

EAST LYME INLAND WETLANDS AGENCY
PUBLIC HEARING
MARCH 14, 2016

FILED IN EAST LYME
CONNECTICUT

Mar 17, 2016 AT 12:59 AM/PM
EAST LYME TOWN CLERK

The East Lyme Inland Wetlands Agency held a Public Hearing on March 14, 2016 at Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut. Chairlady Lozanov opened the Public Hearing and called it to order at 7:01 p.m. The Pledge of Allegiance was observed.

PRESENT: Cheryl Lozanov, Chairperson; Chuck Reluga, Vice Chairperson; Phyllis Berger, Harry Clarke, David Pazzoglia, Norm Bender, Keith Hall

ALSO PRESENT: Gary Goeschel, Inland Wetlands Agent
William Mulholland, Zoning Enforcement Office
Marc Salerno, Ex officio, Board of Selectmen

1. PUBLIC HEARINGS

- A. **172 Upper Pattagansett Road, Application of Paul Miller, to perform hydro-raking in the portion of Lake Pattagansett immediately behind property located at 172 Upper Pattagansett Road, Niantic, Assessor's Map 35.0, Lot 12, East Lyme, Connecticut.**

Ms. Lozanov asked if those present representing the applicant had any comments.

Jeff Castellani reported Mr. Miller requested a site review in order to look at the lake area in front of his house. It is an inland area. There is a lot of organic build up. He is asking for permission to remove the organic matter in order to get to the inlet area to improve the water quality and open the water to its habitat. The equipment reaches down and scoops up organic matter which he will spread in his own yard. No chemicals or herbicides will be used.

Ms. Lozanov asked if he will be the individual who will contain the fragments? He replied we will put in a turbidity curtain that traps the fragments and sediments and it will be placed on shore. Ms. Lozanov asked how long will it be located there? He replied it will be removed within 24 hours.

Ms. Lozanov asked if the plants have been identified? He replied most are native vegetation. Mr. Goeschel stated the Commission would issue a permit for hydro-raking only for the area behind Mr. Miller's home. Ms. Lozanov asked if there is a plan in place to maintain it so that it remains open? Mr. Castellani replied depending on the life of permit issued, it is quite possible Mr. Miller would ask me to return. It is nature and will come back at some point.

Ms. Lozanov asked once they dry out and put it in a compost pile does it become as a seed bed. Mr. Castellani responded they trying to control the built up matter. Ms. Berger asked what is creating the problem? She was informed there has been construction which added to the sediment. There is leaf litter and a build up of organic matter. Mr. Miller added this area is infested with vegetation. We wish to open up the water course. Vegetation has stagnated the cove. There are mosquitoes. We want to keep the area clean. He showed photos of the area. He stated he wishes for open access to the lake and beautify the area. Ms. Berger asked how will you access the area? He replied it is a steel barge. We would use a trailer that slides it into the water. Mr. Reluga asked where is the sediment coming from? Mr. Castellani replied from years of decay of plant matter. Mr. Miller added there are many new houses on the left. Mr. Goeschel stated the sediment has come from erosion over time. Mr. Miller stated hydro-raking has been done before. Mr. Clarke asked how often does this have to be done? Mr. Castellani replied if we are asked to return, it will be repeated. The hydro-raking removes the sediment to allow the bottom to return to its original state.

Tom Davis of 180 Upper Pattagansett Road reported he has lived in this area since 1992 and hydro-raking has been done in the past. It has been effective but it does need to be maintained. Much of the silt has come from new development. It is choked from vegetation. This would allow us to remove the sedimentation.

Frank Hoagland, an abutting neighbor, at 176 Upper Pattagansett Road, has lived at this address for 37 years. We have issues with a sandy gravel pit. Windstorm have blown into the cove. We are unable to skate on the ice. Hydro-raking has been done prior to this and Mr. Hoagland supports it 100%. His house was built in 1978 and hydro-raking has been done on several occasions. Ms. Lozanov suggested determining whether or not the permit is still active. Mr. Goeschel stated the permit expired last fall. They need to reapply.

