

RESOLUTION OF DENIAL

Re: Application for property located on Turkey Hill Road and Cranberry Lane; Property Owners: Midland, LLC, 179 NB, LLC and Genvest, LLC; Assessor's Map 60-5-1, 60-51A, 60-5-2 and 60-5-13.

After several nights of public hearing, and examination and consideration of all the testimony and documents provided by the applicants, their experts, the intervenors' attorney, the Commission's experts and many members of the public, the Commission makes the following findings:

- 1) This application involves four separate and distinct parcels of land with three owners. The applicants seek a wetlands permit in connection with their proposal to construct ten multi-family residential buildings and a single community building on combined property totaling 22.5+/- acres.
- 2) There are approximately 1.99 acres of wetlands and 11.85 acres of upland review area on the property. Together, this comprises about 61% of the site.
- 3) The applicants' proposed development contemplates work within the upland review area (URA). Specifically, six of ten buildings are proposed within the 100 foot URA and three of ten buildings are within the 50 foot URA.
- 4) During the public hearing, two petitioners intervened pursuant to Connecticut General Statutes Section 22a-19.
- 5) The application is incomplete. The Commission finds persuasive and credible the November 12, 2019 letter provided by the intervenors' attorney, in addition to the information set forth in his presentation on the last night of the public hearing, that there are many "data gaps" in the application. The Commission also finds persuasive and credible the concerns raised by George Logan and Sigrun Gadwa in their December 5, 2019 letter to the Commission. The following are items of particular concern:
 - a) The applicants provided a hydrogeological assessment regarding detention basins on the U-shaped wetland only. A hydrogeological assessment is needed for the entire site. George Logan also expressed concern about inadequate buffers for the U-shaped wetland.
 - b) The applicants failed to submit detailed construction plans for both west and east retaining walls, which are in close proximity to wetlands.
 - c) More detailed septic system design plans are required, especially considering that a large percentage of the site is comprised of wetlands or URA. George Logan stated that if septic systems fail, there would be an impact to downstream receiving waters, even as far as the wetlands on the east side of the Wilbur Cross Parkway. It is not

clear how best practices regarding the operation and maintenance of septic systems would be enforced, to prevent contamination from items such as solvents, oil and paint.

- d) There is insufficient information on leaching fields. The applicants' evaluation based on the Health Code is not the proper standard. Discharge from septic systems can adversely affect wetlands and watercourses even if Health Code standards are met. Effluent from buildings 1 and 2 is projected to be 810 gallons per day, and effluent from buildings 2, 3 and 9 is projected to be 750 gallons per day. George Logan further pointed out that some wetlands are potentially vulnerable to nitrogen concentrations above .31 mg/l.
 - e) It is unclear how the cleaning and maintenance of the stone infiltration trench would be implemented.
 - f) Detailed construction and sequence and phasing plans regarding soil erosion and sedimentation were not provided.
 - g) No photometrics plan was submitted.
 - h) The applicants did not investigate the watercourse to the west of the site or east of Route 15, and therefore, potential impact could not be evaluated.
 - i) More information on the wood frog habitat is required. The applicants' expert noted the presence of the wood frog. The crucial terrestrial habitat (CTH) for the wood frog is 750 feet from the wetlands.
 - j) The applicants failed to comply with Section 381-24D of the Regulations by providing a description of ecological communities. A general non-specific overview is insufficient because one cannot treat the entire area as one ecological community.
 - k) The Commission considers that the project should be considered as a whole and that it therefore would require DEEP approval.
 - l) Insufficient information was presented to show impact on wetlands if ledge is blasted or hammered. These activities may disrupt joints and fractures and redirect groundwater flow.
- 6) Due to the incompleteness of the application, the Commission lacks adequate and/or sufficient information to determine the impact of the applicants' proposed development on wetlands and watercourses.
- 7) Due to the incompleteness of the application, the Commission lacks adequate and/or sufficient information to determine whether the applicants' proposed development will

cause unreasonable pollution, impairment or destruction of the public trust in the air, water, or other natural resources of the state.

- 8) The applicants have failed to demonstrate that there are no feasible and prudent alternatives which would cause less impact to the wetlands and watercourses. It is likely that reducing the scope and area of the proposed development would be feasible and prudent, and have less of an impact on the wetlands and watercourses. The applicants also failed to adequately explain why they could not connect to the sewer system on Grassy Hill Road.

Accordingly, the application is DENIED.