



TOWN OF MONROE

INLAND WETLANDS COMMISSION

7 Fan Hill Road, Monroe CT 06468 Phone: 203-452-2809

www.monroect.org

Note: Meetings are Video and Audio Recorded

Minutes of January 26, 2021 Special Meeting

A. OPENING OF MEETING

1. Call To Order

The Regular Meeting of the Inland Wetlands Commission ("Commission") was called to Order at 7:07 p.m.

2. Roll Call

Present: Keith Romano, *Chairman*
Lois Spence, *Vice Chairman, Secretary*
Ross Mastrorocco, *Commissioner*
Clark Gingras, *Commissioner*
BJ Hall, *Commissioner*

Absent: Bob Saraco, *Commissioner*
James Stewart, *P.I., L.S., Treasurer*

Also Present: Donna Suszynski, *Office Manager*; Denise Halstead, *Inland Wetlands Agent*; Barbara Schellenberg, *Special Land Use Attorney*, Sarah Stroud, *Recording Secretary* and members of the public.

3. General Public Participation – None

B. REGULATED ACTIVITIES

4. IWC-2020-03 R 64 Cambridge/4 Independence; Site Development and restoration – continued review of project

Chairman Romano advised the Commission would be reviewing the drafted denial letter for the application and voting during this meeting.

Commissioner Stewart asked for clarification on the meaning of item 10 if the draft. Ms. Schellenberg clarified the evidence in the record was not sufficient in proving unreasonable pollution has or will occur at the site. Commissioner Spence asked if the wording for this item could be changed to make it clearer. Commissioner Spence suggested it read, "This Commission finds that there is insufficient evidence in the record that the activities..."

Commissioner Mastrorocco joined the meeting at 7:14pm.

Commissioner Spence suggested the following changes:

- Page 1, Paragraph 1 clarifying the organizations for Russ Dereinzo and George Logan.
- Page 2, Number 3 rewording.
- Page 2, Number 4 adding this to Number 3 and renumbering the remaining items.
- Page 2, Number 5 A rewording.
- Page 2, Number 5 B rewording.
- Page 2, Number 5 C rewording.

Chairman Romano advised this isn't a condition of approval, so he is unsure of how much the language should be scrutinized. Commissioner Spence stated her intent is to word this denial so it can be used to understand exactly what the Commission is seeking from this project. Commissioner Hall advised a lot of conversation about this was had on record; therefore, minimal change would be needed.

-Page 3, Number 6 Commissioner Spence asked why Section 11-11 was being referenced in this section. Ms. Halstead explained this was a typo that should have been at the end of Number 5 G. Ms. Halstead read the regulation for the Commission.

-Page 3, Number 6 Elimination of the 2nd sentence

-Page 3 Number 6 B rewording.

Chairman Romano asked for clarification on why the liner being on two properties would be an issue because either property could be sold off. He advised there would need to be something added to the property transfer to really protect the liner. Commissioner Spence advised there are other options besides the liner. Commissioner Stewart agreed with Chairman Romano. The Commission decided to not change this item.

-Page 3, Number 7 A rewording.

-Page 3 Number 9 rewording

Ms. Schellenberg advised the Commission should give as much guidance as possible to the applicant in this draft should they come back to reapply.

Chairman Romano read the alternative comments and asked the Commission to voice if they were in favor of that item. The Commission was generally in favor of all of the comments.

Ms. Halstead read the revised denial draft for the record.

WHEREAS the Monroe Inland Wetlands Commission (hereinafter referred to as “Commission”) has considered an application by Astro Land Holdings LLC and Spacely Land Holdings LLC, owner/applicant; Kevin Solli of Solli Engineering LLC, applicants’ representative, for the construction of a 2,260SF office building and associated grading, drainage and utilities, in addition to earthwork activities in order to fill the northern portion of the site and restore former watershed drainage patterns. Wetland creation and significant upland areas of the site are to be restored with enhanced plantings.

WHEREAS the Commission received the following Application Submissions:

- Town of Monroe Inland Wetlands Application, received 5-27-2020
- CT Department of Energy & Environmental Protection Statewide Inland Wetlands & Watercourses Activity Reporting Form, received 5-27-2020
- List of Abutters within 100’, received 5-27-2020.
- Engineering Report titled “Proposed Site Development & Restoration” prepared by Solli Engineering LLC on 5-26-2020
- Plan set titled “Proposed Site Development & Restoration” prepared by Solli Engineering LLC on 5-26-2020
- Exhibits one (1) through seventy (70) as referenced and entered into the record during the public hearing.

