

THESE MINUTES ARE SUBJECT TO APPROVAL AT THE NEXT AGENCY MEETING

TOWN OF CHESTER, CONNECTICUT
INLAND WETLAND AND WATERCOURSES AGENCY
PUBLIC HEARING
Monday, July 31, 2023
Chester Town Hall
Chester Connecticut

CALL TO ORDER

Chairman Bisacky called the meeting to order at 7:02 p.m. In attendance included: Chairman Bisacky, Bill Bernhart, Michael Bellesiles, Bob Blair, Sally Sanders, Eric Davison, Attorney Lee, Attorney Boush, Randy Bernotas, IW Official, John Frese, Wendie Barberino, Mark Lancor, Bob Russo, Stefan Zavatore, and Brian Curtin, Jacobson.

PUBLIC HEARING – Application #19-03, Aaron Manor Realty, LLC – application for Septic System at 3 South Wig Hill Road, Chester, Connecticut.

As previously reported, the application was made in 2019. A Judge, in the Fall of 2022, remanded the matter back to the Agency because the Public Hearing was not properly noticed (two parcels combined into one). Note that there were no findings that the Agency acted illegally; the Judge's decision was based on a technicality.

All members of the Agency at this evening's meeting (with the exception of Sally Sanders) were in attendance at the recent site walk.

Additional materials, including updated plans, requested at the 6/5/23 Public Hearing were distributed to Agency members.

Attorney Lee representing Aaron Manor, is requesting Agency approval to construct a sub-surface disposal system. He reported that 4 years ago, the application complied with the Regulations, and it still complies with the Regulations today.

As requested by the Agency, the plans were updated by Mark Lancor, P.E., Dymar. They are substantially similar to the plans submitted 4 years ago. A copy of Mark's letter (attached) was distributed to Agency members and discussed extensively. This letter responds to questions raised at the June 2023 Public Hearing.

A letter (attached) submitted by Bob Russo, C.S.S., CLA Engineers, updating the Agency on recent field investigations at the site was also distributed to Agency members. An updated Planting Plan for the site was also distributed to Agency members.

Mark and Bob provided a comprehensive overview of the documents submitted.

Of note in Mark Lancor's letter dated 7/27/23 and Bob Russo's letter dated 7/5/23:

- Wetlands were re-flagged in the vicinity of the beaver dam.

- As a result, no changes were made to the layout/design of the system.
- The large rock on-site can be removed via mechanical means (no blasting will be required).
- The beaver on site has been removed per DEEP permitting and guidelines. Since then, the water level has dropped and is “back to normal.”
 - The beaver situation was legally remedied, if it had not been remedied, it is their opinion that the dam that extended the wetlands and water level would have had no impact on the design.
- Current Water Usage Flow Status – flows and occupancy at the facility are similar to 2019 level.
- Municipal Sewer Option – in July 2019 cost estimates to join the sewer system were approximately \$2.9 million; in today’s dollars the estimate is \$3.9 million dollars. It was determined that this is not a prudent and feasible alternative.
- Ground Water Impact, Nitrogen Impact – data included in the letter submitted by Mark Lancor (attached).
 - Alternative methods to reduce nitrogen (pilot programs/wood chip system) were discussed.
 - The use of wells to monitor nitrogen levels was discussed.
- Bedrock and Wetland Crossing – details included in Mark Lancor letter (attached).
- Due to the growth of shrubs between the proposed leaching field and Pattaconk Brook, most of the plantings originally proposed for this area are no longer necessary nor advisable.
 - Bob reported that different varieties and placement of trees, as discussed/requested by Agency members can be included in the Planting Plan.
 - Documentation regarding “survival” of the trees planted and re-planting of trees, if necessary, will be added to the plans.

Mark and Bob were available to address questions/comments posed by Agency members.

There was an extensive discussion on the stream crossing area and “seepage envelope” and the parameters of the excavation/construction of same (materials and supervision by an engineer during construction). Construction would take place during the “dry” season (June through October). Additional details relative to the sequencing of the project will be provided.

Al requested that the applicant provide information on the potential to repair the system in place. Attorney Lee will provide this information.

Attorney Boush, representing the Interveners, reported that the proposed project will displace the natural environment and wildlife in the area. He continued that potential risks to the watershed would negatively impact the community. He shared a video showing the increased rate of flooding in the area.

He distributed a letter from Kevin King, dated 7/31/23. The letter outlined the potential for PFAS and Emerging Contaminants. Mr. King’s letter is attached.

Attorney Boush expressed the following concerns:

- The water table is being impacted by the more frequent high-water/increased flow and there is the likelihood of a breakout event impacting the watershed.
- Additional alternatives should be explored.
 - The Interveners believe a sewer connection is a viable alternative.
 - The Interveners requested a history of the pump outs at Aaron Manor.
- He continued that these issues are not addressed by the applicant.
- A copy of endangered species located in Middlesex County was distributed to Agency members. A full appraisal of those species that may be impacted by the project was suggested.

Attorney Boush reported that the Wright Pierce report relative to changes in flow will be revisited at the next meeting.

Stefan Zavatore reported that when the law changed and transferred jurisdiction to DPH, Aaron Manor moved quickly to this proposed design. They did not inform the neighboring property owners and called the project a “repair” as opposed to a “new system.” The water table is rising, and water regularly floods their property. Neighboring property owners are concerned and request that the Agency consider their interests relative to the project.

He continued that Aaron Manor has had problems for many years and was cited for it. He reported that there are alternatives that would not affect the wetlands. He expressed concern that the “window” for construction (dry season) is narrow and must be done perfectly. The installation of the forced main to “just below the frost line” poses the possibility of freezing, breaking and facilitating a surge into the river/brook.

He added that the proposed location for the project is the “worst place to do it” and expressed concern that Aaron Manor will not properly maintain the system and they were not up-front with the neighbors.

He recommended that the Agency request additional details on alternatives to the proposal that would not require “risky” work in the wetland area.

John Frese participated in the site walk. At that time, it was reported that no beavers would be removed. As reported above, the beaver was removed. Mr. Frese requested a copy of the DEEP permit for beaver removal. Al Bisacky encouraged Mr. Frese to request this information from Aaron Manor.

Mr. Frese expressed concern that animals he hunts may be exposed to contaminated water.

In response to the recommendation to “fix” the issue by continuously pumping out the system, Mark Lancour reported it is illegal for Aaron Manor to continue to pump out the system. They are under a Consent Order from DEEP to fix the system. While it is a “new” system it is considered a “repair” of the system that failed. The pump outs are happening because they do not have a permit to fix the system.

Al requested additional information relative to the pumping out records.

The Public Hearing will be continued at the August 7, 2023 Agency meeting.

The adjourned - 8:55