INLAND WETLANDS & WATERCOURSES COMMISSION
REGULAR MEETING
October 19, 2015

The Town of Bloomfield Inlands Wetlands & Watercourses Commission held their regular meeting on Monday October 19, 2015, scheduled for 7:30 P.M. at the Town Hall in Bloomfield, Connecticut with the following commissioners present:

Nicholas Panke, Chairman
Alan Budkofsky
Barry Berson
Joy Chance
Wendell Duncan

Also present: David Peter Castaldi, Wetlands Agent

Commissioners not present:
Kenneth Bennett
David Mann
Howard Hunter, Vice Chairman

CALL TO ORDER

Chairman Panke called the regular meeting of the Inland Wetlands & Watercourses Commission to order at 7:32 P.M. in the Council Chambers meeting room at the Bloomfield Town Hall, 800 Bloomfield Avenue.

Chairman Panke reviewed the procedures for Public Hearings and stated that since they had a bare quorum of five Commissioners four affirmatives votes were required to approve any applications. The applicant has the choice of proceeding with their application at tonight's meeting or delaying it to the next meeting when more than five Commissioners may be present. The applicant agreed to go forward tonight.

Chairman Panke read the notice of the first agenda item and indicated that it had been continued from the September 21, 2015 meeting.

1. Wetlands Permit Application
Center Apartments Project
692-700 Bloomfield Avenue
23-31 Jerome Avenue
Applicant: Post Road Residential
Continued Public Hearing

A motion was made by Commissioner Budkofsky to re-open the public hearing. The motion was seconded by Commissioner Berson and was approved unanimously.

Mr. John McFadyen, of Post Road Development, gave a brief description of the project, alternatives to the proposed regulated activities and the proposed mitigation areas as shown on the latest plan set. Mr. McFadyen described the 3150 square feet wetlands to be filled as significantly degraded poor and that several times that area of wetlands will be enhanced or restored, and additional wildlife habitat created. Peak flows from the project will be detained in the underground culverts and runoff will be cleaned in the rain gardens and stormwater quality basins. Mr. McFadyen asked for the Commission's approval of their application.

George Logan, of REMA Ecological Services, LLC, spoke next and said that since the September 21st meeting he had met with staff twice. Mr. Logan reviewed his latest submittals: a Wetland Assessment and Impact Analysis, dated September 28, 2015. The mitigation plan from this report is now on the plans. The other item submitted the Landscaping and Integrated Pest Management Plan dated October 12, 2015. He also stated that they had added wetland buffer plantings north of the mitigation areas and stormwater basins.

Chairman Panke asked if there were any questions from the public. There were no members of the Public present.

Chairman Panke asked if there were any questions from the Commission.

Commissioner Berson asked a question that was brought up by Commissioner Mann at the last meeting. How much rainfall will fill the underground culverts and overwhelm the proposed drainage systems?

Chris Alford, PE & LS, of Alford Associates, Inc., the engineers of record, stated that the system was designed to handle up to a 100-year storm and would not be overwhelmed except by a more severe storm. The capacity of the proposed underground culverts is 21,156 cubic feet.

Commissioner Budkofsky asked whether there was a construction sequence.

Mr. Alford said there was a construction sequence on the plans.

There were no comments from the Public. Chairman Panke asked if there were any comments from the Commission.

Commissioner Budkofsky asked whether they should discuss the fee reduction request now or after the public hearing was closed. There was some discussion regarding this and it was agreed that it would be discussed as part of the Public Hearing.

Mr. Castaldi stated that Alford Associates had submitted a written request for a fee reduction on behalf of Post Road Development. The fee schedule includes, on line 3., a per unit fee of $75 for multi-family residential developments.

Mr. Castaldi said that for the 212 unit building being proposed the application fee would be $15,900 plus the wetland and watercourse impact fees for a total of $16, 210. Mr. Castaldi also stated that the applicant had paid $810 which is the minimum fee of $500 plus $310 for the wetland and watercourse impacts. If the Commission decides to reduce the fee it is recommended that the applicant pay at least 50% of the total calculated fee.

