

**TOWN OF SOUTH WINDSOR
INLAND WETLANDS AGENCY / CONSERVATION COMMISSION**

MINUTES: September 1, 2021

MEMBERS PRESENT: Adam Reed, John Blondin, John Phillips, Barbara Kelly, Paul Coté, James Macdonald, Arthur Jennings, Richard Muller

ALTERNATES PRESENT: Daniel Katzbek

STAFF PRESENT: Jeff Folger, Sr Environmental Planner
Michael Lehmann, IT
Caitlin O'Neil, Recording Secretary

COUNCIL LIAISON PRESENT: Steven King, Council Liaison
Chairperson Kelly called the meeting to order at 7:00 p.m.

PUBLIC PARTICIPATION: None

PERMIT EXTENSIONS: None

CORRESPONDENCE AND REPORTS: Two intervenor petitions were received for Appl. 21-36P. Commissioner Phillips moved to add intervenor discussion to the agenda. Commissioner Blondin seconded the motion. The Motion passed unanimously

The applicant's attorney, Attorney James Connor, objected the two intervenor petition's and commented that the application had not been provided to the applicant's for review. Attorney Connor commented that his client had the right review and respond to the intervenor's petition.

Commissioner Phillips responded that according to the Statue the term "any" is used in regards to who can file a petition. Commission Phillips further explained the interveners have the right to provide expert testimony and then the applicant could provide rebuttal.

Attorney Connor questioned when he and his client would be able to review the petition. Chairperson Kelly responded that the Commission had just received the petition and Town Staff would make copies for the applicant.

Commissioner Phillips commented that the first petition to intervene was submitted by David Mills, John Holowczak, Karen Viklinetz and Gerald Jeyaraj. Commissioner Phillips commented that the petition appeared to meet all necessary requirement for intervenor status. Commissioner Phillips moved to confirm the intervenor status. Commissioner Blondin seconded the motion. Motion passed unanimously. Chairperson Kelly clarified that the Commission was accepting the petition but the interveners would need to provide expert testimony for the consideration of the Commission. Commissioner Jennings confirmed that wetlands would be the only issue that could be brought to this Commission.

The second intervenor petition was submitted by Raghuraj Chandra with identical in wording to the first petition. Commissioner Phillips moved to accept intervenor status. Commissioner Jennings seconded the motion. The motion passed unanimously.

BONDS: None

MINUTES: 08-04-21. Commissioner Muller commented on a correction on page 2 from 36,000 sq. ft. to 360,000 sq. ft. Commissioner Phillips moved to accept the minutes on 8/4/21 with correction of square footage on page 2. Commissioner Cote seconded the motion. 7/21/21 minutes would be tabled until next meeting.

CONSERVATION COMMISSION:

Environmental Planner Jeff Folger commented there would be another plant clearing party at the Town Hall on September 4 to help continue maintenance on invasive species. Additionally, still in line for getting a bridge built across the brook at Town Hall. Mr. Folger commented that an Eagle Scout would be building this bridge come the fall. Mr. Folger added that there would possibly be two Eagle Scout candidates as well.

Chairperson Kelly commented that tonight's meeting would be televised on channel 16 on Cox Cable or GMedia via the Town website.

WETLAND OFFICER:

Environmental Planner Jeff Folger commented that they have been very active with maintaining erosion control with various construction projects. Mr. Folger commented that there has been a tremendous amount of flooding in basements in town and lot-to-lot drainage issues. Mr. Folger added that there have been several storm water systems that have backed up. Mr. Folger gave an update on the issue at 40 Sea Pave regarding the wetland violation, the owner had started re-grading the property and Mr. Folger would follow up with owner about the next steps.

