



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Office of Planning & Community Development

TO: Zoning Commission

FROM: George K. McGregor, AICP, Planning Director

DATE: April 27, 2023

SUBJECT: **ZC 23-03 446 Hopmeadow St.—Transmittal of Inland Wetlands and Watercourses Agency Report and Action**

Please find attached the Report and Action of the Inland Wetlands and Watercourses Agency on the above reference site plan application.

GKM

CC 22-29, 446 Hopmeadow St.

Vessel RE Holdings LLC Application for a Wetlands Permit

Inland Wetlands & Watercourses Agency

REPORT to the Zoning Commission

April 25, 2023

I. Summary of Request

Application CC #22-29 of Vessel RE Holdings, LLC, Applicant, EAY Properties, LLC, Owner, a wetlands permit for the grading and construction of site improvements, including parking lot, landscaping, retaining wall, and guard rail in the upland review area, associated with an 64-unit multi-family development (reduced from 80 units), at 446 Hopmeadow Street. (Assessor's Map G13, Block 142, Lot 003C).

II. Timeline

January 17, 2023-Application received by the Agency and scheduled for a public hearing upon a finding that the application represented a significant activity.

March 7, 2023-Public Hearing Opened.

March 21, 2023-Public Hearing Continued.

April 4, 2023-Public Hearing Closed.

April 18, 2023-The Agency reviewed and discussed the project, reviewed the preponderance of citizen comment, including public letters and emails, and discussed the Applicant's responses and revisions based on the issues raised.

III. Action

On April 25, 2023, the Town of Simsbury Inland Wetlands and Watercourses Agency APPROVED Application CC 29-22, by a vote of 5-1-1. The adopted motion, with findings, is attached.

Town of Simsbury Inland Wetlands Agency
Affirmative Motion & Conditions of Approval
Revised for April 25, 2023
Revised During Deliberations 4-25-23

CC 22-29, 446 Hopmeadow St.

MOVED, the Simsbury Conservation Commission/ Inland Wetlands & Watercourses Agency APPROVES Application CC #22-29 of Vessel RE Holdings, LLC, Applicant, EAY Properties, LLC, Owner, a wetland permit for the grading and construction of site improvements, including parking lot, landscaping, retaining wall, and guard rail in the upland review area, associated with a 64-unit multi-family development, at 446 Hopmeadow Street. (Assessor's Map G13, Block 142, Lot 003C), based on the following findings:

- a. The Simsbury Conservation Commission/ Inland Wetlands & Watercourses Agency has considered the *Criteria for Decision* found in Section 10.2 of the Town Inland Wetlands and Watercourses Regulations and find the project meets all of the standards for approval and will not adversely impact the wetlands and watercourse.
- b. The expert testimony provided during the public hearing process concludes that the proposed construction activity will not adversely impact the wetlands and/or watercourses. The Commission concurs: the proposal is satisfactory, as submitted, revised, and conditioned below. The proffered feasible and prudent alternative, reducing the number of units from 80 to 64, further reduces the scope of the project and therefore further reduces any impact on the wetlands.
- c. Short-term impacts from the proposed development will be controlled by installation and maintenance of erosion and sediment controls and construction run-off controls.
- d. Long-term impacts from the proposed development will be controlled by installation of stormwater management practices, ongoing maintenance review, and the conditions offered below.

- e. There is no evidence that there will be an irreversible or irretrievable loss of wetland or watercourse resources.
- f. Strict adherence to the terms and conditions imposed with this permit will protect the quality of wetlands and surface waters in the vicinity of the project.

And subject to the following conditions:

1. The project shall be developed in substantial conformance with the site plan titled, *Site Development Plans*, dated December 16, 2022, Revised March 30, 2023, with Sheets SL-1 and GD-1 Revised April 4, 2023 prepared by H&H Engineering.
2. The project shall be developed in substantial conformance with the Stormwater Management Report, prepared by H&H Engineering, dated December 16, 2023 and Revised March 30, 2023.
3. Areas of disturbed soils shall be stabilized with the application of loam, seed, required plantings and appropriate erosion control measures.
4. At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures depicted on the above referenced site plan set and/or other measures deemed necessary by the Commission's agent to prevent erosion and sedimentation impacts to wetlands and watercourses.
5. All erosion control and soil stabilization measures shall comply with the approved plans and the guidelines as established in the Connecticut Guidelines for Soil Erosion and Sediment Control, 2002, CTDEP Bulletin 34.
6. Upon direction of the Commission's agent, erosion and sediment control measures shall be removed by the applicant following stabilization of the site.
7. This approval is subject to the general provisions found in Section 11.9 of the Town of Simsbury's Inland Wetlands and Watercourses Regulations.
8. The Inland Wetlands Agent shall be notified at least 48 hours prior to commencement of activities.
9. For a period of three years from the approval date, the Applicant shall complete and submit two inspection and maintenance reports each year (one no later than June 30th and one no later than December 31st), and annually thereafter, prepared by a registered engineer in the State of Connecticut., for all onsite stormwater facilities, to the Planning Department. The Planning Department shall make these reports available to the Commission upon receipt.

10. Prior to the issuance of a building permit, the Applicant shall submit an Erosion and Sediment Control Bond, in a form acceptable to the Town, in the amount of \$50,000.
11. The parking lot lighting shall be limited to utilizing lighting fixtures having a Kelvin rating not to exceed 3,000 Kelvins utilizing the lighting fixtures as specified in the lighting plan prepared by Photinus, dated Revision 4, 2022.

All exterior lighting shall utilize energy and time management controls such that the parking lot lights shall be at 100% illumination through 10 PM and at 40% illumination through 6 AM.

Subject to building code requirements and fire safety requirements, public area interior lighting visible from the exterior of the building shall be set at 100% illumination through 10 PM and at 40% illumination through 6 AM.

12. The vinyl fence depicted at 36 inches on the site layout SL-1 sheet referenced in condition #1 shall be increased to minimum height of 48 inches.
13. The Applicant shall submit an Integrated Pest Management Plan, with form and substance acceptable to the Town, prior to the issuance of a building permit.
14. Town Planning Staff is delegated the responsibility of transmitting a wetlands report regarding the action taking on this application to the Zoning Commission.
15. On an ongoing and continual basis, invasive species shall be monitored and removed from the site.
16. The Applicant shall examine and consider stormwater facility engineering solutions to improve outflow diffusion on site.