



STATE OF CONNECTICUT  
CONNECTICUT SITING COUNCIL

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VIA ELECTRONIC MAIL

February 5, 2021

Kathleen M. Shanley  
Manager – Transmission Siting  
Eversource Energy  
P.O. Box 270  
Hartford, CT 06141

RE: **SUB-PETITION NO. 1293 - BMM-01 (Berlin, Middletown and Middlefield)** – Eversource Energy declaratory ruling that no Certificate of Environmental Compatibility and Public Need is required for all transmission facility asset condition maintenance improvements statewide to comply with the updated National Electrical Safety Code clearance requirements.

Dear Ms. Shanley:

The Connecticut Siting Council (Council) is in receipt of correspondence, dated February 2, 2021, from Christopher P. Allan of Landtech regarding sedimentation issues on property at 97 Poplar Road in Middletown, located adjacent to the Eversource electric transmission line right-of-way associated with the above-referenced sub-petition. A copy of the correspondence is attached for your convenience. The Council approved the sub-petition on July 6, 2020.

The correspondence contains two separate environmental reports detailing sedimentation of a pond on the 97 Poplar Road property. The environmental reports, prepared by Provos & Rovero, LLC, dated January 25, 2021, and REMA Ecological Services, dated January 25, 2021, both state Eversource's installation of temporary timber matting across a watercourse could be one of the potential sources of sedimentation within the pond. Sub-petition Map 15 shows the location of temporary matting across Wetland 55, upgradient of the pond, to serve as a temporary access road to the temporary work pad at transmission structures #6-214 and #6-314.

Pursuant to the Council's Petition No. 1293 Declaratory Ruling of March 31, 2017 and the Council's July 6, 2020 decision on this sub-petition, the Council is requesting information regarding the methodology used for the installation of the temporary matting within and adjacent to Wetland 55, and a written response from Eversource on the findings of both environmental reports.

Please submit the requested information and written response to the Council by February 26, 2021.

Thank you for your attention to this very important matter.

Sincerely,

*s/Melanie A. Bachman*

Melanie A. Bachman  
Executive Director

c: Mr. Brendan Schain, DEEP Office of Adjudications  
Mr. Brian Thompson, Director, DEEP Land and Water Resources Division  
The Honorable Benjamin Florsheim, Mayor, City of Middletown  
Mr. Christopher P. Allan, Landtech

February 3, 2021

Ms. Melanie Bachman, Executive Director  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051  
Via email: [Melanie.bachman@ct.gov](mailto:Melanie.bachman@ct.gov)

Mr. Brendan Schain, Esq.  
Department of Energy and Environmental Protection  
Environmental Protection Office of Adjudications  
79 Elm Street  
Hartford, CT 06106-5127  
Via email: [brendan.schain@ct.gov](mailto:brendan.schain@ct.gov)

Mr. Brian Thompson, Director  
Department of Energy and Environmental Protection  
Land and Water Resources Division  
79 Elm Street  
Hartford, CT 06106-5127  
Via email: [brian.thompson@ct.gov](mailto:brian.thompson@ct.gov)

RE: Eversource R.O.W.  
97 Poplar Road, Middletown, CT

The owners of 97 Poplar Road in Middletown have filed a complaint with the City of Middletown regarding on-going sedimentation impacts on inland wetlands from upstream development at Founder's Ridge located off of Ridgewood Road. The Founder's Ridge consultants have recently submitted reports (attached) identifying work along the Eversource R.O.W. as a potential source of wetland impacts.

The owners of 97 Poplar Road continue to be impacted by uncontrolled runoff and sedimentation from upstream properties and are seeking assistance in remedying impacts to their property and inland wetlands. Any assistance you can provide in this matter would be greatly appreciated.

