

**WATER POLLUTION CONTROL AUTHORITY – MARCH 9, 2022**

**WATER POLLUTION CONTROL AUTHORITY MINUTES  
REGULAR MEETING– Wednesday, March 9, 2022  
6:00 p.m. – Town Hall, Town Council Chambers**

**Board Members:** Louis M. Accornero, Chairman; John M. Tanski, Vice Chairman; John A. Davis, Jr., Secretary; Daniel Horvath; James Campbell, Richard P. Lawlor, Brian J. Comerford

Michael J. Bisi, Sanitation Superintendent; Gregory J. Mahoney, Senior Engineering Technician

**1. Public Hearing**

**A. 89 Harvest Lane- Andrew and Leigh Lessard  
Resolution 2022-04  
Assessment of Benefits #944**

In accordance with Section 7-250 of the Connecticut General Statutes and Section 19-73 through 19-85 of the Town of Glastonbury's Code of Ordinances, the Glastonbury Water Pollution Control Authority will conduct a public hearing at 6:00 P.M. on Wednesday, March 9, 2022, in the Town of Glastonbury's Town Hall, 2155 Main Street, Glastonbury, Connecticut, where the owner of the property listed below may be heard regarding the proposed assessment of benefits.

1. 89 Harvest Lane \$2,646.15

No special benefits are found to any person or party, or to property.

A copy of the proposed assessment has been filed in the Office of the Glastonbury Town Clerk on February 22, 2022 for public inspection.

Louis M. Accornero, Chairman  
John A. Davis, Jr., Secretary

**2. Action on Public Hearing**

**A. 89 Harvest Lane- Andrew and Leigh Lessard  
Resolution 2022-04  
Assessment of Benefits #944**

Mr. Davis MOVED that the Town of Glastonbury Water Pollution Control Authority APPROVE Resolution 2022-04, Assessment of Benefits #944, 89 Harvest Lane, Andrew and Leigh Lessard.

Mr. Tanski SECONDED the MOTION and it was **APPROVED** unanimously.

**3. Developments**

**A. 2756 Main Street- TCWC Holding Glastonbury LLC  
Revised Sanitary Sewer Impact Report  
(F.A. Hesketh & Associates, Inc.)**

Dave Ziaks, Professional Engineer with Hesketh & Associates LLC, discussed updated sanitary flow for the car wash formerly known as the Mr. Sparkle Car Wash. Mr. Ziaks noted that current plans include a slight decrease in square footage due to flood plain compensation issues. The existing car wash sits in the flood plain and portions of the north and south sides of the building will be demolished, and a new modern tunnel will be installed. Utilities coming into the building will also be redone.

A new recycle system will be installed on the north side of the building for sanitary sewer discharge. Mr. Ziaks referenced the updated water-use per vehicle wash calculations in the report included with Item 3.A in the meeting packet. This is based on a business model of approximately 200 vehicles maximum per day to be washed on the site, with about a 50% of water used is recycled for each car. It takes about 47.4 gallons of water to wash one car using 20 gallons of fresh water and 27 gallons recycled through the system. Water discharged into the Town system will go through a 1000-gallon oil/water separator. The existing lateral will be used which enters through the property's south end a new line was installed and intercepted at the location noted on the plans.

The Commission requested clarification of the building's layout which Mr Ziak's explained using the plans from Item 3.A of the meeting packet. The estimated average daily flow, including employees, is 3320 gallons per day and peaking factor for design is estimated at 8,856 gallons per day. Mr. Ziaks also explained that the conservation easement which runs through the property will be maintained per Wetlands Commission recommendations.

Mr. Ziaks briefly explained the recycling system per the Commission's request. He noted that the system clears out a majority of items including salt. The system also includes sensors which would inform staff of required maintenance.

Mr. Mahoney stated that an oil-water separator will be required before discharge into the Town sewer system which is part of the vehicle maintenance DEEP permit.

Mr. Davis MOVED that the Town of Glastonbury Water Pollution Control Authority APPROVE 2756 Main Street, Revised Sanitary Sewer Impact Report, TCWC Holding Glastonbury LLC, F.A. Hesketh Associates, Inc.

