



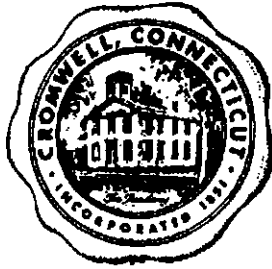
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TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY
41 WEST STREET, CROMWELL, CT 06416

***REGULAR MEETING
7:00 WEDNESDAY, NOVEMBER 2, 2022
TOWN COUNCIL CHAMBERS
CROMWELL TOWN HALL, 41 WEST STREET***

AGENDA

1. Call to Order
2. Roll Call
3. Seating of Alternates:
4. Approval of Agenda:
5. Approval of Minutes:
 - a. October 5, 2022
6. Development Compliance Officer Report:
 - a. Status of On-going Project and Existing Cease and Desist Orders
7. Town Planner Report:
8. Public Comments:
9. New Business: Accept and Schedule New Applications:
10. Public Hearing:
 - a. Application #22-08: Request to conduct activities within the Inland Wetlands and the Upland Review Area to allow for the construction of a building at 80 Shunpike Road. Opportunity Real Estate Equities LLC is the Applicant and Margaret E. Chernook, Trustee is the Owner.
11. Commissioner's Comments and Reports:
12. Adjourn



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Oct 19, 2022 02:19P
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**TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY
41 WEST STREET, CROMWELL, CT 06416**

**REGULAR MEETING
7:00 WEDNESDAY, OCTOBER 5, 2022
TOWN COUNCIL CHAMBERS
CROMWELL TOWN HALL, 41 WEST STREET**

Minutes and Record of Votes

Present: Chairman John Whitney, Vice Chairman Stacy Dabrowski, Joseph Corlis, Peter Omicioli, Robert Donohue, William Yeske, Wynn Muller

Also present: Director of Planning and Development Stuart Popper, Development Compliance Officer Bruce Driska

1. Call to Order

The meeting was called to order at 7:01pm by Chairman John Whitney.

2. Roll Call

The presence of the above members was noted. Mr. Yeske arrived at 7:02pm.

3. Seating of Alternates:

No alternates were seated.

4. Approval of Agenda:

A motion was made by Wynn Muller and seconded by Joseph Corlis to approve the agenda with the correction of changing the date on the agenda from September to October. All were in favor; the motion passed.

**5. Approval of Minutes:
a. July 6, 2022**

A motion was made by Wynn Muller and seconded by Joseph Corlis to approve the minutes of July 6, 2022. All were in favor; the motion passed.

b. August 3, 2022

A motion was made by Wynn Muller and seconded by Joseph Corlis to approve the minutes of August 3, 2022. All were in favor; the motion passed.

c. September 7, 2022

A motion was made by Peter Omicioli and seconded by Stacy Dabrowski to approve the amended minutes of September 7, 2022. All were in favor; the motion passed.

6. Development Compliance Officer Report:

a. Status of On-going Project and Existing Cease and Desist Orders

Mr. Driska said there was a brief summary in the package and he had nothing additional to add. He asked the Commissioners if they had any questions. No questions were asked by the Commissioners.

7. Town Planner Report:

Mr. Popper said we will hear one new application tonight and you have to decide if the activity is significant or not to determine if a public hearing is necessary. He said we will hear a brief presentation from the applicant.

8. Public Comments:

Chairman Whitney asked if anyone from the public had anything to say about any items not on the agenda tonight. No one came forward.

9. New Business: Accept and Schedule New Applications:

- a. Application #22-08: Request to conduct activities within the Inland Wetlands and the Upland Review Area to allow for the construction of a building at 80 Shunpike Road. Opportunity Real Estate Equities LLC is the Applicant and Margaret E. Chernook, Trustee is the Owner.

