

ORANGE, CONN
TOWN CLERK'S OFFICE
RECEIVED FOR RECORDS

2019 OCT -9 PM 1:31

Patrick B. O'Sullivan
TOWN CLERK



IWWCC
Page 1 of 6

UN- APPROVED
10-3-19

Minutes

Inland Wetlands and Water Courses Commission

Special Meeting: October 3, 2019

Town Hall, Lower Level Meeting Room

617 Orange Center Road

Orange, CT 06477

Commission Members Present

Chairman Mangione called the regular meeting to order at 6:13 p.m. In attendance were, Commissioner Hudson, Commissioner Ewen, Commissioner Ruotolo, Secretary Giovanelli, Barbara Schellenberg, Esq., Wetland Official Intern, Jack Demirjian, and Recording Secretary Lynn Collucci. Absent was Vice Chairman Ross, recusing herself from this project.

Consideration of September 10, 2019 Minutes

A motion was made by Commissioner Ruotolo to approve the September 10, 2019 minutes as presented. Seconded by Secretary Giovanelli, the motion carried 5-0-1 all were in favor.

Correspondence- Chairman Mangione apprised the Commission that the Annual Meeting for CACIWC would be on Saturday, November 23, 2019 and if anyone wished to attend the information could be obtained in the Wetlands Office. Commissioner Mangione also noted that the regular Inland Wetlands meeting was cancelled because of the special meetings.

With no other regular business to discuss Commissioner Ruotolo made a motion to adjourn the regular meeting at 6:18 p.m., until the Public Hearing scheduled for 6:30. Secretary Giovanelli seconded, all were in favor.

Public Hearing-Application for property located on Turkey Hill Road and Cranberry Lane, Property Owner: Midland, LLC; 179 NB, LLC; & Genvest, LLC. The meeting came to order at 6:31 p.m. Chairman Mangione stated that there were a couple of things he wanted to go over. Commissioner Mangione asked that when it was time for the residents who wished to voice their concerns, that they come up one at a time to the podium, state their name and address, if they were a company or a resident, and then state their concerns. Chairman Mangione also noted that the meeting would go on only to 9:30p.m., and that anyone who had not had a chance to speak at tonight's meeting could do so at the Next Public Hearing scheduled for October 17, 2019.

Chairman Mangione also stated that there were several e-mails received from residents that would be put into the record, and that there were two Verified Notice's of Intervention, one from Kathleen Devito of 470 Turkey Hill Road and the other from Mark Quiriconi of 460 Turkey Hill Road, that would also be included as part of the record. Chairman Mangione then asked for the applicants to start off.

Kevin J. Curseaden of The Property Law Firm, Curseaden & Moore, LLC, representing Midand LLC, first approached the podium to apprise everyone that for housekeeping reasons, he mentioned that the letters were sent out certified mail to the abutting property owners, and that there was an e-mail that stated Diana Ross has recused herself from the Turkey Hill/Cranberry Lane project. Mr. Curseaden then mentioned as a quick overview that the proposed project would include 10 Multi-family residential buildings, with a max of 60 bedrooms, and a single community building. Mr. Curseaden then asked Mr. Jeffrey Gordon, Principal of Codesoti & Associates to approach the podium to give more information regarding the proposed project.

Mr. Gordon stated that he has been a resident of Orange for 30 years, and in that time had done many projects in the Town of Orange that he believed to have enhanced the Town for the better. Mr. Gordon believes that they are trying to be much more sensitive with the type of development proposed for this project. Mr. Gordon stated that they are not proposing any activity in the regulated area. Mr. Gordon went on to state that there are 4 Wetland areas on the property, and to protect the wetland areas they are proposing to use Best Management Practices such as, narrower pavements with less impervious surface than a regular roadway, which would result in less run-off, that would lower the impact to the Wetlands, open grass swales, broader buffers to help preserve much of the land, a catch basin fitted with sump to improve water quality, stone filter strips to cleanse storm water run-off.

