

MINUTES

GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY

March 7, 2016

Members present: Chairman Brian Harris, Vice Chairman Elliot Benton, Secretary Stephan Skoufalos, Jim Carr, Joe Rogers, Bill Galvin, Norma Kerlin

Alternates present: Jay Schondorf, Steven Fong

Staff present: Patricia Sesto, Director, Robert Clausi, Senior Inland Wetlands Analyst

Others present: Peter Tesei, Steve Studer, Edward Hart, William Root, Edward O'Hanlan, Megan Baroni, Joe Risoli, Nick Cataldo, Jayne Isford

I. Call To Order

Chair Brian Harris called the Public Hearing to order at 7:04 p.m. in the Cole Auditorium at the Greenwich Library at 101 West Putnam Avenue.

II. Seating of Alternates

With all regular members in attendance, no alternates were seated.

III. Public Hearing

APPLICATION #2016-002 – 345 West Putnam Avenue, 37 Oak Street, 26 Hemlock Drive and 0 West Putnam Avenue – Post Road Iron Works, Inc. and Carriero Family Limited Partnership - Tax #07-1148/s, 07-1425, 07-2033/s , 07-1135/s, 07-1136/s, 07-2190

Construction of a 355-unit apartment building 105 feet from wetlands and driveway 10 feet from wetlands.

Bob Clausi read the list of documents into the record.

Members Brian Harris, Elliot Benton, Stephan Skoufalos, Jim Carr, Joe Rogers, Bill Galvin, Norma Kerlin, Jay Schondorf, and Steven Fong indicated they visited the site.

Mr. Clausi provided an overview of the contents of his staff report.

Steve Studer of Berchem, Moses & Devlin, P.C., addressed the Agency and provided a description of the property. This proposal consists of 5 acres of land, 87 s.f. of which are wetlands. In total, seven wetlands exist on and off-site. There is only ancillary grading within regulated areas and other site work does take place within 100 feet of the wetlands.

Mr. Studer stated that overall the development has many positive aspects. There are no direct wetland impacts, an industrial site will cease to exist, the hydrologic budget will be the same post construction as it is pre construction, and a suite of Low Impact Development practices are utilized.

Mr. Studer acknowledged requests for additional information have been heard and the team will respond with comprehensive analysis.

Edward Hart, P.E. of Milone and MacBroom appeared before the Agency. Mr. Hart furthered the description of the property, stating it is zoned RA-1 and GB, with a single family home off of Oak Street and the ironworks site off of West Putnam Ave. The elevation ranges from a low of 67 feet in the northeast to a high of 145 feet in the southwest. The proposal includes 1.86 acres of impervious coverage, excluding exposed bedrock.

The parking is almost entirely subsurface and the number of levels varies as a reflection of the grade changes on-site. The building will have a green roof and routine access is provided via West Putnam Avenue. Emergency access is provided via the reconstructed driveway currently off of Oak Street. This will not be used in the course of construction and the access will be permanently gated.

LID practices will be used to manage stormwater. The roof is 1.5 acres in size and will be largely covered with a green roof. Porous pavement, either blocks or asphalt is proposed for the driveways and surface parking. Where there are shallow to bedrock conditions beneath the pervious pavement, 24 inches of soil will be spread before the gravel reservoir is installed. The net result of the LID practices is 1.12 acres of impervious coverage, which is 0.74 acres less than current conditions.

Mr. Hart spoke of the pre and post construction watersheds. They achieved their goal of keeping the similar size watersheds for pre and post development and similar output from each. The green roof will be planted with sedum underlain with 8 inches of granular substratum. The sedum will require watering and fertilizer for the first two years and will persist without intervention beyond that. The sedum is durable, allowing maintenance workers to walk on it. Information pertaining to the roof design and maintenance is drawn from Zinko and their proposal.

Elliot Benton questioned the effects of stormwater on the receiving waters for the period when the roof is not yet established. Mr. Hart provided assurance there would be no risk during construction; the hydrology will be effectively the same. The roof will not have an irrigation system as there is no need for one once the sedum is established.

Jim Carr, noting this is an area of his expertise, stated the plants will eventually bankrupt the soil of nutrients and fertilizer will have to be applied.