Mr. Comerford SECONDED the MOTION and it was **APPROVED** unanimously

**B. 1199 Manchester Road- Manchester/Hebron Ave LLC  
Sanitary Sewer Impact Report  
(Wentworth Civil Engineers LLC)**

Attorney Tim Hollister of Hinckley Allen introduced himself along with Richard Hayes, Principal of Manchester/Hebron Ave LLC, and Wes Wentworth, Consulting Engineer. Mr. Hollister requested that the Commission refer to reference points, correspondence and diagrams included in meeting packet Item 3.B. Mr. Hollister explained the nature of the application is for sewer capacity allocation and permission to construct a sewer line along, what they understand to be, a previously approved route, and connect the property to the Town sewer system. He explained the legalities of the Law of Public Sewers and this application does not include an extension to the town sewer system. Mr. Hollister referenced Table 5.3 within the Western & Sampson report included in packet Item 3.B which notes that this property is not included in the additional table. This property has been, not only identified for sewer service but, allocated a specific amount of 4,800 gallons per day. Mr. Hollister mentioned that Mr. Mahoney noted in recent correspondence that the excess flow policy applies in this case because the property was covered by the master plan and has been assigned a specific flow which is the point of departure for calculating the size of the holding or the fee associated.



Mr. Hollister mentioned that in 2008 there was an approval, later recorded, to extend the sewer line along Hebron Avenue and that takes the approved design one property away from the subject property, with the only gap being the gas station which is to the west of the site. He noted that Mr. Mahoney confirmed that the design appears to be still valid. Mr. Hollister reiterated that this does not classify as a sewer extension but rather constructing upon a previously approved route.

Wes Wentworth began by referring to the Town GIS map included in Item. 3.B of the meeting packet showing Manchester Road and Hebron Avenue and he explained where existing sewer lines run and connect in relation to the subject parcel, noting that sewers have been approved up to the gas station property. Mr. Wentworth explained details of the proposed 2.4-acre, Planned Business Development which is proposed to be serviced by sanitary sewer and MDC water. This is a proposed 74-unit, multi-family, single building on the property centered in the site, and the MDC tie-in will be at the southeast corner while sewers will connect north and run along the west side of Hebron Avenue. The 74 units are a mixture of efficiencies, one and two-bedroom units. The sewer impact report notes usage at 9,953 gallons per day. Mr. Wentworth feels that this and the 72 gallons per day Infiltration number are both higher than expected usage base on the occupancy numbers. The CRCOG study used by the Town was derived from single-family, free-standing use which includes lawn irrigation, washing cars, filling pools etc., which are all irrelevant in this case as they do not discharge to the sewer.

Mr. Wentworth referred the Commission to a diagram showing the 2012 Bemer Subdivision approval and explained the location of existing and proposed sewer construction. He stated that this proposal and meets all minimum Engineering requirements and hopes to enter into an appropriate Development Agreement with the Town.

Mr. Comerford reference Tab 8 in packet Item 3.B and questioned section 5.5.2 which notes that sewer extension is within the planning area but not within the limits of the existing sewer system. He requested clarification as to how with this is currently identified for sewer service. Mr. Comerford also referenced Table 5-3, Summary of Buildout Evaluation which is properties that are identified for sewer, have been allocated a gallonage and can be built with sewer service. The Commission noted written text that states the sewer extension includes parcels that are within the planning area but not within the limits of the existing sewer system. Mr. Wentworth referenced the GIS map noting the subject property location and reiterated that this property is, in fact, an identified development area and not considered an extension of the sewer system.

Mr. Hollister summarized reasons for the requesting approval noting the property was designated and able to connect to existing sewers along an approved extension route with no engineering or capacity issues. He went on to explain that work would be within the public right-of-way and discharge would likely not exceed the 4,800 gallons initially allocated.

Mr. Hollister spoke to the \$50,000 excess flow fee, or holding tank requirement, that he feels is considerable for this application. He went on to explain how the initial fee was calculated by Mr. Leslie, who was the previous Town Planner, and was based on retail zoning. Mr. Hollister compared this to applications in Fairfield County where an infiltration fee would be incurred if there was an existing problem within the system and there is no existing problem in this case. He feels the Town's potential \$50,000 fee is speculation and hopes to remove it.

Mr. Tanski requested clarification on the approval piece of the argument which relates to whether or not the proposed location was, in fact, part of the sewer system. Mr. Hollister stated that it would be in violation of the Master Sewer Plan not to approve since it was already allocated flow. Mr. Tanski then requested clarification on another piece of the argument regarding the excess flow fee. Mr. Hollister referred to Town Attorney Olson's comments on this and noted them as discretionary did not have the basis to disagree.



Mr. Tanski went on to ask who owns the land in the highlighted areas on the proposed construction diagram included in packet Item 3.B. Mr. Hollister explained that this is within Town right-of-way and no grants of private easement were required.

