

TOWN OF FARMINGTON
INLAND WETLANDS COMMISSION

January 8, 2020

Present were Chairman Hannon, Commissioners Fox, Isner, Simpson, Statchen, Tulin, Wolf and Assistant Town Planner and Clerk. The meeting was called to order at 7:00 p.m.

NEW BUSINESS

Earthlight – 70 Batterson Park Road

Informal discussion regarding the installation of a less than 1MW solar array. Eric Virkler, P.E., Earthlight, and George Logan, PWS, Rema Ecological Services, LLC, provided photographs and aerial mapping to generally describe the proposal to install a solar array at 70 Batterson Park Road. The potential solar array area is currently a mowed meadow. Mr. Logan stated the wetlands have been determined to have minimal functions and values and would likely recommend a pollinator seed mix be planted under the array. There was a brief discussion for clarification and then the consensus of the Commission that a formal application be submitted to the Commission.

OLD BUSINESS

Jason Levesque – Lot 9A1 Main Gate

Application for regulated activity within watercourse, wetland and upland review area to construct road with related improvements for four parcels at Lot 9A1 Main Gate (adjacent to 6 Main Gate). The Public Hearing was closed at the December 4, 2019 meeting. Chair Hannon stated for the record that they have listened to a recording of the December 4, 2019 meeting. Commissioners Isner and Fox were present for all hearings while awaiting appointment/re-appointment. All members present are eligible to participate in the discussion and decision of this application. The Commissioners discussed the changes/improvements made to the plans throughout the public hearing process. Given the design and layout of the property, improvements have been made to improve stormwater management and runoff quality; impacts to the wetlands have been minimized; controlling invasive species; retaining wall and pipe improvements; and reducing the number of trees removed. Based on the improvements made, reducing the number of lots is not warranted, as the quantity of lots does not have a material impact on the wetlands. Other comments voiced were the benefit of improvements to the adjacent Main Street parcel; the number of lots proposed ultimately is the purview of the Plan & Zoning Commission; ensuring new homeowners are aware of restrictions regarding the wetlands and are good caretakers of the wetlands.

Commissioner Isner moves and Commissioner Simpson seconds the following resolution:

Whereas the Farmington Inland Wetlands and Watercourse Commission (Commission) received an application to permit regulated activity within the wetland area (culvert replacement and retaining wall installation) and within the 150-foot upland review area (roadway and four-lot subdivision) at 8446 Main Gate as displayed on plans entitled “*Main Gate 2, Main Street, Farmington, Connecticut*” dated June 25, 2019 and revised through November 29, 2019 (sheets 1 through 11), Lot Line Revision plan, Retaining Wall plan sheets S-12-14 and technical reports and documents.

Whereas the proposed project results in the direct permanent impact to 231 square feet of wetlands and direct temporary impact to 100 square feet of wetlands.

Whereas the Commission received the application at its July 10, 2019 meeting, conducted a site visit on July 17, 2019, determined that the activity was significant at its July 24, 2019 meeting and scheduled a public hearing for September 4, 2019; and

Whereas the Commission conducted a properly noticed public hearing on the request in accordance with state and local regulations on September 4, 2019, September 18, 2019, November 20, 2019 and December 4, 2019, where all interested parties were heard; and

Whereas the Commission evaluated the proposal 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, displayed on the engineered drawings entitled "*Main Gate 2, Main Street, Farmington, Connecticut*", dated June 25, 2019 and revised through November 29, 2019 (sheets 1 through 11), Lot Line Revision, Retaining Wall plan sheets S-12-14 and technical reports and documents are in conformance with the requirements found in Section 6 of the Inland Wetlands Regulations; and

Be it further resolved that the Commission finds that there are no feasible and prudent alternatives to the proposed regulated activity within the wetland and watercourse for the construction of a culvert with retaining walls, roadway and subdivision; and while there are extensive alterations proposed within the upland review area, the Commission finds that the proposed plan with the listed permit conditions will minimize direct and indirect impacts to the wetlands; and

Therefore, be it finally resolved the Commission approves the application for said activities within the wetland, watercourse and the 150-foot upland review area, with the following conditions:

1. Engineering Comments dated December 3, 2019 shall be addressed to the satisfaction of the Farmington Engineering Division.
2. As required by the Agreement between the Gerratanas and Main Gate Builders, LLC dated November 12, 2019, conditions 1 through 5 of the Agreement shall be listed on the final plans.
3. Final signed and stamped plans addressing all comments and conditions shall be submitted to the Farmington Planning Division prior to scheduling a preconstruction meeting.
4. 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 on each lot prior to the issuance of the Certificate of Occupancy for each house. The Homeowner's Association documents shall include a copy of the Conservation Easement agreement and shall be provided to each homeowner, including with each transfer of property title.
5. 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.

