

**CONSERVATION COMMISSION
INLAND WETLANDS AGENCY
EAST GRANBY, CONNECTICUT
October 4, 2023 Minutes**

A meeting of the East Granby Inland Wetlands Agency/Conservation Commission was held on Wednesday, October 4, 2023. Members present when Chairman George Cornelius called the meeting to order at 7:02 PM were Daniel Methot, Jennifer Frank, Michael Malloy, John Rusnock, and David Tobin and alternate members Robert Brown and Lisa Griffin.

PUBLIC HEARING

**A. Copart of Connecticut, Inc. - 49 Russell Rd., Russell Rd., and East St. (#CC23-04)
Significant Activity in Upland Review Area & Regulated Activity in Wetlands
for External Vehicle Storage
(rec'd 09/06/2023) (h/d 10/04/2023) (d/d 11/08/2023)**

The legal notice for Application #CC23-04 was read.

Guy Hesketh, licensed professional engineer and principal with F.A. Hesketh and Associates, represented the applicant, Copart of Connecticut, Inc. Also in attendance were Brian Phillips, General Manager of Copart; William Jackson, soil scientist; and Attorney Carl Landolina, counsel for the applicant. The applicant is seeking a permit to construct two outdoor vehicle storage areas to supplement their current operation at 49 Russell Road.

Mr. Hesketh reviewed the site plan and an aerial photo from 2022 to show the locations of the two proposed outdoor vehicle storage areas as well as the existing gravel drive that provides access to those areas. Storage Area A consists of 4.33 acres and Storage Area B consists of 1.33 acres. William Jackson, soil scientist, completed wetland delineations and impact reports for the site in 2008 when an initial auto auction facility was approved. Mr. Jackson visited the site again in 2019 and again recently as the current application was being prepared to verify the accuracy of the original delineations. Wetland resources of the parcel include DeGraves Brook to the west.

A gravel material surface will be used for the additional vehicle storage areas. Storage Area A will be graded so that it drains from east to west following the natural topography of the area. An earthen berm is proposed along the southern perimeter of the storage area adjacent to the gravel access drive to prevent runoff from entering the drive. A vegetated interceptor swale will be located along the western perimeter of the storage area to direct runoff to a water quality basin on its northwestern edge. The eastern edge will have an earthen berm created from topsoil stripped from the site to provide segregation from the storage area. A vegetated swale will be located above the northern portion of the berm that will direct water to another water quality basin. The basins are designed in series because of the topography of the area, with the water draining west and slightly north. Overflow from the first water quality basin will go to the second water quality basin. There will be a pipe outfall to a riprap level spreader that will discharge runoff to DeGraves Brook, which is the only direct wetlands impact. The use of riprap to prevent soil erosion in the features of the Grading and Drainage Plan was also reviewed, as well as a description of the design of the basins to create a gravel wetland. Vegetation that propagates in the saturated gravel of the basins will provide stormwater filtration. The proposed design will provide for a significantly greater water quality volume, above the minimum DEEP recommendation, and will reduce the peak rate of flow to a level less than the natural flow for the area.

Storage Area B has a proposed design very similar to Storage Area A. Water flowing north is picked up by a series of two interconnected water quality swales and then to an outlet pipe into the water quality basin located to the west. The water quality swales on the western side of Storage Area B will be composed of standard topsoil and soil substrate, not gravel. They will remain saturated for most of the year because of the level of

the water table in the area and therefore propagate vegetation to filter stormwater runoff. The discharge will go into the water quality basin which will act as a gravel wetland. In extreme precipitation events, water will enter the outlet structure and be discharged to the wetlands to the north through a pipe and a riprap level spreader. For this area, there are no direct wetland impacts because the level spreader will end at the limits of the wetland resources located there.

Erosion and sediment control plans developed for the project include a number of temporary and permanent measures that were reviewed by Guy Hesketh, including riprap outlet protection, stone check dams, outlet control structures, crushed stone aprons, erosion control blankets, sediment logs, silt fencing, etc. Fencing will be placed around the perimeter of Storage Area A to act as a physical barrier to prevent encroachment from the storage area to the water quality swales and detention basin. The plan also provides for minimum clearing and disturbance and respects the existing limits of clearance. Mr. Hesketh shared a 2017 aerial photo showing an area on the site previously cleared by the State for a utility improvement project and one from 1934 showing railroad ballast through the site and cleared agricultural fields in the proposed Storage Area A and B locations. Other photos from 1951 and 1970 also showed farm fields at the locations of the two new proposed storage areas. Mr. Hesketh also noted that the hydraulic analysis for the project was completed following a TR-55 SCS methodology, which involves runoff coefficients based on soil types. The analysis indicates that the peak rate of runoff will be significantly reduced post-construction.

