


MEMORANDUM

**FORMAL ACTION
MEETING OF October 27, 2022**

To: Conservation Commission/Inland Wetlands and Watercourses Agency

From: Suzanne Simone, Environmental Planner 

Date: October 21, 2022

**Re: Recommendation to TPZ for proposed construction yard at
240 Oakwood Drive**

Attachments:

Conservation Commission February 24, 2022 meeting minutes (relevant portion)

Proposal

The applicant seeks recommendation to the Town Plan and Zoning Commission concerning the proposed construction yard with a truck scale, small shop, material processing & stockpile areas and equipment storage at 240 Oakwood Drive. The plan includes installation of a storm water basin and a sediment basin.

Review

The 3.23 +/- acre property is located within the Planned Commerce Zone. The property is not encumbered by a conservation easement. The town soils map does not locate wetland soils or watercourses on or within 100 feet of the property. The property is not identified as an area of interest in the December 2021 edition of the Natural Diversity Database.

The Commission informally discussed the proposal at the February 24, 2022 meeting where the applicant was advised to complete the following:

- A Beneficial Use General Permit
- Identify the rock type and rule out arsenic
- Detailed lighting plan
- Detailed plan on stabilizing the slope and other slopes that are being regraded
- Construction pad
- Blast volume
- Planting plan to stabilize the slope
- Erosion control blanket
- Address Town Engineer memo

The applicant provided a memo from Guy Hesketh P.E., dated April 9, 2022, addressing the DEEP permitting requirements.

**2. Proposed construction yard – stormwater basin and material processing stockpile area
– 240 Oakwood Drive - Planned Commerce Zone – Jim Dutton, Dutton Associates –
Attorney Peter Alter – Thor Norgaard, Mjolnir Construction, applicant**

Attorney Meghan Hope of Alter & Pearson, LLC began the presentation. She explained that they will be applying for a Section 12 Special Permit with Design Review and a Groundwater Protection Special Permit. Attorney Hope stated that there are no wetlands or upland review area on the site. The site is comprised of approximately 3 acres and is located in the Planned Commerce Zone. Attorney Hope noted that across the street is an old paving company which was used as a parking area; the previous owner had a variance. The client is looking to redevelop the site, which will be used to crush concrete into reclaim. The site will have a storage area for the aggregate. Attorney Hope stated that she will discuss the site usage and flow later in the presentation.

Attorney Hope noted that the site is flat and slopes up further from the street. She pointed out the landscape and the rows of evergreen which serve as a buffer. Attorney Hope explained that, aside from the buffer of evergreen trees, there are few trees on-site. She explained that trucks that enter the site primarily dump materials or pick up materials. The proposed scale house was shown on the screen. Attorney Hope pointed out the traffic pattern and noted that trucks circle back to the front and leave through the northerly entrance. She explained that Jim Dutton had done a great job in creating the traffic flow. Trucks will be kept in a forward motion causing no back up. Attorney Hope noted that their client owns the property across the street. She stated that they propose a cross walk that will provide their employees with easier connectivity between the two properties. Attorney Hope stated that they are proposing to have a crusher and screener on site. There will be bins to store the piles of sorted rock. Attorney Hope explained that there is a chain link safety fence along with gates at each entrance, north and south, to fully enclose the site. Attorney Hope noted that security is a concern and the fencing will prevent trespassing. The presentation was turned over to Mr. Jim Dutton.

Jim Dutton of Dutton Associates, LLC explained that the circulation pattern allows trucks to enter the site and navigate the site with room to maneuver. This configuration allows the traffic site to flow without causing any backup. The proposed scale house will be used to store electrical equipment. Mr. Dutton stated that there is no sanitary sewer on the site. He noted that, even though the area is serviced by MDC, they are proposing a well on-site to be used for irrigation and dust control measures. Mr. Dutton pointed out the proposed diesel fuel tanks with concrete containment. He stated that they have created the grading plan and noted that the stormwater system is designed to mitigate the effects of the 2, 100-year storm events. The only pavement that is proposed on site is at the scale house and the driveways. Mr. Dutton pointed

out the oval shape on the site plans and explained that it is a permanent sedimentation basin. He pointed out the area in the back, which will be a material storage and processing area. This area will have a gravel surface.

