The Town of Bloomfield Inland Wetlands & Watercourses Commission held a Special Meeting on Tuesday, January 28, 2020, 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:

Present: Chairman Nicholas Panke, Commissioner Alan Budkofsky, Commissioner David Laiuppa, Commissioner Kevin Wilcox, Commissioner Joy Chance and Commissioner Katie Blint.

A quorum was established with 6 members. Absent were Commissioners Barry Berson and Kevin Hussain. Also Present: Mr. Peter Castaldi, Civil Engineer and Wetlands Agent and Ms. Joyce Pickett, Recording Secretary.

III. Organizational Meeting:

1. Election of Officers

Election of Officers was rescheduled for the March 16, 2020 regular meeting. Seven members are required for election of officers.

IV. Old Business:

1. Application of Maulucci Home Builders LLC
   (Owner: Maulucci Brother, LLC)
   Wetlands Permit for development of 51-unit PLR
   Lots 4014 and 4015 Ryefield Hollow Drive South
Mr. David Baram an Attorney with the Law Offices of Baram, Tapper & Gans, LLC located at Three Regency Drive, Bloomfield, CT, was present and representing the applicant.

Chairman Panke stated that at the last meeting the Public Hearing was closed and, therefore, at this meeting there would be no questions or comments from the public and there would be no presentations.

Commissioner Budkofsky made a motion to remove the application from the table. Commissioner Wileox seconded the motion and the Commission voted unanimously to remove the application from the table.

Chairman Panke asked Mr. Castaldi to give the Commission an update. Mr. Castaldi distributed a written request by the applicant for a further extension to this meeting and a Conflict of Interest form from Attorney Baram.

Mr. Castaldi referred to his January 14, 2020 Memorandum to the Commission. This application was officially received at the July 15, 2019 meeting. The applicant gave presentations, and questions and comments were heard from the Public and the Commission during Public Hearings at the October 21st and December 16th meetings. The Commission closed the Public Hearing at the December 16th meeting and voted to postpone their decision until the January 21, 2020 regular meeting. The January 21st meeting was cancelled and this special meeting scheduled.

Mr. Castaldi stated that his recommendation to postpone the vote in order for the applicant to submit revised plans was incorrect. Once the Public Hearing is closed no new information can be submitted for the Commission’s consideration. Their decision must be based only on the information presented at the Public Hearings.

Mr. Castaldi also stated that revised plans have been submitted which address the recommended conditions of approval but the plans available at the meeting, and previously sent to the Commission, are revised to December 6, 2019 and are part of the information submitted at the Public Hearings. The discussion, comments and the twenty-six recommended conditions of approval contained in his December 11, 2019 memorandum are still valid.

In the January 14th memorandum one additional condition has been added that would require the applicant to plant shade and habitat trees at the farm field wetlands and meadow areas. At the December 16, 2019 meeting the applicant was in agreement with the recommended conditions of approval.

Mr. Castaldi addressed his concerns about phasing the development. The overall project can and should be broken down into smaller pieces geographically but there are also phases of construction within each of the pieces. Each phase of construction will be done in a sequence of construction specified on the final site plans.

Mr. Castaldi read out his recommended condition number 27:

The site plans shall be revised to include shade trees and habitat trees in and around the farm field wetlands and meadow areas.

Mr. Castaldi also modified one word in recommended condition number 16. The word “completed” was replaced with “constructed.” The condition now reads as follows:

All infrastructure, storm drainage facilities, utilities, roads (to the base course) and other common improvements shall be constructed in each phrase prior to starting any building foundations.

Commission Questions:

Chairman Panke asked Mr. Castaldi if the start of the project will affect the whole site. Mr. Castaldi stated no they will construct the development in smaller more manageable pieces.

Chairman Panke asked about stabilization of the disturbed areas. Mr. Castaldi stated stabilization is concern on this project with cuts in the western slope needed for fill in the easterly parts. Timing is also critical so that disturbed areas are complete in time for seeding.
Chairman Panke asked how the phasing will work with the proposed drainage systems. Mr. Castaldi stated each phase or piece of the project can stand on its own. Chairman Panke asked whether all the phases would eventually be connected. Mr. Castaldi answered yes.

