

INLAND WETLANDS & WATERCOURSES COMMISSION
February 5, 2020 Special Meeting Minutes

These minutes are not official until approved at a subsequent meeting.

Commission Members Present: Bob Crochetiere, Mary Jane Perrier, Lacinda VanGieson, Richard Pease, Jay Farrelly, Darry Ruitter, Roy Zettlemoyer, and Jonathan Savino

Commission Members Absent: James Guthrie, and Patrick Roy (Alternate)

Town Staff Present: Jennifer Rodriguez (Zoning and Wetland Agent)

I. Call to Order

Chairman Crochetiere called the special meeting to order at 7:02 pm.

II. Roll Call

Roll call was taken.

III. Approval of Minutes from the January 22, 2020 and January 29, 2020 Special Meetings

Mr. Pease stated that he would like a correction to be made to the January 22, 2020 minutes. Under Section IV.A, Public Hearings, on page 7 (continuing on to page 8), in the last paragraph, third sentence, the word “applicant” should be deleted and replaced with “Wetland Agent and North Central Connecticut Conservation District,” to read: *“Many of the comments from the **Wetland Agent and North Central Connecticut Conservation District** seem to have a common thread that talks about alternative building designs, mixed use building, reduced building footprints, redesigning of the site layout, reducing the number of dormitories, and construction of stormwater wetland...”*

It was **MOVED** (Perrier) and **SECONDED** (Farrelly) and **PASSED** (Unanimous, 8-0) that the Inland Wetlands and Watercourses Commission approves the January 22, 2020 minutes *as corrected* and the January 29, 2020 minutes as published.

IV. Public Hearings

Vice Chairwoman Perrier read the rules for conducting a public hearing.

A. CONTINUED FROM 12/4/19: Public hearing on the application for 177 Old County Road for condos in the MFSD (property owner F&L Construction Limited)

Ms. Rodriguez commented that the applicant has asked for this hearing to be continued to the next meeting in order to revise the plans, so there will be no presentation on this item tonight.

B. Land Development Plans for the Thrall property on Old County Road/Route 20 for a proposed sports village (property owner OJ Thrall, Inc./Joseph B. Thrall II)

Attorney Paul Smith, 27 South Main Street, representing the applicant, JABS Sports Management, LLC, introduced John Mancini and Jessica Bates of BL Companies; and Matt Davison of Davison Environmental. Attorney Smith noted that they have received a revised report from the Town Engineer and a report from the North Central Connecticut Conservation District, which is a private organization. BL submitted a detailed response to all of their inquiries. Attorney Smith emphasized that BL and the applicant went back to see if there was a way to modify or alter the plan to lessen the impact on the wetlands, trying to get to the maximum feasible improvement alternative. With some good engineering work, he believes they were able to do that. In Mr. Steele's revised report, he indicated that there is one issue with regard to one of the outflows, and they did an engineering change today. Attorney Smith suggested making Mr. Steele's approval of the revised plan a condition of the approval after Ms. Bates makes her presentation.

Jessica Bates, Senior Civil Engineer and Registered Professional Engineer in Connecticut with BL Companies, described in greater detail the engineering change that was made. Since they last met in January she and commission members as well as staff walked the site and looked at the wetland impact areas and the topography and how everything is flowing. They have revised the plan, and the most significant revision is in the northeast corner of the site. They have slid the wall to the west away from wetland 3, so this is one of the major modifications that they have. This is in response to the comments from the hearing last month and the comments from staff and the Central Conservation District to make sure they have the most feasible and prudent alternative. One of the comments was whether they could do the dormitories over the retail buildings in order to condense the footprint and the development, but this is not really feasible. They can't have the children and the dormitories in such close proximity to the retail elements on site. It's a much safer and better campus environment if these are separated out. They looked at their retail spaces and condensed those down while still maintaining the open field that they had previously, but they were able to shift everything to the west just a little bit to get out of wetland 3 and any of the impacts that they had in that wetland. So they are now at a wetland impact of *slightly less* than what the Master Plan showed when it was approved. This is one of the major modifications that they have done to date.