Mr. Dutton stated that they have dug many test pits in the back of the site and in the area of ledge. The contour lines were shown on the site plan. Mr. Dutton explained that they will blast the ledge in the back area to create a 2:1 slope. The area will be covered with processed gravel to make it smooth. Mr. Dutton put up a slide detailing the underdrain cross section, basin-1 outlet control structure and basin-2 outlet structure. He stated that the stormwater system complies with the requirements of the Connecticut Stormwater Quality Manual. Mr. Dutton explained that the system has a 3-tiered plan for sediment removal. The water is discharged to an existing catch basin off Oakwood Drive. Mr. Dutton zoomed in on the honey combed area of the site plan design. He explained that this is a permanent construction exit from the processing area. Mr. Dutton noted that it will be replaced as required due to sediment accumulation. He stated that the trucks enter the circular area, which is designed to be a large construction entrance. This feature is another layer to the overall site plan that is designed to remove more sediment.

Mr. Dutton stated that they have a landscaping plan. He noted that one of the purposes of the chain link fence is to prevent anyone from entering the back of the site. Mr. Dutton stated that they want to close off the site to prevent anyone from falling off the steep ledge. He explained that, similar to the Tannery development, they plan on putting in 1-foot tall pine saplings on the slope. Mr. Dutton noted that, once the slope is stabilized, it will not be mowed or maintained. Mr. Dutton noted that they will monitor the area and will consider putting in erosion control fabric.

Mr. Dutton stated that they have not shown the locations of the bins because they are unsure of the sizes. He noted that the crushers and screeners will be located towards the back of the site, which will reduce the sounds coming from the site. Mr. Dutton informed the Commission that there is a single-family home located approximately 500 feet away from the site. He stated that they are proposing a cross walk and noted that Stephen Braun, Assistant Town Engineer, may not allow that. Mr. Dutton stated that there will be no sanitary sewer, gas, or electric facilities on-site. They are proposing a well for irrigation purposes.

Mr. Dutton pointed out the retaining walls on the site plan. He pointed out the pine trees and noted that they are very close to the property line. Mr. Dutton stated that the trees are a nice buffer and will not be removed. Chairman Kaputa noted that landscape plans include maple and arborvitaes. Mr. Dutton put up a slide of the outlet structure and stated that it will get cleared out when it is about 2/3 full. He explained that the first sediment trap needs to be maintained regularly.

Mr. Dutton stated that the lighting plan is still being worked on. The lighting will be minimal and there will be occasional night time activity on-site. Mr. Dutton noted that the State of Connecticut does highway work at night. He stated that the site will not be lit up like a stadium. It will have minimal lighting. Mr. Dutton explained that putting the light in the back is difficult

and might not work. He noted that they may have to go with taller fixtures. Mr. Dutton explained that it is a wide area and sticking a light pole in the middle will not work either. Mr. Dutton noted that the activity on site will be limited to picking up and moving materials away. He remarked that there are lights on the trucks and on the loading machinery. Mr. Dutton stated that they will put in some lights near the entrance and some motion sensor lights. He explained that motion sensor lights deter people from trespassing. Mr. Dutton reiterated that they are still developing the final lighting plan. Attorney Hope noted that the front area of the site will be paved. She asked Mr. Dutton to talk about the surface material that will be used. Mr. Dutton stated that the area in the back will consist of processed gravel. He explained that, once the ledge is blasted, it will be smoothed over. The paved areas on site will be in the front and near the fuel storage. The presentation was concluded. The Chairman opened the floor for questions.

Commissioner Parry remarked that some of what was presented is not relevant to the Commission's purview. He inquired about the issues that the Commission has to discuss. Chairman Kaputa informed the Commission that they need to address the stormwater management and erosion controls. Commissioner Davis remarked that in the past they discussed noise issues and inquired if this is something that is in their purview. Chairman Kaputa noted that this application is an industrial site and not a wooded area. He asked the Commissioners to weigh in. Vice-Chairman Temple stated that he assumes the applicant is not in an area located within a designated species of concern as identified by the Natural Diversity Database species map. Ms. Simone noted that there was no indication from the Natural Diversity Database. Vice-Chairman Temple asked if anything besides crushed concrete will be processed. Mr. Dutton noted that he spoke with their client, Mr. Thor Norgaard, and was told that asphalt millings will also be processed. Mr. Dutton explained that the asphalt millings will require a different treatment and it is considered a hazardous waste once it is crushed. The site will also screen out and crush aggregate, which will be stored in different bins and grouped by size. Mr. Norgaard stated that no scrap metal or building waste will be processed. The site will process rock, concrete, asphalt, and sand.

