



BlueFoxRun Golf Course
Wetlands Map Amendment
5 November 2020



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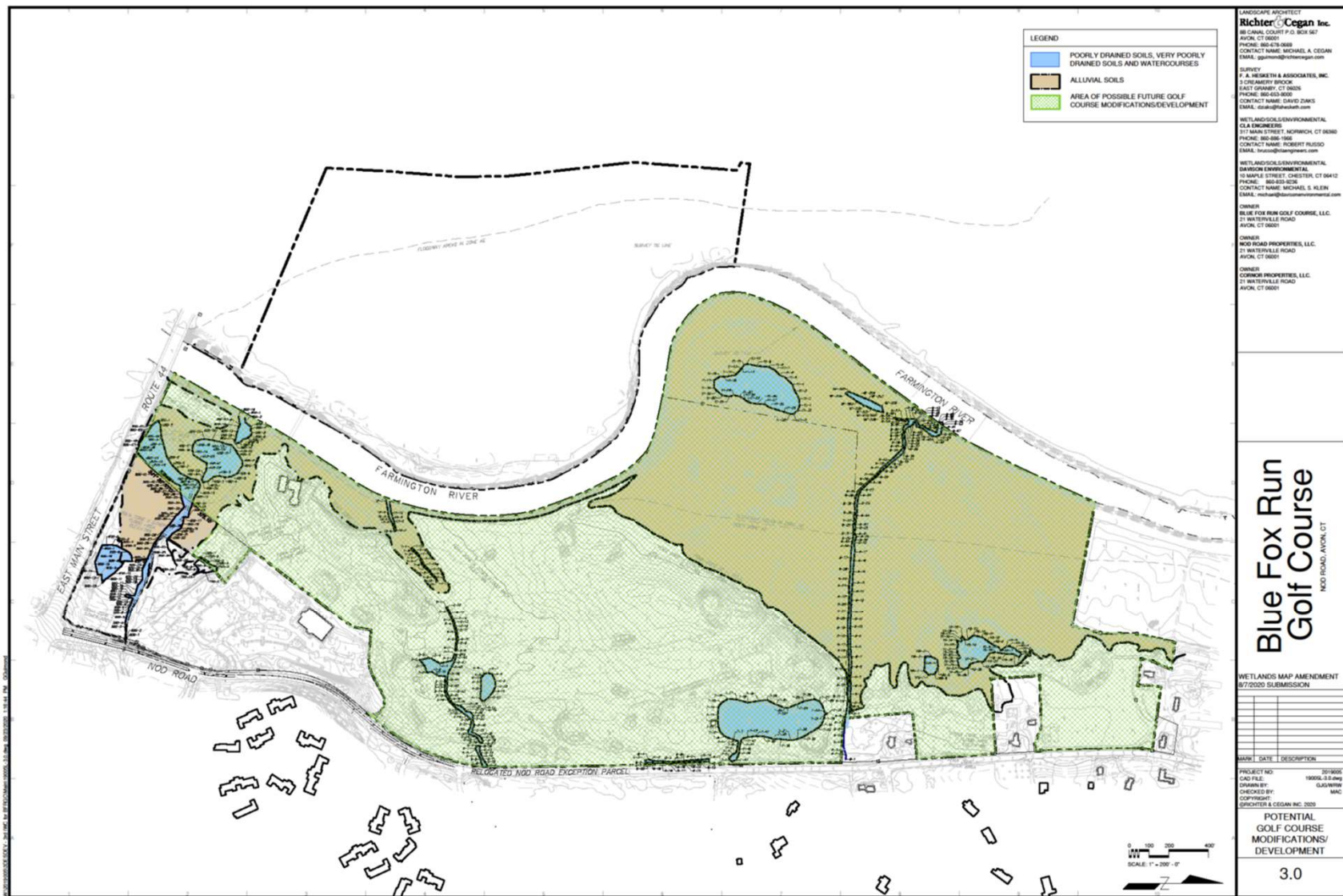
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