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**Motion:** Mr. Haldeman moves to find Application CC#23-15 of Stephen Moore, Owner, for a wetland permit of grading and clearing of approximately 5,780 sq. ft. in the upland review area at 11 School House Lane to be a non-significant activity and schedules it for action at the next regular meeting of the Committee on May 2, 2023. Dr. Bade seconds.

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

**Application CC#23-13** of Chris Nelson, Applicant, Simsbury Grist Mill, LLC, Owner, for a wetland permit to replace, rebuild, and expand the pedestrian bridge over Hop Brook at 77 West Street, Millwright’s Restaurant (Assessor’s Map F11, Block 103, Lot 005-21) Simsbury, CT 06070, Zone PAD.

- Mr. Campolieta inquires if the current structure will be removed and a new structure will be built. Mr. McGregor confirms this is the case.
- Chris Nelson, Owner of the Simsbury Grist Mill and Contractor, explains that the existing bridge will need to be replaced in the near-term for structural reasons as assessed by structural engineers.
- Mr. Eaton inquires how much the bridge will be widened and timing of the project.
- Mr. Nelson explains the bridge will be widened from 10’6” to 14’6”. He would like to start as soon as possible, noting the work is estimated to take between 2-4 months. He is hoping for completion by the fall.
- Mr. Levy inquires if there are plans to rebuild the deck. Mr. Nelson responds there are no plans to rebuild the deck.
- Mr. McGregor notes this will require a site plan and a special exception and will go in front of the Zoning Commission.

**Motion:** Mr. Campolieta moves to find Application CC#23-13 of Chris Nelson, Applicant, Simsbury Grist Mill, LLC, Owner, for a wetland permit to replace, rebuild, and expand the pedestrian bridge over Hop Brook at 77 West Street, Millwright’s Restaurant to be a non-significant activity and schedules it for action at the next regular meeting of the Committee on May 2, 2023. Mr. Berman seconds.

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

**IV. PUBLIC HEARING AND/OR PUBLIC ACTION ON APPLICATIONS**

**Application CC#23-12** of Stephen Zappone of Northwest Homes, Applicant, Brian and Ann O’Donnell, Owners, for a map amendment to the Town of Simsbury’s Official Wetlands Map to clarify the wetland boundary in addition to a wetlands permit for construction of a single-family home in the upland review area at 58 Great Pond Road (Assessor’s Map F08, Block 110, Lot 129) Simsbury, CT 06070, Zone R-40OS.

- Steve Zappone, Applicant, explains that Jim Sipperly, Certified Soil Scientist, was hired to perform a soil survey, and he determined there are no wetland soils in the front of the property.

- 91 • Mr. Eaton inquires about the lot. Mr. Zappone responds it is a clear lot next to two other  
92 clear lots. He is under contract to purchase the lot, with the intent to build a single-family  
93 home.  
94 • Mr. Levy opens the floor to the public. No public comments are made.  
95

96 **Motion:** Mr. Campolieta moves to close the public hearing. Mr. Haldeman seconds.  
97

98 All in favor, no opposed, no abstentions. (7-0-0)  
99

100 **Motion:** Dr. Bade moves to approve Application CC#23-12 of Stephen Zappone of Northwest  
101 Homes, Applicant, Brian and Ann O'Donnell, Owners, for a map amendment to the Town of  
102 Simsbury's Official Wetlands Map to clarify the wetland boundary at 58 Great Pond Road, based  
103 upon the following findings:

- 104  
105 a. The proposed revision to the Official Town Wetland Map has been delineated  
106 by a Certified Soil Scientist.  
107

108 Mr. Campolieta seconds.  
109

110 All in favor, no opposed, no abstentions. (7-0-0)  
111

112 **Motion:** Mr. Haldeman moves to approve Application CC#23-12 of Stephen Zappone of  
113 Northwest Homes, Applicant, Brian and Ann O'Donnell, Owners, for wetlands permit for  
114 construction of a single-family home in the upland review area at 58 Great Pond Road, based  
115 upon the following findings:

- 116  
117 a. The project will not adversely impact the wetlands.  
118 b. Short-term impacts from the proposed development will be controlled by  
119 installation and maintenance of erosion and sediment controls and  
120 construction run-off controls.  
121

122 And subject to the following conditions:  
123

- 124 1. The project shall be developed in substantial conformance to the site plan  
125 dated 3-16-2023, prepared by OCC Group Incorporated.  
126 2. Soils shall be stabilized with the application of loam, seed, required plantings  
127 and appropriate erosion control measures. If the site is not stabilized prior to a  
128 request for a certificate of occupancy for the single-family home for this  
129 project, the Applicant shall submit to the Town and Erosion and Sediment  
130 Control Bond, in an amount to be determined and in a form acceptable to the  
131 Town.  
132 3. At all times during site work and until soil areas are stabilized, the applicant  
133 shall install and maintain erosion and sediment control measures depicted in  
134 the plot plan (see condition #1) such as fabric filter fence or other measures  
135 deemed necessary by the Commission's agent to prevent erosion and  
136 sedimentation impacts to wetlands and watercourses.

- 137 4. All erosion control and soil stabilization measures shall comply with the  
138 approved plans and the guidelines as established in the Connecticut  
139 Guidelines for Soil Erosion and Sediment Control, 2002, CTDEP Bulletin 34.  
140 5. Upon direction of the Commission's agent, erosion and sediment control  
141 measures shall be removed by the applicant following stabilization of the site.  
142 6. The Inlands Wetlands Agent shall be notified at least 48 hours prior to  
143 commencement of activities.  
144

145 Dr. Bade seconds.

146  
147 All in favor, no opposed, no abstentions. (7-0-0)  
148

## 149 II. OLD BUSINESS

150  
151 **Application CC#22-29** of Vessel RE Holdings, LLC, Applicant, EAY Properties, LLC, Owner,  
152 for a wetland permit to allow grading and construction of site improvements, including parking  
153 lot, landscaping, retaining wall and guardrail in the upland review area, associated with a 64-unit  
154 multi-family development, at 446 Hopmeadow Street (Assessor's Map G13, Block 142, Lot  
155 003C) Simsbury, CT 06070, Zone R-15. (Public Hearing closed on 4/4/23)

- 156 • Mr. McGregor notes that the Public Hearing is closed and provides an overview of  
157 Commission deliberation requirements.
- 158 • Mr. Berman inquires if there have been any changes to the plans since the previous  
159 meeting of the Commission. Mr. McGregor responds that as the Public Hearing has  
160 closed, there have been no changes to the site plan. The site plan includes the reduction  
161 of the project from 80 to 64 units, the change in the parking spaces on the northern lot,  
162 and location of the dumpsters (which had been reflected in the prior site plan, but not the  
163 original site plan).
- 164 • Mr. Haldeman proposes that the Commission first discuss the storm water treatment plan,  
165 noting that the Town Engineer seems satisfied with the plans. Mr. Eaton believes the  
166 concerns raised during the public hearings were answered technically.
- 167 • Mr. Levy would like the Commission to receive a copy of inspection reports and  
168 recommends that this be included in the special conditions of approval.
- 169 • Mr. Eaton raises concerns with the concentration of the three outflows (EW-1, FES-1 and  
170 FES-2), noting per Appendix B of the Storm Water Report, at a 25-year storm event, the  
171 peak outflow of EW-1 to the north is 1.78 cubic feet/second, which converts to 13.32  
172 gallons/second. He has concern that the riprap is only 6 feet and will fill quickly,  
173 resulting in overflow onto other properties and the erosion directed to Second Brook,  
174 which will be worse if the ground is frozen during the storm event.
- 175 • Mr. Haldeman asks a clarifying question to Mr. McGregor whether the Town Engineer is  
176 comfortable with the plan designs around a 25-year storm event. Mr. McGregor responds  
177 that the Town Engineer had no outstanding issues with the storm water design.
- 178 • Dr. Bade proposes that this concern could be mitigated with dispersion over multiple  
179 smaller outlets.
- 180 • Mr. Haldeman notes that the Commission typically deals with mitigation strategies  
181 during construction, as the long-term impacts are low. In this project, the construction  
182 techniques are satisfactory, but there may be longer term impacts after the project is