Commissioner Davis inquired about the source for these materials. Mr. Norgaard stated that some sources include buildings that will be torn down, concrete road beds, and asphalt that is being removed and repaved. Vice-Chairman Temple inquired whether this activity requires a beneficial use general permit. He added that it is standard for the reprocessing of asphalt. Mr. Dutton stated that he does not know the answer to this and stated that he will find out. Vice-Chairman Temple inquired about the volume blast. Mr. Dutton stated that he did not calculate that and will get back to the Commission. Vice-Chairman Temple inquired about the rock type in the ledge area. Mr. Dutton stated that he needs to investigate this. He noted that the rock seemed relatively soft when it was scratched with the excavator. Mr. Dutton stated that the rock type was reddish and it might be a conglomerate. Vice-Chairman Temple stated that it is important to make sure it is not arsenic. The Vice-Chairman inquired how they plan to maintain the anti-track pad. He also asked the applicants about the material of the pad. Mr. Dutton explained that it is a construction entrance and the tracking pad will be regularly cleaned up and restored. Vice-Chairman Temple explained that these measures are temporary, lasting about 3-6 months. The Vice-Chairman asked the applicants to come up with a permanent anti-tracking system. Mr. Dutton stated that he will come up with a better system.

Attorney Hope stated that they can provide a narrative. Vice-Chairman Temple explained that the measure that is proposed is temporary and they need to put in a permanent system. The Vice-Chairman stated that a system needs to be in place that specifies when to clean or replace the pad. Mr. Dutton stated that they can put in a heavily rippled concrete pad and added that the debris is swept off into the sediment basin. Mr. Dutton stated that he will investigate alternatives. Mr. Norgaard remarked that they can easily maintain the tracking pad and replace the pad when needed. The old pad will be put into a reclaim pile. Mr. Norgaard stated that they do not anticipate heavy traffic on-site. Vice-Chairman Temple asked about the amount of material that will be kept on site, to which Mr. Norgaard responded that they have room for a couple thousand yards of material. Mr. Dutton agreed with Mr. Norgaard's explanation and added that, depending on what the material is, decorative stone or large stone, it will be placed and organized in different areas. Mr. Dutton stated that, if the business has to process material from a highway, a larger space is needed. Vice-Chairman Temple asked Mr. Norgaard if he would need a beneficial use general permit. Mr. Norgaard remarked that he does not know what that is. Vice-Chairman Temple asked that applicants to look into this and added that he suspects that this permit is required. The Vice-Chairman noted that one of the contractors he worked with was required to get a beneficial use general permit. The Vice-Chairman explained that processed asphalt has the potential for contamination and a beneficial use general permit is likely required. Commissioner Shea inquired who issues the beneficial use general permit. Vice-Chairman Temple replied DEEP (Connecticut Department of Energy and Environmental Protection).

Vice-Chairman Temple asked about the well and noted that MDC services the area. Mr. Dutton stated that MDC water is significantly more expensive than putting in a well. He explained that MDC will hit them with a huge assessment, a costly monthly bill, the cost of connection, a tapping fee, and the installation of a water meter. Vice-Chairman Temple inquired if the MDC water main is across the street. Mr. Dutton stated that he needs to look up that information. Vice-Chairman Temple noted that it is a Town road. Mr. Dutton confirmed that the water main is across the street and reiterated the high costs associated with MDC water and installation. Commissioner Davis noted that he has seen some cases of residential areas where it is more cost effective to have a well. Vice-Chairman Temple stated that that applicants need the approval from the Health Department. After some discussion, Vice-Chairman Temple remarked that the applicants can take a risk with the well. Attorney Hope noted that Mr. Norgaard has a water truck. Mr. Norgaard replied that it is correct and added that they plan to reuse as much water as they can in the most efficient way possible.

