

INLAND WETLANDS & WATERCOURSES COMMISSION
August 16, 2010

The Town of Bloomfield Inland Wetlands & Watercourses Commission held a meeting on August 16, 2010 scheduled for 7:30 p.m. at the Town Hall in Bloomfield, Connecticut with the following members present:

Present:

Nick Panke, Chairman
Kenneth Bennett
Barry Berson
Alan Budkofsky
Daniel Mara

Also Present: David Peter Castaldi, Wetlands Agent

Absent:

Donald Evans
Laurianetta Huguley, Secretary
Howard Hunter, Vice Chairman
David Mann
Maureen Sullivan, Recording Clerk

Mr. Panke called the meeting to order at 7:32 p.m.

1. **Notice of Violation
195 Newberry Road
(continued from 5/17/10,
6/21/10 and 7/19/10)**

Mr. Mara made a motion to remove the item from the table. Mr. Bennett seconded the motion and it was approved unanimously.

Mr. Christian Meissenn, owner of the property, was not in attendance. It appeared the property line at the site has been staked out; however no material has been moved off the site. From conversations between Mr. Castaldi and Mr. Meissenn, the owner was concerned about the requirement to return the grades to what were previously on the property. Mr. Meissenn discussed a retaining wall which Mr. Castaldi believed was a reasonable compromise. Mr. Castaldi recommended upholding the Notice of Violation for another month. If the required corrective actions were not completed by the September 20, 2010 meeting, Mr. Castaldi recommended that the Commission vote to issue a Cease and Desist Order and refer the matter to the Town Attorney. Fines were discussed.

Mr. Budkofsky and Mr. Bennett both commented the Commission needed to get Mr. Meissenn's attention as this was going on since May. Fines were discussed and the maximum fine by Town Ordinance is \$100 per day.

Mr. Mara asked if Mr. Meissenn offered any explanation on his actions this evening to which Mr. Castaldi replied no. Mr. Meissenn had previously informed the Wetlands Agent that he was trying to line up everyone to do the work. Mr. Castaldi has seen the stakes for the property line. Mr. Castaldi recommended giving Mr. Meissenn another month to complete the corrective measures. Mr. Mara asked about the timing for a Cease and Desist Order. Mr. Castaldi stated that it would be better to have the work done within the few weeks than to issue a Cease and Desist right now. A Cease and Desist Order must be followed up with a meeting of the Commission within 10 days. The next regular meeting is on the 20th of September. A cease and desist order issued on the 10th could be heard within 10 days at the September 20th meeting.

Mr. Panke believed the Commission should uphold the Notice of Violation until the next meeting. If at that point nothing has happened, then this can then go before the Town Attorney and start to assess \$100 per day for any violations.

Mr. Mara made a motion to uphold the Notice of Violation for 195 West Newberry Road, continued from May 17, 2010, June 21, 2010 and July 19, 2010, in accordance with the discussions on the record tonight, to issue the owner, Mr. Christian Meissenn, a Notice of Cease and Desist or Cease and Correct, to correct the violation on or before ten days before the next scheduled meeting, at which time if the situation is not corrected to the satisfaction of the Commission then the Commission would consider assessing a fine and refer this to the Town Attorney for further action. Mr. Berson seconded the motion and it was approved unanimously.

2. Notice of Violation 99 & 101 Old Windsor Road

Mr. Castaldi stated that the property had been regraded and materials placed and excavated within the upland review areas without a permit. Photos of the site were shown to the Commission and the five required corrective measures were discussed. A map of the property was also distributed to the Commission. Mr. Castaldi recommended that the Commission uphold the Notice of Violation until the September meeting to allow the corrective measures to be completed.

The history of the site was discussed. Including the former owner's Notice of Violation for clear cutting and subsequent grading and planting Permit.

Mr. Charles Kopcinski, one of the property owners of 99 & 101 Old Windsor Road, stated he did not think he needed a permit to clear some vegetation. The site was discussed. Mr. Kesinski stated the owners are trying to clean up the property and eventually sell it for a commercial building lot.

