

Planning and Zoning Commission

April 21, 2020 – 7:30 PM

Meeting Minutes

Please note this meeting was held online.

Members Present:

Walter Parsell

Bob Shabot

Laurie Semprebon

Doug Roberts

Andrew Marco

Joe Hall

Members Absent:

Joe Lucia

Also present:

Michael D'Amato – Zoning Agent

Ashley Stephens- Assistant Land Use Agent

Ken Slater- PZC Attorney

W. Parsell opened meeting at 7:35 members and went through the roll call.

D. New Business:

1. **Z-20-22: Site Plan Application Renewal:** Section 15.09.03:180 Tolland Turnpike: Owner: Holt Mountain LLC, Applicant: Diane Becker

2. **Z-20-24: Site Plan Application Renewal:** Section 15.09.03:171 Tolland Turnpike: Owner: Lawrence Becker, Applicant: Diane Becker

3. **Z-20-25: Site Plan Application Renewal:** Section 15.09.03: 9 George Drive: Owner: Lawrence Becker, Applicant: Diane Becker

4. **Z-20-26: Site Plan Application Renewal:** Section 15.09.03. 328 Ruby Road: Owner: Ruby Assoc General Partnership: Applicant: Diane Becker

P. Alter stated he was the attorney from Alter and Pearson for the applicant for all public meeting items listed. He stated J. Buchanon is a senior project engineer that the applicant used for the submitted engineering documents. All permits fall under Section 15.13. First item is the quarry operation that has been presented to Commission for excavation permit with a full quarry operation with total acreage of about 300 acres. 100 acres are currently being utilized in the quarry operations. A stormwater pollution prevention plan that was requested from the Commission was submitted to the town. The operation at this site has continued as it has in the past.

It was also requested to allow the renewals be moved out to three years instead of every year.

W. Parsell asked if 180 Tolland Turnpike is the one that's going to be the one will fill coming in from off site.

P. Alter stated that the fill is for 171 Tolland Turnpike.

L. Semprebon asked why the Stormwater Prevention plan isn't signed. On page 6, wondering why the town won't receive copies of the semiannual stormwater runoff inspections and testing? On page 7 in the soil testing plan, what is the time frame of the ground water monitoring wells? Are they considered mandatory? Do we have authority to mandate those? She was also wondering if the state of CT guidance document for evaluating potential hydrogeological impacts associated with blasting and development

activities from Dec. 2019 was referenced in creating these plans because it has a lot of information pertaining to it.

J. Buchanon stated that they will sign the plan and get it to the Town. And that the town can receive copies of the semiannual inspection. The next question is in relation to 171 Tolland Turnpike and will wait until they get to the next item on the list. It was also stated that the guidance document was not specifically used, but was probably used as overlap with other documents to make their plans. She also stated it might be for only new developments and not existing quarries.

L. Semprebon stated there are 7 recommendations from the guidance document and believes those should be considered and thinks they should all be addressed.

J. Buchanon stated sediment that might contain rock dust or anything with heavy stormwater flow, will be contained as outlined in the stormwater prevention management plan that is put in place now. There is no reason to be concerned that the rock will get into the water and leave the site. She stated they will review the CT guidance document.

L. Semprebon mentioned runoff from stock piles being filled with iron sulfites what studies or tests have been conducted on site or off site to show they aren't affecting the ground water?

J. Buchanon stated that quarry operation itself would not impact groundwater any more than the natural bedrock that is there. Process of quarrying isn't releasing chemicals into the groundwater and any sediment is being stopped with prevention measures that are installed.

P. Alter moved onto item 2 for 171 Tolland Turnpike which is long standing gravel operation and excavation. Around 110 acres on the north side of Tolland Turnpike. Applicant and owner have started reclamation for portions of the property where sand and gravel excavation has been completed which what was referred to in earlier comments about materials being brought back to the site in order to reclaim the site to its original grade.. A soil management plan has been created to show how materials are received at this site for the process of reclaiming the areas that have been excavated. There is another area that will be excavated and this will continue to be looked at through the soil management plan. Wells have not yet been installed and has been held up with the current COVID-19 situation. Process here is to continue sand and gravel excavation and reclamation on parts of property. They haven't changed the process they have been following, but have made the process more detailed with the soil management plan and professional advice.

