

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
June 13, 2016**

Members present: Chairman Brian Harris, Vice Chairman Elliot Benton, Secretary Stephan Skoufalos, Bill Galvin, Joe Rogers, Jim Carr, Norma Kerlin.

Alternates present: Jay Schondorf and Steven Fong

Staff present: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst

Others present: Carver Glezen, Michael Klein, Steven Studer, Ted O'Hanlan, Megan Baroni Joe Risoli, Craig Huber, Nick Cataldo, Michael Klemens, Edward Hart, Michael Manolakas, Mike Doherty, Richard Feminella, Amy Siebert, Ted Fowler, Jayne Isford, Thomas Knowlton, Peter Quigley, Bill Root

I. Call to Order

Chairman Brian Harris called the meeting to order at 7:08 p.m. in the Cone Room on the second floor of Greenwich Town Hall.

II. Seating of Alternates

No alternates were seated.

III. PUBLIC HEARING

1. APPLICATION #2016-002 – 345 West Putnam Avenue, 37 Oak Street, 26 Hemlock Drive and 0 West Putnam Avenue – Post Road Iron Works, Inc. and Carriero Family Limited Partnership -Tax #07-1148/s, 07-1425, 07-2033/s , 07-1135/s, 07-1136/s, 07-2190 (Continued)

Construction of a 355-unit apartment building 105 feet from wetlands and driveway 10 feet from wetlands.

Chairman Brian Harris introduced the application, noting the hearing was continued from the May 23, 2016 public meeting.

Bob Clausi read the list of documents into the record and reviewed the more substantive elements of his supplemental staff report dated June 9, 2016 and highlighted changes in the site plan. The applicant submitted a point by point response to questions and requests for information provided by staff and the agency. While much of the information is as requested, some responses do not fully address the expressed concern.

He noted the phasing plan is clearer, although some inconsistencies remain between the narrative and the map. Sediment trap #2 has been enlarged, purportedly being capable of holding a 25 year storm event. The additional calculations to substantiate this were just submitted today and have been referred to DPW engineering.

Improvements have likewise been made to the erosion and sedimentation control plan and Mr. Clausi expressed satisfaction with the end result.

Mr. Klein was asked to provide his expert opinion regarding the loss of wooded habitat on-site and the impact on the wood frog population as it relates to impacts to the vernal pool. Mr. Clausi restated the conclusion in Mr. Klein's report, namely there will be no significant adverse ecological impacts. Dr. Klemens took exception to the assumptions of Mr. Klein as stated in Dr. Klemens' report.

At the last meeting, the applicant offered to pay for the sewer line repair. However, DPW has stated the study they have been working on for the last year or so is not complete. It is premature to decide on a solution to the capacity issue. What is evident is the actual flow data collected with this study show the flows are in excess of the theoretical flows upon which the applicant has based their analysis.

The applicant's engineer has not acknowledged DPW's unwillingness to accept the proposed repair and contends the sewage overflows north of West Putnam in the Horseneck Brook sewer will not be exacerbated by this development. Mr. Clausi has recent pictures showing sewer borne debris pushing up out of the manhole in close proximity to the brook.

The TURM model was revised and continues to show no thermal impacts to receiving waterways. More information is needed regarding the performance of the green roof in the winter months.

Additional soil stabilization is needed north of remediation area 5 and the restoration planting plan needs to be expanded and revised: One of the currently proposed viburnum species is listed as invasive in this area.

Ms. Sesto read her June 13, 2016 memo to the agency into the record. Her comments were focused on process and jurisdiction. Contrary to Mr. Studer's assertion, Ms. Sesto stated the sewer upgrade is germane to the application and has a likelihood of including activities under the jurisdiction of the agency. Corrections regarding a description of the trees on and adjacent to the Oak Street parcel were made. Some 70 of the 225 trees on this parcel exceed 10" caliper. The alternative requested of the applicant was not provided. A narrative describing why the alternative is not needed was supplied instead. The River Sound Development reference was for case law purposes, not a suggestion that development and this one are similar. And the plan for contamination remediation is adequate for understanding wetland issues.

