INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING
April 18, 2016

The Town of Bloomfield Inlands Wetlands & Watercourses Commission held their regular meeting on Monday, April 18, 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

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

Commissioners not present:
Wendell Duncan
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. **Application of Capitol Regional Educational Council (CREC) for a Wetlands Permit and Resubdivision at 29 Griffin Road North, (continued from February 16, 2016 & March 21, 2016).**

Chairman Panke reviewed the procedures for Public Hearings and asked for a motion to re-open the Public Hearing.

Commissioner Budkofsky made a motion to re-open the public hearing. The motion was seconded by Commissioner Hunter and passed unanimously.

Chairman Panke stated that on Tuesday, March 8, 2016 he walked the site along with Commissioner Chance and Mr. Castaldi. Chairman Panke stated that on the day of the site visit the eastern most vernal pool was full of water. They observed soil samples cored by Mr. Castaldi and walked through parts of all three flagged wetlands. The watercourses were flowing and the spring vegetation had started to leaf-out.

Attorney Hoopes, of 185 Asylum St., Hartford, CT spoke for the applicant. Mr. Hoopes stated that CREC proposes to build an 880 student magnet school on Griffin Road North adjacent to the Windsor Town line and south of the Farmington River and the Town's Farmington River Park. The theme of the school is Environmental Sciences and Marine Aquaculture. The site includes a 28.8 acre parcel for the school and 14.5 acre parcel to the north. Griffin Land, the property owner, will donate the 14.5 acres to an affiliate of CREC and it will be maintained as open space in perpetuity. The 14.5 acre parcel will include the wetland replication and enhancement areas. The wetlands on the 14.5 acre parcel will be enhanced and increased and will work well as part of the School's curriculum, particularly the three functioning vernal pools. The target for wetland replacement and enhancement is to provide 1.5 acres of mitigation for every acre of wetlands that is disturbed. They have achieved a ratio of 1.78 acres of mitigation per acre of wetlands disturbed in the form of wetlands replacement and enhancement. Mr. Hoopes stated they have been very careful to replicate the values and functions of the old wetlands with the new wetlands. Mr. Hoopes further stated that the State of Connecticut asked CREC to build the school because of the Sheff vs. O'Neill Case and under the settlement the State agreed to build a certain number of magnet schools. The only way to build the school with less wetland impact is to build the school higher and school is already three stories which is the maximum permitted under zoning regulations. Mr. Hoopes stated the athletic fields are needed for fall and spring sports. Mr. Hoopes stated again that the athletic fields are needed because of the Sheff vs. O'Neill settlement and almost every other school in the two conferences, the Central Connecticut Conference and the North Central Connecticut Conference, offer sports and have facilities for both fall and spring sports. Mr. Hoopes further stated in order for the Magnet School to work they have to be competitive to local schools and the students who attend the school deserve no less. Mr. Hoopes handed out a list of schools in the area and their athletic field status. Mr. Hoopes emphasized the "social benefit" part of the definition of the word prudent and believes that CREC has shown the athletic fields were socially beneficial and that their preferred alternative is the most prudent and feasible one.

Mr. Bob Roche, Architect, 281 Farmington Avenue, Farmington CT, reviewed four different alternatives they had analyzed for developing the project. Option #1 was to put the school on the east side of the gas pipeline that bisects the property, which means only a little bit of parking can be built adjacent to the school. All athletic fields are on the west side and the football field was up against the residences to the west. The proximity to the residences and the accessibility to the athletic fields was not good and did not meet the needs of the school. This option disturbed 1.9 acres of State wetlands and .7 acres of Federal wetlands. Option #2 has the school building and some parking located in the western side of the property and the athletic fields and parking are located in the easterly part. Mr. Roche state he was not able to get everything in and had to cut into wetlands for the softball field and was therefore having a larger impact on the wetlands. The orientation for the baseball and softball fields was not what they wanted and this plan was not very beneficial. Mr. Roche stated what is very important to CREC is to keep the cars and buses away from each other. There was also an issue with securing of the site. This option disturbed one acre of State wetlands and .5 acres of Federal wetlands. Option#3 has the school centrally located and the athletic fields in the easterly part and the main parking area close to the westerly residences. Mr. Roche stated not only would this option disturb more of the wetlands but would have an adverse effect on the residents because of the lighting. The option would be terrible orientation for the baseball field. This option disturbed 1.7 acres of State wetlands and .78 acre of Federal wetlands, which is more than they are currently proposing. Option #4 has the school in the center of site, the football field east of the pipeline and the multi-use fields west of the building. Mr. Roche stated they had talks over the last year with the Army

