MEMORANDUM

TO: Bloomfield Inland Wetlands and Watercourses Commission

FROM: David Peter Castaldi, Civil Engineer and Wetlands Agent

DATE: September 9, 2022

RE: Wetlands Permit Application, 110 & 166 Highland Park Drive, MBL 15-112 and 15-119 (formerly lots 5015 and 5014, map 372)

Applicant: Mr. Richard Rotundo
Rotundo Development, LLC
PO Box 36
Rocky Hill, CT 06067

Property Owner: SOMA Investments, LLC
166 Highland Park Drive
Bloomfield, CT 06002

Wetlands File #75-2022-09

This application was submitted on August 12, 2022. It was officially received at the August 15th regular meeting. The proposal includes a significant impact to the wetlands and a Public Hearing is scheduled for the September 19th regular meeting.

The Commission may continue the Public Hearing and table the application to the next meeting, scheduled for October 17, 2022, if additional information is requested OR they may close the Public Hearing and proceed to a vote on the application. The Commission may also close the Public Hearing and delay their decision on the application until the next meeting.

This application encompasses two parcels of land. The northerly parcel, 166 Highland Park Drive, is the present location of the SOMA Investments, LLC building and includes paved parking and driveway areas. The lot to the south, 110 Highland Park Drive, is presently undeveloped. The project includes the construction of a commercial building addition, new paved parking and driveway areas, underground stormwater detention and a retaining wall. The proposed addition crosses the common property line and the lots will need to be combined.
The Wetlands Regulations define regulated activities as those that have a direct impact to the wetlands and the Upland Review Areas 100 feet from wetlands. The regulated activities proposed for this application within the wetlands, the Upland Review Areas, and other areas of the property, are likely to have an adverse effect on the wetlands and are therefore regulated by the Wetlands Commission. A permit from the Wetlands Commission is required for these regulated activities. There are no non-regulated activities, or activities allowed by right, associated with this application.

Plan revisions and additional supporting documentation have been requested. The plan revisions are mostly technical in nature. Additional information about the qualities and functions of the wetlands and an analysis of prudent and feasible alternatives have been requested. This additional supporting documentation may be presented at the Public Hearing.

If the additional information is presented at the Public Hearing and Commission decides to vote to approve the application at the September 19th meeting, then it is recommended that the conditions of approval include a specific timeframe for submittal of the revised plans and/or supporting documentation.

After considering all relevant facts and circumstances, and in accordance with Section 11.1 of the Regulations, the Commission may approve this application and may impose such terms, conditions or restrictions on the regulated activities as they deem appropriate.

In accordance with Section 10.2 of the Regulations permits for applications that were the subject of a Public Hearing cannot be issued unless the Commission finds that feasible and prudent alternatives to the proposed regulated activities do not exist. The finding and the reasons therefore shall be stated for the record and submitted to the applicant in writing.

**Recommended Conditions of Approval:**

With reference to the 13-sheet site plan set prepared by F. A. Hesketh & Associates, Inc. and the Bongiovanni Group, Inc., dated August 12, 2022 with no revisions at 1” = 40’ scale, and the supporting documentation submitted for this application, and after making a finding of no prudent and feasible alternatives to the proposed regulated activities, the following are recommended as conditions of approval should the Commission vote to approve this application:

**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. For this application, the relevant sheets include the Cover Sheet, Layout Sheet, Wetlands Impact and Mitigation Plan and the plan that includes the approval letters. The final plan set shall include any revisions required by the TP&Z approval.

**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 3 acres of disturbance and a $3,000 bond shall be posted.

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

6. 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.

7. All construction phase soil erosion and sediment control measures are to be installed prior to the start of any earthwork including tree stump removal or topsoil stripping, and are to be maintained for the duration of the construction activities on the project.

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

8. 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.

