

June 2, 2016 Regular Meeting Minutes

CITY OF NORWICH INLAND WETLANDS, WATERCOURSES AND CONSERVATION COMMISSION Lower-level Conference Room 23 Union Street, Norwich, Connecticut

Agenda Items A, B & C – Call To Order, Roll Call, and Determination Of Quorum:

Chairman Richard Morell called the meeting to order at 7:00 p.m.

Present: Richard Morell, Chairman
Douglas S. Lee, Vice-Chairman
Brandon Hyde
Robert McCoy, Alternate

Absent: Philip Kiley
Barbara Rothstein
Art Sharron

Also Present: Don Poland, Consulting City Planner, Debra Delaporta, Administrative Secretary

It was determined there was a quorum.

D. APPROVAL OF MEETING MINUTES:

Upon motion by Douglas Lee and seconded by Brandon Hyde, the Commission voted unanimously to **APPROVE** the minutes of the May 5, 2016 regular meeting with modifications.

E. COMMUNICATIONS: None

F. PUBLIC HEARINGS: None

G. OLD BUSINESS:

1. **IWWCC#16-02 – 460 & 474 West Main Street** – Application from O'Reilly Automotive Stores, Inc. for the construction of a retail store within a regulated upland review area.

Chairman Richard Morrell asked Don Poland, Consulting City Planner, to address the Commission. Mr. Poland stated both he and City Engineer Pat McLaughlin had reviewed the initial plans and a revised plan was submitted addressing their concerns, the key difference being a reduction from 1750 sq. ft. to 1290 sq. ft. of wetland disturbance. Don Poland agreed with the City Engineer's concerns, looking for feasible improvements and alternative designs, which would include shifting the building and a reduction of parking spaces which were in excess of zoning requirements. Mr. Poland stated he still was not sure if the plan had significant impact on the wetland, and was undecided on whether or not it should require a public hearing. After reviewing State Statutes and the City of Norwich regulations, he felt the proposed plan met one of seven criteria as it is a disturbance to the wetland, which meets the threshold as significant impact, but the quality of the wetland is questionable and the applicant is providing 1:1 mitigation in the reduced area. Doug Lee stated he was interested in the quality of the wetlands, and asked Don Poland his opinion of the functionality of the wetlands. Mr. Poland suggested that the applicant be allowed to give their presentation, and he would then make comments.

Josh Swerling, Professional Engineer of Bohler Engineering, representing the applicant, stated he had prepared the site plan, and introduced Jen Beno, biologist for Soil Science and Environmental services, Inc. who performed the wetland evaluation. Mr. Swerling explained the existing site was approximately 38,000 sq. ft. which is currently undeveloped, with the wetland located in the back left hand corner of the lot. The proposed plan includes a 7500 sq. ft. O'Reilly Auto Parts Store, which has thousands of stores across the country. The store sells auto parts to retail customers and in the back of the store they have what they call a "dealer door", which sells wholesale parts to repair shops and car dealerships. This door is also the delivery area which, along with the proposed amount of parking spaces, are integral parts of their operations. The applicant feels the amount of parking is in line from the operational standpoint of their business. Mr. Swerling discussed comments from the City Engineer, which suggested reducing both the size of the building and the amount of parking spaces, but the applicant believes that deviates from the baseline operational needs of the tenant. They were able to reduce the amount of disturbance to 1290 sq. ft. by increasing the height of the footing, which would act as a retaining wall allowing them to limit the proximity and grading work needed. He then turned the presentation over to Ms. Beno.

Jen Beno stated that in February, Scott Stevens, registered professional soil scientist with her company, delineated wetland boundaries of the proposed site. The only wetland he delineated on the site was in the rear left corner, and the wetland offsite he delineated was significantly drier, possibly because it had been filled causing the subject property wetland to be wetter. In March, Ms. Beno stated she did an inspection and found about 2 inches of standing water in the rear left corner of the lot. She found no sign of amphibians or egg masses. Jen stated that the entire site has a large number of invasive plant species, both in the upland area and wetlands. She stated the primary functions of the wetland on the site are ground water discharge, wildlife habitat, nutrient and sediment retention and removal. The functions are somewhat limited because the boundary both onsite and offsite are bordered by fill materials.

Ms. Beno discussed the proposed mitigation, referring to a handout presented to Commission members. The existing description was from April 28, 2016 and included in the original application, and Jen stated the new plan is from May 25, 2016 showing the reduction to 1290 sq. ft. The applicants are planning to provide wetland mitigation or wetland creation to the rear of the building with 1290 sq. ft., providing 1:1 mitigation compensation, and the area would be graded to match the existing wetland grade. Referring to Sheet C1 of 7, dated April 29, 2016, Ms. Beno explained this was used to prepare the sketch map, which was included in the handout. Good, clean top soil was recommended, with wetland seed mixture which would be mulched and watered, with native shrubs hand planted into the area. Periodic maintenance to remove invasive species was also recommended, as well as an inspection immediately following the plantings to insure they are done correctly, as well as periodic inspections every year or so, depending on City of Norwich requirements. Brandon Hyde stated the Commission often recommends inspections on a case by case basis. Ms. Beno stated there may have to be minor adjustments made to the proposed plantings based on the hydrology of the area.

