



# TOWN OF ROXBURY CONNECTICUT

Inland Wetlands Commission

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203

## ROXBURY INLAND WETLANDS COMMISSION PUBLIC HEARING FEBRUARY 27, 2018 MINUTES

### CALL TO ORDER

Chairman Dirienzo called the Public Hearing to order at 7:02 p.m.

Regular Members Present: Russell Dirienzo, Robert Horrigan, John Smoliga, Suzanne Fitch, and Andy Engel

Alternate Members Present: Daniela Pappas

Staff Present: Karen Eddy, Land Use Administrator, Julie Cady, Clerk

Public Present: Barbara Henry, Jeremy Oskandy, Paul Szymanski, Marjorie Shansky, Steve Trinkaus, Michael Klein, Allen Kovacs, Catherine Rawson, Marianne Seeber, Elizabeth Lacy, Pat Szepesi, Mark Zerbe, Don Cantillo, Mitch Katz, Margaret Miner, Brian Neff, Dean Pushlar and 96 other members of the public

Russ Dirienzo, Chairman, opened the meeting by sharing background information on the application submitted by The Woods Roxbury, LLC. In December 2017 the Inland Wetlands Commission (IWC) received an application for a proposed 67 acres, 11-Lot Subdivision located on North Street. Accompanied by Paul Szymanski and Jeremy Oskandy of Howland & Assoc., Russell Dirienzo and John Smoliga conducted a site walk of the property in January 2018. They reported their findings to the Commission. The Commission decided it would be in the public's interest to hold a public hearing.

Russ Dirienzo stated that there have been a lot of court decisions in the past few years which have tightened up wetlands regulations. He shared that the courts have regulated that the IWC cannot talk about traffic, deer, or be a mini local EPA. He stated the IWC has to follow six (6) regulations, and any decision rendered by the Commission must be based on scientific fact, not public opinion.

### SEATING OF MEMBERS

Chairman Dirienzo seated regular members Horrigan, Smoliga, Fitch, Engel and himself, and asked the members to introduce themselves to the assembly.

### APPLICATION BY

The Woods Roxbury, LLC for proposed regulated wetlands activities pertaining to a 11-Lot Subdivision located on North Street, Map 21/Lot 15

Russ Dirienzo explained the geology of the applicant's property, what the glaciers did, what the wetlands do, and how it recharges the aquifer. He stated how the State of Connecticut lets each town have regulatory authority over their individual wetlands, and how this is very rare.

Russ Dirienzo explained the rules of the Public Hearing, and that it needs to be orderly. He stated that everyone who signed up to speak will be allowed to. He also stated the Commission wanted to hear from the experts, and the public to help the IWC make an informed decision.

Russ Dirienzo stated a letter was circulating in the Town with a lot of false information, and that this Public Hearing will get the correct information out.

Paul Szymanski and Jeremy Oskandy from Howland Associates came forward to discuss the application with the Board. Jeremy Oskandy gave an overview of the existing property, pointing out there are watercourses on the north and south sides of the property. Various areas of the property were looked at for potential road sites. The proposed road is a 2100' single cul-de-sac, which would serve nine (9) lots. It is 20' wide with one (1) wetland crossing at the very beginning, then it follows the ridge up to the top. The other two (2) lots will be accessed directly off Route 199.

Russ Dirienzo asked if the road would be built to state standards and would the crossing meet state standards. He also questioned if an interior lot was still planned or had that changed. Jeremy Oskandy stated there was no longer an interior lot being planned. The lot lines were being revised, and nine lots would still have access from the proposed road. Jeremy Oskandy stated a paved road would be built to state standards, which would be transferred to the Town upon completion. Jeremy Oskandy further stated a four (4) sided box culvert, 6' wide and 3' deep, which meets state regulations, is planned to use at the wetlands crossing. He explained how state regulations would be followed, by embedding the culvert 12" into the ground. There will be an 1800' disturbance to the wetlands at this site. Jeremy Oskandy also stated they are proposing head walls to limit the grading at the crossing. He explained that the site of the crossing was at the narrowest point, which would have lower impact to wetlands. The proposed road is 20' wide and was designed to have a lower impact on the wetlands than a wider road.

Russ Dirienzo brought up concerns over a rocky outcrop near the wetlands crossing, and that they would have to blast to get the road in. Jeremy Oskandy stated that they planned on jack hammering first, but if that didn't work they would have to blast. He also stated it would be to remove a few feet from the outcrop, and concentrated blasting would be done using smaller explosive charges to minimize impact on the area.

Robert Horrigan asked if they had analyzed using a bridge crossing instead of using a culvert. Jeremy Oskandy stated they had, but it was six (6) to seven (7) times costlier.

Robert Horrigan noted a body of water on the north side of the proposed road and asked if it was a vernal pool. Jeremy Oskandy commented that it was more like standing water and it was not classified. John Smoliga noted the water table is up from all the rain and he noticed some seepage coming out of the ground around 900' which should be looked at again.

Russ Dirienzo explained how each lot would still need to come before the Wetlands Commission on a lot by lot basis as developed. He further stated he wanted the record to show that no development activity would be allowed in the buffer zones if it adversely effected wetlands. He then pointed out that proposed lots 6 & 7 due to their slope have the potential to cause drainage problems if the hillside was clear cut.

Suzanne Fitch stated when she went on the site walk she saw a lot of rocky outcrops along the proposed road site and noted the proximity to a stream near lot 9. She questions the feasibility of the proposed road being in the best possible area. Jeremy Oskandy replied the road was designed for minimal impact. Andy Engel brought up concerns regarding the rocky outcrop just past the proposed wetlands crossing, and what effect disturbing it would have on wetlands.