Commissioner Budkofsky asked for a clarification on the type of construction. Is it fifty one (51) single family homes or detached condominiums? Mr. Castaldi stated that the proposal is for detached condominiums in the PLR Zone. Commissioner Budkofsky asked if there will be an association. Mr. Castaldi answered yes a condominium or homeowners association.

Commissioner Budkofsky recommended that condition fourteen (14.) be modified to include submittal of weekly reports to Town Staff by e-mail.

Commissioner Budkofsky recommended that condition fifteen (15.) be modified require that detailed phasing plans approved by staff be included in the final plans.

Commissioner Laiuppa asked about recommended conditions seventeen (17.) and twenty four (24.). Will work be allowed on the cut slopes during the winter months and do the seeding dates preclude summer stabilization. Mr. Castaldi stated that condition 17 was specifically for the cut slopes. Condition 24 is for general seeding/stabilization with specific seeding dates or milestones for the developer to comply with. Commissioner Laiuppa recommended that condition 24. be modified to include non-organic stabilization methods for other times of the year.

Chairman Panke asked what the procedures are for follow up if the Commission votes to approve the application. Mr. Castaldi stated the applicant would receive a letter of approval listing the final conditions. The Town Plan and Zoning Commission will have their conditions of approval and the applicant is asked to address all of the conditions of approval in one set of site plans. Three (3) sets of paper plans and mylars are returned to the Commissions for signing. Then the Wetlands permit is issued. Once the plans and permits have been filed on the Land records and the bond is posted there is a preconstruction meeting, a clearing limits walk, erosion control inspections, etc. It may take a month or two to get all of the conditions addressed on the final plans.

**Commissioner Budkofsky made a motion to approve the Application of Maulucci Home Builders, LLC (owner: Maulucci Brothers, LLC) for Wetlands Permit for development of 51-unit PLR, on Lots 4014 and 4015 Ryefield Hollow Drive South, including a finding of no prudent and feasible alternatives, with reference to the site plans dated 12/06/2019, and subject to the following conditions as modified by the Commission:**

**Conditions to be complied with prior to the issuance of the Wetlands Permit:**

1. The permittee shall submit final plans, revised for compliance with the final conditions of approval, and all technical review revisions. These conditions of approval shall be added to the plans verbatim. Final plans are subject to the approval of the Wetlands Agent.

2. The permittee shall submit three (3) final plans on paper, signed and sealed, to the Wetlands Commission for signing. Final plans shall also be submitted in digital data format compatible with the Town GIS in addition to any prints or mylars required.

3. The permittee shall also submit fixed line mylar plans, signed and sealed by the Surveyor and Engineer, of the Title Sheet, Master Plan (MA-1), the Layout Plan (LA-1), the Mitigation Area Plan (MI-1), the Wetlands Impact Plan (WI-1) and the Property/Limited Topographic Survey plan (PS-1), for signing by the Commission. The permittee shall file the signed mylar plans on the Bloomfield Land Records.

**Conditions to be complied with prior to the start of any site work including tree clearing:**

4. In accordance with Sections 11.9 and 13 of the Wetlands Regulations the permittee shall post a bond, separate from the TP&Z 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 20.4 acres of disturbance and a $21,000 bond is required.

5. In accordance with Section 11.22 of the Wetlands Regulations the permittee shall file a copy of the Wetlands Permit, including conditions of approval, on the Bloomfield Land Records.

6. The permittee shall schedule a preconstruction meeting with the Wetlands Agent, developer general contractor, site work contractor and utility companies.

7. The permittee 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. All wetlands, wet and damp meadow areas, mitigation areas and stormwater management basins shall be staked out in the field. These areas shall be protected with construction fence or other barrier to prevent inadvertent damage during construction.

9. The common project/open space property lines, shall be staked every 100 feet. No vegetation removal is permitted outside of the project limits.

10. Any permits or registrations required for the project from the DEEP, ACOE or other state or federal agencies are to be obtained, and copies submitted to the Wetlands Commission for the record.

