The Town of Bloomfield Inland Wetlands & Watercourses Commission held their meeting on Monday, July 18, 2022, scheduled for 7:00 p.m. The meeting was held on a ZOOM platform.

I. Call to Order: Chairman Budkofsky called the meeting to order at 7:05 p.m.

II. Roll Call:

Present: Chairman Alan Budkofsky, Secretary Kevin Wilcox, Commissioner Barry Berson, Commissioner Joy Chance, Commissioner David Laiuppa, Commissioner Katie Blint.

Absent: Vice Chairman Kevin Hussain.

A quorum was established with 6 members.

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

III. Old Business:

1. Wetlands Permit Application
Douglas Street Ventures, LLC
Warehouse and Distribution facility
59 & 69 Douglas Street
(Public Hearing Continued)

Mr. Peter DeMallie, President of Design Professionals, located at 21 Jeffrey Drive, South Windsor was here representing the Applicant.

Due to the fact that the public hearing was closed at the June 20, 2022, IWW Commission meeting, there were no further testimonies, comments or input from the Applicant in this meeting.

Mr. Castaldi stated the Commission had concerns about the trailer parking areas on the southerly side of the property. One major concern of theirs was whether the parking should be built before the facility had a tenant. Mr. Castaldi informed the Commission that the applicant sent a revised plan which were included in the Commission’s agenda packages. The revised plan dated July 8, 2022, included thirteen (13) parking spaces, and the parking spaces were not in the Wetlands. All of the parking spaces were located in the upland review area. Mr. Castaldi also stated the wetlands impacted were for the connecting driveway between the warehouse and the west side of the trailer parking spaces.

Mr. Castaldi stated the revised plan does not reduce the direct wetlands impact compared to the plan presented at the June 20, 2022, meeting. However, the plan does reduce the impacts to the upland review areas, and the vegetated buffers. The revised plan also retains more existing vegetation at the central wetlands, provides for a wider vegetated buffer on the south side of the residential property at 63 Douglas Street, reduces the impervious coverage and includes a larger proportion of mitigation for the wetlands impacts.

Mr. Castaldi informed the Commission, if they approved the project as depicted on the July 8, 2022 plan, any future additional trailer parking spaces would have to be part of a modified Wetlands Permit or a new application. Mr. Castaldi’s comments and recommended conditions of approval from the June 24, 2022, memorandum are still valid with minor changes made to reflect the reductions in the regulated activities. Mr. Castaldi included his June 24, 2022, Memorandum
for the Commission’s review. He also stated if the Commission moves to vote approval of this application then they need to make a finding of prudent and feasible alternatives.

Chair Budkofsky asked, if the public hearing was closed based upon the old plans, and they submitted new plans how does that work? Mr. Castaldi informed the Commission that he e-mailed the Town Attorney, Mr. Needelman concerning this matter. Mr. Needelman stated it was acceptable as long as the new material did not increase the regulated activities, Mr. Castaldi stated there was a decrease in the regulated activities.

Mr. Castaldi recommended the Commission approve the application with reference to the site plans revised to July 8, 2022, and his recommended conditions of approval in his memorandums dated, June 24, 2022, and July 8, 2022.

Mr. Castaldi asked if the Applicant understood the conditions of approval and if they were in agreement with them. Mr. DeMallie stated that the Applicant was in total agreement with the recommended conditions of approval.

Commissioner Blint made a motion to approve the Wetlands Permit Application of Douglas Street Ventures, LLC, for a Warehouse and Distribution facility at 59 & 69 Douglas Street, subject to the recommendations from Mr. Castaldi’s memorandums, with reference to the July 8, 2022 Plans, and a finding of no prudent and feasible alternative. Commissioner Berson seconded the motion for discussion.

Commission Comments and Discussions:

Commissioner Blint did not think it was an ideal proposal, and she felt there may be prudent and feasible alternatives. Chairman Budkofsky said that some of Commissioner Blint’s concerns were related to Zoning and were not relevant to the application for a Wetlands Permit.

Commissioner Laiuppa had comments concerning prudent and feasible alternatives. He stated, in addition to the direct impact on speculations, one of his biggest problems were the redistribution of the drainage on the site. By connecting the two stormwater basins, the lower basin is going to be intercepting waters that feed wetlands which extend off-site to the west. Commissioner Laiuppa felt the interception of the water and redirecting it to the north is going to deplete the hydrology of those wetlands. He stated in the past the Commission approved similar impacts because of need. In this case there is not a concrete need.

