

**INLAND WETLANDS & WATERCOURSES AGENCY
OF THE CONSERVATION COMMISSION OF THE CITY OF BRISTOL
MINUTES
REGULAR MEETING OF MONDAY JANUARY 5, 2026**

By: Chairman Fisk

Time: 6:30 P.M.

Place: City Hall
Council Chambers
111 North Main St.
First Floor

ROLL CALL:

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS	Zachary Fisk (Chairman)	X	
	Michael Robinson (Vice Chairman)	X	
	David Rooks (Secretary)	X	
	James Carros	X	
	Daniel Massaro, Jr.	X	
	Faye Duquette		X
	Laura Valentino		X
ALTERNATE MEMBERS	Greg Klimek	X	
	Joseph Longo	X	
	Justin Bridges	X	
STAFF	William Stango P.E., City Staff	X	
	Janet Little, Recording secretary	X	

1. Call to Order

Per the order of Chairman Fisk, the meeting was called to order at 6:30 P.M.

Chairman Fisk designated himself, regular Commissioners, Robinson, Massaro, Carros, and Rooks to vote on the minutes.

2. Public Participation

None

3. Approval of Minutes

a. Regular Meeting – December 1, 2025

MOTION: Move to approve the minutes of the December 1, 2025, regular meeting, as written.

By: Carros

Seconded: Rooks

For: Robinson, Massaro, Rooks, Carros, and Fisk.

Against: None.

Abstained: None.

b. On-Site Inspection-December 20, 2025

MOTION: Move to approve the minutes of the On-Site Inspection- December 20, 2025 as presented.

By: Carros

Seconded: Rooks

For: Robinson, Massaro, Rooks, Carros, and Fisk.

Against: None.

Abstained: None.

4. Public Hearings

Chairman Fisk moved Application #2064 up per request of the applicant to postpone the opening of the application.

Attorney Tim Furey, 43 Bellevue Ave, Bristol, representing the applicant addressed the commission, last month we had our wetlands walk with the commission we have since retained B&L as the wetland soil scientist consultant. They worked with Green Associates in the past month to finalize the design and plans. Mr Lorenzetti is no longer with the city, Mr Stango has taken over recently and maybe received the whole pile today. The drainage studies are done. We're able to eliminate some of the drainage and have less ponds and things to keep more open wetlands area on the site. The City has the plans and we have work to do with Mr. Stango in the next 30 days, but it's pretty solid and complete. We would hope to be fully ready to have a public hearing at the February meeting.

Chairman Fisk designated regular Commissioners Robinson, Carros, Massaro, Rooks and Fisk with alternate Commissioner Bridges to vote on Application #2064.

- b. Application #2064 - Wetlands application for the construction of a new multi-tenant industrial development, parking areas, and other associated improvements within the upland review boundary at 894 Middle Street; Assessor's Map 4, Lot 17-3 & 17-4-1; Carrier Construction Incorporated, applicant - (PUBLIC HEARING POSTPONED FROM THE DECEMBER 1, 2025).

MOTION: Move to continue the opening of the public hearing for Application #2064

By: Rooks

Seconded: Bridges

Against: None.

Abstained: None.

For: Robinson, Bridges, Carros, Massaro, Rooks and Fisk.

The Public Hearing was not opened.

The Commission received the following items in their electronic packets (No new items received):

- a. application form
- b. supporting documents:
- c. concept plan
- d. boundary & topo survey
- e. engineering report 10-23-2025

- f. aerial map
- g. iwwa map
- h. location map

The Commission received the following items in their electronic packets PREVIOUSLY (11-03-25 Mtg.):

- a. Assessor's Map with Inland Wetlands Watercourse Layers
- b. Application
- c. Supporting Documents, Bristol Business Hub report, dated October 23, 2025

The Commission received the following items in their electronic packets PREVIOUSLY (10-06-25 Mtg.):

- a. application form
- b. supporting documents
- c. concept plan
- d. boundary & topo survey

- a. Application #2056 – Wetlands application for earth removal activity within the upland review area associated with the development of two residential dwelling units at 45 & 51 Grassy Road; Lot 216 & Lot 217 Ambler Road; Assessor's Map 20, Lots 214, 215, 216 and 217. H&T Holdings of Bristol, LLC, applicant. (PUBLIC HEARING CONTINUED FROM DECEMBER 1, 2025 MEETING).

The Commission received the following items in their electronic packets: check

- a. application form
- b. mapping: floodplain, wetlands, topo and aerial
- c. hoppers email_soils scientist/na, statement dated 12-28-25
- d. wd revised hoppers open space report near 45 Grassy Rd., from Aleksandra Moch
- e. wd hoppers open space report near 45 Grassy Rd._Rev.date12-11-25, from Aleksandra Moch
- f. revised wetlands intervention soils report_Rev. date 12-28-25
- g. original wetlands intervention soils report,_Rev. date 11-28-25
- h. (Links to Materials submitted on 12-01-2025 – previous packet)
- i. resume – Aleksandra Moch
- j. (scenario 1, scenario 2, w/report from r_green associates – previous packet)
- k. applicant's soils report dated 11-17-25
- l. JMM – company info 2025
- m. emails – undocumented wetlands in the hoppers, from Raymond Rogozinski, P.E., Director of Public Works dated from 11-18-25 to 11-08-25
- n. intervene document dated 10-19-25
- o. referral memo dated December 16, 2025, from Bristol planning commission to Bristol zoning commission, regarding applications # 2547 & 2548
- p. site plan, dated 07-01-2025
- q. (photos – previous packet)