Corp of Engineers and DEEP. DEEP did not like the impact on the wetlands and they would have to lose one of the soccer fields. This option disturbed 2 acres of State wetlands and .66 acres of Federal wetlands. The preferred option is similar to Option #4 but disturbs only 1.64 acres of State wetlands and .6 acres of Federal wetlands. Mr. Roche further stated they had increased the proposed wetland enhancement plantings to bring the ratio of mitigation up to 1.78 acres for every acre of disturbed wetlands. For their preferred option this would be 2.92 acres

Mr. Jeff LeBeau, of Freeman Companies, Professional Engineer, stated that he had prepared the grading, drainage and utility plans. Mr. LeBeau stated he believes the proposed plan is the most prudent alternative. Mr. LeBeau stated the footprint of the building is about 110,000 square feet. There are two parking areas which have 180 parking spaces each. There are two curb cuts out to Griffin Road North and extensive grading will be necessary including retaining walls for the westerly ball fields and the easterly parking. Mr. LeBeau stated that a storm water treatment unit was added near the northeast corner to enhance stormwater water quality. Mr. LeBeau further stated that the facility will be served by public utilities from Griffin Road North. The sanitary sewer will be pumped about 1200 feet to the east to an existing MDC gravity sewer. The third lot will tie into the on-site sanitary sewer. The emergency access road north of the building will be reinforced lawn and was acceptable to the Fire Department.

Ms. Magdalena Lofstedt, CDM Wetland Scientist, stated she was contracted to do the wetland evaluation assessment and she had spent several days including a good portion of this day at the site. Ms. Lofstedt stated the existing wetlands have good functions for sediment/toxicant retention, pollutant removal, wildlife habitat and groundwater recharge/discharge. They are proposing two wetland replication areas and have increased the wetland enhancement plantings to boost the mitigation ratio to 1.78 acres for each acre of wetlands disturbed. Ms. Lofstedt pointed out the enhanced buffer planting areas on the map. Ms. Lofstedt stated that she had confirmed that the vernal pools are functional and had found salamander and frog egg masses. Ms. Lofstedt also stated that the proposed project was the most prudent and feasible alternative.

Mr. Tim Sullivan, Assistant Superintendent of Operations CREC, stated that the proposed 880 student school will need all of the proposed athletic fields for Junior Varsity and Varsity Sports. In order to comply with Title 9 they have to provide equal facilities for boys and girls athletics. Mr. Sullivan stated that the proposed athletic fields were integral to the function of the new high school and it is very important to be competitive with the neighboring towns.

Mr. Hoopes thanked the Commission for considering their application and hoped they would vote in favor of the project.

Mr. Castaldi discussed the requirements of the extended public hearing and stated that the Commission needed to close the public hearing this evening, but have up to 65 days to render decision. Permits will be needed from the DEEP and Army Corp of Engineers and are likely to include some modifications to the plans. If any modifications change the regulated activities then the applicant must come back to the Commission for a review. Mr. Castaldi also stated that because the application is the subject of a Public Hearing, the Commission must make a finding of no prudent and feasible alternatives to the regulated activities. Mr. Castaldi referred to his March 15, 2016 memorandum and his nine recommended conditions of approval. The proposal also includes the subdivisions of land containing wetland and watercourses. A small lot in the southwest corner of the overall property will be created with the resubdivision. This lot includes the old barn, is adjacent to the neighbor at the corner of Tariffville Road and has an existing driveway out to Tunxis Avenue extension. The third lot will comply with the requirements of the Residential R-40 zone. Mr. Castaldi stated that he has reviewed all of the supporting documentation and the Town Engineer has reviewed the storm water calculations. Mr. Castaldi stated the application was in general compliance with the Wetlands Regulations.

Chairman Panke asked if there were any questions from the Public – None

Chairman Panke asked if there were any questions from the Commission

Commissioner Mann asked if the area to the north is part of the area proposed for conservation and is there a plan for access. Mr. Hoopes stated it is CREC's plan to allow only as much access as allowed by DEEP. Commissioner Mann asked what the best management practices would be used for maintenance of the athletic fields and lawn areas. Mr. Sullivan stated that State Statues prohibit the use of fertilizer and pesticides on all lawn areas at a school.

