

**MEMORANDUM**

**FORMAL ACTION: AGENDA ITEM #3  
MEETING OF APRIL 13, 2023**

To: Conservation Commission/**Inland Wetlands and Watercourses Agency**

From: Suzanne Simone, Environmental Planner

Date: April 4, 2023

Re: **Permit Transfer Request: IWWA Permit #19-03  
2807, 2813 and 2815 Main St.**

**Proposal**

The permittee seeks permission to transfer permit #19-03 from Sharpshooter, LLC to MAIN STREET 2815 LLC.

**Review**

Section 11.7 of the Inland Wetlands and Watercourses Regulations identifies that transfer of permits must be approved by the Agency. The regulations do not establish a guideline to consider the transfer and does not allow for the edit/addition of current permit stipulations.

The transfer of the permit to MAIN STREET 2815 LLC will make this owner responsible of the stipulations established in the current valid permit issued on May 16, 2019.

**DRAFT MOTION  
INLAND WETLANDS AND WATERCOURSES AGENCY PERMIT  
TRANSFER OF PERMIT #19-03**

MOVED, that the Inland Wetlands and Watercourses Agency approves the transfer of the Inland Wetlands and Watercourses Agency Permit (#19-03) for a proposed commercial building at 2807, 2813 and 2815 Main Street from Sharpshooter, LLC to MAIN STREET 2815 LLC in accordance with the approved plans on file in the Town Clerk’s Office and in compliance with the May 16, 2019 approval, with stipulations. Permit #19-03 is valid until May 16, 2024.

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and may be represented by agent or attorney. The hearing shall be completed within thirty-five (35) days of its commencement. Action shall be taken on applications within sixty-five (65) days after completion of a public hearing. In the absence of a public hearing, action shall be taken on applications within sixty-five (65) days from the date of receipt of the application. The applicant may consent to one or more extensions of the periods specified in this subsection, provided the total extension of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the application. An application deemed incomplete by the Agency shall be withdrawn by the applicant or denied by the Agency.

- 11.3 The Agency shall state upon its record the reasons and bases for its decision.
- 11.4 The Agency shall notify the applicant and any person entitled to such notice of its decision within fifteen (15) days of the date of the decision by certified mail, return receipt requested, and the Agency shall cause notice of its order in the issuance or denial of the permit, to be published in a newspaper having general circulation in the town wherein the inland wetland or watercourse lies. In any case in which such notice is not published within such fifteen day period, the applicant may provide for the publication of such notice within ten days thereafter.
- 11.5 If an activity authorized by a license or permit also involves an activity which requires a zoning or subdivision approval, special zoning permit, or variance or special exception, under Sections 8-3(g), 8-3c, or 8-26 of the Connecticut General Statutes, the Agency shall file a copy of the decision and report on the application with the Town of Glastonbury Plan and Zoning Commission or the Town of Glastonbury Zoning Board of Appeals, whichever applies, within fifteen (15) days of the date of the decision thereon.
- 11.6 Any license or permit issued by the Agency for the development of land for which an approval is required under Section 8-3, 8-25 or 8-26 of the Connecticut General Statutes shall be valid for five (5) years provided the Agency may establish a specific time period within which any regulated activity shall be conducted. Any license or permit issued by the Agency for any other activity shall be valid for not less than two (2) years and not more than five (5) years.
- 11.7 No license or permit issued by the Agency shall be assigned or transferred without the written permission of the Agency, and only after the proposed assignee or transferee has appeared before the Agency and reviewed the terms of the license or permit with the Agency.
- 11.8 Any application to renew a license or permit shall be granted upon request of the Permittee unless the Agency finds that there has been a substantial change in circumstances which requires a new license or permit application or an enforcement action has been undertaken with regard to the regulated activity for which the license or permit was issued provided no license or permit may be valid for more than ten (10) years.
- 11.9 If a bond is required in accordance with Section 13 of these regulations, the Agency may withhold issuing the license or permit until such bond is provided.
- 11.10 General provisions in the issuance of all licenses or permits:
  - a. The Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate, the license or permit may be modified, suspended or revoked.
  - b. All licenses or permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Glastonbury, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
  - c. If the activity authorized by the Agency's license or permit also involves an activity which requires zoning or subdivision approval, special permit, variance or special exception

**ALTER &  
PEARSON, LLC**  
ATTORNEYS AT LAW

Meghan Alter Hope \*  
mhope@alterpearson.com

Town of Glastonbury  
Office of Community Development  
RECEIVED  
MAR 31 2023

701 Hebron Avenue  
P.O. Box 1530  
Glastonbury, CT 06033

860.652.4020 TELEPHONE  
860.652.4022 FACSIMILE

March 30, 2023

**HAND DELIVERED**

Town of Glastonbury Conservation Commission/Inland Wetlands and Watercourses Agency  
c/o Ms. Suzanne Simone, Environmental Planner  
Town of Glastonbury, Office of Community Development  
2155 Main Street  
Glastonbury, Connecticut 06033

**RE: Redevelopment of 2815 Main Street at 2815 Main Street & Portion of Lot 3-S Pratt Street (C5/5640/S0003) - §11.7 Assignment or Transfer of Permit**

Dear Ms. Simone and Agency Members:

At its meeting held on May 16, 2019, the Inland Wetlands and Watercourses Agency issued an inland wetlands and watercourses permit to Glastonbury 2815, LLC, for the redevelopment of 2815 Main Street to construct a 3,449 s.f. restaurant and associated site improvements at 2815 Main Street and a Portion of Lot 3-S Pratt Street (C5/5640/S0003). At its meeting held on October 24, 2019, the Agency transferred the permit to Sharpshoot, LLC (Daniel A. DelMastro, Member). The original permit remains valid and currently expires on May 16, 2024.

