

BUMPER BROOK ESTATES, LLC – APPLICATION TO CONSTRUCT 36 UNIT ELDERLY HOUSING COMPLEX, TWENTY-FOUR BUMPER ROAD.

After maps have been presented to the Inland Wetland Commissioners for viewing, Atty. William J. Tracy approaches the Commission. He states that the parcel contains 8 acres (3 parcels shown on the Harwinton Assessors Map as A8-03-0003, A8-03-0004 and A8-03-0006 totaling 5.72 acres) along Twenty-four Bumper Road. (Plans show the Harwinton parcels as Parcel A, B, C & D.) The property is split between land in Harwinton and 2.25 acres of land in the City of Torrington with street frontage on Andrews Street. Most of the wetlands are located in Torrington with all activities being proposed in Harwinton. There are no activities proposed in wetlands at all although some of the activity does fall within the 100 foot buffer line from the wetlands. A City of Torrington Inland Wetland Permit Application has been submitted to the City of Torrington by Atty. Tracy on 2/21/18. Notice of that application has been sent to the Town of Harwinton by Atty. Tracy on 3/5/18 and by Torrington IWZEO Rista Malanca on 2/22/18. Notice of the Harwinton Inland Wetland Permit Application has been submitted to the City of Torrington by Atty. Tracy on 3/5/18 and by LUC Redmond on 2/27/18.

Atty. Tracy points out the wetlands area on a map he has provided for viewing, showing (in red) the area between the town line and the 100 foot line buffer area showing grading for the stormwater plan, drainage structures for the outfall, and grading for the site which will be taking place within the upland review area. He explains that the wetland on this parcel seems to have a primary function of flood storage. He spent some time looking over old maps and found that it does appear this area has been substantially disturbed time and again since probably the 1930s. Back then it looked like it was farm land, before Andrews Street showed up on any maps. There was a brook at the intersection of Andrews Street and Perkins Road (then called Perkins Hill Road) in Torrington and included a small pond with a spillway that shows up on State of CT construction plans for Route 8. When the state redid Route 8 and redid Twenty-Four Bumper Road, both the pond and spillway were eliminated and it appears at that point the streambed was moved a little further to the east where it is now, showing up near Andrews Street, after construction was done.

Atty. Tracy states at one point, the athletic center, Courtside, now located by the airport on Burlington Road in Harwinton, was looking at this property as a potential location to build the center and the property owner secured a permit for a grading plan to change some of the grades which was done approximately 10 years ago. Atty. Tracy states that off and on there has been some disturbances on this site over time and points out that he believes the wetland itself doesn't have an environmental value but it does provide substantial flood storage. Site work that was designed here (on plans presented tonight) was designed with that in mind. At this point, he asks Mr. Hiltbrand to speak of the features of the property.

R. Hiltbrand notes that there is 1.95 acres of wetland on the entire site with .2 acres of wetlands in Harwinton and 1.75 areas of wetland on the Torrington side. The site has been disturbed in the past but no wetlands have been disturbed except that the wetlands line has a "bump" in it which looks like it was carved out for perhaps drainage reasons. The brook runs to the south under Twenty-four Bumper Road with four 48" reinforced concrete pipes. Site soils are a mix of well-drained to moderately well-drained soils on site upslope of the wetland. The site is a product of a balanced site with no fill coming in and none going out with Mr. Hiltbrand stating they worked the site until they found a balanced point between cut and fill, which is beneficial because there's not a lot of material and they aren't going to harvest a lot of material. Also, they are not bringing a lot material on site except for small amounts of stone for pipes. The drainage system is based on zero increase in runoff which means they will be equaling the rate of runoff from this site prior to its development.

The stormwater quality basin placement is such that it can also be utilized as a temporary sedimentation pond during construction. During construction any site flows can access the stormwater quality basin. The outflow for this basin was chosen in the area that may have been altered in the past, in the area of the notch/bump that was pointed out earlier, which he believes was a good spot to bring stormwater to. It's a natural spot for discharge from the detention basin and then, Mr. Hiltbrand explains, there's about a 100 foot grass line swale for further treatment

before entering wetlands. There is a negative rate of flow on the site from the two to 100 year storm so they are actually bringing the rate of flow down a bit than what was previously calculated. Distance to wetlands varies from 40 to 60 feet in some areas except for the grass swale. Commissioner E. Rahn questions the single discharge pipe going into the wetland from the detention basin with Mr. Hiltbrand stating the single discharge pipe will be about 100 feet from wetlands with the grass swale bringing it to the wetlands. Commissioner Rahn expresses his concern of zinc from paving getting into the wetland and asks if any water sampling will be done. Mr. Hiltbrand replies that sampling is only done in industrial uses that require it but he points out that there is the stormwater quality basin setup with multi-bays to provide treatment. Commissioner Rahn questions what the average flow is with Mr. Hiltbrand stating, with an average two year storm it will have a couple of days and then it will filter out.

