

MEETING MINUTES

Town of Granby
Inland Wetlands and Watercourses Commission
Wednesday, October 11, 2023 at 7:00 pm

PRESENT: Nicholas Dethlefsen, David Tolli, Susan Okie, and Aurelle Locke

ABSENT: Vickie Dirienzo, John Laudati and Fred Jones

ALSO PRESENT: IWWC Agent Kate Bednaz, Town Attorney Richard Roberts and Land Use Coordinator Renee Deltenre

1. Call to Order

Chairman Tolli called the meeting to order at 7:00 p.m.

2. Action on the minutes of September 13, 2023

ON A MOTION by A. Locke seconded by S. Okie, the Commission voted 4-0-0 to approve the September 13, 2023 minutes as presented.

3. Public Hearing

a. **37 Hartford Avenue – Vessel RE Holdings, LLC and Vessel Technologies, Inc. – Permit application for regulated activities in connection with the development of a 48-unit apartment building and associated improvements**

Attorney Timothy Hollister of Hinckley Allen and Professional Engineer Seamus Moran of H+H Engineering Associate, LLC were present to discuss the application, along with Soil Scientist James Sipperly. Attorney Hollister addressed the documentation that has been received since the last meeting and discussed the preliminary site assessment that was received from the Natural Diversity Data Base (NDDB) regarding the proposed project. The applicant agrees to all conditions in the draft approval letter and recommends an additional condition to prohibit vehicular maintenance on-site.

S. Moran provided a brief recap regarding the stormwater management system and the sizing of the septic system, including associated technical standards and proposed separating distances. It was also stated that no direct sewer connection is available at this time. J. Sipperly read part of his October 3rd memorandum into the record and stated that the septic design and projected nitrogen/phosphorus output will not adversely impact the wetlands system. He provided an overview of the soil types and vegetation, as well as the nutrient removal and transformation process on-site. Attorney Hollister addressed Commissioner Jones' written comments, and stated how no evidence has been submitted by a professional demonstrating an adverse impact and that speculation does not justify a denial.

He ran through the application timeline and requested an extension of the public hearing to November 1st so a third-party consultant could evaluate the potential for nitrogen and phosphorus impact on the wetlands, and the findings could be reviewed by the Commission and addressed by the applicant. Town Engineer Kevin Clark provided background information regarding nitrogen and phosphorus testing, and the results received from his analysis. The test was run using DEEP standards and resulted in 21.4 grams per liter of nitrogen at down gradient of property line, and phosphorus was not an issue. K. Bednaz provided input regarding the application and stated that a third-party review is important to determine if the discharge levels of nitrogen and phosphorus will impact the wetlands.

ON A MOTION by A. Locke seconded by S. Okie, the Commission voted 4-0-0 to hire a third-party consultant to review the potential impacts, functions and values of the wetlands resource areas at the base of the slope as it relates to the design of the septic system and potential nitrogen loading.

ON A MOTION by S. Okie seconded by A. Locke, the Commission voted 4-0-0 to schedule a Special Meeting on November 1, 2023 at 7:00 p.m.

Public Comment

Reinhard Maier of 138 Day Street talked about septic system requirements per the State of Connecticut Public Health Code and provided documentation regarding sewer on Hartford Avenue.

Michael Fusick of 55 Northwoods Road expressed concerns with the stormwater management system in regard to proposed elevations, discharge levels, erosion of the system, vegetative debris, and maintenance of the system. References to the Plan of Conservation and Development were made, and it was stated that the applicant should apply for a sewer connection. M. Fusick also noted that the November 1st deadline for peer review does not provide sufficient time for a proper review and requested that documentation showing that no sewer connection is available be provided.

Toni Flanigan of 24 Woodcliff Drive stated concerns about the number of residents that will inhabit the complex and the potential for the septic system to fail.

Mark Gottlieb of 105 Silver Street was pleased to hear that the Commission is looking into a third-party review; however, believes the input values used for the nitrogen/phosphorus analysis need to be adjusted to reflect a worst-case scenario.

Robert Flanigan of 24 Woodcliff Drive expressed concerns with the results from nitrogen and phosphorus analysis, and that the applicant should connect to the sewer system.

Glen Ballard of 289 Granville Road stated that the applicant should connect to the sewer system in order to mitigate any potential risk to the wetlands. He submitted documentation regarding the applicant's recent IWWC public hearing from the Town of Simsbury, and questioned whether older projects involving wetlands can be assessed for impacts on neighboring wetlands.