The Commission received the following items in their electronic packets PREVIOUSLY (12-01-25 Mtg.):

- a. application form
- b. stormwater report dated September 2, 2025, from Robert Green Associates, LLC
- c. mapping: floodplain, wetlands, topo and aerial
- d. email dated November 18, 2025, from Raymond Rogozinski, P.E., Director of Public Works, regarding Undocumented Wetlands in the Hoppers

- e. intervenor status letter dated October 19, 2025
- f. site plan

The Commission received the following items in their electronic packets PREVIOUSLY (11-03-25 Mtg.):

- a. Intervener Status Letter dated October 19, 2019
- b. Supporting Documents for Special Permit for Earth Removal, dated September 2, 2025
- c. Revised application

The Commission received the following items in their electronic packets PREVIOUSLY (10-06-25 Mtg.)

- a. Intervener Status Letter dated October 19, 2019
- b. Supporting Documents for Special Permit for Earth Removal, dated September 2, 2025
- c. Revised application
- d. Assessor's Map with Inland Wetlands Watercourse Layers
- e. Application
- f. Plan (Electronic Copy Only)
- g. Report, dated September 2, 2025, Hydrology Report (28 Pages.)

The Commission received the following items in their electronic packets PREVIOUSLY:

- a. Intervener Status Letter dated October 19, 2019
- b. Supporting Documents for Special Permit for Earth Removal, dated September 2, 2025
- c. Revised application
- d. Assessor's Map with Inland Wetlands Watercourse Layers
- e. Application
- f. Plan (Electronic Copy Only)
- g. Report, dated September 2, 2025, Hydrology Report (28 Pages.)

Chairman Fisk designated regular Commissioners Robinson, Carros, Massaro, Rooks and Fisk with alternate Commissioner Bridges to vote on Application #2056.

MOTION: Move to continue the public hearing for Application #2056

By: Carros

Seconded: Rooks

Against: None.

Abstained: None.

For: Robinson, Carros, Massaro, Rooks, Bridges and Fisk.

The Public Hearing was continued.

Attorney James Ziogas, 104 Bellevue Ave, representing the applicant addressed the Commission state that his soil scientist is present and he also reviewed Aleksandra Moch's findings. Attorney Ziogas provided a memo and overview of the memo. He questioned Aleksandra Moch's certification and transcript. The purview of the commission is an upland review, it's not a wetlands activity. And whether or not the areas on our property that are designated as wetlands within the Upland review area are within either 100 feet, or some other number above that of the existing wetlands. For the purposes of measuring where our property sits in relationship to the wetlands, it does become relevant as to where those wetlands are. The 100 feet is the regulation that is in our definition of our wetlands regulations. And then there is a provision in there that says that over certain elevations, that that designation can go from 100 feet up to 150 feet, and I certainly think that in this particular case, in this location, where the wetlands are located, we are going to be outside of that area.

Jim McManus, McManus, Certified Professional Soil Scientist, James Edmond Consulting Services, 23 Horseshoe Ridge Rd, Newtown, CT, certified soil scientist shared with the commission that he is in agreement with Ms. Moch that there is a wetland on the City property there is just a disagreement on where the boundary is. He is in disagreement with the finger that was shown to the south of that particular wetland. And I'd like to go through one more time why that wetland does not qualify. We dug some holes, we saw some gray soils within the 20 inches, and typically, that would be a regulated soil here in the state of Connecticut. However, if you looked around, and this is part of my job, you know, disturbed soils can be challenging to figure out. However, so, when I dug, my holes and shovel holes. I saw the same thing you folks saw. However, when I saw the soils. A lot of those soils that we saw were very poorly drained. So, to me, something's going on that's not making sense, because if you looked at the ground, you didn't see the hydrology. The hydrology is about 14 or 15 inches below the soil surface. At a very poorly drained soil. One would think it would be at the surface, particularly as much rain that we had. Much like the lower wetland that we looked at. The other thing is the vegetative community was non-existent in the herbaceous layer. At a very, very poorly drained situation, I would expect a much more robust wetland community. There's a buried horizon about 15 inches down, and underneath that, there's a moderately well-drained soil. So that means everything above the 15 inches is a fill. It's transported, it's been dumped there, something happened. It's not native. Mother Nature didn't put it there. So that's why I discounted that area as being a wetland. It didn't make any sense, but when I found the buried horizon, it made sense. You're at the landscape position, you look at what's going on around you, you look at if the soils have been disturbed, you try to build an argument. You're building a story, and my story was at the beginning, why is this not showing the characteristics that I see in the soils? And the answer is, it's because it's been altered, or filled, or something has happened.

Chairman Fisk, would you describe that soil profile more, the altered, the transported soil? Is it functioning as a wetland today?

Jim McManus, no, it isn't. Not in my opinion, because what I started out with earlier, you don't have your wetland community, your hydrology's too low, in my opinion, because these... a lot of the soils that we were digging up in that first 15 inches would be considered very poorly drained. Very poorly drained is really wet. We didn't have a plant community, we didn't have hydrology, we didn't see water moving, we saw nothing. So there has to be a reason to have such poorly drained-looking soils. But what did drive it home to me was the fact that we found a buried horizon. Tells me everything I need to know.