John Wagenblatt from LRC Group at 160 West Street, Cromwell said they are interested in developing a parcel of land that borders West Street/Route 9/Shunpike Road. He said it is a 31-parcel lot and we are looking to develop 4 acres with access from the adjoining property at 80 Shunpike Road which is also owned by the same owner. He said this will require subdivision approval from the Planning and Zoning Commission. He said the Wetlands have been flagged and located by a soil scientist. Mr. Wagenblatt showed the proposed site plan. He said they are proposing a 13,000 square foot building with the first phase being about 10,000 square feet and the seconded phase, which will occur sometime later, will be an additional 3,000 square feet. It's a two-story building so in total it will be 26,000 square feet. Mr. Wagenblatt said the proposed wetland disturbance is necessary to connect to the Cromwell sewer trunk line and is temporary. He said it will be replaced to its original condition after that and for mitigation we will plant the wetland species within the stormwater management basin and that will cover around 200 square feet. Mr. Wagenblatt said the upland review area disturbance is to meet the parking requirements and stormwater treatment. He said there will be 156 parking spaces. He said there is a 100-year flood line on the east side of the property.

Ms. Dabrowski asked if it was going to be a medical building and Mr. Wagenblatt said yes. She asked if the commission members would have the opportunity to review the plans. Mr. Popper said at this time the commission is being asked to determine if this is a significant or insignificant activity and be

considered as a public hearing item or as a business item. He said either way the commission will have the opportunity to review the application prior to the next meeting. The commission members briefly discussed the application and the proposed impact to the inland wetlands.

A motion was made by William Yeske and seconded by Joseph Corlis to find application #22-08 to be significant activity and to have a public hearing on November 2, 2022. John Whitney, Stacy Dabrowski, Joseph Corlis, Peter Omicioli, Robert Donahue, William Yeske approved; Wynn Muller opposed. The motion passed.

10. Old Business:

- a. Application #22-02: Request to conduct activities within the Inland Wetlands and Upland Review Area to allow for the construction of a road and warehouse at 94A and 102 Court Street, 76 and 80R Geer Street and 210 Shunpike Road. Scannell Properties #576, LLC is the Applicant and Dilys B. and Henry P. Jr. McIntyre, Gardner's Nurseries Inc. and Paramount Property LLC are the Owners.

Mr. Popper reads application #22-02. He said there will be no comments from anyone tonight including the public and the applicant since the public hearing is closed. He said the Commissioners will discuss and vote. He said that Mr. Donahue and Mr. Yeske missed the July 6, 2022 meeting. He asked both if they reviewed the minutes. Mr. Donahue said yes, he watched remotely and reviewed the minutes. Mr. Yeske said he reviewed the minutes. Ms. Dabrowski said she missed the August 6, 2022 meeting and did review the minutes.

A motion was made by Wynn Muller and seconded by Stacy Dabrowski to approve application #22-02.

A discussion took place with Mr. Muller reading the following statement:

This application should be treated as we do each and every application in accordance with the Inland Wetlands and Watercourses Regulations. The appropriate section is the Title and Authority, Section 1. Which reads in part as follows:

"The inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed." Half way down, it continues as: "It is therefore, the purpose of these regulations to protect the citizens of the state by making provisions for the protection, reservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish or other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to **balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.**" Emphasis added!

Further in these regulations in section 10 is a list of items for **Considerations for Decision** in considering applications before this agency.

In arriving at my decision to vote in opposition to this application 22-2, I believe as stated by REMA in their slide #10.2f that the size and the scope of the building pavement and infrastructure in proximity to residential areas, schools, and parks do not represent a balance between exonymic growth and the need to protect the environment and ecology for people and generations yet unborn.

The turnout of the numerous citizens in opposition to this application further confirms the validity of this decision. In fact, citizen DaNeGe of Coles Road asked numerous times of the applicant "What is the anticipated tax revenue to offset the wetland impact?" and I cannot find that this issue was ever addressed.

Further, citizen, intervenor, James DeProto stressed the damage to the wetlands from the exhaust. He said, "the exhaust is comprised of CO, CO₂, NO, and NO₂ (both of which when mixed with water create Nitric Acid) and SO₂ which when mixed with water becomes Sulfuric Acid. In the significant amounts which this level of truck traffic would create, the wetland areas would become contaminated with toxic chemicals." I find not adequate response from the applicant.

