

TOWN OF FARMINGTON  
INLAND WETLANDS COMMISSION  
MEETING

July 7, 2021

Present for the online web conference was Chair Hannon, Commissioners Berlandy, Fox, Isner, Simpson and Statchen. The Assistant Town Planner Rutherford and Clerk Michaud were also present. The meeting was called to order at 7:00 p.m.

Present in the Council Chambers were Commissioner Fox, Assistant Town Planner Rutherford, Clerk Michaud. The representatives for the Winding Trails application were present in the Council Chambers. All others were present online.

**NEW BUSINESS**

**Winding Trails Inc. – 199 Winding Trails Drive**

Regulated activity in the upland review area for playscape renovations. Commission to accept application or determine activity is permitted as non-regulated. Scott Brown, Executive Director, presented the plan to replace the existing 1990 playscape. Details on the new playscape apparatus and fall impact surface were provided including a cut sheet on the turf proposed. Brian Cunningham, Chair of the Facilities Committee, presented details of erosion control, access and confirmed the turf will be sand filled. The plan is to begin work after the October Acoustic Festival and complete in Spring 2022. Commissioners asked for confirmation on the details of the turf proposed; sand will be used to infill.

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

VOTED: To accept the Winding Trails Inc. application for regulated activity in the upland review area for playscape renovations at 199 Winding Trails Drive.

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

VOTED: To make the determination the Winding Trails Inc. application for regulated activity in the upland review area for playscape renovations at 199 Winding Trails Drive is a non-significant activity and does not require a public hearing.

**Bryan and Krystal Horan – 6 Carrington Lane**

Regulated activity in the upland review area for home expansion. Commission to accept application or determine the activity is permitted as of right. Mr. Horan presented their plan to construct an 8' x 12' addition on the southern side of their home in the location of a portion of their existing deck. The addition will not extend beyond the existing footprint of the deck. Commissioners asked for clarification on the extent of excavation needed for the addition. Mr. Horan responded the worst case is a crawl space foundation will be needed and would be the same depth of the existing crawlspace basement – approximately 30 inches. Commissioners asked for clarification about the area between the existing deck and the property line; the area is currently lawn and wetlands are behind their property. That parcel is owned by the Farmington

Land Trust. Assistant Town Planner Rutherford provided additional clarification regarding the creation of the parcel and the location of wetlands.

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

VOTED: To make the determination the Bryan and Krystal Horan proposed 8' x 12' addition to the southern side of their home is a permitted as of right activity per Section 4A.4 of the Inland Wetland Regulations.

JRF Management LLC & Kaoud Real Estate Development LLC – 1349, 1371 Farmington Avenue and Lots 8218, 8237 Farmington Avenue

Regulated activity within wetlands and upland review area for mixed use development with public bicycle path. Attorney Robin Pearson, Alter & Pearson, represented the applicant and introduced the project. The total area of this project is approximately 24.85 acres; the current zoning designation is the Midpoint Development District. The project does not propose any direct impact to poorly drained wetland soils or the Farmington River. Alluvial soils in the center of the site will be disturbed. In December 2020, they presented the project to the Inland Wetlands Commission informally and received approval from the Town Plan & Zoning Commission for the master plan and zone change. Since that time, they have made some improvements to the plan.

Phil Doyle, LADA, provided background history of the site. Mr. Doyle provided site details including extension of the bike trail, sanitary sewer line relocation, Building 8 relocation; proposed dock for a point of entry of kayaks, etc. He reviewed the location of the wetland delineation boundary and the upland review limits. Impervious surface will total approximately 40,000 sq. ft. of area in the upland review area with roughly half of it being bike trail. Mr. Doyle noted the bike trail will be formalized in the location of an existing dirt path. He has provided a planting plan of native species and briefly spoke about removal of invasive species on site.

Tom Daly, SLR Consulting, described the existing condition of the site as relatively flat. Stormwater discharge will remain on site as it currently does due to good sand and gravel material on site. Mr. Daly stated there were a number of test pits done on site and noted that no ground water or ledge were encountered. A 30-inch diameter sanitary sewer main runs across the site and the development site proposes altering the current location. He worked to mimic existing drainage patterns and provided details of the stormwater drainage plans. Each basin has storage capacity for a 100-year storm event. Mr. Daly showed the location of existing piped discharges and the proposed design details. He does not expect any stormwater to directly discharge to the river with the exception of extreme conditions; given the soil types the stormwater will infiltrate. The erosion control plan presented showed the location of sediment traps which are independent of the proposed infiltration basins. An erosion control blanket is proposed on steep slopes.

