The Town of Bloomfield Inland Wetlands & Watercourses Commission held their regular meeting on Monday, December 16, 2019, scheduled for 7:00 p.m., at the Town Hall in Bloomfield.

I. Call to Order: Chairman Nicholas Panke called the meeting to order at 7:02 p.m.

II. Roll Call:
Chairman Nicholas Panke, Vice Chairman Howard Hunter, Commissioner Barry Berson, Commissioner Alan Budkofsky, Commissioner Katie Blint and Commissioner Kevin Wilcox were all present. A quorum was established with 6 members.

Commissioner Joy Chance, Commissioner David Laiuppa and Commissioner Kevin Hussain were not present at the start of the meeting. Vice Chairman Hunter left early and Commissioner Laiuppa came in late.

Also Present:
Mr. Peter Castaldi, Civil Engineer and Wetlands Agent and Ms. Joyce Pickett, Recording Secretary.

Chairman Panke reviewed the procedures for Public Hearings.

III. Organizational Meeting:
1. Election of Officers

The Election of Officers is rescheduled for the January 21, 2020 meeting. Seven members of the Commission are required for this election.

IV. Old Business:

1. Wetlands Map Amendment Application
Maulucci Home Builders, LLC
(owner: Maulucci Brothers, LLC)
Lots 4014 and 4015 Ryefield Hollow Drive South
Soil scientist: Mr. George Logan
(Public Hearing continued from 10/12/19 and 11/18/19)
Commissioner Budkofsky made a motion to reopen the Public Hearing. Commissioner Wilcox seconded the motion and the Commission voted unanimously to reopen the Public Hearing.

Mr. David Ziaks, P.E., President of F. A Hesketh and Associates, Inc., 3 Creamery Brook, East Granby, CT and Mr. George T. Logan, MS, PWS, CE Principal, of REMA Ecological Services, LLC, 164 East Center St., Suite 2, Manchester, CT spoke for the applicant.

Mr. Ziaks described the location of the 53.8 acres, west of Ryefield Hollow Drive South and north of Sharon Street. The east side of the property has some active farm land, and open and forested wetlands and uplands. The west side is steeply sloped and forested uplands.

Mr. Ziaks stated that Mr. Logan flagged the areas that were not flagged and investigated the vernal pool as requested by the Commission at the October 21, 2019 meeting. The applicant is in agreement with the three (3) recommended conditions of approval in Mr. Castaldi’s December 10th memorandum.

Mr. Logan stated that he had submitted two (2) reports. The August 14, 2019 report was revised on 12/12/2019 showing the additional wetlands flagging. The December report includes marked up aerial photos of the area near Sharon Street which indicated the location of the off-site vernal pool.

Mr. Castaldi stated that all of the allowable extensions of the Public Hearing have been granted for this application and the Public Hearing must be closed tonight.

Mr. Castaldi referred the Commission to his December 10, 2019 memorandum. At the October 21, 2019 meeting the Commission requested that the applicant re-flag or stake the wetland areas within the agricultural fields and delineate additional wetlands in the south and north parts of the property. There were some stakes around the agricultural field wetlands and the additional wetland flags were observed on the site this morning.

Mr. Castaldi stated that he had received the revised delineation report with the supplemental photos included in the report. Mr. Castaldi stated he was in agreement with the flagged wetlands and recommended that the Commission approve this application.

Public Questions:

Ms. Darcy Winther, of 44 Sharon Street, asked about the additional wetlands delineation, how had the run off from the southwesterly wetlands been located and was this an intermittent watercourse.

Ms. Winther stated that she has experience and knowledge in this matter and reviewed her education and professional experience.

Mr. Logan stated that he had originally located the area where this wetlands drains or runs off down the hill but this area has now been completely flagged. The flags are located by GPS. Outside of the flagged area this “run off” does not have a defined channel and is not an intermittent watercourse.

Ms. Winther asked Mr. Logan if there any other watercourses that might be a vernal pool and she asked had he been there in the spring. Mr. Logan stated he was there three times in August and September so he could not confirm the vernal pool but it is a potential vernal pool.

Ms. Winther asked Mr. Logan if he investigated the whole area for vernal pools. Mr. Logan stated no but he had investigated a large area. Vernal pools can be confirmed in other seasons.

Ms. Winther asked if monitoring wells had been installed to monitor ground water levels. Mr. Logan stated no. The delineation was conservative and he did not believe this additional monitoring was necessary.
Mr. Richard Jensen, of 7 Breezy Knoll Drive, asked if the Commission will vote on the new map before the people/public view it. Mr. Castaldi stated this is the third Public Hearing on this application which gave the public enough time to view it.