Russ Dirienzo stated he and Robert Horrigan spoke after the last site walk and agreed that the Town should hire their own consultant to look at the property. He already contacted Ed Pollack to review the area. He further stated even though we are guided by state statutes, the Town can regulate its own buffer zone if there is found to be an adverse wetlands impact.

Russ Dirienzo explained what happens when you blast the bed rock, and that blasting could adversely affect wells in the area. It is a concern of the Commission, and he wanted the public to be aware of their concern and that they were on top of it.

Robert Horrigan asked if the wood road north of the farmhouse was looked at for accessing the property. Paul Szymanski stated there are multiple wood roads on the property, but they exceed the 15% grade regulation, making it unfeasible.

Robert Horrigan asked if accessing all the lots off Route 199 had been considered as a prudent and feasible alternative. Paul Szymanski stated that would add more wetland crossings, and they were trying to minimize the disturbance by having one at the proposed road site.

Chairman Dirienzo opened the floor to the Public.

Marjorie Shansky, Attorney at Law was called on to speak. Ms. Shansky introduced herself and stated she was hired to represent two neighbors in Roxbury. She submitted two (2) PETITION FOR INTERVENTION UNDER GENERAL STATUTES SECTIONS 22a-19(a) for Corax Corporation, owner of the property at 29 Forest Farm Drive, Roxbury, CT 06783 (the Intervenor), through its President Paul Manson, and Marianne Seeber, 7 Wakelee Road, Roxbury, CT 06783(the Intervenor). Ms. Shansky stated her clients allege unreasonable pollutions and likely adverse impacts to the wetlands as presented. Ms. Shansky raised concerns that the plans available for review last week in the Town Hall are not the same as what is being presented during the Public Hearing. She noted map G-8 was not available for review last week and asked the Commission if they would have another meeting. Russ Dirienzo stated they would. Ms. Shansky submitted a letter to the Commission for herself and the following:

- Richard Klein, Community & Environmental Defense Services
- William H. Moorhead III, Consulting Field Botanist

Ms. Shansky stated the parcel is listed in the assessor's office as being on both sides of the road. She stated that should be addressed or cleared up prior to the application proceeding. She pointed out map G-1 still appears to have the rear lot on it, but she noted the application was withdrawn from Zoning, and she wanted to know where the new plan is. Russ Dirienzo agreed with her. Paul Szymanski stated he would send Ms. Shansky a new set of the plans. Based on the evening's discussion, Ms. Shansky requested the Commission reclassify the application as having significant activity. Ms. Shansky also requested the Commission look at the application as incomplete.

Steven Trinkaus, Trinkaus Engineering LLC was called on to speak. Mr. Trinkaus expressed his concerns over using the proposed box culvert crossing. He also shared his concerns regarding storm water management, erosion and water pollution. Mr. Trinkaus expressed in his opinion that the plans and civil engineering documentation submitted by The Woods Roxbury, LLC are missing significant information or contain incorrect information, and are not sufficient to allow the Commission to accurately evaluate the application. Mr. Trinkaus submitted a letter to the Commission with his comments.

Michael Klein, Davison Environmental was called on to speak. Mr. Klein expressed his opinion that the application by The Woods Roxbury, LLC is incomplete and is missing significant information for the Commission to accurately make an evaluation. Mr. Klein stated that he noticed on his site walk an intermittent water course on Lots 3, 4 and 5 that was not on the maps available for review. He feared the proposed road would split a high-quality water system with adverse effects downstream. Mr. Klein submitted a letter to the Commission for their review.

Allen Kovacs, 85 Forrest Farm Road, was called on to speak. Mr. Kovacs stated houses on Forrest Farm Road have had problems with wells. He would like the Commission to consider this when reviewing the application that was submitted by The Woods Roxbury, LLC.

Catherine Rawson, Weantinoge Heritage Land Trust was called on to speak. Ms. Rawson stated Weantinoge is an abutting land owner to the proposed application and they did not receive a notice of the public hearing. She requested the public hearing be continued and submitted a letter for review.

Marianne Seeber, 7 Wakelee Road, was called on to speak. Ms. Seeber expressed concern about the flow of water and erosion the proposed subdivision might cause. She stated Wakelee Road already has excess water issues. Chairman Dirienzo stated the engineers would need to prove to the Commission that the proposed activity would not cause an increase in storm water flow.

Elizabeth Lacy, 27 Wakelee Road, was called on to speak. Ms. Lacy stated she was concerned about how the subdivision would affect the class AA waters and the fish.

Pat Szepesi, 247 North Street, was called on to speak. Ms. Szepesi brought up concerns of diminishing water volume on her property. She stated that she had family of six adults in her house for many years with no water volume problems. Now it is only two in her household and she's run out of water twice.

Mark Zerbe, 7 Wakelee Road, was called on to speak and declined.

Don Cantillo was called on to speak and declined.

Mitch Katz was called on to speak and was not present.

Margaret Miner, River Alliance, was called on to speak. Ms. Miner stated the applicant's property has both surface and ground waters classified as AA quality, which is the highest rating given. She asked the Commission to ensure the best management practices are in place when considering the application. Ms. Miner submitted a letter for review.

First Selectman Barbara Henry thanked everyone for running an awesome and meeting. She requested that no more anonymous letters with misinformation be circulated.

**ADJOURNMENT**

Motion: A motion was made to adjourn the Public Hearing at 9:18 p.m. by Russ Dirienzo, seconded by Andy Engel and carried unanimously.

Respectfully submitted,

*Julie Cady*

Julie Cady, Secretary