Commissioner Laiuppa was more comfortable with the northern half of the project which included the northern basin, the building, and the parking area around the building. He stated a prudent and feasible alternative for the southern basin would not have it connected to the northern basin and its discharge would be where the runoff currently goes which is to the west and off site wetlands.

Chairman Budkofsky asked Commissioner Laiuppa if his remedy was to make the access road and the thirteen (13) trailer spaces an additional phase needing separate approval? Commissioner Laiuppa stated, if the northern part was phase one (1) and the southern part phase two (2), then if there was an interesting party to purchase the property, at that point the need for phase two would be supported.

Mr. Castaldi informed the Commission that there was not an engineering reason the project cannot have two phases. He recommended approving the project with phases. He stated diverting the whole of the flow from the southerly storm water basin to the off-site wetlands is possible, however, it may be too much runoff.

Commissioner Laiuppa stated by doing that, one creates a point discharge, at present it’s a sheet flow discharge. Both Mr. Castaldi and Commissioner Laiuppa agreed that the lower storms could go to the west and the higher storms to the north. Commissioner Laiuppa stated it would be easy to do with a spillway which would have a slightly different elevation.
Chairman Budkofsky was concerned that the Applicant did not have a tenant for the building and probably would not need the thirteen (13) trailer parking spaces. He stated they would impact the wetlands without a need.

Commissioner Berson did not feel the trailer parking spaces were an impact consideration for the Wetlands Commission. He also stated the use of the building was not a prerequisite, the Commission’s charge was to protect the wetlands in terms of run off and non-permeable surfaces being constructed. Commissioner Berson also stated the run off from the site was not dependent upon the size of the parking spaces. He stated the run off from the site is dependent upon the impermeable surface of the building and the parking. He also stated the decision of the Commission should be what the Applicant has presented at the presentation, not what they’ll do ten (10) years from now with the property. Commissioner Berson also stated, the Applicant has given engineering reports to handle the proposed site plans, they submitted the proper data to support their proposed site plan and that information is what the Commission must act on in this meeting.

Commissioner Laiuppa recommended defining phases and amending the motion to include phases. He also recommended directing the lower flows to the west and directing the higher flows to the north. There was in-depth discussion between Chairman Budkofsky, Commissioner Berson, Commissioner Laiuppa, Commissioner Wilcox and Mr. Castaldi.

Commissioner Laiuppa made an amendment to the motion to divide the project into two phases Phase one (1) would include the northern part of the project which includes the building, surrounding parking for the building directly abutting the building, and the northern storm water management basin. Phase two (2) would include the southern part of the project which includes the access drive, southern parking, and the southern stormwater management basin. Phase one must be built first. The Applicant must return for a significant modification to the Permit for phase two if more than 13 trailer spaces are needed. Secretary Wilcox seconded the amendment. Commissioner Chance voted yea, Commissioner Blint voted yea, Secretary Wilcox voted yea, Commissioner Berson voted nay, Commissioner Laiuppa voted yea, and Chairman Budkofsky voted yea. The motion to amend the original motion passed 5 to 1.

There was some additional discussion and Chairman Budkofsky called for a vote on the amended motion to approve the application subject to the following conditions:

Prior to the issuance of the Wetlands Permit:

1. Final plans, revised for compliance with the final conditions of approval, and all technical review revisions, shall be submitted for review within 60 days of the Wetlands Commission approval, or within 60 days of the date of the Town Plan and Zoning Commission approval, whichever is later, and are subject to the approval of the Wetlands Agent. The final conditions of approval shall be added to the plans verbatim.

2. Three paper copies of the final plan set, and fixed-line mylars of the relevant sheets, signed and sealed, shall be submitted for signing by the Wetlands Commission. The fixed-line mylars shall be filed on the Bloomfield Land Records. Final plans shall also be submitted in digital format compatible with the Town GIS.

3. A comprehensive site management and maintenance plan shall be added to the plans and shall include regular inspections of, and maintenance for, all stormwater facilities.