Mr. Jensen stated that the public is at a disadvantage on the date the applicant cancelled. Chairman Panke stated that the application has been published and the public had three (3) months to view it. The Commission has to follow the legal requirements.

Mr. Jensen asked if there was any discussion about access to the development from Sharon Street that might impact wetlands. Chairman Panke stated that the Town Plan & Zoning Commission decides questions of public access not the Wetlands Commission.

Mr. Jensen asked if there was no consideration of road access. Mr. Castaldi stated that the next application will be for the development of the property.

**Commission Questions:**

Commissioner Budkofsky asked if there any new bodies of water found along the eastern side of the property. Mr. Logan answered no and said that the detention pond and watercourses shown on the original mapping have not changed.

Commissioner Budkofsky asked if vernal pools were discovered this time. Mr. Logan stated no. The off-site vernal pool was brought to their attention during the Anthonys Way subdivision hearings in 2018.

**Public Comments:**

Ms. Darcy Winther, of 44 Sharon Street, stated that she appreciated Mr. Logan’s answers but vernal pools can only be confirmed in the spring. She was concerned that vernal depressions which are only visible in the spring and could be vernal pools were missed.

**Commission Comments:**

Commissioner Budkofsky stated that the applicant presented new information as requested and that staff had confirmed it in the field.

Chairman Panke thanked the Public for their comments and asked for a motion to close the Public Hearing.

**Commissioner Berson made a motion to close the Public Hearing. Commissioner Budkofsky seconded the motion and the Commission voted unanimously to close the public hearing.**

Commissioner Budkofsky made a motion to approve the Application of Maulucci Home Builders, LLC (owner: Maulucci Brothers, LLC) for a Wetlands Map Amendment at Lots 4014 and 4015 Ryefield Hollow Drive South, with reference to the latest map revised to 12/06/2019, subject to the following conditions:

1) The permittee shall submit separate Wetland Map Amendment plans which incorporate all technical plan revisions. Final plans are subject to the approval of the Wetlands Agent.

2) The permittee shall submit three (3) sets of paper prints and one (1) set of fixed lined mylars of the final Wetland Map Amendment plans, signed and sealed by the Surveyor and Soil Scientist for signing by the Commission. The final plans shall also be submitted in a digital form that is compatible with the Town of Bloomfield GIS.
3) The permittee shall file the signed mylar of the final Wetlands Map Amendment plans on the Bloomfield Land Records.

Commissioner Berson seconded the motion and the Commission voted unanimously to approve the application.

IV. Old Business:

2. Wetlands Permit Application
   Maulucci Home Builders LLC
   (owner: Maulucci Brother, LLC)
   51-unit PLR development
   Lots 4014 and 4015 Ryefield Hollow Drive South
   (Public Hearing continued from 10/12/19 and 11/18/19)

Commissioner Budkofsky made a motion to reopen the public hearing. Commissioner Wilcox seconded the motion and the Commission voted unanimously to reopen the public hearing.

Mr. David Ziaks, P.E., President of F. A Hesketh and Associates, Inc., 3 Creamery Brook, East Granby, CT and Mr. George T. Logan, MS, PWS, CE Principal, of REMA Ecological Services, LLC, 164 East Center St., Suite 2, Manchester, CT spoke for the applicant.

Mr. Ziaks described the project which includes an extension of Ryefield Hollow Drive South and two short cul-de-sac roads, fifty-one (51) single family detached condominium units, five stormwater management basins and four wetland mitigation areas. A key aspect of the project is the enhancement of farm field wetland meadows.

The changes since the last Public Hearing include modifications to the locations of the buildings to be a minimum of 50 feet from the wetlands, with a 25 foot wide vegetated buffer around the wetlands and 25 feet of lawn outside of the buildings. Four seeding mixes will be used for stabilization and except for the fine lawn areas will only be mowed once a year. Small sections of split rail fence are proposed along with warning signs on posts to delineate the annual mowing areas.

Mr. Ziaks stated that the original application materials included an alternative analysis dated August 22, 2019. This analysis looked at the type of development and concluded that the present proposal for a condominium (PLR) development had the least amount of impact to the wetlands and watercourses and provides the best option for properly maintaining the wetland and watercourse resources. The latest plans have eliminated the permanent wetland impacts altogether.

