

TOWN OF FARMINGTON
INLAND WETLANDS COMMISSION
MEETING

April 7, 2021

Present for the online web conference was Chair Hannon, Commissioners Fox, Isner, Simpson, Statchen, Tulin and Alternate Commissioners Berlandy and Bryk. The Assistant Town Planner Rutherford and Clerk Michaud were also present. The meeting was called to order at 7:02 p.m.

Present in the Development Conference Room were Assistant Town Planner Rutherford and Clerk Michaud, all others were present online.

OLD BUSINESS

402 Farmington Ave LLC – Lots 40 & 40B1 Farmington Avenue (a.k.a. 8231 & 9249 Farmington Avenue)

Regulated activity within upland review area consisting of proposed driveway, parking lot, garage building, associated grading/clearing and stormwater management basins associated with multifamily development. Chair Hannon asked for confirmation only the regular members are participating in discussion and vote on this application because the hearing is closed. Assistant Town Planner Rutherford confirmed he is correct. The Commissioners were polled and asked if they were ready to vote on this matter. The consensus was they were all ready to vote. Each member indicated that they had reviewed the application materials, intervenor materials, and legal guidance provided by the town attorney. They noted that although there has been a significant amount of legal and technical information provided, it comes down to impact to the wetlands. The applicant has avoided direct impact to the wetlands, used the existing roadway with the existing culvert crossing and the utilities are extended. There is limited work within the upland review area, there is water quality management proposed, some upland habitat impacts are possible but limited, the stub driveway to the south has been eliminated, and there is free movement of amphibians via the existing culvert crossing. The Commission noted they would be concerned if future development on the adjacent parcel is proposed. The Commission discussed implementing a Conservation Easement around the vernal pools.

Commissioner Statchen moves and Commissioner Isner seconds the following resolution:

Whereas the Farmington Inland Wetlands and Watercourse Commission (Commission) received an application to permit regulated activity within the 150 foot upland review area (roadway, sidewalk, utilities, parking lot, retaining wall and storm water detention basins) at 8231 & 9249 Farmington Avenue (a.k.a. Lots 40 & 40B1 Farmington Avenue) as displayed on plans entitled *“Proposed Residential Development”* dated November 2, 2020 and revised through January 4, 2021 (sheets 1 through 14, prepared by Milone & MacBroom), Lot Line Revision plan revised through 1.4.2021 by Milone & MacBroom, Site Planting Plan revised through 12.21.2020 by CR3, Photometric Plan revised through 12.29.2020 by Lighting Affiliates, Wetland Delineation and Impact Assessment dated 11.02.2020 by Milone & MacBroom, Drainage Report dated November 2, 2020 by Milone & MacBroom and all other technical reports and documents submitted by the applicant in support of the application submitted throughout the hearing (collectively referred to herein after as Application); and

Whereas the Commission accepted the application at its November 4, 2020 meeting, conducted a site visit on November 8, 2020, determined that the project was significant at its December 2, 2020 meeting and scheduled a public hearing for January 6, 2021; and

Whereas the Commission conducted a properly noticed public hearing on the request in accordance with state and local regulations on January 6, 2021, February 3, 2021, February 17, 2021 and March 3, 2021, where all interested parties were heard; and

Whereas the Commission granted the petitions for intervenor status submitted pursuant to CGS 22a-19 for Dr. Richard Fichman, and Douglas and Kimberly Zeytoonjian at the February 3, 2021 meeting; and

Whereas the Commission received technical reports, documents and testimony in support of the Petitions to Intervene filed under CGS 22a-19 which have been accepted into the record and are incorporated by reference herein; and

Whereas, the Commission referred the Application to the Conservation Commission, the Conservation Commission granted the petition for intervenor status submitted pursuant to CGS 22a-19 for Dr. Fichman, the Conservation Commission heard testimony from the applicant and intervenor at the February 3, 2021 and February 17, 2021 meetings, the Conservation Commission incorporated into their record all technical reports, documents and testimony from the Inland Wetlands and Watercourse Commission proceedings, and at the February 17, 2021 meeting the Conservation Commission voted to deny the Intervenor Petition on all claims, and issued referral comments to the Inland Wetlands Commission; and

Whereas the Commission closed the hearing on the Intervenor Petition filed by Dr. Richard Fichman at the March 3, 2021 meeting and voted to deny the Intervenor Petition on all claims; and

Whereas the Commission closed the hearing on the Intervenor Petition filed by Douglas and Kimberly Zeytoonjian at the March 3, 2021 meeting and voted to deny the Intervenor Petition on all claims; and

Whereas the Commission closed the hearing on the application at the March 3, 2021 meeting; and

Whereas the Commission evaluated the Application and considered all technical reports, documents and testimony and determined the project is not a significant activity that would have a significant impact on the wetlands and watercourses based on the definition of those terms in the Farmington Inland Wetland Regulations at the March 17, 2021 meeting; and

Whereas the Commission evaluated the Application in accordance with its regulations, specifically Sections 7 and 8 of the Farmington Regulation for Inland Wetlands.