183 completed. He suggests that the Commission looks at examples from the past for how  
184 this was dealt with.

- 185 • Mr. Haldeman notes that he had concerns around collection of pollution that might end  
186 up in the wetlands, but the boundary around the project helps minimize that effect.  
187 Through the re-design of the project this concern has been minimized.
- 188 • Mr. Testerman notes that the bear resistant dumpster is not included as a condition on the  
189 report. Mr. McGregor notes that it is shown in the plan set and thus is not written as a  
190 condition.
- 191 • Mr. Haldeman notes that the long-term wetlands impact including lighting and sound  
192 pollution is difficult to quantify and there are not many best practices that have been  
193 developed to address these long-term exposures.
- 194 • Mr. Berman recommends including wording around the use of pesticides in the  
195 conditions of approval. The Commission discusses including wording around integrated  
196 pest management practices into the conditions of approval.
- 197 • Mr. Eaton inquires about the parking spaces to the north. Mr. McGregor responds that  
198 the Applicant will keep those spaces as grass until needed or until required by Zoning  
199 Commission to provide those spaces. If those events do not occur, the parking spaces  
200 will remain grassed. If the parking spaces are required, they will be pervious pavers.
- 201 • Mr. Levy inquires if the Commission has concerns about wetland species migrating  
202 across the property. Mr. Testerman responds that the re-design of the curbs has mitigated  
203 that concern.
- 204 • Dr. Bade inquires if the Commission feels the Applicant has adequately addressed the  
205 light pollution concerns. Mr. Berman responds that the concerns have been mitigated due  
206 to the raising of the walls and the dimming of the lights to 40%.
- 207 • Mr. Haldeman suspects there could be long-term impacts on the wetlands as a result of  
208 light pollution, but there is not enough information available currently.
- 209 • Dr. Bade suggests including the recommended kelvins, suggested by Chairman Winters  
210 in prior meetings, into the conditions of approval.
- 211 • The Commission confirms that the concerns around snow removal have been adequately  
212 addressed by the Applicant.
- 213 • Dr. Bade inquires if the Commission feels there will be noise pollution that will  
214 negatively impact the wetlands. Mr. Haldeman responds that there are no best practices  
215 around the mitigation of noise pollution currently. Mr. Testerman notes that there are  
216 wetlands in other neighborhoods, which results noise pollution to the surrounding  
217 wetlands. Mr. Haldeman responds it is the concentration that is of specific concern with  
218 this project; however, he notes that the wetlands are next to Hopmeadow Street and a  
219 bike bath, which currently produce noise pollution. Dr. Bade suggests the reduction from  
220 80 to 64 units is one mitigation response the Applicant has made to address this concern.
- 221 • Mr. Eaton inquires if there were traffic studies completed on Hopmeadow Street. Mr.  
222 McGregor confirms a traffic study was completed and submitted to the Zoning  
223 Commission. That information was not included in this package.
- 224 • Dr. Bade voices concern around the contaminants entering Second Brook, specifically  
225 6PPD, but notes that infiltration is the best system to solution for this.
- 226 • Mr. Levy questions what remedies are available should the plans not work as intended.  
227 Mr. McGregor responds that assuming that the conditions for approval are clearly

228 outlined, this can be addressed. Mr. McGregor will research further and come back to the  
229 Commission on this topic.