Commissioner Davis asked the applicants to go back to the lighting plan. He remarked that, although the plans are not yet worked out, he would like to hear some possible solutions. Mr. Dutton stated that the area is fairly wide and reiterated that they are not trying to light it up like a stadium. Mr. Dutton noted that installing a light pole in the middle of the work area would create an obstacle for work vehicles. He stated that, if any poles are to be put in the back, they would have to be on top of the ledge. Mr. Dutton stated that the lights will be night sky compliant and added that he knows the height of the pole is always an issue. He stated that the area is better lit and light is spread out when the light fixture is higher. Mr. Dutton reiterated that they intend to put in minimal lighting, mainly for security.

Ms. Simone asked if the lights would be viewable from the residential property. She noted that there is concern if the lights from a higher height shine on the neighboring property. Mr. Dutton explained that the house is 500 feet away and added that the slope is 2:1. He noted that, if the light was put right in the center, there is 14 feet of grade behind it and it will not be seen. Commissioner Davis inquired if the lights would have a short post or if they would be mounted to a surface wall or ledge. Mr. Dutton stated that they can look into those options and noted that there are trees behind the property, which would further limit the visibility of the lights. Ms. Simone noted that the top of the slope would also block out the light. Mr. Dutton stated that the business is not a 7 day a week, 24-hour operation. Chairman Kaputa noted that the plantings will also provide cover and minimize the visibility of the lights. Mr. Dutton agreed and explained that they will do something similar to the Tannery development and put in white pine saplings. He stated that within a few years the white pine saplings will develop a root system and will revegetate better as time goes on.

Commissioner Parry remarked that the stormwater may be flowing from the easterly side and ends up in the diversion embankment. He asked Mr. Dutton to show the area on the site because the labeling of the plans is not obvious. Mr. Dutton agreed that it is not obvious and noted that it is there. Mr. Dutton stated that the detention pond captures the water on-site and requires minimal maintenance. Commissioner Parry asked Mr. Dutton to make it clearer on the plans that this stormwater system exists; marking the location clearly in the contours. Mr. Dutton stated that he will clarify this. Commissioner Parry noted that the Commission does not want to see water cascading. Mr. Dutton stated that in the winter time some water will come out of the ledge. He remarked that they do not anticipate any big problems. Mr. Dutton added that the water will go through the stormwater management system. Commissioner Parry noted that the area may have to be reinforced.

Chairman Kaputa asked Mr. Dutton to outline the plans for stabilization. Mr. Dutton remarked that the slope was disturbed and, in past discussions with Mr. Mocko, they found it very difficult to stabilize the area. Mr. Dutton stated that, once the slope is graded, it becomes hard to access. They plan to seed the area and put in erosion control fabric which will help the vegetation grow. Mr. Dutton stated that the slope is in poor condition. Chairman Kaputa asked if they had a soil scientist look at the area. Mr. Dutton stated that a soil scientist was out there for a previous application. He explained that there was an aerial photo which showed some standing water. The soil scientist informed the applicants that the water is a puddle.

Chairman Kaputa noted that there are some small areas of phragmites on the site and they indicate the presence of wet soils. Mr. Dutton stated that the soil scientist found that the water does not drain well on-site, causing standing water. Chairman Kaputa asked when the soil scientist came to the area. Mr. Dutton stated that it might have been in 2012 and noted that there might have been wetland soils on site at some point. Mr. Dutton stated that there are no wetlands on this site. Chairman Kaputa asked Mr. Dutton to provide the impervious before and after numbers. Mr. Dutton stated that the proposed impervious area for the site will be 21,912 square feet (15.5%). The total impervious area for pre-development is 0.4248 acres. The total impervious area for post-development is 0.4432 acres. The net change is 0.0184 acres.

Chairman Kaputa noted that there was a memorandum from the Assistant Town Engineer and asked Mr. Dutton to complete what was outlined. Mr. Dutton stated that his associate did the drainage calculations and he will address the other concerns that were listed in the memorandum.

The Commission asked the applicants to complete the following:

- A Beneficial Use General Permit
- Identify the rock type and rule out arsenic
- Detailed lighting plan
- Detailed plan on stabilizing the slope and other slopes that are being regraded
- Construction pad
- Blast volume
- Planting plan to stabilize the slope
- Erosion control blanket
- Address Town Engineer Memo

Mr. Dutton noted that an erosion control blanket is relatively inexpensive and he will add it to the plan. Vice-Chairman Temple stated that he likes the idea of the concrete pad and it should be added to the plan. Chairman Kaputa noted that seedlings can work on the slope. Mr. Dutton stated that he will add the seedlings to the plan.