W. Parsell asked if they estimate that it would still be a 30-35 year process to restore the property.

P. Alter stated that depending upon availability of suitable material and continued excavation not yet excavated, that is not an unreasonable estimate.

W. Parsell asked if any of the deliveries of fill coming in are being tested by Haley and Aldrich prior to being dumped at the site.

J. Patton stated that a call will come in to bring material in, and the company will send a packet of everything that needs to be tested. They will do sample testing for every 250 yards for the first 1,000 yards. Then it can be one test per 1,000 yards to protect them. Any loads that comes in, gets signed by qualified environmental professional to say this is the material that was tested and loaded on the truck. When it gets to location, the owners look at it and know that it was tested. Believes they have a good testing system and don't accept anything not tested.

W. Parsell asked J. Patton if the fill that is brought into site, do you know where that particular fill is being dumped on the property?

J. Patton stated they have an idea and perform drone flights every once in a while, but we don't know exactly.

W. Parsell asked when they expected the wells to be put in.

J. Patton stated they hope for them to be drilled and put in this year. They are doing groundwater and stormwater monitoring this year.

B. Shabot asked what the purpose is to bring in the soil. He stated he has seen reclamations that uses the soil on site, and why they can't do the same? Also in the report, noticed that it mentions some of the material may have above natural background compounds level. Sometimes it worrisome about what shows up..

There was discussion from several commission members stating that they would have liked to have more time to have reviewed the information delivered for this meeting.

M. D'Amato stated that the applicant did submit this information prior to March 1, 2020 which was required from prior approval. It was also stated that we had to move towards digital meetings and it was unsure if these plans could be digitized and provided on time. They were posted as required by the executive order of 24 hours in advance. It was stated that the commission is not required to make a decision tonight, and the executive order builds in extra time to make decisions if need be.

B. Shabot asked what A and AA classifications for groundwater stands for from DEEP (from item 1.5 on page 1)

W. Parsell asked what the B classification stood for.

J. Buchanon stated that the AA classification means that the water does not need to be treated before you can drink it. The A classification is not suitable to drink without being treated but it is suitable for wildlife. B is like the CT River, do not drink it.

B. Shabot was interested in knowing about the wastewater pools on site. Wondering if they're lined with some type of fabric or impermeable clay layer in order to not facilitate leachate getting out of pools from 171 Tolland Turnpike.

J. Buchanon stated that there are two naturally formed ponds in the quarry operations from years ago, but not necessarily waste water. They are stormwater that collects there. They don't fill up very often if at all and the water sits for quite some time, so sediments that were collected would settle out and the water would continue out. It is part of the surface water sampling program they are going to initiate to get background levels and then to monitor them.

B. Shabot asked if they will monitor the water that flows out into the adjacent wetlands and find out what was dissolved into the water. Some of material will have above background levels of various compounds.

J. Buchanon stated that they plan to have a surface water collection point in the wetland, as well as downstream and two upstream points. All soils that come into the site have chemical tests before they are allowed to come onto the site, and would not allow them to have levels that would send leachate into ground water. DEEP issues different levels for different types of site. Lowest level is residential criteria and DEEP has certain values for any chemical that can be tested and that is the criteria they use for this site and if anything exceeds that, it will not be accepted at the quarry. Background soil can still contain certain levels of metals like lead, arsenic, mercury, and they can be naturally occurring at a site, and if they are still too high when bringing in soil it will not be accepted.

J. Patton: Pollution criteria level where they fall under GA which is one of the best.

P. Alter moved onto item 3, 9 George Drive, excavated and has processing and washing plant that has been there since the 1960's. Continued processes and excavation on site with the intention of imported material and excavation on site like it has been. Material usually comes from quarry at 180 Tolland Turnpike where it is processed and washed and then sold and distributed. Not a site that Hailey and Aldridge did a report for. Propose no changes.

B. Shabot asked if they're washing material there, if the water reused.

J. Patton yes there are three ponds where the water is recirculated. It is a closed loop system and make up water from the river.

P. Alter moved onto item 4, 328 Ruby Road, 400 acre site, with some excavation on site but not been any recently. They have maintained excavation permit because they may do more down the road. Asking for the permit to be renewed again. There were not studies performed at this site.

P. Alter stated that as for all four items, they are pre-existing operations that have been permitted by the commission since the process was employed and has been a legally existing use at each site. None of them have changed in the nature of operation, they

will provide the Commission and state with greater information as requested to build record of testing that will be done. They are requesting to the Commission to consider granting up to 3 years for the renewal opposed to an every year renewal.

