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**Seymour Inland Wetlands Commission
6:30pm 12/16/2019
Norma Drummer Room
Bladen's Ridge Site Plan-Public Hearing**

Members Present: Mike Flynn, Tim Connors, Jim Forsyth, PJ Wetzler, Brian Koskelowski

Members Absent: none

Others Present: Jim Baldwin, Brian Nesteriak, Counsel Pat Sullivan, and members of the public

1. Call to Order

Meeting was called to order at 6:31

2. Pledge of Allegiance

All stood and recited the pledge of allegiance.

3. Seating of Alternates

No alternates to be seated.

The Chair read the notice of public hearing into the record. Notice is hereby given that the Seymour Inland Wetlands Commission will conduct a Public Hearing on Monday, December 16, 2019 at 6:30 p.m., in the Norma Drummer Room of Seymour Town Hall, 1 First Street, Seymour, CT, upon application of SHC Seymour Springs LLC to Conduct a Regulated Activity (Application Permit for Activity in, impact to/disturbance of wetland, watercourse and/or setback area) and for Stormwater Management Plan Review to facilitate the development of a residential community known as "Bladens Ridge" that will provide the Town of Seymour and the region with multi-family affordable and market-rate residential rental units in compliance with Section 8-30g of the Connecticut General Statutes (known as the "Affordable Housing Statute") and the proposed Affordable Housing Zone. Said development is proposed to consist of 90 two-bedroom and three-bedroom apartments, approximately 173 parking spaces, a property management building and associated landscaping and site improvements. Portions of the proposed development and site improvements are located within the Upland Review Area. There are no inland wetlands or watercourses on the site and no direct disturbance to the offsite inland wetlands and watercourse is proposed. The subject site consists of 3 properties comprised of approximately 10.6± acres located at the intersection of Smith Street and Spring Street currently located in the M-F and R-18 zones, and commonly referred to as 20 Spring Street (Parcel ID 8-12-51-0), 16 Smith Street (Parcel ID 8-12-50-0) and 17 Smith Street (Parcel ID 8-12-32-0).

A full copy of the above referenced applications is available for review during regular business hours in the Wetlands Enforcement Department, Seymour Town Hall, 1 First Street, Seymour, CT.

At the above time and place all interested persons shall be given an opportunity to be heard. The hearing may be continued to such time and place as may be announced by the Seymour Inland Wetlands Commission.

Lisa Feinburg introduced herself and her colleagues and gave a detailed presentation regarding the proposal. The subject property consists of 3 separate parcels, 20 Spring Street, 16 Smith Street, and 17 Smith Street. 17 Smith will not have infrastructure or constructions but it is part of the zone change. Mr. Garcia will go into the details of the changes regarding Smith street. The project consists of 11 different buildings scattered across 20 Spring Street and 16 Smith Street. In total it is 90 units, 42 of the two bedrooms and 38 of the three bedrooms, with a small leasing and maintenance office which is the only proposed structure on 16 Smith Street. The site plan is similar to the one that was approved by this Commission back in 2015. If the Commission were to study the site plans it would be very challenging to point out the differences between the two. The additional density proposed today (90 units) was achieved by building up (from 2 floors to 3).

John Paul Garcia from John Paul Garcia and Associates stated that there are a number of buildings scattered throughout the site, and what they are proposing are a storm water treatment system which is composed of catch basins, underground detention systems, and discharges. The previous application discharged the water into the river across the street and now the discharge goes across Smith Street into an existing catch basin. The other half of the site discharges into an existing catch basin on that side of Spring Street.

Garcia said that last meeting Mr. Nesteriak asked for test pit information which they did, and the info is provided on the drawings as well as the series of pictures showing the different test pits located on the site. The pictures show that there is no ledge to be encountered, which they were unsure of last time, but as it now stands there is no plans to blast because it is not needed. The pits range from 18 feet to 38 feet. Mr. Nesteriak asked for a phasing plan which they also included.

