Conservation Commission / Inland Wetlands and Watercourses Agency

Special Meeting
Ju1y 13, 2026 – 5:00 P.M.
Virtual Meeting held via Zoom

MINUTES

I. CALL TO ORDER – Chair Winters called the meeting 5:00 P.M.

Present: Chair, Margery Winters; Vice Chair, Jason Levy; Secretary, Joseph Campolieta; Commission Members: Jason Berman, Donald Eaton, and Charles Haldeman; Alternate Commission Member, Sue Brittell; Planning Director, George McGregor; and Assistant Town Planner, Brittany MacGilpin.

Absent: Commission Member: Michael Luzietti; and Alternate Commission Member, Alison Wilcox.

Seating of Alternate: Commissioner Brittell was appointed as a regular member for tonight's meeting.

II. IWW APPLICATIONS

Application CC #26-02 of SL Simsbury, LLC applicant and owner, for a wetland permit to construct +/-689 residential units with associated improvements that includes disturbance in the upland review area at 200 Hopmeadow Street (Hartford South) (Assessor's Map F17, Block 154, Lot 009-2) Simsbury, CT 06089, Zone HS-FBC. (Public hearing for this item was closed at the June 9, 2026 meeting.)

MOTION: Secretary Campolieta made a motion, seconded by Vice Chair Levy, that the Simsbury Conservation Commission/Inland Wetlands and Watercourses Agency DENIES **Application CC #26-02** of SL Simsbury, LLC applicant and owner, for a wetland permit to construct +/-689 residential units with associated improvements that includes disturbance in the upland review area at 200 Hopmeadow Street (Hartford South) (Assessor's Map F17, Block 154, Lot 009-2) Simsbury, CT 06089, Zone HS-FBC, based on the following findings:

1. The Simsbury Conservation Commission/ Inland Wetlands & Watercourses Agency (IWWA) has considered the *Criteria for Decision* found in Section 10.2 of the Town Inland Wetlands and Watercourses Regulations and finds that, based upon the testimony and evidence on the record and the Applicant's submission, the project does not meet the standards for approval and will reasonably likely adversely impact the wetlands and watercourse in the following manner:

    a) Per Section 10.2 f. of the Regulations, the IWWA determined that there was not sufficient evidence submitted by the applicant to show there will be no adverse impacts of the proposed regulated activity on the wetland soils, watercourses, including habitats for wetland-dependent species. The applicant's consultant, VHB, acknowledged there are five vernal pools (VPs) present on site as described in the Biological Assessment Report, dated March 9, 2026. While the measures to be taken to protect these areas during the construction phase of the project were addressed, there was no evidence demonstrating that the health and integrity of the VPs will be protected in the long term.

    The applicant acknowledged the best practices for conserving these areas by referencing the study, "Best Development Practices- Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States (Calhoun and Klemens, 2002)" but did not utilize the recommendations in the study. Specifically, the applicant did not limit construction within the 750-foot Critical Terrestrial Habitat (CTH). This is shown in Table 1 of the applicant's response #25 in the third-party reviewer's (CHA) Application Review document dated June 4, 2026.

    While it is recognized that this habitat area is beyond the 100-foot regulated Upland Review Area as defined in the local regulations, State Statute 22a-42a (f), allows for consideration of environmental impacts of proposed activities on wetlands and watercourses, which may, in some instances, come from outside the physical boundaries of a wetland or watercourse. The IWWA determines the proposed development, which includes impervious surfaces of parking and roadways in the CTH and only approximately 100 feet from vernal pools, will have a direct and long-term negative impact on the wetland soils as well as the amphibian population that is currently present on site, which has a symbiotic relationship with both the vernal pools and connecting wetland soils.

    b) The Commission has considered Section 10.2.b related to feasible and prudent alternatives and finds there are other potential feasible and prudent alternatives which might have less impact on the wetlands, watercourse and habitats for wetland-dependent species. The alternatives that were submitted by the applicant did not address modifications to specific elements of the preferred design that would further reduce or eliminate the remaining URA disturbance.

The project proposes 1,035 parking spaces associated with 689 units. The traffic generation will result in concentrated runoff from cars such as oil, gasoline, and other vehicular fluids as well as salt from road de-icing efforts. There are sections of roadways within the 100-foot regulated areas. Contaminants are reasonably likely to cause an adverse physical impact to wetlands and watercourses and to the species and habitats of those within the wetlands and watercourses.

Furthermore, the applicant submitted previous plans to the Zoning Commission proposing smaller developments at this site - 580 units revised down to 432 units. The proposed 689 units is an approximately 60% increase in size to what was previously proposed. This fluctuation demonstrates there is flexibility on the developer's part to adjust the design of the project. Reduction in impervious surface associated would reduce impacts to wetlands and watercourses and their associated habitats and species.

For these reasons the IWWA finds that feasible and prudent alternatives do exist which would further reduce the scope and footprint of the development proposal and remove site grading and roadway from the upland review area.

c) Section 10.2.g of the Regulations considers the suitability or unsuitability of the activity to the area for which it is proposed. The General Site Description offered by the applicant's consultant, VHB, in the Wetland Impact Assessment Report dated March 9, 2026, speaks to the number of wetlands, water courses and other environmentally significant areas within the site. This includes the presence of vernal pools that support breeding habitats of wood frogs and fairy shrimp that will reasonably likely be harmed by the proposed development.

For these reasons the IWWA finds that the proposed scale of the project in such proximity to functionally active and important wetland and watercourses is determined to be unsuitable.

The motion carried unanimously (7-0-0).

III. ADJOURNMENT

MOTION: Vice Chair Levy made a motion, seconded by Secretary Campolieta, to adjourn the meeting. The motion carried unanimously (7-0-0).

Chair Winters adjourned the meeting at 5:10 P.M.

Respectfully submitted,

Amanda Blaze
Commission Clerk