I will further address other sections of Section 10 below:

Section 10.1, b includes "Public Comments" and the comments by the public and the intervenors above should be considered as appropriate.

Section 10.2, b, while the applicant has successfully presented that there are no feasible alternatives to its application due to its scope, other alternative solutions do exist were others to arrive at a different use of the land which would have significantly less impact on the wetlands.

Section 10.2, c discusses the short-term vs long term impacts of the proposed activity. This has only long-term impact which is not reversible

Section 10.2, d The impact here is certainly irreversible in that a wetland and vernal pool have been destroyed on the "promise" that a new wetland and vernal pool will replace same. Notice that the "Create productive wetland", is the very last resort in preserving wetlands.

Section 10.2, e Discusses the character and degree of injury to or interference with the safety, health or the reasonable use of the property. The idea of a toxic wetlands near a school and park seems totally contrary to this section.

Section 10.5 This section includes the habitat for aquatic life in this area and the toxic wetland does not bode well for habitat, nor does the idea of a replacement wetland and vernal pool bode well to habitat.

Mr. Muller said for those reasons I oppose application #22-02. Ms. Dabrowski said she opposed application #22-02 and cited sections 10.2 f and g and 7.7. She also said with the middle school being built near this property I also feel it isn't appropriate.

Mr. Yeske said he is in favor of application #22.02 and cited section 10D, 11 and 11.1. He said it's not wrong for them to be there and the pool is manmade and not natural. He said a farmer made this for his cows. Mr. Yeske said with proper engineering they should be able to do this.

Mr. Popper said I want to recommend the following conditions be included in the motion to approve. He read application #22-02 and said the applicant has reduced direct wetland impacts, reduced the 100-foot wetland upland review area activities, reduced the 200-foot vernal pools upland review area activities and they have added/expanded wetland mitigation efforts. He said the conditions of approval should be that the applicant shall employ an independent erosion and sedimentation control professional to conduct daily erosion and sediment inspections, along with documentation. They should conduct pre and post storm inspections with documentation. The applicant should conduct weekly erosion and sedimentation special reports which are to be submitted to staff. The erosion and sedimentation control professional shall continue until the project is deemed complete or the issuance of certificate of occupancy and the condition of the approval includes the addition of the words IWWA Agent (the Inland Wetlands Agency Agent) to several notes found on page four. CE 11, 101, 102, 103, 200, 201, 202, 203, 300, 301, 302 and 303 which is in the form of a memo.

Mr. Muller amended his motion to approval application #22-02 to include the conditions listed by Mr. Popper. The motion was seconded by Stacy Dabrowski. Peter Omicioli, Robert Donohue, William Yeske approved; Wynn Muller, Stacy Dabrowski, John Whitney, Joseph Corlis opposed. The motion failed.

Mr. Popper said the Commissioner should make a motion to deny using Mr. Muller's statement.

Mr. Yeske said I believe this application should pass since the applicant has taken all the appropriate steps to protect the wetlands and proposed efforts to mitigate any impact to the wetlands.

A motion was made by Wynn Muller and seconded by Stacy Dabrowski to deny application #22-02 based on the statement provided by Mr. Muller. Wynn Muller, Stacy Dabrowski, John Whitney, Joseph Corlis approved. Peter Omicioli, Robert Donohue, William Yeske opposed. The motion passed.

Chairman Whitney said application #22-02 was denied with a vote of 4 Commissioners in favor of denial and 3 Commissioners opposed to denial.

11. Commissioners' Comments and Reports:

12. Adjourn

A motion was made by Robert Donohue and seconded by Peter Omicioli to adjourn at 7:31pm. All were in favor; the motion passed.

