

INLAND WETLANDS & WATERCOURSES COMMISSION
May 17, 2010

The Town of Bloomfield Inland Wetlands & Watercourses Commission held a meeting on May 17, 2010 scheduled for 7:30 p.m. at the Town Hall in Bloomfield, Connecticut with the following members present:

Present:	Also Present:	David Peter Castaldi, Wetlands Agent
		Maureen Sullivan, Recording Clerk
Nick Panke, Chairman		
Barry Berson	Absent:	Donald Evans
Alan Budkofsky		Ken Bennett
Laurianetta Huguley, Secretary		Howard Hunter, Vice Chairman
David Mann		
Daniel Mara		

Mr. Panke called the meeting to order at 7:35 p.m.

1. **Notice of Violation**
195 West Newberry Road

Mr. Castaldi was made aware of this violation in late April while inspecting work at the stormwater discharge. There has been some filling on the west side of the property and it appeared to be in the wetlands and across the neighbor's property. Photos of the area were distributed to the Commissioners. Mr. Castaldi met with the property owner, Mr. Christian Meissenn, who informed the Wetlands Agent he placed the material some time ago to correct an erosion problem. There has also been some unauthorized dumping of material at this site. The slopes on the site were discussed.

Mr. Castaldi discussed the corrective measures in his May 12, 2010 memorandum and recommended upholding the Notice of Violation, imposing a time for the work to be completed no later than the August 16, 2010 Wetlands meeting, and updates provided at the June and July meeting by the property owner.

Mr. Christian Meissenn, a member of EN 75 Development, stated he agreed with everything Mr. Castaldi stated. A concrete block wall was discussed. Mr. Meissenn stated he was trying to secure the property from being further eroded. Mr. Meissenn stated he did what he thought was proper within the limitations of his property line.

Mr. Mann stated the surveyor should set the grades that the Wetlands Agent requests. The Commissioner commented he would not have put roof shingles in the materials that was used. Mr. Meissenn responded it was less than 10 yards and was recommended by the dirt supplier.

Mr. Mara made a motion to uphold the Notice of Violation issued April 29, 2010 to EN 75 Development Associates, LLC for property known as 195 West Newberry Road, lot 5A, in accordance with the notice submitted by Mr. Castaldi and order the remedies set forth in Mr. Castaldi's follow-up to Notice of Violation memorandum dated May 12, 2010, numbers 1 through 6, except item 3 shall be modified that the surveyor shall establish the pre-existing grades to the satisfaction of Mr. Castaldi and those grades shall be the grades to which the fill and debris is removed. Mr. Mann seconded the motion and it was approved unanimously

(Item #3 on the agenda was discussed next, followed by Item #2).

**3. Application of L & D Realty LLC
Wetlands Permit for a garage/vehicle
Maintenance facility with outside
Storage of dumpsters
33 Mucko Road**

Mr. Panke discussed procedures for public hearings.

Mr. Mara made a motion to open the public hearing. Mr. Berson seconded the motion and it was approved unanimously.

Mr. T. J. Baresi of Ed Lally Associates represented the applicant. Mr. Baresi requested the Commission open the public hearing and table the application until the June 21, 2010 meeting. The attorney for the intervener was aware of the request.

Mr. Castaldi distributed copies of a letter received from Mr. Ed Lally, a notice of intervention filed by F. S. Realty, LLC, and a letter from Attorney DiBella, who represented the intervener.

Mr. Berson made a motion to table the application, and continue the public hearing, to the June 21, 2010 meeting. Mr. Mara seconded the motion and it was approved unanimously.

**2. Application of Alford Associates, Inc.
Wetlands Permit for six-lot industrial subdivision
Lots 10 and 9 (rear) West Dudley Town Road
(continued from 4/19/2010)**

Mr. Wilson Alford, Jr. of Alford Associates, Inc. discussed the proposed industrial subdivision. Revised plans were prepared to address Mr. Castaldi's concerns about the southeast corner. The roadway has been shifted to the west and no regulated activities are proposed close to the southeasterly wetlands and the vegetated buffer is being retained. The wetlands, the vernal pool, the revised plans and storm drainage were discussed.

Mr. Castaldi distributed pictures to the Commissioners. Mr. Castaldi's memorandum of May 12, 2010 requested the applicant consider several alternatives and the revised plan addresses most of them. The alternatives and conditions of approval were discussed. Based on the revised plan, Mr. Castaldi believed the Commissioners had enough information to make an informed decision.