Prior to the start of any construction activities including tree clearing:

4. In accordance with Section 11.22 of the Wetlands Regulations the permittee shall file a copy of the Wetlands Permit, including these conditions of approval, on the Bloomfield Land Records.
5. In accordance with Sections 11.9 and 13 of the Wetlands Regulations the permittee 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 7.6 acres of disturbance and a $8,000 bond shall be posted.

6. The permittee shall schedule a preconstruction meeting with the Wetlands Agent, developer general contractor, site work contractor and utility companies prior to the start of any construction. The permittee shall flag the limits of clearing and schedule an inspection with the Wetlands Agent to identify any trees to be saved and protected.

**Conditions to be complied with prior to the approval of a final Certificate of Occupancy or Completion:**

7. An as-built site improvement and grading plan, prepared by a licensed Land Surveyor, shall be submitted after all site work has been completed. The as-built plan shall contain a certification by a Professional Engineer that they have inspected the site improvements and that they have been installed in accordance with the approved plans. Any deviations or omissions must be noted.

8. The permittee shall schedule an inspection of the completed project with the Wetlands Agent, at least two weeks prior to the anticipated date of the final Certificate of Occupancy approval to review all parts of the project covered by the Wetlands Permit.

**General Conditions to be complied with during and after site development:**

9. This permit authorizes certain regulated activities within the Wetlands. The direct impact to wetlands shall be no greater than 1200 square feet. Mitigation shall be provided for this direct impact in a minimum ratio of 1½ : 1 and may include created, restored and/or enhanced wetland resources. No regulated activities within watercourses are authorized with this permit.

10. This permit authorizes certain regulated activities within the Upland Review Areas, 100 feet from wetlands. The impacts to the Upland Review Areas shall be no greater than 18,300 square feet (2.03 acres).

11. This permit authorizes certain regulated activities within the Vegetated Buffer Zones 50 feet from the wetlands. The area of impact within the Vegetated Buffer Zones shall be no greater than one acre. Mitigation for the impacts to the Vegetated Buffer Zones shall be provided with an equal area of planted trees and shrubs at the limits of clearing and as otherwise specified on the final plans.

12. This Permit will expire on the same date as the expiration of the Town Plan and Zoning Commission approval, or ten years after the Wetlands Commission approval, whichever is sooner.

13. Stormwater management basins, and their outfalls, shall be constructed and fully stabilized during the first construction season and before any other site improvements are constructed.

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 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 permittee and site contractor; and submitted in writing to the Wetlands Agent at 800 Bloomfield Avenue, Bloomfield, CT 06002, or by e-mail.

15. Any additional soil erosion or sediment control measure deemed necessary, or failures or shortcomings of these measures identified by the Wetlands Commission or Agent, during any construction process, shall be installed or repaired and corrective measures shall be promptly implemented by the permittee, developer and/or contractor.

16. Wetland mitigation areas shall be completed during the first construction season, 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 areas are to be prepared and submitted to the Wetlands Agent until such time as all mitigation areas are functioning as designed.

17. All projects involving a total, cumulative disturbance of land area associated with construction activities, that is greater than or equal to five acres shall be registered with the CT DEEP in accordance with the General Permit for the Discharge of Stormwater and De-Watering Wastewater Associated with Construction Activities (Phase 1). Municipal building, zoning or wetlands compliance permits will not be issued for the initiation of work in the Town of Bloomfield without verification of this registration presented to the permitting agency. 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 Town of Bloomfield, prior to the start of any construction or land disturbance.

18. 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/property owner Douglas Street Ventures, LLC c/o Mr. Steven Levesque.

19. This project shall be developed in phases with the warehouse, and the paved parking and driveway areas around it and the northerly stormwater management basin being the first phase and the southerly trailer parking areas, the connecting driveway, southerly stormwater basin and wetlands mitigation being the second phase.

The Commission voted unanimously to approve the application for a Wetlands Permit.

2. Notice of Violation
1236 Blue Hills Avenue

Mr. Andy Morrison, the property owner, was at this meeting for the Notice of Violation at 1236 Blue Hills Avenue.

