ROLL CALL:

Chairman Bernard Gallo called the meeting to order at 7:02 p.m. Present were Robert Azud, Bruce Lees, Dennis Macauley, and Matt Rose. Also present were staff, Environmental Compliance Officer Joseph Mead and Secretary Mary Larkin, applicants and/or their representatives.

Absent were Mark Massoud and W. Alex Wolk.

PLEDGE OF ALLEGIANCE:

The Pledge of Allegiance was led by Bruce Lees.

ACCEPTANCE OF MINUTES:

Motion to accept the minutes of April 11, 2018 was made by Bruce Lees; seconded by Matt Rose. Motion carried unanimously.

The next regular meeting is scheduled for May 23, 2018

OLD BUSINESS:

1. #1054 Luis & Jesus Panora, 17 South Well Ave. (H15058), Regulated Activity

Joseph Mead, Environmental Compliance Officer said that he spoke with Dainius Virbickas, and Mr. Virbickas, has an on-site meeting scheduled for Friday, May 11, 2018. Once he gets a letter of agreement, we should be good.

Motion to table the matter until the next regular meeting on May 23, 2018 was made by Bruce Lees, seconded by Robert Azud. Motion carried unanimously.

2. #1082 Toll CT III, LP, Reserve Road, Phase 4C, “The Woodlands,” (B16001), PND Zone, Regulated Activity, 172 Unit Townhouse & 35,000 sq. ft. for two commercial buildings (17,500 sq. ft. per building) for commercial space including office space and a coffee shop.

Tom Beecher, Esq. Collins Hannafin, Mike Zemola, Toll Bros., Dan Kroeber, P.E., and Megan Raymond Registered Soil Scientist attended on behalf of Toll CT II. Attorney Beecher gave a brief recap of the proposed plan for 4C “Woodland” 39 acres. The reserve is laid out in a variety of phases. This parcel
Mr. Kroeber referred to specific areas on the map and addressed the management of water in those areas.

Attorney Beecher introduced Megan Raymond, Registered Soil Scientist with Milone & MacBroom. Ms. Raymond began her presentation. On the 38-acre parcel there are two wetland systems on the property. Both were delineated originally by C. Rabinowitz in 2002. Within W1 there is a vernal pool which was documented as being used as a breeding area for the Jefferson salamander. In 2012, Milone and MacBroom did not find Jefferson salamander nor other salamanders but did find wood frog egg masses there, which dictated a plan. Both systems drain to the Still River. There was some activity of egg masses in the southern wetland in 2016, but no activity in 2017, but in 2018 there was evidence of egg masses, and this area will continued to be monitored for metamorphosis of the egg masses. The upland forest has been impacted by non-native earth worm activity. They are working with Connecticut National Diversity database to relocate the sand blackberry, a sub-shrub. There is detailed protocol for the relocation. Native species management is proposed.

Impact assessment completed on the site indicated there is no direct impact on the area. Upland review area occupies approximately 6.85 acres on the site. There is no direct impact on the wetlands. Proposed disturbance is a little over 2.5 acres of upland review area, but within that area a small percentage, approximately three to four percent, will be comprised of actual structure. Majority of work proposed is the creation/installation of the storm water management system. Ninety-six percent of the upland review area will remain vegetative. The storm water management will be handled by four detention basins. Habitat opportunities: want to maintain habitat characteristics, no direct impact to this area. To prevent intrusion, proposal is to demarcate area of disturbance and an amphibian exclusion device will be installed to prevent potential migration.

Given the nature of the proposed activities in the upland area of the site, Ms. Raymond said there will not be any direct impacts to wetlands, along with the implementation of sedimentation erosion control, storm water management, and maintenance of a long-term conservation area in terms of a wildlife corridor, they the proposed activities will not impact or affect the physical characteristic of the wetlands. Commissioner Bruce Lees asked if there will be any digging in the wetland systems. Ms. Raymond responded there will not be any digging. There is a planting schedule in coordination with the State, and it will be monitored over five years in coordination with the State. Joseph Mead asked about the area of work. Ms. Raymond said it be mostly in buffer - no impact at all on wetlands. Work in buffer is limited to installation of storm water management. Mr. Mead also asked about the difference between the original report by Cynthia Rabinowitz and Megan Raymond said there was no discernable difference in the wetlands boundary. Wetlands lines were the same.