There were no questions from the public.

Questions from the Commission:

Mr. Mann asked about the elevation changes and topography of the site. Mr. Alford discussed the elevations. Mr. Castaldi discussed the watercourses. Mr. Mann was concerned about the FEMA flood hazard zones. Mr. Castaldi stated the mapped FEMA flood hazard zone affects the southwesterly corner and the southeasterly wetlands and the FEMA line is shown on the plans. Mr. Mann asked if the amount of impermeable surface would contribute to a migration of the FEMA line. Mr. Alford explained the water quality basins will also act as retention basins and the peak discharge rate will not be increased after development. Mr. Mann asked if the applicant was designing to the 100-year storm to which Mr. Alford replied yes.

Mr. Mann asked about the applicant's response to prudent and feasible alternatives. Mr. Castaldi responded that in his memorandum, under criteria for decision, it was clear that prudent and feasible alternatives existed for the proposed regulated activities that would have less or no environmental impact. This was based on the original plan and the revised plan does include alternatives that will have less environmental impact. Alford discussed mitigation on the site.

Mr. Panke asked about the revised plans and the recommended alternatives. Mr. Alford responded that the size of the building footprints would not change except on lot 1 where the building will be moved 10 feet to the south. Mr. Panke asked about joining lots 4 & 5 as recommended. Mr. Alford responded that instead of joining the two lots, the applicant moved the road over to the west so there would still be two viable lots and the proposal will maintain the existing vegetated buffers as recommended by Mr. Castaldi.

Mr. Castaldi stated the revised plans were prepared in response to his staff memorandum. The recommended alternatives were considered by the applicant and the revised plans reflect how they were incorporated.

Mr. Mann asked if the information regarding the functions and qualities of the watercourse and the impact and proposed development information was received. Mr. Castaldi responded he would like to have the additional information; however, the impacts have been reduced substantially. If the Commission felt that additional information was still pertinent, then it can be discussed. Mr. Alford stated Mr. George Logan submitted a letter at last month's meeting. The functions and values of the wetlands in the interior of the site were discussed.

Mr. Castaldi stated he was satisfied with the information received.

Mr. Mara asked if there would be an association that will be responsible for upkeep and maintenance to which Mr. Alford responded that the common elements, the drive and the storm drainage systems, would be the responsibility of the association.

The loss of wetlands was discussed. Mr. Mara asked about the ratio of replacement to loss to which Mr. Castaldi replied about 150 percent. Mr. Alford replied it is 6,000 square feet.

Mr. Budkofsky asked about the loss of the wetlands. Mr. Alford replied there are about 4,000 square feet of wetland loss. The created wetland mitigation area will be 6,000 square feet. There will be an increase of 2,000 square feet of wetlands.

There were no comments from the public.

Comments from the Commission:

Mr. Mann commented the applicant was moving in the right direction, but did not think the applicant was there yet. Mr. Mann discussed the report from Mr. Logan and commented that it did not provide a lot of information; it was Mr. Logan's opinion. Mr. Mann believed combining lot 4 and 5 should be done to provide more relief to the wetland areas. Mr. Alford discussed the plans and the wetlands. Mr. Mann discussed the impermeable surface.

Mr. Budkofsky believed that combining lot 4 and 5 was based on the old plans. The applicant took an alternative route by moving the road and making lot 4 smaller, thereby achieving Mr. Castaldi's recommended alternative to move the development away from the southeasterly wetlands. Mr. Mann discussed lot 4. Mr. Budkofsky believed the applicant has complied with Mr. Castaldi's recommendation.

Ms. Huguley discussed the buildings and the lot line.

Mr. Panke believed the developer should look at impervious coverage and moving some of the lines away from the wetlands. Mr. Panke believed the hearing should remain open until the plans are reviewed by staff and the Commission.

Mr. Alford discussed the property and the wetlands corridor. There are two wetlands in the interior that are 4,000 square feet and the applicant is creating a wetland of 6,000 square feet. Even though there is a level of development of 50 percent; that is normal of any piece of property in the town. The applicant is staying away from the valuable wetlands. The storm drainage was discussed.