Mr. Kesinski stated he was in agreement with Mr. Castaldi's conditions 1-5 of the required corrective measures except for item #2 which required that the stockpiles be ringed with erosion controls. In time the stockpiles will be removed. Mr. Castaldi agreed with leaving this condition out with the understanding there may be the need for erosion controls other than where item #1 called it out.

Mr. Mara made a motion to uphold the Notice of Violation for 99 & 101 Old Windsor Road as discussed tonight in accordance with the Wetlands Agent's inspection report dated August 5, 2010, and the corrective measures, numbers 1 through 5, in the Wetland Agent's Inspection Report, with the exception that measure #2 will be changed to require seeding of the present stockpiles instead of installing erosion and sedimentation controls, with the understanding that the stockpiles will be removed but to be seeded before they are removed and that seeding will take place in a timely manner so that growth can be established before the end of this growing season. If in the opinion of staff that type of erosion control is not sufficient, then staff can order or impose the installation of other appropriate erosion and sedimentation control measures that the stockpiles are elsewhere on site. Mr. Berson seconded the motion and it was approved unanimously.

**3. Application of Gillette Ridge LLC
Wetlands Permit for completion
Of Areas B and C of
The Greens at Gillette Ridge
(continued from 7/19/10).**

Mr. Mara made a motion to remove the item from the table. Mr. Berson seconded the motion and it was approved unanimously.

Mr. Mara and Mr. Budkofsky were not in attendance at last month's meeting. Both Commissioners had read the minutes and felt they could hear the application. Mr. Ed Lally, who spoke on behalf of the applicant, did not have a problem with Commissioners Mara and Budkofsky sitting on the application this evening.

Mr. Ed Lally, PE & LS, of Ed Lally & Associates of Windsor spoke on behalf of Gillette Ridge LLC. Mr. Lally gave a brief review of the project with the changes from the original plans. Mr. Castaldi's report of August 10, 2010 and his recommended conditions of approval were discussed. The applicant did not agree with item #13, requesting an as-built site plan of the improvements and grading plan, prepared by a licensed Land Surveyor, submitted after all site work has been completed. The applicant would be willing to submit as-built surveys of all of the buildings and a letter from a Professional Engineer stating the infrastructure was installed in accordance with the approved plan and functions appropriately. Also a letter will be submitted from a Biologist addressing the landscaping that will need to be done, or existing vegetation retained, for the wetlands mitigation in all three areas: A, B and C.

Mr. Castaldi discussed items #11 and #12 of his recommended conditions of approval. Item #11 concerns the regulated activities that are likely for the rehabilitation of the northerly end of Medinah Drive. Item #12 concerns the regulated activities associated with the stormwater management basin north of Area C. Mr. Lally stated the Medinah Drive plans, and the retention/sedimentation retention detention basin north of Area C are on the plans.

Item #4 concerns the original wetland mitigation planting areas. Some have not been planted and some have existing vegetation that may be suitable. It is recommended that a Wetlands Scientist or Biologist address in writing whether the existing vegetation could be retained. Mr. Lally stated the issue of the retention/detention basin and the vegetation can be addressed by a field inspection. A Biologist can review the existing landscaping in the areas discussed and advise staff and the Commission on the issues.

Mr. Castaldi was in agreement with the applicant's change to item #13 concerning the as-built survey.

Questions from the Commission:

As-builts for the units proposed were discussed. Mr. Mara asked if the maintenance requirements will be included and passed onto the Condominium Association in the condominium documents. Mr. Lally responded that in the past he has prepared a post construction maintenance document and can modify one for this facility.

Mr. Rich Mancuso of Gillette Ridge Development stated that if in the original approval there was ongoing maintenance for the basins that would be in the public offering statement and called out, the association has to maintain the facilities, clean out the drains and catch basins, etc. Mr. Mara asked if it was referenced and assumed by the Condominium Association. Mr. Mancuso replied it will also be put into the Public Offering Statement and incorporated into the By-Laws.