Chairman Harris identified staff from DPW and the agency's consultant from AECOM are in attendance should members wish to direct any questions to them.

Attorney Steven Studer addressed the agency. He submitted responses to the most recent supplemental staff report and a pre-application form from 2013 for a development at 16 Old Track Road. The form shows no permit was required for that development. Mr. Clausi refuted the conclusions Mr. Studer was drawing. Yes, the form indicates no permit was required. However, if further details of the project revealed threats to wetlands or regulated activities, then the sign off would be withdrawn and a permit would have been required.

Stephan Skoufalos questioned how Mr. Studer concluded the work to the sewer line would not be in the agency's jurisdiction. There are overflows affecting watercourses. Mr. Studer responded the DPW will ultimately decide what the appropriate fix to the sewer line will be, not this agency. This work is also separate from the development proposal and the agency should not be looking at this as part of the application. Mr. Skoufalos and Mr. Studer exchanged views on the jurisdiction of the agency without reaching consensus.

Mr. Studer submitted reduced copies of a development known as Tollgate. Tollgate was proposed partially on the subject parcels and was denied by the IWWA in 2012.

Carver Glezen of Triton addressed the agency. He stated his work is consistent with industry standards and the remediation plans include appropriate erosion and sedimentation controls to protect the wetlands. There were questions raised by Mr. Manolakis, LEP, regarding the necessity to further investigate groundwater overburden. The area down gradient of the releases is too difficult to access to facilitate the investigation.

The question of arsenic in the soil is not an issue for wetlands. The erosion and sedimentation controls will protect the wetland and any further characterization that results in expanded contamination will be protected with those controls.

Borings along the drain line have not been made and would be if the video of the pipe indicates this is warranted. The video has not yet been evaluated.

Mr. Glezen summarized the site has been sufficiently investigated and the remediation plan meets the appropriate standards.

Elliot Benton questioned why no remediation is proposed for the pond, to which Mr. Glezen stated the pond is off-site and not part of this application.

Jim Carr questioned the origins of the pond contamination. Had the road runoff which purportedly contributed to the contamination been evaluated for consistency with the pollutants identified in the pond? Mr. Glezen responded this theory is based on published information pertaining to the pollutants associated with road runoff. Mr. Carr directed Mr. Glezen to the LBG report and quotes from the report where it states the pond is likely impacted from Post Road Iron Works; however it is unclear if a cleanup is warranted.

Jim Carr referred to the Triton soil sample location map, pointing out areas with high levels of lead upgradient of the pond and wetland. He questioned why the sampling stopped where it did as the numbers found were well above background levels. Mr. Glezen explained the methodology used and the residential criteria used to protect public health. Mr. Carr countered the levels of lead which can impact the wetland are lower than the residential criteria. This criteria does not properly assess sediment exposure risks or bioaccumulation. He noted Threshold Effect Concentrations as opposed to Probable Effect Concentrations. Threshold Effect Concentrations are a better gauge for ecological assessment. Mr. Carr referenced literature regarding predictive standards and bioaccumulation.

Mr. Carr questioned if sediment was in the drain line and what the expectations of the pipe are with regards to repairs or replacement.

Mr. Glezen concurred with Mr. Carr, stating an environmental risk assessment is needed to determine the best next steps for the wetland and pond. Additionally, the soil along the pipe was not characterized, but can be if the video shows evidence to warrant it.

Michael Klein, Professional Soil and Wetland Scientist, Environmental Planning Services, LLC appeared before the Agency and reviewed the contents of his June 6, 2016 letter rebutting the

May 14, 2016 report of Dr. Michael Klemens. Mr. Klein took issue with the seemingly limitless jurisdiction of Dr. Klemens' landscape evaluation. While Mr. Klein acknowledges the agency's jurisdiction can extend beyond the normal upland review area, he does not agree the entire area connected to a wetland is within that jurisdiction. Science and regulations do not intersect well.

