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**Seymour Planning and Zoning Commission
Public Hearing Minutes
6:30 pm January 9th, 2020
Bladen's Ridge Site Plan Continuation of Public Hearing**

Members Present: Jamie Brennan, Joe Ziehl, Tom Lavranchuk, Leon Sloat, and Joe Niezelski

Members Absent: Walter Birdsell

Others Present: Bill Paecht, Bryan Nesteriak, Kieth Rosenfeld, Jim Baldwin, Mike Marganski

1. Call to order.

Meeting was called to order at 6:34.

2. Pledge of Allegiance

Everyone stood for the pledge.

3. Seating of Alternates

The Chair asked for a motion to seat Leon Sloat.

Motioned by: Tom Lavranchuk

Second by: Jamie Brennan

All in favor.

4. Public Comment

The applicant's counsel, Lisa Fienberg, addressed the Commission and said that based on her notes from the previous meeting there were 3 core issues that needed to be addressed.

1. Is there sufficient water pressure to the site?

a. There are multiple preliminary conversations with the water company regarding the development plan and no concern has been raised in those conversations. Ultimately the water company will need to issue a "will serve" letter for the development and will also have to supply an easement for the water company for the infrastructure that must be put in place. It would be unusual to receive that letter at this point. If for some reason they do find there is not sufficient water to the site, there is a solution which would be putting in a fire pump. It would just be more expensive.

2. Traffic volumes

This development will result in the additional vehicle trips verses what is happening on the site today. However, if you were to compare the number of trips based on what is permitted on the site (63 unit) to the proposed 93 units is very modest. She handed out a letter from the traffic expert to each Commission member. There is an additional 12 additional trips in the morning and 14 additional trips in the evening. This will not result in a health or safety concern.

3. Water quality

They responded to Mr. Nesteriak's comments related to the water quality. She walked the Commission through the measures they are willing to incorporate and what they are not willing to incorporate. She asked Mr. Garcia to walk them through the analysis.

The Chair asked if the Fienberg and her team had closed the gap between themselves and the staff so there was almost nothing to be worked on.

Fienberg answered yes that's what she was hoping, but the staff will have to answer that.

John Paul Garcia addressed the Commission and wanted to walk them through the treatment chain proposal. The 10 acre site will be split into 4 acres of impervious and 6 acres will remain. The post development flow should be equal to or less than the pre development flow. This is there treatment train; the pervious areas which is routed through various areas and cleaned up, remove the pollutants (80% solids and other pollutants removed) and then the water is discharged into the existing catch basins. The post development flows will be better than pre development flows. This particular site has less sediment load than a Walmart parking lot, 1/3 of the impervious surface is buildings. By the state manual definition, rain water is considered clean for treatment purposes, so 1/3 of the discharge is clean. This means for 2/3 of the water they are worried about sediment removal. They start by discharging the water into a catch basin which goes into an underground detention system, into a second system, and finally into a third system which will store any excess of the pre development flow. There is a treatment facility that is now implemented, it was included in the packets for the Commissioners and shown on the drawings. He swapped out the grid separators and put in a hydrodynamic separators which is now the basic treatment chain. It goes from a deep sump catch basin which is the primary sediment removal.

Tom Lavranchuk asked if the deep sump catch basin was 2 feet or 4 feet?

John Paul Garcia said it was 4 feet. It would be a deep sump catch basin into a hydrodynamic separator, into the underground infiltration detention system and then discharged into the brook. Another comment made during the discussion was Mr. Nesteriak saying he would like to see the use of LID methods for rain gardens. Garcia showed examples of the gardens and said they were shallow 6 inches to a foot deep depressions planted with vegetation. It is designed to allow infiltration as a treatment facility. He said that it would need about 1500 sq ft of rain guard which is not practical for a site like this. The rain guards do not function well on steep slopes. The 3rd reason why he does not want to do this is because they don't function with ice and snow. His system always works and is simple to keep clean. The deep sump catch basin has the capacity around 30 to 32 cubic feet just in the sump itself. They have 3 of basins and not just one, which means they are sized to pick up a lot. Mr. Nesteriak asked them to get rid of the grid separators

and go to a hydrodynamic separator, which they did. He asked about doing rain gardens, which they will not do.

