

**OFFICE OF
CORPORATION COUNSEL**

May 2, 2016

Inland Wetlands and Watercourses Agency
Town of West Hartford
50 South Main Street
West Hartford, CT 06107

RE: IWW Permit #1020 – Request for Transfer of Permit to New Property Owner

Honorable Commissioners:

You may recall that on January 5, 2015, this Agency granted a permit to the Town of West Hartford to conduct certain regulated activity in connection with proposed repairs to a bridge on North Main Street just north of Wyndwood Road. Some of the work proposed is to occur on private property at 4 Wyndwood Road, which is immediately adjacent to the bridge. As part of its Inland Wetlands and Watercourses application materials, the Town agreed to submit a request for this agency's approval of a patio and driveway expansion at 4 Wyndwood Road, which the homeowner wanted to construct. The permit approved by this agency on January 5, 2015, included that work.

On February 3, 2016, the property at 4 Wyndwood Road was sold to Sara E. Pileski and Christopher Walker-Diaz. These new property owners still wish to build the patio and driveway addition previously approved by this agency, but section 11.9 of your regulations states that "[n]o Permit shall be assigned or transferred without the written permission of the Agency." This letter is written to request that permission. We are not requesting any change to the substantive terms of your prior approval. We simply request approval of the transfer of the permit to the new property owners.

To be clear, the new property owners began construction of the patio within the past few days, unaware that transfer of the permit was required. Rather than waiting another month to address this issue on your June agenda, we respectfully request that you also suspend your rules to permit consideration of this request at your meeting of May 2nd. It was our sense that bringing the matter to your attention as quickly as possible was the best approach under the circumstances.

Very truly yours,



Patrick G. Alair
Deputy Corporation Counsel

c: Duane Martin, Town Engineer
Sara Pileski and Christopher Walker-Diaz
Michele Parrotta, Esq.



TOWN OF WEST HARTFORD
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January 16, 2015

Duane Martin
Town Engineer
Town of West Hartford
50 South Main Street
West Hartford, CT 06107-2485

SUBJECT: North Main Street Bridge Rehabilitation - IWW #1020

Dear Mr. Martin:

At its regular meeting of Monday, January 5, 2015, the West Hartford Town Plan and Zoning Commission, acting as the Inland Wetland and Watercourses Agency, gave consideration to the following item:

Application (IWW #1020) of the Town of West Hartford (Duane Martin, Town Engineer) requesting approval of an Inland Wetlands and Watercourses Permit to conduct certain regulated activities which may have an adverse impact on a wetland and watercourse area (Trout Brook). The Town proposes to fully rehabilitate the North Main Street Bridge between Linbrook Road and Brookside Boulevard. The proposed rehabilitation will slow the bridge's deterioration, eliminate water penetration, improve load carrying capacity and extend its service life. (Submitted for IWWA receipt on December 1, 2014. Determined to be potentially significant and set for public hearing on January 5, 2015.)

After a detailed review of the application and its related exhibits and after consideration of staff technical comments, and the public hearing record the IWWA acted by **unanimous vote (5-0)** (Motion/Seder; Second/Freeman) (Donelson seated for Prestage) to **CONDITIONALLY APPROVE** the proposed regulated activity and to direct that a wetland permit to be issued. During its discussion and deliberation on this matter, the Agency made the following findings:

NORTH MAIN STREET BRIDGE REHABILITATION
INLAND WETLAND APPLICATION IWW#1020
COMPLIANCE WITH SECTION 10.2 and 10.4
STANDARDS AND CRITERIA FOR DECISION

The request to conduct certain regulated activities in West Hartford, Connecticut pursuant to an Inland Wetland and Watercourse application IWW #1020 should be approved as the Standards and Criteria for Decision as set forth in the Inland Wetlands and Watercourses Regulations for the Town of West Hartford in Section 10.2 have been favorably met. During its discussions and deliberations on this matter, the agency made the following findings:

[1.] The environmental impact of the proposed regulated activity on wetlands or watercourses will not be so significant as to warrant the denial of this application.



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[2.] The applicant's purpose for the proposed regulated activity is a valid and useful one which alternatives would cause less or no environmental impact to wetlands or watercourses;

[3.] The feasible and prudent alternatives to the proposed activity have been analyzed by the applicant and the proposed activity is likely to cause less or no environmental impact to wetlands or watercourses than those alternatives.

[4.] The short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses are not to be so significant as to warrant denial of this application.

[5.] The long term productivity of the wetlands or watercourses will not be damaged by the approval of this application;

[6.] The proposed regulated activity will not cause irreversible and irretrievable loss of wetland or watercourse resources.

[7.] The proposed regulated activity neither threatens nor impacts the safety, health or reasonable use of property; and

[8.] The proposed regulated activity and future activities associated with or reasonably related to, the proposed regulated activities which are made inevitable by the proposed regulated activity will not have significant impacts on wetlands or watercourses outside the area for which the activity is proposed.

