
**DEPARTMENT OF PUBLIC WORKS & DEVELOPMENT SERVICES
PLANNING DIVISION
INTEROFFICE MEMORANDUM**

TO: CONSERVATION AND INLAND WETLAND COMMISSION
FROM: BRUCE CYR, SENIOR ASSISTANT TOWN PLANNER
SUBJECT: AGENDA REVIEW, NOVEMBER 6, 2024 MEETING
DATE: NOVEMBER 1, 2024

NEW BUSINESS

IW 2414 Jones Construction LLC – Lots 8556 New Britain Avenue

1. Application received 10.02.2024.
2. The property had also received approval from the IWC on 11.01.2023. Since that time, the applicant has contracted with a new engineer (David Whitney). Staff have met both Mr. Jones and Mr. Whitney to discuss revisions to the plan resulting in this new application.
3. The revisions to the plan include an increase in impervious coverage from 48% to 56%. Most of the increase is outside of the 150ft upland review area. The proposed impervious coverage within the 150ft upland review area is 3,820sf and an additional 1,590sf of disturbance within the upland review area. The Engineer has depicted these areas on the plan utilizing two distinct hatched areas.
4. The increase in impervious is a result of increasing the size of Buildings, a parking area along the south side of Building C, and increasing pavement area to allow drive-in access to both Buildings A & B. The total area of buildings has increased from 33,373sf (2023) to 39,720sf (2024). The 3,820sf of increased impervious coverage as mentioned above, is to facilitate drive-in access along the north side of Building B.
5. The Zoning Regulations require no more than 40 percent of the lot may be covered with impervious surfaces. However, the TPZ may by a five-sixths vote permit up to 50 percent lot coverage. Stormwater Management shall comply with the MS4 General Permit requirements (dated January 20, 2016, as amended) for runoff reduction and low impact design implementation. The Zoning Regulations were amended in 2023 allowing the impervious area to be increased by up to 65 percent when enhanced storm water management features are provided. The plan shall provide 2 times the CT DEEP Water Quality Volume/Design Retention Volume for the additional impervious surfaces above 50%. The regulations require all applications requesting to increase impervious coverage shall be required to increase landscaping on the property to densities above those specified in Article IV, Section 13 and low impact development strategies are encouraged and should be incorporated as part of the overall stormwater management strategy.
6. Below is a portion of the 11.01.2023 Agenda Review:
 - a. Applicant is proposing the development of contractor storage/garage spaces.
 - b. Property is currently zoned Industrial Restricted (CR) and the owner will be requesting a Zone Change to C1.
 - c. Plan will also entail approval of a zone change and site plan approval by the TPZ.

- d. Construction entails removal of trees, and soil and installation of three (3) buildings with associated parking and infrastructure.
 - e. Building Construction consists of three (3) single story buildings of for a total of 33,373 square feet. The total area of buildings has increased to 39,720sf with the current proposal.
 - f. The buildings will be connected to public water and sewer.
 - g. The existing site is heavily vegetated, and the majority of stormwater flows toward the storm water system in New Britain Avenue which discharges to Hyde Brook and then the Farmington River.
 - h. Storm Drainage consists of the follow:
 - a. Roof leaders will be discharged to drywells connected with perforated pipe side for each building.
 - b. Surface water will flow to catch basins and yard drains and then to a large infiltration system located in the center of the property under the parking area. The infiltration system will overflow to a detention basin along Hyde Brook, and overflow under New Britain Avenue and onto the Farmington River.
 - c. A curtain drain will run between the rear building and the embankment for the Farmington Canal Heritage Trail and discharge to the detention basin.
 - d. The basin is designed to overflow into Hyde Brook
 - e. The system is designed for a 100-year storm.
 - i. Wetland Function and Value Report:
 - a. The wetlands were delineated on May 15th, 2023 by Eric Davison of Davison Environmental.
 - b. The wetlands were flagged as the typical high-water mark of Hyde Brook with no bordering wetlands soils.
 - c. Upland soils are primarily anthropogenically altered soil due to the historic removal of sand and gravel from the property.
 - j. Wetlands:
 - a. Wetlands were delineated 05.15.2023
 - b. Total Wetlands on the Property – 25sf
 - c. No direct wetlands impact.
 - d. Total area within the 150ft upland review – 0.82 acres (35,841 sf)
 - e. Disturbance within the 150ft upland review area 0.72 acres (31,400sf). Area has been increased to 0.84 acres (36,810sf).
7. Documents included for your review:
- a. Application
 - b. 06.18.2023 – Wetland Delineation Report
 - c. 09.01.2024 – Revised Site Plan
 - d. 2023 Approved Application
 - i. 10.13.2023 – IWC Approved Plans 2023
 - ii. 10.18.2023 – Storm Drainage Report
 - iii. 10.26.2023 – Town of Farmington Staff Review Comments
 - iv. 2023.10.01 – Site Walk Photos
 - v. Applicant photos submitted with application
 - e. All are in the following link: [8556 New Britain Avenue](#)
8. Actions for the Commission:
- a. Accept Application – Accepted 10.16.2024
 - b. Determine whether another Site Walk is warranted. Not required at 10.16.2024 MTG