A per unit fee has been in effect for many decades for PLR's, MFER's and other low density multi-family residential developments. There may be some room for a compromise between the per unit fee and the impact fees. There is also an open fee for a Complex Application.

Chairman Panke asked about whether they would be setting a president by reducing the fee for this application that could be applied to future applications. If there is a change to the fees it should be part of the Regulations and apply to all applications.

Commissioner Budkofsky said that the $75 fee for a project of this scope was not excessive and he would be in favor of raising the fees.

Mr. Castaldi said that the application fees are supposed to cover the review and processing of the application. After construction begins there would be third party inspections and reporting requirements as covered in recommended condition of approval 14.

The applicant, Mr. Andrew Montelli, of Post Road Development stated that they were building one structure and it would be no different than a single family house. The 3150 square feet of wetland impact was also something that could be expected for a single family house. The applicant felt the fee was excessive for the impacts proposed.

Commissioner Berson said the footprint of the proposed apartment building is closer to ten, 3000 square foot, single family houses. He would be in favor of the recommended fee reduction.

There were no additional comments from the public, the Commission or the applicant.

Mr. Castaldi reviewed his memorandum to the Commission and the new format for the recommended conditions of approval. There are 15 recommended conditions.

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

Chairman Panke stated that before they considered a motion to approve he wanted to make a few comments. He said that the presentation, the Alford Associates site plans and reports from REMA Ecological were very well done. He visited the site and thought that the all of wetlands were worth saving due to their runoff filtering and wildlife habitat functions. He did not believe that the 3150 square feet of wetlands should be filled for a several parking spaces. The Commission is tasked with protecting the wetlands and watercourses and should do so in this case.

Chairman Panke asked for a motion to approve the application. Commissioner Budkofsky asked whether the fee reduction should be included in the motion to approve. It was agreed that a separate vote on the fee schedule would be taken.

Commissioner Budkofsky made a motion to approve the application of Post Road Development, for a Wetlands Permit to construct an apartment building, paved parking and driveway areas, underground utilities and stormwater management facilities, at 672-700 Bloomfield Avenue and 53-69 Jerome Avenue, in conjunction with a finding of no prudent and feasible alternatives, in accordance with the eleven-sheet plan set by Alford Associates, Inc., titled "Post Road Residential," dated September 1, 2015 and revised to 10/07/15, at 1" = 40' scale; and subject to the 15 recommended conditions in the October 12, 2015 staff memorandum.

The motion was seconded by Commissioner Berson and passed with four votes in favor and one apposed. Chairman Panke voted against the motion.

The Commission discussed the applicant's request for a reduction in the application fees. Mr. Castaldi said that the Regulations allow for the applicant to request a reduction in the feeds and it was up to the Commission to decide.

Commissioner Budkofsky said if they did not do anything the fee amount would stand. Commissioner Chance asked if there had been similar requests. Mr. Castaldi said there had been but they had all been denied.

Commissioner Berson made a motion to approve the Wetland Agent's recommendation that the fee be no less than 50% of the calculated fee of $16,210 for a total of $8,105. Commissioner Budkofsky seconded the motion. The motion failed with no votes in favor and five votes in opposition.

2. APPROVAL OF MINUTES September 21, 2015 MEETING

A motion was made by Commissioner Budkofsky to approve the minutes of the September 21, 2015. The motion was seconded by Commissioner Berson and it passed unanimously.