Garcia said that with the storm water treatment plan, their goal was to remove 80% of the sediment coming from the water. In order to achieve this, they must have a handle on what the design load will be. In this particular case the problem was that 43% of the site will be impervious, and 1/3rd of that is build up. That water is clean water because it comes off the roof. The second thing they have is an internal road system with very low road sediment. All the catch basins on the site, hold 32 cubic feet. With application rates of 3 to 4 cubic feet, the catch basins should be able to hold it and more. If they are talking about the water coming off the roof as cleaned, there only trying to treat 2/3rds of the water. For a treatment system, they are proposing is for half the site hit the road, go into the catch basin, go into a sediment chamber, into the detention system, into another chamber and into another detention system. The other side of the site is the exact same thing. The treatment chain has a target of 80% but he believes they'll hit a 95% target. This is because the sediment load is very low to begin with. Garcia mentions the 2004 Storm Water manual is 20 year old technology, which wants to clear the primary sediment load. Some of the methods will not work the water in the surrounding areas is frozen, therefore he has proposed this method, instead of Bryan Nesteriak's method. He stated that in his professional opinion, the water leaving the site after this design would be better than the water leaving the site now.

Matthew Popp, landscape architect, gave a description of the plan that was shown to the Commission. Currently it is a 10 acre site with deciduous and evergreen trees, open areas, and 2 off site wetland areas. The functions of the wetlands are both discharge sites for the groundwater. The wetlands also retain sediment and runoff from the area, as well as some wild life. They are proposing 12 buildings on the site that John Paul Garcia went over as well as the storm water treatment system. The landscaping plan runs mainly along the road, they consist of shay trees which grow large and also shade the parking lot area. There is a short grass meadow which is better for wildlife and native species. There are wetland buffers are mainly planted with evergreen trees and red cedar, this provides a visual buffer between them and the

wetland. He said they would be using a 10 foot high pole instead of the customary 12 foot high light pole. These are dark sky complaint, which means they shine down, not up.

Potential impacts to the site are:

Short term- erosion control which should be maintained

Long term- storm water run off into the wetlands (none of our runoff goes into the wetlands which is unusual but very good)

Popp stated there is a box turtle on the site, so what they will do is put a barrier around the perimeter of the site, have someone walk the site in the spring and search for any wildlife, and move them to the other side of the fence around the perimeter of the site. This will probably be a condition of approval.

Mike Flynn asked why they were looking for and what they would do when they locate these turtles.

Matthew Popp responded that they would simply walk the perimeter and when they locate a turtle they would simply bring them to the other side of the barrier and they will not be able to come back in. This would happen before the tree cutting.

John Paul Garcia wanted to mention that someone had asked about a fence and they are proposing to put an erosion control barrier around the perimeter.

The Chair asked about bringing up the storm water across Smith Street.

Garcia answered that will happen in Phase 1 A.

Lisa Feinberg noted that post development flows are less than pre development flows.

The Chair asked if there were any questions from the Commission and hearing none, opened the hearing up to the public.

4. Public Comment

Cynthia Zukas from 270 Pearl Street, stated that if there is going to be equine encephalitis it will still be there even without the open detention ponds. She is also concerned about the connection of the drainage at the bottom of Smith Street, because they are hooking into the sewer pipes for drainage or what. She is concerned that the applicant says they were approved in 2015 but it was just the garden apartments for 63 units. She states that the applicant keeps presenting their proposals saying that this Commission was the Commission that approved everything, when really it was stopped at Planning and Zoning. Finally, maybe they could contact the neighbor who saw the box turtle who had seen it previously in order to locate it.

Doug Mylon, 3 Spring Street, said that his wife is 4th generation in Seymour and is not able to come tonight but has done some research on James Swan Bottled Spring water and would like to present.

The Chair said that tonight is the public hearing and if she wished to speak she should have been here because time is running out for the Commission to make a ruling.