George Cornelius then opened the floor for public discussion. Lisa Mendes of 30 Crystal Drive spoke against the proposal, commenting that automotive fluids could leak from the vehicles onto the gravel and leach into the water. Ms. Mendes shared a photo of the site from Copart's website showing dark areas on the pavement which she stated looked like oil spills. She noted that on a paved surface, leaks are apparent and could possibly be cleaned, but on gravel they would not be visible. Ms. Mendes also stated that she was concerned that these new areas would end up as long-term storage or an auto graveyard. She believes there is a significant fire risk and that any chemicals used to fight a fire at the site would end up in the ground and contaminate the ground, water, and air, which worries her since she lives in a development close to the site. She spoke against the car carriers coming and going from the business and stated that she also feels that there is a conflict of interest with Attorney Landolina's firm because Attorney Landolina is a former member of the Commission.

Addressing Lisa Mendes' concern about fluid leaks, George Cornelius referred to a statement within the project's plans that specifies that all vehicles are sold intact with no dismantling, fluid draining, crushing, or part sales done on site.

Regarding the possibility of long-term storage, Guy Hesketh and Brian Phillips, Copart's General Manager, clarified that the average length of time a car is on site is 60 days. There is no plan for long-term storage.

George Cornelius commented that the concerns regarding car carrier traffic and fire risk are issues for the Planning and Zoning Commission. Mr. Hesketh stated that the plan does have to undergo a PZC review and discussions with the Fire Marshal.

George Cornelius expressed disagreement with the assertion of a conflict of interest, and Carl Landolina confirmed that he is no longer a member of the Commission.

Lisa Mendes then recounted her experience with a freon leak in her own vehicle that she was unaware of over the fall and winter, stating that leaks and contamination will happen.

George Cornelius asked Guy Hesketh about the existing pavement at the site. Mr. Hesketh stated that the current surface treatment consists of active millings from bituminous material that have different levels of color depending on the batch they came from, humidity levels, rain, etc. He stated that in his opinion, the discoloration visible in the photo shared by Lisa Mendes is probably a result of these factors. Carl Landolina indicated that Brian Phillips confirmed that Copart does have an emergency response protocol for leaks as well as annual training. Mr. Phillips believes that the discolored areas are probably puddles of water, not vehicle leaks.

There was no additional public comment. George Cornelius opened the discussion to the Commission.

Michael Malloy questioned the types of cars sold by Copart. His understanding was that the operation handled damaged and totaled cars, not strictly newer vehicles such as lease or fleet cars. Brian Phillips answered that they have about 2000 cars and currently, approximately 46% of them are insurance totaled cars that were in accidents. The rest come from other wholesalers like Manheim and Southern and other dealers that flip cars from auctions and resell them. They usually come in about two to four vehicles at a time and typically leave on car carriers. Mr. Phillips explained that after an accident, a car is transported to a body shop, where it stays for a varying period of time while the insurance company settles with the customer. When it is deemed a total loss, Copart then picks up the vehicle from the body shop and takes it to their site where it is photographed and listed online.

Michael Malloy noted that when damaged cars are towed to a facility with a paved or milled surface, that sort of surface protects fluids from going directly into the groundwater, while gravel perhaps would not be able to prevent it. He proposed that with damaged cars, as opposed to fleet or lease cars, there would be an even greater likelihood of fluid leakage. Mr. Malloy asked if paving the new storage areas had been considered.

Guy Hesketh commented that the existing facility consists of a combination of areas that were paved with conventional hot mix asphalt and areas with millings that have been compacted. He noted that over time, the compacted millings essentially become impervious and that gravel surfaces will also compact as well. Mr. Malloy replied that as owner of three different car lots, he has not had this experience and has had to put down new gravel almost every year in some spots. Mr. Hesketh stated that DEEP does not allow the use of an asphaltic process material in an inundated condition. He stated that there have been discussions about the use of an asphalt-free granular material with a transition zone along the perimeter of the areas.

Mr. Malloy stated that in his experience as a car dealer, most accident cars are dripping or leaking fluids. Mr. Hesketh commented that leaking materials would be drained before going to the Copart facility, but Mr. Malloy felt that there would still be residual fluid remaining that could leak and wondered again why the areas would not be paved.

Mr. Hesketh explained that if a residual drip ends up going into a gravel surface or a milling surface, a certain portion of it will get trapped by that surface and as an organic material, will biodegrade. Any residual material that would get washed into the water quality basins will be captured and treated by measures similar to how runoff from a roadway is treated. Mr. Hesketh explained how the vegetated water quality swales and the gravel wetland within this design will allow the water to filter into the gravel below. Any residual pollutants can get picked up by the vegetation and the gravel.

Mr. Malloy stated he is concerned by the volume of damaged vehicles going through the facility. He asked if it would be a preferable environmental choice to pave the storage areas as opposed to the current design being proposed.