Sincerely,



Christopher P. Allan  
Professional Wetland Scientist  
Professional Soil Scientist

# Provost & Rovero, Inc.

Civil Engineering • Surveying • Site Planning • Structural • Mechanical • Architectural Engineering

P.O. Box 191  
57 East Main Street  
Plainfield, CT 06374

Telephone (860) 230-0866  
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PLANNING & ZONING  
JAN 27 PM 12:27

January 25, 2021

Thaddeus Bysiewicz  
Ameritage, LLC  
15 Meriden Road  
Middlefield, CT 06455

**RE: Founders Ridge – Phase 2 – Ridgewood Road – Middletown, CT  
P&R Job No. 143038**

Dear Mr. Bysiewicz:

This letter summarizes my observations and recommendations regarding erosion and sediment control concerns related to the phase 2 construction at Founders Ridge. These observations and recommendations are based in part on my January 15, 2021 and January 22, 2021 inspections of the active construction area on your site and the downstream pond area at 97 Poplar Road. It is my understanding that the owner of 97 Poplar Road has expressed concerns over impacts to the existing pond on the property and potential stormwater concerns as they relate to your ongoing construction project.

## **OBSERVATIONS**

The pond at 97 Poplar Road was constructed by excavating a hole in an existing stream channel and constructing an earthen embankment at the downgradient end. It extends partially into an adjacent parcel owned by Eversource which is also an active construction site with ongoing replacement of electric transmission line structures and associated excavation. During my January 15, 2021 inspection, the timber mat stream crossing providing access to the Eversource construction area was covered with fine sediment and I noted that there were no perimeter erosion or sediment controls in place. It was also apparent that construction of the temporary timber mat stream crossing included excavation within the stream channel and wetland corridor immediately upgradient of the pond. Given the lack of any perimeter erosion and sediment controls on the Eversource project, a portion of the recent sediment deposition in the pond is likely the result of the Eversource construction. It appears that the timber mat stream crossing also limits the cross sectional flow area in the channel which could produce erosive velocities under higher flow conditions in the vicinity of the crossing. This flow restriction is also located in a relatively steep section of the stream channel. It is likely that the channel slope combined with the flow restriction is creating isolated areas of super critical flow under and around the crossing with resulting significant channel erosion.

In general, it is poor practice to construct an excavated pond directly in a watercourse as the subject pond was. This is particularly true given the small size of the pond relative to its watershed. Sediment transport is a natural function of any watercourse and as a result ponds constructed in this manner will be subject to regular deposition of sediment through natural forces and will require frequent maintenance if they are to remain open water bodies. Given the generally steep slopes within the pond's watershed the sediment load in

the stream will be significantly higher than in a gently sloping watershed. Based on visual observation of the vegetation growing in the pond, it is apparent that the pond would have had very limited water depth immediately prior to any construction or land disturbance associated with the Founders Ridge project. Photographs presented during the January 6, 2021 Inland Wetlands and Watercourses Agency (IWWA) meeting included a picture of stormwater apparently overflowing the pond embankment and flowing in the direction of the house at 97 Poplar Road. Our design of the Founders Ridge project included a detailed hydrologic and hydraulic analysis under both pre-construction and post-construction conditions. Based on this detailed analysis, there is no question that the two 12" RCP culverts forming the pond outlet do not have adequate hydraulic capacity to safely pass even a 2 year storm under pre-construction conditions. These two pipes have a hydraulic capacity of approximately 5 cfs (cubic feet per second) whereas the pre-construction flow was approximately 6 cfs. The design of the detention basins in the Founders Ridge project will provide a slight reduction in peak flow after construction is completed. Good engineering practice for any pond with a constructed embankment such as this one would include the design and construction of an appropriate stabilized emergency spillway for high flow storm events. Based on these significant shortcomings in the overall design and construction of this pond, it is likely that there was no design or analysis by a qualified engineer when this pond was originally installed or the construction was not consistent with any engineered plans that were developed.

The above referenced photographs presented on January 6, 2021 show that stormwater with suspended sediment was discharging from the Founders Ridge project during that particular storm event based on the red color of the water. In general, the red coloration of the water which is apparent in those photographs would result from the suspension of fine particles in the silt and clay size range. This would be indicative of a breached silt fence or some portion of the disturbed site which may have bypassed an otherwise functional perimeter erosion control measure. Relative to the size of the contributing watershed and the associated flows, the available storage volume in the pond at 97 Poplar Road is inconsequential for providing stormwater retention and settling time for suspended solids in the silt or clay size range. The recent deposition of material in the pond area appears to consist primarily of particles in the much large sand and gravel size range. The increased velocity and scouring resulting from the Eversource stream crossing may be a significant contributor to these deposits.