Chairman Fisk, what other hydraulic indicators did you see?

Jim McManus, one thing we did not discuss is when we do have these disturbed soils, we don't typically review the A horizon. We look at it, but we kind of look for those chroma 2s within 20 inches. That kind of makes our decision. On these surface soils, I like to look at the A horizon, the topsoil, the very top. Because in a very poorly drained situation that's still active, even though it's been disturbed, I'm going to see some Redoximorphic features, some models, some oxidized riser spurts, which is little brown areas around the root channels. Believe it or not, you can have a saturated soil and just where the roots are, there's enough oxygen that the iron will actually precipitate out and make a little root. I wasn't seeing any of that in any of the holes that the intervener soil scientist looked at and certainly what I looked at. That's a very good indication that we do not have an active hydrology here. Because if it was very poorly drained, and those soils were indicative of the current hydrology, I would have seen that. That was another thing, that was the one that really closed it for me, is the fact that I didn't see any redoximorphic features in that top of that A horizon. The vegetative community was lacking. The hydrology was lacking, and then I found the buried A. I'm like, there you go. Something happened here, but the soils are not indicative of the current hydrology.

Chairman Fisk, getting back to the watercourse and what we were looking at is, in your opinion, is this an intermittent watercourse? The finger area

Jim McManus, in my opinion, the soils are not wet. So, in that regard, you have a non-regulated area.

William Stango P.E., City Engineer, can you just describe to the Commission about how far off your flags were from the intervener Soil Scientist flags. Are we talking order of magnitude? Are we talking 10, 20 feet?

Jim McManus, 30 feet different, probably 30-50 feet down from her depending where you stand.

William Stango P.E., City Engineer, so on average, would you say it's fair to say approximately 30 to 50 feet difference?

Jim McManus, I can agree with that.

William Stango P.E., perhaps it's an appropriate time just to point out that the city mapping is just a tool for the Commission to initially judge, applications and plans, and part of the city regulations, Section 3.1, The Commission is within their rights, to use site walks, aerial mapping, imaging, and, other forms of determining the wetlands, and they should be determined by the actual character of the land, not just based on the city mapping. So, the Commission should use the information in the site walk to make judgment accordingly.

Commissioner Rooks, you raised a question about the intermediate watercourse. Were you talking about the little area that looked like a stream to the left when you're standing at it or to the right if you're standing off the road? It looked like to me run off from the road.

Jim McManus, there is clearly runoff coming from the road that dumps into not only that the finger, There's no curbing. It's not groundwater, it's surface water runoff from a paved surface. And that happens at the lower area that we investigated, too.

Michelle Rudy, 102 Henderson St, representing the Friends of the Hoppers Birge Pond Nature Preserve, rebutted Attorney Ziogas' criticism of Aleksandra Moch's credentials stating, He was saying that... In the standard qualifications for a Connecticut soil scientist, the Society of Soil Scientists of Southern New England, is not a match for a Connecticut soil scientist. Well, I've found a DEEP guidance document, which is available on CT.gov, that says that it is a qualification that matches the Connecticut soil science definition. It says the Inland Wetland and Watercourses Act also defines soil scientists as an individual meeting standard set by the Federal Office of Personnel Management. Various professional soil sciences also certify a person as a soil scientist. This fact sheet will clarify the Connecticut IWWA definition of a soil scientist, and will describe how the standards of the federal office of personnel management correspond to the membership criteria established by professional soil science organizations. The U.S. Office of Personnel Management says that the qualification for a soil scientist is a degree in soil science or a closely related discipline that included 30 semester hours, or equivalent, in biological, physical, or earth science, with a minimum of 15 semester hours, in such subjects as soil genesis, pedology, soil chemistry, soil physics, and soil fertility. The Society of Soil Scientists of Southern New England, of which Aleksandra Moch is a member, says that the basic member status requires a BS degree with 30 semester credit hours in the biological, physical, chemical, and earth sciences, with a minimum of 15 of these semester credits in soil science courses, meeting the following distribution, etc, etc. And at the end of this guidance document by DEEP, It states that a soil scientist certified by one of the above-mentioned professional soil scientist organizations, meaning the National Soil Science Certification, and the Southern New England Society of Soil Scientists of Southern New England. They both meet the definition of soil scientists as provided for in Connecticut's Inland Wetland and Watercourses Act. I'm not sure where Attorney Ziogas got his information from, but the DEEP guidance document does state that Aleksandra Moch is a certified soil scientist. I just wanted to address a couple of things, about the site walk, and what we found. I will note that we did find groundwater 10 inches down, in that finger that we were talking about, I'm not sure of the significance of that, our soil scientists would have to comment on that, but I'm just commenting that that is what we did find. Also, the water courses that we were looking at were there in June, in July, in August, in September, even when there was a drought, going on, the water was still flowing. And also, I would add that a definition of wetlands by DEEP, means, land including submerged land not regulated pursuant to Section 22A-28-22A-35, inclusive, such areas may include filled, graded, or excavated sites which possess an adequate saturated soil moisture regime. As defined by the USDA Cooperative Soil Survey, wetlands shall be delineated by a soil scientist, geologist, or ecologist. So, that means that a fill area could possibly be, delineated as a wetland. As far as my understanding goes. We're going to go into Aleksandra Moch's credentials, because she could not be here due to flying home from Poland this very night. I will pass this to Kelly.