Pursuant to §11.7 of the Inland Wetlands & Watercourses Regulations of the Town of Glastonbury, MAIN STREET 2815 LLC, hereby submits this written request for permission to transfer the permit to MAIN STREET 2815 LLC (By HBN 2815, LLC, its Managing Member, By Peter J. Christian, its Managing Member, 230 Mason Street, Greenwich, CT 06830). Please note that the previous permit holder, Daniel A. DelMastro, Member of Sharpshoot, LLC, consents to this transfer.

Finally, the transfer fee is included with this cover letter. Please do not hesitate to contact our office if any additional information is needed or required.

Very truly yours,

ALTER & PEARSON, LLC



Meghan A. Hope

Enclosure – Wetlands Permit issued May 16, 2019

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# Town of Glastonbury

2155 MAIN STREET • P.O. BOX 6523 • GLASTONBURY, CONNECTICUT 06033-6523

May 29, 2019

## CONSERVATION COMMISSION AND INLAND WETLANDS & WATERCOURSES AGENCY

Glastonbury 2815, LLC  
c/o Scott Leonard, Member  
101 Lavender Lane  
Rocky Hill, Connecticut 06067-4219

Re: Application of Glastonbury 2815, LLC for: an inland wetlands and watercourses permit concerning the proposed Redevelopment of 2815 Main Street (3,449 square feet restaurant building) — Flood Zone and Planned Business & Development Zone — Alter & Pearson, LLC, counsel

Dear Mr. Leonard:

At its Regular Meeting of May 16, 2019, the Conservation Commission/Inland Wetlands & Watercourses Agency approved an Inland Wetlands and Watercourses Permit, in accordance with the plans and conditions cited in the attached motion.

Please read the conditions of approval carefully and comply with them. Some of the conditions may require interacting with the Environmental Planner (e.g. inspection of soil erosion and sediment control); it will be your responsibility to schedule such interactions. Any questions you may have about the stated conditions can be directed to the Office of Community Development at (860) 652-7511.

This Permit:

- requires that the approved regulated activities be completed within one (1) year from commencement of said activities;
- is valid for five (5) years and thus expires on May 16, 2024; and
- may not be transferred unless authorized by the Inland Wetlands & Watercourses Agency

Once again should you have any questions, please do not hesitate to contact this office.

Sincerely,

Thomas Mocko  
Environmental Planner

cc: Daniel A. Pennington, Town Engineer/Manager of Physical Services  
Attorneys Peter Alter & Meghan Hope

TM:gfn  
Attachment

## APPROVED WETLANDS PERMIT MOTION

MOVED, that the Inland Wetlands and Watercourses Agency issues an inland wetlands and watercourses permit to Glastonbury 2815, LLC (Scott Leonard, member) for all site construction activities within the wetlands' upland review area related to the proposed redevelopment of 2815 Main Street (involving a 3,449 square foot restaurant on 2807, 2813 and 2815 Main Street properties), in accordance with plans on file in the Office of Community Development, and in compliance with the following conditions:

1. Comments numbered 2 and 3 within the Town Engineer's May 9, 2019 memorandum shall be addressed prior to the filing requirements for any approvals granted by the Town Plan & Zoning Commission.
2. The "silt sack" specification sheet submitted by the project engineer for use in the existing catch basin on Main Street shall be duly placed on a detail sheet to be filed on the land records and said product shall be appropriately used during construction.
3. A professional engineer, at the expense of the Permittee, shall provide supervisory guidance to the site contractor with regard to: placement and maintenance of the approved soil erosion and sedimentation controls; installation of the pre-cast headwall and associated riprapped scour hole immediately at the edge of wetlands; and the critical components and their critical elevations of the proposed drainage system and the required flood-storage-related land regrading aspects of the project.
4. Prior to the issuance of a Certificate of Occupancy, certification from a professional engineer shall be required confirming that the stormwater management system was constructed in conformance with the approved design.
5. A cash performance bond in the amount of \$7,500.00, for at least a three-year time period after the issuance of a Certificate of Occupancy, shall be posted with the Office of Community Development prior to the issuance of any building permit for the project in order to assure: the water quality basin was constructed and functioning in accordance with its design; that the disturbed site was permanently stabilized with the prescribed vegetation; and that a three-year monitoring and management program for invasive plant species was undertaken upon completion for the project's construction.
6. Installation of soil erosion and sedimentation control and stabilization measures shall be the Permittee's responsibility. Once installed these measures shall then be inspected by the Environmental Planner prior to land disturbance activities. Afterwards it then shall be the Permittee's responsibility to inspect these control measures during, and immediately following, substantial storm events and maintain and/or replace the control measures, when needed, on a regular basis until the site is vegetatively stabilized. Hay bales shall be replaced every 60 days. The Environmental Planner is hereby authorized to require additional soil erosion and sediment controls and stabilization measures to address situations that arise on the site.

7. Metal waste containers shall be provided at the site to facilitate the collection of refuse material generated from construction activities. Such material shall not be buried or burned at the site.
8. Underground fuel storage tanks shall be prohibited to reduce the potential of contamination to wetlands, watercourses, and groundwater resources.
9. Prior to the issuance of a Certificate of Occupancy, certification from a landscape architect shall be required confirming that landscape plants were installed in accordance with the approved landscape plan.
10. The Permittee shall be fully responsible for damages caused by all activities undertaken pursuant to this permit that may have a detrimental effect on wetlands and/or watercourses, and all such activities that cause erosion and sedimentation problems.

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