9. 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:**

10. This permit authorizes certain regulated activities within wetlands. The direct impact to wetlands shall be no greater than 4490 square feet (0.013 acres). Mitigation shall be provided for these direct impacts in a minimum ratio of 1 1/2 : 1 and is to be shown on the final site plans. Mitigation measures shall include the restoration, enhancement or creation of wetlands or watercourse resources, outside of the stormwater management areas. No direct impacts to watercourses are included in this permit.

11. 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 74,296 square feet (1.71 acres).

12. 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 17,031 square feet (0.39 acres). Mitigation for impacts to the Vegetated Buffer Zones 50 feet from wetlands, 75 feet from watercourses and 100 feet from named watercourses 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.

13. 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.

14. The retaining wall and the underground stormwater detention, and their outfalls, shall be constructed during the first construction season and before any other site improvements are constructed.

15. 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.

16. Wetland mitigation areas are to 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.

17. 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 Mr. Richard Rotundo.

18. The permittee or owner 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.

The applicant is requested to make a statement that they understand, and are in agreement with, these conditions of approval. The applicant may request modifications to, or the elimination of, any of the recommended conditions, however, the Commission makes the final decision on the conditions of approval.

Proposed Development

This proposal consists of:

1. Construction of a 40,443 square foot industrial/commercial addition attached to the southerly side of the existing building at 166 Highland Park Drive.

2. Construction of an underground stormwater detention system south of the addition, and about 350 feet of retaining wall and paved driveway and parking areas south of the addition, and a driveway connecting the new parking area to the existing parking and pavement at the rear (east side) of the addition.

3. In one phase.
This proposal includes the following regulated activities:

1. **Within the wetlands:** removal and deposition of material, construction, alteration, clearing and grubbing, grading, paving and discharging of stormwater. The total area of wetland impact is 4490 square feet (0.103 acres). These direct impacts are proposed for a portion of the proposed addition, most of the connecting driveway at the rear of the addition and a portion of the retaining wall.

2. **Within the Upland Review Areas 100 feet from a wetlands:** removal and deposition of material, construction, alteration, clearing and grubbing, grading, paving and discharging of storm water. The total area of Upland Review Area impact is 33,144 square feet (0.91 acres). These impacts are proposed for the easterly third of the addition and portions of the connecting driveway and retaining wall.

3. **Within the Vegetated Buffer Zones, 50 feet from wetlands:** removal of 17,031 square feet (0.39 acres) acres of existing forest vegetation. This is part of the total Upland Review Area impact.

**Criteria for Decision**

In accordance with the Wetlands Regulations *Section 10, Criteria and Considerations for Decisions* the Commission must consider the following factors in making their decision:

1. *The environmental impact of the proposed regulated activity on the wetlands or watercourse,*

The environmental impact on the wetlands will be the filling of 4490 square feet for the construction of portions of the building, the connecting driveway and retaining wall. Indirect impacts to the wetlands will occur with the proposed regulated activities in the Upland Review Areas.

2. *The applicant’s purpose for, and any feasible and prudent alternatives to, the proposed regulated activities, which alternatives would cause less or no environmental impact to wetlands or watercourses,*

The applicant’s purpose is to develop the property for the owner’s business. Prudent and feasible alternatives, to the proposed regulated activities, do appear to exist including a smaller building and/or the elimination of the rear driveway. Both alternatives would reduce or eliminate the environmental impact to wetlands. See below for more discussion about prudent and feasible alternatives.
3. The relationship between the short-term and long-term impacts on wetlands and watercourses, and the maintenance/enhancement of long-term productivity of the wetlands or watercourse;

The short-term impacts to the wetlands will be from the initial filling and construction. The long-term impacts on the wetlands include the loss of some wetlands and vegetated buffer but these will be minimized with the proposed mitigation measures. The maintenance/enhancement of long-term productivity of the wetlands or watercourse will be provided with the stormwater quality measures proposed for runoff from the new addition and the existing rear parking and loading areas.