Kelley Gleason, 20 Goodwin St, Alright, so, good evening, everybody. So, Aleksandra Moch, our soil scientist, friends of the hoppers that we hired, is unable to attend tonight's meeting. She did email us after we were made aware of Attorney Ziogas' rebuttal of her credentials. She did say that she has the required credit hours in soil

science from the University of Poland and the University of Massachusetts. She will willingly provide a transcript when she reaches the U.S. We would just like to place her professional credentials into the record.

Ms. Moch has over 20 years of experience as a soil scientist. She holds two master's degrees in geology and environmental geology, and has completed more than 1,000 wetland delineations. She is a registered member of the Society of Soil Scientists of Southern New England and the Society of Wetland Scientists. She has over 25 years of experience in plant identification for wetland evaluations, as required by the New York State Department of Environmental Conservation. Ms. Moch has operated a private consulting practice for 24 years with extensive experience conducting wetland delineation in New York, and Connecticut. She additionally worked for over 20 years as an environmental analyst for the town of Greenwich, Connecticut, where her responsibilities included reviewing wetland delineations, evaluating soils and hydrology, and assessing environmental impacts associated with development proposals. Her work regularly involved coordination with state and federal agencies, including the Connecticut Department of Energy and Environmental Protection and the U.S. Army Corps of Engineers. Thank you.

Jan Gatzuras, 517 Churchill St, Southington, I'm just reading one of her sections of one of her emails, she says, I certify that I took more than 30 semester hours in biological, at University of Warsaw, physical and earth Science. With a minimum of 15 semester hours in subjects such as soil genesis, pedology, soil physics and soil fertility. And these were at the University of Warsaw, or the, most of them were at the City University of New York. And some were at the University of Massachusetts. She said, my extensive education, both leading to the bachelor's and master's degree at the University of Warsaw and the City University of New York in earth science and soil science study at the University of Massachusetts. Has provided me with more than the required above credits.

William Stango P.E., City Engineer, I did review Alexandra's qualifications and coursework, and I don't think there's reason to dismiss her testimony based on lack of professional qualification.

Chairman Fisk, Thank you. Do you think she meets, from your understanding, the definition of a soil scientist?

William Stango P.E., City Engineer, I'm not as familiar with the technical definition, but I will say, in... with respect to Attorney Ziogas' point, that her testimony wasn't valid because, it was respect to a map change. If I were to read from the regulations, Section 3.1, applicants and property owners shall be advised that the map may not depict all wetlands within the city. The precise locations, regulated areas, shall be determined by the actual character of the land, the distribution of wetland soil types, and location of watercourses. The agency may use aerial photographs, remote sensing imagery, resource mapping, soil maps, site investigation observations, or other information in determining the location of boundaries of wetlands and watercourses. My only point is, there's no reason to discredit her testimony for lack of qualifications when, within our regulations.

Chairman Fisk, Thank you. I mean, that's basically what I said in the beginning of this as well. You know, regardless of whether she meets the criteria of a soil scientist, sounds like she may be meeting that criteria, but regardless, the observations and her professional opinions are still going to be accepted by this commission.

Attorney Ziogas, And I guess my question is, why do you use certified soil scientists in your regulation?

Chairman Fisk, particularly make, as you pointed out, to make the determination of wetland boundary changes and so forth.

Attorney Ziogas, it's in your regulations, and that was my only point. The second point is, we could have put this to rest if she had shown up and allowed us to question her. And we went through this the last time we had this hearing, when she submitted a report. For some reason, that month, she was in Poland as well and couldn't attend, or she was traveling, I'm not sure where she was. It would be fair to hear from her, as opposed to hearing from what other people tell me that she said. Okay? Because that's not cross-examination. Alright, and here we are, another month into this, this is our third public hearing, okay? And she has failed to appear, and I just think that the Commission takes that into consideration when you can't cross-examine their expert, that it lends some weight to the fact that what she has to present, maybe she doesn't want to be cross-examined upon. That's what I'm saying. And the only reason, again, not the only reason, but the additional reason I bring this up is because if this ends up in an appeal in court, and she has to be placed on the stand, there's no record of what her presentation is, because nobody had a chance to question her. And I can't question her qualifications. That's my point. Thank you.

Jim McManus, Mr. Chair, I just wanted to respond to one comment that was made about disturbed soils. or disturbed areas that become wetlands, that's true. I've done it, I've flagged many disturbed areas. However, they were flagged because the soils represented the hydrology, and whatever other indicators considered a regulated soil here in the state of Connecticut. A good example is a gravel pit. Obviously, everything's been stripped away, and it's our job to figure out what's what and what isn't. Gravel pit, and those are very disturbed. Other things like lake bed, pond, you dredge a pond 50 years ago, 100 years ago, and you spread all those sediments all over the landscape, and I come in tomorrow, and I have to figure out, is those gray soils pond sediments, or is it a wetland? So, we do that all the time, wetlands. Just because you see gray soils within 20 inches doesn't necessarily mean it's wet. You have to make your story and your argument. I've made mine.

Chairman Fisk, just to summarize what relic hydric indicators did you see that are present?

Jim McManus, I did not see any relic hydric soil indicators.

Chairman Fisk, so they are all current?

