

**MINUTES OF BUSINESS MEETING
HELD BY THE PLANNING AND ZONING COMMISSION
JANUARY 4, 2021**

MEETING HELD VIA ZOOM

ROLL CALL:

Members Present: Eric Prause, Chairman
Patrick Kennedy, Vice Chairman
Michael Stebe, Secretary
Jessica Scorso
Jessica Poland

Alternate Members: Julian Stoppelman
Bonnie Potocki
Teresa Ike

Also Present: Gary Anderson, Director of Planning
Megan Pilla, Senior Planner
David Laiuppa, Environmental Planner/Wetlands Agent
Nancy Martel, Recording Secretary

The Chairman opened the Business Meeting at 7:00 P.M. The Secretary read the legal notice when the call was made.

PETER SCHUTTE - To dredge (pump) accumulated muck from pond bottom onto adjacent land at 63 Wyneding Hill Road. – Inland Wetlands Permit (2020-078)

Inland Wetlands Permit (2020-078)

Mr. Peter Schutte, 63 Wyneding Hill Road, introduced himself. Mr. Schutte explained that he has a pond in his back yard, partially shared with neighbors, which is just under an acre in surface area. He reported that the pond has not been dredged, pumped, or cleared of sediment in over 40 years. At this point, according to Mr. Schutte, the buildup of organic matter is impacting the health of the pond. He reported that algae blooms in the summer are having a negative impact on wildlife.

Mr. Schutte stated that he has researched methods to remediate the issue and has uncovered a pumping method. The method uses a pump that is inserted directly into the muck at the bottom of the pond. The area he would be removing sediment from is about half an acre and the sediment would be pumped onto one-quarter of an acre in another area of the property. He stated that the goal is not necessarily to remove all of the sediment, but to displace the sediment to reduce the load on the pond and set the clock back on the pond for a few decades to restore its health. Mr. Schutte reported that Mr. David Laiuppa reached out to him just before Christmas to report that the Conservation Commission sent him questions to share with the Commission, and he sent the responses back to Mr. Laiuppa.

Mr. Laiuppa noted that many of the questions were touched upon during discussion about the determination of significance last month. He reported that the first question asked was at what time of year the activity is proposed, and the plan is to begin the project in the spring when the water is at its highest, and then to restart in late summer/early fall when the water level should be lower.

Another question, said Mr. Laiuppa, was how long the operation will take to complete. Mr. Schutte's response was that it should be done within calendar year 2021. He added that the applicant estimated the work should take approximately ten 2-1/2 hour sessions.

Mr. Laiuppa referred to the next question relating to the volume of material to be removed, and Mr. Schutte summarized his response. He reported that he made an estimate of the volume by rowing out on the pond and probing the pond to gather the depth of the organic sediment. Mr. Schutte continued with the various measurements and explained how he arrived at an approximate volume. He acknowledged that measuring the organic sediment is speculative and explained his estimation, based on water/sediment levels.

Mr. Laiuppa summarized that Mr. Schutte will fill the space available in the depression unless he runs out of muck. He also reported a question about what plans are in place to reduce odors.

Mr. Schutte gave a detailed explanation of what drives the odor. Once the sediment is disturbed, hydrogen sulfide gas is released, causing the odor. He stated that the odor might drive operations to cease, and he will wait until the odor dissipates. Mr. Schutte explained that, as he prepared to apply for the permit, he contacted neighbors and asked them to let him know if they have any concerns. He said that his neighbors were encouraging and happy that he will take care of the pond.

Mr. Laiuppa noted another question, not specifically relevant to Mr. Schutte's application, which was whether there is a long-term pond management plan.