Mr. Robert Wheway, Licensed Engineer, of Codespoti & Associates then approached the Commission to give an overview of the property noting that Eastern and Southern sides of the property bordered The Wilbur Cross Parkway, on the north side of the property there are five residential properties, on the west side there are 4 residential properties. Access to the property is thru Turkey Hill Road. Mr. Wheway also noted that the trolley site area located on the property is relatively flat with a severe rock cut 15-20' deep on the northwest corner of the property along the former trolley site. Mr. Wheway noted that with the exception of the old railway, that the property is mostly wooded. The eastern portion of the property slopes down to the Wilbur Cross Parkway and is part of the Wepawaug River Watershed. Mr. Wheway then apprized the Commission that the upland soils have a high hydraulic capacity for storm water management, and also stated that no Wetlands would be filled as part of this application. Mr. Wheway noted that they would be reducing the impervious surface by 40% using less paved surface and less curbs, also proposing to incorporate a retaining wall along the west side of the property, and extending the culvert from the top with the open bottom of the culvert being maintained with the proposed project. Mr. Wheway also explained that extensive soil testing was done with 150 test holes conducted. Mr. Wheway apprized the Commission that this was a 6-bedroom design used for each building, with 8 proposed septic systems outside of the review area, and 2 proposed systems with-in the review area. Mr. Wheway apprized the Commission that Environmental Land Solutions, LLC did an Environmental Assessment on the proposed Turkey Hill Estate property. Mr. Wheway also noted that they had addressed all the concerns pertaining to a letter dated 8-12-2019 from Mr. Robert H. Brinton Jr., P.E., Engineer, for the Town of Orange.

Mr. Matthew J Popp, Landscape Architect/Professional Wetland Scientist explained that he visited the site on January 2 and May 16, 2019, noting that the site was wooded except for along the former rail line and dirt road. Mr. Popp noted that some of the vegetation found on the site, Sugar Maple, American Beech, some Ash Trees which are in decline, Wild Geranium, and Tulip trees, among others. Mr. Popp also stated that he found invasive, nonnative species like Garlic Mustard Japanese Barberry, Japanese Honeysuckle Multiflora Rose among others. Mr. Popp stated that no direct impacts to the wetlands are proposed by this project, but a significant portion of development, are proposed within 100' of a regulated area. Mr. Popp also explained, that with this type of cluster development the impervious surface is less than with a conventional subdivision development, which reduces the need for an engineered drainage structure to hold and filter the storm water runoff. Mr. Potts noted that the applicant, to maintain existing water quality and to maintain the wetland areas, propose to reduce roadway widths, which would serve to lessen impervious surface for less storm water runoff. The storm water run-off would be collected by stone filter strips using one catch basin, fitted with a sump. The run-off then is discharged into two detention basins. These proposed detention basins will also provide for recharging groundwater. The applicants would be using boulder barriers to keep the lawns from encroaching on the wetlands, and low profile curbs to allow for wildlife to cross. Mr. Popp also mentioned that in a letter from DEEP dated February 7, 2019, Environmental Analyst, Dawn M. McKay" noted that she did not anticipate negative impacts to State-listed species (RCSA SEC. 26-306) resulting from the proposed activity at the site based upon the information contained within the NDDDB." Mr. Potts also noted that a Project Site Wetland Fauna Assessment was prepared by Dr. R.W. Abrams, CEP of Dru Associates, Inc., and it is part of the record.

Attorney Kevin Curseaden again approached the podium to ask the Commission if they had any questions.