Now therefore be it resolved that the Commission finds that the proposed activities, described within the Application and in particular displayed on the engineered drawings entitled *“Proposed Residential Development”* dated November 2, 2020 and revised through January 4, 2021 (sheets 1 through 14, prepared by Milone & MacBroom), Lot Line Revision plan revised through 1.4.2021 by Milone & MacBroom, Site Planting Plan revised through 12.21.2020 by CR3, Photometric Plan revised through 12.29.2020 by Lighting Affiliates, Wetland Delineation and Impact Assessment dated 11.02.2020 by Milone & MacBroom, Drainage Report dated November 2, 2020 by Milone and MacBroom and other

technical reports and documents submitted throughout the hearing are in conformance with the requirements found in Section 6 of the Inland Wetlands Regulations; and

Be it further resolved the Commission having found that the project, as defined in the Application, is not a significant activity finds the applicant is not required to provide feasible and prudent alternatives; and

Therefore, be it finally resolved the Commission approves said Application including the proposed activities depicted therein with the following conditions:

1. Engineering Comments dated January 6, 2021 shall be addressed to the satisfaction of the Farmington Engineering Division.
2. Final signed and stamped plans addressing all comments, conditions, and testimony provided during hearings shall be submitted to the Farmington Planning Division prior to scheduling a preconstruction meeting.
3. A 100-foot Conservation Easement shall be granted to the west of the western-most edge of the vernal pools running parallel with the easterly property line from approximately 15 feet off Quarry Road to the southern property line. The Easement documents shall be subordinate to the gas easement. The Conservation Easement shall be filed on the Town of Farmington land records prior to the start of construction. The Conservation Easement markers shall be installed prior to the issuance of the Certificate of Occupancy. Conservation medallions shall be installed 50 feet on center along the conservation easement boundary.
4. A preconstruction meeting shall take place with Town staff prior to initiating any construction activities. The applicant / contractor will be responsible for providing a construction sequence plan.
5. All sediment and erosion control measures shall be implemented in accordance with the approved plans and as may be directed by the project engineer or Town staff.
6. The applicant / contractor shall notify the Planning Division once all erosion control measures are in place and prior to the start of any clearing or construction activity for Town staff to review and inspect the installation of all measures.
7. Erosion and sediment controls shall be monitored regularly by the project soil scientist, project engineer, or an individual with comparable education and experience with weekly reports submitted to Town staff. Inspections shall be conducted weekly and after rain events of a half-inch or greater. Reports shall include photographs of the general condition of the site and all erosion control. Reports shall include corrective measures needed to bring all erosion control measures into compliance. Applicant / contractor is obligated to implement corrective measures.
8. Invasive species removal shall be by mechanical means, no chemicals shall be used. The applicant shall be responsible for invasive species removal within work limits for the duration of construction or for a minimum of three-years, whichever is longer. An annual report shall be prepared by the project soil scientist, biologist, or landscaper documenting removal efforts. The report shall be provided to the Town Planning Division by December 31st of each year.

