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## Sewer line, lack of information hindering wetlands application

By [Elizabeth G. Howard](#) on February 12, 2015 in [Latest News](#), [Lead News](#), [News](#) · [3 Comments](#)

### About author



**Elizabeth G. Howard**

Elizabeth Howard is a Stratford-based journalist, blogger and poet. She writes on the arts, education, music, the environment, green lifestyle, American culture, travel and food. You can find her online at [elizabethoward.net](http://elizabethoward.net)

The Inland Wetlands and Watercourses Commission heard more testimony at a Feb. 5 hearing on a proposed multi-unit affordable housing complex at 450 James Farm Road.

Attorneys, engineers, social scientists, a professional wetland scientist, and more than a dozen residents spoke during the hearing on the proposed 37-unit, three-story complex on 2.26 acres owned by Cummings Enterprises.

Attorneys Kevin Kelly and James Creswell, representing the town, brought engineer Tim Casey of STV Inc. to testify on concerns of de-watering during construction, sanitary pump station, design questions for the detention basin and missing information on a deep water test pit.

According to minutes, Casey said soil information was also missing.

In an interview with the Star, Kelly said the main issues on the table are significant environmental impact to the wetlands, collecting enough information on the development plans and the conduct of a sewer line.

"The first question at issue is the land it's adjacent to a valuable and significant environmental resource," Kelly said.

"The second issue deals with the fact that the applicant didn't provide enough information to the commission to do its job," he continued. "Namely there weren't water budgets and information regarding the hydrology and dewatering of the wetlands."

The final issue, Kelly said, was the applicant's request to connect the James Farm Road property to a sewer connection on Judith Terrace.

"That's 500 feet down Judith from the driveway that fronts on Judith Terrace," Kelly said.

The sewer line runs north to south along the eastern edge of the property Kelly said, under Judith Terrace, possibly impacting the southern portion of the wetlands resource.

In October, attorney Stephen Bellis and Fairfield-based architectural and engineering firm Rose-Tiso & Co. submitted multiple exhibits to the commission on behalf of Cummings Enterprises.

At this hearing, Manuel Silva, Rose-Tiso civil and transportation engineer, answered questions regarding water treatment, excavation of the area, crossing

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MON	TUE	WED	THU	FRI	SAT	SUN
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	1	2	3	4	5

**TUE 02 Senior calendar: May 29-June 4**  
June 1 @ 8:30 am - June 4 @ 4:00 pm

**TUE 02 Catholic Daughters meeting**  
June 2 @ 6:30 pm

a culvert with a sewer line, pumping and storing water, and trash storage.

Bellis could not be reached for comment following the Feb. 5 hearing.

The commission determined at the October meeting that development of the property would have "significant impact" on the wetland area.

Under the town's inland wetlands and watercourses regulations, this determination means the applicant is required to, but not limited to, supplying a site plan that shows current use of the land and boundaries; engineering reports and analyses on excavation, filling and hydraulics; mapping of soil types; description of ecological communities and function of the wetland, and effect of project on the function; description of how the applicant will change, diminish or enhance the wetland; alternative solutions and if and how there are feasible; analysis of fill material; and management practices.

Town conservation administrator Brian Carey said resident Richard Ezyk of 570 James Farm Road filed to become an "intervener" in the proceeding, under Section 22A-19 of Connecticut Environmental Protection Act (CEPA).

According to the Homebuilders Association of Connecticut, the statute was adopted in the early 1970s before most other environmental laws were enacted. It allows anyone in the state to intervene in any permit proceeding to "allege potential environmental harm may be caused by a proposed project."

The statute was amended by the state in 2013, requiring "the intervention petition to include specific facts describing the nature of the alleged harm."

"It gives him the right to cross-examine any of the applicant's witnesses," Carey said. "It also allows him to be party to any communication or materials to the record between the applicant and the commission. He would have notice of meetings as well."

Carey said having an intervener adds another level of findings that the commission will have to approve. Ezyk could not be reached for comment.

Inland wetlands are estimated to cover about 450,000 acres, or 15% of Connecticut's surface, according to a CEPA study. Inland wetlands are defined by soil type.

"The soil types of wetlands are poorly drained, very poorly drained, alluvial and floodplain. It states that wetlands may not always appear wet. ... (A)ll floodplain soils are considered wetlands regardless of drainage class. Areas disturbed by human activities and no longer in their natural state, may also be classified as wetlands due to their soil characteristics."

The public hearing will continue on Feb. 19.

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02  
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June 2 @ 7:00 pm

THU  
04  
**Major League Baseball Umpire Mark Hirschbeck**  
June 4 @ 10:00 am

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**Tom Yemm** • 4 months ago

A lot of pertinent wetlands and environmental information in this story. And many of the same points, concerns and objections would resurface in some of the development plans one hears of, around town: Ferry Blvd, Colonial Square, Shakespeare Theatre, Patterson Ave., among others. It's good to know that such legal firepower will be brought to bear upon these efforts as well, should they move forward. True or false?

^ | ▾ • Reply • Share ▾

**George Mulligan** • 4 months ago

Esq. Kevin Kelly is an elected official to the State and represents the Town?

-

His former partner, Tim Bishop, seems to lose politically affiliated cases and win those where the petitioners, don't appear to have judicial or political connections.

-

Judith Terrace area? Where have I read or heard about that area before?

Wasn't there something about preferential treatment and long delayed action as what some felt was a planned excuse?

-

With a Mayor who is an appraiser and Attorneys practiced in foreclosure, eminent domain, real estate development, and political acts, I wonder about the future of ROOSEVELT FOREST, the GREAT SALT MARSH, the LITTORAL LANDS along the RIVER and LONG ISLAND SOUND, specifically Long Beach West / Pleasure Beach,

Stoney Brook Coops, Rail Road Development Center.

\* Every one wants economic development and expanded Tax Base. Some want all of the PUBLIC ASSETS to be STEERED to them and their protectors, I believe.

^ | ▾ • Reply • Share ▾

**Meral Prewitt** • 4 months ago

The Public hearing will continue on February 18 at 7 p.m. at Stratford Town Hall, Main Street. NOT February 19th!

^ | ▾ • Reply • Share ▾

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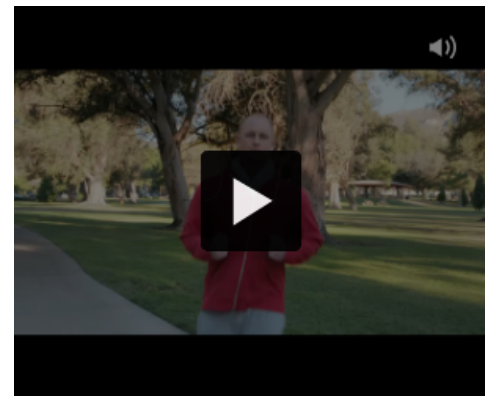
**Roger Simms** — This is excellent news. Thank you to all of the people who have worked to correct this ill-advised ...



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