### **EROSION AND SEDIMENTATION CONTROL RECOMMENDATIONS**

Regardless of the significant shortcomings in the pond design at 97 Poplar Road and the contribution of the Eversource project to the sediment deposition in the pond, it is important to properly implement and maintain the erosion and sediment controls on the Founders Ridge project. In our conversation at the site, you detailed several improvements to the temporary erosion and sedimentation control measures since the offsite concerns were raised. These improvements are consistent with preventing any future bypass or breach of our onsite controls as well as providing multiple layers of protection for the receiving watercourse. These improvements included the following:

1. Modification of the detention basin outlet structure to allow the basin to function as a temporary sediment basin with an increased retention volume prior to any concentrated discharge. This will significantly increase the available settling time for finer suspended solid particles.
2. Installation of a temporary diversion system consisting of swales and berms to direct stormwater from active construction areas with exposed soil to the detention basin. This flow is directed to the end of the basin opposite the outlet to maximize travel time and facilitate plug flow for increased sediment removal efficiency.
3. Installation of a smaller pretreatment swale/basin prior to stormwater discharging to the detention basin. This pretreatment basin has been lined with stone and includes several mulch wattle check dams to facilitate sediment removal and maintenance.
4. The disturbed area of phase 2 that is not actually under construction with roads or infrastructure which drains to the detention basin has been temporarily stabilized with a layer of wood chip mulch.

5. Straw and mulch wattles have been added at several locations subject to higher flows to reinforce existing silt fence.

In addition to the improvements described above, I would recommend several additional measures which we briefly discussed at the site:

1. Limit flows into the northerly portion of the pretreatment basin with an earthen berm and a 4" inlet pipe. This will divert higher flows into the completed portion of the storm sewer system and into the hydrodynamic separator which then discharges to the detention basin. Please note that the hydrodynamic separator will need regular maintenance when used in this manner, however this will offer an effective sediment removal methodology prior to discharge into the detention basin. This will also limit the accumulation of sediment in the detention basin which will ultimately require removal.
2. There is a small area of bare earth between the last house in phase 1 and the start of phase 2. This area is currently protected with a downgradient silt fence. As an additional protective measure, this area should be covered with a layer of the wood chip mulch which is stockpiled on the site. An additional perimeter control such as a wattle or staked hay bales should also be added at the downgradient end of this area in case high flows breach the silt fence. A permanent vegetative cover should be established in this area during the spring planting season.
3. If you have not already done so, I would recommend that appropriate quantities of erosion control measures such as silt fence, hay bales, wattles, filter fabric and crushed stone be kept on site until final site stabilization. It is important to ensure that these materials are immediately available to implement repairs if a problem develops during a storm event.

Based on our conversation and my understanding of the temporary erosion and sedimentation controls that were in place prior to the IWWA cease and desist order, the measures described above will offer a significant improvement in sediment removal efficiency and stormwater quality leaving the project site. As these measures are implemented, the most important task will be regular inspections and maintenance of temporary controls in accordance with the approved erosion and sediment control plan. It will also be important to remember that as construction progresses and site conditions change, additional temporary controls may be required to maintain stormwater quality. The approximate locations of several of these measures are shown on the attached sketch.

### **POND REPAIR RECOMMENDATIONS**

It is my understanding that you are willing to repair the pond at 97 Poplar Road by removing the accumulated sediment and restoring an open water habitat. Provided the property owner is amenable to this repair work I would recommend that it be completed during a low flow period in the summer months. Pond side slopes should be no steeper than 3:1 for stability and to allow anybody who may enter the pond to walk up the side slope to exit the pond. An aquatic bench can be incorporated into the pond repair if desired. This excavation work should be undertaken carefully to avoid unnecessary disturbance to side slopes above the outlet pipe elevation. Any areas above the outlet which are disturbed should be stabilized with an appropriate seed mix and a protective mulch layer. All sediment removed from the pond should be properly disposed of or utilized as fill material on the Founders Ridge project.

