The Town of Bloomfield Inland Wetlands & Watercourses Commission held their regular meeting on Tuesday, February 22, 2022, scheduled for 7:00 p.m., on a ZOOM meeting platform.

I. Call to Order: Chairman Budkofsky called the meeting to order at 7:04 p.m.

II. Roll Call:

Present: Chairman Alan Budkofsky, Vice Chairman Kevin Hussain, Secretary Kevin Wilcox, Commissioners Barry Berson, David Laiuppa, Joy Chance and Katie Blint. A quorum was established with 7 members.

Absent: None

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

III. Old Business:

1. Notice of Violation and Wetlands Permit Application of Joshua Gaval, Trustee, 38 Pheasant Chase. (Owner; 38 Pheasant Chase Realty Trust).

Mr. Joshua Gaval, Trustee of 38 Pheasant Chase Realty Trust and Mr. Kevin Johnson, Landscape Architect, from Close, Jensen & Miller located at 1137 Silas Deane Hwy, Wethersfield, CT, were at this meeting representing this application.

Mr. Johnson reviewed a digital plan that his office prepared for the Commission. Mr. Johnson stated they used GIS mapping and they illustrated the two outlined areas, the first to the southeast and the south of Meade Pond. The second area is north of the house and northeast of the pond where the watercourse comes in from the MDC Reservoir. Mr. Johnson indicated on the map the third area that is behind the house where there was some grading within the Upland Review Area. However, the primary focus areas were the areas around Meade Pond.

Mr. Johnson stated his office was hired to prepare a wetlands mitigation planting plan which was the one presented to the Commission at the meeting, all previous plans are to be disregarded. Mr. Johnson stated in preparing the plan he used as many natives as possible for plant material, tree and shrub species. He also used plants with wildlife value, which would include food, shelter or providing cover for birds and small mammals. He also stated he tried to select plants with good flowering and other attributes such as multi-stem versus a single stem. Mr. Johnson used plants that are wet soil tolerant and plants that also have good fall coloration.

Mr. Johnson provided the Commission with a planting schedule, he stated they were proposing four tree species: Amelanchier and River Birch which are both multi-stem plants and Red Maples and the Pin Oaks are primarily single stem plants. He stated typically with the Red Maple he would
have designated an eight (8) to ten (10) foot height. However, he reached out to larger farms about availability of plants with those sizes, and because of COVID there are shortages of plants and some sizes. Pin Oaks are not available in the eight (8) to ten (10) foot height, therefore the Pin Oak is specified at a three (3) to four (4) foot height. It is a good wetland species and it does well in poor wet soils.

Mr. Johnson stated the shrub species are Black Chokeberry which is a deciduous plant, Inkberry which is a broad leaved evergreen, Spice Bush which is also deciduous, Northern Bayberry which is a semi-evergreen, and Arrowwood viburnum which is also deciduous species. He stated most of the shrub species are three (3) to four (4) feet.

Mr. Johnson included a chart with the wetland mitigation area planting schedule and the upland area planting schedule. The chart contained the quantity, botanical name, common name, size, spacing and the plant value. The chart also included the tree species, and the shrub species.

The Commission was concerned with the one year standard contract of plants being in a survivable condition, if dead the plants should be removed and replaced. Mr. Johnson explained the maintenance is on either the landscape contractor or the property owner.

Commissioner Wilcox informed the Commission that it is typical for the industry, that a wholesale nursery sells plants at a reduced cost, but they do not guarantee their plants. When the landscapers purchase the plants they increase the price to reflect their commitment to the well being of the plants and the survival of the plants. Commissioner Wilcox also stated that is where the one year guarantee comes into play.

Secretary Wilcox recommended Mr. Castaldi go out to the property at different times within the year, assess the pants health. If there are any dead plants the Commission should mandate that the plants get replaced either by the property owner or the landscaper. Chairman Budkofozky stated one of the conditions would be for Mr. Castaldi to visit the property to do periodic inspections within the year to make sure the plants are in good health.

Mr. Johnson stated they hope they can plant without having to come back for a future application. He continued and concluded his in-depth presentation.

Commission Questions and Comments:

The Commission discussed the Notice of Violation and the fines that were assessed at the last meeting. Mr. Gaval asked for clarification concerning the fines.