Mr. Goeschel stated the following exhibits have been received:

- A Application for an East Lyme Inland Wetlands Agency Permit dated 1/13/16, and submitted February 1, 2016 which, includes the following documents:
 - 1. Site Location Map
 - 2. Project Narrative
 - 3. Abutters List
- B Legal Notice of Public Hearing to Clerk and Paper published in the March 2nd and March 10th edition of the Day Paper
- C Notice of Public Hearing to Applicant sent February 23, 2016

Ms. Lozanov asked to see the turbidity diagram. Mr. Castellani stated a turbidity curtain will enclose the entire area. He showed the Commission the area.

MOTION (1): Mr. Clarke moved to close the Public Hearing at 7:30 p.m. Seconded by Mr. Bender. (7-0) Unanimous.

Ms. Lozanov stated this Application will be deliberated on at this Agency's next regularly scheduled meeting on April 11.

- B. 0,282, 284 and 286 Flanders Road, Gateway Development/East Lyme, LLC, Costco Wholesale Corporation, Application of Theodore A. Harris, Esq., for Gateway Development, East Lyme LLC; to conduct regulated activities in conjunction with a proposal to construct a commercial retail store at the Gateway Commons District, 0, 282, 284 and 286 Flanders Road, East Lyme Assessor's Map 31.0, Lot 1, Map 31.0, Lot 1, Map 31.3, Lot 2, Map 31.3, Lot 1, and Map 26.0, Lot 2.**

Mr. Goeschel read a list of exhibits:

- A Application submitted 2/1/16, for East Lyme Inland Wetlands Agency Permit which, includes the following documents:
- 1 Addendum to Application of Costco Wholesale Corp
 - 2 Attachment #1 Property Addresses
 - 3 Report #5, 6 and 7
 - 4 Written Narrative in Support of An Application to the East Lyme Inland Wetlands Agency
 - 5 Appendix 1 USGS topographic Map/USDA Soil Survey Map
 - 6 Preliminary Report: 2015 Vernal Pool Habitat Assessment
 - 7 Appendix 3 Paulstrine & Riverine Habitat Assessment Worksheets
 - 8 Biological Inspection Report
 - 9 Qualifications Statement Rabideau, Avizinis
 - 10 Attachment #16 Watershed Or Aquifer Area Project Notification Form
 - 11 Attachment #18 Abutters
 - 12 Costco Wholesale BL Companies Enlarged Site Plan entitled "Submission to Inland and Wetlands Agency, Costco at Gateway Commons, for the proposed Retail Development for Costco, Located at Flanders Road, East Lyme, Connecticut; Prepared for Gateway Development/East Lyme, LLC in care of KGI, Flanders Road, East Lyme, Connecticut 06333, by Michelle M. Carlson of BL Companies of Meriden, Connecticut; dated 2/4/2016
- B Costco Wholesale Retail Fueling Facility
- C Operations and Maintenance Plan Costco Gateway Commons
- D Staff Review Distribution Sheet
- E Staff Review of Joseph Smith, Building Official
- F Mitigation for Upland Review Area Alterations Costco Development Map
- G Pattagansett River 100' Upland Review Area Conditions Map
- H Stormwater Management Report BL Companies

- I “Submission to Inland and Wetlands Agency, Costco at Gateway Commons, for the proposed Retail Development for Costco, Located at Flanders Road, East Lyme, Connecticut; Prepared for Gateway Development/East Lyme, LLC in care of KGI, Flanders Road, East Lyme, Connecticut 06333, by Michelle M. Carlson of BL Companies of Meriden, Connecticut; dated 2/4/2016, revised through 3/4/2016”
- J Re3vised Stormwater Management Report BL Companies dated March 4, 2016
- K Notice of Public Hearing to Applicant
- L Legal Notice of Public Hearing to Clerk and Paper
- M Legal Notice of Public Hearing Published in the March 2nd and March 10 editions of The Day Paper
- N Letter from BL Comp. to G. Goeschel and W. Mullholland dated March 3, 2016 Re: Wetland & Zoning Comments
- O Letter from BL Comp. to W. Mullholland dated March 3, 2016 Re: Site plan comments
- P Revised O&M Plan dated March 4, 2016
- Q Written Narrative in Support of An Application to the East Lyme Inland Wetlands Agency by Natural Resource Services Inc. dated March 4, 2016
- R Letter from T. Harris with enclosed notice and certificates of mailing to the abutters within 200-feet dated March 7 2016, certificates dated March 7, 2016
- S Report from Judith C. Rondeau, CPESC, Natural Resource Specialist from the Eastern Connecticut Conservation District, Inc. dated March 9, 2016, to the Director of Planning
- T Memorandum from Victor Benni, P.E., Town Engineer dated March 11, 2016, to the Director of Planning and Zoning Official.