Mr. Hart reiterated the benefits of the green roof, those being better quality runoff, reduced acidity of runoff, reduced energy consumption, and reduced thermal pollution as compared to standard roofs and the existing roof.

Elliot Benton requested a thermal pollution study of existing and proposed conditions be submitted to substantiate Mr. Hart's statements.

The erosion and sedimentation control plan was then discussed. Mr. Hart listed various practices to control the site including diversion swales and berms to direct runoff to sediment basins, perimeter silt fence, a properly protected construction entrance, designated stock piles areas, and in response to staff comments, dust control measures and a tire bath will be added to the plan.

The plan of cut and fill was described by Mr. Hart. The area of cutting is located on the west side of the site and will be dropped by up to 31 feet. The east side will see up to 11 feet of fill. The elevation of the lowest parking level floor is 107 feet, which is well above the 94.6 feet and 102 feet observed elevation of groundwater. Mr. Clausi requested this information be submitted in writing and mapped.

Jim Carr again questioned the green roof and runoff expectations and requested the data to detail the amount of water captured by the roof and how much will runoff. Mr. Hart explained a runoff coefficient of 85 was used to determine the volume of runoff. Even though 85% of the precipitation will leave the roof, it will do so more slowly and the quality will be better.

Joe Rogers acknowledged the applicant has stated the pre and post hydrology will be nearly the same. He then drew a distinction between stormwater management and maintaining the same hydrologic patterns for each wetland. Mr. Rogers requested the applicant provide a hydrologic study for each wetland for the pre and post conditions reflecting routine, smaller storms.

Mr. Hart responded the design goal was to replicate pre construction conditions. The site is already developed and has some problems. The design is intended to do better, in part through infiltration and subsequent groundwater recharge.

Jim Carr asked for Mr. Hart to further explain the porous pavement proposal. Mr. Hart stated the driveways and surface parking will be pervious surfaces with reservoirs below. During high flows, the excess runoff will drain via perforated under drains that will discharge to the old pond and the lawned wetland west of the Hemlock Drive accessway. While the sidewalks are not pervious, they will drain to pervious surfaces. This drainage pattern mimics the existing drainage as stormwater currently discharges to this area via an 18 inch culvert as described by Mr. Hart. Jim Carr requested a detailed description of what the 6.5 cfs of projected discharge from a two year storm would look like. Is the pipe full, ½ full? More? Less?

Brian Harris explained his concern regarding changes in the shading profile for wetland “C” once the building to the south is completed. A solar analysis was requested. Further, Mr. Harris noted the newly exposed and crushed bedrock can cause acidification of runoff. He requested definitive information regarding the disposal of crushed bedrock on-site and a chemical analysis of the stormwater discharge during and after construction.

Mr. Hart noted there will be no exposed bedrock once construction is complete. The applicant’s geotechnical engineer will provide additional details regarding acidified runoff and, in response to Mr. Benton’s concern, information pertaining to fissures formed by blasting and the potential to dewater the wetlands.

Patricia Sesto noted a Phase I and II were completed for contamination four years ago and the studies indicated there was contamination on-site. Has a Phase III plan for remediation been completed? Mr. Hart stated a Phase III has not been completed, but will submit the Phase I and II original reports and the Phase III.

William Root, professional wetland ecologist and soil scientist of Milone and MacBroom appeared before the Agency. Mr. Root identified himself as the author of the environmental impact report. The report includes seven wetlands mapped by William Kenny in 2011 and 2012. Mr. Root recertified the boundaries as being substantially correct in 2014.

Wetlands identified as 1 and 2 off Oak Street have no surface moisture. They are highly impacted and completely void of wetland vegetation. These features contribute to their very low functional value. Elliot Benton questioned the ability to restore these wetlands, to which Mr. Root explained they are off-site and contain too little water to create a viable wetland.

Wetlands 5 and 6 are also off-site. Wetland 5 is a lawned wetland on an adjoining residential parcel off of Hemlock Drive. Wetland 6 is a silted-in pond and drains to another off-site wetland further east. The silted-in pond could be improved, however it is off-site.

The wetland to the east on the condominium property has ponded water and evidence of a good amount of fill, including some asphalt. This wetland is locally important for wildlife and provides sediment and nutrient trapping. The wetland's level of inundation is controlled by an off-site ditch at the south end. The ditch leads to a catch basin in the parking lot of the adjoining car dealership.