- c. Determine Significance
9. Items to Consider:
- a. Review anticipated view from the Multi-Use Trail, and revise planting plan accordingly.
 - b. Treatment of runoff to the stormwater detention basins.
 - c. Catch basins with 4ft sumps and hoods.
 - d. Restrictions for tenant use, storage of hazardous materials, signage, sealing of concrete floors, and installation of spill response kits.
 - e. Provide flood plain cut/fill calculations.
 - f. Include notes indicating erosion control inspection reports shall be performed every 2-weeks and for any storm over 1/2inch. Repairs shall be made within 24hrs after reporting. All reports shall be submitted to the Town of Farmington within 48hrs of each inspection.
 - g. Others as discussed during the meeting.

IW2415 City of Hartford – 95 Batterson Park Road

1. Applicant submitted an application (10.02.2024) for redevelopment of Batterson Park.
2. In March 2023, the IWC approved an Upland Review Plan and application for some general maintenance on the property in an attempt to get the property ready to re-open for the 2023 spring/summer. The plan entailed removal of a maintenance building that was partially destroyed by fire some time ago, a shed, various other buildings, and picnic tables that are in poor condition. All areas were to be excavated, backfilled, and seeded.
3. The applicant has completed a full wetland delineation of the property, and has moved forward with a redevelopment plan of the park which includes a new entrance from Batterson Park Road along the northerly portion of the property, closing off the existing entrance and using it as an Emergency Access only, a new maintenance building/garage, park amenity building to include concessions and restrooms, a future amenity annex building, a lawn event area, lighting, playscape, splash pad, associated parking for passenger vehicles and buses, picnic areas, grilles, sidewalks and multiuse trails, boardwalks, canoe/kayak floating dock, floating fishing pier/dock, and a viewing platform.
4. There will be no swimming allowed at the facility for the time being, due to water quality issues. Studies have been ongoing as to whether the water quality can be improved to allow for future swimming.
5. Construction of the trails surface treatments will consist of a mixture of bituminous concrete, stone dust, and boardwalks constructed of precast concrete sections mounted atop helical piers driven into the ground below. The trails and walkways will also cross several wetlands and waterways utilizing prefabricated wooden pedestrian bridges set atop precast concrete block footings and segmental concrete block walls.
6. The proposed buildings will be connected to public sewer and public water. The sanitary sewer will flow gravity to a new privately owned sewer pump station, which will be connected to the Town of Farmington sanitary sewer system. The Maintenance Garage will include floor drains connected to an oil water separator and then flow to the sanitary sewer system.
7. The storm drainage system will consist of a system of paved leak-offs, catch basins, storm drainage pipe, grass swales, and bioretention ponds. The bioretention ponds are proposed to be constructed with a combination of areas of river stone, filter media (consisting of a mixture of sand, topsoil, and organic matter), and a conservation seed mixture. Staff will be requesting test pits to confirm infiltration feasibility.