OWNER:
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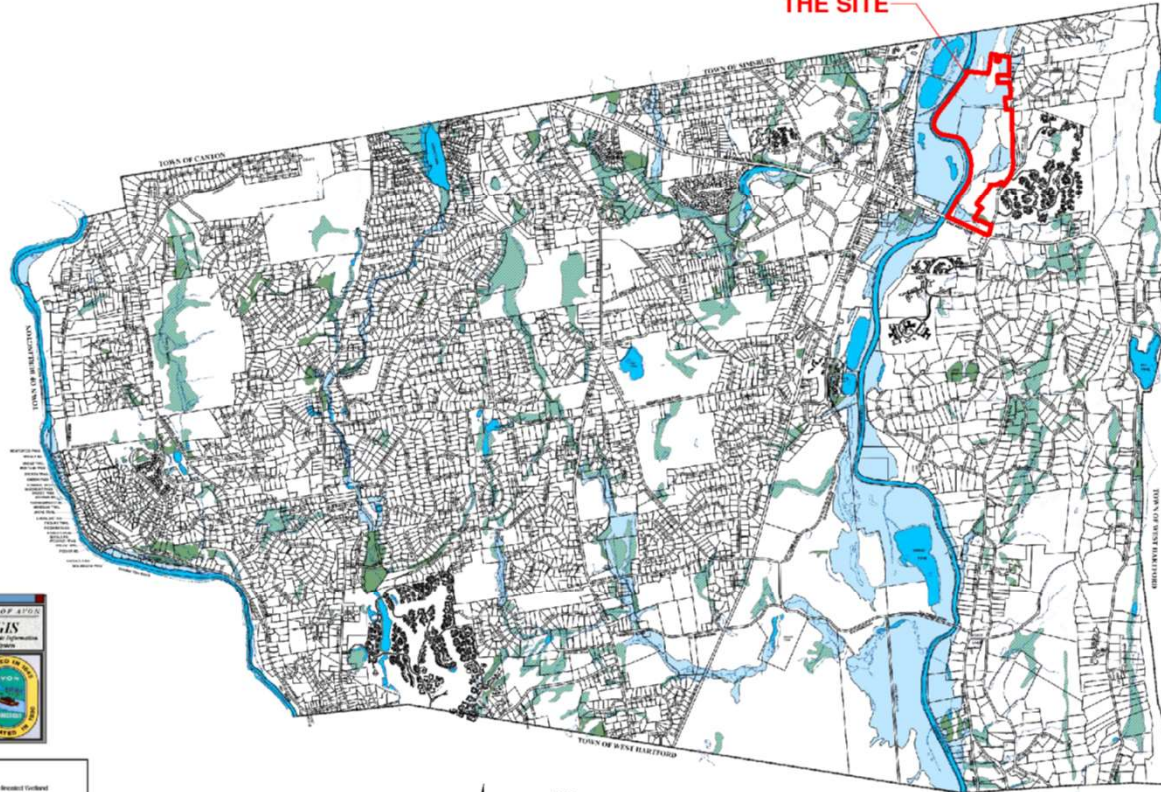
OWNER:
NOD ROAD PROPERTIES, LLC
21 WATERVILLE ROAD
AVON, CT 06001