Chairman Burnett questions what the surface type for the parking lot and driveways will be with Mr. Hiltbrand replying, asphalt. Chairman Burnett questions if any thought has been given to creating pervious surfaces with Mr. Hiltbrand asking, “such as?” Chairman Burnett states that there are variations on a lot of permeable surfaces for roads and driveways. Mr. Hiltbrand states that what he’s been involved in he sees that concrete has totally failed, including UCONN’s project which has been ripped out. There is permeable asphalt but if not maintained properly it clogs up and fails. In this part of the world, with real winters, salt is used and we’re getting away from sand but with big storms involving ice, salt becomes useless and sand is then used. Permeable asphalt only might last a couple of years but it’s supposed to be kept clean and you’re not supposed to use sand on it. He knows it’s out there, permeable surfaces, but he feels it is better off to put dollars into a good stormwater system.

Mr. Hiltbrand states that they are doing as much underground work as they can which is the whole back of the building for all the roof runoff with Chairman Burnett questioning how deep the basin is with Mr. Hiltbrand stating at dead center it’s about 10 feet deep. Chairman Burnett states he would like to at least see consideration to LID (low impact development) such as rain gardens and permeable surfaces. The fact that there’s zero increase and run off, which is impressive, still seems like “old” development. Mr. Hiltbrand speaks of rain gardens having their place but again, his ultimate goal was to leave as much buffer as he could, leaving 40 to 60 feet of a buffer area, not building right to the edge, and having no wetland disturbance. He believes rain gardens are good for a small site, where you could find a pocket to place them, but with this project, this would be a big rain garden if one were required. He understands the concern and they could always look at this but he believes this is their best shot, bringing a decent buffer.

Commissioner S. Ryan questions if the proposed units are two stories since the units seem so small. Scott Bayne, S&W Custom Home Builders, who is also present accompanying Atty. Tracy and Mr. Hiltbrand, states that this project presented tonight is the same project built in Bristol, on Lake Avenue, called Apple Grove Hollow, built by S&W Custom Home Builders. He agrees the units presented tonight are small but for single or two people they’re very desirable and affordable. S. Ryan, realizing this is not a wetland concern, asks if there will be landscaping with Mr. Bayne answering, yes. LUC Redmond question whether there are sidewalks with Mr. Bayne answering, yes, in front of the units. There are no step-ups into the building, the sidewalk comes to the front door, making almost every unit essentially handicapped for accessibility into the unit and there will be handicapped parking mixed in between units.

Chairman Burnett questions whether these units will be considered Affordable Housing with Atty. Tracy stating that this is not designed as an Affordable Housing project but it does fall within PA 2009-230 which is the provision that requires the towns to do Smart Growth as a condition to all of the discretionary grant funding that comes from the state and that the state has been waiving those year after year. Part of this Smart Growth is to have a variety of housing opportunities and part of it is to place more dense construction areas near transportation, this being on the Torrington side, so it does help the town with that aspect. The proposed complex, as noted in the application to Zoning for a Zoning Regulation text amendment, is to be constructed for housing for the elderly, those persons ages 62 or over, or intended and operated by persons 55 years of age or older and occupied by at least one person who is 55 years of age or older.

Atty. Tracy states that there is some concern, in talking to First Selectman Michael Criss about this project, because there will be a filing with WPCA for sewer connection. Chairman Burnett questions how the sewers will connect with Atty. Tracy stating that the sewers will connect in Torrington with him pointing out the sewer line on the plans provided and states the public water line will follow the same route. The plan shows the sewer line leaving the project, coming out onto Twenty-four Bumper Road, and connecting to the existing system at the intersection of Andrews Street and Perkins Street in Torrington. They've talked to Torrington about the crossing of the brook because that takes place under the pavement but over the 48" pipes with no wetlands disturbance with its connections. They've also been in discussion with Torrington and Harwinton WPCA about these connections, which is an ongoing process. They are working with the Zoning Commission on zoning requirements as well.