Vice Chairman Kevin Hussain recommended suspending the fines and revisiting them in sixty (60) days, and to apply them during that time, if necessary. Secretary Wilcox recommended revisiting the fines at the May 16, 2022 meeting. Both Vice Chairman Hussain and Secretary Wilcox agreed to revisit the application or removal of the fines at the May 16, 2022 meeting.

Secretary Wilcox made a motion to approve the Wetlands Permit application of Joshua Gaval, Trustee, at 38 Pheasant Chase (Owner: 38 pheasant Chase Realty Trust), for regulated activities that were already completed and the mitigation planting plan presented, subject to the following conditions:

1. In accordance with Section 11.22 of the Wetlands Regulations the permittee shall file a copy of the Wetlands Permit, including the final conditions of approval, and the re-planting plan, on the Bloomfield Land Records.

2. The permittee shall plant all of the trees, shrubs and/or ground cover as soon as site conditions allow in the spring of 2022 and not later than the 15th of May.
3. The permittee shall notify the Wetlands Agent for an inspection of the plantings in the spring of 2022, and in the late summer, to evaluate their condition. Plantings that do not survive shall be replaced in kind and number by the applicant by September 30, 2022.

4. The applicant shall stabilize all areas of erosion around the pond, and any un-stabilized ground elsewhere on the property, and install appropriate soil erosion and sediment control measures, prior to the planting of the trees, shrubs and/or groundcover.

5. This permit authorizes the regulated activities that have already been done on the property including the clear cutting of forest vegetation within wetlands and watercourses, and within the 200-foot Upland Review Areas, around Mead Pond, and at two watercourses flowing into the pond, and grading in the Upland Review Areas west of the house. These regulated activities affected approximately one acre of the Upland Review Areas, 450 linear feet of watercourses and 440 linear feet of the pond shoreline. No additional regulated activities within wetlands, watercourses or the Upland Review Areas, are authorized with this Permit.

6. All aspects of the approved plans shall be binding upon the permittee and contractors employed to implement the project. Failure to comply with the requirements of this Permit and the approved plan, will constitute a violation of the Wetlands Regulations and subject the permittee to enforcement actions.

7. In accordance with the Wetlands Regulations Section 11.6 the permit cannot be transferred from the applicant to another party without the approval of the Commission. This permit is to be assigned to the property owner: 38 Pheasant Chase Realty Trust, c/o Mr. Joshua Gaval, Trustee, 38 Pheasant Chase, west Hartford, CT 06117.

8. 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.

9. In accordance with Sections 11.9 and 13 of the Wetlands Regulations the permittee shall post a $5,000 bond, for the duration of the project. 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 landscaping and other site work are completed.

10. Any future regulated activities in wetlands, watercourses, the Vegetated Buffer Zones or the Upland Review Areas will require an application and approval and a Permit from the Commission.

11. During the planting of the mitigation areas the permittee shall submit weekly progress reports from the Landscape Architect to the Wetlands Agent and provide ample notice to the Wetlands Agent prior to when the plantings will be done.

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

Secretary Wilcox made a motion to suspend the fine starting February 22, 2022, and revisit the fine at the May 16, 2022 meeting. Commissioner Berson seconded the motion and the Commission voted unanimously to approve the motion.

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IV. New Business: None

V. Wetland Agent Permits Received: None

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

VII. Approval of minutes of January 10, 2022 Special Meeting and January 18, 2022, regular meetings:
Secretary Wilcox made a motion to approve the minutes from the January 10, 2022, Special Meeting, as amended and Commissioner Berson seconded the motion. The Commission voted unanimously to approve the January 10, 2022, minutes as amended.
Commissioner Blint made a motion to approve the minutes from January 18, 2022, regular meeting, as amended and Secretary Wilcox seconded the motion. The Commission voted unanimously to approve the January 18, 2022, minutes as amended.

VIII. Other Business:
1. Discussion re: Revised Wetlands Regulations.
The Commission reviewed draft revisions to the Wetlands Regulations with Mr. Castaldi.

IX. Adjournment:
Secretary Wilcox made a motion to adjourn the meeting at 9:37 p.m., and Commissioner Blint seconded the motion. The Commission voted unanimously to adjourn the meeting at 9:37 p.m.

THE NEXT MEETING IS SCHEDULED FOR MARCH 21, 2022