

TOWN OF FARMINGTON
INLAND WETLANDS COMMISSION

April 22, 2015

Present were Chairman Hinze, Commissioners Amato, Forster, Hannon, Isner, Quigley and Radacsi and Alternate Commissioner Wolf and Assistant Town Planner and Clerk. The meeting was called to order at 7:07 p.m.

Alternate Commissioner Wolf was appointed to vote on behalf of Commissioner Isner for the Martin & Karen Wand application.

PUBLIC HEARING

Country Club of Connecticut LLC – 373 Meadow Road

Regulated activity within upland review area for nine lot subdivision located at 373 Meadow Road. The applicant has withdrawn this application.

Martin & Karen Wand – 85 Prattling Pond Road

Regulated activity in wetlands and within upland review area for four lot subdivision located at 85 Prattling Pond Road. Continued from the April 8, 2015 meeting. Attorney Robert Reeve, Scully, Nicksa & Reeve, stated this is an upland review application for a drainage detention basin installation in conjunction with a four lot cluster subdivision and that the plan has no direct wetlands impact. He then reviewed the history of the process from date of submission of the application and the public hearings to date. The fourth engineering review was received by the applicant today and they have no issue accepting them as conditions of approval. Revisions have been made to the development plans based on an agreement with the property owners at 130 Mountain Spring Road. This agreement includes a conservation easement along the northerly property line to maintain a planted buffer, driveway and parking areas on Lot 9C-1 are to pitch to the south, and minimum side yard setback of 20 feet. Attorney Reeve then responded to correspondence from a neighbor requesting to keep the hearing open so that they can hire an engineer and attorney. Any further delays would have to be granted by the applicant. They do not think there is any more information needed for the Commission to render a decision. Regarding comments suggesting the Commission require underground drainage systems like the Olcott Way subdivision further south on Mountain Spring Road, that subdivision installed a private road to those required standards and this subdivision creates lots accessed by driveways.

William Aston, Buck & Buck Engineers, spoke to revisions made since the last meeting in response to an agreement with 130 Mountain Spring Road. The driveway along the northerly property line was moved, conservation easement also along the northerly property line and rain garden relocation. Mr. Aston then presented an alternate location for the detention basin moving it further away from the road in response to a request from the Town Planner. The outlet will remain the same. He then showed how much clearing would be necessary for

an underground system indicating a significant amount of additional clearing. This area would also have to remain open unlike the proposed basins. Mr. Aston also reviewed the plan for headwall repair at the brook.

Michael Klein, Biologist and Soil Scientist, Environmental Planning Services, commented an underground detention system is not consistent with a cluster subdivision. The alternate location of the basin that was presented has no adverse effect on the wetlands or watercourse. Mr. Klein then reviewed area maps of soil types and seasonal depths to groundwater, USDA Natural Resources Conservation Service soil survey and existing topography and wetland soils in the vicinity of 10 Mountain Spring Road. He commented the water shed area for 10 Mountain Spring Road is different than the subject site. Mr. Klein commented on videos submitted by a resident of 99 Mountain Spring Road. He checked the rainfall for April 20, 2015 and close to two inches of rain fell in less than a 24 hour period so it was not surprising for water to pond in some areas. The video also shows the pipe under the road working as it is supposed to. He then reviewed photos he took of the culvert outlet on the west side of Mountain Spring Road, culvert inlet on the east side of the road.

Commissioner Wolf asked for more information about an underground system. Mr. Aston reviewed and stated all the trees would be lost for the area of an underground system. Commissioner Forster asked what assurance would be in place that the basins will be maintained properly. Attorney Reeve stated he provided a document to staff regarding maintenance of the basins. An underground system would require more involved maintenance. The declaration document will be filed on the land records when the record subdivision map is filed. Mr. Klein stated post-development after vegetation is established in the basins and after silt is removed, the basins would be mowed not more than once a year. When sediment becomes a foot or so deep it will need to be raked out. Regarding underground systems, they tend to be out of sight, out of mind. There are OSHA requirements for access to these spaces and more equipment is required to maintain them. In addition to the underground system they need biological systems. The area required for these systems requires a greater area of clearing, provides no environmental benefit and provides less storm water treatment. Commissioner Amato asked if a contractor can do the maintenance and inspections long term. Mr. Klein responded some contractors do this type of maintenance and inspections. Commissioner Amato asked if there is a way to get a periodic report regarding inspections to assure they are done to determine whether or not maintenance of the basins is needed. Attorney Reeve responded a contractor can do this as a condition of approval until all lots are sold. The owner could also request a report. Commissioner Quigley asked regarding a comparison of rain gardens vs. an underground system if they felt rain gardens were best for this site. Mr. Aston responded rain gardens are definitely preferred. He added not a lot of sediment will get to the basins as storm water will surface flow across forested and lawn areas prior to reaching the basins. The basins will require little maintenance. Commissioner Quigley asked if they have considered implementing an Integrated Pest Management Plan on the lawn areas. Mr. Aston said they have a note on the plan to use pesticides as directed by label. Commissioner Radacsi asked for confirmation that the post construction there will be no increase in runoff for this site. Mr. Aston said that was correct; there will be no increase in peak flow. Commissioner Radacsi commented he read the declaration and that new property owners may have a hard time