Another wetland is present north of the central portion of the property. The wetland has a trough configuration, is sparsely vegetated, isolated, and has limited value. Whether this area qualifies as a wetland was the subject of dispute in the previous application. Mr. Root indicated he has not inspected the wetland directly as it is off-site, but is not debating the identification of the area as a wetland.

Elliot Benton questioned Mr. Root on his value assessment of the wetland given his inability to access the area. Mr. Root stated he reviewed previously written assessments, photographs, and observed the area from the property line.

Mr. Root reviewed the contents of his impact assessment, describing the site as being part of two drainage basins. The east side of the site drains to West Putnam Ave. storm drainage infrastructure before discharging to Horseneck Brook. Horseneck Brook is a section 305 listed watercourse, meaning it is considered generally degraded. The western portion of the site eventually discharges at the Byram River harbor via storm drainage infrastructure.

The proposed development requires no direct impacts to wetlands or watercourses. The greatest risk for indirect impacts occurs during early construction. To address this potential, an erosion and sedimentation control plan and stormwater management plan have been developed. Low impact development practices are included to protect the systems once construction is complete. Ms. Sesto questioned Mr. Root and his ability to conclude there will be no impacts during construction in the absence of critical information pertaining to logistics.

Mr. Root stated wetlands A, B, and the trough wetland to the north are not at risk given the access from Oak Street will not be used during construction. Mr. Clausi questioned if the emergency access road will cause a change in the hydrology of the wetlands abutting either site. Mr. Root explained there is too little water associated with these wetlands currently to be affected by the drive. Brian Harris requested the applicant investigate the potential for grass pavers rather than pervious pavement proposed for the driveway.

As described by Mr. Root, the watershed of the trough wetland is largely off-site, thus the pre and post-construction hydrology of the wetland will not change. The wetland will be protected from stormwater from the proposed development via low impact development practices and a level spreader. The proposed building will be of a height similar to the trees south of the wetland so the shading profile for the wetland will not change. Brian Harris requested a shading analysis be submitted to substantiate this statement.

Stephan Skoufalos echoed Mr. Harris' concern; the applicant has made several statements but no documentation has been submitted to corroborate the conclusions.

Mr. Root went on to describe wetland "E". Presently there is an uncontrolled outlet whose discharge makes its way to this wetland. This will be replaced with a new system that will maintain the same drainage area and discharge rate, only the discharge will be of better quality. When questioned, Mr. Root acknowledged there is no pollutant renovation analysis to base this conclusion on.

Off site to the north, two vernal pools exist; one on the Ramsey Preserve and one on private property. These pools were evaluated in association with the previous application by Dr. Michael Klemens. Dr. Klemens issued a tier three ranking, which is a lower value. The subject property does not possess habitat suitable for vernal pool species.

Joe Rogers asked for information regarding the relevance of the subject property to the vernal pool via a water budget and requested a drainage basin map for the pools. Mr. Root agreed to provide the map and reiterated the drainage will not be changing due to construction.

Mr. Root summarized his presentation and stated it is his professional opinion there will be no significant impacts to the wetlands from this project.

Jim Carr presented a series of photographs depicting wetlands adjacent to or in close proximity to the subject parcel and made note of the vegetation and waterfowl. The photographs included water which leaves the wetland east of the Hemlock Drive accessway and overflows into the parking lot of the adjacent car dealership to the south. This water drains from the lot via a catch basin.

The applicant is proposing to discharge storm flows through an 18 inch culvert which will make its way to this wetland. The surrounding area is vulnerable to flooding if a blockage should form and Mr. Carr questioned what would be done to prevent exacerbation of this situation.

Mr. Carr spoke of high quality wetlands in the area, which may not be hydrologically connected, but they are biologically connected. The wetlands on or adjacent to the property are part of a larger system which support amphibians, dragon flies, and mosquito eaters, among others.

The current standing of the site's contamination has not been addressed and needs to be. As well, evidence to show there will be no impact and no flooding is needed.

Norma Kerlin asked Mr. Carr if the photographs clearly and accurately reflect what he observed, to which he responded affirmatively.