Tom Lavranchuk said in his opinion the rain gardens, if designed properly they work correctly.

Garcia said that they do not work well on a steep slope and on this site they do not have the room to do it. They're mainly worried about sediment removal. Another request Nesteriak had was to take the last infiltration basin and turn it into a true infiltration basin. There is infiltration happening at every treatment systems and they turned one into a true infiltration basin.

Tom Lavranchuk asked what he would do with the snow stockpile because there was going to be more sediments in that area.

Garcia answered that they have a swale that dumps into a catch basin at the end of the road. It will look a little bigger than a garden. The swale is a primary treatment system and is put in as a cut off swale because some of the neighbors are worried about the snow melting into their property.

Lisa Fienberg said Garcia covered the alternate plan for converting 2 of the detention basins into inground detention basins and this is a confirmed primary treatment practice. She calls it an alternate plan because while feasible it is not necessarily prudent and this is a conversation that will continue to be had with Inland Wetland Commission. They mentioned it tonight in case Inland Wetlands decided this is what they would like to do. They handed out the plans for the record.

Tom Lavranchuk asked if they had any other details on the play area that they said they would put in.

Fienberg answered that it has not been designed yet but they can certainly accept a condition of approval that they will show it to them.

The Chair asked if there were any other questions from the Commission and seeing none asked Nesteriak to speak on this.

Bryan Nesteriak said that his comments have been documented in a letter handed out to the Commission, he asked for a vegetative element from the beginning and what they have offered is a step in the right direction. He does not know if they will ever come to a consensus on what the right way to do this is. He understands there is not a lot of room on the site. His opinion is that developments of this size should be considered with water quality and storm water quality

in low impact design methods. He does think there is more information that needs to be supplied such as size information and other things. He needs more details of those elements.

The Chair asked what the consequence might be of doing it the way they proposed verses the way Nesteriak would like to see it done.

Bryan Nesteriak stated the underground systems are not a bad thing in anyway, they must be maintained and inspected in order to keep them operating for decades to come.

The Chair asked if we monitor the maintenance and inspection of the underground systems.

Nesteriak said typically no, but there could be a condition of approval that annual reports be submitted to the town. He believes they have offered to do this. It would be good to have a maintenance plan submitted and followed by the developer. He also responded to their discussion on the infiltration tonight and the memo, they have designed these systems to be infiltration systems although the calculations that go with this ignore that. The problem he has is that system 1 and system 3 are extremely deep and Mr. Garcia says it's all sand and gravel but it really does not look like sand and gravel when they are down that deep. He would have gone out and inspect when they did it but he was never given notice. He would like to have a discussion with Mr. Garcia on the soil conditions of those really deep systems. This is something that can be worked out.

The Chair asked if this was because it was below the water table.

Nesteriak answered that he did not have good confidence that these are sand and gravel soils at the depth that they are at.

The Chair asked if this could be determined easily.

Nesteriak said that Garcia did test pits but he was commenting on what he saw in the pictures.

Garcia showed the test pit information for the 2 that Nesteriak was worried about. The systems themselves are only about 6 to 8 feet deep for finished proposed grade, but they are 20 feet down from the existing grade. The material is moderately compact. The gravel was confined to one area while another area was moderately compact. They designed the systems on the basis of no infiltration at all. This means they're conservatively designed. Even if everything under the system clogs, there is still a post development flow better than a pre development flow. He apologized for not giving Nesteriak a heads up when they did the test pits and he is more than happy to have a conversation with Nesteriak about it.

Tom Lavranchuk said that he agrees with Bryan Nesteriak and says that its a very deep cut and he asked how long the hole was opened for.

Garcia said that they did go down 38 feet, and the hole was opened for a few hours at least and no water was found at all. The only place they found water was at a depth of 18 feet at the elevation of 182. They dug a hole in every system and tried to get at least 4 feet deep below the bottom of the system and it was compact material but there was no water in any hole except for one. There would be at least some indication if that were the case.