Shannon Griffin of 24 Crest Road questioned whether a connection to public sewer is a viable option.

Lisa Anderson of 19 Kearns Drive requests that the Commission to continue to allow public comment at the next meeting.

Julie Haefner of 286 Simsbury Road questioned if the Commission could look into the developer's construction history and experience with wetlands.

ON A MOTION by S. Okie seconded by N. Dethlefsen, the Commission voted 4-0-0 to continue the public hearing to a Special Meeting on November 1, 2023 at 7:00 p.m.

b. **215 Salmon Brook Street – Town of Granby – Permit request to construct a pedestrian walking path within a regulated area**

Town Engineer Kevin Clark was present to discuss the application and answer any questions the Commission had. The proposed project consists of the construction of a 4,600-foot pedestrian walking path at Salmon Brook Park, covering approximately 23,200 square feet (sq. ft.) located primarily within grassed areas. The project area begins at the easterly end of the park entrance then loops around the play fields, swimming pond, and parking lot. 1,793 sq. ft. of existing walk will be removed and replaced, and approximately 9,960 sq. ft. of walk will be located in wetland (floodplain) soils. In addition, a total of 28,870 sq. ft. of wetland (floodplain) area will be disturbed. K. Clark ran through the sequence of events and proposed mitigation efforts. K. Bednaz provided a draft approval letter for review and consideration, and upon discussion with the Commission added an additional condition. There was no public comment and the public hearing closed at 9:00 p.m.

4. **Consideration of applications where the Commission has concluded the public hearing**

a. **215 Salmon Brook Street – Town of Granby – Permit request to construct a pedestrian walking path within a regulated area**

ON A MOTION by A. Locke seconded by S. Okie, the Commission voted 4-0-0 to approve the application and approval letter as amended.

5. **Permit Requests**

a. **11 Knollwood Lane – D. Weiss – Permit application to construct a ground mounted solar array within a regulated area**

Robert Schwartz from JD Solar Solutions was present to discuss the application and answer any questions the Commission had on behalf of the client. The proposed solar array will stand one foot off the ground with a dimension of 40'x15'x9', roughly 55 feet from the closest wetland boundary. The structure will be mounted using ground screws and sit 105 feet back from the nearest property line in a grassy area not visible from the road. K. Bednaz stated that she would like to see the site and the Commission discussed proceeding with the application as an Agent approval.

ON A MOTION by S. Okie seconded by A. Locke, the Commission voted 4-0-0 to delegate the application to the IWWC Agent for review and approval.

6. **Enforcement Order/Notice of Violation Updates**

a. **201 West Granby Road**

Property owner Katie Wasilonsky stated that they were able to establish the plantings required as part of the Enforcement Order; however, K. Bednaz noted that the condition called for shrubs. The removal of woodchips and downed trees was not able to occur due to weather, and no plans have been submitted to address the culvert issue. At this time, all the large livestock have been removed from the property and only poultry remain. K. Bednaz ran through the Enforcement Order, which needs to be modified to provide additional time to address the required corrective measures and reminded the property owner to provide a written plan to address the culvert issue.

b. **45 and 45R Mechanicsville Road** – Resolved

c. **380 Salmon Brook Street** – Resolved

d. **371 North Granby Road**

John Pagliaro of 19 Day Street South and part property owner, stated that he spoke with the tenant and visited the site prior to the meeting. At this time, the tenant has removed the RV, trailer and jet ski; however, the property is still not in compliance. J. Pagliaro informed the Commission that he has agreed to assist with the cleanup process and requested an extension of time to achieve compliance. It was stated that an eviction would be the next step if no progress is made, and he would like to install a fence to delineate the designated storage area. K. Bednaz questioned whether or not the approved area would adequately serve the tenants' needs; if not, it is recommended that a permit application be submitted requesting a modification to enlarge the storage area. She stated that long-term compliance is the goal and requested a site visit with the property owner and tenant to discuss next steps.

7. **Agent Report and Correspondence**

K. Bednaz informed the Commission that she has accepted a new full-time job, and the Town has issued an RFQ for Professional & Technical Services for the Granby IWWC.

8. **Commissioner Reports and Correspondence**

None

9. **Adjourn**

ON A MOTION by A. Locke seconded by N. Dethlefsen, the Commission voted 4-0-0 to adjourn the meeting at 9:30 p.m.

Respectfully submitted,

Renee Deltenre
Land Use Coordinator