Mr. Castaldi stated the Notice of Violation was issued on May 9, 2022, with five (5) corrective measures. The corrective measures were: (1) All excavation, filling and tree clearing shall be ceased until the requirements of the conditions of approval have been met and the Wetlands Permit has been issued. (2) All soil erosion and sedimentation control measures are to be installed in accordance with the approved plans and details in both phases, including perimeter silt fence and a construction entrance/anti-tracking pad. (3) Wetlands flags A6 through A30 are to be staked in the field by a Licensed Land Surveyor. (4) All areas cleared or disturbed, outside of the approval limits of disturbance, shall be planted with the temporary seeding to establish ground cover for
stabilization. (5) All items required for the issuance of the Wetland Permit shall be submitted within sixty (60) days, including revised site plans and mylars for signing by the Commission, filing of the mylars on the Land Records, and the $5,000 bond.

Mr. Castaldi informed the Commission that he was at the site during that afternoon. Mr. Morrison has done most of the corrective measures. He has installed silt fence and was about three-quarters done. Mr. Morrison has also posted a $5000 bond. Mr. Castaldi has communicated with the surveyor/engineer who stated the majority of the wetlands conditions of approval were included in the site plan revision that was submitted for the TP&Z Commission meeting in April. Therefore, Mr. Morrison has substantially complied with the requirements of his notice of violation. The disturbed areas have already partially revegetated and he has an accurate survey submitted by a land surveyor showing the existing clearing compared to the approved limits of clearing. Mr. Castaldi felt Mr. Morrison knows were those limits are, and he recommended the Commission lift the Notice of Violation. Mr. Castaldi stated that if the revised site plans go to go he would issue the Wetlands Permit for Mr. Morrison’s project. Mr. Castaldi also included his July 12, 2022, memorandum for the Commission’s review of the recommended conditions.

Commission Questions and Comments:

Commissioner Blint asked had any fines been levied or due? Mr. Castaldi stated yes to both questions, but he didn’t know how much. In either 2020 or 2021 there were law suits from both TPZ and IWW. There was a notice of violation and a cease and desist order. Both were adjudicated in favor of the Town of Bloomfield. Commissioner Blint stated for the last two years there has been a lot of time and effort put into this Application by the Commission, although the Applicant has made significant efforts the Applicant should be held accountable.

Mr. Castaldi reviewed the procedures for a Notice of Violation. The Applicant receives the violation, and if he/she does not comply, then it is forwarded to the Town Attorney who files alw suit. The Commission can determine the amount of the fine.

The Commission discussed the corrective measures, and some of them had not been completed by Mr. Morrison. Since the Applicant had been fined, the Commission wanted the information, and the fined amount. Mr. Castaldi will provide that information for the Commission at a later date.

The Commission did not agree with lifting the violation, they want all corrective measures completed, and all other requirements completed before a wetlands permit is issue to this Applicant.

The Commission decided to uphold the Notice of Violation – 1236 Blue Hill Avenue, until all of the corrective measures, and all other requirements have been completed.

IV. New Business:

1. **Wetlands Permit Application of Eastern Holding Group, LLC, For a new industrial building and communications tower 103 Old Windsor Road.**

Mr. T. J. Barresi, P.E. and L.S., President of Barresi Associates, located at 570 Hayden Station Road, Suite D, Windsor, CT, and Mr. Steven Slade, property owner were at the meeting representing the Applicant.

Mr. Barresi provided a description of the property and the proposal. The overall property is 5.63 acres and includes 1.6 acres of wooded wetlands. The proposal consists of: a) construction of a 10,500 square foot industrial building and associated underground utilities, b) construction of a new paved parking and driveway area, c) construction of a 180 foot communications tower for
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training purposes; d) construction of a stormwater management basin. Mr. Barresi reviewed the proposed layout plan, landscaping plan, and mitigation plan.

The proposal includes regulated activities within the upland review areas 100 feet from a wetlands and/or 200 feet from watercourses. The total area of Upland Review impact is about 1.5 acres including approximately 0.5 acres of impact to the vegetated buffer zones.

Mr. Castaldi reviewed his July 11, 2022, memorandum with the Commission and his recommended conditions of approval. There were several discussions among the Commission concerning this proposal.

Secretary Wilcox made a motion to approve the Wetlands Permit Application of Eastern Holding Group, LLC, for a new industrial building and communications tower at 103 Old Windsor Road, with reference to the recommendations and conditions of approval from Mr. Castaldi’s memo dated July 11, 2022, and the plans dated June 16, 2022, subject to the following conditions of approval:

Prior to the issuance of the Wetlands Permit:

1. Final plans, revised for compliance with the final conditions of approval, and all technical review revisions, shall be submitted for review within 60 days of the Wetlands Commission approval, or within 60 days of the date of the Town Plan and Zoning Commission approval, whichever is later, and are subject to the approval of the Wetlands Agent. The final conditions of approval shall be added to the plans verbatim.

