

INLAND WETLANDS AGENCY
TOWN OF WOODBRIDGE
REGULAR MEETING OF MARCH 23, 2022

The regular meeting of the Woodbridge Inland Wetlands Agency (IWA) was commenced at 7:34 pm on Wednesday, March 23, 2022, via WebEx by Chairman Robert Blythe.

Agency members present for the meeting were: Chairman Robert Blythe, Jack Kurek, Dave Speranzini, Josh Goldberg, Steven Sosensky, and alternate Jean Webber. Agency Enforcement Officer (AEO) Kristine Sullivan was also present.

PUBLIC HEARING CONTINUATION

Litchfield Turnpike LLC: 10 and 14 Merritt Avenue

14 Lot subdivision application construction of \pm 375' of road, and fourteen duplex units with municipal water and sewer

Chairman Blythe opened the recontinuation of the public hearing on the subject application. The public hearing was re-continued from the Agency's special meeting on March 16, 2022. Participating in the WebEx meeting on behalf of the applicant were consulting engineer, John Paul Garcia and legal Counsel, Attorney John Knuff, and Soil Scientist William Kenney.

Members of the Agency had inspected the site earlier in the day at a duly noticed site inspection walk.

The Chairman noted that one of the reasons that the hearing had been continued was to determine if any vernal pools existed on or adjoining the subject property.

Attorney Knuff began the applicant's presentation by introducing William Kenney, project biologist/soil scientist. *Note: Mr. Kenney's resume had previously been submitted to the Agency and had been distributed to the Agency members and posted on the Agency page of the Town Website.*

In his presentation Mr. Kenney noted:

- In 2018 he been engaged to go to the site and identify and mark the onsite and adjacent wetlands.
- The West River flows from north to south through the property.
- There are a series of man-made wetlands at the toe of the slope of the Wilbur Cross/Merritt Parkway which are primarily on State property.
- At the far eastern end of the site, there are some wetlands that extend onto the subject property.
- More recently he had been out to the site relative to the question of if there was a vernal pool on or adjacent to the property.
- It was his determination that there are no vernal pools on or adjacent to the property.
- This determination was made based on a number of characteristics of vernal pools:
 - The presence of standing water during the spring and summer
 - The absence of a fish population which would feed on obligate species larvae
 - Evidence of ponding which stays for a long enough period of time to allow obligate species larvae to mature

- Having the area approximately seven hundred and fifty feet surrounding the pool being 75% forested ~ since after maturing, the obligate species migrate back to the forested area to live.
- In the case of the subject property there is approximately 25% of forest in the area.
- There was no evidence of any obligate species breeding in the area despite it being an appropriate time for breeding to occur.
- Based on the foregoing there is no vernal pool on or adjacent to the property.

Agency member Sosensky, noting he was not an expert, noted that he had seen a number of indicators of vernal pools including basin depressions, dark gray water stained leaves, moss, and water marks on trees. He questioned if seasonally it was the “wet season” when vernal pools would be present. Mr. Kenney responded that it is the seasonal time when water would be ponding, and there are no hydrological conditions on the site indicating vernal pools. Attorney Knuff noted that the only “expert” who had testified was Mr. Kenny.

In response to the question of how much time was needed to breed and hatch obligate species for the area, Mr. Kenny responded that wood frogs breed earlier than spotted salamanders. Wood frog eggs hatch over a period of two to five weeks and mature in one to two months, requiring a minimum of one foot of standing water to succeed in maturing. Any water which was shallower would be too transient to allow successful maturation of eggs.

Agency member Webber noted she did not believe there were any vernal pools on or adjacent to the site based on the field inspection prior to the evening’s meeting.

In further discussion Agency member Sosensky noted that his concerns were also for:

- Development impacts not only to vernal pools but also environmental impacts to the wetlands.
- Concern for disruption of overland flows to wetlands.

The Chairman noted his focus was on impacts to the West River itself.

Project engineer John Paul Garcia noted in response to Agency member Sosensky’s concern regarding disruption of overland flows that:

- There is little overland flow from the north.
- The majority of the water in the area comes off of the parkway.
- The vegetation in the area is not lush, indicative of very little moisture being retained in the area.
- Engineeringly and hydraulically, it is not true that there will be a disruption to water flow.

Mr. Kenney added:

- The site has a gentle pitch.
- The “soil” is composed of sand and gravel which is porous allowing surface water to go into the ground

- The presence of the wetlands is not driven by large storms since 90% of storms generate less than 1” of rain.
- The wetlands are predominantly fed by the runoff from the parkway
- Some of the site has had bulky debris dumped on it.
- The area where it most poorly drained is adjacent to the wetlands

The Chairman asked about the general impacts to the wetlands and West River.

In response Mr. Kenny noted:

- He had not produced a written impact assessment of the project.
- Having become familiar with the site, the primary resource on the site is the West River, which is a significant river driven by the upstream watershed.
- The project has been designed to protect the river, with the detention basin located between the development and the river itself.
- The basin should be vegetated with a native meadow mix which would assist with filtering the storm water before it drains into the river.
- There would be no direct discharge to the river.
- The slow release through the ground water would allow for water being detained and cleaned.
- The wetlands at the base of the Parkway are man-made because of runoff from the Parkway.
- There should be no direct impact to any wetlands.
- The potential for indirect impacts would be via water movement, but with sediment and erosion controls installed and maintained during construction there should be a low potential for erosion.
- The plans include a robust sediment and erosion control plan.
- A split rail fence between the basin berm and home sites would limit encroachment toward the basin.

Mr. Garcia noted that of a watershed of over 10,000 acres, the proposed site development is only two acres being “worked.

The Chairman asked if there was any public comment for the public hearing. Town resident Frank DeLeo read into the hearing his letter dated January 31, 2022, which had been received on February 8, 2022, made part of the hearing record on February 16, 2022.

There being no other public comment at this time, it was the consensus of the Agency members to retain an independent expert to assess the onsite wetlands and determine if there are or are not any vernal pools on or adjoining the site.

The Chairman then recontinued the public hearing to the meeting of the Agency on April 27, 2022.

APPROVAL OF MINUTES

***** Kurek moved to approve the minutes of the IWA site inspection on March 23, 2022, subject to the correction of the inspection occurring on Wednesday, not Monday.**

***** Speranzini seconded**

***** In favor: Blythe, Kurek, Speranzini, Goldberg and Sosensky**

***** Opposed: No One**

***** Recused: No One**

***** Abstained: No One**

Approved 5-0

***** Kurek moved to approve the minutes of the IWA site inspection on March 14, 2022, as submitted.**

***** Speranzini seconded**

***** In favor: Blythe, Kurek, Speranzini, Goldberg and Sosensky**

***** Opposed: No One**

***** Recused: No One**

***** Abstained: No One**

Approved 5-0

Action on other Agency minutes was deferred until the Agency's regular meeting on April 27, 2022.

MEETING ADJOURNMENT

***** Kurek moved to adjourn the meeting at 9:06 pm.**

***** Speranzini seconded**

***** In favor: Blythe, Kurek, Josephs, Speranzini and Goldberg**

***** Opposed: No One**

***** Recused: No One**

***** Abstained: No One**

Approved 5-0 vote

Accordingly, the meeting was adjourned at 9:06 pm.

Respectfully submitted,

Kristine Sullivan, Acting Recording Secretary