General conditions to be complied with during construction

11. This permit authorizes certain regulated activities within wetlands and/or watercourses. The direct impact to wetlands shall be no greater than 3450 square feet, and the direct impact to watercourses shall be no greater than 40 linear feet of stream or shoreline. Mitigation shall be provided for these direct impacts in a minimum ratio of 1½ to 1 and shall include the restoration, enhancement or creation of wetlands or watercourse resources, outside of the stormwater management areas.

12. This permit authorizes certain regulated activities within the Upland Review Areas, 100 feet from wetlands and 200 feet from watercourses. The impacts to the Upland Review Areas shall not exceed 4.54 acres. The minimum separation between the residential buildings and the wetlands shall be 50 feet. Mitigation for the impacts to the Upland Review Areas shall be provided in a ratio of at least 1:1 and shall include the restoration, enhancement or creation of wetlands or watercourse resources, or Upland Review Areas adjacent to the wetlands and watercourses, outside of the stormwater management areas.

13. This permit authorizes certain regulated activities within the wetlands and watercourse Vegetated Buffer Zones. The impacts to the Vegetated Buffer Zones shall not exceed 2.85 acres. Existing vegetation shall be retained as much as possible within 25 feet of the wetlands. All new planted wetland vegetated buffers are part of the total mitigation for impacts to the established Upland Review Areas.

14. In accordance with Section 11.13 of the Wetlands Regulations, the permittee 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
erision 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. O. Box 337, 800 Bloomfield Avenue, Bloomfield, CT 06002, and by e-mail.

15. The approved plans shall be revised to include well-defined phases and sub-phases of construction, soil erosion and sediment controls, and a construction sequence for each phase. The permittee shall stabilize each phase, and request an inspection and approval of each phase, from the Wetlands Agent, Town Planner or Engineering Staff, before starting the next phase. Detailed phasing plans shall be included in the final plans.

16. All infrastructure, storm drainage facilities, utilities, roads (to the base course), and other common improvements shall be constructed in each phase prior to starting any building foundations.

17. The cut slope stabilization methods and plantings shall be added to the plans along with maintenance requirements and specifications. The scheduling of this work shall provide for permanent stabilization of the cut slope no later than May 15th for work started in the spring and no later than October 15th for work started in the summer or early fall. No work on the cut slope shall be done in the winter months or during period of rainy weather.

18. Wetland mitigation areas, and the wet and moist meadows, shall be constructed during the first construction season of each phase, as specified by REMA Ecological Services, under the supervision of a wetland scientist, and monitored for a minimum of 3 years after initial stabilization. Annual reports on the status of the mitigation and meadow areas are to be prepared and submitted to the Wetlands Agent until such time as all areas are functioning as designed.

19. Annual Stormwater Quality/Maintenance reports shall be submitted, to the Wetlands Agent, and shall include copies of the inspection reports, identification of any shortcomings or regular maintenance and documentation of the maintenance work completed.

20. In accordance with the Wetlands Regulations Section 11.6 the permit cannot be transferred from the permittee to another party without the approval of the Commission. This permit is to be assigned to the applicant: Maulucci Home Builders, LLC.

21. The permittee shall notify the Commission in writing of any change in the ownership of the property for which a Permit was issued on the same day that the deed is filed on the Land Records; and of any changes to the ownership or directors of the corporation or company to whom the Permit was issued.

22. 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.

23. The Landscaping and Property Maintenance Best Practices Plan shall be implemented by the permittee in coordination with the property owner, owners, neighborhood association or condominium association after the construction phase has been completed and prior to the transfer of responsibility for post-construction management of the project.

24. All disturbed areas shall be stabilized with seed and mulch within 30 days. Permanent stabilization of disturbed areas in all phases shall be completed by April 15th and by October 15th of any year. Outside of the normal growing season non-vegetated stabilization methods are required.
Conditions to be complied with prior to the approval of any certificate of occupancy or completion:

25. 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 property corner monumentation has been installed.