Jim McManus, No, The soil didn't form in place. It was placed there, it was fill. Underneath the buried horizon, I saw indicators of upland soils, mildly well-drained soils. Chroma was greater than 2 with redox.

Chairman Fisk, we can regulate transported soil.

Jim McManus, not if it doesn't meet the definition.

Chairman Fisk, then it either has current or relic hydric indicators. So, there must be something to indicate that this was Hydric soil at one time.

Jim McManus, first of all, if it's fill, we don't know where that soil came from. We just don't. Could just have been graded. If I find the buried horizon, and I don't find any evidence of current hydrology in the A horizon, oxidized rhizospheres, dexamorphic features. And those, like I said before, those soil colors were very poorly poorly drained to very poorly drained. I would expect if it was an active situation, filled or unfilled, I would expect to see those. And that's why I was confused, and then I had to work at getting to the answer. I didn't just dig a hole. When we walked in there, there was no indication in that area at all, that even remotely should have been a wetland. So then when I saw flags, then I dug, I said the same thing, how the heck is this wet? There are no indicators here at all. And then we figured it out.

Eric Madsen, 70 Oak Hill Dr, shared and narrated the PowerPoint presentation that was submitted in the packet. Making the point that JMM did not meet the professional soil scientist standard for delineating a wetland. Rebutting Mr. McManus's findings or approximations. He stated that Aleksandra Moch spent an entire day flagging the wetlands in the vicinity of Madsen and Eric Springs. Over 75 soil samples were augured and 32 wetland delineation flags were placed.

Heather Torre, 98 Fox Den Rd, I will be reading a statement from Alexandra Moch.

Commissioner Rooks, chairman, I know they want to get everything on the record from their soil scientists, but she's not here for us to question her. That is the big issue. We went through this last month, but we can not question her. She should have told us that out at the walk that she wasn't going to be here. We said we will see you at the meeting and she said yes. You are reading everything she sent in, we want her here to question her.

Heather Torre, she was there at the walk and she could have been asked many questions.

Commissioner Rooks, it's not a public hearing, this is the public hearing. This is where it needs to be done.

William Stango P.E., City Engineer, through the Commissioner, at the public hearing it was specifically stated that no additional questions were asked, and that all questions were written to be discussed at this public hearing, as this is the continuation of last month's public hearing.

Commissioner Rooks, but we can't question her, that's the issue. So, what do you want us to do? Do you want us to close the public meeting and vote on it, and then, you know, whatever? I mean, what do we do?

Heather Torre, delaying this until she can be here.

Commissioner Rooks, no, we're not delaying, no, absolutely not, I'm not delaying it again. This commissioner is against that.

Chairman Fisk, I actually, I have some concerns about other aspects of this application, and I would like to see this delayed for other reasons.

Commissioner Klimek, this is the rebuttal, being the fact that this would be rebutted she needs to be here.

Commissioner Rooks, Greg, but if something is read and I want to question her, how can I do that? That's my issue. I have questions from the site walk. and just from his testimony, he's saying something, and I want her side of it. I want to hear it from her. I don't, I can't hear it from somebody else. I've read it, and she submitted it, it's in the packet. It's read. It's already on the record. We don't need to have it read in.

William Stango P.E., City Engineer, Through the Chair, during the last meeting of the Commission, we did hear from, the applicant soil scientist, and he showed some photos which indicated a buried horizon. During the site walk, he had indicated those layers. During the site walk, it had rained the day before, so it was a little harder, than the pictures had suggested, but it was in my opinion, you were able to observe some buried horizons. As far as the validity of it, something that the Commission was shown, during photos in the last meeting, as well as at the site walk.

Jim McManus, we're just arguing about where the boundary is. She's higher than me, I'm a little bit lower. We're just squabbling over where we think the boundary is. Nobody's in disagreement that there's a wetland. And we're both higher than what is shown on the city map.

Commissioner Rooks, did you say earlier 30-50 ft difference?

Jim McManus, Something like 30, 50 feet difference on the lower wetland. If you were to say where I think the wetland boundary is, I'm probably 30 to 50 feet down gradient from Ms. Moch's line.

Commissioner Rooks, somebody can be real conservative and go 30, or somebody can be liberal and go 50. This is what we're arguing between is 30 to 50 feet. Which means there is a discrepancy.

Jim McManus, there is the discrepancy. We don't care about. 5 feet, we don't even look at it. What... sometimes it's what limb you hung your flight at, you know? I say 30ft or more there is a discrepancy. Now, I say 30 to 50, because it depends on where you are, what flag do you pick, and then you pace.

Pat L, Middletown, CT via zoom discussed endangered plant species. Many of these are wetland plants. I'm concerned that disturbed soils Do make it difficult for soil scientists to know Where wetland perimeters are. Now I'm asking the commission, even though you're not my commission, I live in Middletown. You still are in my state. And that is a beautiful area. It is a treasure for your city, for Bristol. So, choose wisely, because we are losing Plants, insects, birds, trees, we need to take care of our planet. We need to take care of the land around us. Let's make a careful decision.