Mr. Hollister explained the argument that the conservatively allocated 4,800-gallon flow fee is based on zoning and the assumption of future land use. When Mr. Tanski asked how he thought the fee should be calculated and what he thought was fair, Mr. Hollister explained that he did not feel the excess flow fee of approximately \$50,000 should be charged in advance based on the assumed gallonage, but through the mitigation process to more properly determine actual discharge. Mr. Hollister does not see the need for any excess flow fee to be charged to his client as they do not expect to exceed current capacity. Mr. Wentworth stated for the Commission that approximately 1,100 feet of sewer would be constructed for the four-story building.

Mr. Mahoney confirmed that the proposed plan is the same as the approved Bemer plan. While it went to Public Hearing and was approved, it did not move forward and a Developer's Permit Agreement was never completed.

When asked if the \$50,000 fee was policy, Mr. Mahoney noted policy states that the excess flow needs to be retained onsite in holding tanks and that the applicant can petition WPCA to accept the fee in-lieu-of if they choose. Installing the holding tanks is the alternative to paying the fee. Mr. Hollister and Mr. Wentworth believe they will use approximately one-third less than the Town-calculated assessment of 9,900 gallons which will result in closer to the 4,800 anticipated sewer flows.

Mr. Hayes and Mr. Wentworth suggested installing a meter to measure the actual flow throughout the first year of full occupancy to determine actual outflow. If it exceeds the 4,800 they would pay the excess flow fee. The Commission stated that they would rather receive the fee up front and the applicant would be reimbursed if they used less than the calculated amount based on actual meter flow data. Mr. Mahoney added that the meter would be similar to a deduction meter used for sewer use billing. The Commission noted that the applicant would need to confirm occupancy at the time of reading the meter calculations and that conditions will need to be added to the agreement between WPCA and the applicant.

Mr. Hollister suggested drafting an agreement which reflects an excess flow fee amount set by the Commission and based on the above-mentioned metering. It was decided to move forward with the approval process of the Sanitary Sewer Impact Report and the applicant's Development Agreement will be forthcoming for review and approval by WPCA.

Mr. Mahoney noted that a public hearing needs to be scheduled for the design and construction of the sanitary sewer system extension. Mr. Hollister noted that this was approved in 2008 and he and Mr. Hayes questioned why a public hearing is required for previously approved design and construction of the sewer system. Mr. Mahoney noted that the additional 256 feet was not included in the original approval. Mr. Hayes contended and explained that this technically is not considered an extension but a connection and again asked why a public hearing would be necessary. He went on to share his concerns for project delays. Mr. Mahoney and the Commission clarified that this is required by ordinance and strongly advised holding the public hearing to avoid any future risk to the project.

After a lengthy discussion, the Commission decided to open the 30-day public hearing on April 6<sup>th</sup> to allow time for advertising, and to reconvene on May 4<sup>th</sup> for action on the Public Hearing. If approved, the application would move to the Conservation Commission, then on to Town Plan and Zoning Commission and, upon approval, will return to WPCA for approval and execution of a Developer's Permit Agreement.

Mr. Davis MOVED that the Town of Glastonbury Water Pollution Control Authority APPROVE the 1199 Manchester Road Sanitary Sewer Impact Report, Manchester/Hebron Ave LLC, Wentworth Civil Engineers LLC.

Mr. Comerford SECONDED the MOTION and it was **APPROVED** unanimously.

- 4. **Public Comments** **NONE**
- 5. **Subcommittees**
  - A. **Sewer Use Subcommittee** **NONE**
  - B. **Assessment Subcommittee** **NONE**
  - C. **Engineering Subcommittee** **NONE**
  - D. **Legal Subcommittee** **NONE**
- 6. **Acceptance of Minutes**
  - A. **Regular Meeting– February 9, 2022**

Mr. Davis MOVED that the Town of Glastonbury Water Pollution Control Authority APPROVE the Minutes for the Regular Meeting of February 9, 2022.

Mr. Comerford SECONDED the MOTION and it was **APPROVED** with a 6-0-1 vote. Richard P. Lawlor abstained.

- 7. **Other Business Properly to Come Before the Authority** **NONE**

Mr. Davis MOVED to adjourn the meeting.

Mr. Tanski SECONDED the MOTION and it was unanimously APPROVED.

The meeting ADJOURNED at 7:15 p.m.

Respectfully submitted,



Dawn Luke  
Recording Secretary