9. Long term maintenance of the storm sewer system shall be the responsibility of the property owner. Long term maintenance efforts include the closed stormwater system and the detention basin. The owner shall submit a maintenance report to the Town staff annually by January 31st documenting the maintenance efforts of the preceding year.
10. A wetland scientist shall annually inspect the storm water basin plantings and general wetland quality for a period of 5 years following the date of the basin's completion. Following each inspection, the wetland scientist shall submit an annual report to the Town, including the progress on the storm water basin plantings, a review of the vernal pool functioning area and recommendations to mitigate any impacts happening. All recommendations from the wetland scientist shall be implemented by the applicant as soon as possible.
11. An as-built of the storm water basin shall be submitted to the Town.
12. A professional engineer shall inspect the storm water system at the end of the project to confirm it has been installed in accordance with the approved plans. A letter shall be submitted to the Town.
13. Native plant species shall be used when possible, for the internal landscaping. Plantings along the wetlands and storm water basin shall be native species only. A landscape architect shall inspect the plantings 3 years after installation and submit a report to the Town.
14. A turf management plan shall be submitted to the Town for approval and integrated with an Integrated Pest Management Plan.
15. The submitted storm water operation and maintenance plan shall be placed on the final site plans.
16. Prior to the clearing of vegetation, the wetland boundary shall be clearly delineated, and the clearing limits shall be staked by a licensed surveyor. The line shall be walked with Town Staff before clearing can begin.
17. Prior to the clearing of vegetation, orange construction fence shall be installed along the proposed clearing limits near the wetlands.
18. No mass earthwork shall begin until perimeter erosion controls and orange construction fence has been installed.
19. Silt socks shall be used instead of hay bales and silt fence.
20. Animex 24-inch permanent free-standing wildlife fencing shall be installed around the perimeter of both detention basins. Substitution of the Animex fencing must be approved by the project soil scientist and Town Staff.
21. The applicant shall develop a wildlife protection and hazard mitigation plan for approval by town staff.
22. The design shall include cape-cod curbing along Quarry Road within the limits of the wetland envelope. Low impact lighting plan for the area of the development closest to the vernal pool for approval by town staff.
23. Habitat (native) species plantings shall be placed at intervals between the conservation easement medallions.

The motion passed unanimously.

Commissioner Simpson then temporarily left the meeting. Time approximately 7:27p.m. Commissioner Berlandy was appointed to replace Commissioner Simpson while he was away.

NEW BUSINESS

Miss Porter's School – 44 Main Street/Sarah Lane

Commissioner Bryk recused herself from this matter.

Regulated activity within upland review area for parking lot redevelopment, related grading and drainage in connection with Sarah Lane improvements. Tristan Wallace with Loureiro Engineering stated for the record they have responded to Engineering comments and there are no significant changes to the site. He spoke with Assistant Town Planner Rutherford about doing maintenance on the wetland detention basin and incorporating maintenance to the existing system in this project. Mr. Wallace stated they have no issue addressing all comments, except for the requested forebay. Assistant Town Planner Rutherford confirmed this matter could be resolved with staff.

Upon a motion made and seconded (Statchen/Tulin) it was unanimously

VOTED: To approve the Miss Porter's School application for regulated activity within upland review area for parking lot redevelopment, related grading and drainage in connection with Sarah Lane improvements at 44 Main Street with the condition the applicant work with staff and develop a wetlands maintenance plan and on the phasing of the construction project.

Robert C. Schechinger Jr., ASLA – 130 Birdseye Road

Regulated activity within upland review area to upgrade parking lot design and related site improvements for proposed medical office conversion. Mr. Schechinger reviewed drainage updates to the plan. The depth of the basin behind the building was increased an inch to increase capacity. Turning radii of emergency vehicles has been verified. Mr. Schechinger confirmed the maintenance items discussed during the site walk have been incorporated into the planset on the erosion control sheet. The Commission commented on the importance of communicating with the contractors that they stay within the design presented.

Upon a motion made and seconded (Statchen/Fox) it was unanimously

VOTED: To make the determination the Robert C. Schechinger Jr., ASLA application for regulated activity within upland review area to upgrade parking lot design and related site improvements for proposed medical center conversion at 130 Birdseye Road is not a significant activity and does not require a public hearing.

Upon a motion made and seconded (Statchen/Fox) it was unanimously

VOTED: To approve the Robert C. Schechinger Jr., ASLA application for regulated activity within upland review area to upgrade parking lot design and related site improvements for proposed medical center conversion at 130 Birdseye Road with the condition the existing corrugated metal pipe outlet be removed, and the application continued to follow the recommendations of staff.

Farmington West Estates Lt. Ptns. – Lot 155 Whitetail Run

Regulated activity within upland review area for construction of new home. Attorney James Ziogas presented the application. The developer will be constructing the next phase of this development, Whitetail Run and a portion of one lot, Lot 155 is within the upland review area. Attorney Ziogas described the site development plan commenting on a portion of the berm, grading and a portion of the proposed house in the upland review area. Assistant Town Planner Rutherford provided information on the location of the stream to the west and north of the adjacent street Coyote Court.

Upon a motion made and seconded (Statchen/Fox) it was unanimously

VOTED: To accept the Farmington West Estates Lt. Ptns. application for regulated activity within upland review area for construction of new home at Lot 155 Whitetail Run.