6. The contractor shall be responsible for providing a dewatering plan for the installation of the culvert and retaining walls to the Town staff for review and approval prior to commencing construction activities related to the culvert and retaining walls.
7. All sediment and erosion control measures and tree protection shall be implemented in accordance with the approved plans and as may be directed by the project engineer or Town staff. Trees identified to be saved on each lot, as presented at the December 4, 2019 hearing, shall also have tree protection fencing installed around them at the dripline of the trees at a minimum prior to construction. A larger protection radius may be directed by the project arborist. Erosion control and tree protection shall be installed prior to construction.
8. The applicant / contractor shall notify the Planning Division once all erosion control and tree protection measures are in place and prior to the start of any demolition or construction activity for Town staff to review and inspect the installation of all measures.
9. Erosion and sediment controls shall be monitored regularly by the project soil scientist, project engineer, or an individual with comparable education and experience acceptable to Town staff 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.
10. Arborist recommendations shall be implemented in accordance with the Shutts Tree Service report dated October 8, 2019. A licensed arborist shall submit weekly inspection reports to the Town staff for the duration of construction activities related to the installation of the road. Subsequent to the road construction the frequency of the arborist inspections can be reduced as agreed to by the Town staff and applicant.
11. Culvert and retaining wall installation shall be limited to low flow times - June 1st through September 30th. Work outside this timeframe may be approved by the Commission with the submission of a detailed construction sequence plan, erosion control plan and dewatering plan.
12. The recorded subdivision plan shall note that the lots are subject to the implementation of an Integrated Pest Management Plan for all landscaping maintenance. Additionally, the Homeowner's Association documents shall indicate that all homes are subject to Integrated Pest Management practices for all landscaping maintenance and shall include the IPM for Homes pamphlet prepared by the Cornell Cooperative Extension.
13. Additional stormwater infiltration measures shall be implemented to further improve water quality, mitigate the increase in impervious cover and mitigate the increase in stormwater flow. The 1-inch water quality volume shall be infiltrated for the roadway or as otherwise approved by the Town Engineer.
14. 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 of the subdivision or for a minimum of five-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.

15. Long term maintenance of the storm sewer system shall be the responsibility of the Homeowner's Association. Long term maintenance efforts include the culvert and retaining walls. The Homeowner's Association shall submit a maintenance report to the Town staff annually by January 31st documenting the maintenance efforts of the preceding year.
16. Install native buffer plantings along the edge of clearing where the activities are closest to the wetland boundaries as recommended in the Wetlands Assessment report prepared by Soil Science and Environmental Services, Inc. dated July 30, 2019. A buffer planting plan shall be prepared by a biologist or wetland scientist and submitted to the Town staff for review and approval. Plantings must be installed prior to the issuance of the certificate of occupancy for the first house.
17. The Developer shall ensure perspective and subsequent purchasers of each lot are aware/knowledgeable about the wetland and conservation restrictions on these lots. Said restrictions shall also be noted in the Homeowner's Association Declaration documents.

This motion to approve was passed unanimously.

PLANNER'S REPORT

41 Woodruff Road

Assistant Town Planner Rutherford stated the plant material is all in and accounted for and the plants have been flagged with ribbon for ease of identification in the spring. Ian Cole, the project wetland scientist, submitted a report on behalf of the owner documenting the health of the plants. No correspondence regarding a fine reduction has been received.

275 Talcott Notch Road

Assistant Town Planner Rutherford stated the plant material is all in and accounted for and the plant tags are on for ease of identification in the spring. Earthen Designs, LLC, the project landscaper, submitted a report on behalf of the owner documenting the health of the plants. Correspondence was received from the homeowner regarding the expenses incurred to implement the restoration plan.

A discussion took place as to the recommended reduction in the fine. All agreed the fine should remain in place until this spring to confirm all vegetation remains in good health.

19 Lake Street

As a follow-up of this matter from the December 4, 2019, the developer has decided to remove the retaining wall/box. The box (6' x 32') is located along the lake front. The wall / box will be removed late winter / early spring.

Training

A Land Use Commissioner Training session will take place Monday, January 27, 2020 at 6:30 p.m. in the Town Hall Council Chambers. All Land Use Commissioners are invited to attend.

MINUTES

Meeting Minutes

12-04-19

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

VOTED: 6 in favor, 1 abstention (Hannon) to approve the December 4, 2019 Inland Wetlands meeting minutes.

The meeting adjourned at 8:28 p.m.

SJM

DRAFT