Respectfully submitted,



Linda Imme
Recording Clerk

Inland Wetland Report 2022					
Permit#	Name of Applicant	Site Location	Type of Activity	Decision Date	Status
22-01	Bantry Bay Ventures	5 Berlin Road	Disturbance to Wetlands	5/4/2022	Approved
22-02	Scannell Properties #576, LLC	210 Shunpike Road	Proposed Warehouse Building	10/5/2022	DENIED
22-03	Roswell Development	170 Evergreen Road	To create 6 frontage lots	9/7/2022	Approved
22-04	Cromwell Automotive, LLC	263 Main Street	Construct a 1-story 4,992 sq ft. steel frame bldg	8/3/2022	Approved
22-05	Daniel Vontell	45 Coles Road	Building a shed roughly 80' from brook	7/15/2022	Approved
22-06	M360 Berlin Land Holdings, LLC	100 Berlin Rd. & 15R Christian Hill Rd.	Redevelop a previous site	9/7/2022	Approved
22-07	Magdalene Mehic & Sead Mehic	12 Summer Brook Lane	Proposed Filling in upland review area		Pending
22-08	Opportunity Real Estate Equities LLC	80 Shunpike Road	Proposed Medical Office Building		Pending
22-09	Mary Kate & Benjamin Thompson	14 Robertson Road	Back Yard Patio and Inground Pool		Pending Aministrative Approval
					Date of Approval
					5/4/2022
					N/A
					9/7/2022
					8/3/2022
					7/15/2022
					9/7/2022

TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY
LEGAL NOTICE

The Cromwell Inland Wetlands and Watercourses Agency will hold a Regular Meeting and a Public Hearing on Wednesday, November 2, 2022 at 7:00 pm in Room 224 of the Cromwell Town Hall at 41 West Street on the following item:

1. Application #22-08: Request to conduct activities within the Inland Wetlands and the Upland Review Area to allow for the construction of a building at 80 Shunpike Road. Opportunity Real Estate Equities LLC is the Applicant and Margaret E. Chernook, Trustee is the Owner.

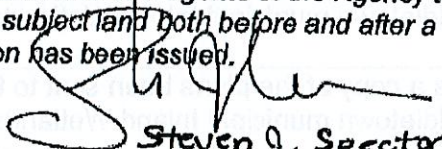
John Whitney
Chairman

Dated in Cromwell, Connecticut this 18th day of October 2022.

Application # 22-08

**TOWN OF CROMWELL
INLAND WETLANDS AND WATERCOURSES AGENCY**

APPLICATION TO CONDUCT REGULATED ACTIVITY

Street Address: 162 West Street & Shunpike Road	Map/Block/Lot: 31-4 Volume/Page: 1228/ 330
Applicant: Opportunity Real Estate Equities LLC	Owner: Margaret E. Chernock, Trustee
Address: 80 Shunpike Road, Cromwell, CT 06416	Address: 1115 West River Street, Milford, CT 06461
Phone: 917-922-6939	<i>I hereby consent to the Applicant acting as my agent for the purpose of this application. I hereby permit the members and agents of the Agency to inspect the subject land both before and after a final decision has been issued.</i> Signature:  Steven G. Spector Authorized Agent
Parcel ID # 00321500	

Reason for the Proposed Wetland or Upland Review Area Disturbance (not a description of the <u>project</u> , but an explanation of <u>why</u> this disturbance is necessary to complete the project):
See Addendum

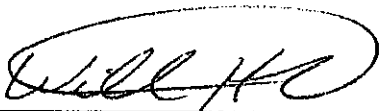
Area of Wetland Impacted by this Project (in square feet or acres): 903 S.F. or 0.021 Acres
Area of Upland Review Area Impacted by this Project (in square feet or acres): 36,990 S.F. or 0.849 Acres

Application # 22-08

Description of Alternative Methods Considered, and Justification for Method Chosen:
See Addendum

Certification of Notice to Neighboring Municipalities	
Is any portion of the wetland or watercourse impacted by this application within 500' of Rocky Hill, Berlin, or Middletown?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not Applicable
Has a copy of this application been sent to the Rocky Hill, Berlin, or Middletown municipal Inland Wetlands and Watercourses Agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
Has a copy of the plans been sent to the Rocky Hill, Berlin, or Middletown municipal Inland Wetlands and Watercourses Agency?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable

I, the undersigned, hereby certify that the information presented as part of this application is to the best of my knowledge, true and accurate and that should such information be proved to be inaccurate or misleading, any permit issued on the basis of this information may be revoked.