Nesteriak said that he will have a few housekeeping items for the plans. Right now it seems like the applicant wants to make a lot of the revisions as a condition of approval and he is not in favor of that. He would rather have a set of plans that everyone is good with, to be finalized before the Commission makes a decision.

Feinberg said that obviously they do not have the set of plans tonight but their intention is to have the discussion, get Bryan's feedback, and in between now and the Inlands meeting have a full set of plans to everything they agreed to.

The Chair said that is fine because they cannot close the hearing since Inland/Wetlands was still hearing the case.

Feinberg said they could close the hearing they just cannot decide the hearing, in fact because of a time constraint they are supposed to close the hearing.

The Chair asked if they had to close it tonight and staff answered that yes unless the applicant were willing to give an extension.

Nesteriak said that he had one final comment, the traffic engineer had said something about proposing a full stop at the Smith and Spring intersection, and he thinks that should be memorialized in a plan. He added that it is an awkward intersection right now and will be more awkward when this development is put in.

The Chair said at some point, they will like to know what the risk/consequences of doing things their way verses Nesteriak's way. He agreed to this.

Fienberg said she did agree and have suggested a condition of approval to submit a drainage maintenance agreement which would go on the land record and any future owner would be required to comply with as well. Any of this infrastructure all needs to be maintained and they

know that. She wanted to note that at the Inland Wetlands meeting Mr. Birdsell and Mr. Brennan wanted to speak and if they have any additional questions they could address they would be happy to. She handed out a list of requests that have been made and how they have responded. They have tried to be responsive.

Tom Lavranchuk said he understands the traffic study but his concern is the construction end of it because its 130,000 yards of material to get out of there which is approximately 6,000 truck loads to get out of there. There is only one way to get out of there and it just seems very hectic.

Fienberg said she put together some draft conditions for their consideration which includes a required construction logistics plan that will be worked on with the Town staff.

Lavranchuk said that his issue was the time frame, if they are reducing hours that is going to prolong the time frame. They have said they will get it done within a certain time frame even though they are allotted 5 years.

Fienberg answered that every developer certainly starts out with the best of intentions but sometimes don't finish on time.

Leon Sloat said that concern #36 the sidewalks along Spring Street, maybe they would be willing to put a sidewalk along their property that their residents and the Spring Street residents could use.

Fienberg said it was something she could speak to her client about, but from a liability standpoint it is a heavy lift. It would need to be a public access easement.

Lavranchuk asked about the piece of property across the street, if they could do something for the Community over there.

Feinberg said that they get into a lot of regulated area space so they cannot say they will do something there. It will just be what it is today. Mr. Nesteriak's concern was the initial infrastructure proposed for this parcel so they removed everything they have on it and will just leave it.

Nesteriak said that the parcel they are discussing is not able to be used for anything because the slopes are too steep. There was a sidewalk in the original plans but they took that away in the first round of revisions, but this was only for residents.

The Chair asked about the architecture of the buildings, they are lacking a design element or making sure things would be even.

Fienberg reminded them that one of the most important aspects of this is that you would not be able to see it from the street. She put up the design of the building.

Lavranchuk said that the carports are not going to be closed there and the garages will appear messy.

Fienberg said that they are not personal garage spaces, it will just be a covered parking area.

Nesteriak said he was speaking more as a resident than an engineer but there could be some improvements made to doll it up. But he does disagree that you will not see it from the road, the trees will not really cover it.

The Chair asked if they would consider getting a little more green.

Fienberg said that this was not a health and safety concern and they were not inclined to change anything.

Jim Baldwin said that when you look at the drawing, the better question might be, will it really look like this or will it come out looking like something different.

Their architect answered yes this is what they are proposing, the color scheme and the look of the building.

Jerry Kiley, the applicant, answered 3 things. 1) Yes they will see the building but you will not see the car ports. 2) exactly how this gets approved is how it going to be built. 3)you may not think we have pride because a lot of the comments made here but they do have pride in what they do and they believe it will exceed previous buildings made in the area.

Fienberg noted that the 1st condition on the draft of conditions will allow the staff to hold them accountable during the building permit phase.

The Chair asked staff where they stood in terms of issues they had with the fire marshal.

