

## MINUTES (NOT YET APPROVED)

<b>Members Present:</b>	P. Aho, B. Chandy, L. Cooley, C. Cotton, D. Plante, K. Rawn, V. Ward
<b>Members Absent:</b>	S. Accorsi, R. Hall
<b>Alternates Absent:</b>	J. DeVivo, K. Fratoni
<b>Staff Present:</b>	J. Kaufman, Senior Planner/Inland Wetlands Agent; L. Painter, Director of Planning and Development, J. Woodmansee, Planning Specialist; E. Galbraith, Administrative Assistant

### CALL TO ORDER AND ROLL CALL

Chair Aho called the regular meeting of the Planning and Zoning Commission to order at 6:33 p.m. Members present are Cotton, Rawn, Aho, Ward, Plante, Chandy and Cooley.

### COMMUNICATIONS

- A. Approved Conservation Commission meeting Minutes from 02-19-2020 were noted, as well as the not yet approved Conservation Commission meeting Minutes from 02-26-2020.

### PUBLIC HEARINGS

#### **6:30 pm W1611-1- Application of J.E. Shepard Company and Capstone Collegiate Communities-Construction of a 358-Unit Multi-family Development-1621 Storrs Road and Middle Turnpike (Assessor Parcel IDs 9.23.1, 9.23.7 and 9.23.8)**

Aho opened the public hearing at 6:37 p.m. Members present are Cotton, Rawn, Aho, Ward, Planted, Chandy and Cooley.

Kaufman read aloud the legal notice for this public hearing which was published in Willimantic's newspaper, *The Chronicle*, on February 18, 2020 and February 26, 2020.

Kaufman listed communications received from the public as of 3-2-20. Those communications included recommendations from Michael Soares of the Conservation Committee date 3-4-20, a letter from Jo Ann Doua dated 2-27-20, a report from Charles Vidich dated 2-27-20, a letter from Mona Friedland dated 2-18-20, comments from J. Silander dated 2-14-20 and a letter from Don Fontaine received 3-2-20.

The public hearing began with Attorney Thomas Cody of Robinson and Cole located at 280 Trumbull Street in Hartford, CT taking the stand on behalf of the applicant. Cody identified the other members of the applicant's team as David Fresk of J.E. Shepard Company and Angela Rawie of Capstone Collegiate Communities, Geoff Fitzgerald of Boehler Engineering, Michael Klein of Davison Environmental and vernal pool expert Michael Klemens. Cody went on to detail

the applicant's process to date, including attending multiple site walks, reviewing findings from a third party consultant and considering expert findings on the area wetlands including vernal pools and species dependent on them. Third party consultant, Land Tech, suggested additional testing be performed, and the applicant heeded their advice resulting in a withdrawal of their wetlands application to allow for enough time to both complete the testing and stay within statutory guidelines regarding wetlands applications. The applicant received positive feedback from Land Tech in February 2020 after they reviewed revised plans reflecting changes based on the findings of the additional testing.

Cody explained the communications received and given to the University of Connecticut regarding the application. The University has filed as an intervener after both submittals of the wetlands applications for the proposed project. Cody stated that according to their statement of opposition, the University is concerned about the impact of the proposed project to the area's wetlands, specifically the system of vernal pools located on the site. Cody pointed out that the University's building of Discovery Drive was a project that fell between two vernal pools within the same system in question, which experts state would cause a disturbance to the vernal pool system. Referencing UConn's 15-month campaign opposing any multi-family housing within a potentially attractive distance to their students, Cody suggested that the opposition is stemming from a financial concern of potential loss of revenue rather than a concern for protecting the wetlands. Cody stated that the applicant has attempted to discuss the project with UConn but that there has been irregular participation. Lastly, Cody referenced the report submitted by Charles Vidich in regards to a neighboring property to the proposed project located at 1641 Storrs Rd and owned by Ayla Kardestuncer. Vidich's report cites deficiencies with the proposed application in relation to the wetlands which extend on to the Kardestuncer property as well as the proposed plan for stormwater management. Cody stated that the applicant offered to come onto Kardestuncer's property to delineate the wetlands there, at the expense of the applicant, and that they did not receive a response.