Applicant's Signature

September 28, 2022
Date of Submission

William H Coons III
Printed Name

The Cromwell Inland Wetlands and Watercourses Agency has detailed environmental information on many of the wetland areas in town. The applicant is strongly encouraged to request a copy of this information.



**Addendum to Town of Cromwell Inland Wetlands and Watercourses Agency
Application to Conduct Regulated Activity
PROPOSED MEDICAL OFFICE BUILDING
#162 West Street & Shunpike Road**

Project narrative

Existing Site- The proposed development is located in the western portion of parcel 31-4 (162 West Street) located off of Shunpike Road. Shunpike Road borders on the northwest, existing office complex and residential on the north and east; West Street on the south and Route 9 on the west. The four (4) acre development area is wooded and slopes from Shunpike Road (El. 97) easterly to the existing Town of Cromwell sewer trunk line (El. 45). There is an inland wetland pocket located in the southerly portion of the development area and a line of inland wetlands along the westerly edge of the existing sewer trunk line.

A 100 year flood limit (Zone AE) exists along the westerly side of the existing sewer truck line.

Proposed Site- A 13,000 S.F. medical office building is proposed in 2 phases. 10,000 S.F. and an additional 3,000 S.F. to be built at a later time. The development area is a 4 acre area of the 31 acre parcel owned by Margaret Chernock, Trustee (162 West Street) and located in a Business Park Zoning District. Access will be off of Shunpike Road using the current access driveway to #80 Shunpike Road. The owner of #80 Shunpike Road is the applicant for this project and will grant the required egress & ingress right of way and/ or grading easements across their property.

Applicant is proposing 156 parking spaces which meets the requirement of Zoning Section 5.2.D. The parking lot and site will require retaining walls to create a suitable building pad; vehicle access from #80 Shunpike and proposed pedestrian access.

The treatment of stormwater is proposed as follows:

- The roof leaders will be treated via a proposed underground chamber system and discharged to insolated wetland pocket located just to the south of the parking area. (*Wetland flags 1A – 20A.*)
- Parking stormwater will be 41,798 S.F. of impervious area via two (2) proposed systems, one system will be an above ground stormwater management area located on the east side of the proposed development and the second will be a proposed underground chamber system and discharged to insolated wetland pocket located to the south of the parking area.

LRC Engineering & Surveying, DPC
LRC Engineering & Surveying, LLC
LRC Environmental Services, Inc.

Connecticut SBE Certified

160 West Street, Suite E
Cromwell, CT 06416
Tel: (860) 635-2877
Fax: (860) 635-4226

Offices in Connecticut, New York and New Jersey

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The site will be serviced from utilities located in Shunpike Road (Power, communications, water and gas) except for the sanitary sewer. Sanitary sewer will tie-into the existing sanitary trunk line located along the eastern portion of the proposed development. In order to service the development approximately 903 S.F. of wetlands will be temporally disturbed.

Reason for the Proposed Wetland or Upland Review Area Disturbance:

The proposed wetland disturbance is necessary for the proposed site to connect to the Town of Cromwell sewer trunk line. The proposed disturbance is temporary for the installation of a sewer lateral. The area of disturbance will be replaced to its original condition after the completion of the tie-in. For mitigation we are planning the following:

- Planting wetland species within the easterly stormwater management basin. The plantings will encompass approximately 200 S.F.

The proposed upland review area disturbance is required to meet the parking requirements and stormwater treatment. The isolated wetland pocket is the result of a low lying topographic feature.

Description of Alternative Methods Considered, and Justification for Method Chosen:

An alternate layout (See Alternate Layout Plan) includes the permanent disturbance of approximately 1,500 S.F. of wetlands.

JAMES SIPPERLY
CERTIFIED SOIL SCIENTIST
CONNECTICUT WETLAND SCIENTIST
401 SALEM TURNPIKE
BOZRAH, CT 06334-1516
860-334-7073
james.sipperly.js@gmail.com

Stuart B. Popper
Director of Planning and Development
Town of Cromwell
Town Hall, 2nd Floor
41 West Street
Cromwell, CT 06416

October 08, 2022

RE: INLAND WETLAND SOILS AND WATERCOURSES INVESTIGATION,
AND DELINEATION, PROPOSED MEDICAL OFFICE BUILDING,
SHUNPIKE ROAD, CROMWELL CT

Dear Mr. Popper:

On Saturday, August 20, 2022 I conducted a field site visitation to the site referenced above to delineate any inland wetland soils and/or watercourses that may exist on the site.