- 230 • Mr. Berman suggests testing current water for pollutants and potentially building in a  
231 threshold requirement into the conditions for approval. However, this information is not  
232 currently included in the site plan. Mr. McGregor also notes that Commission is not able  
233 to legally cede local and federal requirements.
- 234 • Mr. Campolieta suggests building in a special requirement around water outflow based  
235 on the benchmarks provided in the site plan.
- 236 • Dr. Bade also raises the public concern around the potential archaeological value of the  
237 site. Mr. Levy responds that this may be outside of the Commission's purview. Mr.  
238 Campolieta adds that there is no existing evidence of an archeological discovery at the  
239 site. Mr. McGregor responds that typically this concern would be considered during the  
240 site plan review by the Zoning Commission.
- 241 • Dr. Bade references the public discussion around the calculations of run-off when  
242 incorporating a secondary property, which he believes were adequately addressed by the  
243 Applicant, but discusses the idea of donating the other acres to the Simsbury Land Trust  
244 as a mitigation measure. Mr. McGregor responds that the Commission Committee can  
245 make this recommendation to the Zoning Commission.
- 246 • Dr. Bade mentions the concern around the thermal impact to Second Brook. Mr.  
247 Haldeman believes this was mitigated through the storm water management system. Dr.  
248 Bade agrees.
- 249 • Dr. Bade questions whether the Commissioners feel there is a negative impact to the  
250 recreational or aesthetic value of the wetlands. Mr. Eaton believes the construction of a  
251 multi-story building will have an aesthetic impact to the wetlands. Mr. Haldeman  
252 believes this is difficult to quantify at this point. Mr. Testerman responds this argument  
253 could be made around any development within view of a wetland. Mr. Eaton references  
254 the privacy fencing around Hazel Meadow as a mitigation strategy, although it would be  
255 less effective for a 4-story building. He also agrees that the site is already higher density,  
256 given the surrounding homes and bike path.
- 257 • Mr. Levy suggests holding a special meeting next Tuesday and would like to review a  
258 draft motion to approve or deny for the Commission's consideration.
- 259 • Mr. McGregor notes for timeline, a decision needs to be made no later than the  
260 Commission's May 2, 2023 meeting and recommends holding a special meeting on April  
261 25, 2023 at Town Hall in the Main Meeting Room at 7:30 pm.
- 262 • Dr. Bade and Mr. Haldeman suggest continuing the meeting tonight to ensure any other  
263 public comments that had been raised by addressed by the Commission.
- 264 • Dr. Bade references a concern raised by resident of 7 Nutmeg Court around impacts to  
265 the health and safety to the individuals and community. Mr. Eaton replies that the  
266 Commission's purview is to assess the impacts of run-off and pollution into Second  
267 Brook and that the majority of that issue would fall into the Zoning Commission's  
268 purview.
- 269 • Dr. Bade references the public's concern around pre-treating the parking lot with a  
270 calcium chloride brine prior to storm events that may or may not occur. Mr. Campolieta  
271 responds that the Commission was presented with a UNH study indicating that pre-  
272 treatment is a best practice for snow events. Mr. Eaton also notes that the site is located

273 on Hopmeadow Street, which is a main road that is likely already pre-treated by the  
274 Town and is not clear on where those storm systems drain.