4. Irreversible and irretrievable loss of wetlands or watercourse resources which would be caused by the proposed activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;

There will be some irreversible and irretrievable loss of wetlands resources caused by the proposed regulated activities. No future ability to protect, enhance or restore the remaining wetland resources will be foreclosed. Mitigation for the direct wetland impacts is provided in ratio of 1½:1 and is included in the recommended conditions of approval. The proposed removal of old stockpiles in and near the wetlands in the northeasterly part of the property and management of invasive plant species will maintain and enhance existing environmental quality, and restore, enhance and create productive wetland resources.

5. The character and degree of injury to, or interference with, safety, health, or reasonable use of property which is caused or threatened by the proposed regulated activity,

There should be no injury to, or interference with, safety, health, or reasonable use of property which is caused or threatened by the proposed regulated activity,

6. Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with, or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

There are no impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed. No future activities associated with, or reasonably related to, the proposed regulated activity are made inevitable by the proposed regulated activity that may have an impact on wetlands or watercourses.
Supporting Documentation Review

A 13-sheet plan set was submitted with the application, prepared by F. A. Hesketh & Associates, Inc., and The Bongiovanni Group, Inc., dated August 17, 2022 with no revisions. In accordance with Section 5 of the Wetlands Regulations, plans submitted with permit applications are to comply with the provisions of the latest revision of the Town of Bloomfield Site Plan Drawing Checklist. The plans submitted did not fully comply and those items missing or incomplete were communicated to the applicant.

A Storm Water Management Report submitted by F. A Hesketh & Associates, Inc., dated August 12, 2022, indicates no increase in peak flows from the proposed development to the Highland Park Drive storm drainage system, and a decrease in peak flows to the southeasterly wetlands. This report is under review by the Engineering Department.

Discussion of Prudent and Feasible Alternatives

The wetland impacts are proposed for the connecting driveway, part of the retaining wall and a small portion of the proposed building addition. These direct impacts could be reduced or eliminated with a smaller building addition. The length of the proposed building would need to be reduced by about 40 feet to get the building and rear driveway completely out of the wetlands. This would reduce the size of the addition by about 5400 square feet or about 13%. Alternatively, eliminating the rear driveway and keeping the same building would substantially reduce the direct wetlands impact.

At present, and as proposed, trucks must access the rear loading docks by driving through the car parking lot aisle. The proposed rear driveway will have the greatest direct impact to the wetlands and its elimination appears to be both prudent and feasible. The applicant must present evidence that the direct wetlands impact from the rear driveway is the most prudent and feasible alternative.

The proposed regulated activities within the Upland Review Area, 100 feet from the wetlands, are proportional to the direct wetlands impact. If the direct wetland impacts are eliminated or reduced then the regulated activities in the Upland Review Area will also be reduced.

Discussion and Comments

The proposal is maximizing the potential development of the property and there may be Town Plan and Zoning Commission requirements that will affect the size of the building and/or the number of parking spaces. The proposed impervious coverage for this proposal is indicated on the plans as 50%. The actual impervious coverage is about 52%. The proposal also indicates that the required number of car parking spaces is 78 and 103 spaces are proposed. Eliminating the extra 25 parking spaces should also be considered to reduce the impervious coverage. Pervious pavement
or grass pavers are another alternative that would reduce the impervious coverage.

The proposed impacts to the Vegetated Buffer Zone, 50 feet from the wetlands, is proportional to the direct wetlands impact. If the direct wetland impacts are eliminated or reduced then the regulated activities in the Vegetated Buffer Zone will also be reduced. At the present time some of the Vegetated Buffer Zone, at the rear of the existing building, is a paved parking lot. Additional limit of clearing plantings are recommended.