There is only a small area of vernal pool Critical Terrestrial Habitat (CTH) on-site. He gathered all of the information practical and does not believe requesting access to the off-site vernal pools in question is reasonable.

Mr. Klein stated Dr. Klemens' report is speculative and includes several red herrings. The conclusions deviate from the well regarded criteria of vernal pool evaluation Dr. Klemens himself developed. Wetland 3 is not a tier II pool, it qualifies as tier III according to the 2012 research conducted by professionals who used good protocol. Dr. Klemens sampled this pool again in 2015: No wood frog egg masses were observed and tadpoles were eventually found. Mr. Klein continued to question why Dr. Klemens did not investigate the pool in 2016 as there was time during the application process. Regardless, the on-site Critical Terrestrial Habitat is poorly suited to support terrestrial amphibians.

Mr. Klein also disagreed with Dr. Klemens' assertion the applicant is segmenting his development and even if this was the case, this is not illegal as purported.

Dr. Klemens' claim of impacts due to the chlorine input from the now-corrected water main leak is unsubstantiated. Chlorine readily degrades in the open environment and there is no evidence the wood frog population is rebounding as a result of the fixed leak.

The sweet gum stand noted by Dr. Klemens is not significant and the agency should not be distracted by its presence.

Brian Harris asked if there was a change in the vernal pool hydrology as a result of fixing the water main. The pool now functions on a normal hydrological cycle. Mr. Klein responded he has not looked at this variable.

Mr. Klein summarized the breeding activity of wood frogs from 2010-2016. There is very little breeding and few individuals calling.

Stephan Skoufalos asked Mr. Klein to explain his calculations that resulted in identifying the on-site forest as constituting 2% of the total forest area in the CUH. Mr. Klein presented aerial photographs showing a 100' buffer around vernal pool #3 and a 750' Critical Upland Habitat boundary and explained the various land use cover types within these respective areas.

Elliot Benton pointed out there are no roads between the vernal pool and the site, which makes the on-site portion of the habitat even more valuable. Mr. Klein disagreed, stating 60% of the CTH has been developed, leaving 40% of potential habitat. Of that, only 2% lies on-site and this forest is part of a residentially developed property with lawn under the trees, no leaf litter, and compacted soil to the detriment of fossorial amphibians.

Elliot Benton challenged the insignificance of losing 2% of the forested CTH. This position fails to take into account cumulative impacts. Mr. Klein responded by acknowledging cumulative impacts, however, the on-site forest is of such a quality that it does not meet the needs of wood frogs.

Jim Carr asks how Mr. Klein would restore/enhance the vernal pool as opposed to disregarding it because it and the surrounding landscape have been damaged. Mr. Klein made various suggestions, noting implementation of these is substantially out of the control of the applicant and agency. Mr. Carr concluded such options meant the wetland is not irreparably degraded.

Elliot Benton asked if the on-site forest is improved, would that help the vernal pool. To which Mr. Klein stated “No.” The 100’ closest to the pond is impacted and this would have to be improved before enhancement further out would make a difference.

Bill Root, Professional Wetland and Soil Scientist of Milone and MacBroom reviewed his two page alternative memo, dated May, 2016, acknowledging evaluating alternatives was part of the public hearing process. The proposal has no impacts to wetlands and watercourses and the wetlands closest to the site are impaired. Consequently, alternatives considered focused on using Best Management Practices to maintain base flows. The footprint of development is smaller than that proposed with Tollgate, as is the area of imperviousness. Likewise, the stormwater system has no direct impacts to wetlands with the use of Low Impact Development techniques which differs from Tollgate.

Mr. Root addressed Dr. Klemens’ suggested alternative of limiting development to the industrially developed portions of the site and preserving the forested areas. The forested areas are not viable wood frog habitat and the likelihood of enhancing this forest is low. Based on Dr. Klemens’ own criteria, too little of the CUH is forested to adequately support a viable wood frog population. The loss of 2% more forest will not make a difference.