Mr. Hesketh answered that there are two differing points of view regarding paving and noted that the DEEP now encourages impervious design elements for parking lots. He referred to a parking lot project completed by his firm that incorporated pavers to allow water infiltration. He stated that one school of thought is to allow water to infiltrate because the amount of residuals in a lot are not significant and can be handled by naturally occurring biological processes. Mr. Malloy replied that from his perspective, these storage areas are different since they involve many cars that have been in accidents. Knowing how those cars have been handled, he feels that an impervious surface would be a better option for the project since spills on them can be handled effectively with speedy dry. Contaminated gravel would actually have to be dug out and replaced.

Discussion was also held about the groundwater level at the site, similar parking projects, testing of water from the basins, and basin maintenance. Guy Hesketh reviewed DEEP requirements for minimum water quality volume. The DEEP recommendation is to capture an average of one inch of runoff and treat it with best management practices. Mr. Hesketh noted that the proposed project actually exceeds the DEEP standard.

Michael Malloy questioned whether the Town Planner and Town Engineer were aware of the actual proposed use for the project when they gave their opinions about it, which he stated is not a traditional parking area for vehicles, but the utilization of an unpaved surface to store damaged and totaled cars. He would like written verification from them to indicate their knowledge of the storage of wrecked cars.

Michael D'Amato of Tyche Planning & Policy Group suggested that it would probably be very simple to verify heavily damaged vehicles for leaks prior to putting them on a gravel surface. He added that if the areas were paved, the temperature of the water being conveyed into the wetlands would be increased, which perhaps might not be an ideal environmental trade off.

Jennifer Frank stated that she has concerns about runoff from the asphalt millings and suggested that an apron of clean stone could be placed around the lowest edge of the parking area to stop oil from entering the swales. Ms. Frank also asked how much of the potential contaminants will be filtered out by this design. William Jackson, registered soil scientist, answered that he believes, based on the proposed design of the parking area and the stormwater runoff and collection through the underdrains and gravel wetlands, that the propensity for the underlying groundwater to be severely impacted is minimal.

Guy Hesketh has received comments from both the Town Engineer and from the Town Planner and takes no issue with those comments. George Cornelius confirmed with Guy Hesketh that the estimated amount of disturbance to the wetlands for the drainage pad is just under 1,000 square feet at 997 square feet, which is not a significant activity in a wetland.

George Cornelius suggested continuing the public hearing to the next regular meeting to get clarification that the Town Planner and Town Engineer have considered the storage of totaled cars on the gravel areas.

A discussion of whether a new set of drawings would be necessary for the next meeting was held. It was decided that the applicant could prepare verbal or written responses to questions raised to keep plan revisions to a minimum. Michael D'Amato also confirmed that a plan can be approved subject to revisions.

A motion was made by John Rusnock and seconded by Jennifer Frank to continue the public hearing for Application #CC23-04 to the next regular meeting of the Commission on November 1, 2023. Votes in favor were unanimous. Motion carried.

MINUTES

A motion was made by Michael Malloy and seconded by John Rusnock to approve the minutes of the June 7, 2023 meeting as submitted. Votes in favor were unanimous. Motion carried. Jennifer Frank abstained due to her absence from that meeting.

COMMUNICATIONS

- Planning & Zoning Commission meeting minutes – 06/13/2023, 06/27/2023, 08/08/2023

OLD BUSINESS

A. Reports & Other Business

a. Wetlands Enforcement Report

Michael D'Amato reported that the owner of the former nursery property on Rainbow Road has complied with the enforcement action to date. They have removed the wood chips from the top of the watercourse embankment and have planted a wetland seed mix. In the spring, the owner will add additional plantings in the area to finalize the remediation.

b. Administrative Approvals – None.

c. Other Business – None.

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A motion was made by John Rusnock and seconded by Jennifer Frank to continue the public hearing for Application #CC23-04 to the next regular meeting of the Commission on November 1, 2023. Votes in favor were unanimous. Motion carried. (See above.)

NEW BUSINESS

Two new applications have been submitted. Application #CC23-05 for maintenance activities will be reviewed administratively for agent approval.

Application #CC23-06 is for the construction of a 40,000 SF warehouse, associated truck parking and employee parking, and miscellaneous site amenities on Russell Road. Dave Ziaks of F.A. Hesketh and Associates, representing the applicant, reviewed the site plan for the project and confirmed that there are no direct wetland impacts involved. The wetland area at a corner of the property will be put into a conservation area. Mr. Ziaks described the project as a 40,000 short haul warehouse facility. Truck loading will be located on the east side of the building and the area to the west will be a storage area for tractor trailers and employee parking.

A motion was made by George Cornelius and seconded by Jennifer Frank to confirm that Application #CC23-06 will not require a public hearing as there will be no significant impact to wetlands involved with the project. Votes in favor were unanimous. Motion carried.

ADJOURNMENT

A motion was made by John Rusnock and seconded by Michael Malloy to adjourn the meeting at 8:53 PM. Votes in favor were unanimous. Motion carried.

Respectfully submitted,
Laura Hall, Building & Land Use Administrative Assistant