The proposal includes a stormwater quality basin at the rear of the existing building. This basin is at the edge of the wetlands and in this location it will require the removal of some of the existing buffer vegetation. It is recommended that this stormwater basin be relocated to and replace the easterly most part of the existing pavement (contour 144) where the rear parking area presently drains to. This basin location would eliminate some of the existing pavement and reduce the overall impervious coverage. The Wetlands Impact Plan indicates that the basin will be sized in coordination with the Wetlands Agent but this basin needs to be sized in accordance with the 2004 CT Stormwater Quality Manual. The existing soils on the site are sandy and infiltration is recommended.

The proposed mitigation measures include the restoration of some historically filled wetlands at the southwest corner of the isolated wetlands. There is a pile of excavated material in this location that is proposed to be removed to restore wetland resources in this location. The other mitigation measure is the removal of invasive species in the area between the isolated wetland and the larger wetland to the south. This area has some mature trees and removing the invasive species is a good idea. It is not recommended that these two wetland areas be connected by creating new wetlands that would necessitate the removal of the mature trees. The third mitigation measure includes the planting of single row of shrubs along the base of the retaining wall. It is recommended that trees be included in the proposed plantings and that they be planted in a 10-15 foot wide strip in and outside of the wetlands.

The proposal does not include any conservation easements or restrictions. The wetlands on these parcels would be ideal for a conservation easement or restriction. The southeasterly abutting property does have a conservation easement. Conservation easements or restrictions must be volunteered and cannot be a made a condition of approval. If a conservation easement or restriction is offered then it is recommended that the Commission accept the easement or restriction. The corners of the easement will need to be pinned and a map and easement document filed on the Land Records. The easement should exclude the stormwater outfall and the stormwater quality basin.

The proposed underground stormwater detention system will prevent increases in peak runoff from the developed property. Stormwater infiltration will most likely occur due to the sandy on-site soils. Runoff from the new pavement areas is proposed to be treated in hydrodynamic separators before draining to the underground detention system. One new stormwater outfall is proposed in the uplands, just upslope from the wetlands, off the southeast corner of the new parking area. The
proposed stormwater quality basin will also discharge close to the wetlands but is not a new discharge. The pavement at the rear of the building drains to the low point and then to the wetlands. The new stormwater quality basin will be in the same location and its discharge will have the same discharge to the wetlands.

The proposed rear connecting driveway will require the construction of about 350 feet of retaining wall. The height of the wall varies from a few feet to seven feet at its highest point through the wetlands. Geotechnical borings may be necessary for the design of the retaining wall, and building, foundations/footings in both the uplands and wetlands areas. Borings/test holes have been done on the property and their data has been submitted. It appears that these test holes were done to determine the infiltration rate of the soils. Some of the footings for the retaining wall and footings for the building are proposed in the wetlands. Although a Geotechnical Engineers report is not specifically required for the Wetlands Permit it will likely be requested by the Town Engineer and/or the Building Official.

The proposed soil erosion and sediment control measures will need some revisions. A row of silt fence and sediment log (straw wattle) are proposed as the primary erosion control at the easterly side of the project. The sediment log is typically used where only a small amount of runoff is anticipated. The plan does not include sediment control measures at the south and west sides of the project, or a soil stockpile area, and both are required. In addition, a temporary road is needed to access the isolated wetlands in the northeast corner and the area proposed for invasive species removal.

The plans indicate a FEMA 1% Flood Hazard Zone (formerly 100-year storm) line. The Base Flood Elevation (BFE) is at elevation 136.0. The Flood Hazard Zone line should be shown at the 136 contour and calculations for the coverage on the property should use the area at and below the 136 contour. The line taken from the FEMA/FIRM maps does not agree with the BFE.
Appendix – 166 Highland Park Drive

A. The subject property includes two parcels of land on the east side of Highland Park Drive, at the cul-de-sac, located approximately 1200 feet north of Peters Road. These parcels, MBL 15-112 and 15-119 (formerly lots 5015 and 5014, map 372), were created with the Highland Park Subdivision in 1987.

B. The property is 6.27 acres in total area and according to a recent Wetlands Map Amendment there are approximately 1.86 acres of forested wetlands on the site in two locations. One isolated wetland in the northeast and part of a larger wetland in the southerly and easterly parts of the property. There are no watercourses on the property.