Commissioner R. Orciari questions the slope between the development and the highway known as Route 8 and that it looks like grading will be needed. Mr. Hiltbrand explains that the grade is 2:1 and will have two slope benches built into it. Basically, when they reach a certain point, a 6 inch bench will be built so it's not one continuous slope, it will be slope/bench/slope/bench, which is one of E&S control measures found in the E&S Control Manual when dealing with longer slopes. He explains that this breaks the slope to 16 or 20 feet that will have a slope bench built in to it. Commissioner Orciari questions that with heavy rain wouldn't the slope come down with Mr. Hiltbrand stating that the benches are meant to bring the water to a stop, having a flat level bench, and then continuing down. Mr. Hiltbrand points out that the side of Route 8 does not have much runoff contributing to this slope. He explains that when the bench is constructed, this being a cut and fill site, you cut the first portion to the first bench then you top soil, place E&S fabric, then you build your next piece and build your way down. Commissioner Orciari questions how the slope will be maintained with Mr. Hiltbrand replying that it will be left to grow with small trees and vegetation to which Commissioner Orciari states he is not sure trees are a good idea; that brush and grass is fine but trees can uproot and cause erosion problems and damage to buildings. Commissioner Orciari states that it was said there is no drainage from the highway onto this property with Mr. Hiltbrand stating there is drainage, through an easement, but it's not part of anything they are proposing and it's staying intact. Atty. Tracy states there is a drainage structure that is off site, within the highway limits, but that drainage is carried underneath the property so really just looking at a limited area of watershed from that slope. Whatever falls on that slope is not picking up anything from uphill, that that's all handled by Route 8 drainage. Commissioner Orciari questions that with the 8 inch perforated pipe based into the slope that's going to be tied in, would it do any good to put one up on the bench within the slope? Mr. Hiltbrand states that the drains up there would never get maintained. The sloped bench is an added benefit and is the appropriate way to do it. He refers to the DEEP E&S Manual and notes that it is built to their regulations and recommendation. Commissioner R. Orciari states that in regards to the detention basin he would like to see a Planting Plan that supports wildlife. Discussion of placement of the dumpster is also discussed and pointed out which will be located at the end of the roadway (turnaround) on the right. The turnaround will also be used for emergency vehicles. Commissioner E. Rahn questions if percolating is to the detention basin only with Mr. Hiltbrand replying, yes. Commissioner Rahn questions whether then there's no point of discharge from roof drains with Mr. Hiltbrand stating there's a high level over flow at each end and a culvert with an end wall that comes into the property that drains out to under the road to the stormwater culvert. Atty. Tracy states that historically this culvert picked up some of the drainage from the south side of the property runoff.

Commissioner T. Bobroske reminds Commissioners that the town can hire the Town Engineer, W.M.C. Engineers, to review these plans. He questions Mr. Hiltbrand on when the wetlands were flagged with Mr. Hiltbrand stating he doesn't have an exact date. Commissioner Bobroske questions whether the application should go before the Zoning Commission first for their approval of a zone change to even allow to build such a building in this location before coming to IWWC with an application to construct; that there is no Zoning Regulation in place yet for what is being proposed. Atty. Tracy states that applications have been submitted to the Zoning Commission and a public hearing has been set for **Monday, April 9, 2018** for a request for a zone change and regulation text amendment to allow for private elderly housing and that the Wetlands application is being presented tonight at the applicant's risk. Atty. Tracy states that the question of whether there is a zone for this type of activity is not the IWWC's purview. Commissioner Bobroske states that he would like the Town Engineer to review the plans, especially the slope,

and also, regarding a soil scientist report, he believes there should be a starting point. Mr. Hiltbrand states he wasn't the surveyor of the property so he doesn't know when the soil report was done. Commissioner Bobroske speaks of LID and suggests that the design for LID might be more prudent for recharging the wetlands. He states that at this time he doesn't see how the Commission can accept this application as he sees it as incomplete. Atty. Tracy states that if the Commission is looking for the Town Engineer to review the application, the application must first be submitted. Whether the application is complete is irrelevant, and in the interim, the engineer shall review the application before this Commission makes a decision. Chairman Burnett questions Commissioners whether they feel a public hearing would be necessary out of public interest. Atty. Tracy replies that there is no activity in wetlands and this is not a significant activity, or in the public interest, with Commissioner Bobroske stating that he likes the idea of transparency in the way of holding a public hearing. Atty. Tracy states that if a public hearing is to be held, would the Commission expect notice be given to the citizens in Torrington who are within 200 feet of the property or just residents in Harwinton? He adds that the Zoning Commission has set a public hearing and if the IWWC sets a public hearing also, it will only go under wetland matters. There is no further discussion of holding a public hearing.

Commissioner R. Orciari reiterates that he would like to see a planting plan in the detention basin and also would like discussion with someone on the planting plan on the slope, perhaps with Northwest Conservation District. Commissioner E. Rahn would like calculations done on how much area will be permeable. Lot coverage is discussed with Atty. Tracy noting that proposed lot coverage is 35% (35% proposed in the new Zoning Regulation text submitted by the applicant) and that the project is at 24%. LUC Redmond questions the distance from the buildings to the highway/Route 8 and whether a sound barrier wall should be considered with Mr. Hiltbrand stating the highway is 50 feet from the buildings and that there is another 50 feet of highway right of way before reaching the travel lanes of Route 8.

The minutes continue with those already posted showing a **motion** made by Commissioner T. Bobroske that the application shall be accepted as a regulated non-significant activity with IWWC Regulations 7.5 and 7.6 to be considered because those are questions the Commission has and would like answered especially in regards to slope, plantings on the slope, detention basin, infiltrator, pervious areas and feasible and prudent alternatives. Commissioner R. Orciari seconded the motion and it passed unanimously.

Commissioner Bobroske states that he wishes to receive W.M.C. Consulting Engineer's report after their review in a timely manner and not at the last minute before the next IWWC meeting on April 2, 2018.

Respectfully submitted,

Polly Redmond
Land Use Coordinator

RECEIVED FOR RECORD AT HARWINTON CT
ON 3-20-18 AT 10:45 AM
ATTEST NANCY E. ELDRIDGE TOWN CLERK