8. Portions of existing bituminous areas utilized for past picnics or other activities will be removed and the area restored.
9. Portions of the work will be constructed within the FEMA designated Zone A, 100-yr Flood Elevation. The Engineer will need to provide confirmation of no net fill in the flood plain areas.
10. The existing beach is being overtaken with naturalized plantings and will remain natural. The area will be posted as no swimming.
11. The wetlands were delineated by BSC Group in March and April of 2023, and again in September 2024. Staff have requested a location map depicting the individual wetland areas to assist with the identification of each wetland area depicted in the Wetlands Report. A partial plan has been submitted for a portion of the portion, and Staff will forward the remaining plans once received.
12. The wetland report indicates areas of invasive plant species, heavily eroded stream embankments, as well as a high-quality wildlife habitat and vernal pool along the western portion of the property. The location map will better assist with identifying these areas and their proximity to the proposed improvements. The wetlands report does not include a function and values as to how these improvements may affect the wetlands.
13. Documents included for your review:
 - a. Application
 - b. CTDEEP Wetland Reporting Form
 - c. 09.27.2024 Wetland Report
 - d. 10.02.2024 – Plan Set
 - e. Partial Wetland Location Map
 - f. All are in the following SharePoint File Location: [95 Batterson Park Road](#)
14. Actions for the Commission:
 - a. Accept Application - **Accepted 10.16.2024**
 - b. Determine whether a Site Walk is warranted – **Site Walk 10.27.2024**
 - c. Determine Significance
15. Items to Consider:
 - a. Address Planning & Engineering Comments to the satisfaction of Town Staff.
 - b. Include straw wattle in addition to silt fence along wetland areas.
 - c. Review to increase separation distance between wetland and new access driveway from Batterson Park Road or relocate.
 - d. Future maintenance of existing lawn areas within designated wetlands.
 - e. Depict areas of FEMA Zone A within development areas and provide confirmation of no increase in fill.
 - f. Provide survey for remaining property and include dam spillway elevation.
 - g. Provide a function and values report and discuss potential impacts.
 - h. Provide a storm drainage report.
 - i. Others as discussed during the meeting.

Country Club of Farmington – 806 Farmington Avenue and 9017 Waterville Road

1. The applicant has submitted an Upland Review application for the replacement of their entire irrigation system for the golf course. The work entailed is only from the pump house out into the golf course and no work will be performed within the river or banks of the Farmington River.

2. The golf course will be replacing all supply and irrigation heads on the entire course. All work will be within the existing fairways and greens. There are a few areas they will need to cross existing streams/swales on the property.
3. Work is conducted such limited erosion control will be required. For areas within the existing lawn areas, the contractor will cut and remove the sod, excavate and install the irrigation, and then replace the sod. Any excavation is completed by the end of each day, and no areas are left open and soil exposed from erosion. For crossings of streams/swales, the contractor will use haybales to dam the flow (if-any at this time of year), and then excavate to install the irrigation lines.
4. The applicant is requesting the Commission review this matter as a Permitted Non-Regulated Use in accordance with Section 4.B.2. of the Inland Wetlands Regulations, which states the following: 4.B "The following operations and uses shall be permitted as a nonregulated use in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse" and 4.B.2 "Outdoor recreation including play and sporting areas, golf courses, field trails, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing where otherwise legally permitted and regulated".
5. If the Commission determines the work is not deemed a Permitted Non-Regulated Use, the Commission can agree to accept the application submitted.
6. Documents included for your review:
 - a. Application
 - b. Plan of Irrigation System
 - c. TOF – GIS Map
 - d. All are in the following SharePoint File Location: [Farmington CC](#)
7. Actions for the Commission:
 - a. Determine whether a Permitted Non-Regulated Use.
 - b. Accept Application if deemed a Regulated use.
 - c. Determine need for site walk.
 - d. Determine Significance
8. Items to Consider:
 - a. Timing and sequencing of construction
 - b. Any specific limitation to timing of applications.
 - c. Others as discussed during the meeting.

Adopt the 2025 CIWC Meeting Schedule

1. Attached is the proposed meeting schedule for 2025. Please review and comment regarding any potential conflicts with dates. Per Article IV Section 4 of the CIWC By-Laws, "The Commission shall adopt a schedule of meetings for the forthcoming year no later than the last regular meeting scheduled in November.". The November 6th meeting will be the only meeting in November.

Frederick B. Cornelius – 1509 Farmington Avenue (Cease and Desist)

