

1 **CONSERVATION COMMISSION/INLAND WETLANDS AND**
2 **WATERCOURSES AGENCY**

3
4 **REGULAR MEETING March 7, 2023, 7:30 P.M. HELD FSPL Room Simsbury Public**
5 **Library**

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7 **I. CALL TO ORDER & ROLL CALL**

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9 Chairman Winters called the meeting to order at 7:30 P.M.

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11 **Present:** Director of Community Planning and Development, George McGregor, Andrew Bade,
12 Jason Berman, Joseph Campolieta, Donald Eaton, Jason Levy, Margery Winters, Kyle
13 Testerman (Alternate), and Cailyn Welsh (Alternate)

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15 **Absent:** Charles Haldeman

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17 Cailyn Welsh is seated as a full member in Charles Haldeman's absence.

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19 **II. NEW APPLICATIONS FOR RECEIPT AND DETERMINATION OF**
20 **SIGNIFICANCE**

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22 **Application CC #23-05** of Shaun Bierkowski, Owner, for a wetland permit to allow site grading
23 and depositing +/- 30 tons of stone in the upland review area, associated with a +/- 240 sq. ft.
24 shed installation, at 8 Heritage Lane. (Assessor's Map G09, Block 203, Lot 014) Simsbury, CT
25 06070. Zone R-40OS.

- 26 • Ms. Winters inquires if any trees need to be removed. Mr. Bierkowski responds that 1-2
27 trees may need to be removed.
- 28 • Mr. Campolieta inquires what will be stored in the shed. Mr. Bierkowski responds that
29 he plans to store a lawn mower, snow blower and kids' toys.
- 30 • Mr. Levy inquires if a contractor will complete the work and what the plan is for
31 potential run-off during construction given the steep grain. Mr. Bierkowski notes he
32 plans to use a contractor but may complete the work himself. A silt fence will be
33 installed to address run-off concerns.

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35 **Motion:** Mr. Campolieta moves that the Inland Wetlands Agency finds Application CC #23-05
36 of Shaun Bierkowski, Owner, for a wetland permit to allow site grading and depositing +/- 30
37 tons of stone in the upland review area, associated with a +/- 240 sq. ft. shed installation, at 8
38 Heritage Lane is a non-significant activity and schedules for action at the Regular Meeting of the
39 Committee on March 21, 2023. Mr. Levy seconds.

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41 All in favor, no opposed, no abstentions. (7-0-0)

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43 **Application CC #23-09** of BDC Home Improvement Services, LLC, Owner, for a wetland
44 permit to allow grading, paving, and construction of a +/- 2,742 sq. ft. of the site in the upland
45 review area, associated with construction of a +/- 2,607 sq. ft. house, at 54 Great Pond Road.
46 (Assessor's Map F08, Block 110, Lot 127) Simsbury, CT 06070. Zone R-40OS.

- Ms. Winters asks if any trees will be removed. Mr. McGregor notes that one tree may need to be removed. The Applicant is not present.

Motion: Dr. Bade moves that the Inland Wetlands Agency finds Application CC #23-09 of BDC Home Improvement Services, LLC, Owner, for a wetland permit to allow grading, paving, and construction of a +/- 2,742 sq. ft. of the site in the upland review area, associated with construction of a +/- 2,607 sq. ft. house, at 54 Great Pond Road Simsbury CT is a non-significant activity and schedules for action at the Regular Meeting of the Committee on March 21, 2023. Mr. Berman seconds.

All in favor, no opposed, no abstentions. (7-0-0)

III. PUBLIC HEARING AND/OR ACTION ON APPLICATIONS

Application CC #22-29 of Vessel RE Holdings, LLC, Applicant, EAY Properties, LLC, Owner, for a wetland permit to allow grading and construction of site improvements, including parking lot, landscaping, retaining wall, and guard rail in the upland review area, associated with an 80-unit multi-family development, at 446 Hopmeadow Street. (Assessor's Map G13, Block 142, Lot 003C) Simsbury, CT 06070. Zone R-15.

