

**INLAND WETLANDS AND WATERCOURSES COMMISSION
PLAINVILLE, CONNECTICUT
MARCH 6, 2024
REGULAR MEETING MINUTES**

REGULAR MEETING at 7:00 P.M.

**MUNICIPAL CENTER
ROOM 304 – COUNCIL CHAMBERS**

PRESENT: P. LeBeau, P. Martin, K. Kowalczyk, R. Carrier, C. Gonzalez

ABSENT: None

STAFF: M. DeVoe, Town Planner

I. ROLL CALL

All members were present.

II. PUBLIC COMMENTS

None

III. PUBLIC HEARINGS:

None

IV. UNFINISHED BUSINESS

A. IW 07/23 #09 – Permit – 12 Granger Lane – activity in an upland review area – Graceway Church

Attorney Ziogas' letter stated that client admits to removal of some debris and vegetation and has made an appointment to correct Notice of Violation. Applicant now wants to maintain according to plan submitted and pre-approval for removal of any and all trash or previously cut debris deposited by former owners. Planner DeVoe said that the plan is acceptable and wants to add a condition of approval – silt fence and notification. Mr. Carrier confirmed that permit will be for filling invasive removal and Ms. Kowalczyk asked that salt resistant grass be used.

A motion was made to approve permit IW 07/23 #09 based on Conditions 1 – 8 stated in Attorney Ziogas letter dated March 1, 2024 and notification to the planner prior to the start of any work by: P. Martin

Seconded by: P. LeBeau

All in Favor 5 to 0

Motion Passes

B. Notice of Violation/Cease and Desist Order – Show Cause – 12 Granger Lane – clear cutting in a regulated area. Dismissed.

C. IW 12/23 #12 – Permit – 167 New Britain Avenue – activity in an upland review area – Gateway Square, LLC

Bryan Panico, Harry Cole & Sons, represented the applicant who is requesting a permit to conduct activity within an upland review area. The applicant is proposing the construction of new commercial uses on a previously disturbed site behind Wendy's, Taco Bell, and Long John Silvers. The activity subject to this application requires work within the upland review area, including construction of parking and storm water retention, floodplain compensation activities, landscaping and building construction. Portions of the property are impacting the 100 year floodplain and the Town Engineer is in the process of permitting the activity in accordance with the Town of Plainville Flood Damage Prevention Ordinance. The wetland adjacent to the proposed development activities consist in part of detention basins already constructed for a former approved project that was never built. The existing basin was designed to provide settling and residence time for storm water from the previous approval before being discharged into the receiving wetlands. The new plans provide a greater amount of onsite storm water storage before waters are discharged into the adjacent wetlands and the Town Engineer has reviewed and approved the proposed plan. The plan is less intrusive and four parking spaces closest to the wetlands can be eliminated without being detrimental. Regarding the Floodplain Permit, the Town Engineer has opined that one cannot be issued until the project has been approved by IWWC and PZC.

Mr. Bossi made the following comment to Planner DeVoe on February 27, 2024:

The Gateway proposal submitted will require a flood permit, however no final conclusions can be made until the Wetland, Planning, and Zoning Commissions provide direction on whether the development plans are acceptable. As I see it, the extent of the approved development controls the impacts to the flood plan. Should the second [mixed-use] building be unacceptable, the location of the first building [proposed coffee restaurant] and parking is likely to be modified resulting in different impacts to the flood plain.

Planner DeVoe made comments regarding the proposed plan that EV parking will be relocated from the central island to the south side of the property. He recommended to the commission members that they consider the following: the wetland boundary is appropriate, determination of ground water level acceptable, and pollutant removal analysis as approved by the Town Engineer.

Mr. Panico said that with this plan detention areas are greater and that the flood plain volume will be kept and improved. Concrete dry well infiltration is being proposed.

Planner DeVoe said that ground water might reduce the capacity of in-ground detention, but that the three main surface detention areas and that Mr. Panico has proposed properly addressed the matter.

