



TOWN OF BERLIN
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and
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TO: Inland Wetlands and Water Courses Commissioners

FROM: James P. Horbal, Wetlands Agent

RE: Commissioner's Memo for Tuesday, May 5, 2020

Application 19-11WF - Proposal by BT 2008, LLC to construct residential and retail improvements within both wetland and flood hazard regulated area on Lot #12, 13A and 13C, Block 83 Berlin Turnpike.

The Applicant is proposing to construct a mixed-use commercial/residential development along the west side of the Berlin Turnpike approximately 1,200 feet south of the intersection of Deming Road and the Berlin Turnpike. The proposal depicts the construction of 200 housing units, a 100 unit hotel, 7,200 sq. ft. retail building and a 16 pump gasoline station with a 7,000 sq.ft. Convenience Store. Plans depict both direct and indirect wetland impacts as well as significant filling of Flood Hazard areas including both the Flood Plain and Floodway.

As you will recall, the Applicant is requesting the Commission to waive the regulation requiring the need to balance the compensatory flood storage area based upon a 100 year event.

Several Commission Members may recall a previous fill permit that was issued to the Applicant (2013-16WF) that allowed for the placement of 8,200 cubic yards of fill in the Flood Plain in exchange for the creation of 8,700 cubic yards of compensatory flood storage within an area that is now proposed as the westerly third portion of what is to be filled for the residential housing on the site.

As per the Commission's request, WMC Engineers has reviewed the Applicant's revisions and analysis of the latest proposal, and determined the application includes "significant inaccuracies with its hydraulic modeling" and determined that the Applicant "failed to demonstrate that the proposed action will not affect water surface elevations of the floodway on, and nearby, the site of the proposed work."

As you are all aware, the Public Hearing on the proposal has been closed, and no further requests for new information can be discussed. The Commission must take action on the application.

Application 20-04WF - Proposal by DF Realty, LLC to construct residential improvements within both a wetland and flood hazard zone on Lot #200, Block 74, Linden Drive.

The Applicant is proposing to construct a residential structure on the property located at the southwest corner of the intersection of Orchard Road and Lenden Drive. The overall parcel (6.4 acres) contains approximately 4.5 to 5 acres of regulated areas (wetlands, Hatchery Brook, and floodplain). This parcel was created as a part of the Summittwood Subdivision in the late 1970's and has yet to be developed due to a host of circumstances including a suitable septic system and the regulated areas. The current proposal

depicts an engineered leaching field whereby sewage is pumped through a wetland area up to a suitable area in the southwest portion of the property. Portions of the proposed structure would be located approximately 30 feet from an area of wetland soils. The current layout lacks a plan of action to either buffer, or protect, the regulated areas. Staff is recommending a Public Hearing be scheduled for the application.

Application 20-02W – Proposal by Sean Gunning to construct a residential dwelling and associated improvements within an upland review area on Lot 10, Block 74B, Summit Wood Drive. Request for Permit Modification.

This application was previously approved by the Commission earlier in the year. Due to regulatory changes in the Public Health Code, the septic system was required to be re-designed and relocated to meet current standards thus requiring additional review by the Commission. Action can be taken on the revisions if the Commission so desires.