- Mr. McGregor comments that legal notice was published in the Hartford Courant on February 21, 2023 and February 28, 2023.
- Peter Alter, Attorney from Alter and Pearson, presents an overview of the project, which is ~1.97 acres with a single-family dwelling and outbuildings currently on the property, which will be removed. Site includes 12,196 sq. ft. of upland review area. Activities within the upland review area are limited to the creation of parking spaces, retaining walls, and storm drainage facilities. He states that the proposed development activities will not have any short-term or long-term impact to the wetlands and associated watercourses.
- Seamus Moran, Civil Engineer from H+H Engineering Associates, provides an overview of site plan and storm water and soil erosion control elements. Storm water management system A will be utilized for the parking lot. Storm water management system B will be utilized for the building. Maintenance plan calls for inspection of storm water management systems and catch basins twice for the first year and once every year thereafter.
- James Sipperly, Certified Soil Scientist and CT Wetland Scientist, provides an overview of his Wetland Report, prepared after completing a site visit on October 23, 2022. The inland/wetland soils are of high value and includes flood storage and discharge, fin fish habitat, sediment retention, and a wildlife habitat corridor. Proposed construction activities in the upland review area include clearing vegetation, grading, storm water improvements, and installation of a parking lot, guard rail, retaining wall and lighting and landscaping. Comprehensive erosion and sedimentation plan has been developed and regular inspections should be done before and after a significant storm event, which he recommends the Commission stipulate as part of conditions of approval. Applicant should implement best management practices for de-icing the parking lot, including pre-treating the lot prior to a storm. He believes based on the design proposed there will be no adverse effect to the wetlands and watercourses.

- 93 • Eric Davison, Wildlife Biologist of Davison Environmental, provides an overview of site
94 visits completed to ensure compliance with National Diversity Database program and to
95 evaluate wildlife and plant species at the site. No direct impacts to wetland species were
96 noted; however, there may be secondary impacts. Recommendations as outlined in the
97 Species and Habitat Evaluation include ensuring directional lighting that does not leave
98 the site, as light can impact amphibian night breeding. There should be proper storm
99 water management plans, and the landscaping plan should include native vegetation to
100 prevent the likelihood of establishment of invasive species.
- 101 • Tom Graceffa, Landscape Architect, provides an overview of the landscaping plan,
102 noting native mixes will be utilized.
- 103 • Mr. Moran discusses snow storage plan, pointing to two snow storage areas on the site
104 map that will be outside upland review area. Additionally, there will be one smaller area
105 for snow storage toward the northeast corner of the site.
- 106 • Mr. Moran presents the lighting plan, which includes Dark Sky Initiatives compliant light
107 fixtures, which shine light downward.
- 108 • Mr. Eaton inquires about water overflow after a large storm event. Mr. Moran responds
109 that the catch basin is designed for the 100-year storm event, noting the water surface
110 elevation is a foot below the top of the basin. There will be no water overflow for a 100-
111 year storm event.
- 112 • Ms. Winters inquires about the discharge locations, noting that the discharge will be more
113 concentrated than it is pre-construction. Mr. Moran notes that there will be a level
114 spreader to spread out the discharge.
- 115 • Mr. Testerman inquires about snow that is piled over the catch basin in the northeast
116 corner of the site. Mr. Moran notes the snow would discharge into the catch basin.
- 117 • Mr. Testerman inquires about the maintenance plan for the catch basins. Mr. Moran
118 responds that the catch basins will be inspected by tenant/onsite property manager twice
119 in the first year and annually thereafter. If there is sediment build-up, it will need to be
120 removed by the on-site tenant/property manager.
- 121 • Mr. Campolieta inquires about the lighting plan, specifically for the building. Mr. Josh
122 Levy, Vessel RE Holdings representative, notes that there is no external lighting on the
123 building.
- 124 • Ms. Winters recommends utilizing a warm kelvin light as opposed to a blue kelvin for
125 exterior lighting, which will be less likely to attract insects and wildlife.
- 126 • Dr. Bade inquires about the impact of the light pollution from the cars in the parking lot.
127 Mr. Josh Levy responds that the retaining walls and landscaping beyond the retaining
128 wall will minimize light pollution.
- 129 • Ms. Winters inquires whether there is a denser plant that can be utilized in the
130 landscaping plan to help block light, as grasses only provide seasonal blockage and can
131 become matted down.
- 132 • Ms. Winters inquires about whether the European beech tree is more resistant to the
133 beech tree disease impacting the trees in Connecticut. Mr. Graceffa responds that the
134 European beech tree is equally susceptible to this disease.
- 135 • Mr. Campolieta inquires about placement of the dumpsters toward the upland review
136 area. Mr. Moran notes that the dumpsters are pitched towards the parking lot and not to
137 the wetland.

