INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING
May 16, 2016

The Town of Bloomfield Inlands Wetlands & Watercourses Commission held their regular meeting on Monday, May 16, 2016, scheduled for 7:30 P.M. at the Town Hall in Bloomfield, Connecticut with the following Commissioners present:

Nicholas Panke, Chairman
Howard Hunter, Vice Chair
Alan Budkofsky
David Mann
Barry Berson
Joy Chance
Wendell Duncan

Also present: David Peter Castaldi, Wetlands Agent
Laura James, Recording Secretary

Commissioners not present:
Kenneth Bennett

CALL TO ORDER

Chairman Panke called the regular meeting of the Inland Wetlands & Watercourses Commission to order at 7:30 P.M. in Council Chambers at the Bloomfield Town Hall, 800 Bloomfield Avenue.

Chairman Panke read the first agenda item:

1. **Discussion of amendments to the Wetlands Regulations**

Mr. Castaldi and the Commission discussed amendments to the Wetlands Regulations and made some minor changes and clarification to some of the language. There was discussion regarding identifying vernal pool habitat, mitigation versus impact, and fees. There was concern that due to the cost of two legal adds the Town may be losing money if the fees do cover this cost. Mr. Castaldi said that he was not sure but would find out if the application fees covered the cost of the legal adds. Mr. Castaldi stated the vegetative buffer regulation needed a little more work. There was further discussion regarding the amendments to Wetlands Regulations. Mr. Castaldi stated he will make the discussed changes and will discuss any remaining issues at the next meeting.

2. Application of Allen Goldsher for a Wetlands Permit to construct a new single family house at 21 Juniper Road, lot 1012, with impacts to the wetlands. (Public Hearing)

Commissioner Mann made a motion to re-open the public hearing. The motion was seconded by Vice Chairman Hunter and was unanimously approved.

Mr. Ed Lally, Civil Engineer & Land Surveyor, stated he is representing Mr. Goldsher who wants to construct a single family house at 21 Juniper Road. Mr. Lally stated the subdivision was approved before the establishment of wetland regulations. The Wetlands Commission approved a Map Amendment last year and the flagged wetlands occupy more than 70% of this property. There is a map on file with MDC which shows the existing private water main well away from the road and the house location is predicated on the location of the water main. The main has not been verified in the field. Mr. Goldsher applied for and received Zoning Board of Appeals variances to reduce the front yard setback to 35 feet and the easterly side yard setback to 18 feet.

Mr. Lally stated that to compensate for the wetland impact the mitigation ratio was changed to 1.5 to 1, which is 1-1/2 square feet of mitigation to every square feet of wetland impact. Mr. Lally stated there is forty feet of clearing at the back of the house and about ten feet of that is a mitigation planting area. Therefore, you end up with about a thirty-foot rear yard. Mr. Lally stated he discussed with Mr. Castaldi various ways of delineating the mitigating plantings. Mr. Lally stated he has addressed all of Mr. Castaldi's concerns except for the 40 feet clearing vs. 30 feet clearing. Mr. Lally stated a 30-foot back yard this would create and unreasonable small yard. Mr. Lally stated that a 30-foot back yard was not prudent. Mr. Lally stated they are willing to modify landscaping in accordance with the recommendations from Jennifer Beno, Biologist/Soil Scientist to satisfy Mr. Castaldi's concerns. The proposal includes 3179 square feet of wetland impacts which is only 6.7% of wetlands on the property and not disturbing 44,593 square feet or 93.3 % of the wetlands. They are also proposing 4770 square feet of mitigation. Mr. Lally stated that a vinyl fence would suffice for a physical limit of the wetlands disturbance.

Ms. Jennifer Beno, Biologist and Soil Scientist, Rocky Hill, CT. Ms. Beno stated her company did the wetland delineation in April 2015. She came to the project in March 2016 and reviewed the plans. She inspected the wetlands and the wetlands are dominated by deciduous wooded swamp, and has lots of trees, shrubs. The wetlands continue all through the property to the east and west. It's bordered by mowed lawn to the north next to Juniper Road and there are two small strips of wooded uplands northeast and northwest of the wetlands. The northern portion of the wetland is dryer than the central and the southern portions. Ms. Beno stated there were no tad pole or egg masses observed in the shallow standing water areas. Vegetation is dense and diverse. The primary wetland functions include ground water discharge and wildlife habitat. The secondary functions include nutrient and sediment retention and removal and visual aesthetics. For mitigation Ms. Beno stated that based on her observation during her inspections she is recommending native non-invasive species that occur naturally on the site. Some of the recommending plantings are spice bush, winterberry and silky dogwood, willow and sweet pepperbush which are all native to the area and require very little maintenance. The recommended height for shrubs is two to three feet. Subsequent to plantings an inspection of the area should be done to document the existing vegetation and fine tune the mitigation plantings.