Mr. Logan reviewed the benefits to the wetlands provided by the proposal. Now with no direct wetland impacts and 13,420 square feet of created wetlands. The existing farm field wetlands will be rototilled and seeded with meadow mix and will have trees and shrubs for a diversity of vegetation. This will significantly increase the functions and values, especially for wildlife habitat, of these wetlands. The stormwater quality basins will prevent sediments from eroding off the farm fields to the wetlands. The preferred alternative is in his professional opinion the most prudent and feasible.

Mr. Castaldi reviewed his memorandum to the Commission dated December 12, 2019, including the proposed temporary impacts to wetlands and watercourses, recommended conditions of approval, criteria for decision and prudent and feasible alternatives.

Mr. Castaldi reviewed the recently submitted plan and profile for the proposed sanitary sewer that shows very deep excavations for this utility. Mr. Ziaks stated that the plan shows the worst case scenario and the MDC (Metropolitan District Commission) will have the final say.
Mr. Castaldi recommended that the Commission close the public hearing and postpone their vote on the application to the January 21, 2020 meeting.

Mr. Ziaks stated that the applicant has no objections to the recommended conditions of approval and was willing to add a 27th condition stating that the final plan revisions would address all of Staff’s concerns. Mr. Ziaks requested that the Commission close the Public Hearing vote on the application tonight.

Chairman Panke asked Mr. Castaldi if his recommended conditions were a major concern. Mr. Castaldi stated his concerns are with proposed roads B and C being too close to wetlands, and the grading and stabilization of the cut slope. A 27th condition of approval as recommended by Mr. Ziaks is not is not needed because of recommended condition number 1.

Mr. Castaldi stated that once the Public Hearing is closed, there will be no more testimony, questions or comments from the Public. The Public Hearing has been extended three times and will have to be closed tonight.

Public Questions:

Ms. Darcy Winther, of 44 Sharon Road, gave Mr. Castaldi her resume for the file which shows her experience, qualifications and credentials. Ms. Winther asked about the Vernal Pool Habitat Area, whether buried wetland soils were found that could be used for wetland mitigation, clarification about the wetlands enhancement and mitigation, fish habitat in the brook, endangered species and those of special concern, invasive species control, monitoring of enhanced wetlands and monitoring during construction.

Mr. Logan answered most of the questions. The Vernal Pool Habitat area line is on the plans, no buried wetland soils were found, the enhanced wetlands will provide shrub/shrub wetland habitat, the NDDB map shows no identified endangered species in or near the project, the mitigation plan includes invasive species removal and control, and typically the wetlands are monitored twice a year for three years.

Ms. Ann Marie Kimett, of 7 Breezy Knoll Drive, asked how deep the stormwater/detention basins will be, where will water be diverted to, who will maintain them, and if the home owners association will be liable if accidents happen? Mr. Ziaks answered that the new stormwater basins will be 3-4 feet in depth.

Mr. Rick Jensen, of 17 Breezy Knoll Drive, asked why the proposed roads connect where they do and will there be a new road in from Sharon Street or out to Ryefield Hollow Drive North.

Commissioner Budkowski stated that these questions are not the concern of the Wetlands Commission but of the Town Plan and Zoning Commission.

Mr. Jensen asked how it was possible to build a road through wetlands without any impacts and was there any consideration about open space dedications.

Mr. Castaldi stated that the project was modified to eliminate the direct wetland impacts and that open space parcels are proposed for the areas north, west and south of the project.

Mr. Ziaks stated that extending the road would not require new wetland/watercourse impacts because there is an existing farm road crossing, and twin culverts, at the watercourse.

Mr. Mike Farmer (?) of Spring Hill Lane, asked about connection to Ryefield Hollow Drive North. Mr. Ziaks stated that a walking trail and emergency accessway were proposed but not through road.

Vice Chairman Hunter left the meeting at this point.
Commissioner Questions:

Commissioner Blint asked about the height of the shade trees. Mr. Logan stated they would be 2" oak and maple trees that are expected to grow into full sized shade trees.

Commissioner Budkofsky asked about the depth of the sanitary sewer and height of the proposed retaining walls. Mr. Ziaks stated that the retaining walls were 2-3 feet high and that excavation boxes will be needed for the sanitary sewer installation.

Commissioner Budkofsky asked about phasing and if the Commission will determine the phasing. Mr. Ziaks stated no, the project will be divided into logical phases and assured the Commission that one would be created for this project.

Chairman Panke asked about the wetland impacts from the two cul-de-sacs and monitoring of the wetlands.