Kevin Newsly is a resident of Plymouth CT stated he worked for 30 years for the post office and has delivered to the Pearl Street/Smith Street area during his time at the post office. He agrees

with Cynthia in what she was saying and was happy to hear they will relocate the box turtle, but what will they do for the other remaining wildlife in the area. He asks if the town needs the tax revenue so badly that they need to be so intrusive on nature and the people who live on Spring Smith and Pearl.

The Chair said that that is not what this is about.

Kevin Newsly said that was exactly what it was about. The presentations from the applicants did not sell anyone on the idea of these buildings.

The Chair reminded him that he must direct his comments to the Commission only, and if he does not he will be asked to leave.

Kevin Newsly said he understood. He would like to know when enough is enough for the people in the area. They do not need these buildings, or the traffic or the problems that are coming to the area. He believes that this is an unfair structure and will cause more problems than good things. The people in this area do not deserve this.

Cynthia Zukas 270 Pearl Street said she just wanted to touch on the area where the snow will be kept. She understands that they moved the snow shelve to a different area to protect the wetlands, but what she is concerned about are the underground springs that we do not see. The snow is not going to be a slow process of melting. The underground water that is melting is already causing flooding in the area. She is familiar with the area because her family has been there for many years and she knows that this is a problem. The short fast growing trees will not soak up the water in the ground like they say it will.

Jamie Brennan went up to the microphone. Town Counsel Pat Sullivan said as a point of order, because he is a Planning and Zoning Commissioner, he really should not speak at this public hearing.

Walter Birdsell said that he is a taxpayer and should be allowed to speak.

~~The Chair said that because Jamie is on another board that also needs to vote on this subject it's a conflict of interest.~~

Kevin Newsly, resident of Plymouth, said that the Commission should let him speak.

The Chair said that he must sit down and there are laws that must be followed by the state of CT and if our attorney is advising that, then that is what we will follow.

Counsel Pat Sullivan said that members of other boards should not come before boards and speak, particularly when there are matters that both boards are hearing. It could very well create an appealable issue. Members of other boards should not speak in front of other boards, particularly when they have that matter on their agenda.

Kevin Newsly asked if it was should not speak or will not speak.

The Chair said Kevin Newsly will need to sit down and not speak. He asked if there was anyone else wishing to speak in public comment.

Jamie Brennan said that he wants to speak but cannot.

The Chair said that he was on another board and were advised not to. This is the end of the subject or he will ask Jamie to leave.

Jamie said that he had been thrown out of better places.

The Chair asked 3 times if there was anyone from the public wishing to speak and hearing none asked to close public comment.

John Paul Garcia addressed the Commission and apologized for glossing over any information that he meant to go in depth with. The basic design parameter are the 2 discharge points. So by the way they are designed, the pre development flows do not exceed the post development flows. He compares the site before the development with a variety of storm events, to the post development flows (3 and 5% less than the pre development flows). There have been comments about what was originally approved, the old plans are almost identical with the exception of the density. They are raising the density by increasing the amount of floors, not by covering more ground. He reminds the Commission that he has no control over the wetlands, but he does have control over what comes off the site. He is not going to knowingly put something in that has the potential to give disease. His site specific storm water plan removes 80% of pollutants and sediments and in his opinion he has exceeded that.

Tim Connors said that there is confusion between runoff and sewer use. And asked to clarify that. The runoff per building went from 63 to 93 so technically its almost identical to the current use.

John Paul Garcia said yes and just to clarify they have already been to the WPCA and they are going to allow it to be tied in to the sewer system.

Connors asked in regards to the concerns of running off the site into the catch basins that is already clogged verses, underground tying into the existing storm drainage.

Garcia said there is a 10 inch pipe that controls an entire half of the development so it is not all running off into the existing catch basin or running down the road. They have a lot of experience with hillside developments like this and he will say that when they start constructing these chambers, people on the hillside area, they seem to see a reduction in downflow groundwater. The maintenance of these systems are all interior and all done by the associations, the town has no responsibility.