In addition the Agency considered measures which would mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements or safeguards which could feasibly be added to the plan or action to avoid the reduction of or damage to the wetland's or watercourses natural capacity to support desirable biological life, prevent flooding, supply water, control sedimentation and/or prevent erosion, assimilate wastes, facilitate drainage, and provide recreation and open space. The Agency renders its decision to issue this permit on the following considerations and criteria:

- A. That the natural functions and quality of water in local drainage systems both on and off-site shall be preserved and maintained.
- B. That the overall impact of this development on the environment will be kept to a minimum if the conditions imposed by this permit are carried out by the applicant.
- C. There are no reasonable and prudent alternatives which will allow the same activity to be carried out on the proposed site.
- D. During the period when this permit remains in force, the applicant and the Inland Wetland and Watercourses Agency will be working together in good faith to resolve any matters that may arise relative to the environmental impact on the community due to the activities of the applicant.

The Agency hereby authorizes the applicant to conduct a series of regulated activities on parcels of land which fall under the jurisdiction of the Inland Wetlands and Watercourse Act of the Connecticut General Statutes and the Inland Wetlands and Watercourses Regulations of the Town of West Hartford. Said parcels of land are generally located on 172 & 175 North Main Street and 4 & 14 Wyndwood Road.

This permit is issued and made subject to the following conditions:

- 1) Plans of record are incorporated by reference in this permit as fully set forth herein.
- 2.) Town Engineering Division and Planning Division shall receive copies of all material received by IWWA and DEEP.
- 3.) The wetland permit is subject to full compliance with the Town erosion and sediment requirements.
- 4.) This IWWA permit approval shall be stripped onto the final set plan.
- 5.) The applicant shall retain a professional engineer to oversee construction of all improvements and related facilities and certify they have been constructed in accordance with the approved plan.

SPECIAL SITE DEVELOPMENT AND EROSION CONTROL CONDITIONS

An integral requirement of this approval is the early installation and construction of all drainage facilities, and all needed erosion and sedimentation control measures. Prior to the start of any construction, related to on-site improvements, site grading or unit construction, the applicant shall install the needed protective measures and shall continuously maintain such throughout the construction process. The requirement of Article VIII, at Section 177-60 through 177-67 of the Code of Ordinances related to Erosion and Sedimentation Control shall govern all site construction activity.

In addition to the above basic requirements, this permit is issued and made subject to the following conditions:

- 1) The applicant shall retain a professional engineer to inspect/oversee construction and the installation/maintenance of the sedimentation and control measures. Inspection shall occur weekly and after each rainstorm and during major storm events to determine all sedimentation and erosion control measures are adequately in place and effective. Biweekly inspection reports shall be provided to the Town Planner and Town Engineer.
- 2) Removal of topsoil will not be permitted until the required siltation/erosion control devices have been installed and inspected by the applicant's engineer. The applicant's engineer shall certify that all erosion and sedimentation controls have been installed according to the approved plan.
- 3) Disturbed areas that will remain idle for extended periods shall be mulched or temporarily seeded for erosion control.

- 4) The top soil will be stockpiled only in an approved location and shall be contained by baled hay or screen filters which will be installed and maintained around the entire perimeter.
- 5) No unnecessary encroachments of construction equipment or vehicles shall be permitted in non-construction areas. Vehicular access to undisturbed areas of the site is restricted to the minimum necessary to complete erosion control and drainage systems.
- 6) Filters or hay bales shall be installed around all catch basins inlet grates.
- 7) During construction, outlets of any drainage systems shall be protected by hay bale filtration screens or splash pools.
- 8) In addition to the measures shown on the plans, additional erosion and sedimentation control measures shall be installed when determined necessary by the Director of Community Services, or his designee.
- 9) The placement and maintenance of all erosion and sediment control measures must meet or exceed specifications set forth in 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, by the Connecticut Council on Soil and Water Conservation.
- 10) The permit shall expire if not exercised within two (2) years from the date of issuance, or date of final resolution of any legal action challenging this permit. This permit shall not be assigned, transferred, sublet or sold to any other person without written permission of the Agency.

By this letter the IWWA is transmitting a notice of IWW permit approval. This notice is given to the West Hartford Town Clerk and to the State of Connecticut Department of Energy & Environmental Protection per the requirements of the Inland Wetlands and Watercourses Regulations.

If you have any questions regarding this letter, please feel free to contact the Planning Office at 860.561.7555.

Very truly yours,



Kevin Ahern, Chairman
TPZ/IWWA

Cc: Mark McGovern, Director of Community Services
Essie Labrot, Town Clerk
Todd Dumais, Town Planner
Joseph O'Brien, Corporation Counsel
Duane Martin, Town Engineer
Brian Pudlik, Zoning Enforcement Officer
Brian McCarthy, Conservation and Environment Commission
Department of Energy & Environmental Protection
Subject IWW File