Mr. Harris of 351 Main Street, Niantic, represents the applicant. He stated we came before your Commission at its last meeting and the Commission determined a Public Hearing was appropriate. Costco is a store planned for the Gateway District. It underwent significant changes due to East Lyme Zoning Regulations. We have spent two years developing a Site Plan. It shows one large store, the anchor store. It is designed for commercial development. A large area is needed. It needs to be visible to draw people into the site. Based on the Master Plan we bring to you tonight a final design. Some areas were close to the wetland area. We submitted alternative plans. The Eastern Connecticut Conservation District has made some suggestions. He read their comments which he felt was a good use of the site. We have had staff meetings with the Town. The Town prefers using an elevation. We have submitted F.C.1 which contained the area where the extra excavation will occur. The activities we are discussing are in the district wetlands area. Mr. Rabideau's report states there is no impact to the wetlands. Mr. Harris read a Supreme Court case which states a mere fear is no basis. Impact must be adverse and likely to occur.

Michele Carlson, P.E. gave a power point presentation of the Site Plan in which Costco is the applicant. It showed the residential area near the Pattagansett River and Costco off of Flanders Road. It is on 14.7 acres of land of which 12.5 acres will be developed. The conservation easement is 6.6 acres. The proposed Site Plan has no direct impact to the wetlands. Two storm water basins are proposed. All storm water management is from the 2004 DEEP manual and the Town's regulations. The bottom of the basins will be planted with wetland plugs. She recommended plants. Retaining walls are proposed. The proposed sediment and erosion control proposes two or three temporary sediment basins at the start of construction. They are sized in accordance with regulations. We have a designated area for staging the equipment. In the second phase we will stabilize two basins. We will have to apply to the State of Connecticut for dewatering. There will be a silt fence. Weekly reports will be on file and submitted to the Town. The building is 90 degrees different than the original plan. Work will be done to the highway and ramp. When we first started the DOT ramp was 20'. The original disturbance was a little less. We decided to look at different alternatives. She showed a permanent ramp on the map. The building was rotated. This would have no square feet of wetland impact. Ms. Lozanov asked about the notes on the plan. Ms. Carlson replied in the original drawings some of the slopes had rip rap. It has been removed and the slopes will be planted. We are working with staff and Scott Rabideau, Wetland Biologist and Soil Scientist.

Mr. Rabideau stated he was asked to assist the development team with the Costco part of the development. One of the things he was charged with to do was review §7.5 and §7.6 of the Town's regulations, which requires an assessment of the wetlands. In this case the wetlands are fragmented. They are over 30 acres in size. It has large undisturbed wetlands and an upland review area. We are affecting with this project one area of gravel pit. The March 5 Report has been revised. He concluded that the development plan does not result in a significant impact on the wetlands or the Pattagansett River. Twenty-two acres of open space will be preserved. The point is to keep this corridor in its natural state. We are proposing vernal pools used by wood frogs and spotted salamanders. We are planning for wildlife barriers at the base of the storm water basin. We are proposing rhododendrons for the side slopes. During phase I we had marbled salamanders. Erosion and sedimentation controls need to be up during construction.

Ms. Carlson showed the building entrance to Costco from Flanders Road. The Eastern Connecticut Conservation District asked if we could relocate the basins away from the vernal pools. Shade trees were discussed to help with cooling of the pond. We put FEMA mapping on the site. There is an elevation of 4' associated with it. We calculated 1600 yards of fill. We need compensatory storage. We worked with the developer and had discussions with staff and found it on the opposite side. Part of it is in the upland review. This is a temporary disturbance.

Mr. Clarke asked how deep is the cut? He was informed 6' to 7'.