Joe Rogers asked for documentation pertaining to the hydric condition of the affected wetlands. He only recalls seeing documentation for stormwater management. This does not speak to alterations to the system with typical smaller storms or seasonal variations. Mr. Root referred this question to the consulting engineer, Ted Hart.

Mr. Klein interjected the hydric cycle of vernal pool #3 is addressed in his May 6 report on page 11. There is no change to the watershed of this vernal pool.

Ms. Sesto asked what the relevance of the Tollgate site plan is to this application. Tollgate involved more parcels than what is being evaluated here. Mr. Root stated the comparison shows the current application has a smaller footprint than previously proposed. Ms. Sesto countered that if the other parcels are not being protected and can be developed in the future, there is little to compare.

Ted Hart, P.E., Milone and MacBroom summarized his response to Messrs. Clausi, Marucci, and Risoli. The Oak Street accessway will not have a sump effect given there is no stone reservoir planned below the pavers. Phasing concerns expressed by Mr. Clausi have been addressed, as has the concern regarding the size of sediment basin #2. It is now sized for a 25 year storm event and can take 6.4” of rain within 24 hours. Additionally, the concrete wall northeast of the basin will act as a backup.

Mr. Hart spoke to concerns regarding the green roof. The roof is vegetated with pre-grown mats, so it is functional from the start. In the winter, the plants are dormant and no evapotranspiration takes place. This results in more runoff. However, DPW requires a CN value of 89 to be used in the stormwater calculations, meaning the lack of evapotranspiration is accounted for. The roof will take 30% of the runoff presently flowing to the wetlands out of their overland hydric budget as compared to existing conditions. Discharge point A to the eastern off-site wetland will decrease by 20%. The development will increase groundwater recharge while it decreases overland flow.

Elliot Benton followed up on a May 9 request for a water budget depicting monthly or even seasonal budgets. The annual average provided has insufficient detail to assess impacts. Mr. Hart explained the watershed of the wetlands is large and any changes resulting from this development would be too small to affect the wetlands. Elliot Benton responded the applicant needs to provide the backup documentation to quantify, then qualify such statements.

Jim Carr questioned Mr. Hart regarding the eastern drainage, including the infiltrators and drainage pipe. Mr. Hart responded to the questions by stating the infiltrators will need 8-9 inches of rain before they fill and the drainage pipe functions fine. The CCTV shows the pipe as being serviceable; the joints are aligned and no sediment was observed.

Mr. Hart continued and addressed comments submitted by Scott Marucci, P.E., DPW and P&Z issues. The Thermal Urban Runoff Model was unlocked and the parameters suggested by the agency were inserted. The outcome was positive. He spoke to the concerns raised by Mr. Risoli, which essentially focused on maintenance future maintenance of the LID drainage measures and adverse impacts if they are not maintained and removal of excess excavated material. Maintenance is manageable and risks to the wetlands from material removal are minimized with a confined handling area and erosion and sedimentation controls.

In response to Mr. Rogers, Mr. Hart explained the stormwater management plan is conservative, having incorporated generous CN values. The stormwater plan will result in no negative impacts to the wetlands.

Thomas Knowlton, P.E. of Milone and MacBroom appeared before the Agency and spoke to the supplemental staff report as it pertained to sewers. The sewage from this development will flow east under West Putnam Avenue before turning south as it enters the Horseneck Brook sewer line. The reach of sewer line below this point was analyzed and many segments were found to have marginal capacity. With the proposed development, three segments will exceed 100% capacity and to address this cured-in-place pipe is proposed with a net result of a 97% full pipe. Other unimproved segments would see an increase in flows by 6-8%, leaving a notable portion of the line at 75%-90+% capacity. These numbers reflect the theoretical values available pursuant to the 2014 study and models with actual volumes have not been examined.