3. 2106 MEETING CALENDAR

Mr. Castaldi reported that the 2106 Meeting Calendar included four regular meetings that were not on the third Monday of the month. In January and February the third Monday is a legal holiday and the meetings are scheduled for the following Tuesday. In November and December the Wetlands Commission meetings can either be the Monday or Tuesday of the same week as the Town Plan and Zoning Commission. The Council Chambers are available on the Tuesdays in December and November but not on the Mondays. The Commission agreed to schedule the November and December meeting on the Tuesdays to ensure the use of the Council Chambers. The Schedule for the 2106 meetings of the Wetlands Commission are as follows:

Tuesday, January 19	Monday, July 18
Tuesday, February 16	Monday, August 15
Monday, March 21	Monday, September 19
Monday, April 18	Monday, October 17
Monday, May 16	Tuesday, November 15
Monday, June 20	Tuesday, December 13

All meetings are scheduled to start at 7:30 PM in the Council Chambers.

4. DISCUSSION OF APPLICATION FEES

Mr. Castaldi stated that the present application fee schedule includes, in line item 3., a fee of $75 per unit for multi-family residential developments. The Wetlands Regulations and State Wetlands Act state that the Commission can set their own fees and that the applicant can request a reduction.

There appears to be some merit in the idea of the application fees solely based on the wetland and watercourse impacts, however, there could be a case where a large scale development had no or very little direct impact to wetlands and watercourses that would have a very low fee.

This line has been in the fee schedule for many decades but has been increased over the years. It was apparently established for PLR's and MFER's which tend to be more complicated than a typical residential subdivision.

Mr. Castaldi said a complex application fee, in line item 10., can be required of an application but the amount would have to be calculated by staff. This provision has not yet been used.

Chairman Panke said he was in favor of keeping the $75 per unit fee and using the Complex Application fee as needed. The Commission came to a consensus agreement to leave the present fee schedule in place.

6. NEW APPLICATIONS RECEIVED

Mr. Castaldi reported that he had received no new applications for Commission Permits, Agent Permits or Map Amendments for the November meeting.

Projects likely to come in for the November meeting include the Seabury Phase B and CREC School at Griffin Road North.

The MDC has indicated that they will apply for Wetlands Agent permit for a project to install a sleeve pipe under the railroad tracks on Mills Lane for a future 30" transmission main project from Burr Road and Maple Avenue, north to Brown Street, then east on Mills Lane to Woodland Avenue. They are planning to close the street for several days, remove the existing tracks, install the sleeve pipe, and replace the tracks. The railroad is planning to replace the rails and wants the MDC project to go first. They may start as soon as November with the sleeve project.

Another MDC project that is in the works is one to access their sanitary manholes for videoing and cleaning purposes. They are planning to build 12' wide gravel roads to gain this access. Many of the sewers are located close to watercourses and in floodplain areas. A local permit will be applied for this

project. The sewer mains that are not in the streets are in easements to the MDC. They have some rights to maintain their facilities but it is not clear whether they can build permanent gravel roads through the wetlands. This will likely be a 2016 application.

7. STATUS OF ON-GOING PROJECTS

Mr. Castaldi reported on the following:

Deringer-Ney site at 335 Woodland Avenue. Stormwater management basin is in place and foundations/footings have been started.

Brighton Park PLR off Woodland Avenue. Clearing and grubbing is done and earthwork is underway for the phase two apartments. The stormwater basin and other areas have been stabilized for the winter.

CREC Museum Academy at 11 Turkey Hill Road. The stormwater management basin is in place and foundations/footings have been started. Earthwork cuts and fills are underway.

The Duncaster Heartcare project is wrapping up and they are in good shape. They may need to do some plantings in the spring.

Mr. Castaldi informed the Commission that he has received a request from Bloomfield Developers, Inc. to extend the Wetlands Permit for the Privilege Road project, also known as Garden Homes Subdivision, for an additional five years. The original permit was extended to nine years by the State Legislature. The Commission decided that this should be done administratively and it did not need to be scheduled for a Commission vote.

8. ADJOURNMENT

A motion was made by Commissioner Budkofsky to adjourn the meeting at 8:35 P.M. The motion was seconded by Commissioner Duncan and it passed unanimously.

Respectfully submitted,

David Peter Castaldi, Wetlands Agent

Nicholas Panke, Chairman