Mr. Ziaks stated that the two cul-de-sacs were not in the wetlands and they typically monitor the wetlands for three years after initial establishment. This monitoring would be applied in sections coordinated with the various phases of construction. The applicant would be okay with adding another condition of approval concerning the phasing plan.

Public Comments:

Ms. Darcy Winther, of 44 Sharon Road, stated that the project had several deficiencies, that a better understanding of the mitigation was needed, that stormwater quantities need to be taken into account not just the stormwater quality, that other low impact development strategies should be considered including an open bottom culvert at the stream crossing, that the definition of prudent and feasible alternatives excludes financial considerations as the sole reason for feasibility, that the criteria for decisions should be reviewed, that the application was incomplete and that the Commission should not approve the application.

Commission Comments:

Chairman Panke stated he was concerned about the number of recommended conditions and felt that some should be addressed with revised plans at the next meeting.

Commissioner Berson stated that the applicant was in agreement with the conditions of approval and should not have to come back for a decision in January.

Commissioner Budkofsky stated that he agreed that the Commission should postpone their decision.

Mr. Logan asked if he could address some of the Commissions concerns. Mr. Logan referred to court cases which clearly require the Commission to evaluate an application based on the direct impacts to wetland and/or watercourse and the short and long term impacts from the project. The project includes no permanent impacts to wetlands and watercourses, the hydrology of the site is not being affected, there are no vegetated buffers to impact, stormwater quality issues are addressed with the stormwater quality basins, and the concerns about the cut slope stabilization are addressed by shrub seeds in the mix. Mr. Logan would not object to an additional condition of approval for tree and shrub plantings.

Mr. Ziaks stated that the plans are complete, the applicant is in agreement with the conditions of approval, feasible and prudent alternatives have been presented and the scope of the project is appropriate for the property. He urged the Commission to vote on the application tonight and asked that the Commission discuss their reasons for delaying their vote if they do so.

Commissioner Budkofsky made a motion to close the Public Hearing. Commissioner Wilcox seconded the motion and the motion passed with a unanimous vote.
Commissioner Berson stated that the applicant should have been given the opportunity to return at the January 21st meeting when more than five Commissioners may be present.

Commissioner Budkofsky made a motion to table the application until the January 21, 2020 meeting. Commissioner Wilcox seconded the motion and the Commission voted unanimously in favor of the motion to table.

V. New Business:

1. Cease and Desist Order – 1236 Blue Hills Avenue
   Mr. Andrew Morrison and Ms. Marie Dunn

Mr. Castaldi stated that this Order was issued for regulated activities being done without a Permit and for non-compliance with a Permit issued in May of 2019.

Field inspections were done on several occasions from July through December 10, 2019. Fill material, piles of firewood and other debris are deposited, and grading and construction have occurred, within wetlands, watercourses and the Upland Review Areas. These material are obstructing, polluting and altering the wetlands and watercourses.

Trees have been cleared and stumps removed from many areas of the property including within the Vegetated Buffers, Upland Review Areas, and apparently within the wetlands and watercourses. Soil erosion and sediment control measures are non-existent. Remnants of silt fence were observed but are ineffective.

There is open ground in many locations and no temporary stabilization measures in place. Haul roads for the tree removal operation have been constructed apparently through wetland areas in the Central part of the property. Storage trailers are on-site at the rear of the existing house. Grading and filling on this property has eliminated a surface swale and is causing flooding across the driveway on the neighboring parcel at 1240 Blue Hill Avenue.

In May of 2019 the Commission approved a Permit for regulated activities on this property that had already been done. The conditions of approval including posting of a bond, truncating the southerly most driveway, removing materials, etc. were not complied with. Additional regulated activities are occurring without a Permit.

The Cease and Desist Order recommends that corrective measures be done to remove the Violations of the Regulations: 1) Halt all tree clearing and pulling of stumps. 2) Remove all deposited materials from wetlands and watercourses, restore these areas to their former grades, elevations, seed and mulch for temporary stabilization. 3) Install silt fence at the limits of wetlands to prevent further encroachment. 4) Install soil erosion and sediment controls around the perimeter of all disturbed areas. 5) Seed and much (hay or shredded bark) all disturbed ground areas for temporary stabilization. 6) Comply with all conditions of the Mary 20, 2019 Wetlands Permit and 7) Submit applications for a Wetlands Map Amendment and a Wetlands Permit for the existing on-going commercial uses.