understanding it. Attorney Reeve said he can work with staff to improve the language so a simplified maintenance guide can be provided to homeowners at closing. Commissioner Isner asked for clarification on the area of disturbed area and for the proximity of the basin and outlet to the wetlands. Mr. Aston reviewed. Commissioner Hannon commented on a subsurface system and asked about its suitability of this type of system given comments of a high ground water table. Mr. Aston said they would have to install under drains to keep the system flowing and the system would be subject to ground water interference. Commissioner Hannon asked about the storm drainage system and rip-rap swale; how long just having storm water running through rip-rap swale will you have silt in the basins. Mr. Aston responded as long as the construction phase does not have silt run off, he does not expect much silt at all in the basins. Commissioner Hannon asked, regarding maintenance, if a trust fund could be established so there is money available for maintenance when needed. Attorney Reeve said he thought about it and would be willing to work with staff on this. There was some discussion about making sure homeowners budget for maintenance of the basins.

Commissioner Amato stated for the record he missed the March 18, 2015 public hearing but he did listen to the recording of the hearing.

Chairman Hinze asked for clarification on the location of underground utilities. Mr. Aston reviewed the location and the Chairman asked if clay dams along utility trenches for Lot 9-C1 was considered. Mr. Aston said they can add them.

Chairman Hinze noted correspondence received since the last meeting by date and author for the record.

Attorney Timothy Furey, representing Mr. & Mrs. Cellino at 130 Mountain Spring Road, stated they have been meeting with the applicant and have agreed to the conditions of approval as outlined and submitted to the Commission.

Martin Pazzani, 99 Mountain Spring Road, expressed concern with increased drainage, that the residents don't fully understand the project and changes to the scenic road. Adding they will hire an attorney and independent engineer to better understand the proposal.

CJ Thomas, 149 Mountain Spring Road, expressed concern with the basins and general proximity to the road of the third house location.

Portia Corbett, 11 Mountain Spring Road, expressed concern with changes to the scenic road, detention basins and with drainage.

Debbie Andrews, 136 Mountain Spring Road, asked if Mr. Aston and Mr. Klein could oversee construction of the basins. Attorney Reeve stated that is in the plans. Chairman Hinze commented about having a five year period where the basins will be inspected and a report submitted to the Town. Mr. Aston commented on the feasibility of moving the house further away from the road, the basin will still be in the general area it is proposed as it needs to be at the low point. Mr. Klein commented on substantial clearing stated by 99 Mountain Spring Road of 111 Mountain Spring Road, this clearing would not affect wetlands on this site. Mr.

Klein clarified that drainage from 111 Mountain Spring Road does not run off to 99 Mountain Spring Road and that it primarily runs to the south and not the south west. Mr. Klein stated the purpose of environmental planning is not for aesthetics but for protecting resources.

Commissioner Wolf asked if the applicant is willing to make the trail access visible. He would like to see it useable for the public if the land trust doesn't want the open space. Attorney Reeve would be willing to work with the Town on condition of open space.

Attorney Reeve responded to public comment. He stated the Town has engineering staff that are objective and have now reviewed and submitted comments four times. Regarding responsibility of maintenance of the basins, the existing owners will be until all lots are sold and then the new property owners will be responsible. They have gone beyond the right-of-way area to preserve the scenic road along this site by prohibiting disturbance in the fifty foot setback area along the road without plan and zoning approval. The plan proposes no direct impact to the wetlands and minimal work will be done in the upland review area. No expert testimony has been provided that there will be an adverse impact to the wetlands. they believe they have met all requirements and ask that the Commission approve the application.

Upon a motion made and seconded (Hannon/Radacsi) it was unanimously

VOTED: at 8:57 p.m. to close the public hearing.

The Commissioners briefly discussed the application noting very little was under the jurisdiction of the Inland Wetlands Commission but rather more Conservation Commission recommendations to make. The Commission tabled further discussion to the next meeting.

OTHER BUSINESS

No Other Business.

PLANNER'S REPORT

Assistant Planner Dolphin handed out a sample application checklist for the membership to review. She reviewed and said she would make some minor changes for their consideration. Some possible additions will be to require prospective applicants to meet with staff prior to submission of an application. Engineering also is willing to do preliminary reviews

EXECUTIVE SESSION – Pending Litigation – Calco Construction v. Town of Farmington

At 9:17 p.m. a motion was made and seconded (Hannon/Wolf) to go into executive session to discuss pending litigation.

Present at the Executive Session in addition to Commissioners and the Assistant Town Planner and Clerk.

At 9:22 p.m. a motion was made and seconded (Hannon/Wolf) to come out of executive session.

MINUTES

April 8, 2015 Minutes

Upon a motion made and seconded (Wolf/Quigley) it was

VOTED: 6 in favor and 1 abstention (Isner) to approve the minutes of the April 8, 2015 meeting.

The meeting adjourned at 9:23 p.m.

SJM