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- Mr. Testerman recommends that the dumpsters be bear-proofed and emptied expeditiously to prevent garbage from entering the wetlands.
 - Mr. Levy inquires how many inches of snow can be stored on the property. Mr. Moran responds that there are expansive areas to store the snow. Mr. Josh Levy also notes that a snow removal company will be employed to remove any excess snow and take it offsite.
 - Ms. Winters inquires how compatible river birch trees are to having snow piled against them. Mr. Graceffa notes that it is not a brittle tree and does not think that would be an issue.
 - Ms. Winters inquires about the oak tree that is to be retained and whether it will be impacted by the development of the parking lot. Mr. Graceffa notes that the roots will be fenced off to ensure that the soil will not be impacted in the root zone. The tree will be fed and fertilized to maximize the likelihood of tree survival.
 - Ms. Winters inquires what type of matting to be used on steep slope. Mr. Moran responds that a biodegradable mat will be utilized.
 - Dr. Bade inquires about how the water treatment and retention system will impact temperature and periodicity of outflow, which the existing wildlife species are dependent on. Mr. Moran responds that there is an infiltration system to reduce the thermal properties of the water. Mr. Moran notes an evaluation of the water temperature was not performed.
 - Ms. Winters inquires if there will be a report filed on the inspection of the storm management system. Mr. Moran responds that a log book is required to be maintained by the property manager, but there is no plan to submit this log to the town.
 - Mr. Testerman recommends utilizing a sloped curb along the northern edge of the site to assist wildlife that migrate to/from the wetlands through the existing property.
 - Ms. Winters recommends that the Applicant consider any options to assist in shielding/reducing the light emitted from the interior of the building.
 - Mr. Testerman inquires if species that live in the soil along the northern edge of the site will be impacted by dryer soil, resulting from the more concentrated run-off from the storm management system. Mr. Davison noted there could be a change in the moisture of the soil as a result of the storm management system, but he did not think it would be significant.
 - Dr. Bade requests clarification around the water discharge process. Mr. Moran explains that water for the lower storm events enters the system and it infiltrates. There is a low opening that allows the water in the basin to get to a certain elevation. The water elevation is designed to a 1-year storm event. The discharge will flow through the opening to the outlet.
 - Mr. Testerman inquires about the native soil being susceptible to frost heaves and drainage issues, as outlined in the Geotech report, and how the drainage system will be impacted by cracking in the asphalt. Mr. Moran notes that there is a bed of stone above the storm water management system to alleviate any potential frost heave. Additionally, because of the site pitch and the site topography, the parking lot is less likely to crack.
 - Dr. Bade inquires what is the change in the area as it relates to recreational or aesthetic enjoyment as a result of this project. Mr. Alter responds that currently this site is private property with no recreational benefits for anyone other than the property occupants, which will not change. The benefit of this particular property is its association with the Heritage Trail and the opportunity for the residents to utilize that trail.

184 • Mr. Testerman inquires if a scaled down version of this plan was considered as an
185 alternative. Mr. Alter responds that for this development to be financially viable and
186 provide the community with affordable housing it needs this scale.
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188 Ms. Winters opens the meeting for public comment.
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- 190 • Kevin Beal, of 12 Hampden Circle, is concerned with this project being approved under
191 statute 8-30(g). He notes that there is archaeological interest around the surrounding
192 area, specifically the confluence of Second Brook and the Farmington River, referencing
193 a letter from Dr. Sarah Sportman, State Archaeologist. He recommends an
194 archaeological survey of the area be completed by the town, as would typically be
195 completed as part of the site plan process, but is not mandatory under the statute.
- 196 • Ian Tenney, of 3 Fleetwood Drive, voices concern of oil contamination given the size of
197 the parking lot as the isolation chambers only provide 50% oil removal. He disagrees
198 that there is no impact to the wetland and proposes this project be constructed at a
199 different site further from the wetlands.
- 200 • Ellen Gilbert, of 126 Hopmeadow Street, has concerns about pre-treating the parking lot,
201 which will result in a build-up of calcium chloride that will drain into the storm
202 management system. She would like to understand how well the drainage system will
203 hold the calcium chloride to ensure it does not run-off.
- 204 • Jonah Lipar, of 6 Joshua Drive, opposes the initiative as it will have a negative impact on
205 the ecological and scenic value of the area as the run-off will impact water quality and the
206 project will create light and sound pollution. It will negatively impact the recreational
207 enjoyment of cyclists and pedestrians. He is skeptical of how much ecological benefit
208 the remaining trees will provide, as they are located in the middle of the parking lot that
209 will significantly reduce the wildlife habitat.
- 210 • Deborah Robb, of 15 Nutmeg Court, states that residents of the surrounding properties
211 were not notified or asked permission to perform a full impact study of the surrounding
212 wetlands. She recommends a full impact study be completed.
- 213 • Kelly Rothfuss, of 14 Nutmeg Court, notes no one requested permission to examine
214 wetlands on her property. Since residing in her home, she has experienced three, 100-
215 year storm events, which have resulted in her basement flooding. She is concerned that
216 the run-off caused by this development will put further stress on the surrounding area,
217 which will destroy her home and the wetlands. She also believes light from the
218 development will disturb the wetlands on the north side of Second Brook.
- 219 • Andrew Sylvain, of 6 Riverview Circle, shares photographs of the area, which will be
220 sent to Town Staff. He opposes this project and believes it will negatively impact the
221 wetlands due to the increase in car exhaust and traffic in the area creating both light and
222 sound pollution. He also is concerned that the water will discharge into the wetlands. He
223 notes that the stream is already susceptible to flooding and the additional parking spots
224 and water discharge from the development will result in more significant flooding.
- 225 • Beatrice Fritz, of 1 Nutmeg Court, would like to understand where the pipe on the north
226 of the site will come out and about the cone radius of the lighting that is included in the
227 plan on the north border. She questions how the lighting may impact the native frog
228 species and its habits. She would like to understand who is responsible for completing
229 the drainage inspections before and after rain events and what will be done with that