Commissioner Mangione was concerned with the lack of curbs, worried that when people change the oil in their cars there would be nothing to prevent that oil to sheet flow to ground. Mr. Gordon stated that the system is designed to be self cleaning and will provide further information on how it works at the October 17, 2019 meeting. Secretary Giovanelli asked what would be done in case of a large oil spill. Mr. Gordon responded that you would bring in a hazmat group like anywhere else. Commissioner Mangione also asked if the units would have basements. Mr. Wheway responded that they would not have basements, but units 6 & 7 would have walk-outs. With no further questions from the Commission, Commissioner Mangione invited the residents to come up and voice their concerns or questions.

Missy Hackett came to the podium, introduced herself to the Commission as an Orange resident living at 467 Turkey Hill Road, apprising the Commission that she was here tonight to represent herself and also the Neighbors of The Turkey Hill Crossing Development. Mrs. Hackett then went on to thank the Commission, as volunteers who give up their time on behalf of the Town to act on the Wetland Commission. Mrs. Hackett then went on to apprise the Commission of the questions that she and her neighbors had regarding the proposed project, a list of those questions are part of the record.

Chairman Mangione mentioned that some of the questions had already been answered by the applicants, and that those that had not would be addressed at the following Public Hearing on October 17, 2019.

Dan Duarte, resident of Orange Center Road then came up to the podium to voice his concerns and questions. Mr. Duarte asked how do you determine the number of people that will live in each unit? He was concerned with the congested living conditions he felt this proposed project would cause, and as a result the amount of wastewater that would be occurred.

Chairman Mangione, to clarify for Mr. Duarte, explained that each building contained 6 units, and each unit had one bedroom, septic size and usage is determined by the number of bedrooms. Mr. Mangione went on to explain that for one bedroom figured wastewater is 150 gallons. Mr. Duarte then voiced his concern regarding the deep of the detention pond, concerned about the possibility that someone could drown. Chairman Mangione replied that the water doesn't usually go past 9", but he would have that clarified for him.

Orange resident, Mark Nordstrom, of 27 Hedgefield Court mentioned that his property abuts the area of the rail site that has that deep cut, and wanted to know what the plan for that section of rail would be. Mr. Bob Wheway explained that that area would remain in its original condition; there would be no activity there except for the insulation of the water system.

Orange resident, Bruce Speedway, of 945 Red Fox Road asked if the site plan and condition of the road had been reviewed by the Fire Department. Mr. Gordon responded that he had in fact met with Tim Smith the Fire Marshal and he said that with the public water, hydrants, 18 foot road widths and shoulder that it would be adequate.

Orange resident, Joanna Watts, of 779 Deer Run Lane was concerned that the proposed project might be low impact but she felt it would be high density, and with more people there would be more of a potential for wetland damage. Mrs. Watts also noted that although 8 of the septic systems are located outside the wetland buffer, 2 were located inside the wetland buffer.

Orange resident, Dr. Amir Mohammad, observed this proposed project as a Health disaster in the making. Dr. Mohammad when on to state that the applicants for the proposed project will build here and leave, but we will have to live with it, and in letting this project in how do we stop future projects like this one?

Bryan L. LeClerc, Esq. of Berchem Moses PC, representing two interveners with legal applications, Kathy DeVito and Mark Quiriconi, approached the board to clarify for the record, that at the next Wetlands Meeting scheduled for October 17, 2019, a complete application would be available, and also that the remaining questions would be answered. Chairman Mangione stated that the complete plans would be available at the October 17, 2019 Wetlands meeting, and that any unanswered questions would be addressed.

At this time Commissioner Mangione had a question regarding page SP6S1 of the plans. Chairman Mangione stated that the distance of one galley to the Wetlands that was listed on the plan as showing 50 feet, but Commissioner Mangione said he scaled it and the distance was less than 50 feet. asked if the units had A discussion ensued with Commissioner Mangione and Mr. Wheway. Mr. Wheway said that he would provide the deep test pit information Summary Sheet to the Commission. Commissioner Mangione asked the Commissioners if they had any other questions. The Commissioners had no further questions.