David Fresk, on behalf of the applicant distributed a hard copy of the applicant's power point presentation.

Klein took the stand introducing himself as a biologist and soil scientist who was part of the team that investigated wetland and biological resources on the site. Klein used a projected presentation to show a map of the property and abutters, wetland delineation and upland review area. Klein stated that the wetland systems consist of a Red Maple Swamp variety, described as being dominated by trees greater than 20 feet with specific types of vegetation present. He stated that the area has a perched water table, being wet for only part of the year and dry during the growing season, particularly during the summer when the water table is several feet below grade. Water on this site has been determined to travel within defined channels, flowing within an intermittent watercourse. Using the Highway methodology, Klein determined the principal wetland functions and values to be groundwater recharge and discharge, floodwater storage, sediment, toxicants and pathogen removal, and nutrient removal, retention and transformation. Klein stated that after reviewing the data, he felt the applicant has proposed an environmentally responsible plan for their proposed project.

Fitzgerald took the stand introducing himself as an engineer for Boehler Engineering of 1604 Old Forge Road in Rocky Hill, CT. He described the site design process including the geotechnical and test pit investigation after engineering plans went through several sets of revisions and alternatives. Revisions included removing plans for a dog park due to concerns of waste run-off, adding an amphibian barrier to help guide amphibians to the vernal pool and protecting the historical stone structure. Revisions based on comments from the IWA's technical consultant included increasing the area for the storm water filter basin and level spreader

outlets. In all, the site plan went through six alternative designs in an effort to be environmentally responsible particularly in regards to the wetlands. Fitzgerald explained in detail the test pit location in relation to the stormwater management treatment train. Examples of filter basins that are proposed for the site were shown. Fitzgerald outlined soil erosion and sediment control measures, including stormwater runoff management and site controls during construction. He indicated that the applicants would be willing to fund the town hiring an independent third party to monitor E&S during construction. Klemens took the stand introducing himself as a consultant and co-author of "Best Development Practices Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States". Klemens went into further detail about the impacts on the vernal pool system when Discovery Drive was constructed on UConn property. He explained the vernal pool system citing a main or "source pool" and other pools which rely upon it, known as "decoy vernal pools". He explained that most of the decoy vernal pools in this system were cut off from their source pool as a result of building Discovery Drive. He went on in detail about the species that depend on healthy vernal pool systems, most notably in this system, the Wood Frog. Klemens explained the practice of identifying a vernal pool envelope as a 100 ft area from the pool's high water mark, and within which there should be absolutely no destruction to maintain best practices. Further, 75% of critical terrestrial habitat should remain suitable and forest corridors should be maintained. He felt the proposed water management system would not overwater the vernal pools nor underwater the wetlands. Klemens concluded that after reviewing the most recent plans for the project, he felt the applicant met these guidelines for best practices regarding vernal pools, that the project would have significant public benefits with the inclusion of a trail and conservation easement dedicated in perpetuity, and the preservation of the Revolutionary-era root cellar on the property. Klein returned to the stand to summarize the wetland impact assessment. He stated that the applicant's proposal would not directly impact the wetlands and that potential indirect impacts to the wetlands have been well addressed including those concerning water quality, wildlife, and the off-site vernal pool.

Tom Cody returned to the stand to offer the conclusion that after 2 years of work, the applicant has proposed an environmentally responsible plan, which was confirmed by experts and the third party consultant. Cody then asked the Inland Wetlands Agency members if there were any questions. Members asked about plans for snow removal and consideration for snow storage and potential run-off of deicing agents. Fitzgerald answered that plans include identified storage locations positioned to drain into structure's drainage system and that reserved snow shelves would be captured by the stormwater management system. Snow removal would be contracted to a property maintenance company which most commonly use a sodium-chloride mix as a deicing agent. Members asked if the water table was predicted to increase or rise, particularly in reference to the concerns outlined in Vidich's report regarding the Kardestuncer property, to which Klein answered that he does not predict such an impact and that he anticipates written responses from the applicant to the letters and comments provided by the public. Members asked if the Conservation Commission received the same presentation that the Inland Wetlands Agency was given, to which Cody answered that the Conservation Commission received a condensed version of the presentation at about half the length and including the same content.