Mr. Schutte explained that he does not maintain a written pond management plan, but being the owner of a property with a pond, he has become familiar with the steps necessary to maintain a pond. He said he laid out what could be considered a long-term pond management plan. Mr. Schutte broke the response into the major subject areas and detailed each:

1. Aeration
2. Land and aquaculture management
3. Fertilizer and septic management
4. Infrastructure maintenance
5. Water source protection
6. Sediment removal
7. Miscellaneous

Mr. Schutte stated that this process is not something that would be done every few years. However, he said they would not wait another 40 years. The interval must be determined by watching the pond and pursuing good management practices. According to Mr. Schutte, there are other methods of sediment management, but based on his research, he does not favor them.

Mr. Laiuppa detailed a question about handling insect attraction, acknowledging that is an issue that is difficult to control. He said the location is well removed from homes in the area.

Mr. Schutte noted that something he found very interesting when they bought their home was that, despite having a body of water on the property, they could sit out at night and not get bitten by mosquitoes. He said the reason for that is the pond helps to drive all the other animals that would consume these insects. There are a fair number of bats, and there are many toads and frogs that tend to stay on top of things. He acknowledged that they would be adding organic material to the surface of the land, which may overwhelm the population that normally consumes the insects. According to Mr. Schutte, insect attraction is hard to predict, along with odor and noise. He stated that he will be monitoring the situation.

Mr. Prause stated that part of the information the Commission is to review is the impact the activity will have, and it seems logical that there will be increased turbidity and potential impacts to any outflow from the pond. He questioned whether there will be management of the pond to ensure the level of turbidity in the downstream areas.

Mr. Schutte reported that, in all likelihood, he would not be pumping while the pond is outflowing. There has been a tremendous amount of rain recently and the pond is currently outflowing. For most of the year, the pond does not outflow, and he would not worry about carrying away turbidity with outflow particularly if he is pumping in an area where the pond is not outflowing. According to Mr. Schutte, what would be a concern would be the dewatering operation; i.e., as the water is coming out of the sediment, what will it carry with it and where will it go. He stated that the area where he would dewater is one-quarter of an acre and he would suspect that much of the water will either evaporate or go down into the soil. In his opinion, the water would be a minor issue, but the percolation through the soil would be a major problem. Mr. Schutte added that one side of the depression will be surrounded by a silt fence, which should hold back the silt, and he would cease operation if the water reached that fence.

Mr. Prause questioned whether there would be any permanent change to the amount of discharge from the watercourse or any change in the direction of the flow.

Mr. Schutte assured Mr. Prause that none of that would change. He stated that the sediment is a relatively small portion of the pond. The water volume of the pond would not change; the surface area of the pond would not change; neither the inflow or the outflow locations, nor any plumbing would change.

Mr. Prause inquired whether Mr. Schutte has done any investigation about the natural capacity that may be changed in terms of any impacts to aquatic life, plant life, or amphibians. He speculated whether this will be positive or negative in regard to those habitats.

According to Mr. Schutte, his research has shown the impact will be positive, setting the timetable back years, if not decades. The aquaculture now is suffering as they have had algae blooms in the summer over the past several years, whereas from 2006-2016 they had none. He said that, prior to 2016, he saw hundreds of bullhead in the summer along the surface of the pond, but in the last few years he has not seen any. Mr. Schutte's expectation is that the sediment removal will be positive for the natural residents of the pond, and he noted that he would take extra care not to disturb the fresh water mussels.

Mr. Prause inquired about the timeframe Mr. Schutte is targeting.

Mr. Schutte reiterated Mr. Laiuppa's report that he will pump in two sessions. He explained that the pump is articulated but has a fixed reach of no more than 8 ft. If he can pump while the pond level is typically high in the spring, that would access the perimeter near the shore. Mr. Schutte reported that the pond levels drop 2-3 ft. in late summer to fall. He would then go back and try to reach the center portion of the pond.

Mr. Prause asked Mr. Laiuppa if the Commission should consider a timeframe for this permit.

Mr. Laiuppa responded that, rather than doing a time of year type of timeframe, it may make sense to include something in regard to having no active outflow from the pond. He said that would allow for less potential for turbidity downstream and would allow Mr. Schutte the flexibility to work when he can and still protect the natural resources downstream.