Shrubs will be planted to create a diversity of species. This is an opportunity for Wildlife Management and to provide a flood plain compensation area.

Ms. Carlson reported the FEMA map area for this particular area was mapped for the 100 year event at the bottom of the area. Planning and Zoning felt we have to use a Map Flood Plan. Staff wishes to provide compensation. We are using the area for flood storage. We are filling 1600 cubic yards above the Flood Plan evaluation.

Ms. Carlson stated the plantings are permanent. We need to have the appropriate sediment controls in place. We have to inspect the area weekly and plant it with Mr. Rabideau's direction.

Mr. Bender asked is a gas station planned on the property? Ms. Carlson replied a fueling station is planned. She showed the Agency the area it will be located on. He was informed Costco has very strict rules for it. Mr. Montesano reported on the twenty year history of Costco it never had an incident from the fueling station. It over designs its fueling facilities. When this system is installed the tanks are double lined. Monitoring equipment is placed in the tank. It gives us an opportunity to respond to tank failure. In terms of operation of the fueling station our staff is trained. When we were in staff review Mr. Kargl asked us to put in a ground water monitoring system upstream and downstream. Ms. Lozanov asked how often are basins inspected? Mr. Montesano replied we put in place a management program. Ms. Carlson added twice a year basins are inspected. Mr. Montesano stated we do not use sand in our parking lots. Ms. Lozanov asked does the fueling station allow individuals to purchase gas? She would like to see more maintenance. Mr. Montesano replied if you wish to have it maintained three times per year we will be happy to do that. Mr. Goeschel stated there is an operational maintenance plan. Ms. Lozanov expressed concern because of its proximity to Pattagansett Lake. Mr. Montesano read pages 6 and 8 of the operational maintenance plan submitted with the application. Mr. Reluga asked what material are the tanks made of? Mr. Montesano replied fiberglass. He added we have had no issues after twenty years. Mr. Harris stated after twenty years under Connecticut Law they have to be replaced. Mr. Clarke asked what do you use to deice? Mr. Montesano replied we use road rock salt in the driveway and entrance. The State of Connecticut uses road rock salt. Mr. Reluga asked what is the likelihood that the salt will go into the brook. Mr. Montesano replied we cannot remove salt from the water. We can only manage the amount of salt we use. Mr. Hall asked what other towns in Connecticut has a Costco. Mr. Montesano replied: Enfield, Brookfield, Milford, Waterbury and New Britain. He added our design exceeds the Connecticut regulations. Mr. Hall asked what percentage of impervious surface will be used? Ms. Carlson replied over 12 acres. Mr. Hall asked have you given any consideration to use permeable pavement? Mr. Montesano replied permeable pavement works very well in warmer climate. Water can get trapped between the pavement. Permeable pavement does not work in our climate. Mr. Hall asked if reports are submitted for the staff meetings. Mr. Harris replied the results of those meetings are in the plan revisions. Mr. Montesano added we work with municipalities all over the country. Town staff in East Lyme is impressive. We have received responses to make our plan better over time. They come prepared and give us clear direction. The driveway by the new entrance was a direct result of comments from the Fire Marshal. Ms. Carlson added some staff meetings were held before we submitted an application. Mr. Montesano agreed to give reports to this Agency.

Mr. Clarke stated the original plan showed the square feet of the fuel station. Mr. Harris reported this was allowed by the regulations adopted by the Commission. It was within the regulatory framework allowed for the store. Mr. Hall asked how does it compare to other sites in the state? Mr. Montesaro replied Milford was slightly smaller; Brookfield added 16,000 square feet to that building. It is the current standard for that building. Mr. Clarke asked are there thermal impacts to the wetlands? Mr. Rabideau replied if we put shade trees, we will get cooling. No modeling was done. Mr. Harris added conservation recommended adding shade trees. Ms. Carlson stated we need to see how the sun is coming around. Trees will help.