PUBLIC HEARING:

1. **Appl. #21-36P** – 25 Talbot Lane – 25 & 5 Talbot Lane, 475 & 551 Governors Hwy – IWA/Conservation Commission application for the construction of an industrial distribution center, parking and storage areas, stormwater structures and associated utilities on property located southerly of Governors Highway and easterly of Talbot Lane - Industrial (I) Zone (Continued from 8/4/21)

Chairperson Kelly explained the break down of the meeting, first public comment would be finished, then the intervener would have an opportunity to present information and then allow the applicant to comment on updated information and then allow the Commission to ask questions. Environmental Planner Jeff Folger corrected his former statement on the method of notifying applicant regarding approval letters, they are sent via certified mail, return receipt requested.

Commissioner Philips reviewed the parameters for the public hearing.

Chairperson Kelly asked for any public comment.

Tim Wentzell of 630 Governor's Highway, Tony Snuck of 560 Governor's Highway, Scot Chipman of 58 Edgewood Drive, Jesse Giammarino of 139 Judy Lane, Shanmaya (Ram?) of 140 Cody Circle, Jim Clyburn of 35 Cody Circle, William Jones of 570 Governor's Highway all spoke against the application. Some of the concerns cited were drainage issues, chemical run off and water table concerns.

Commission Philips and Chairperson Kelly commented that they understood the public's concerns but many issues presented in the public hearings were issues for other agencies.

Public comment ended at 7:48pm.

John Holowczak of 39 Cody Circle, represented both interveners applications. Mr. Holowczak reviewed a map that included Talbot Lane, Governor's Highway, Edgewood Drive and Cody Circle to demonstrate where the property lies within the watershed. Mr. Holowczak commented that he believes this watercourse moves north to south down to the Podunk River which he commented could be a potential migratory path for wildlife.

Mr. Holowczak reviewed the site and presented map given by Peter DeMallie in 1994 when Mr. Holowczak had built his home. Mr. Holowczak commented on a conversation the two had in 1994. Mr.

Holowczak explained that he had concerns about the industrial lot being developed, now known as 25 Talbot Lane, and was told by Mr. DeMallie development on this site would not be possible because of the amount of wetlands. Mr. Holowczak reviewed an old resubdivision map that was developed for the French Social Circle. Mr. Holowczak highlights where he believes additional wetlands may potentially be on the site. Commissioner Phillips commented that improper mapping was not listed in the verified pleading allegations.

Mr. Holowczak commented they hired soil scientist Steven Danzer to perform a wetland investigation, which was dated August 25, 2021. Mr. Holowczak reviewed some of the report and commented on the final comments from Mr. Danzer's report that states that there is a substantial discrepancy in wetland's reporting from the 1994 to 2021 survey. Mr. Danzer's report commented on the need for the site to have another delineation done. Chairperson Kelly clarified which soil was tested for wetland's on the map. Mr. Holowczak commented that the wetland's tested by Mr. Danzer were neighboring properties since there was a no trespassing sign on 25 Talbot Lane. Commissioner Phillips reminded Mr. Holowczak that he needs to comment on the allegations stated in the intervenor petition. Mr. Holowczak continues his comments on potential incorrect wetland's calculation. Mr. Holowczak commented that the wetland's may go further than what applicant has addressed, specifically, in the northwest corner of the site.

Mr. Holowczak commented on grading changes made by the applicant along Governor's Highway. Commissioner Phillips questioned the purpose of this information in regards to the intervenor application. Mr. Holowczak commented on yard drains adjacent to Governor's Highway. Commissioner Phillips commented that stormwater drainage would not be in relation to the Inland/Wetland Commission. Mr. Holowczak commented that he does not consider this proposed building as a necessity like a hospital or a firehouse. Mr. Holowczak commented that he would like clarification on alternative uses for the site.

Mr. Holowczak reviewed and submitted paperwork regarding snapping turtles from the CT DEEP website.

Janet Holowczak, an intervenor, submitted Wetland Management Guidebook from the US EPA website. Commissioner Phillips commented the purpose of intervenor is to allow submission of expert testimony on the subject matter. The Commission agreed to accept the document and to reopen the public comment. The Commission agreed to accept the paperwork for the commission for review.