- 275 • Dr. Bade references a concern raised by the resident of 14 Nutmeg Court around the  
276 impact of construction that may further destabilize the already unstable soil and have a  
277 negative impact on the existing trees. Mr. McGregor responds that Town Staff performs  
278 site visits during construction to ensure sediment and erosion control measures are in  
279 place and effective.
- 280 • Dr. Bade raises the idea mentioned by the public that a prudent alternative for this project  
281 would be to find a different site. Mr. Levy replies that this is likely under the Zoning  
282 Commission's purview.
- 283 • Mr. Haldeman notes that the surrounding neighbors raised concerns around the aesthetics  
284 but comments that this is not within the Commission's purview. Mr. Levy agrees.
- 285 • Dr. Bade raises the public's concern that the expert reports only consider the property  
286 itself as opposed to looking for wildlife or other concerns on adjoining properties. Mr.  
287 Levy replies that the Applicant is only required to evaluate their property site. Mr.  
288 Campolieta asks whether the Commission feels there is obvious harm to the flora and  
289 fauna of the wetlands. Mr. Testerman replies that there was nothing in the record,  
290 indicating that there would be a negative impact on the wetlands. Mr. Eaton notes that  
291 the water run-off from the site will enter the wetlands. Mr. Campolieta notes that experts  
292 and town engineers have indicated that there is no evidence that there will be a negative  
293 impact to the wetlands.
- 294 • Mr. Haldeman raises the concerns around animals migrating across the property, and Mr.  
295 Testerman responds that this concern was mitigated by the Applicant through changes to  
296 the site plan, including re-design of the parking lot curbs.
- 297 • Dr. Bade references the concern raised by the public that fresh water mollusks are  
298 existent at the site and notes that this concern is mitigated by the storm water  
299 management system.
- 300 • Mr. Haldeman raises the concern of the Farmington River flooding and its impact on  
301 Second Brook. Dr. Bade replies that the Applicant addressed this concern effectively  
302 when describing the conditions of the proposed development vs. natural conditions,  
303 noting that the development's storm water management system should ensure that there is  
304 no impact on the wetlands from a flood perspective, as the system is designed to reduce  
305 cfs run-off.
- 306 • Dr. Bade acknowledges the concern of property owners on the impact of property values  
307 but notes that this is not within the Commission's purview.
- 308 • Mr. McGregor asks the Commissioners to clarify their concerns on the adverse impacts to  
309 the wetlands to assist Town Staff in drafting a motion for denial.
- 310 • Mr. Eaton replies that he still has concerns around the gulying of storm water and the  
311 concentration of discharge. Mr. McGregor suggests that this concern might be addressed  
312 by including a specific condition for approval.
- 313 • Mr. Haldeman voices concerns on monitoring of the project to ensure the systems  
314 outlined in the report are working as expected to ensure there is no negative impact to the  
315 wetlands.
- 316 • Mr. McGregor inquires if the Commission would like a draft motion for denial. Mr.  
317 Levy replies if possible, he would like to review one. Mr. McGregor will work with the  
318 Town Attorney to evaluate options.

319  
320 **Motion:** Mr. Haldeman moves to schedule Application CC#22-29 for continued deliberation  
321 and possible action to the special meeting of the Commission to be scheduled on April 25, 2023.  
322 Mr. Campolieta seconds.

323  
324 All in favor, no opposed, no abstentions. (7-0-0)

325  
326 **III. GENERAL COMMISSION BUSINESS**

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328 **IV. AGENT ACTIONS**

329  
330 **Application CC#23-14** of Thomas Noonan, Owner, for a wetland permit to allow grading in the  
331 upland review area, associated with the installation of an above ground round pool, at 24 Deep  
332 Wood Road (Assessor's Map F05, Block 302, Lot 039A) Simsbury, CT 06070, Zone R-25.

333  
334 **Motion:** Mr. Campolieta moves to move this item for review at the next regular meeting of the  
335 Commission on May 2, 2023. Mr. Haldeman seconds.

336  
337 All in favor, no opposed, no abstentions. (7-0-0)

338  
339 **V. CONSERVATION BUSINESS**

340  
341 **VI. ADJOURNMENT**

342  
343 **Motion:** Mr. Haldeman motions to adjourn. Mr. Campolieta seconds.

344  
345 All in favor, no opposed, no abstentions. (7-0-0)

346  
347 The meeting adjourned at 9:26 P.M.

348  
349 Respectfully Submitted,

350  
351 Cara Blackaby  
352 Commission Clerk