The Wetland Survey presented by Ian Cole, Soil Scientist, stated that detention was never sized for additional water flow, and that the detention basin behind the Wendy's restaurant should be considered..

Mr. Panico said that detention was sized and that the basin is not functioning as it should. Water is spilling into the basin and back down to the established basin behind

Wendy's. It is better to provide more at this site than to disturb the basin at Wendy's, which is now an established wetland.

Planner DeVoe recommended that commissioners review the seven items under "significant impact" on Page 4 of their regulations. The seven items were read aloud during the meeting and commissioners agreed that no significant was present.

A motion was made to approve permit for IW 12/23 #12 by: C. Gonzalez
Seconded by: R. Carrier

All in Favor 5 to 0

Motion Passes

V. NEW BUSINESS

A. IW 02/24 #01 – Permit – 91 Northwest Drive – activity within an intermittent watercourse – Drainage Repair.

Tom Daly, SLR Consulting, represented the applicant. With him was Todd Raymond, Facilities Manager, Wheeler Clinic/Northwest Village School. In 2023 the drainage channel that directs storm water runoff from a residential subdivision at a higher elevation was damaged. This caused storm water to inundate the applicant's property as shown in photos provided. The flooding continues to occur. The original drainage channel became blocked with tree trunks, limbs, and stone. The storm water flow was diverted from the designed channel that has been sufficient to the task since its installation. Repair is required and should be viewed as emergency work. Activity is occurring within a man-made channel and being done with best management practices in mind. A contractor selected through SLR will oversee the work which will take several or more days to complete.

Planner DeVoe urged the commission to act on this immediately and forego any consideration of a public hearing.

A motion was made to approve permit for IW 02/24 #01 by: P. LeBeau
Seconded by: C. Gonzalez

All in Favor 5 to 0

Motion Passes

B. IW 02/24 #02 – Permit – 0 Loon Lake Road (32-A-02) – Activity within a wetland and/or watercourse – Tilcon CT, Inc.

Megan Raymond, Soil Scientist, SLR Consulting, represented the applicant. Tilcon, CT, Inc. is in the process of building an approved access to the North Mountain quarry on a parcel referred to as 0 Loon Lake Road. The south quarry on Woodford Avenue is near the end of its useful life, therefore the need for the North Mountain quarry. The parcel is 163 acres in size but the project area is 7.6 acres. Current regulations require that Tilcon comply with wetland regulations as it continues to mine the site in previously disturbed wetland areas. They are requesting to fill a man-made wetland due to ground elevation requirements at the cliff face needed to conduct the mining operation.

Planner DeVoe said that this is a reasonable request and again recommended that the commission review the seven items of significant impact on Page 4 of their

regulations. The seven items were again read aloud during the meeting. He also recommended referring to the SLR Wetland Impact Assessment. Planner DeVoe stated that if the commission finds in the future that the environment has been disturbed, it can ask for mitigation or deny future permits. He would not find that this man-made detention basin with the minimal positive wetland features and functions it has is worth the effort of a public hearing, or the request of any mitigation. There are quite a few environmentally sensitive areas within the approved quarry zone that do in fact provide valuable wetland functions. Disturbance of those areas is a cause for concern and as they come up in the future, the Commission can and should look for mitigation, or consider denial of any adverse impacts.

A motion was made to approve permit for IW 02/24 #02 by: R.Carrier
Seconded by: P. LeBeau

All in Favor 5 to 0

Motion Passes

VI. BILLS AND COMMUNICATIONS

None

VII. MINUTES

A. Regular Meeting of February 7, 2024

A motion was made to approve as written the meeting minutes from February 7, 2024 by P. LeBeau

Seconded by: R. Carrier

All in Favor 5 to 0

Motion Passes

Minutes Accepted

VIII. REPORTS

None

IX. ADJOURNMENT

A motion was made to adjourn the meeting at 8:30 p.m. by: P. LeBeau

Seconded by: R. Carrier

All in Favor 5 to 0

Motion Passes

Meeting adjourned at 8:30 p.m.

Respectfully submitted,

Dawn Guite

Substitute Recording Secretary