Mr. Mara made a motion to approve the application of Gillette Ridge LLC for a Wetlands Permit for completion of Areas B and C of The Greens at Gillette Ridge (continued from 7/19/10) in accordance with the presentation made tonight by the applicant and the comments made by Mr. Castaldi in his memorandum dated August 10, 2010, specifically incorporating Mr. Castaldi's

recommendations of approval items 1 through 13 of his August 10, 2010 report. However, item #13 shall be substituted for the requirement set forth in item 13, a requirement that the applicant provide a specific site plans and specific as-built plans for the units declared along with an Engineer Certificate that the wetlands approvals were built and maintained in accordance with permit, and along with a Biologist Certification regarding the restoration of wetlands plans, and also with the understanding with condition #4 that existing vegetation may be retained in lieu of the specific mitigation plantings as certified in writing by a Wetland Scientist, Biologist or other qualified professional. The plans that the Commission approved this evening are Wetland Permit Application Plan prepared for Gillette Ridge LLC, Cottage Grove Road, Bloomfield, Connecticut, Ed Lally and Associates, dated June 21, 2010, last revision July 16, 2010, and there are 22 sheets. Mr. Berson seconded the motion and it was approved unanimously.

**4. 185 West Newberry Road
Application of Ms. Penny Nigro
For selective tree harvest**

Ms. Penny Nigro of 185 West Newberry Road and Mr. Tommy O'Meara, tree harvester, from Massachusetts introduced themselves. Ms. Nigro stated she would like to do some selective tree harvesting. She will not be clear cutting. She would like to cut out some of the trees to make room for some of the smaller ones to grow.

Mr. O'Meara stated he will do a 14" diameter cut, meaning that only tree 14" in diameter and larger will be harvested. It will be a small job, about eight loads of logs, 40,000 board feet. There is no reason to go in the wetlands. It is a small scale log operation. Mr. O'Meara is licensed in Connecticut as a Forestry Supervisor.

Mr. Castaldi met with Ms. Nigro. At last months meeting, one of the Commissioners wanted this application to come to the Commission rather than a Wetlands Agent Permit. The DEP considers tree harvesting to be an agricultural activity similar to harvesting crops and is allowed by right. Mr. Castaldi recommended the Commission issue a permit.

Mr. O'Meara stated this job should take about six weeks to finish.

Questions from the Commission:

Mr. Mara discussed the recommended conditions of approval in Mr. Castaldi's memorandum of August 11, 2010. There was some discussion concerning the construction entrance pad and time of year for the project. Mr. O'Meara asked if he could use wood chips for the construction entrance and more flexibility for starting earlier in the year. Mr. Castaldi was in general agreement with these changes and the final conditions of approval will be included in the permit issued to Ms. Nigro.

Mr. Mara made a motion to approve the application of Penny Nigro for selective tree harvest at 185 West Newberry Road in accordance with the presentation made tonight and in accordance with Mr. Castaldi's memorandum dated August 11, 2010, specifically incorporating and including the recommended conditions of approval 1 through 7, except condition #5 shall be modified to allow either a trap rack or wood chip construction pad so long as the pad that is imposed is sufficient in the mind of staff to perform the duties that is required. The Commission will allow a woodchip pad. If the woodchip pad is insufficient, then staff will require a trap rack. Condition #6 will be modified to read that the clearing of wooded vegetation will be restricted to the fall and winter months. Mr. Bennett seconded the motion. The application was approved unanimously.

Mr. O'Meara stated he has been doing this work for 12 years. He has worked along swamps, harvested within wetlands and crossed rivers and never had to put up a bond of any sort in Connecticut or Massachusetts.

Ms. Nigro asked if the Commission wanted an insurance bond. Mr. Castaldi stated that a check will need to be submitted to the Town Planner and a check for the same amount will be issued once the job is completed.

4. Approval of minutes of July 19, 2010.

Mr. Budkofsky made a motion to approve the minutes of July 19, 2010. Mr. Bennett seconded the motion and it was approved unanimously.

5. New applications received.

Mr. Castaldi stated there were no new applications had been received that were ready to come before the Commission. One application was submitted but was not complete.

6. Status of on-going projects.

Work has started on the Stop & Shop fueling facility.

Mr. Budkofsky made a motion for the meeting to adjourn. Mr. Bennett seconded the motion and it was approved unanimously.

The meeting adjourned at 9:18 p.m.

Respectfully submitted,

Maureen Sullivan, Recording Clerk

Laurianetta Huguley, Secretary