Ms. Bates went on to say that they also took the comments from Mr. Steele's previous memo and revised the grading at the top of the wall (his comment 1). They've revised the construction sequencing to clarify the stabilization of the pads for the phased construction of the development so now it's very clear that the pads will be stabilized and they will have a ground cover waiting for the specific retailers to come in and build their buildings. They have incorporated a rain garden along the western portion of the site, to the west of the championship field right by the main entrance in order to incorporate as much low impact development as they could on

the site. They added the flag labels on the wetlands so they correspond to the flag labels that are out on site, and they have added a signature block for the wetland scientist to sign the engineering plans.

Ms. Bates explained that the current letter they received from Mr. Steele that afternoon had four suggested conditions of approval, one of which is an engineering condition which is something that would require modifications to the plans. They only had a couple of hours to put something together, so what they have is a rough sketch and is not incorporated into the plan set yet. They would have to further refine it. Other than that, his suggested conditions of approval were nothing that wouldn't happen naturally as the project progresses.

Attorney Smith noted that they provided a point by point response to all the questions from the Conservation District. Chairman Crochtiere asked if this response could be read aloud. Ms. Bates proceeded to read from a packet distributed to commission members which included a five-page letter dated January 30, 2020 from Matthew Bruton, Project Manager for BL Companies, to Mr. Steele, and a fourteen-page letter dated January 30, 2020 from Matthew Bruton to the Central Conservation District. The applicant's responses to the January 22, 2020 comments from Mr. Steele and the Central Conservation District are indicated in bold italic text.

Attorney Smith said there are a few things that jump out at him after hearing Ms. Bates read the responses. One is the idea, should they have some pervious parking areas? Part of their response to this is that they are doing a lot of underground infiltration anyway, so it's essentially the same thing, just underground. Ms. Bates explained that their pipes are solid because of the TSS requirement from the state, but once it gets to the underground system, that is completely pervious on the bottom and has infiltration capabilities. Another thing that Attorney Smith wanted to emphasize regarding the issue of agriculture use of the property is that they intend to use Best Practices. The real standard for tobacco sites is to keep the soil on site, do dust control during construction, and then it stays on site and is grassed over or paved over or buildings are put over it, and that's the end of it. The gold standard is to keep the material on site, keep the dust down during construction, and then it becomes encapsulated in some way. An active agricultural site, which is what this site is, probably puts more pesticides into the environment than they ever would once it becomes passive and it dissipates off.

Matt Davison stated that he addressed the action items that Ms. Rodriguez gave him at the last meeting (specifically, the plant list and critical habitat and whether the development would impact that) in a letter to her dated February 5, 2020. In this letter he goes into more detail, listing the various plant species found in each of the three wetland areas. The critical habitat is dry acidic forest, essentially characterized by acid loving plants. It's not a wetland habitat type, and where it is on the eastern side of the site, above the site there is no tree canopy there, so he does not believe the project will affect that critical habitat type. All along the northern edge of the site, for about 100 feet, there are invasives that are within the woods because there is enough

light to support those types of plants, but as you walk further into the forest there's a dramatic shift. The understory here is virtually non-existent because it's mature forest. The biggest concern for that critical habitat area is if you would introduce invasives in there. Since you're not changing the tree line there and since there is essentially a closed canopy there now what would happen on the site would not adversely affect that critical habitat. Mr. Davison added that because they shifted the wall away from the wetland they increased the size of the wetland enhancement area. They added 60 more shrubs there, so they went from 480 shrubs to 540, in addition to the 60 trees that are already there. Ms. Rodriguez asked if there is a new total for wetland impact. Mr. Davison responded that the size of the enhancement area went from 13,500 SF to 16,600 SF, for an increase of 3,000 SF. Ms. Bates stated that the total of wetland impact is now 17,558 SF.