Mr. Prause commented that, in general, the Commission approves a permit for five years, with the work to be accomplished within one year. He questioned Mr. Schutte whether the Commission should make the timeline more flexible; i.e., should this permit be for a one-time use, or should the Commission entertain the idea of making it more open-ended over the next five years?

Mr. Schutte reported that this will be the first time he has used this technology. He stated that he has done everything he can to prepare for it, but it may turn out that the intervals between pumping will be far longer than he has anticipated. In that case, Mr. Schutte stated, he may want to go back within a year or so to remove more and, therefore, some flexibility would be appreciated.

According to Mr. Laiuppa, from an ecological perspective, if the dewatering was spread out over a longer period, it would be beneficial. If complications with the dewatering arose or if there is a wet summer, etc., that flexibility may be beneficial to the applicant and the ecology of the area.

Mr. Prause observed that this is an individual homeowner and the Commission may want to change the completion time and remove the clause about the work being completed within one year.

Mr. Laiuppa stated that would be logical.

Mr. Anderson questioned whether the Chairman would suggest any timeframe.

Mr. Laiuppa suggested there should be the five-year timeframe, but not the wording about having the work complete within one year. After the five-year span, if the work needs to be continued, then there would be a renewal or a continuation.

Mr. Prause added that he sees the plus and minus also. If an abutter saw this became a five-year project, they would assume this was not the intent of the Commission.

Mr. Stebe suggested the Commission could retain the five year and one year traditional timeline, but with the addition that if the applicant needed to go into year two, Mr. Laiuppa as the Wetlands Agent

could do an administrative review. However, Mr. Laiuppa could suggest the applicant come before the Commission again. Mr. Stebe felt that it would be a nice balance and would retain the standard timeline, understanding that the applicant is an individual homeowner.

Mr. Kennedy stated that he suggested not making it too complicated. He proposed the work be completed within two years of commencement rather than one; i.e., five and two.

Inland Wetlands Permit (2020-078)

MOTION: Mr. Kennedy moved to approve the inland wetlands permit for regulated activities associated with dredging of accumulated sediment from the pond bottom onto adjacent land at 63 Wyneding Hill Road. Mr. Stebe seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity does not disturb the natural or indigenous character of the wetlands by significant impact or major effect.

The approval is valid for 5 years. The work in the regulated area must be completed within two years of commencement.

MARCOS A. MUESES – Special Exception under Art. II, Sec. 5.02.02 for a place of worship at 182 South Main Street. – Special Exception (2020-076) – *Request for 30-day Extension*

Ms. Pilla stated that the application is still under review with Staff, and the applicant continues to satisfy the revisions.

Special Exception (2020-076) – *Request for a 30-Day Extension*

MOTION: Mr. Kennedy moved to approve the request for a 30-day extension for application 2020-076. Ms. Scorso seconded the motion and all members voted in favor.

ADMINISTRATIVE REPORTS

Ms. Pilla informed the Commission that there will be an application in the next several weeks for potential regulation revisions relating to outdoor dining, seasonal vestibules, and sidewalk cafes. There are temporary outdoor dining permits, but these will be more permanent revisions to provide more flexibility to businesses, particularly in the downtown area.

Ms. Pilla reported that the Planning Department received an application on the Parkade development. It has finished processing and will go to Staff review for a few weeks. The application is for the entire Parkade development preliminary site plan, basically a master plan, as well as an inland wetlands permit. Additional permits will be sought in the future with each proposed phase of construction.

Mr. Laiuppa stated that he issued a notification of wetland violation to Mr. Ken Boynton for the Bayberry Crossing project on December 28. There were reports downstream of the project on the Bayberry side and into East Hartford of sediment-laden discharge leaving the site on two occasions:

December 7 and Christmas Day. There was a field meeting after the first incident with several members of the Engineering Department and the Inspection Staff, as well as Mr. Boynton and his contractors.