Megan Raymond, SLR Consulting, delineated wetlands on site and provided a Wetlands Assessment Report dated June 2021. The proposed development is a mix of residential and commercial businesses and an extension of the Farmington Canal Heritage Trail. Ms. Raymond states the majority of the site is not located within an active floodplain and does not experience overbank flooding from the Farmington River. She described relict alluvial soils located in the middle of the site, explaining they are not actively connected to the floodplain of

the Farmington River as indicated on FEMA mapping. She states further the hydrologic disconnection of the relict alluvial soils from the river removes the regulatory jurisdiction of these areas as protected state wetlands. The intent of the inland wetland statute is to protect active alluvial and floodplain areas as inland wetlands adding she spoke with colleagues and DEEP for this determination. The northern wetland boundary to the Farmington River was delineated and is generally coincident with the ordinary high water to the river. Ms. Raymond presented within the 150-foot upland review area to the Farmington River, approximately 3.26 acres will be impacted. These activities include a portion of three buildings, recreational areas, the multi-use trail, and stormwater basins.

Attorney Pearson summarized the proposal and asked if the Commission had questions. The Commissioners asked for written confirmation from DEEP about Ms. Raymond's determination relict alluvial soils are not regulated. Ms. Raymond responded she can provide the correspondence. The Commission asked for clarification about the proposed lowering of the existing portion of the bike trail and how long it will be closed. Mr. Doyle responded approximately five months. The Commission commented overall the project appears carefully thought out but there is still a fair amount of activity in the regulated area and they will likely make the determination of significance. Chair Hannon asked specifically if there was anything in the Connecticut General Statutes, Inland Wetland Regulations or Case Law that relict alluvial soils are not regulated. Ms. Raymond responded no. He added, the Commission will likely make the determination a public hearing is required for the activity related to this project. During the public hearing process, they will be able to present their case to the Commission for consideration.

The consensus of the Commission is to conduct a site walk. Assistant Town Planner will email the Commissioners to coordinate a site walk with the applicant.

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

VOTED: To accept the JRF Management LLC & Kaoud Real Estate Development LLC – 1349, 1371 Farmington Avenue and Lots 8218, 8237 Farmington Avenue application for regulated activity within wetlands and upland review area for mixed use development with public bicycle path.

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

VOTED: To make the determination the JRF Management LLC & Kaoud Real Estate Development LLC – 1349, 1371 Farmington Avenue and Lots 8218, 8237 Farmington Avenue application for regulated activity within wetlands and upland review area for mixed use development with public bicycle path is a significant project and warrants a public hearing. A public hearing will be scheduled for September 1, 2021.

#### Restoration Update - 1179 Farmington Avenue

Assistant Town Planner Rutherford provided an update on the restoration efforts using drone photos and photos taken by Attorney William Galske. REMA Ecological will begin monitoring the health of plantings next week. Staff will continue to monitor and provides updates to the Commission.

## **PLANNER'S REPORT**

### **402 Farmington Ave LLC**

Assistant Town Planner Rutherford provided an update; the Town Plan & Zoning Commission approved the zone change and site plan but denied the fourth story on the proposed building. In response the applicant has submitted a site plan modification removing the fourth floor in its entirety. In addition, the opening to the courtyard was closed in and some of the garage spaces on the ground level were converted to apartments bringing the total number to 130 apartments. None of the proposed modifications are within a regulated and thus, there are no permitting requirements with the Inland Wetlands Commission for this site plan modification.

### **CLP Farmington LLC – 15 Farm Springs Lane**

Assistant Town Planner Rutherford stated during her plan review of this application before the Town Plan & Zoning Commission noted an expansion of Building E and Wing C, which is within the 150 ft upland review area of an on-site wetland system, which she described in more detail. In addition, installation of tree wells in the rear parking area were proposed and maintenance of the existing detention basin was requested by town staff. All of these activities are within regulated areas. The expansion of Building E does not involve earth disturbance and can therefore proceed. The remaining activities will be removed from the current scope of work so their permitting efforts can continue with the Plan and Zoning Commission. The applicant will then submit a site plan modification for review with the IWC and TPZ in September to include the proposed work within the regulated areas.

## **MINUTES**

### **Meeting Minutes**

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

VOTED: To approve the June 16, 2021 Inland Wetlands meeting minutes.

The meeting adjourned at 9:54 p.m.

*SJM*