Jennifer Rodriguez, Town Planner, discussed her revised report dated February 5, 2020. Ms. Rodriguez pointed out slightly modified suggested conditions of approval 14a through j if the commission is considering a motion to approve tonight. She suggested moving along to Mr. Steele's report and then prior to making any decisions taking a break so that she and the commission could review the conditions together. She would then consolidate these for the commission.

In the absence of the Town Engineer, Ms. Rodriguez discussed Mr. Steele's revised report dated February 5, 2020.

Attorney Smith asked Ms. Bates to comment on item one of Mr. Steele's report, the 0-100 outlet location/SK-100. Ms. Bates explained that a rudimentary sketch was distributed at tonight's meeting which shows the original location at the top of the hill and the new location. It's been moved over to be in line with the wetland finger. They will chamfer the wall to come in and remove four parking spaces. All of this will move the subsurface detention system to the south a little bit to give them room to do that. This sketch is roughly what they thought Mr. Steele would want, and they can work with him as a condition of approval to further refine this and to get it completely on the plans.

Mr. Mancini added that he thought there were three principal things Mr. Steele was trying to eliminate: (1) potential erosion from the water coming out of this pipe at a higher elevation and then plunging down and running down the slope to get to the low point; (2) was there a better way to drop the water lower so it wasn't coming as high down into the plunge pool; and (3) he thought it was best to have an alignment of that water into the wetlands channel versus potentially creating another erosion ditch or channel. He believes that this sketch does address all of those issues. By putting the bump out at the wall they've created the physical space for all of this to happen; that's how they were able to create the room for it to get further away from the property line. Mr. Davison stated that he likes this new design much better. By notching around the wall your only direct impact to that wetland finger is the actual

riprap or soil stability, and you would certainly preserve the wetland principal function, which is groundwater discharge, and eliminate the need for a substantial amount of fill there behind the wall at the tip of that wetland.

Attorney Smith commented that their suggestion would be that as a condition of approval they have to prepare a design (and it would be this or something similar) that would be satisfactory to the Town Engineer demonstrating that the outlet would not cause erosion downstream on the Waterworks property which would adversely impact the Waterworks Brook.

Chairman Crochetiere asked if any commission members had questions. Mr. Ruitter asked how this subsurface stormwater management system works. Ms. Bates described in greater detail this system, talking about treatment trains, deep sumps, hydrodynamic separators, and the five subsurface detention systems. She also talked about the water flows during storms and the controlled releases.

Mr. Pease had a question about the new number of 17,558 SF of wetland impact. He wondered where this reduction was, where they came up with that new number, and how they went from the 19,000 to the 17,000. Somehow they gained 2,272 SF of wetland, and he asked where that is coming from. Mr. Mancini responded. For the eastern most east/north wetland 3, there was a 45 foot shift to this area. They shifted completely out of that wetlands with their grading and wall activity, and that is back to roughly the limits of the Master Plan approval of before. The value is changed because of getting out of this wetland. Mr. Pease stated, "So Wetland Impact area 3 is gone, goes away." Mr. Mancini replied that what they are still doing there is all of their enhancements and improvements. They took advantage of that 2,500 SF area and increased their mitigation there, so they are enhancing the part that they were going to be filling before. Mr. Pease commented that it looks like the major impact is actually Wetland Impact area 2, which is the filling of the farm pond and the area of the dorms. He went on to say that Ms. Rodriguez said something in her report about the shifting of the dorms to try to lessen the impact in that area. Attorney Smith added that that is where the 45 foot movement is that Mr. Mancini was talking about. Mr. Pease commented, "So Impact area 2 is the largest impacted area, and that is where the dorms are being constructed." Mr. Mancini confirmed this. Mr. Pease asked, "Did I hear that it's possible that the dorms will not be built as part of this project, or is that related to the phasing of the construction?" Mr. Mancini responded, "It's a combination." There's a component of the dorms having the available sewage flow at the treatment plant, so gaining that capacity will be done as a phased event. Mr. Pease asked, "So even though you may not build a building, you still need that capacity? You're preparing a pad site, but is it possible that a dorm will never be built in that location?" Mr. Mancini replied, "It's a possibility, but that area will be utilized for the operations of the facility." Mr. Mancini asked Mr. Davison if he can see any function of that farm pond to actually operate with their facility. Mr. Davison replied, "No, it's essentially a stormwater feature and it's being replicated from underground infiltration, so the principal functions and values of the farm pond now are water quality treatment, and the underground infiltration will replicate those