There was a discussion about what they should and should not be doing out there, yet it occurred again on December 25. After the second occurrence, according to Mr. Laiuppa, he issued a notification, basically a written warning, that if it happens again there will be a cease and desist order.

In the notification, Mr. Laiuppa mentioned that there was deposition of material, discharge of polluted waters and pollution, as defined in the Town regulations, into a wetland, watercourse, and/or upland review area. Mr. Boynton has had his crew make changes to beef up the erosion and sedimentation controls. Mr. Laiuppa stated that he will be monitoring discharge from the site to ensure it is clean. The discharge is working through the storm system, which ultimately discharges into a pond, wetlands and some streams that go into East Hartford. He stated that the sediment was tracked at least a mile from the site.

Mr. Laiuppa reiterated that the project is on notice and that DEEP is also involved in a supportive role at this point, ready to step in if they need to.

Ms. Potocki commented that, in her opinion, this project will require a great deal of monitoring, not just by Mr. Laiuppa. She asked who in the Engineering Department will be assisting Mr. Laiuppa with inspection. Ms. Potocki reiterated that there have been complaints not only about the sediment, but also about the blasting.

Mr. Laiuppa stated that he cannot comment on what other departments are doing. He added that his role will not necessarily be to watch everything that is happening onsite, but to watch the resources around the site. He added that the Engineering Department has an inspection staff that does not perform the routine inspections for the project, but oversees the project inspectors. According to Mr. Laiuppa, the inspection staff advises the applicant on what should or should not be done on the site. He noted that he steps in when something happens on the other side of the silt fence; i.e., if regulated resources are impacted without a permit. Other departments would get involved as the need arises.

Ms. Potocki reported that the discharge went over town lines and questioned whether East Hartford and Glastonbury had been notified.

Mr. Laiuppa stated that he has not had a discussion with the other towns. One of the property owners who made the initial complaint has property in both East Hartford and Manchester. The property owner reached out to Mr. Laiuppa because it originated in Manchester. He explained that he was planning to speak with East Hartford.

Ms. Potocki questioned whether Inland Wetlands within DEEP has been notified, which Mr. Laiuppa confirmed.

Mr. Laiuppa said that the divisions of DEEP that are involved from a cursory perspective on this project are the Inland Wetland Water Course Division, the Storm Water Division, and Fisheries.

Ms. Potocki assumed that they will not be involved in any monitoring or inspections; they are relying on the Town.

According to Mr. Laiuppa, the only division within DEEP that would be involved would be the Storm Water Division, and at this time they are not sending anyone to the project unless he red flags it.

Therefore, he said, he is working with the applicant to ensure that they comply with the regulations. If they are putting forth an effort, Mr. Laiuppa stated, the Town will continue to work with them. However, if they are not putting in an effort, DEEP wants to be notified.

APPROVAL OF MINUTES

December 7, 2020 – Public Hearing/Business Meeting

MOTION: Mr. Kennedy moved to approve the minutes as written. Ms. Scorso seconded the motion and all members voted in favor.

RECEIPT OF NEW APPLICATIONS

NEW STATE PROPERTIES, LLC – Special Exception Modification (2020-079); Erosion & Sedimentation Control Plan (2020-080) – For a warehouse addition with associated loading docks, and removal of an existing storage building at 401 New State Road.

VOLTA CHARGING, LLC – Zoning Regulation Amendment (2020-081) – To revise the zoning regulations at Art. I, Sec. 2 to add definitions for “Electric Vehicle Charging Station” and “Operator” and to add a new Art. IV, Sec. 24: Electric Vehicle Charging Station.

MOTION: Mr. Kennedy moved to adjourn the business meeting. Mr. Stebe seconded the motion and all members voted in favor.

The Business Meeting was closed at 8:00 P.M.

I certify these minutes were adopted on the following date:

January 20, 2021
Date

Eric Prause, Chairman

NOTICE: A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.