I would recommend that you either limit repair work to the boundaries of 97 Poplar Road or that the owner of 97 Poplar Road provide evidence of their rights to have a portion of the pond within the Eversource property. It is also imperative that the owner of 97 Poplar Road understand the significant shortcomings with the design of the pond since it is inevitable that sediment will accumulate and eventually fill the pond in again unless it is regularly maintained. They should also fully understand that the existing pond outlet is severely undersized to pass any reasonable design storm event and any removal of sediment will have little or no effect on the hydraulic capacity of the outlet.

If you have any questions or need additional information, please do not hesitate to contact me at your convenience.

Sincerely,

David J. Held, P.E., L.S.  
Provost & Rovero, Inc.





- Ecology
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- Water Quality Monitoring • GPS
- Environmental Planning & Management
- Ecological Restoration & Habitat Mitigation
- Aquatic, Wildlife and Listed Species Surveys
- Application Reviews • Permitting & Compliance

January 25, 2021

City of Middletown  
Inland Wetlands and Watercourses Agency  
Department of Planning, Conservation and Development  
245 DeKoven Drive, Suite 202  
Middletown, CT 06457

ATTN: Mr. Joseph Carta, Chairman

RE: POND REHABILITATION/MAINTENANCE  
97 Poplar Road, Middletown, CT  
*REMA Job #15-1787-MID19*

DEPT. PLANNING & ZONING  
21 JAN 27 PM 12:27

Dear Mr. Carta and Agency Members:

At the request of Ameritage, LLC, REMA ECOLOGICAL SERVICES, LLC (REMA) has prepared this brief letter, to be submitted as part of an application before the City of Middletown's Inland Wetlands and Watercourses Agency ("the Agency," IWWA), to rehabilitate and maintain a shallow pond/marsh ("the pond"), located at the above-referenced property. REMA conducted a site visit on January 13<sup>th</sup>, 2021, to observe existing conditions at the subject regulated area.

The subject pond/marsh was developed through excavation and construction of an earthen berm sometime between 1970 and 1986, based on archival aerial photography (i.e., UConn MAGIC)<sup>1</sup>. Roughly 2/3<sup>rd</sup> or +/- 1,250 square feet of the pond occur on the property, while the southern half is located within an electric power line corridor owned by Eversource (see Figures A and B, attached).

<sup>1</sup> The 1975 and 1980 archival aerial photographs are only physically available at the Connecticut State Library, Hartford.



Observable dominant vegetation at the time of the site visit included cattails, willows, silky dogwood, sedges, purple willowherbs, wool grass, and grasses. Stream flow entered the “pond” area from the south via a severely eroded channel, flowing northerly in a shallow channel along the western edge of the “pond” to twin RCPs at the outlet (see attached annotated photos). With the exception of this shallow channel, no standing water was observed.

Exploration with a soil auger within the aforementioned shallow channel revealed two or three inches of coarse sediment (i.e., sand and gravel). However, finer sediment with incorporated organic matter was observed below the “channel bed.” These finer and waterlogged sediments extended at least 42 inches below the surface, the length of our soil auger (see Photo 4, attached). At the southern end of the pond, just below the eroded inlet channel, 8 to 10 inches of coarse sediment, including pea size gravel, was noted, again above finer sediment (see Photo 2, attached). The texture of this sediment is similar to what was observed in the eroded channel upgradient of the “pond.” This would indicate that it is of relatively recent origin, and was likely deposited here when the intermittent stream channel eroded during a significant storm event, or series of storm events.