Mr. Lally, addressing one of Mr. Castaldi's comments, stated that as a professional engineer a 4-inch footing drain pipe is more than adequate. Mr. Lally addressed Mr. Castaldi's comments that one prudent and feasible alternative would be a front loaded garage. The applicant would prefer

a side loaded garage and the plan has kept the wetlands impact to a very small amount. Mr. Lally further stated that no prudent and feasible alternatives exist and the applicant is deserving of approval.

Mr. Castaldi stated he is in agreement with Ms. Beno assessment and recommendations as discussed. The property has serious restrictions. With the flagged wetlands and the modified Zoning setbacks there is only a very small area that is developable in the northwesterly corner. Mr. Castaldi stated the plans are in compliance with his recommendations and the Wetlands Regulations. The soils on the site have a shallow ground water due to hard pan soils and this has created the wetlands. Runoff water cannot soak in and runs along the top of the hardpan. The excavation for the foundation will intercept the hard pan layer and ground water seepage should be anticipated. A four-inch drain is sufficient for the flow.

Mr. Castaldi further stated after discussing the project with the Town Engineer and Town Planner and reviewing the revised plan he made recommendations for condition of approval that include the 3197 square feet of wetland impact and 1-1/2 to 1 ratio impact. Also Mr. Castaldi recommends a physical demarcation of the limits of clearing, with fence or stone wall, and the applicant indicated he would put a fence in. Another condition is if the water main is located further south than shown on the plans then the water main will need to be re-routed. The house cannot be moved to the south without additional wetlands impact. The water main will have to be found to hook the house up. Mr. Castaldi is requesting a pre-construction meeting, notice prior to clearing and an as-built plan. Mr. Castaldi further stated he has thirteen conditions of approval. The applicant has shown, although feasible alternatives may exist, they may not be prudent for their particular development. The short term impacts to the wetlands will be the construction of the foundation and filling in of a portion of the wetlands. The long term impacts should be minimal. The only type of mitigation that works on this project is enhancement of the wetlands with vegetated buffer plantings. The grading proposed is very minimal. Mr. Castaldi stated the applicant has addressed the prudency of the alternatives.

Chairman Panke asked for questions from the public – None

Chairman Panke asked for questions from the Commission

Commissioner Mann asked if the water flowing from the drain will create any scouring. Mr. Lally stated there will not be any scouring or erosion due to the anticipated low velocity of the flow from the footing drain. Mr. Mann asked how they could prevent a future owner from extending the back yard into the wetland area. Mr. Lally stated they could put in a deed restriction. Mr. Castaldi stated he was recommending some type of landscape feature like a stone wall or a rail fence.

Mr. Goldsher, of 45 High Ridge, West Hartford, CT stated that he would prefer to have the landscaping more natural with no fence. Mr. Goldsher stated he would like another option not a fence.

Chairman Panke suggested putting in a very low New England style stone wall. Mr. Lally stated that would be very expensive. Mr. Lally stated he came up with the idea of a vinyl fence, but hadn't cleared with the applicant.

Commissioner Budkofsky asked if it the property will be owner occupied and stated that he does not want to see a vinyl fence because it looks unnatural, maybe a split rail fence. Mr. Goldsher stated yes, it will be owner occupied. Mr. Goldsher also stated that he has spent $1200 dollars to find the water main line with no success. Mr. Goldsher stated he will work with the Commission and wants the Commission to be reasonable in allowing him to build on the last lot on Juniper Road.

Chairman Panke asked for comments from the Public – None.

Chairman Panke asked for comments from the Commission.

Commission Mann stated that something should be added to the deed so that next generations will know and believes it is a reasonable alternative. Mr. Mann suggested recommended condition of approval #5 be amended to eliminate fence or stone wall and noted as a deed restriction.

Commissioner Berson stated that you cannot control what second and third generations do to the wetlands and how they are impacted and a deed restriction should not be required. Encroachments into wetlands are an enforcement issue.

Mr. Lally stated suggested that rather than a deed restriction the site plan could be filed on the land records, and the limits of clearing would be found by any title searcher.

Mr. Castaldi stated typically wetland maps are not filed on the land records. Mr. Castaldi stated he was hoping for some type of landscape feature and maybe a row of plantings is a good solution and if it is the case, recommended condition #5 would have to be modified and the filing of the map on the land records added as condition #14.

Vice-Chairman Hunter stated that he felt the applicant had done a good job working with Staff to come up with a decent plan and he was in favor of the proposal.

Chairman Panke stated that he felt some type of physical barrier should be provided.