Attorney Beecher gave a recap of the presentation. Wildlife habitat protection corridor - no disturbance within approximately 200' of the vernal pool (VP#1); no disturbance within 100' of vernal pool (VP#2). Of 6.85 acres, 4.1 acres will not be disturbed. Dan Kroeber, P.E. for Milone & MacBroom, said they want to match future conditions with the conditions that exist now. The want to make sure there is adequate water quality. During construction they want to maintain erosion control. The storm water management maintenance plan has been developed and submitted. There are four main stages of construction: Stage 1A is the sales model park (one type of every unit they sell), parking, entry, and tennis courts; the next is Stage 1B: sanitary sewer, units, and roads. The third stage is the remnants, and the final and last stage is the interior infill. The commercial site is “floating” and does not have a firm schedule. Storm water management: no increase in runoff as a result of adding more impervious surface. Mr. Kroeber referred to specific areas on the map and addressed the management of water in those areas.
Dan Kroeber went on to discuss sediment erosion control was discussed and water will be diverted to a temporary basin and a diversion berm with silt fences and hay bales. There is a long-term plan is to maintain all measures. A maintenance plan with a schedule is in the handout submitted in April. A checklist is also included for whomever is inspecting the property.

Bruce Lees said it looks like a great plan, and he has been around for these developments and mentioned possibility of a public hearing, and we have to give the public an opportunity to speak. Bruce Lees would request signage on the storm drains and signs to designate wetlands, breeding areas, and the wildlife corridor. Joseph Mead said there is not a concern on his end about a public hearing because Toll owns most of the property adjacent to this development. He felt the activity was contained on the interior of the site. Bruce Lees also mentioned there is no representation from the public in opposition. Bruce Lees thanked Bernard Gallo for his consideration in allowing him to make these requests. Attorney Beecher reiterated the “no-impact” of their plan on the wetlands in his summarization. He felt it does not rise to the level of significant activity. Environmental Compliance Officer Joseph Mead will put together a Project Impact Report with conditions of approval and felt the report and presentation were extremely comprehensive.

Motion to table the matter until the next regularly scheduled meeting on May 23, 2018 was made by Bruce Lees, seconded by Robert Azud. Motion carried unanimously.

3. #1083 KILCO, LLC, (Neil Marcus, Esq., Agent) 10 Old Sherman Turnpike, (M12015 and M12016), IG-80 Zone, Regulated Activity for screening and processing earth materials in contractor’s yard.

Benjamin Doto appeared on behalf of the applicant. Chairman Gallo asked if the Commissioners had any questions concerning the Project Impact Report prepared by Environmental Compliance Officer Joseph Mead. There being no questions, Matt Rose made a motion for a summary ruling for Application No. 1083 with the seven conditions put forth by staff. Dennis Macauley seconded the motion. Motion carried unanimously.

4. #770R Roger Crossland, Pembroke Road, (G07044), RA-40 Zone, Permit extension for proposed day-care center

Attorney Edward Schenkel, of Gregory and Adams, P.C., requested via email that the matter be continued until the next regular meeting on May 24, 2018 so that more research could be conducted regarding eminent domain.

Motion to table the matter until the next regular meeting on May 23, 2018 was made by Bruce Lees, seconded by Robert Azud. Motion carried unanimously.

NEW BUSINESS:

#1086 Philip Herzegovitch, agent for Bianconi, Gary & Louann, 69 Ta’agan Point Road, (I06016), RA-20, Regulated Activity, for rainwater/storm water management

Philip Herzegovitch is the agent for a whole-house remodel on Ta’Agan Point Road. A couple of phases are expected due to water lines and electrical lines underground and decommissioning of the existing
well. Upon approval of the conduit and water lines, it will be immediately covered with soil, grass, and hay. He pointed out the storm water containment system, designed by CCA, will be hand dug. There is no construction encroaching on the 440 at all. First Light and CCA agreed. Mr. Herzegovitch explained his model. There were no questions. Joseph Mead discussed the B100 plan, which is required for any property with a septic system. Because of the new potential septic, Matt Rose asked if the B100 was the correct size for a three-bedroom home. There will be three baths total and two bedrooms will be upstairs in the new area. Matt Rose asked again about the three baths, and Mr. Herzegovitch explained that one will be an ADA bath. Discussion ensued about the B100 size. Joseph Mead said the sanitarian had reviewed the plan and should be aware of it. Despite the three bathrooms, the home will remain a two-bedroom structure. There were no other questions.

Motion to table the application until the next regularly scheduled meeting on May 23, 2018 was made by Bruce Lees; seconded by Robert Azud. Motion carried unanimously.

PUBLIC HEARINGS: None

APPLICATIONS FOR ADMINISTRATIVE APPROVAL:  None

ADMINISTRATIVE STAFF ACTIONS: None

VIOLATIONS: None

OTHER MATTERS:

CORRESPONDENCE:

Letter from Aquarion Water Company, dated April 6, 2018, regarding award nominations.

Request to table #770 until 5-23-18 from Ed Schenkel, Esq. of Gregory & Adams, P.C., for further research.

Notification of Application to the State of Connecticut for Use of Pesticides in State Waters from TRC Solutions on behalf of Algonquin Gas Transmission, LLC.

Receipt of all correspondence was acknowledged by the Commission.

ADJOURNMENT:

Motion to adjourn the meeting was made by Matt Rose, seconded by Bruce Lees. Motion carried unanimously. Meeting adjourned at 8:07 p.m.

Respectfully submitted,

Mary S. Larkin
Secretary