Mr. Morrison stated that he does not want to be in violation, his knowledge concerning this matter is limited and he will get the necessary professionals to help him comply with Mr. Castaldi’s recommendations and the (10) conditions of the May 20th, 2019 Permit.

Commissioner Budkofsky asked about what happens to the trees already cut. Mr. Morrison said they are cut and sold for firewood which is delivered or picked up at the site.

Commissioner Laiuppa joined the meeting at this point.

Mr. Castaldi stated that the Commission can uphold the Cease and Desist order and ask that Mr. Morrison return with applications at the January meeting, refer it to the Town Attorney or issue a fine.
Commissioner Laiuppa was concerned about problems with compliance with the old permit and the Commission asking for an application for new regulated activities. The old permit should be complied with first.

Commissioner Budkofsky stated that Mr. Morrison should follow his surveyor’s plans and only do what is presently approved and no more. Applications for a new Permit should be submitted right away and no new regulated activities done until that permit is approved.

Mr. Morrison stated that he heard the Commission’s concerns and agreed do what needs to be done.

Commissioner Blint stated that she had purchased firewood from Mr. Morrison before she was aware of the Cease and Desist order. There was some discussion and the Commission generally agreed that this disclosure would not disqualify Commissioner Blint from participating in this agenda item.

Chairman Panke stated that Mr. Morrison is not new to this type of application and the permitting requirements.

The Commission discussed the Cease and Desist order and finally arrived a consensus.

Commissioner Budkofsky made a motion to Uphold the Case and Desist order and that Mr. Morrison continue to work on the requirements of the May 2019 permit, and the new corrective actions, and submit applications for a Map Amendment and Permit for the January 21, 2020 meeting. Commissioner Wilcox seconded the motion and it passed with a unanimous vote in favor.

2. Discussion of Anthony’s Way Subdivision

Mr. Castaldi stated that at the November 18, 2019 meeting the Commission requested that he do a follow-up inspection at Anthony’s Way for a possible an enforcement action that would be heard at this meeting. The site had been inspected on the 18th of November and several recommendations for winter stabilization were communicated to the developer and permittee Mr. A.J. Maulucci.

The project was inspected again on the 10th of December and the field report and memorandum to the Commission were prepared on the same date.

Due to significant melting of snow direct observations of runoff from this project were made at both stormwater outfalls. No sediments were observed in the runoff from this project. The southerly stormwater basin discharges to the east toward wetlands located about 125 feet off-site. The northerly stormwater basin also discharges to the east toward wetlands that are more than 600 feet away on the abutting property. In addition, no sediments were observed at the Sharon Street storm drainage system outfall near Meadowview Lane.

Some of the recommended winter stabilization from the November 18th inspection were not completed, including installation of erosion controls in various locations, and seed and mulch for temporary stabilization. Many of these items could not be completed due to the heavy snow fall.

The conclusion reached after the December 10th inspection was that an enforcement action is not warranted. The failure of the permittee to fully comply with the approved site plans and soil erosion and sediment control measures which does not result in impacts to wetlands and watercourses or neighboring property does not merit an enforcement action.

The $9,000 Wetlands Bond required by the Commission in 2018 as a condition of the Permit approval has been posted and remains in effect until the project has been completed. The remaining public improvements are covered by an additional TP&Z bond of $61,000. Weekly site inspections are apparently being done but are not always forwarded in a timely manner.

A letter from Ms. Darcy Winther of 44 Sharon Street was distributed.
The Commission discussed the project and in particular the field changes to the rain gardens. Mr. Castaldi stated that some of the rain gardens were made smaller when stormwater infiltrators were added to the plot plans. No rain gardens were eliminated but some have not been constructed.

It was the Commission’s consensus that changes to the rain gardens, required a condition of approval, should have been the subject of a Minor Modification to the permit not done as a field change.

VII. Wetland Agent permits.

No new permits.

VIII. Status of on-going projects.

A summary of the on-going projects was not given due to the lateness of the hour.

IX. Approval of minutes from the November 18, 2019 meeting:

Commissioner Budkofsky made a motion to approve the November 18, 2019 IWWC meeting minutes with minor corrections. Commissioner Berson seconded the motion and voted unanimously in favor.

X. Adjournment:

Commissioner Budkofsky made a motion to Adjourn and Commissioner Berson seconded the motion. The Commission voted unanimously to adjourn the meeting at 11:20 p.m.

Respectfully submitted,

Joyce Picket, Recording Secretary

Nicholas Panke, Chairman

THE NEXT MEETING IS SCHEDULED FOR JANUARY 21, 2020