2. Three paper copies of the final plan set, and fixed-line mylars of the relevant sheets, signed and sealed, shall be submitted for signing by the Wetlands Commission. The fixed-line mylars shall be filed on the Bloomfield Land Records. Final plans shall also be submitted in digital format compatible with the Town GIS.

Prior to the start of any construction activities including tree clearing:

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

4. In accordance with Sections 11.9 and 13 of the Wetlands Regulations the permittee 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 1.75 acres of disturbance and a $2,000 bond shall be posted.

5. The permittee shall schedule a preconstruction meeting with the Wetlands Agent, developer general contractor, site work contractor and utility companies prior to the start of any construction, tree clearing or ground disturbance.

Conditions to be complied with prior to the approval of a final Certificate of Occupancy or Completion:

6. An as-built site improvement and grading plan, prepared by a licensed Land Surveyor, shall be submitted after all site work has been completed. The as-built plan shall contain a certification by a Professional Engineer that they have inspected the site improvements and that they have been installed in accordance with the approved plans. Any deviations or omissions must be noted.
7. The permittee shall schedule an inspection of the completed project with the Wetlands Agent, at least two weeks prior to the anticipated date of the final Certificate of Occupancy approval to review all parts of the project covered by the Wetlands Permit.

General Conditions to be complied with during and after site development:

8. 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 be no greater than 1.5 acres (65,400 square feet). Mitigation for these impacts shall be provided and may 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.

9. This permit authorizes certain regulated activities within the wetlands and watercourse Vegetated Buffer Zones. The impacts to the Vegetated Buffer Zones shall be no greater than 0.5 acres (21,800 square feet). Mitigation for impacts to the Vegetated Buffer Zones shall be provided with an equal area of enhanced or new buffer vegetation at the limit of clearing and as otherwise specified on these plans. New or enhanced wetland vegetated buffers are part of the total mitigation for impacts to the Upland Review Areas.

10. This Permit will expire on the same date as the expiration of the Town Plan and Zoning Commission approval, or ten years after the Wetlands Commission approval, whichever is sooner.

11. The stormwater management basin, the pipe flowing into the basin, the outlet structure and the outfall shall be constructed and fully stabilized during the first construction season and before any other site improvements are constructed.

12. 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 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 permittee and site contractor; and submitted in writing to the Wetlands Agent at 800 Bloomfield Avenue, Bloomfield, CT 06002, or by e-mail.

13. A site specific post-construction maintenance plan shall be added to the plan set and shall include schedules and specifications in accordance with the 2004 CT Stormwater Quality Manual, including Chapter 9 Developing a Stormwater Maintenance Plan and Appendix E. Maintenance Schedule Checklists (inspections).

14. 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/property owner Eastern Holdings Group, LLC.

15. The permittee shall notify the Commission in writing of a 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.
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Commissioner Berson seconded the motion, and the Commission voted unanimously to approve the application for a Wetlands Map Amendment.

V.  Wetland Agent Permits:
There were no new wetland agent permits to discuss at this meeting.

VI.  Status of on-going projects:
Mr. Castaldi provided a status of on-going projects for the Commission.

VII. Approval of minutes of June 20, 2022 Meeting:
Commissioner Berson made a motion to approve the minutes from the June 20, 2022 meeting with minor amendments. Secretary Wilcox seconded the motion and the Commission voted unanimously to approve the minutes as amended.

VIII. Other Business:

1. Discussion re: Revised Wetlands Regulations.
Mr. Castaldi provided information concerning this matter to the Commission, and stated that the DEEP needs 35 days to review the revised regulations before the Public Hearing to adopt them. If a final draft is approved at the August meeting the Public Hearing can be set for the October regular meeting.

Mr. Castaldi provided information concerning this matter to the Commission, and stated that he would like to schedule the Public Hearing for its adoption for the October regular meeting.

IX.  Adjournment:
Commissioner Blint made a motion to adjourn the meeting at 9:47 p.m., Secretary Wilcox seconded the motion and the Commission voted unanimously to adjourn the meeting.

THE NEXT MEETING IS SCHEDULED FOR AUGUST 15, 2022