- 230 information. She questions how the calcium chloride will impact the water quality and
231 asks if the town reviewed the run-off plans, given the large impervious parking area?
- 232 • Kathryn Godiksen, of 7 Nutmeg Court, inquires if any of the Commissioners have been
233 to the Second Brook and recommends that the Commissioners visit the site. She notes
234 that Vessel RE Holdings LLC. has only completed one other building in Trenton, NJ and
235 does not have experience building in a community like Simsbury. She is concerned the
236 brook will be permanently damaged by this project, which will create destabilization of
237 the bank, water discharge which will cause flooding and noise and light pollution.
 - 238 • Michael Pompa, of 12 Mathers Crossing, notes that his backyard will now have a view of
239 the proposed construction and will be disturbed by the light and noise from the proposed
240 project. He noted that this will disturb the wildlife in the area as well. His house went on
241 the market in January and received 15 offers. When the proposed construction was
242 disclosed, 14 of the offers were rescinded. The one offer in process is pending the result
243 of this proposal.
 - 244 • Elizabeth Peterson, of 32 Fox Den, is concerned that there are not enough dumpsters
245 given the scale of the project, noting if the dumpsters are not emptied frequently enough,
246 any excess garbage would create pollution in the wetlands. She also wants to understand
247 what the plan is for composting. Ms. Peterson notes this area is a sensitive area because
248 of the confluence of Second Brook and the Farmington River, given its historical and
249 archaeological value. She recommends an archaeological survey be completed.
 - 250 • Al Whisberry, of 3 Eleanor Drive, opposes this initiative and the fact that this area will be
251 switched from a single-family zone to a commercial zone.
 - 252 • Ann McDonald, of 3 Tamarack Lane, opposes this initiative and questions who will
253 oversee the inspections of the storm management system. She is concerned with the
254 buildup of the calcium chloride and worries that it, along with the debris from the
255 garbage, will filter into the wetlands.
 - 256 • Mr. Alter asked that if the Commissioners have any additional information or questions
257 to send those along in advance of the next scheduled meeting of the Commission.
 - 258 • Mr. McGregor noted that Town Staff received a number of letters from the community,
259 which have been provided to the Commissioners, the Applicant, and posted to the
260 website.

261
262 **Motion:** Mr. Levy motions to close the public hearing and schedules Application CC #22-29 of
263 Vessel RE Holdings, LLC for the next Regular Wetland Agency Meeting on March 21, 2023 at
264 7:30 p.m. at the Simsbury High School auditorium. Mr. Campolieta seconds.

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266 All in favor, no opposed, no abstentions. (7-0-0)

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268 • Town Staff will coordinate and assess performing a site visit by the Commissioners.

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270 **Motion:** Mr. Levy motions to table agent actions to the next Regular Meeting of the
271 Commission on March 21, 2023. Mr. Campolieta seconds.

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273 All in favor, no opposed, no abstentions. (7-0-0)

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275 **Motion:** Mr. Levy motions to adjourn. Mr. Campolieta seconds.

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277 All in favor, no opposed, no abstentions. (7-0-0)
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279 The meeting adjourned at 10:22 P.M.
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281 Respectfully Submitted,
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283 Cara Blackaby
284 Commission Clerk
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DRAFT