It was the consensus of the Commission a site walk would not be necessary.

Upon a motion made and seconded (Statchen/Tulin) it was unanimously

VOTED: To make the determination the Farmington West Estates Lt. Ptns. application for regulated activity within upland review area for construction of new home at Lot 155 Whitetail Run was not a significant activity and does not require a public hearing.

Commissioner Simpson returned at 8:05p.m.

Neeraj Gupta – 70 Woodpond

Regulated activity within the upland review area to construct a shed. Jennifer Gupta stated they need additional storage space and would like to install a 12' x 16' shed in the back yard. The site plan showing the location off the eastern property line was provided. The Commissioners asked for clarification on what the contents of the shed will be given the proximity to the pond. Ms. Gupta responded they will store non-motorized water sport equipment in the shed and seasonal lawn furniture. There was a brief description provided of the stone base the shed will be placed on.

Upon a motion made and seconded (Isner/Statchen) it was unanimously

VOTED: To make the determination the Neeraj Gupta request to install a 12' x 16' shed in the back yard at 70 Woodpond as presented and on file in the Planning Office is permitted as of right use per Section 4.A 4. of the Inland Wetlands Regulations.

Dana Hinman – 37 Mountain Lane

Application for modification of prior approval to construct ditch to divert stormwater flow away from a downstream leaching field. Brian Cunningham, Robert Green Associates, explained sedimentation concerns and erosion issues at the site. They are seeking to route storm water flow through a four-foot-wide ditch stating the outfall of the ditch is in a bad spot. Mr. Cunningham reviewed existing conditions noting some approved features were not constructed. He also noted the Farmington Valley Health District has reviewed and have no issue with the concept. Concern was raised by the Commission of a splash pad discharge point.

Upon a motion made and seconded (Statchen/Tulin) it was unanimously

VOTED: To accept the Dana Hinman application for modification of prior approval to construct ditch to divert stormwater flow away from a downstream leaching field at 37 Mountain Lane.

After a brief discussion it was the consensus of the Commission no site walk was needed.

The Commission requested staff be kept informed when work is being conducted.

Upon a motion made and seconded (Isner/Tulin) it was unanimously

VOTED: To make the determination the Dana Hinman application for modification of prior approval to construct ditch to divert stormwater flow away from a downstream leaching field at 37 Mountain Lane was non-significant in nature and does not require a public hearing.

Robert Vincent - 18 Red Coat Lane

Regulated activity within the upland review area to construct an above ground pool and deck. The homeowner would like to install an aboveground pool and deck approximately thirty-feet off the house. Assistant Town Planner Rutherford provided a review of the site and a prior site visit conducted by the Commission. The Commission did not express concerns but did ask the property owner to provide the chemical makeup of the pool floor foam to Town staff. The pool deck and house deck will be constructed at a later date.

Upon a motion made and seconded (Isner/Simpson) it was unanimously

VOTED: To make the determination the Robert Vincent request to install a above-ground pool and deck in the back yard at 18 Red Coat Lane as presented and on file in the Planning Office is permitted as of right use per Section 4.A 4. of the Inland Wetlands Regulations with the condition the property owner provide the chemical makeup information of the pool floor foam to Town staff.

Michael Sweeney – Lot 9391 Northwoods Drive

Regulated activity within upland review area for construction of new home. Bill Aston, Buck & Buck, stated this lot was created by subdivision in 2007. He described the detail site plan including driveway, house and septic system locations. Erosion and sedimentation plan included silt fence and a temporary sedimentation trap. There was some discussion about widening the driveway entrance. The Commission asked some clarifying questions.

Upon a motion made and seconded (Statchen/Simpson) it was unanimously

VOTED: To accept the Michael Sweeney application for regulated activity within upland review area for construction of new home on Lot 9391 Northwoods Drive.

After a brief discussion it was the consensus of the Commission to conduct a site walk on April 17, 2021 at 8:30am.

Show Cause Hearing - 1179 Farmington Avenue

Cease and Desist Order for conduct of regulated activity without a permit for property located at 1179 Farmington Avenue. This matter was tabled.

PLANNER'S REPORT

No Planner's Report.

MINUTES

Meeting Minutes

Upon a motion made and seconded (Statchen/Fox) it was

VOTED: To approve the March 17, 2021 Inland Wetlands meeting minutes.

The meeting adjourned at 9:10 p.m.

SJM

DRAFT