

TOWN OF NEWINGTON

200 Garfield Street Newington, Connecticut 06111

Town Planner

Memorandum

To: Conservation Commission
From: Erik S. Hinckley, AZT – Asst. Town Planner/Inland Wetland Agent
Date: November 7, 2022
Re: 249 Day Street - Wetland Application 2022-24 to Modify Permit 2022-01

Staff Report:

The applicant is seeking a modification to permit 2022-01 which was approved by this commission on February 15, 2022. They are proposing to expand upon the previously permitted parking area within the URA (upland review area).

The existing parcel is approx. 2.04 acres and contains 0.79 acres of URA and 0.20 acres of wetlands. The property currently exists as a parking lot for Eversource emergency response vehicles. As submitted the plan does confirm the encroachment into the URA, the wetlands themselves were undisturbed. The area of disturbance is noted as 0.59 acres and is delineated on sheet 3 of 5 of the plans. The applicant also retained a soil scientist who flagged the existing wetland areas on the property (see the wetland delineation report dated August 9, 2022) which reduces the amount of regulated areas on the property. The newly flagged wetland areas create 2 (two) small wetland pockets on the property.

The proposed project will expand the previously approved parking area and increase impervious area within the URA. Some additional trees are also proposed along the south side of the project. Water will flow as it naturally has in the past from this site. The runoff will be filtered through a stone filter strip and a stormwater swale before being discharged back into the regulated area. The construction activities associated with the project are typical for parking lot construction (see sheet 4 of 5 for the Erosion Control Plan). Some site clearing and grading will also be required where the parking lot expansion and stormwater swale is proposed.

Commission:

In reviewing this application, the commission should consider the criteria for Considerations for Decision in section 10.2 of the regulations and Vegetated Buffers in section 6.3 of the regulations (attached for your review).

10.2 In carrying out the purposes and policies of sections 22a-36 through 22a-45, inclusive, of the Connecticut General Statutes, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall take into consideration all relevant facts and circumstances, including but not limited to:

a. the environmental impact of the proposed regulated activity on wetlands or watercourses;

b. the applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity which alternatives would cause less or no environmental impact to wetlands or watercourses (such alternatives may include low impact development techniques);

c. the relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses;

d. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures, including low impact development techniques, which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;

e. the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and

f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.

6.3 Vegetated Buffers:

a.....The Commission recognizes the importance of vegetated buffers to enhance and protect areas adjacent to and upstream of wetlands and watercourses. The Commission hereby establishes vegetated buffer zones for the protection of wetlands and watercourses. Vegetated buffers are located within the Upland Review Areas and regulated activities within them are subject to regulation by the Commission.

b.....The final permitted extents of a vegetative buffer shall be determined by the Commission based on the various individual characteristics and conditions relevant to the site. Buffers may be required within 100' of the following named streams; Little Brook, Mill Brook, Piper Brook, Rock Hole Brook, School House Brook and Webster Brook. The Commission reserves the right, on a case by case basis, to require the same type of buffers on other unnamed or intermittent watercourses within the Town of Newington.

c.....Where a vegetated buffer exists and is to be retained, or exists and is required to be enhanced and/or expanded, or one is required to be created.

d.....Plans submitted with applications for permits shall identify any existing vegetated buffers, describing the limits, species of vegetation, (including ground cover), and any other unique characteristics of the buffer; and the plans shall show the extents, species of plants, quantity/density of plantings, and other relevant information for any proposed vegetated buffer enhancements or improvements.

e.....Existing native and beneficial non-invasive vegetation within the buffers, generally, shall be retained in its natural state, or enhanced, as appropriate, whenever possible.

f.....All applications for permits involving work that may impact vegetated buffers shall include an ecological and environmental assessment of the existing and proposed vegetated buffers as related to the subject wetland and/or watercourse. In addition to discussing the specific nature and characteristics of the buffers, the assessment shall present reasoning for any proposed vegetated buffer creation or enhancement, or lack of creation or enhancement, including their limits. This assessment may be waived for applications involving minor disturbances of the vegetated buffers at the discretion of the Commission.

g.....Where the Commission requires the expansion and/or enhancement of an existing vegetative buffer or the planting of a new buffer, or the buffer is otherwise proposed, plantings shall be a native canopy or shade trees, shrubs, and herbaceous plants, or other beneficial species. Vegetated buffers may be required to be planted to naturalize the edge of the disturbed areas and may be planted within uplands and/or wetlands. The requirements for specific vegetated buffers shall be subject to a case-by-case determination by the Commission for each application.

h.....The Commission may require specifications for vegetated buffer plants, including soil preparation and installation methods, to be included with the application submittal. The vegetated buffer plantings may be modeled after the following:

i) “Riparian Forest Buffers – Function and Design for Protection of Water Resources,” published by the USDA.

ii) “Vegetated Buffer Strips for Streams, Lakes, and Ponds,” published by the Thames River Basin Partnership Initiative.

iii) “The Importance of Streamside Buffers,” published by the Rivers Alliance of Connecticut.

i.....The use of wetland vegetated buffer areas for passive recreation is permitted. Any regulated activities associated with the construction, development, or maintenance of the vegetated buffers for passive recreation shall be subject to regulation by the Commission.