26. After construction is complete and all disturbed areas have been stabilized, the temporary sediment and erosion control measures are to be removed. Catch basin sumps and all other storm drainage systems, including water quality measures, are to have accumulated sediments removed, and any restoration done.

Additional Condition:

27. The site plans shall be revised to include shade trees and habitat trees in and around the farm field wetlands and meadow areas.

Commissioner Wilcox second the motion and the Commission voted unanimously to approve the application.

2. Cease and Desist Order
1236 Blue Hills Avenue
Mr. Andy Morrison
(owner: Marie Dunn)

Mr. Castaldi gave a brief update. The Cease and Desist Order was issued in December of 2019 in accordance with Section 14.3 of the Wetlands Regulations. A permit was issued in May of 2019 for regulated activities already done. The conditions of this permit have not been complied with and additional regulated activities are occurring without a permit.

Part of the Cease and Desist Order included a requirement that applications for a Wetlands Map Amendment and a Wetlands Permit be submitted in time for the January meeting.

Mr. Morrison has submitted plans and application forms for a Wetlands Map Amendment and a Permit but has not submitted the required Conflict of Interest Form or the Permit application fee. These applications are not complete and cannot be scheduled for official receipt.

Mr. Castaldi stated that he had included copies of the May 20, 2019 Wetland Permit and all e-mail communications to Mr. Morrison in the Commission’s agenda package.

Mr. Morrison was not present at the meeting at this time to answer questions or to discuss why the order should not be left in place.

Commission Questions and Comments:

Commissioner Budofsky recommend turning the matter over to the Town Attorney. Commissioner Laiuppa agreed and stated that if the applicant/ violator does not comply he can be given an injunction.

V. New Applications Received:

Mr. Castaldi stated that he had received an application for a modification to the Permit recently issued to Mr. Robert Schwartz, at 5-9 Tunxis Avenue, to include a rear connecting driveway. This application will be heard at the February 18th meeting.

VI. Wetland Agent permits: None
VII. Status of on-going projects:
Mr. Castaldi gave an overview of the on-going projects including Garden Homes, Anna Grace School, Anthonys Way, 330 Park Avenue and excess material berm, and Public Works.

VIII. Other Business:
Mr. Castaldi stated that there was a typographical error in the revised Wetlands Regulations. In Section 6.5, Vernal Pool Habitat Area, was supposed to be 500 feet but was printed with 750 feet. Mr. Castaldi handed out copies of the page to the Commission with the change.

Mr. Castaldi also clarified the requirements for Public Hearings and time for decisions by the Wetlands Commission. After an application is officially received the Commission has 65 days to schedule a Public Hearing. The Commission must close the Public Hearing after for 35 days, and must act on the applicant within 35 days after the close of the Public Hearing. The applicant can consent to extensions of these times for up to 65 additional days. In addition the Wetlands Act specifically states that the failure of the Commission to act within these time frames does not mean the application is automatically approved.

IX. Approval of minutes from the December 16, 2019 meeting:
Commissioner Budkofsky made a motion to approve the December 16th minutes. Commissioner Joy Chance seconded the motion.

The Commission voted unanimously to approve the December 16, 2019 minutes with a few minor grammatical corrections.

Mr. Andy Morrison had arrived at the meeting shortly before 8:00 p.m. Chairman Panke asked Mr. Castaldi to restate the Commissions actions regarding the Cease and Desist order at 1236 Blue Hills Avenue for Mr. Morrison. Mr. Castaldi stated that the Commission had referred the Cease and Desist Order to the Town Attorney, due to inaction, and that the Wetland Map Amendment and Permit applications were incomplete pending submittal of a Conflict of Interest Form and the Permit application fee. Mr. Morrison had no response.

X. Adjournment:
Commissioner Budkofsky made a motion to adjourn the meeting. Commissioner Laiuppa seconded the motion and the Commission voted unanimously to adjourn the meeting at 8:20 p.m.

Respectfully submitted,

Joyce Picket, Recording Secretary

Nicholas Panke, Chairman

THE NEXT MEETING IS SCHEDULED FOR TUESDAY, FEBRUARY 18, 2020.