide a non-erodible surface to allow StanChem to park vehicles and/or empty tankers adjacent to Building #50 and control stormwater runoff.

The proposed project will involve site work in the surrounding area and consist of removal of earthen stockpiles in the area and rough grading to the project area. The complete site improvements will provide stability to the area and allow stormwater runoff to be directed to the Mattabesset River. Wetland and Regulated Area Impact

Wetland soils near the area of the proposed project are located along the western border of the property associated with a manmade drainage swale and along the east border of the property adjacent to the Mattabesset River. The manmade drainage swale conveys surface runoff from offsite and from portions of the western portion of the property to the Mattabesset River. Surface runoff from the project area currently flows east to the Mattabesset River.

The wetlands near the proposed improvements are lightly wooded, and include tree species such as Red Maple, shrub species such as Silky Dogwood, Morrow's Honeysuckle, and Multiflora Rose, herbaceous plant species such as Skunk Cabbage, Field Horsetail, Yellow Iris, Trout Lily, Sensitive Fern, and Phragmites, and vine species such as Asiatic Bittersweet. Phragmites, Multiflora Rose, Morrow's Honeysuckle, Yellow Iris, and Asiatic Bittersweet are exotic invasive plant species and are a major component of the wetland.

The project area is currently occupied by the existing storage building and aggregate and debris storage areas and are located within the regulated area as described above. The proposed improvements would replace these existing features, improving the aesthetics of the area, improving the water quality of the runoff, and restoring a portion of the wetland buffer and natural resources with the planned vegetation within and around the water quality basin. A native New England restoration seed mix will be utilized within the disturbance areas, which contains native and

naturalized grasses that germinate quickly to stabilize recently disturbed soils.

There will be a minimal impact to the wetlands east of the water quality basin. The basin is designed to discharge runoff from large storm events through an overflow spillway. The spillway will discharge onto the existing embankment leading to the edge of the river. To eliminate the potential erosion of the embankment, the flow path will utilize riprap stone armor as erosion protection on the steep slope of the river embankment. The proposed tank structure and off-loading area will be located outside of the delineated wetland areas onsite and sufficient space has been provided to allow for site excavations to not disturb the wetland areas.

Floodplain and Floodway:

As noted above, the site is located within the floodway and associated floodplain of the Mattabesset River. The site is located within the SFHA Zone AE, which has a base flood elevation (BFE) of elevation 28.0' (NAVD88). The proposed tank structure and off-loading area are in an area of the property that is within the FEMA delineated floodplain and floodway. The proposed tank structure will be designed to withstand the forces exerted on it by flood conditions and will be supported by concrete piles to elevate the containment structure and tanks above the BFE, with only the concrete piles occupying space within the floodplain. The proposed grading and earthwork associated with the project will result in a net export of 220 cubic yards of material, which will result in additional storage capacity in the floodway/floodplain. Construction of the off-loading area will not impact the floodplain storage as its construction will result in a net zero increase in capacity. As such, the anticipated impact to the floodway or floodplain will not increase the existing base flood elevation.

Alternatives Assessment:

Prior to the development of the proposed plans, StanChem considered various alternatives to building within the regulated area and floodplain. StanChem performed an overall site evaluation for potential alternative locations based on the existing traffic patterns, manufacturing building location, developable area, wetlands, and the floodplain. Based on the results of the evaluation, StanChem believes the proposed location will provide it with a practical solution and will have the least impact on the existing natural resources. The project area is located next to an area of existing tanks (east of Building #27), which keeps the storage operations located in a central location. There is limited space outside of the floodplain and 50-foot regulated area, with no space available adjacent to the main operations building. Installation of the tanks near Building #27 minimizes the length required to install the overhead supply lines and electric services needed to supply the operations, reducing the potential impact with onsite traffic, resulting in a safer work environment. Additionally, by removing the existing building and storage areas currently occupying this portion of the facility, StanChem will provide benefits to stormwater quality and establish a vegetated buffer upstream of the wetland.

Soil Erosion and Sediment Control Plan

StanChem will establish sediment and erosion control measures in accordance with the sediment and erosion control plan prior to the initiation of construction activity. The proposed improvements will be completed in the anticipated construction sequence included on sheet C4.0.