functions. The only other direct impact is armoring inside that northern wetland finger which is already severely eroded because there's a massive gully leading down into it." Mr. Mancini pointed out that it was very important during the Master Plan approval that they get full circulation around this site with emergency vehicles and fire access, so even if that most northeast dorm is delayed in its construction, the wall and the fire lane have to go in. He added that he believes Mr. Davison is saying that the only function of the farm pond is to help with stormwater runoff from this farm. They do not want this as a function for their facility because they can do it better by doing pre-treatment to their runoff and then infiltrating it in a better manner than the farm pond is actually doing. Mr. Davison added that the way this is functioning now, it's in bad shape, so a new properly maintained system would work better than this.

Ms. Perrier commented that there is a lot to absorb in the Central Conservation District memo and she sees that they have acknowledged all of the questions and provided some good answers. Attorney Smith pointed out that this report is an advisory report.

There was a brief discussion about continuing the public hearing to the next meeting. Mr. Pease commented that there are a lot of conditions of approval, and Chairman Crochetiere stated that he would like the Town Engineer to have more time to review this.

At this time Chairman Crochetiere asked for comments from the public about this application. Chris Kervick, 100 Paul Drive, strongly urged the commission, if they felt this was ultimately going to be approved, to consider following the path that Mr. Steele laid out in his letter to approve subject to the various conditions. Each delay costs developers significantly more money and we have to try to strike that balance with the ability to attach conditions.

Attorney Smith asked the commission chairman if he is looking for additional time to review all of the documents, would the commission consider holding a special meeting in February versus waiting until March 4. Mr. Pease asked if there was a way to take all the different conditions from each of the letters and combine them into one document. Ms. Rodriguez responded that she offered to do that earlier and they can take a five-minute break to do that, or if the commission is continuing the hearing it can also be done. After some discussion, it was decided that two weeks, on February 19, a special meeting would be held. Chairman Crochetiere stated there is a lot to digest, and he would like to have two weeks to go through all the information. Ms. VanGieson asked what they would be doing over the next two weeks. (No response was given.)

It was **MOVED** (Perrier) and **SECONDED** (Ruiter) and **PASSED** (7-1; OPPOSED, VanGieson) that the Inland Wetlands and Watercourses Commission continues the public hearing on the Land Development Plans for the Thrall property on Old County Road/Route 20 for a proposed sports village to a special meeting on February 19, 2020 at 7:00 pm.

V. **Reviews** (none)

VI. **Action on Closed Public Hearing Items** (none)

VII. **Old Business**

A. **Discussion with Commission and Staff** (none)

B. **Action Items** (none)

VIII. **New Business**

A. **Public Input** (none)

B. **Receive New Applications** (none)

C. **Informal Discussions**

i. **Application packet revision**

Ms. Rodriguez commented that Mr. Pease had the most extensive notes from the application revision. They went over it in November or December, but Mr. Pease had mentioned that he wanted to come back with his notes. Mr. Pease would like more time to look at it. Mr. Zettlemoyer asked Ms. Rodriguez for a copy of this.

ii. **Certified mailing vs. certificate of mailing**

Ms. Rodriguez stated that they talked about this at a previous meeting and there was consensus that commission members would like to make that small text amendment change, but it might be better to wait until the applications for large projects that are presently before the commission are decided upon before the commission enters into another public hearing. Chairman Crochetiere agreed the commission should table this until further notice.