Mike Simmons, 36 Judson Ave, I am trying to understand the Commission's reasoning for possibly passing this application. It is evident that our soil scientist, Ms. Moch. Clearly delineated the wetlands with dozens of soil samples. I realize that the builder's last-ditch, 11th-hour effort to discredit our soil as scientists may sway your decision, which is a travesty. However, wetland vegetation exists at the site, Including Spicebush and skunk cabbage. Also, soil samples taken show the existence of wetlands. Regardless of who extracted the soil samples. To allow the removal of thousands of cubic yards of sand and gravel would certainly degrade the existing Wetlands and natural resources. Do the commissioners know about the Bristol Plan of Conservation and Development? It says that Bristol Citizens, quote. Wanted more open spaces and to protect natural resources and water quality. End quote. I know this is a Planning Commission initiative. But does your commission refer to

that when making decisions? Or is it just a piece of paper to you? If this request somehow passes. I would like to ask the voting commissioners what their rationale is for their vote. Thank you.

William Stango P.E., City Engineer, Through the chair, I would just like to point out, that both the applicants and the interveners soil scientists, neither of them flagged any wetlands on the actual site to be excavated. At most, we would be seeing added upland review area. Again, at most, we would be seeing added upland review area on the site. Neither soil scientists, especially in the areas they agreed, was not on the site in question.

Commissioner Fisk, that's a key point that I'll be looking for, is to see the revisions of the upland review area, based on either mapping of the wetlands, because we did learn that it is further than what the city is showing.

William Stango P.E., City Engineer, Through the chair, again, just for clarification, the upland review area is a function of the wetland area. It is a 100-foot offset of what is determined to be the wetlands in the field. So, whether it is what the intervener soil scientists or the applicant soil scientists say, neither one of those wetlands are on the actual project site, so at most, the upland review area, which is a function of the wetlands, is the only thing that is going to be on the subject property.

Commissioner Robinson, I've got to agree with Commissioner Rooks, and what we're doing right now is we're beating a dead horse in many different ways. I think it's a shame, because I thought at the last site walk on the 20th of December, we told Alexandra that we planned on speaking with her, tonight, the 5th of January. I'm not clear of the legalities, but I think when we ask somebody to appear before us, that kind of acts as a summons. So, what I would like to propose as we make a motion, is that we have the city lawyer, get in touch with Alexandra, and ask her to attend our next meeting on February the 2nd, and make it very clear that her attendance is required, not requested, required. We can pick up and continue on and get both testimony from both soil scientists. I don't think there's a question as to whether she's a soil scientist or not. Like, even though Attorney Ziogas has brought up some good points, I think there's some counterpoints as well.

Eric Madsen, 70 Oak Hill Dr, we conclude that there is a wetland at the disputed site just below Grassy Road, extending down to the pond, just as indicated on the USDA soil map and was further delineated by our soil scientist, Alexandra Moch, of Stanford, Connecticut. The extensive and rigorous modeling done by Dr. Neff out of Colorado strongly indicates that the wetlands identified from Grassy Road halfway down to the pond would be obliterated if 149,000 cubic yards of sand and gravel were taken out of the applicant's property. In past meetings, the attorney and commission members have talked of the applicant's intention to instead have 5 or 6 houses on the property instead of the 2 proposed. Should not the applicant's development plan reflect their true intentions, how can the risk to wetlands be known if the plan does not accurately represent the intentions? The Friends of the Hoppers has yet to see or review the results of the groundwater mapping of the applicant's property. Just as an update, I just saw that just now. Up there. We haven't made sense of that yet. This data is necessary to determine the negative impacts that the mining of 149,000 Cubic yards of sand and gravel might have on the groundwater and nearby discovered wetlands. Aside from the delineation of the 150-foot wetland upland review boundary on the development plans, no discussions have been had about how significant impacts on wetlands and groundwater might be dealt with differently on one side of the boundary versus the other. The developer's plans include tree clearing, soil removal, and gravel mining within the 150-foot upland review area. The plans do not make clear the necessity to make substantial impacts on the property within the Upland review area. The Friends of the Hoppers intervener letter attests that many negative impacts will be brought upon the Hoppers Preserve wetlands due to the many significant activities planned by the applicant. It is further concerning that independent oversight is lacking to assure that significant negative impacts do not occur.

Michael Panet, 327 Perkins St, I am not a soil scientist. I'm not a geologist. What I am, is a resident of Bristol. I mean, you recognize me because I happen to be associated with the Friends of the Hoppers? But I'm not standing before you as a friend of the Hoppers. I'm standing before you as a resident, and that's what I want to make clear. I'm standing here as a resident of Bristol. During this process, I learned many things. But what stuck out to me most is we're all here trying to act on the behalf of a piece of property from different perspectives. That's apparent. We have an idea. You're protecting it, and you have an idea. I think that's great. And that's what this process is all about. In that process, I know that you have to take all things in consideration. The application before you is one perspective. The citizens of Bristol and the Friends of the Hoppers have another. We did see Three different scenarios presented, all of which saw 145,000 cubic yards of material removed. One glaring omission from all of these proposals was the absence of one single scenario where no earth removal was considered. That I found a little disturbing especially since two homes had already