Joe Rogers questioned the effect to the effluent upgradient from where the West Putnam Ave. sewer line joins the Horseneck Brook line. It is this area where sewage overflow was evident and near the brook. Mr. Knowlton acknowledged the surcharging and overflows that occurs upstream and ventured the cause may be from an undefined, abnormal configuration of the pipe in that area.

Ms. Sesto asked if having the sewer line run at 75-97% full is prudent from an engineering standpoint. Mr. Knowlton stated this is not desirable, but is also not uncommon. She then asked about the project as it relates to Horseneck Brook. Any repair would run parallel to and under the brook. With further discussion, Mr. Knowlton acknowledged excavation would be necessary to some extent and this may be in regulated areas.

Ms. Sesto questioned why DPW has not signed off on the proposed CIPP repair when Mr. Knowlton is so sure this is the correct solution.

Mr. Studer stepped in to again assert the issue of the sewer capacity and repairs is not within the jurisdiction of the agency.

Amy Siebert, Commissioner of Public Works and Rich Feminella, Waste Water Division Manager of the Sewer Division appeared before the agency to discuss the latest memo from their office. No solutions have been determined to resolve the existing capacity issue, which would be exacerbated by the proposal. The town's flow study is not yet finished, nor are other characterizations of this sewer line. The appropriate repair cannot be determined without this information. The proposal for CIPP has the potential for many problems the applicant is not taking into account.

Mr. Feminella spoke to the comparison of 16 Old Track Road raised by the applicant. Old Track Road was a much smaller proposal and it was consistent with the zone.

The consequence of sewers running over capacity is surcharging in the manholes and overflows. Further, when the pipes are old increased pressure from increased flows can cause the pipe to fail, as is the case with Horseneck Brook sewer where some sections exceed 100 years.

Given all of these variables, it is not possible to know with certainty what impacts are probable from the proposed development. There is insufficient information to date. Commissioner Siebert added the study which is underway should have the sewer line flow data and characterization done by the winter of 2016. After that, it is a matter of the town's consultant evaluating the information and making recommendations.

Brian Harris asked what the target capacity is for the sewer line. Mr. Feminella referenced an excerpt from the Standard Handbook of Civil Engineers previously distributed to the agency. A 15" pipe should be 50%-70% full during peak flows. This allows a margin of error to accommodate inevitable defects in the line.

Attorney Studer stated the CIPP proposed by the applicant would not preclude the town from fixing other sections of the line or even redoing the three subject segments if another solution was determined to be preferable based on the study. Commissioner Siebert responded having a repair that would result in flows at 97% capacity as determined using theoretical flow values is not acceptable to the town.

Ted O'Hanlan, Esq., attorney of Robinson & Cole spoke on behalf of the intervenors. He maintains the positions conveyed previously by the intervenors' consultants and himself are still valid. There is nothing the applicant has brought forth to diminish their confidence in their conclusions. He concurred the sewer repair is germane to the application and within the jurisdiction of the agency. The application for development is premature given the pending sewer report with actual flows and characterizations. This applicant is proposing direct discharge of stormwater onto the neighboring property with no permission from that neighbor. This, along with other missing information, which is needed to properly review the proposal, renders the application incomplete.

Michael Klemens, Ph. D. conveyed his frustration with the timing of submissions and absence of information by the applicant's consultants. This has hindered his review. The refusal to look at feasible and prudent alternatives which preserve the wooded areas on-site dismisses the necessity of understanding the landscape in order to understand the impacts to the vernal pools. The rebuttal by Michael Klein was highly critical and contradictory, and at times inconsistent with the statutes.

Mr. Studer's rebuttal letter was replete with intellectual contradictions. Yes, this proposal has a smaller footprint than "Tollgate," but the applicant is silent on the disposition of the other parcels which were part of that application. If this development is approved and the other lots are built out, the net affect could be even worse than the original Tollgate site plan. Unless easements are being placed on the other parcels, the point that the current proposal has a smaller footprint is not valid.