The Commissioners had a few questions for Mr. Benben. Chairman Niemen asked Mr. Horbal if Staff was satisfied with the proposal, and Mr. Horbal responded that there have been a few meetings over the past few months and Staff is satisfied.

Commissioner White made a motion to close the Public Hearing for Application 23-12WF, seconded by Commissioner Pavano. The motion was unanimously approved.

Commissioner Pavano made a motion to approve Application 23-12WF with Standard Conditions, seconded by Commissioner Cassetta. The motion was unanimously approved.

REGULAR MEETING

Application 23-11W - Proposal by Jeffrey Michaud to construct an addition to the existing building within an Upland Review Area on Lot 6-3, Block 90, # 496 Four Rod Road.

Mr. Jeffrey Michaud, Complete Sheet Metal, was present for his application. He is requesting approval to construct a 1,250 square foot addition to a recently built structure housing “Complete Sheet Metal” located along the westerly side, at the base of the hill on Four Rod Road.

Mr. Michaud hired REMA Ecological Services to assess existing conditions. The assessment was conducted on September 13, 2023. They deemed that the risk of any adverse wetland impacts is minimal to negligible. The area adjacent to the building expansion is nearly flat, stable, and maintained as lawn, to the edge of a moderate, heavily vegetated slope, down to the existing wetlands, which are comprised of very sedge, emergent (i.e. wet meadow) and scrub wetlands, with seasonally flooded, forested wetlands further to the north.

Chairman Nieman asked if there were further questions. Hearing none, he asked for a motion.

Commissioner Cassetta made a motion to approve Application 23-11W with Standard Conditions, seconded by Commissioner Pavano. The motion was unanimously approved.

Other Business to Come Properly Before the Commission

A) Notice of Violation – Old Brickyard Lane

Mr. Horbal explained that he met with Mr. Wainman and Mr. Cocomo this morning and progress is being made.

Commissioner Jackson recused himself from the discussion, and left the meeting before the McMurray Drive discussion.

B) Notice of Violation – 49 McMurray Drive

Mr. Horbal explained that he received complaints from neighbors about trucks bringing in fill. A Certificate of Occupancy with a major renovation/addition had been issued, in his absence, and he was not consulted about the grading. Mr. Horbal visited the site and thought that he was looking for activity at the rear of the property, but additionally found large quantities of fill spread all around the lot. A Notice of Violation was issued and when the owner received the letter, she came in to the Town Hall. She had previously been in to the Town Hall to ask the Building Department what was allowable to build on her property. Upon receipt of the violation, she came in and spoke to Mr. Horbal and the Zoning Enforcement Officer to learn more about things that are allowable to do on her property. She was requested at the time to sign a grading waiver to hold the Town harmless if

anything happened, but refused.

The Owner brought her daughter with her to the meeting to help her understand/explain the situation. She explained that she had previously had the wetlands flagged by Mr. Jackson and since there was so much construction activity, she was going to smooth out the yard and plant grass. She didn't realize it would be a problem.

Mr. Horbal distributed a print with the wetlands boundaries and where he saw fill added to the property. He and Chairman Nieman strongly suggested that she have her Land Surveyors go back to the property and find the boundaries and quantities of fill and get back to the Commission by the next meeting. They told her she would most likely have to remove the fill because one cannot fill wetlands without going through the Commission. Chairman Nieman explained that they should bring back a plan next month.

C) 2024 Meeting Dates:

Mr. Horbal had previously mailed the proposed 2024 meeting dates to the Commissioners for review. Commissioner Russo found a conflict for the November meeting, as it falls on Election Day [November 5, 2024], so the Commissioners moved the date to the second Tuesday (as January and September because of holiday conflicts).

Commissioner Cassetta made a motion to approve the 2024 Meeting Dates, as corrected, seconded by Commissioner Pavano. The motion was unanimously approved.

ADJOURNMENT:

Commissioner Pavano made a motion to adjourn the meeting at 7:55 p.m. The motion was seconded by Commissioner White. The motion was unanimously approved.

Lecia Paonessa
Recording Secretary

RECEIVED FOR RECORD
BERLIN TOWN CLERK



12/8/2023, 9:18:35 AM