existed there. Where that wasn't a requirement, they didn't do that, they built it along that hillside. They lasted there for years before they were demolished. I am assuming it was kept there that way, as it sat. Because it sat in a beautiful park that has gone neglected over the years. We need to look at all the evidence. A discovery of a possible wetlands was brought to your attention, along with the location of a spring. That was not on the city's wetland map. This prompted further review, soil testing by soil scientists, at your urging. Shortly after that, a soil scientist battle commenced, producing conflicting results. A qualified hydrologist presented models to demonstrate what the results may be from a mining operation in that location, in that magnitude. Just recently, this same topic was brought up in the City Planning Board. They had recently heard the case from a different perspective. And sent a negative referral of this project, or its incompatibility with the city's plan, of conservation and development. The planning board understands the... motions and the concerns here. As a resident of Bristol, and for many outsiders that may be looking inward at this project. Can see that there is sufficient evidence to support a negative vote. Not just on the presented evidence, but also on the mere possibilities, that environmental damage could be done. Should this project continue as presented? Even if you have to vote today. You have to consider the fact that even the soil scientist that is present today doesn't know where that boundary is. There's still a lot of questions. Is it 30 feet? Is it 50 feet? We don't know what beat it is. And if you vote on that without knowing what those boundaries are. Then that's going to be a problem. It could be a problem. And just the fact that it could possibly be a problem? It's something you need to consider. I like to use a little saying from a Joni Mitchell song, just in closing. You never know what you got. Until it's gone. Because we paved paradise and put up a parking lot. Thank you.

Attorney Ziogas, I believe that the comments in reference to a delineation of the wetlands have been answered by the chairman, and this was not a delineation. This was just a survey. It wasn't intended to be a delineation, evidently, and it is not, because no application was filed to move that boundary line, so again, I would point out to the Commission that if you went to the upland review area. In our areas of disturbance, we are not impacting the wetlands at all. There are no wetlands on our property. And the far northeasterly corner of our property is the only piece that gets impacted by this development. We have gone through two site walks, a couple of surveys, soil surveys. We've done some, hydrology, test borings and we've had 3 months of public hearings. If you don't have enough of information by now, you never will have. It's our request that we close the public hearing. And the Commission then has a reasonable amount of time to vote on this application after the close of it. I do not believe that an extension of the public hearing is for anyone's benefit at this point in time. And, the Commission is going to have to make a decision.

Chairman Fisk, Alright, well, I stated my point earlier that I do want to learn more about the borings, and the groundwater was the proposed elevations. If that's something that you don't think you can answer?

Attorney Ziogas stated he did not have that answer.

Chairman Fisk, well, is that something that can be answered?

Attorney Ziogas stated he did not know the answer to that either.

Chairman Fisk, for me, I don't see there's enough information on just that alone to vote on.

Commissioner Rooks, my personal opinion is I'm for closing the public hearing, then we debate it, and go from there. We've been going at it for 2 months. Soil scientists was... we made it very clear, myself and Commissioner Robertson made it very clear last month, soil scientists needed to be here. You're not allowing us to cross-examine her. We want it on the record from her. I want to ask her questions. He's saying something that I have questions on, and why she's saying something?

Chairman Fisk, they also need the right to cross-examine her. Attorney Ziogas brought that up earlier and he wants that ability if she was present.

Discussion continued between Michelle Rudy and the Commission regarding the interveners Soil Scientist not being present. Ms. Rudy and some of the commissioners were not heard on the recording as they were not close to the microphone.

Chairman Fisk, the time I want is to learn more about the groundwater and how the borings impact the groundwater, and where they propose elevations are. I want to know where the proposed elevations are in relation to the groundwater.

William Stango P.E., City Engineer, Mr. Commissioner, just to speak to that, if you may. to get true, seasonal high groundwater levels, or just the groundwater, you know, that they've observed? Seasonal high groundwater, that, that won't be observable, usually, in a boring, as I'm sure, the applicants, soil scientists, could confirm this.

Chairman Fisk, no, we've established that, but my question still is from the groundwater depths that they measured, what is that in relation to the proposed excavation?

Attorney Ziogas, And I think that's a... that's a question that your city engineer could answer, not right now,

William Stango P.E., City Engineer, I need a plan in front of me, correct.

Attorney Ziogas, we have submitted a plan with the proposed and final grades. We've given you the depths, he could give that information. That does not need to be discussed at the public hearing. An engineer can supply that information to the Commission.

Commissioner Rooks, he can supply it to us at the next meeting, and then when we have our debate, and we make our decision. We're kicking the can down the road, basically what we're doing with extending, extending, extending, and we've got to put a stop to it somewhere along the way. And unfortunately, she's had travel arrangements and it would have been different, saying, hey, my soil scientists couldn't be here, and we could have possibly done a special meeting. That was discussed last month, too, about doing a special meeting,

Chairman Fisk, that was.

Commissioner Rooks, you know, so, I mean, there was other options to go. And the applicant's being knocked about 11th hour this, 11th hour that. The first thing that stuck out to me was the email saying, our soil scientist isn't going to be here. That's like a slap in the face to me, as a commissioner, after we said, we want her here. That's my position on this whole thing. My position is to close the public hearing and we will make a decision next month.

MOTION: Move to close the public hearing for Application #2056

By: Rooks

Seconded: Carros

Against: Robinson, Bridges

Abstained: Fisk

For: Massaro, Carros, and Rooks

The Public Hearing was closed. The decision making with continue at the next meeting.

5. Receipt of New Applications

There were no new applications.