Commissioner Budkofsky made a motion to close the Public Hearing. The motion was seconded by Commissioner Mann and passed unanimously.

Chairman Panke asked for a motion to approve.

Commissioner Mann made a motion to approve the application of Allen Goldsher for a Wetlands Permit to construct a new single family house at 21 Juniper Road, lot 1012, after a finding of no prudent and feasible alternatives, with reference to the Barresi Associates, LLC site plans revised to May 3, 2016, subject to the following conditions:

1. Final plans, revised for compliance with the final conditions of approval, and all technical review revisions, are to be submitted to the Wetlands Commission no later than 120 days after the date of approval. The final conditions of approval shall be added to the plans verbatim. Final plan revisions are subject to the approval of the Wetlands Agent.

2. The direct wetland impacts shall be no greater than **3179 square feet (0.073 acres).** No impacts to watercourses are approved with this permit.

3. Mitigation shall be provided for the direct wetland impacts in a ratio of at least 1½ to 1. Mitigation measures are the wetland and upland enhancement plantings as indicated on the final plans and shall supplement the existing vegetation. All enhancement plantings are to be coordinated in the field with the Wetlands Agent and Wetlands Scientist/Biologist and monitored for three full years after their initial establishment.

4. The wetland and upland enhancement planting areas, outside of the clearing limits, are to be completed during the first construction season, under the supervision of a wetland scientist, regardless of the status of the house construction and final

landscaping. The planting area behind the house, inside the limits of clearing, and the rain garden shall be constructed with the final landscaping. The applicant/developer/builder shall protect the planting areas from damage during construction of the house.

5. Impacts within the upland review areas shall be no greater than **12,500 square feet (0.287 acres).** Impacts to the vegetated buffer zones shall be no greater than 7865 square feet (0.181 acres). The limits of clearing which are coincidental with the limits of the wetlands impact shall be delineated in the field with a landscape feature.

6. Prior to any other excavation the private water main shall be located and surveyed by the surveyor/engineer of record. The applicant shall notify the Wetlands Agent when the existing private water main has been located in the field. Modifications to the approved plans, due to the location of the water main, cannot be made without the approval of the Wetlands Agent and may require a revised Wetlands Permit.

7. The applicant/developer/builder shall schedule a preconstruction meeting with the Wetlands Agent, developer general contractor, site work contractor and utility companies prior to the start of any construction, tree clearing or ground disturbance.

8. The applicant/builder/developer shall notify the Wetlands Agent prior to clearing of any existing vegetation to schedule an inspection of the limits of clearing and to identify any trees to be saved and protected. All specimen trees located in or adjacent to the proposed development and a general clearing line shall be flagged. Trees identified to be saved shall be protected from damage due to construction equipment. Tree protection measures are required to be maintained for the duration of the project.

9. Any additional soil erosion or sediment control measures deemed necessary by the Wetlands Commission or Agent during any construction process shall be implemented by the developer. The applicant and/or the developer shall provide an emergency stockpile of soil erosion and sediment control measures, including hay bales, stakes, crushed stone, and equipment to place or install these measures, for use during heavy rains or other emergencies.

10. In accordance with the Wetlands Regulations Section 11.6 the permit cannot be transferred from the applicant to another party without the approval of the Commission. This permit is to be assigned to the applicant/property owner: **Mr. Allen Goldsher, 45 High Ridge Road, West Hartford, CT 06117,**

11. Final plans shall be submitted in digital image form compatible with the Town GIS. This digital submission is in addition to any prints or mylars required.

12. No construction activities or equipment shall work within a wetland or watercourse more than five days consecutively and not within three days of a rain or snow event of 1" or greater.

13. An as-built site improvement and grading plan, prepared by a licensed Land Surveyor, shall be submitted after all site work has been completed, and prior to requesting a Certificate of Occupancy inspection.

14. The applicant shall file the final revised site plan on the Town of Bloomfield Land Records.

The motion was seconded by Commissioner Chance and was unanimously approved.

3. Approval of Minutes, April 18, 2016 Meeting

Commissioner Budkofsky made a motion to approve the minutes. The motion was seconded by Commissioner Mann and passed unanimously.

4. New applications received

No new applications for Commission Permits have been submitted and the June meeting may be cancelled.

Mr. Castaldi stated that the MDC has delivered new aerial maps, flown in 2015, and new wetland maps will be coming soon.

5. Adjournment

Motion was made by Commissioner Budkofsky to adjourn the meeting 9:55 p.m. The motion was seconded by Commissioner Mann and approved unanimously.

Respectfully submitted,

Laura James

Laura James, Recording Secretary

Nicholas H. Panke

Nicholas Panke, Chairman