W. Parsell stated as an overview that the applicant will send signed copies of the plan over; the town will get copies of the semiannual runoff inspection and soil management plan, as well as the stormwater runoff and testing, log of samples and locations test results.

B. Shabot asked if for 171 Tolland turnpike, the maps that were submitted that the quarrying activity is moving to south, does that mean the northern part of the quarry closer to 74, would that be considered phased out or inactivity? Is there any direction that you're taking as blasting the bottom out so you don't get ponds that might accumulate water that could interact with rock face?

J. Patton- you mean 180 Tolland Turnpike- right now they're not advancing towards route 74, concentrating on east. We don't want to develop ponds, so right now the quarry floor drains out and so it does not accumulate on quarry floor.

M. D'Amato stated that it was talked about redoing the driveway at 180 Tolland Turnpike to deal with the tracking out into the main road. Is that still planned and what is the time frame?

J. Patton stated that it is still planned. Posted bond for DOT and received the permit. They have stakes in the driveway when they do the drainage and redo driveway.

E. Old Business:

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K. Slater mentioned that the executive order gives the Commission an extended 90 days to work with to make a decision and you do not need the applicants consent.

P. Alter asked if there are particular areas of information that they are looking for so they can have responses for the next meeting.

M. D'Amato stated that Commission members can send questions to him and he will forward them to the applicant. He also stated that if members would like a printed copy of something to let him know.

W. Parsell made a motion to continue all four items under unfinished business to the next meeting on May 5, 2020. B. Shabot seconded the motion. **All in favor.**

F. Minutes:

W. Parsell made a motion to approve the minutes from the March 31, 2020 meeting. B. Shabot seconded the motion to approve. **All in favor.** L. Semprebon abstained because she was not able to read them.

G. Correspondence

No correspondence.

H. Public Comment:

The Commission will hear brief comments at this time from anyone wishing to speak. No business can be conducted here nor can any comments be made about any items on the agenda.

M. Cunningham stated that they appreciate the fact to be able to look further at the documents and air on extra caution to have extra time to look at them and digest them. Hope to continue to do so for future meetings.

S. Summers stated for public interest reasons to consider getting agendas out earlier and stated clearer. She understands you don't have to but for people who are interested in town, to not make it difficult for them to follow.

I. Staff Report/Discussion:

1. FY 20-21 Budget Update
2. May 5, 2020 Meeting
3. Loves/DOT

M. D'Amato stated that the BOF is requesting for each department to submit two budgets, one with a flat line and one with a 3% reduction at what they are at now,

because of everything that is going on. The submittal should include what that means when if this budget is put in place. It was also stated that there will be a May 5, 2020 meeting. Also wanted to state that the Commission requested the Zoning Agent send a letter to DOT regarding Loves with the public concern for the exit ramps and turning lanes, and that was sent out. The state was in contact with the town and sent them the plans to them. DOT will be discussing and dealing directly with the applicant if they do find improvements that need to be made.

Also stated that level spreader that was discussed for modifications for loves plans, M. D'Amato reviewed with K. Slater the attorney and stated that we have a catch all approval condition that the applicant agreed to within public hearing process, should be included in the plan. I will talk to attorney for Loves, this is missing and should have been included. He might respond we didn't need to include for State or you're right, we missed it, and we will revise. We can still expect that to be on the final plans the town receives. If they should have put on plans for state, that's on them. If they put it on our application, then they need to do that for us.

K. Slater stated that he agrees.

D. Roberts asked if M. D'Amato was kept in the loop with DOT and Loves. It would be up to the state if they need to make improvements, are you aware of what they're considering?

M. D'Amato stated that he is not, but will touch base with contact person and ask if we could be kept in the loop so we don't see something on the ground that wasn't approved even though it's out of the town's jurisdiction, but if we could know about any modifications we would appreciate it.

A. Marco- comment about budget in the sense that most things are needed in the budget, what will be cut and how can that be done?

M. D'Amato stated that we have several items that are fixed costs and can't choose to cut things like legal, which can be challenging. 80-90% of budget is non-negotiable because there are expenses we have to deal with.

J. Adjournment

W. Parsell adjourned meeting at 8:46 pm.