Members asked to go down the list of the Conservation Commission's concerns. Cody indicated that some of the Conservation Commission's question were directed at the applicant, and others towards the third party consultant. Cody answered the questions directed at the applicant including concerns brought forth about the Kardestuncer property to which Cody replied that those concerns were answered via letters and that the applicant will continue attempts to discuss concerns with the property owner. The next question was in regards to the monitoring of the construction process. Cody confirmed that construction phase monitoring would be carried

out by a third party which would be hired by and report to the town. IWA members asked what the area of disturbance is according to the project scope, to which Cody replied 32%.

At this point the third party consultant took the stand to answer Conservation Commission questions directed at them. The consultants identified themselves as Chris Allan and Robert Pryor of Land Tech. Resumes were entered into the record. The Conservation Commission questioned Land Tech in regards to the significant testing done relating to stormwater. Pryor responded that he believed the applicant's testing was adequate and reasonable.

Kaufman stated that Conservation Commission chair Michael Soares e-mailed a clarifying he believes that the Conservation Commission is requesting that the applicant request the owner's permission to delineate the wetlands on 1641 Storrs Rd and included on the site plans. Further, they request that the vernal pool/wetland delineation be added to the plans to verify the corresponding Vernal Pool Envelope and URA. Mr. Soares e-mail was entered into the record.

Richard Roberts from Halloran and Sage took the stand. Roberts stated that UConn has filed as an intervenor to this application because of the scientifically based assertion that it's effects upon the property's stormwater and groundwater will have a negative impact on the wetlands. Roberts stated they believe that there are prudent and feasible alternatives to the currently proposed plan, which would require a reduction in the project's size. He responded to the claims made about the harm caused to the vernal pool system when Discovery Drive was built. Roberts reported that the State Department of Energy and Environmental Protection oversaw the project, and that it was fully vetted by the State. Roberts then introduced the University's Consultant group NV5, naming Steve Normandin, Lynn Brass-Smith and Scott Angus.

The public hearing stopped for a 5-minute break to remedy a technology issue.

Normandin took the stand introducing himself as a professional engineer for NV5. He presented a map of the test pits and pointed out what he sees as flaws to the testing, citing that some spots should have had two test pits in order to get an accurate read because of the varying hydraulic conductivity. Normandin cited potential problems with the curtain drain system such as the potential for clogging and stated that the basins and spreaders are at the highest elevation on the property, which will negatively impact their intended functionality. He stated that he is not concerned with the quality of the water pertaining to the plans, but the quantity and anticipated patterns.

Brass-Smith took the stand introducing herself as the Supervising Environmental Specialist for NV5. Brass-Smith began by stating that the applicant does not know where the wetlands are on the Kardestuncer property. While a probable estimation has been made based on the entry and exit points of the wetlands to and from the property, it has not been determined definitely. Brass-Smith then stated that federally protected species could be living on the proposed project site's adjacent wetlands. She named the Northern long-eared bat as a species that could potentially live there according to the Fish & Wildlife Services, but whose presence has not been confirmed. Brass-Smith agrees that the proposed plan would have no direct impact on the wetlands but sees potential for impacts to the upland review area. She went to explain in detail the importance of allowing for an environmentally responsible edge to the wetlands. The edge effect impacts sunlight, wind and temperature and should be taken into consideration to prevent great change and disturbance to the soil and vegetation found there. Brass-Smith asserted that a malfunction in the basins could cause plants in this edge to die off and invasives to take root, which would affect the wildlife present, including migratory birds.