Attorney Edward O'Hanlan of Robison and Cole, representing the Greenwich Neighborhood Preservation Association introduced the Notice of Intervention and Verified Pleading signed by Nick Cataldo. Mr. O'Hanlan spoke to the disadvantage Mr. Cataldo is under given the incompleteness of the application, noting the absence of information pertaining to the environmental contamination in particular. Section 8.6 of the IWWA regulations provides the Agency with the authority to deny this application as it is incomplete. Even the Phase I and II studies prepared four years ago have not been submitted leading Mr. O'Hanlan to question the reasoning for this.

The preamble of the IWWA regulations was referenced, providing an emphasis on the necessity to protect wetlands. The site is known to be contaminated and Mr. O'Halan asserted this constitutes a violation as he believes the pollution of wetland continues without a permit, by virtue of ongoing discharge from the pipe located in the northeastern accessway. The Phase I and II studies acknowledge the site's testing is incomplete because large areas of the site are inaccessible due to the storage of steel. Given the failure to provide this information, Mr. O'Hanlan encouraged the Agency to deny the application as incomplete and without prejudice. The applicant can resubmit when they have the necessary information in hand.

Elliot Benton confirmed it was Mr. O'Hanlan's position the current runoff is polluting the wetland.

Nick Cataldo of 27 Hemlock Drive addressed the Agency. Mr. Cataldo stated he is an industrial engineer and he was asked to provide a statement of qualifications for the record. He has been associated with this property for the last five years. CT DEEP issued a notice of violation and Triton, the applicant's consultant, already has the Phase I and II studies, so why weren't they submitted? He challenged Mr. Studer's assertion the studies were not submitted because they encompassed a 15 acre site as opposed to just the five acres of those 15 being considered with this application, stating the contamination is associated with the five acres that make up the subject property.

The Triton studies identified 12 areas of concern and concluded further investigation is needed, with attention directed to the old septic system and buried manholes. In February, 2012, CT DEEP cited the property owners with numerous violations involving handling of hazardous material onsite. Mr. Cataldo described the site as being in shambles with evidence of paint having been dumped, contamination found around the catch basins, and areas being inaccessible due to materials storage. The drainpipe previously spoken of provides a direct path from the catch basins with polluted soils surrounding them to the silted-in pond and easternmost wetland.

Mr. Cataldo restated the need to deny the application as incomplete.

Mr. Studer responded characterizing Mr. Cataldo's statements as speculation and noted Mr. Cataldo is not a Licensed Environmental Professional. Stephan Skoufalos asked Mr. Studer to respond to the allegation of an ongoing violation. Mr. Studer rejected that conclusion, stating the pipe has been in place for decades. Elliot Benton clarified it is not the pipe identified as a violation, rather what flows through it.

With no further questions from the Agency, Brian Harris introduced First Selectman Peter Tesei and informed the public that due to time constraints of the facility, the hearing would not be opened to the public tonight, but they will have the opportunity at the next hearing.

First Selectman Tesei commended the Agency for the work they do and the value their stewardship of the wetlands brings to the community. He spoke of the RTM and their adoption of the Plan of Conservation and Development and how this proposal runs counter to that Plan. Issues regarding flooding and surface and groundwater quality are priorities of the Plan. This property has a long standing history of industrial use and before any regulatory entity acts on a development proposal the impacts of this past land use must be examined.

The Town of Greenwich continues to be concerned with stormwater conveyance and this site will contribute to a section of infrastructure that has already been determined to be undersized. The idea of polluted runoff is concerning and needs to be addressed comprehensively. The town is also affected by the unfunded mandates of the MS4 program. The MS4 program addresses valid concerns but given the financial burden of conformity falls to the town, Greenwich is wary of projects that may further hinder compliance.

With no further questions from the Agency or public, Chairman Harris continued the hearing to the next regularly scheduled meeting of the Agency on March 28, 2016.

Jane Isford approached the Agency stating the public will be at a disadvantage on the 28th given the amount of missing information. Ms. Isford was assured the 28th will not be last opportunity for the public to speak.

IV. Other Business

V. Adjourn

With no further business, the meeting adjourned at 9:46 p.m.

Patricia Sesto
Agency Director