Lisa Feinberg answered a few questions that the public had brought up. Ms. Zukas asked where all the open space was because of the drainage system, and Feinberg answered that the whole system is below grade so there is nothing that prevents lawn and open space over the detention basins. The IWC approval from 2015 is in the file, there was a permit to conduct a regulated activity in a regulated area. Both of those permits are active today. Mr. Newsly noted a concern about wildlife, and they noted the concern. It is important to remember that the area where the box turtle could be located is over a large span, including the single family homes. She showed a map of the area where it could be located, including other apartment complexes. She said its important to understand that the water currently sheet flows across the site, picking up whatever contaminants are in the ground and dumbs it directly into the brook. Post development the water

will be captured and treated onsite and released at a different rate, which is why the post development flows are stronger than the pre development flows. In 2015 they did a study to make sure there was no significant impact to the wetland areas, and there is no significant impact now. Over the past few months they have incorporated 95% of the comments the public, staff and Commissions have told them over the past few months. They showed a chart of the changes that were made recently to the project because of the suggested changes and the responses to them.

The Chair asked if Bryan Nesteriak saw all the updated plans and if he had any additional questions or concerns.

Bryan Nesteriak said the largest disagreement he had with the application deals with the earth work operation and storm water quality. He does not believe that the sediment load will be as minimal as he is claiming. It's also not appropriate to say that roof water is clean water because a lot of things come off roofs. A huge problem he has with the design is that what Mr. Garcia is proposing for treatment is basically a septic tank. This is very old technology. There are much more new and up to date technology. There is a pollutant load that will be experienced on this site and it should be treated more than the proposed method, he believes that Garcia has not given it consideration. Nesteriak has had this comment from the start. He comments that Garcia thinks what Nesteriak is proposing does not work in the winter which is not true. Moving water typically does not freeze but also, during deep cold cycles there is no runoff and everything is frozen. However, properly designed elements will work at all times. Essentially he believes there could be more effort to have better storm water quality.

The Chair asked what the state of CT's preferred method.

Bryan Nesteriak said that there are a variety of methods that are suggested, which is why there are 2 manuals (soil erosion manual and the storm water quality manual) and it always falls on the professional engineer to make the decision.

Mike Flynn asked what Bryan Nesteriak's main concern was, and if it was that roof runoff water is clean.

Bryan Nesteriak responded that the roof water was just one part of the concern that there is 4 acres of impervious area where currently it's completely vegetated. Roof water is not clean water.

Mike Flynn asked it was Nesteriak's opinion that the detention basins proposed by Garcia will hold 80% of the water.

Bryan Nesteriak said in his opinion the detention basins are there to handle the volume and the flow and not handle the water quality treatment. They are designed to be permeable but he is not convinced that they are designed for infiltration.

Mike Flynn asks if the volume of water can go into city storm sewers and eventually into Bladen's Brook, can the storm sewers handle the volume?

Bryan answered yes, the amount coming off today is what will come off once its built.

Tim Connors asked if there was a standard to go by concerning what comes off the roof.

Bryan answered not really, there are rules of thumb to go by, but the other part is that it is really not fair to compare what they put down (for salt and sand) on the highway to what will go down on a residential area. He says this is because he used to own and operate a residential complex and knows the amount of sand and salt that must be put down.

Lisa Fienberg just noted that what the Commission is hearing is a difference of opinion from 2 very qualified engineers and as Mr. Nesteriak noted there are multiple different ways to design these storm drainage systems and they just happen to disagree on this one. She can say that in the list of conditions, there is a condition based on the storm drainage maintenance on the land records. As a reminder that this project will be subject to a stormwater permit from DEEP.

Brian Koskelowski made a motion to keep the public hearing open until the next special meeting.

Seconded by Mike Flynn.

Jim Baldwin said no they will continue the public hearing at the next regularly scheduled meeting in January.

Brian Koskelowski motion to continue to Jan 27th meeting.

Seconded by Mike Flynn

All in favor.

Passed 5-0

Adjourned at 7:52pm.