Mr. Mann stated the Commission does not have regulatory authority over the upland areas, however does have opportunity to comment on what is developed on those areas because they will affect the wetlands. Mr. Alford discussed the Regulations and the soil scientist's professional opinion. Mr. Mann replied he was a little more concerned. Mr. Mann discussed feasible alternatives earlier and the line was moved back so there would be less impact to the wetland; however, the Commissioner felt there was a lot of intense development close to the wetlands and that they will be affected. Mr. Alford replied the only thing leaving the wetlands is the storm water.

Mr. Berson commented about the Regulations. Mr. Berson had a problem with the Commissioner saying his opinion was as good as Mr. Logan's opinion. The applicant has pointed out Mr. Logan is a professional. Mr. Berson did not see any harm to the wetlands and stated Mr. Castaldi will be observing the site.

Mr. Mann commented he did not believe the report from the soil scientist had a lot of information and the Commission usually has more information on projects this size.

Mr. Budkofsky asked Mr. Castaldi if he was satisfied with the plans. Mr. Castaldi believed the applicant addressed the alternatives and recommendations and reduced the number of wetland impacts so he was satisfied. The plans are not completely finished, and the Wetlands Agent asked the plans be finalized and submitted within 120 days and the Commission will be able to see the plans. If the application is approved this evening, the application will then go to Planning and Zoning. The plans will come back to the Commission but not the applicant. Mr. Mara commented that the Commission would be able to see the plans and make sure they comply with whatever order is entered tonight, no further approval, and no further vote. The proposed conservation easements were discussed.

Mr. Panke stated he still had some concerns but based on Mr. Castaldi's recommendations and the revised plans and conditions, the Commissioner will reluctantly support the application.

Mr. Mara made a motion to close the public hearing. Mr. Berson seconded the motion and it was approved unanimously.

Mr. Mara made a motion to approve the application of Alford Associates, Inc. (owner: Sterling Ridge Development Group, LLC), for a Wetlands Permit at Lots 9 and 10 West Dudley Town Road, for development of a six-lot industrial subdivision with regulated activities in wetlands and upland review area in accordance with the presentation by the applicant tonight as reflected in the plans prepared for Sterling Ridge Development Group, LLC, West Dudley Town Road Extension, Bloomfield, Connecticut, dated March 29, 2010, and further in accordance with the recommendations made by Mr. Castaldi in his report dated May 12, 2010, including recommended conditions of approval #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, and restoring fragmented Wetland D would be made with the wetland mitigation area as shown on the plans, 19 and 20. Further, this land is anticipated to be held by an association as common interest ownership and the declaration of the association shall make appropriate representations of the Wetlands approvals and also shall impose upon the association appropriate provisions for maintenance and general clean up of the water quality basins as shown on the plan. Further, the applicant is going to provide conservation easements over the wetlands and parts of the upland review area in the westerly most part of the lot and the southeasterly wetlands and watercourses, as represented by the applicant tonight, and in approving the plans, as represented by applicant the Commission expressly was not approving any specific development on any one of the lots, the Commission was approving a development scheme but the specific development would have to be approved by either the Wetlands Agent or this Commission. The plans were last revised May 14, 2010. Mr. Berson seconded the motion and it was approved 5:1 (Mr. Mann voted against the application.)

5

4. Approval of minutes of April 19, 2010.

Mr. Mann made a motion to approve the minutes of April 19, 2010 as modified. Mr. Mara seconded the motion and it was approved unanimously.

5. New applications received.

Mr. Castaldi has not received any new applications. The Wetlands Agent is reviewing a possible wetland violation on Gale Road.

6. Status of on-going projects.

Next month's meeting will be held at the Town Hall Council Chambers as usual. Mr. Berson requested that a police officer be present for the hearing on 33 Mucko Road and Mr. Castaldi will request a patrol officer in the room.

There has been some progress on covering the exposed soils on the Garden Homes subdivision. Mr. Castaldi noticed an erosion problem from blowing sand on the industrial subdivision on Woodland Avenue that he will address. Garden Homes has started their first model home. The Edwards Way subdivision on Capewell Drive was discussed and there has been no action so far this year.

The North Branch of the Park River Watershed Study was discussed.

Ms. Huguley stated she would not be able to attend the September or October meetings.

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

The meeting adjourned at 9:17 p.m.

Respectfully submitted,

Maureen Sullivan, Recording Clerk

Laurianetta Huguley, Secretary