Also relating to feasible and prudent alternatives, Dr. Klemens took issue with the narrative provided by William Root. Mr. Root lists Best Management Practices as alternatives, which they are not. Again, the 2012 Tollgate site plan is presented as an alternative when it is not. The only alternative proposed was suggested by Dr. Klemens at the last meeting, when he put forth the alternative of compressing the footprint of the building to leave the wooded area intact.

Mr. Root's narrative also dismissed the viability of a wood frog population in vernal pool #3. However, there is no study to substantiate this conclusion. The suburban forest is adequate to support wood frogs. It is also incorrect to declare the on-site woodlands unsuitable due to soil compaction. Wood Frogs are not fossorial, and as such, the condition of the soil is irrelevant.

Stephan Skoufalos asked Dr. Klemens to comment on the significance of losing 2% of the remaining forest in the CUH. Dr. Klemens responded he estimates the on-site woodlands constitute at least 5-6% of the CUH forest. Mr. Root incorrectly cited the minimum intact CUH needed is 60-70%. This value is ascribed to development standards associated with new construction. The assessment standard of existing development is 50% for minimum intact CUH. If the current forest comprises 39-40% of the Critical Upland Habitat, there is not much needed to restore another 10% to better provide for the wood frogs. A loss of 5-6% trends away, perhaps irreparably, from a viable CUH.

With regards to historic contaminants in the wetlands, it is inappropriate to apply just the human health standard. The contaminants bio accumulate in wildlife using the wetland. Some of those wildlife species can leave the wetland and bring the pollutants with them, in turn poisoning the wildlife that eats it.

Dr. Klemens reproached Mr. Klein for not investigating the vernal pools on the neighboring properties. He was given access in connection with the last application and has a history of seeking such access as recently as the Gerogetown North project.

He defended the difficulties in counting egg masses in a pool with landscape debris and algae. In 2012 the number of egg masses fell into the Tier III category. However, the condition of the pond likely obscured some masses. This plus professional judgment of other physical conditions, suggests this pool should have been a Tier II. The pool is capable of improving, consistent with this rating. Further, Mr. Root rejected the forest on the subject parcel as being insignificant to the vernal pool as it maybe supports ten wood frogs. Dr. Klemens stated ten wood frogs, assuming half of these are female, would produce 2,500-10,000 tadpoles. This is not insignificant in terms of nutrient cycling in the vernal pool.

Conditions affecting the vernal pool have changed for the better in recent years and it will take a few years to see definitive evidence of this in the wood frog population.

Mr. O'Hanlan protested the CCTV video of the drainage pipe was not provided to intervenors. They will not have the ability to comment before the hearing closes.

Joe Risoli of Risoli Planning and Engineering appeared before the agency on behalf of the intervenors. He reviewed his position, stating the applicant is underestimating the burden this development will bring to bear on the sewer and they are over confident in setting a friction factor with the repair. He maintains the gallons per day estimates are inaccurate and encourages the applicant to collect data from real life development equivalents to what is being proposed.

The maintenance of the green roof and pervious pavement is being underplayed by the applicant. Even if there is no stormwater deduction for infiltrated volume, if these design features fail, untreated water will be discharged to the wetlands.

Michael Manolakis, LEP of Leggette, Brashears and Graham address the agency on behalf of the intervenors to review his June 13, 2016 report. He continues to be concerned contaminated soil will be reused on-site given the characterization of contamination is incomplete. The threshold for remediating lead contamination is based on human health and does not take into account its mobility and impact on the receiving wetland ecosystem.

Brian Harris asked if the applicant's assertion the steeply sloping area to the north cannot be tested due to inaccessibility is valid. Mr. Manolakis responded, no, he was not in agreement. A tripod unit could be used in steep areas. Testing the overburden groundwater is important to understanding the probable impacts to the down gradient wetland. He also disagrees with the description of the arsenic levels as being consistent with background levels.