6. Old Business

- a. Cease & Correct - 360 King Street & Map 47, Lot 5-1 King Street

The Commission received the following items in their electronic packets

- a. Written owner authorization
- b. cease and correct – dated 3/10/25
- c. photos of site activity
- d. staff maps and photos
- e. public provided materials
- f. historical photos
- g. mapping: floodplain, wetlands, topo and aerial

New items received:

- h. letter to Jeremy Berube, dated December 2, 2025
- i. letter to Victor Lagace, dated December 2, 2025

Chairman Fisk designated regular Commissioners Duquette, Robinson, Carros, Massaro, Valentino, Rooks and Fisk with alternate Commissioners Klimek, Longo and Bridges to vote on Cease & Correct: 360 King Street and Map 47, Lot 5-1 King Street.

The Commission received the following items in their electronic packets:

The Commission received the following items in their electronic packets PREVIOUSLY: (12-01-25 Mtg.)

- a. Written owner authorization
- b. cease and correct – dated 3/10/25
- c. photos of site activity
- d. staff maps and photos
- e. public provided materials
- f. historical photos
- g. mapping: floodplain, wetlands, topo and aerial

The Commission received the following items in their electronic packets PREVIOUSLY: (11-03-25 Mtg.)

- a. Map "entitled Skytop Enterprises, LLC, revised date July 21, 2025, prepared by Cole Civil + Survey.
- b. Map "entitled Skytop Enterprises, LLC, dated June 26, 2025, prepared by Cole Civil + Survey.

The Commission received the following items in their electronic packets PREVIOUSLY: (10-06-25 Mtg.)

- a. Map "entitled Skytop Enterprises, LLC, revised date July 21, 2025, prepared by Cole Civil + Survey
- b. Map "entitled Skytop Enterprises, LLC, dated June 26, 2025, prepared by Cole Civil + Survey.

Jeremy Berube of Skytop Enterprises, LLC, 359 Broad Street, I don't know why I was asked to come here my attorney told me to come tonight.

Commissioner Rooks, when are you planning on doing your plantings?

Jeremy Berube, we lost ground Steve was supposed to come out and flag it, the upland review, so I know where to pull it out and then plant them but he hasn't come and we ran out of time. Wo we're probably going to do it,

definitely going to do it about April-ish.

Commissioner Rooks, the reason why you're here is because no activity has been done

Chairman Fisk, and we haven't been made aware of that either.

Jeremey Berube, I talked to Zach a month ago, two weeks ago and he didn't have answers for me.

Commissioner Rooks, so there was a miscommunication.

Jeremey Berube, I have the equipment and it's a matter of a day job.

Commissioner Rooks, so if we say April 30th weather depending? If you're saying it's going to be a true one-day assignment

William Stango P.E., City Engineer, this would just be a question through the chair. Is there any, additional turf establishment required? That'd be the only other reason I would say you'd want silt fencing if you're doing planting, as well as turf establishment. You would want the silt fencing in place until you have established turf. But if it was truly just planting, a one-day project, I think it'd be the Commission's choice, but it would be a low risk to just

Chairman Fisk, just trees no turf.

Jeremey Berube, By April 30th, it'll be 100% complete

Commissioner Rooks, Okay. but we don't want you planting stuff that's going to die. So, you know, listen, if the grounds not thawed out at April 30th, all you got to do is say, hey, man, the ground is still frozen, can I get another week or two?

Chairman Fisk stated that Commissioner Klimek would be voting on this since he has been a part of the process.

MOTION Move that the cease and correct stay in effect for 360 King Street with, drop-dead date of April 30th, 2026, to have the site work completed. And if the weather is not cooperative, the applicant notifies city staff, just to let us know what's going on with it. Silt fence will be required if the project is going to take longer than one day.

By: Rooks

Seconded: Klimek

For: Klimek, Carros, Robinson, Massaro, Rooks and Fisk.

Against: None.

Abstained: None.

The cease and correct states in effect until April 30th, 2026.

7. New Business

There was no new business.

8. Staff Reports

a. IWWA Report - December 2025

The Commission received the following items in their electronic packets:

- a. Inland Wetlands Enforcement Officer report, dated December 31, 2025, from Zachary Norton, Zoning Enforcement Officer, (Environmental Protection Technician)

MOTION Move to file the report from the Inland Wetlands Zoning Enforcement Officer.

By: Robinson

Seconded: Rooks

For: Robinson, Carros, Klimek, Massaro, Rooks and Fisk.

Against: None.

Abstained: None.

The report is filed.

9. Communications

- a. DEEP Permit for use of Pesticides in state waters

The Commission received the following items in their electronic packets:

- a. Letter dated January 2, 2025, from Solitude Lake Management, regarding a draft permit application for the use of pesticides in State waters located at Memorial Park Pond.
- b. Attached application for Memorial Park Pond from Bethany Bowers and Dominic Meringolo.

MOTION Move to file the DEEP permit for use of Pesticides in state waters.

By: Robinson

Seconded: Rooks

For: Robinson, Klimek, Carros, Massaro, Rooks and Fisk.

Against: None.

Abstained: None.

The report is filed.

10. Conservation Topics

- a. Public and Commissioner Concern

11. Adjournment

MOTION: Move to adjourn at 8:43 P.M.

By: Robinson

Seconded: Rooks

For: Robinson, Klimek, Massaro, Rooks and Fisk.

Against: None.

Abstained: None.

This meeting was recorded.

Respectfully submitted,
Janet Little

Zachary Fisk, Chairman
Inland Wetlands & Watercourses Agency
of the Conservation Commission of the City of Bristol

David Rooks, Secretary