Commissioner Hunter asked how many more CREC schools are going to be built. Mr. Don Walsh, Manager of Site Acquisitions CREC stated that State has funding for two more CREC schools to be built in the future and that they would complete the settlement reached in the Sheff vs. O'Neill case.

Commissioner Budkofsky asked if the 14.5 acres could be subdivided in the future. Mr. Hoopes stated it is currently one piece and Griffin Land is willing to donate this portion, to a CREC subsidiary, as an unbuildable lot which will receive some wetland enhancement. Mr. Hoopes stated that the whole 14.5 acre piece will be maintained as open space in perpetuity. Commissioner Budkofsky stated that in the latest proposals there was no mention of eliminating the baseball diamonds and he believed that the school could function without the baseball diamonds. Mr. Hoopes stated it is relevant as a social need and for the magnet school program to work you have to be equal to the local schools. Mr. Hoopes stated that in order for the magnet schools to compete for students they need to provide athletic programs. Commissioner Budkofsky asked if the Town of Bloomfield was contacted by CREC to possibly use the Town's fields for sports. Mr. Sullivan stated that they did contact the Town and they were notified that they could not use the Town's facilities and in fact they are losing their present agreement to use fields at the Carmen Arace School. Commissioner Budkofsky asked if there is a generator. Mr. Roche stated yes, there will be a generator on site. There was discussion about the fuel source for the generator and it was agreed that natural gas was the mostly likely.

There was some discussion about removing contaminated topsoil from the site. Mr. LeBeau stated that due to old tobacco farm use there were some pollutants in the top soil and they are planning to strip the top 2 feet of top soil from the former agricultural fields and remove it off-site. There will be regular testing to insure all contaminated soils are removed.

Commissioner Mann asked if any pollutants were found in their monitoring wells. Mr. LeBeau stated that only one well had a measureable amount of pollutants. Commissioner Mann recommended that they determine a baseline for groundwater pollution.

Chairman Panke asked where the snow will be stored. Mr. LeBeau stated that snow shelves have been provided within the parking lots and all meltwater will drain internally to the proposed storm drainage systems.

Chairman Panke asked if there were any comments from the Public – None

Chairman Panke asked if there were any comments from the Commissioners

Commissioner Berson stated that the ball fields are a necessary part of the education process and that the applicant had shown that their preferred alternative was prudent and feasible.

Commissioner Mann stated he was happy to see more mitigation. Commissioner Mann also said he believed there is a need for restricting access into the conservation area.

Commissioner Budkofsky stated that in order to be consistent, the Commission should ask the applicant to cut back the encroachment into the wetlands, as the Commission usually does, and

he does not feel the applicant has met the requirements for a finding of no feasible and prudent alternative.

Chairman Panke asked for a motion to close the Public Hearing.

Commissioner Mann made a motion to close the public hearing. The motion was seconded by Commissioner Berson and passed unanimously.

Chairman Panke asked for a motion to approve the application.

Commissioner Berson made a motion to approve the application of Capitol Regional Educational Council (CREC) for a Wetlands Permit and resubdivision at 29 Griffin Road North, to construct a high school and athletic facilities and associated site development, in conjunction with a finding of no prudent and feasible alternatives, with reference to the site plans by Freeman Companies, dated January 25, 2016, and revised to March 14, 2016, subject to the following conditions:

1. The applicant or permittee shall, within 120 days after the date of approval, submit final plans revised for compliance with the final conditions of approval and all technical plan revisions. The final conditions of approval shall be added to the plans verbatim. Final plans shall be submitted in digital image form compatible with the Town GIS. Final plan revisions are subject to the approval of the Wetlands Agent.

2. The direct impacts to the wetlands shall be no greater than 1.64 acres and the direct impacts to watercourses shall be no greater than 300 linear feet. Mitigation for these direct impacts shall be provided with 1.64 acres of created wetlands within the proposed wetland replication areas. Additional mitigation in the form for wetland enhancement shall also be provided with 1.28 acres of supplemental vegetated buffer zone plantings. The total area of created and enhanced wetlands shall be equal to 1.78 times the area of direct wetland impacts.