C. The northerly parcel (#166) has been utilized for industrial/commercial purposes since 1991 when the building was constructed. The southerly parcel is undeveloped and is mostly wooded. Prior to 1987 this property was farmland and part of the land was used to grow Christmas trees.

D. The topography of the site is flat around the building. The land drops off to the southeast and there is a 5-8 foot high slope down to the wetlands. The highest elevations are at the northerly property line (152), the building is at elevation 149.8 and the lowest elevations are in the southeast corner (135).

E. This property is included on sheet 372 of the Official Map of Wetlands and Watercourses. See GIS plot of the Official Map data attached.

F. The wetlands in the southeasterly portion of the property are part of Wetland Number 36 in the 1985 Inwoods Environmental Consultants Evaluation (see copy of report attached).

G. The wetland soils from the Map Amendment application as delineated by the Soil Scientist are:

   Glaciolacustrine – Soils formed in old glacial lakebed deposits of silts and clays:
   9   Shaker   PD very fine sandy loam [Sz] – on site wetlands.

   Floodplain – Soils formed in alluvium deposited by streams and rivers
   103   Rippowam   PD sandy loam [Ru] – probably associated with the off-site
   watercourse to the east

H. The southeasterly wetlands are a part of a larger wetland/watercourse system that extends onto the abutting property to the east and north to West Newberry Road and Blue Hills Avenue. This larger wetlands and watercourse system flows to the southeast and to a cross culvert under Peters Road.

I. The subject property and the storm drainage systems in Highland Park Drive drain to the south and to a tributary of Wash Brook south of Peters Road. Wash Brook is tributary to the North Branch of the Park River.

J. There are no Conservation Easements or Restrictions on the subject property. The abutting property to the east, 33 Mucko Road, includes a Conservation Easement.
Wetland # 36

Wetland location _Windsor town line south across West Newberry Rd. to Tunxis and Mills Rd. intersection_

MDC # 233 298 299 372 473 453

This section of wetland is hydrologically connected to many of the inland wetlands which occupy the north-central section of Bloomfield. Unlike the broad, flat valley wooded swamps, this section of wetland is typical of the many ribbons of floodplain soil which border the streams and brooks in town. Except for a few areas of contiguous Swanton soils, this wetland is confined to the frequently flooded Saco floodplain soils which border the brook. These floodplain soils represent the outer boundaries of the brook, whose size shrinks and swells with the seasonal fluxes in water flow.

This stream travels through forested land, periodically opening out into herbaceous flats dominated by sedge, with some Juncus, Typha, and a few isolated patches of Phragmites. Here the water flow is slow, as this herbaceous vegetation tends to impede and filter the water. The majority of this wetland is wooded; red maple is the dominant tree, forming a dense canopy under which highbush blueberry, winterberry, and spice bush contribute to the thick shrub layer. A few isolated sections of the wooded swamp are well-saturated; sedge hummocks surrounded by water are frequent in these wetter sections.

The thick shrub underbrush harbors many birds: juncos, titmice, chick-a-dees, and cardinals were seen at the time of the study. Numerous raccoon tracks were found in the mud flats along the railroad. Deer browse as well as tracks were also common in this section of wetland.
Wetland # 36

Wetland location: Windsor town line south across West Newberry Rd. to Tunxis and Mills Rd. intersection.

MDC #: 233 298 299 372 425 453

Hydrologic Functions
groundwater exchange: LOW
flood control: HIGH
sediment trapping: MEDIUM
pollution reduction: MEDIUM

Biologic Functions
wildlife habitat: MEDIUM
rare/endangered species: n/a
uniqueness: n/a

Cultural Function
recreation/education: MEDIUM

Disturbances
upstream impacts: houses, lawns, roads
manmade structures/disturbances: railroad, impoundment south of West Newberry Road