Matthew Nochisaki, a graduate from the University of Delaware with a degree in entomology. Mr. Nochisaki reviewed his credentials, however, he is not board certified. Commission Phillips commented that Mr. Nochisaki does not need to be licensed to be considered an expert and his credentials would meet the criteria for testimony. Mr. Nochisaki commented on his involvement in the relocation of Tiger Beetles at the Coca Cola distribution site and the sanctuary created for these insects at Carla's Pasta site. Mr. Nochisaki reviewed on field observations of insects and wildlife on the proposed site. Mr. Nochisaki commented on the potential habitat loss for insects and wildlife with the proposed distribution center.

Erik Eichler, a board certified Criminal Defense Investigator and Forensic Science Investigator. Mr. Eichler commented on concerns of trees being removed and stripping the natural filtration of the area, causing debris to enter the wetlands. Mr. Eichler also commented on concerns with additional debris and oil being pushed into the waterways via snowplows.

Derrek Butler, involved in Trucking and Warehouse Management for over 30 years. Mr. Butler commented on concerns of air quality due to trucks performing pre trips on a daily basis. Mr. Butler detailed how tractor trailers are cleaned and the potential likelihood of the trucks being washed on site. Mr. Butler commented on concerns of truck washing on site and added that active chemicals used to wash trucks are sodium hydro chloride and ammonia.

Chairperson Kelly commented that the applicant for 25 Talbot had the opportunity to respond to issues raised.

Peter DeMallie reviewed and submitted for the record the resumes of all the experts testifying during the meeting. Mr. DeMallie reviewed some of the updated application items submitted on August 26, 2021. Mr. DeMallie commented that the total wetlands area of the 30-acre site is a total of 2.21%, not a significant amount of wetlands on the site. Mr. DeMallie reviewed responses to the questions from the Commissioner from last meeting. Mr. DeMallie commented that on item that was addressed was wetland delineation by John Ianni, which has been replaced with a new wetland delineation by Jim McManus. Mr. DeMallie commented that there would be no truck washing on site. Mr. DeMallie commented that various experts would review water table concerns, mosquito control, dust control measures and feasible alternatives. Mr. DeMallie commented on the Town of South Windsor's IWA/CC official wetland's map, which states that this map is for general use and is not based on soil scientist flagging. Furthermore, the map is meant for general planning purposes and specific field surveys would be needed for determination of regulatory wetland boundaries.

Jim McManus soil scientist with J&M Consulting reviewed his updated wetlands investigation report. Mr. McManus reviewed how to differentiate wetland's soil from regulator soil. Mr. McManus commented that he went to the site today with Town Environmental Planner Jeff Folger and reviewed the soils found on the site and how he would determine what is considered wetlands. Mr. McManus explained that the areas studied today were not wetland soils.

Ben Wheeler reviewed prudent alternatives for the site. Mr. Wheeler commented that there would be an alternative of an 182,000 SF industrial building with truck circulation and parking lot and trailer parking around the site. Mr. Wheeler commented that this alternative does not reduce site development cost. Additionally, an industrial subdivision lot is not nearly as marketable as a larger distribution center. Mr. Wheeler summarized that due to these various reasons, the applicant is not considering an alternative plan further. Peter DeMallie added that the smaller industrial building would also not afford a large buffer like current plan allows.

Sean Duffy, Director of Industrial Practice at Cushman and Wakefield commented on the marketability of a smaller distribution center. Mr. Duffy explained that the market calls for larger distribution centers and by making the building smaller, it would diminish his ability to market the property.

Ben Wheeler addressed the mosquito control and larvacide plan. Mr. Wheeler added that the mosquito control plan has been reviewed with Environmental Planner Jeff Folger and the Town of South Windsor uses similar measures to control mosquitoes.

Matthew Glunt, Geotechnical Engineer with GEI Consultants. Mr. Glunt commented on site drainage and ground water control for the site. Mr. Glunt commented on the site drainage impacts on ground water on the site and surrounding properties. Mr. Glunt commented that this drainage impact would be controlled by the proposed eastern stormwater basin.