Doug Lee stated he had walked the site, and referring to the drawing found that the red shaded area that shows the location of fill had a lot of standing water, as well as a lot of invasive species. Jen Beno asked how much water he found at the site. Both he and Richard Morrell, who also walked the site, agreed that there seemed to be between 2-3 inches, but closer to probably 6 inches of water there. Mr. Lee asked Ms. Beno what her assessment of the functional quality of the directly impacted portion of the wetland was. She stated that portion of the wetland provides wildlife habitat, ground water discharge, and nutrient and sediment retention and removal. Jen stated that Army Corp has moved away from the low, moderate, high categorization of wetlands, which Ms. Beno disagreed with. Based on that information, she stated the area is the very edge of a much larger wetland that continues off of the property and that portion of the wetland is a much higher quality.

Brandon Hyde confirmed with Ms. Beno that she had found no amphibian life or eggs, but had observed invasive species and aquatic species as listed in the report. Mr. Morrell asked for the parking spaces to be pointed out on the right side of the building. Mr. Swerling pointed out 8 spaces along the right side of the parking lot and 6 spaces along the right side of the building, and stated the company was hoping to be successful in attracting dealers and the parking spaces were needed to accommodate them. Mr. Morell asked if the applicant would be willing to change the parking alongside the building to parallel spaces, allowing 3 parking spots which would allow the building to be shifted over 4 ft. Doug Lee suggested an additional alternative by moving the building to the other side of the site. By doing a mirror image of the footprint, the dealer door now on the other side of the building would serve strictly as access to the door, and not necessarily customer parking. Josh Swerling stated that this is much less parking than O'Reilly feels they need but by adjusting to 3 parallel parking spaces, he feels it is much easier to propose to his client than to move the building and lose 14 spaces.

Doug Lee stated that the Commission is trying to help the applicant come up with reasonable and prudent alternatives to address the concerns raised by City Engineer and staff. Rich Morrell asked for an estimate on the percentage of the reduction of impact if the building were moved over, and Mr. Lee said it was reduced by about a third. Josh Swerling estimated the impact to the wetland could be reduced by approximately 200 sq. ft. Don Poland asked about delivery trucks, and Mr. Swerling stated box trucks make deliveries, but the store does not own delivery trucks to deliver product to customers. Mr. Poland questioned the need for the number of parking spaces, which seems quite high. Brandon Hyde asked where the tractor trailers make their deliveries, and whether they would still be able to deliver to the dealer door if the building was moved over 4 ft. Mr. Swerling stated the parking spaces were what the company feels they need for their business, and the delivery truck should be able to deliver without a problem.

Brandon Hyde asked about the filtration system and what type of materials were being used. Josh Swerling pointed out the system on the map, discussing downspout location, riprap and a retaining wall in back of the building. Don Poland stated he feels the impact on the wetland is marginal, but was still on the fence about a public hearing being needed. Brandon Hyde, Doug Lee and Don Poland all agreed there is low to medium impact on the wetland. Rich Morrell stated he had a similar opinion, with the impact being minimal but that the mitigation plan would improve the quality of the wetland. He would prefer the disturbance be kept under 1000 sq. ft. and by moving the building over 4 ft. that would be accomplished. Mr. Swerling asked if it was acceptable to say they would be committed to moving the building over a minimum of 4 ft. to the right, away from the wetland. Doug Lee stated the matter could be handled one of two ways where the Commission needed to decide if it is a significant event that needs a public hearing or not a significant event and therefore stipulations could be put in the approval.

With there being no further discussion, Doug Lee made a motion for application **IWWCC #16-02**, that there was not significant impact, seconded by Brandon Hyde, with all members in favor. Mr. Lee then made a motion to approve application **IWWCC #16-02** with the stipulations that the building be moved a minimum of 4 ft. to the west from what is shown on the Site grading plan C1 of 7, dated 4/29/16, revised thru 5/26/16 and that the applicant works closely with City staff on the wetland mitigation plan, seconded by Robert McCoy, with all members in favor to **APPROVE IWWCC #16-02 W/ STIPULATIONS**. Brandon Hyde made a motion to **amend** the stipulations to also include the improvement of the addition of plugs in the mitigation area and a leveling pad along the backside of the building between the building and the mitigation area, seconded by Doug Lee, with all members in favor to **APPROVE IWWCC #16-02 W/STIPULATIONS AS AMENDED**.

H. NEW BUSINESS: None

I. New Business items submitted after agenda preparation and prior to the submission deadline: Resignation of Board Member Barbara Rothstein

J. Other Business: None

K. Violations: None

L. Adjournment

Motion was made by Doug Lee and seconded by Brandon Hyde to adjourn the meeting at 8:00 p.m.
Motion carried unanimously.

Respectfully submitted,

Debra Delaporta
Administrative Secretary