The finer sediment below the more recent deposits would indicate that this pond has been slowly filling for the past 3 to 4 decades. This natural accretion of sediment and organic matter typical of small waterbodies. The presence of mature willows and silky dogwood shrubs within the “pond” proper (see Photo 1, attached), especially closer to the inlet, would also indicate that accelerated accretion has taken place over the past decade. For instance, a September 2017 aerial photograph, taken before any substantial work upgradient associated with second phase of the residential development, shows the pond to be completely vegetated with emergent vegetation and shrubs, with no evidence of open water (see Figure C, attached).

During the site visit we noted that the temporary bridge structure used by Eversource to cross the wetland/watercourse corridor upgradient of pond, may be in fact accelerating the velocities of flows to the downgradient segment of the stream. All of the severe channel erosion that has resulted in the recent deposition of sediment to the pond is downgradient of the temporary bridge.

Quite often small ponds need to be dredged or maintained, and this pond has had little depth to it for many years. The rehabilitation/maintenance of the pond would include:





1. Removal of accumulated (i.e., accreted) sediment during the dry low flow season, typically July through September.
2. Leaving an aquatic shelf on the east side of the pond, closer to its outlet. This would extend 3 to 4 feet from the pond edge, be 6 to 12 inches below the inlet invert elevation of the pipes, and allow for marsh and meadow type vegetation to be established.

In conclusion, the removal of accumulated sediment will enhance the functions and values of this regulated area for many years into the future, until maintenance is again required. However, we would recommend that this work be done after Eversource has completed their work with the electric right-of-way, the temporary bridge has been removed, and any affected areas (i.e., wetlands and adjacent uplands) have been properly stabilized.

Please feel free to contact our office with any questions on the above.

Respectfully submitted,

**REMA ECOLOGICAL SERVICES, LLC**

A handwritten signature in black ink, appearing to read "George T. Logan".

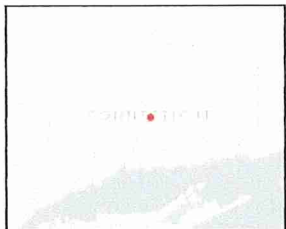
George T. Logan, MS, PWS, CSE  
Professional Wetland Scientist/Registered Soil Scientist  
Certified Senior Ecologist