3. In accordance with Sections 11.9 and 13 of the Wetlands Regulations the applicant shall post a bond, separate from the developmental bond, for the duration of the project, in the amount of $1,000 per acre of development or portion thereof. This bond shall be posted prior to any site disturbance, including tree clearing, to correct or prevent impacts to on- site and off-site wetlands or watercourses and to guarantee that soil erosion and sediment control measures are properly installed and maintained; that disturbed areas are stabilized; that all conditions of approval are complied with; and that mitigation areas, landscaping and other site work are completed. This project includes 31.5 acres of disturbance and a 32,000 bond is required.

4. A post-construction site management plan is to be included in the plan set. This plan shall address the inspection and maintenance of all stormwater quality measures and storm drainage structures, restrictions on the use of pesticides and fertilizers, handling and storage of plowed snow, and corrective measures for any shortcomings.

5. The proposed wetland mitigation/replication areas are to be constructed during the first construction season, under the supervision of a wetland scientist, and monitored for a minimum of 5 years after initial stabilization. Annual reports on the status of the mitigation areas shall be submitted to the Wetlands Agent until such time as all mitigation areas are functioning as designed.

6. In accordance with Section 11.13 of the Wetlands Regulations, the applicant shall engage and pay for an independent consultant, soil scientist, civil engineer, biologist, wetlands scientist, or other professional, acceptable to the Commission, to report on the progress of the project, and the results of any monitoring and/or inspections as required by the

Commission and to provide periodic reports to the Commission regarding sensitive issues such as soil stabilization, siltation or other contamination or pollution of wetlands and watercourses, or the impacts of development or its operation upon completion. Said professional shall, during all phases of construction, perform soil erosion and sediment control measure inspections, and prepare and submit reports on the status of these measures on a weekly basis and within 48 hours of the end of a rain event of one half inch or more in a 24-hour period. Reports are to be submitted to the developer and site contractor; and submitted in writing to the Wetlands Agent at P. 0. Box 337, 800 Bloomfield Avenue, Bloomfield, CT 06002.

7. The 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.

8. Any modifications to the regulated activities due to the approval or review of the project by the Town Plan and Zoning Commission, the Health District, the DEEP or other state agency, the ACOE or other federal agency, shall submitted to the Wetlands Commission for review.

9. 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.

The motion was seconded by Commissioner Mann.

There was some discussion about amending the motion to include a site maintenance plan. This is covered in recommended condition 4. There was also some discussion about limiting access to the conservation area but no amendment to the motion was made.

Chairman Panke asked for a show of hands and the motion to approve the application passed with four votes in favor and two against.

2. Application of Allen Goldsher for a Wetlands Permit at 21 Juniper Road to construct a new house with impacts to the wetlands.

Mr. Allen Goldsher, of 45 High Ledge Road, West Hartford, CT, asked the Commission to table the hearing because his engineering firm could not make tonight's hearing.

Commissioner Budkofsky made a motion to continue the public hearing to the May 16th regular meeting. The motion was seconded by Commissioner Hunter and passed unanimously.

3. Approval of Minutes, March 21, 2016 Meeting

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

4. Discussion of amendments to Wetlands Regulations.

Mr. Castaldi stated he adjusted some language but most was the same. One change in the vernal pool habitat area was the phrase "non-aquatic" rather than "upland" phase. There was discussion by Mr. Castaldi and the Commissioners regarding fees and some language changes to the amendments to Wetland Regulations.

5. New Applications

Mr. Castaldi stated that an application was received from the First Baptist Church for solar paneled carports that was being reviewed as a Wetlands Agent Permit.

Mr. Castaldi stated that he had also received a request for a project modification from Seabury to include a solar array, solar carports and a geothermal well field. The Commission agreed that these items were not in wetlands or watercourses and could be handled administratively.

6. Status of On-Going Projects

Mr. Castaldi stated that on-going construction is presently occurring at Seabury's B & C additions, the Deringer-Ney site 353 Woodland Avenue, the CREC School at 11 Turkey Hill Road, the developers of the Center Apartments project have filed permits to demolish the houses, and earthwork and erosion controls are being done at 380 Woodland Ave, the Niagara Bottling site.

7. Adjournment

Motion was made by Commissioner Budkofsky to adjourn the meeting 9:40 p.m. The motion was seconded by Commissioner Mann and approved unanimously.

Respectfully submitted,

Laura James, Recording Secretary

Nicholas Panke, Chairman