Kevin J. Curseaden, Attorney representing the owners and applicant, approached the podium to apprise the Commissioners that he will answer the questions listed in a letter from Robert H Brinton Jr., P.E. the Town Engineer dated 8-112-2019 at the Wetland Meeting on October 17, 2019.

Missy Hackett, resident of Orange representing the Neighbors of Turkey Hill Crossing Development came back to the podium for Clarification, she would E-mail the list of questions that she presented at the meeting to Jeff Gordan, and he would answer those questions at the October 17, 2019 Wetlands Meeting. Mrs. Hackett then asked Chairman Mangione if a Professional Wetland Agent would be hired, and if his results would be available for the Wetland Meeting on October 17, 2019. Chairman Mangione responded yes. Missy Hackett also asked when a decision would be made, Chairman Mangione replied at the November 12, 2019 Wetlands Meeting.

Pat a resident of Orange addressed the Commission and asked why the final plans were not provided for this meeting? Chairman Mangione explained that the applicant only has to show that this project is feasible for this meeting, but they have to provide the finalized plans for the next meeting on October 17, 2019.

Dan Duarte, resident of Orange, returned to the podium to ask if any of the Units had basements. Chairman Mangione stated that there are no basements but Units 6 & 7 had walk outs. Mr. Duarte again voiced his concern about overuse of the septic systems, and possible misuse of the systems.

Laura Shaw, resident of Orange, stated that there are 60 units proposed, and was concerned that there was no floor plan showing average square ft. per unit, so her question was, what is the average square footage for each of the units? Chairman Mangione responded that question would be answered at the next meeting, on October 17, 2019.

Dan Bergeski, resident of Orange, addressed the Commission asking if these units would be owned or be rentals? Chairman Mangione responded that he believed they were rentals. Mr. Bergeski's also questioned the Commission, will each unit have their own laundry, and dishwasher? Chairman Mangione responded that at this time, what he knew is that they were calculated for a one bedroom. Mr. Bergeski then addressed Jeff Gordon to ask why the number of units, have not yet been determined yet, and how he thought that this development would enhance the quality of life in Orange. Mr. Gordon responded that they are not required to have that information for the Wetland Commission, that it would be available for the Zoning Hearing, but assured Mr. Bergeski that they would meet all of the Health Code Requirements. Mr. Gordon went on to say as for Quality of Life, that there is a legal planning document filed (The Orange Plan of Conservation & Development) with the Town of Orange noting the desire for diversity with future planning for housing and developments. Mr. Gordon also stated that they had worked on many projects in Orange in which he felt had enhanced the quality of the town. Mr. Bergeski then addressed the Commission to ask what the risks were with possible failing septic systems,

and, if in fact that happened, could it impact nearby wells. Commissioner Mangione responded that the risk would not be any different than comparing your system failing and contaminating your abutting neighbors well.

Mr. Bergeski also asked the dates that Matthew J. Popp, Professional Wetland Scientist had looked at the property, asking about studies being done during times of rainfall. Chairman Mangione stated that the testing is done at certain times of the season and not according to rainfall.

Brian Goldstone, resident of Orange, addressed the Commission asking should a septic system fail would there be room for a reserve area. Chairman Mangione stated that there were septic reserve areas noted on the plan.

Mr. Goldstone was also concerned that the retention ponds could become a breeding ground for mosquitoes. Chairman Mangione responded saying that there are still 2 ½ acres of Wetlands on the property which would also breed mosquitoes.

Chairman Mangione at this time asked if there were any other questions.

With no other questions, Chairman Mangione reminded everyone that the Public Hearing would be continued on October 17, 2019 at 6:30p.m., in High Plains Community Center, cafeteria. Commissioner Ruotolo made a motion to adjourn the Public Hearing at 9:02p.m., seconded by Commissioner Hudson, all were in favor.

Respectfully Submitted,

Lynn Collucci
Recording Secretary

Next Special Meeting is scheduled for October 17, 2019