VIA E-MAIL



Attachments: Figures A to C; Photos 1 to 5



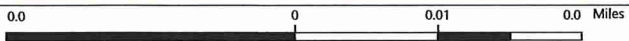
1: 564



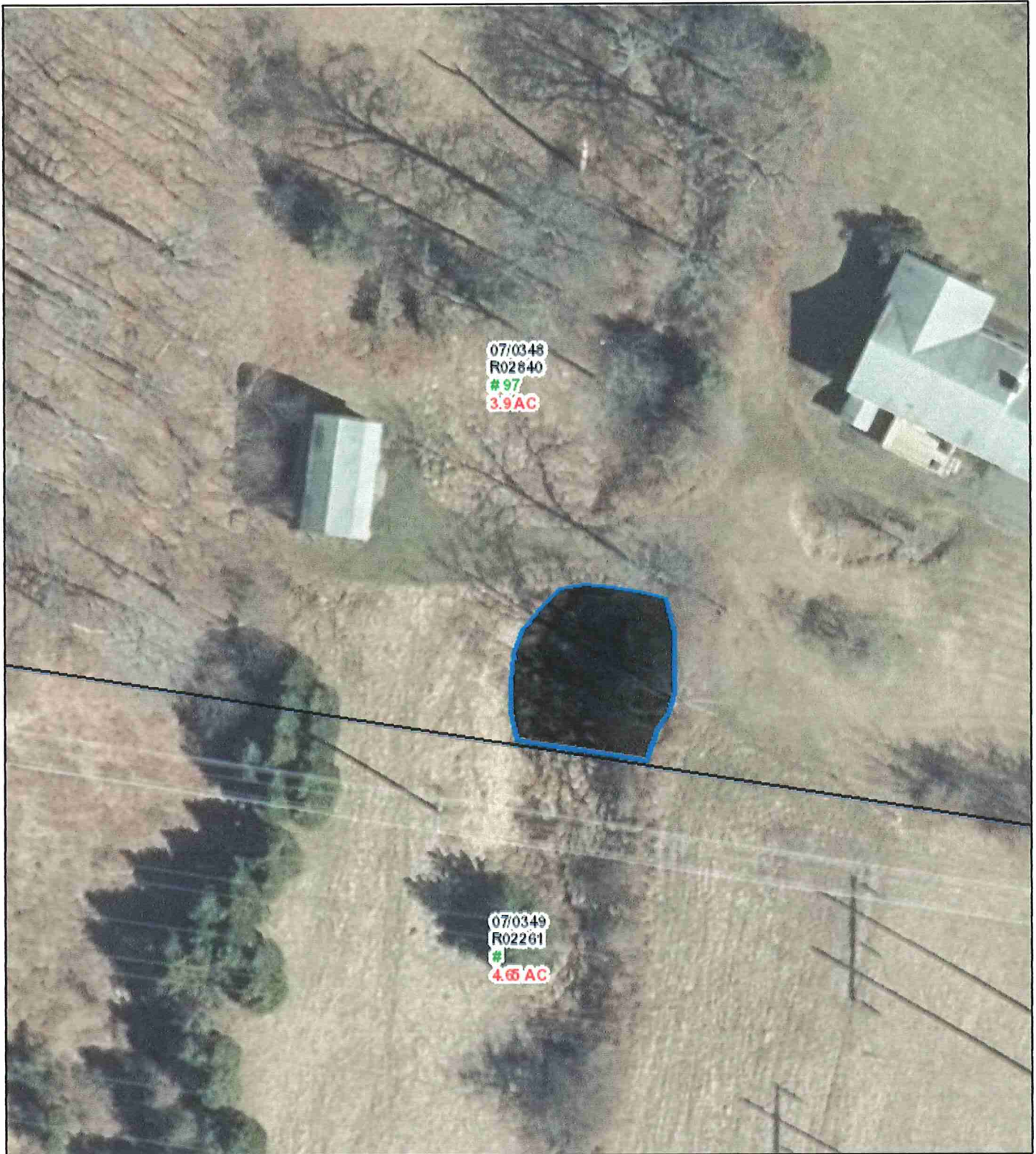
**Legend**

-  Parcels for Protected Open Sp
-  Light Gray Canvas Base

**Notes**



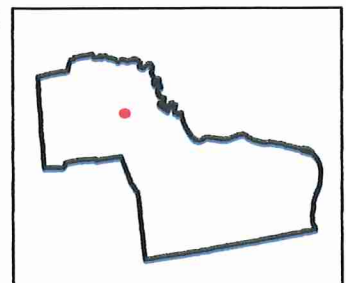
This map is intended for general planning, management, education, and research purposes only. Data shown on this map may not be complete or current. The data shown may have been compiled at different times and at different map scales, which may not match the scale at which the data is shown on this map.



## Pond Remediation/Maintenance

Map generated 12/29/2020

Map Legend: <http://gis.cityofmiddletown.com/middletownct/legend.pdf>  
<vision link>



0 0.003 0.006 0.012 0.018 0.024 mi 1 in = 50 ft

### MAP FOR REFERENCE ONLY - NOT A LEGAL DOCUMENT

Because of different update schedules, current property assessments may not reflect recent changes to property boundaries. Check with the Board of Assessors to confirm boundaries uses at the time of assessment.

**FIGURE C:**

POND REHABILITATION/MAINTENANCE  
97 Poplar Road, Middletown, CT  
(as seen on a September 2017 aerial photo)

**Legend**

- 📍 97 Poplar Rd
- 📏 Pond Perimeter - 2016



Google Earth

100 ft



*Photo 1:* Central and southern portion of "pond"; facing southerly



*Photo 2:* Exploratory soil pit, southern portion of "pond"; facing southerly



*Photo 3:* One of the eroded portion of the intermittent stream feeding the “pond”; facing southerly



*Photo 4:* Exploratory soil pit along the existing flow path through the “pond;” auger buried to handle, indicating at least 42 inches of accreted sediment and organics



*Photo 5.* Twin outlet pipes through the "pond" embankment (berm); facing northerly