Angus took the stand introducing himself as a wildlife biologist for NV5. He identified himself as an expert in vernal pools, mentioning that Klemens had already detailed the potential impacts to the Wood Frog found in these vernal pools. Angus agreed with Klemens statements in regards to the Wood Frog and added that the Marbled Salamander is another species to be concerned about regarding this project. Angus argued that the plan for the amphibian barrier does not encircle the entire site, which is a design flaw from an environmental protection standpoint. He also argued that the clearing process has the potential to wipe out species. In conclusion, Angus believes the plan revisions have included rearranging or buildings rather than a necessary reduction in size of the project in order to be environmentally responsible.

Roberts asked the Inland Wetland Agency if there were any questions for the consultants representing the intervenor. No questions were raised.

Allan and Pryor returned to the stand to deliver their comments regarding their review of the application. Allan provided a timeline of their meetings with the applicant and staff including site walks and subsequent recommendations including additional pit testing for groundwater and bedrock depths, adding provisional soils, sediment traps, a conservation easement and site monitoring for no less than 3 years. On 2/13/2020 Land Tech provided the applicant with their final review letter which concluded that the applicant had addressed Land Tech's technical concerns with the final plan revision. Allan then asked if the Inland Wetland Agency had any questions for them. Members asked if they were critical of the curtain and footing drains. Land Tech responded that they are satisfied with the plan and think it is reasonable. Members asked if they predict ongoing supervision and maintenance of the system, to which Land Tech replied that it appears it will need minimal maintenance. Members asked if Land Tech will be responding to the intervenor. Kaufman replied that the consultants will need time to review the intervenor's submittals and will respond. Members asked if they had any concerns regarding the test pits. Land Tech responded that options were limited based on the development site and that the applicants worked within those perimeters.

Aho invited members of the public to speak in the order they signed in, with proponents speaking first, and opposed speaking second. Kaufman asked that members of the public identify if they are on any Town boards, commissions, or committees, and if so whether they are speaking on behalf of the group or as an individual. Todd Friedland of 35 Beech Mountain Road spoke in favor of the application. Beverly Sims of 61 Northwood Road spoke in favor of the application. Sims serves on the Town Gown committee and was representing herself. William Okeson of 61 Northwood Road spoke in favor of the application. Okeson serves on the Economic Development Commission and was representing himself. Martin Hirtchson of 63 Davis Road spoke in favor of the application. Martin serves on the Economic Development Commission and was representing himself. Cynthia Hirtchson of 63 Davis Road spoke in favor of the application. Steve Ferrigno of 28 Green Hill Road spoke in favor of the application. Ferrigno serves on the Economic Development Commission, the Mansfield Downtown Partnership, the School Building Committee and the Mansfield Discovery Depot Board, and was representing himself. Ayla Kardestuncer of 1641 Storrs Road spoke in opposition of the application. Quentin Kessel of 97 Codfish Road spoke in opposition of the application. Kessel serves on the Conservation Commission and Parks and Natural Resources and was speaking on behalf of himself. Scott Opperman of 1641 Storrs Road spoke in opposition of the application. Dawn Beamer of 123 Adelaide Street in Danielson, CT spoke in opposition of the application. Amelia Bidwell was called but had left the hearing. John Silander of 30 Silver Falls Lane spoke in opposition of the application. Silander serves on the Conservation Commission and was representing himself. Silander submitted written comments, which were entered into the record.

## **OLD BUSINESS**

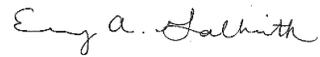
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Ward MOVED, Cooley seconded, to continue the public hearing to April 6, 2020 at 6:30 p.m. in the Audrey P. Beck Municipal Building. Motion PASSED unanimously.

## **ADJOURNMENT**

The meeting was adjourned at 11:10 p.m.

Respectfully Submitted:



Emmy A. Galbraith  
Administrative Assistant