WHEREAS, upon considering the above listed submission data and respective testimony at duly noticed Public Hearings, the Commission makes the following determination (**FINDINGS**):

1. Commission finds credible the reports and testimony of Russ Dirienzo and George Logan regarding the low probability that the applicants’ remediation plan would be successful.
2. Commission finds that there is insufficient evidence in the record that the activities that have been conducted and that are proposed by the applicant on the subject property are reasonably likely to have the effect of unreasonably polluting and/or impairing the air, water or other resources of the state or destroying the public trust in them.
3. Commission finds that the application as submitted should have been separated into two (2) separate submissions: one for the remediation and the other to address the proposed 2,260 sf building associated with 64 Cambridge Drive. Commission finds that the combination of a development plan and remediation plan in same submission makes it difficult to review since each plan has different timelines and requirements. Commission has found that other combined applications such as this have resulted in ongoing issues after approval.
4. Commission finds that the application was submitted as a result of a violation and remediation work should be the applicants focus prior to site development.
5. Commission finds that the application is not complete pursuant to Section 7.0 of the Town of Monroe Inland Wetlands Regulations (the “Regulations”). Details are lacking and there remain too many unanswered questions regarding the proposed remediation work. In particular, the Commission does not feel the details associated with the piping and pumping of the water from a well to hydrate Wetland and Vernal pool #2 are complete for the following reasons:
 - a. Insufficient details on the well (i.e., capacity, recovery ratio, seasonal changes).
 - b. Insufficient details on construction, installation and maintenance of pump and pipe.
 - c. It was stated by applicants that the pipe would be both on the ground in areas and buried in others which is a concern to the Commission since the pipe is to meander across the site and would be within the areas of construction and activity.
 - d. Location of pipe on the site was not clearly shown.
 - e. The installation of the 2” Schedule 40 PVC wetland rehydration pipe network of the pipe was not proposed and presented until the December 9th meeting. The pipe was not shown on any site plans until they were revised on 12/4/20. This left inadequate time for the Commission, the intervener and the public to review plan revisions. See Section 10.7 of the Regulations.
 - f. There are insufficient details on the pipe, pump, or installation on plans.

- g. There is no construction sequencing in reference to the pipe and pump or timeline for not only when it will be installed, but how and for how long it will be in use. See Section 11.11 of the Regulations.
6. Commission finds it difficult to ascertain whether the proposed remediation plan to substantially restore the hydrology of the Wetland and Vernal Pool #2 is possible for the following reasons:
 - a. Two (2) experts' review of the plans stated the proposed methodology had only a 30-50% chance of working.
 - b. Location of liner: while the use of the liner is applicable to the remediation, there is concern that the liner may be compromised with future site development and any work done to restore the hydrology of the Wetland and Vernal Pool #2 may be lost.
 - c. Commission recognizes that it is close to impossible to mimic nature but is concerned with the proposed concept to restore the hydrology of Wetland and Vernal Pool #2.
7. Commission finds that the remediation plan does not demonstrate that it will adequately hydrate Wetland #2 post-filling for the following reasons:
 - a. Commission believes the chance of this working is not likely based upon expert reports and testimony.
 - b. Commission has concerns that the project will take too long for results to potentially be evident.
 - c. Commission believes rehydrating Wetland #2 is very important but is not comfortable with the plan and the abundant amount of fill required.
8. Commission believes prudent and feasible alternatives may exist to the remediation plan such as:
 - a. The Intervener's conceptual plan which was presented during the public hearing on December 16, 2020, and provided that remediation could be completed in a much shorter time period (Three (3) years, less fill required)
 - b. An alternative in which the filling of the hole is done to the elevation that was approved in the original application for the Pepper Street Industrial park, I-06-21 and subsequently to IWC-2015-19.
 - c. An alternative that requires less fill and does not completely restore all of Watershed #2
 - d. Creation of another on-site wetlands to counteract the loss of the Wetland and Vernal pool #2 as well as the size of Watershed #2.
 - e. Per comments of Russ Dirienzo:
 - i. Design and implement a mitigation plan on the 64 Cambridge Drive property in which the mitigation will require far less time and has a significant chance of success than the proposed remediation plan.
 - ii. Provide funding to a conservation group to perform mitigation in another area.
 - iii. Hydrate the wetlands by pumping of a bedrock well as opposed to filling of the quarry.
 - iv. Use the clean processed fill and rock cuttings on-site to fill the quarry and perform the filling within five (5) years. The remediation plan should have also proposed a mitigation alternative if the remediation plan is not successful.
9. Commission does not find it acceptable for the Conservation Easement language to be finalized after the decision. The Conservation Easement is shown on a plan, but too many details are missing to be filled in post-decision if the Commission were to approve the applicants' plan.
10. Commission is concerned with the ten (10) year timeline proposed and that remediation is to take place in later years instead of beginning immediately.
11. Information was not always submitted five (5) days prior to day of the hearing or reconvening thereof, as required by Section 9.1.i.1 of the Regulations. There were several occasions in which information was submitted the day before or even the day of the hearing and this did not allow ample time for the information to be reviewed. See Section 10.7 of the Regulations.

Motion to approve the denial letter as read

Made by: Commissioner Spence

2nd by: Commissioner Stewart

Vote: 6 – 0 – 0 in favor

5. ADJOURNMENT:

Motion to adjourn

Made by: Commissioner Gingras

2nd by: Commissioner Hall

Vote: 6 – 0 – 0 in favor

The meeting ended at 8:36pm

Respectfully Submitted,

Sarah Stroud, Recording Secretary

NOTE:

- A recorded copy of this meeting is on file in the Inland Wetlands Office, Monroe Town Hall.
- These minutes are contingent upon the approval of the Inland Wetlands Commission.
- These minutes provide a general overview of topics discussed and are not meant to be a transcript of this meeting.
- All meeting minutes are posted on the Town Website: www.monroect.org. Select Town Hall Departments/Inland Wetland. Choose meeting minutes from the left column.

Date of Approval: _____