Emily Perko Ecologist and registered soil scientist with GEI. Ms. Perko summarized the Ecology Summary Report. Ms. Perko commented that current site is not suitable for turtle habitats due to lack of surface water flow. Ms. Perko commented that there is a need for aquatic habitats on the site, which would be provided with the proposed wetland plan.

Daniel Jameson, Project Manager from Design Professionals. Mr. Jameson reviewed the hydration to the ditches discharging to Cody Circle and changes in the grading by Governor's Highway. Mr. Jameson commented the change of grading was per the request of the Town Engineer Jeffrey Doolittle.

Peter DeMallie made closing statements and commented that the recently built Carla's Pasta was approved by the IWA/CC and that project had ditches filled that were approximately 4 times the amount of the wetland's than what is found on this application's site. Mr. DeMallie added that he felt this plan was the most feasible and prudent plan for the site. Mr. DeMallie commented that the wetland delineation recently performed by Jim McManus were done to the standards of the Commission. Mr. DeMallie added that the design team went to extraordinary lengths to provide the largest buffers possible to respect the abutting neighborhoods.

Attorney James Connor requested time to review the intervention petition and numerous exhibits presented at tonight's meeting. Attorney Connor submitted an extension granted by the applicant to extend the hearing to October 6, 2021. Chairperson Kelly agreed to extending the meeting for the applicant to October 6, 2021 to give the Commission time to review the additional documents and exhibits submitted.

Commissioner Phillips questioned Environmental Planner Jeff Folger if there should be a 3rd party soil scientist. Mr. Folger commented that he had walked the site with Chairperson Kelly and again with Mr. McManus and felt the soil findings were accurate. However, Mr. Folger commented that time is available to contract a 3rd party soil scientist to review wetland delineation and in the spirit of getting as much information as possible, a 3rd soil scientist could render an additional opinion. The Commission agreed that they would like a 3rd party soil scientist to be contracted by the Town of South Windsor. Jim McManus questioned if he could be present for the 3rd party scientist review. Mr. Folger commented that if Mr. McManus was allowed then intervener's scientist should also be allowed to be present.

Peter DeMallie confirmed applicant was in agreement to have all parties in attendance for the soil scientist.

John Holowczak commented on Mr. Ianni's 2018 soil report, specifically, citing that there was a severe draught ahead of the soil testing in 2017. Mr. Folger commented on the confusions between Ianni's initial and subsequent delineation, therefore, the applicant has thrown out Ianni's delineation and had Mr. McManus complete a new full delineation which has been distributed.

Commissioner Philips moved to continue the public hearing to October 6, 2021.
Commissioner Jennings seconded the motion. The motion passed unanimously.

NEW BUSINESS:

1. **Appl. #21-36P** – 25 Talbot Lane – 25 & 5 Talbot Lane, 475 & 551 Governors Hwy – IWA/Conservation Commission application for the construction of an industrial distribution center, parking and storage areas, stormwater structures and associated utilities on property located southerly of Governors Highway and easterly of Talbot Lane - Industrial (I) Zone

OLD BUSINESS: None.

OTHER BUSINESS:

APPLICATIONS RECEIVED:

1. **Appl. 21-43P**, The Promenade Shops at Evergreen Walk- 528 Evergreen Way - IWA/CC application for the re-development/construction of an educational building, parking access road, stormwater management and associated utilities on a portion of land west of Buckland Rd and south of Hemlock Ave. Gateway Development (GD) Zone.
2. **Appl. 21-44P**, The Promenade Shops at Evergreen Walk- 601 Evergreen Way - IWA/CC application for the construction of a retail building, parking access road, stormwater management and associated utilities on a portion of land west of Buckland Rd and south of Hemlock Ave. Gateway Development (GD) Zone.

ADJOURNMENT:

Meeting adjourned at 9:51pm.

Respectfully submitted:
Caitlin O'Neil
Recording Secretary