Jim Baldwin said the fire marshal left the last meeting in hopes to talk to manufacture and find out their recommendation or tolerance of the latter truck. The road grades were being talked about between 10 and 12 percent. When the Fire Marshal spoke to the manufacturer, they told them they do not stand behind anything more than 5 percent. So most of the roads are exceeding this. The main concern is anywhere they might need to set up that unit in front of a building, the Fire Marshall would like to have that within 10%.

Fienberg said that her concern was that they are not being held at a standard that is different from anyone else in this town, from a regulatory standpoint.

The Chair asked if there was anyone from the public that wished to speak on this subject.

Cynthia Zukas from 270 Pearl Street, stated that she was against this project as most of her neighbors are.

- Water issues: the filtration will probably work, and there will be clean water going into the river. Where they dug the holes is still way above where Spring Street is. Spring is still below 30 or 40 feet from where they have been digging. So now the filtration systems and the overflow water is going to leak below to where the Springs are.
- She does not believe that the developer will keep and maintain this property, he has owned the property since 2015 and has not maintained it at all since then. He only mows the lawn 2 times a year.
- They eliminated the sidewalks and now we have to worry about the new residents getting struck by traffic.
- For the first time since she has been living there, there was a fire on the street and the entire area was blocked by the fire trucks.

Helen Knapp 13 Spring Street, said she does not approve of this project and agrees with what Cynthia said. She shows pictures of the fire department on the street during the house fire on January 3rd fire. She also shows pictures of when the engineer came to the site to do tests. In both photos she points out that she could not get out of the driveway and wants the Commission to consider this because it seems like they have not. She is worried about other elderly people on her street and does not believe they are being treated fairly. She is worried the whole street will be blocked and they will not be able to get out to go to the doctor or the grocery store.

Doug Mylon 3 Spring Street said that regardless of all these beautiful plans this is a major disruption in the lives of the people who live in this area. He has lived in the neighborhood for years and is against this building and backs up Helen and Cynthia.

Conrad Dahm 18 Spring Street said his sister lives in a building that was sold by the town, with cracks in the wall that no one takes care of, and the same thing will happen in this building. When the water table is high on Spring Street, his basement is level with the road, if they dug from down there, they would have enough water to fill up CT.

Lisa Fienberg wanted to briefly address the comments that the public made. To what Ms. Zukas and Ms. Knapp said, she understands that it is hard to believe that the situation with the water on the street will get better once it gets put in, but it will. The post development flows will be better than the pre-development flows. In terms of making sure the area is clean, this is a large development that will be maintained and will be required to keep it up to speed. In terms of impacts of construction, whether they were putting in 63 units or 93 units, it would still be disruptive. She knows that the other construction has been disruptive in the past. Fienberg went over the affordable housing statute and the list of reasons she submitted to the Commission of municipal benefits.

The Chair asked how much the rent would be for the affordable units.

Fienberg answered 2 bedroom will be 1,460 a month and 3 bedroom will be about 2,000 maximum.

The Chair asked if they knew what the market rate unit rent was. He wanted to note that although this is affordable it is high above what typical renters in Seymour pay.

Jamie Brennan asked if there were any units included in this apartment complex going to be handicap accessible.

Fienberg answered yes they are required and 9 of them will be required to be type A accessibility.

Counsel recommended that they try to leave the hearing open because if you get the report from Inland/Wetlands you will not be able to discuss it with counsel if this hearing is closed.

The Chair said he agreed and this is why he would hope the applicant would give another 30 day extension.

Fienberg said she was not in the position to grant a further extension at this point. They are prepared to address Inland/Wetlands there.

The Chair asked if they were prohibited from closing this hearing because there was not a ruling from the Inland Wetlands board.

Counsel Pat Sullivan said in her opinion, it was a bad idea but if Fienberg wants to, they just will not be able to comment on their report given to them by IWC.

Fienberg asked for a 5 minute break to discuss. She came back and said that she believes that she has given the Commission an adequate amount of information, so they are comfortable closing the hearing.

The Chair asked for a motion to close the public hearing.

Joe Niezelski motioned to close the public hearing.

Tom Lavranchuk seconded.

Jamie Brennan opposed.

4-1-0