I sampled the soil throughout the site using a soil auger to a depth of two to three feet. Based on my field observations and using the guidelines established by the National Cooperative Soil Survey and as defined by the Connecticut General Statutes I delineated the inland wetland soils and watercourse on the property. I delineated the inland wetlands and watercourses using blue flagging numbered 1-35 and 1A-20A respectively.

The inland wetland areas are shown correctly on a plan entitled:

“Grading, Drainage and Utility Plan, Proposed Medical Office Building, 162 West Street and Shunpike Road, Town of Cromwell, Middlesex County, Connecticut, scale 1”= 30’, dated 9/26/22, sheet GD-1, prepared by the LRC Group”.

The inland wetland soil flags numbered 1-35 are associated with a watercourse riparian area that is located off the eastern portion of the site and flows in a southerly direction under route 9. This area is also located parallel to an existing sanitary sewer trunk line. The soils in this location are classified as an Aquent. These soils are wet just below the subsurface and do not have a typical soil profile, as the soil has been previously disturbed as a result of the grading and installation of the sewer line.

The inland wetland soil flags numbered 1A-20A are in an isolated low-lying area on the landscape. This area is wooded and there is no flow into it and there is no flow out of it.

These soils are classified as a poorly drained Rumney silt loam. These soils are often found in depressions and drainageways in alluvial sediments.

All of the wetland areas are classified as a forested wetland general classification even though there was some clearing along the sanitary sewer right of way. Both wetland areas perform the same functions and include: groundwater recharge and discharge, sediment stabilization, nutrient removal and transformation, product export, and wildlife diversity.

Because of the relatively remote location of the sanitary sewer easement and the fact that it is relatively narrow and long this area serves as a corridor for wildlife. I saw evidence of deer tracks in a line running parallel with the clearing. I also saw wild turkey tracks in the same area.

The vegetative over-story includes maples, ash, black cherry, oak and poplar. Shrub species include winterberry, spice bush, silky dogwood and mountain laurel. The herbaceous layer includes sensitive fern, poison ivy, wild grape and skunk cabbage. The only invasive species that was observed is a small stand of phragmites at the lower end of the property adjacent to Route 9.

The project development of the site is predicted that there will be a need to tie into the existing sanitary sewer trunk line along the eastern portion of the proposed development. This will require a temporary disturbance of 903sqft of wetland soil that was previously disturbed when the sanitary sewer was originally installed. The disturbed area will be replaced to its original grade and condition. A wetland seed mix will be applied and mulched accordingly.

There will also be a proposed stormwater detention pond required to handle the stormwater runoff from the parking area. Additional mitigation is being proposed in this area. Planting native wetland shrub and herbaceous species within the basin covering approximately 200sqf is proposed. A detailed planting plan will be developed working with the Cromwell Wetland Agent, Bruce Driska prior to any decision made by the Cromwell Wetland Commission.

The proposed development in the upland review area will not be permanently disturbing any wetlands and/or watercourses on the site. For that reason, the inland wetlands will continue to perform their functions as they currently do.

With any proposed project a comprehensive erosion and sedimentation control plan well designed and properly installed and maintained is the key to a successful project. Regular inspections should occur, especially after storm events of more than 0.1 inches of rain.

After reviewing the erosion and sedimentation control plans and the storm water design features it is my professional opinion that the proposed construction activities will not

have a significant adverse effect on the adjacent inland wetlands and/or watercourse on or off the site.

If you have any questions or require additional information, please contact me at the telephone number referenced above.

Very truly yours,

James Sipperly

James Sipperly
Certified Soil Scientist, Society of Soil Scientists of Southern New England
Connecticut Wetland Scientist, Connecticut Association of Wetland Scientists