Ms. Lozanov asked with revamping the highway, will trees be taken down? Mr. Harris replied we only know where the relocation of the ramp will be located. Ms. Carlson added a lot of that area where the ramp is going has already been cleared. Mr. Rabideau stated we used the best management practice. Ms. Lozanov stated after reading through the packet of information received, she thought there should be testing of soils to see if there was any change in contamination off the site. Mr. Rabideau stated the site drains will be tested and maintained. Ms. Lozanov asked where will the snow removal be piled and what will happen during significant rain events? Ms. Carlson replied the snow will stay within the areas. Water will provide some cooling. There are 320 skylights on the roof. Their lighting system is very energy efficient. Mr. Rabideau added sampling is usually where the basins are. Those basins are maintained on a regular basis. Mr. Clarke stated with existing conditions you see a gravel bank. Give your opinion on storm water impacts. Mr. Rabideau replied right now the water goes into the bowl. There is no pollution being delivered to affect the wetlands.

Ms. Berger asked what are your plans for the surrounding area? Mr. Harris replied the master plan will be the village area with a variety of stores. Ms. Berger stated some of the area is marked as a conservation easement. Mr. Harris stated the conservation easement is subject to the Wetlands Commission. Ms. Lozanov asked where in the parking lot is the fuel station. Where will the delivery trucks come in? Where will individuals come in? Mr. Harris replied the parking lot is a curved area. The delivery trucks will come in toward the bottom of the site. This will be considered by the Zoning Commission. The reason is to keep trucks away from the area where cars are parked. Mr. Montesaro stated at no point in time does the fuel truck commingle with customers. There will be a truck route. We operate 390 stores around the country and feel confident that it will meet the safety requirements.

Mr. Goeschel indicated the fuel tanks are within the upland review area and he asked if they could be relocated. Mr. Montesaro stated it adds an element of risk. It is designed in this manner because it is a protected area. Ms. Lozanov asked how many will come in at the same time? Mr. Montesaro replied we normally only take one load of fuel. It depends on the frequency it is used. Mr. Goeschel asked how often will the wells be monitored? Mr. Montesaro felt we need to meet with staff. Mr. Goeschel asked are they in the upland? Ms. Carlson stated one is in the upland and one is in the downside. Ms. Lozanov asked during the construction are there going to be experts on site? Mr. Harris replied a

resident engineer, inspections by a Professional Engineer throughout construction, an Environment Soil Scientist and Geotech will be on site. Ms. Lozanov asked for contact information on these individuals. Mr. Montesaro replied when we fill out the application contacts will be listed.

Ms. Lozanov stated she read the Storm Water Management Report, dated February 3, 2016 and on page 3 there is a discrepancy on the square footage of the building. She was informed this would be corrected. Ms. Lozanov asked how many parking spaces will there be? Mr. Goeschel stated with this particular site the aquifer area is in close proximity to impervious pavement and the Utilities Engineer expressed concern about ground water.

Mark Salerno, ex officio, expressed concern if there was an oil spill. He felt there is a lot of parking over the aquifer. Ms. Lozanov felt all of the concerns were addressed adequately. Mr. Goeschel reported the plans have all been signed and dated. Mr. Benni's comments were received.

Exhibit B, Memo to this Agency, Section 7 of the Application Requirements with that section of the application. Mr. Benni, item 1, those areas should be established is to be added to the provisions. The Town Engineer and Mr. Goeschel can make a site inspection. Mr. Clarke was concerned about modeling. Mr. Rabdeau felt we can monitor the temperature as well as contaminates. Ms. Lozanov asked are there ways to mitigate problems? Mr. Rabdeau felt there are. Mr. Montesaro stated the Town Engineer had no problem with attaching his letter as a condition.

Mr. Hall felt the Public Hearing should be left open. He felt the ECCD letter of March 9 should be responded to. Ms. Lozanov would like to see the plants listed.

**MOTION (2): Mr. Bender moved to continue this matter
 until the April 11 meeting of this Agency.
 Seconded by Mr. Clarke. In Favor: Ms. Lozanov,
 Ms. Berger, Mr. Clarke, Mr. Hall and Mr. Bender
 and Mr. Reluga. In Opposition: Mr. Pazzaglia.
 (6-1-0) Motion carried.**

The Agency went out of the Public Hearing at 9:45 p.m. Ms. Berger left. The Public Hearing will continue to the April 11 Regular Meeting of this Agency.

Respectfully submitted,

Frances Gheri, Recording Secretary