D. **Action Items** (none)

IX. **Communications and Bills** (none)

OTHER

Chairman Crochetiere said he submitted the budget last night.

Ms. VanGieson had some questions about the Conservation Commission. They presented their budget, and they pay dues to Connecticut Inland Wetland, and one of the things they mentioned is that it's for the town, so she wondered if the Wetlands commission can use them to do soil testing. They pay \$1,200 in dues every year. Ms. Rodriguez said they provide a lot of the

trainings, but she is not aware of any services (like soil testing) that they provide; however, we want to make sure we are utilizing their benefits. Ms. VanGieson asked who pays the dues for the North Central Conservation District. Ms. Rodriguez replied the town does. Ms. VanGieson asked which department. Ms. Rodriguez said she wasn't sure but she can look into this and also the benefits to make sure we are utilizing them to the fullest extent.

Ms. VanGieson stated that this commission has another public hearing in March and asked what they need to do to make sure they are ready for that. Chairman Crochetiere said they were waiting for information from the applicant. He added that the problem is they can provide the commission with this information the day of the meeting, and the commission has no choice but to review it that day. Mr. Pease pointed out that the applicant still owes the commission a response from the commission's original comments. Ms. Rodriguez noted that as soon as they submit revisions, then staff gets it reviewed, but if they submit it on a Thursday or a Friday, there's a good chance that it will not be reviewed until the following week. She clarified that if at the time when by statute you are running out of time and the commission does not have what it needs or doesn't have time to review material, the commission does not have to approve something. The regulations even recommend that any new submittals be submitted two weeks prior to a meeting, although there is no violation if they are not. However, the commission can say that it wants these two weeks prior to the meeting because the commission needs time to review them. The commission can always take a break in the middle of a meeting if the commission feels comfortable and has a general consensus to approve something. Mr. Pease said the commission could have ended the public hearing tonight and then voted on the 19th. Ms. Rodriguez replied yes, the commission can hold a public hearing and not decide. She added that we don't have a lot of applications like this, so that's why in her report she will give the commission that procedure, and every time there is a meeting she will update that procedure so the commission has that timeline to know where you stand with the statutory limits. Ms. VanGieson commented that she thinks it would be good next time when Ms. Rodriguez offers to put information together or take a break that the commission takes advantage of her expertise. She is not suggesting she would vote for anything without Mr. Steele's approval, but he couldn't be here tonight, so maybe it's something to consider that we meet somewhere in the middle. She is fearful that the commission is going to do the same thing in March with Lucas Pond. Ms. Rodriguez reiterated that taking a break is good when you have a ton of information thrown at you, and the commission is allowed to talk to her. Ms. VanGieson remarked that along with contingencies, does Ms. Rodriguez have concerns, and are there other things the commission should look at. It's a good opportunity to bounce things off of someone who does this and who is an expert. Chairman Crochetiere commented that Ms. Rodriguez is going to email them the combined conditions of approval so commission members can study the material, and then come back to the next meeting feeling comfortable and not rushed. Ms. Perrier thinks having a consolidated list will be good. She asked if Mr. Steele looks at all the other feedback before he submits his ideas and suggestions. Ms. Rodriguez responded that generally staff will talk and communicate between each other, but an engineer is not going to comment from a wetland impact perspective, and she is not going to comment from an engineering perspective, but that doesn't mean that they won't point things out to each other. When you get something on a Monday and you have until Friday it's easier to get together, so generally they will sit down and meet, but in a pinch they will get on the phone together.

X. **Adjournment**

It was **MOVED** (Perrier) and **SECONDED** (Pease) and **PASSED** (Unanimous, 8-0) that the Inland Wetlands and Watercourses Commission adjourns the February 5, 2020 special meeting at 9:17 pm.

Respectfully submitted,

*Debbie Seymour
Recording Secretary*