1. Fines were issued updating them to March 31st. Next week Staff will confirm whether payment was made. If not, the citations will need to be processed through our Citation Hearing Process, and then forwarded to our Town Attorney for further action.
2. Letter will be sent to the owner on 04.01.2024 updating the fines to the end of March 2024 totaling \$44,000:
 - a. \$250.00 - September 8, 2023
 - b. \$6,000.00 – September 9, 2023 to October 2, 2023
 - c. No fines October 3, 2023 to November 1, 2023 while IWC Application was under review.
 - d. \$11,000.00 – November 2, 2023 to December 15, 2023
 - e. \$26,750.00 - December 16, 2023 to March 31, 2024
3. 03.01.2024 – Staff have reviewed this matter with the Town Attorney. Staff will be updating the fines and sending out another citation, and then start the appeal process through our Hearing Officer and then move to a possible civil action.
4. Staff have not had any communication with the owner since 12.01.2023 to discuss the IWC denial of his determination application.
5. The following citations have been issued:
 - a. 2023.09.08 - \$250 (1day x \$250/day)
 - b. 2023.12.15 – \$17,000 (68days x \$250/day)
6. 2023.12.01 – Commission denied the applicants determination request at the 2023.11.01 IWC Meeting. Citations and fine to continue.
7. Our office was notified of clearing on this property, and violation of the 150ft upland review area, and potentially encroachment into wetlands.
8. Town Staff contacted the owner, and a meeting was held on 08.25.2023 with the owner at which time we discussed the upland review area, potential wetland violations, cease and desist process, and the need for installation of erosion control.
9. It was discovered the owner had removed the remains of an old house foundation on the property, graded and disturbed much of the lower portion of the property along the river, breached an old stone wall/berm adjacent to the river, and moved earth material from the area around the old foundation, to alongside the edge of the river.
10. The owner was informed to cease all operations on the property, with the exception of the installation of erosion control, and to contact a Wetland Scientist, Engineer, and Surveyor and suggested they coordinate to have the area mapped for wetlands.
11. Review of the Town of Farmington GIS mapping (included) indicated potential wetlands and FEMA floodway and floodplain mapping on the property. We informed the owner that based on the mapping, it appears they were at a minimum within the 150ft upland review area and within portions of the FEMA floodway and floodplain.
12. We had discussed the installation of a temporary sediment basin on the north side of the stonewall, silt fence and haybales along the area of the breach in the stonewall. Due to the large amount of material used to fill alongside the Farmington River, the pending rain event, and inadequate material onsite to complete the removal, the property owner was ordered to pull back the fill to an acceptable location in an effort to install the proper erosion control. It appears the material was filled over a large portion of ledge outcrop making erosion control difficult to install. The property owner was ordered to contact the Town of Farmington to make the appropriate inspections of erosion control once completed. At this time, the erosion control has not been installed.
13. The owner was asked to continually monitor the erosion control and make necessary repairs.

14. The Cease and Desist was mailed and emailed to the owner on 08.28.2023.
15. The owner had been previously issued a Cease and Desist on October 3, 2011 when he initially started removal of the house, portions of the foundation and grading. The Cease and Desist was lifted after erosion control had been installed and the site was stabilized.
16. Documents included for your review:
 - a. 2011.10.0 – Cease and Desist Letter
 - b. 2023.08.28 – Cease and Desist Letter
 - c. Emails:
 1. 2023.08.18 - Bruce Cyr to Frederick Cornelius regarding our initial discovery of the work.
 2. 2023.08.25 – Bruce Cyr to Frederick Cornelius with a summary of 08.25.2023 meeting.
 3. 2023.08.28 – Bruce Cyr to Frederick Cornelius Cease and Desist
 - d. Mapping:
 1. 1509 Farmington Avenue – TOF GIS Mapping_ 2019 Aerial
 2. 1509 Farmington Avenue – TOF GIS Mapping_ 2019 Aerial w/wetlands
 3. 1509 Farmington Avenue – TOF GIS Mapping w/FEMA Mapping
 - e. Photos:
 1. 2023.08.25_1509 Farmington Avenue
 2. 2023.09.01_1509 Farmington Avenue
 3. 2023.09.05_Property owner photo of E&S
 4. 2023.09.11_1509 Farmington Avenue
 5. 2023.09.19_1509 Farmington Avenue
 6. 2023.10.28_1509 Farmington Avenue_Site Walk
 7. 2023.11.30_1509 Farmington Avenue
 8. 2024.01.10 – 1509 Farmington Avenue (Photos and Video of recent flooding from rain/snow melt)
 - f. All are in the following SharePoint File Location: [1509 Farmington Avenue](#)
17. Actions for the Commission:
 - a. Request additional information as needed (see Items to Consider)
 - b. Review and approve final restoration plan for implementation.
18. Items to Consider:
 - a. Need for additional erosion control measures.
 - b. Provide survey depicting location of wetland flags, contours, FEMA floodway and floodplain, property lines, easements, and limits of disturbance.
 - c. Review limits of all disturbance in any wetlands and/or the 150ft upland review area.
 - d. Development and approval of a restoration plan.
 - e. Timing for installation of the restoration plan.
 - f. Maintenance and review of all plantings for a (3) year period.
 - g. Others as discussed during the meeting.