Understanding now the impact of past releases on the groundwater is important as it will be difficult to remediate after the development is in place. This characterization necessity extends to the impacted off-site wetlands, too.

Mr. Manolakis concluded by reaffirming the Standard of Care with the remediation plan is lacking.

With no further presentations from the applicant or intervenors, Chairman Harris called for public comments.

Peter Quigley expressed concern regarding the impacts to the town's infrastructure. If the sewers fail, watercourses and wetlands will be contaminated. Storm drains are also overtaxed. Financing repairs and upgrades is challenging and it may take 10-15 years to bring these systems up to par.

Nick Cataldo, 27 Hemlock Drive, Greenwich Neighborhood Preservation Association president, impressed upon the agency the intervenors' experts have identified significant gaps in information. The application is incomplete.

Steve Studer of Berchem, Moses & Devlin, P.C., addressed the agency, objecting to the timing of information submitted by the intervenors' consultants. Reports should have been made available in advance. Accordingly, the applicant's consultants will offer final rebuttals.

Carver Glezen, LEP, Triton Environmental, Inc. disagreed with Mr. Manolakis and the relevance of Standard of Care as it relates to the wetland application. The town's LEP consultant has submitted testimony supporting Triton's work.

Mr. Ted Hart clarified the green roof, whether it works or not will not affect vernal pool #3. The overall approach to stormwater management was to promote groundwater infiltration. This is more important in the summer months than overland contributions. Regardless, the green roof will act the same as the surrounding landscape in summer months with regards to runoff.

Mr. Klein maintained the validity of his point that there is a difference between wetland science and jurisdiction. He did not state it was the neighbors' responsibility to investigate the off-site vernal pools. However, it is their burden to substantiate their position. The conclusion vernal pool three is in recovery is speculative with no data validate it.

Mr. Root is in agreement the green roof is a benefit. He reiterated the Oak Street parcel is poor habitat for wood frogs and it is not the applicant's responsibility to improve this habitat.

Mr. Knowlton again took issue with Mr. Risoli's various methods of calculating estimated gallons per day generated by the development. Mr. Knowlton used the method consistent with the town's consultant to DPW, CDMSmith. The proposed CIPP should be acceptable as it does not preclude other future repair solutions, should that be necessary.

Mr. Studer provided a summary of the various issues raised throughout the hearing and various limitations of the agency's jurisdiction. The Act is not intended to prohibit development; rather

it is intended to protect wetlands. The applicant's responsibility is to protect and maintain wetland resources, not to improve what is already degraded. The alternative proposed by Dr. Klemens is impractical given the irregular shape of the parcel. There is no need for permission to discharge stormwater on to the neighboring property as it is the higher property owner's right to drain to a lower property.

The subject parcels are already developed and is partially a brownfield. Redeveloping a brownfield is preferable to developing virgin land. Whether or not this development proposal is consistent with zoning or not, is not in the purview of the agency. There are no direct or indirect impacts to wetlands or watercourses.

Mr. Studer referenced CGS section 22a-19. The intervenors have not substantiated the allegations in their verified pleading. There will be no harm to the resources under the jurisdiction of the agency.

The reasons for denial of the 2012 Tollgate application were listed and shown to be addressed by the current application, rendering this proposal a good one and Tollgate as the lesser alternative. The current proposal has less coverage than Tollgate when one considers the parcels not part of this application.

The applicant is willing to accept a condition of approval the directive to investigate the wetlands on either side of the Hemlock Drive accessway for contamination.

Hearing no further comments, Elliot Benton made a motion to close this application, with the recognition the DPW review from Scott Marucci and a summary, and summary and recommendation from agency staff will be accepted by the agency, seconded by Bill Galvin and carried 7-0-0.

IV. Other Business

V. Adjourn

With no further business, the meeting adjourned at 1:04 a.m.

Patricia Sesto
Wetlands Director