OWNER:
COMMON PROPERTIES, LLC
21 WATERVILLE ROAD
AVON, CT 06001



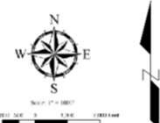
Inland Wetlands & Water Courses Town of Avon, Connecticut

THE SITE



- LEGEND**
- Forest (Undisturbed)
 - Forest (Disturbed)
 - Pasture and Very Pasture (Disturbed)
 - Waterbodies and Watercourses
 - Wetlands and Marshes
 - Other

NOTES:
1. This map was prepared by the Town of Avon GIS Department.
2. The map is for informational purposes only and should not be used for legal or regulatory purposes.
3. The map is based on the best available data and is subject to change without notice.



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2. The map is for informational purposes only and should not be used for legal or regulatory purposes.
3. The map is based on the best available data and is subject to change without notice.

SCALE: 1" = 1000' - 10"

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OWNER
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Blue Fox Run Golf Course

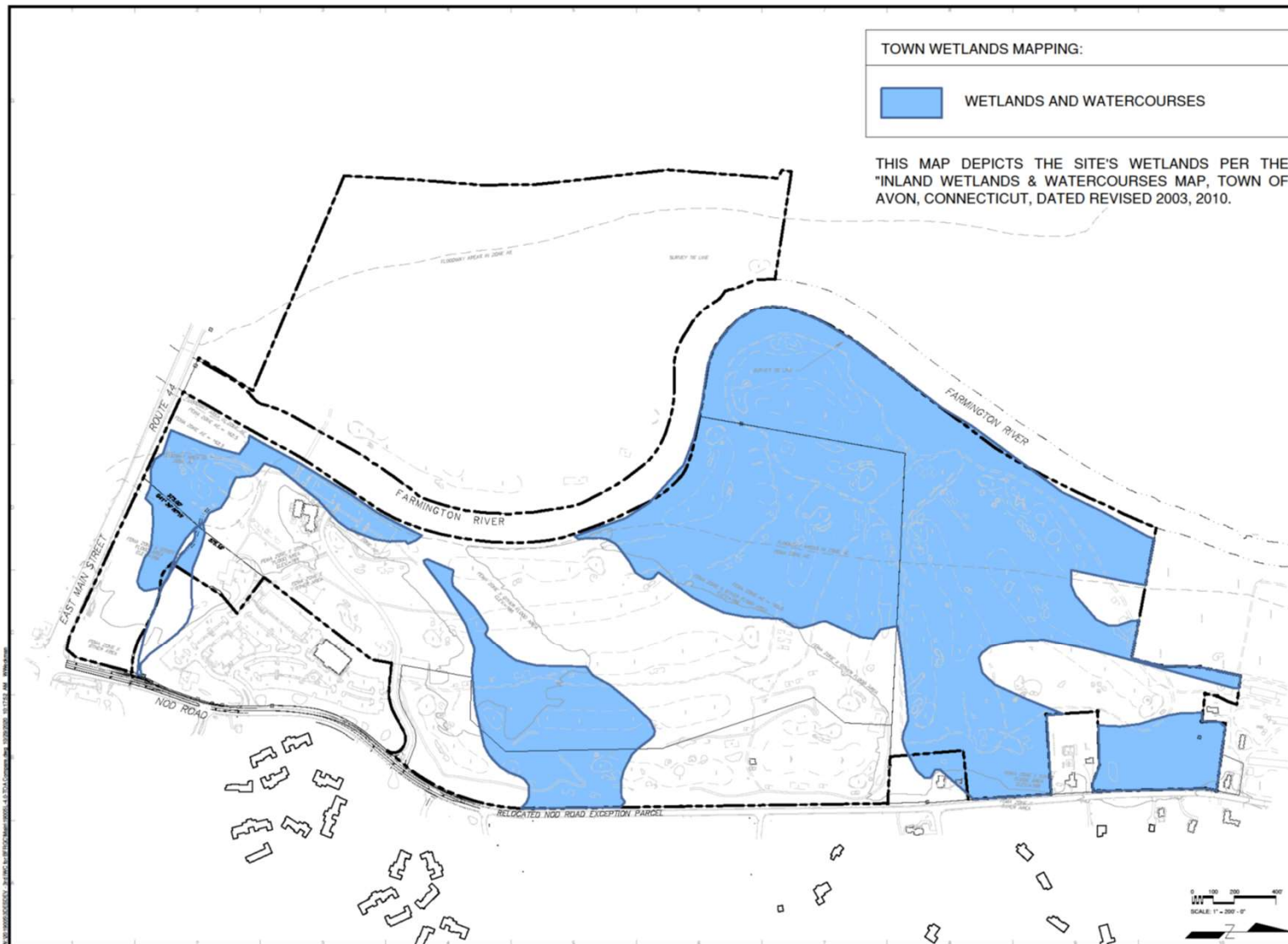
NO. 2 ROAD, AVON, CT

WETLANDS MAP AMENDMENT
8/7/2020 SUBMISSION

NO.	DATE	DESCRIPTION
1	8/7/2020	INITIAL PUBLIC HEARINGS

PROJECT NO: 3616005
CAD FILE: 190805.4-0-TOR Compars.dwg
DRAWN BY: GABRIELLA
CHECKED BY: MAC
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TOWN OF AVON
WETLANDS MAPPING



TOWN WETLANDS MAPPING:

WETLANDS AND WATERCOURSES

THIS MAP DEPICTS THE SITE'S WETLANDS PER THE "INLAND WETLANDS & WATERCOURSES MAP, TOWN OF AVON, CONNECTICUT, DATED REVISED 2003, 2010.

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**Blue Fox Run
Golf Course**
 NOD ROAD, AVON, CT

WETLANDS MAP AMENDMENT
 8/7/2020 SUBMISSION

NO.	DESCRIPTION	DATE	BY
1	10/20/2019	10/20/2019	10/20/2019

PROJECT NO. 190001
CAD FILE 190001-4-0-TOR-Complete.dwg
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**TOWN OF AVON
WETLANDS MAPPING**

4.2



FIELD DELINEATED WETLANDS MAPPING:



WETLANDS AND WATERCOURSES

THIS MAP WAS PREPARED FOR COMPARISON PURPOSES WITH THE TOWN WETLANDS MAPPING. THIS MAP DEPICTS THE SITE'S FIELD DELINEATED WETLANDS PER DRAWING 2.0, ENTITLED "FIELD DELINEATED WETLANDS AND WATERCOURSES," DATED 8/7/2020.

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 AVON, CT 06001

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Blue Fox Run Golf Course NOD ROAD, AVON, CT

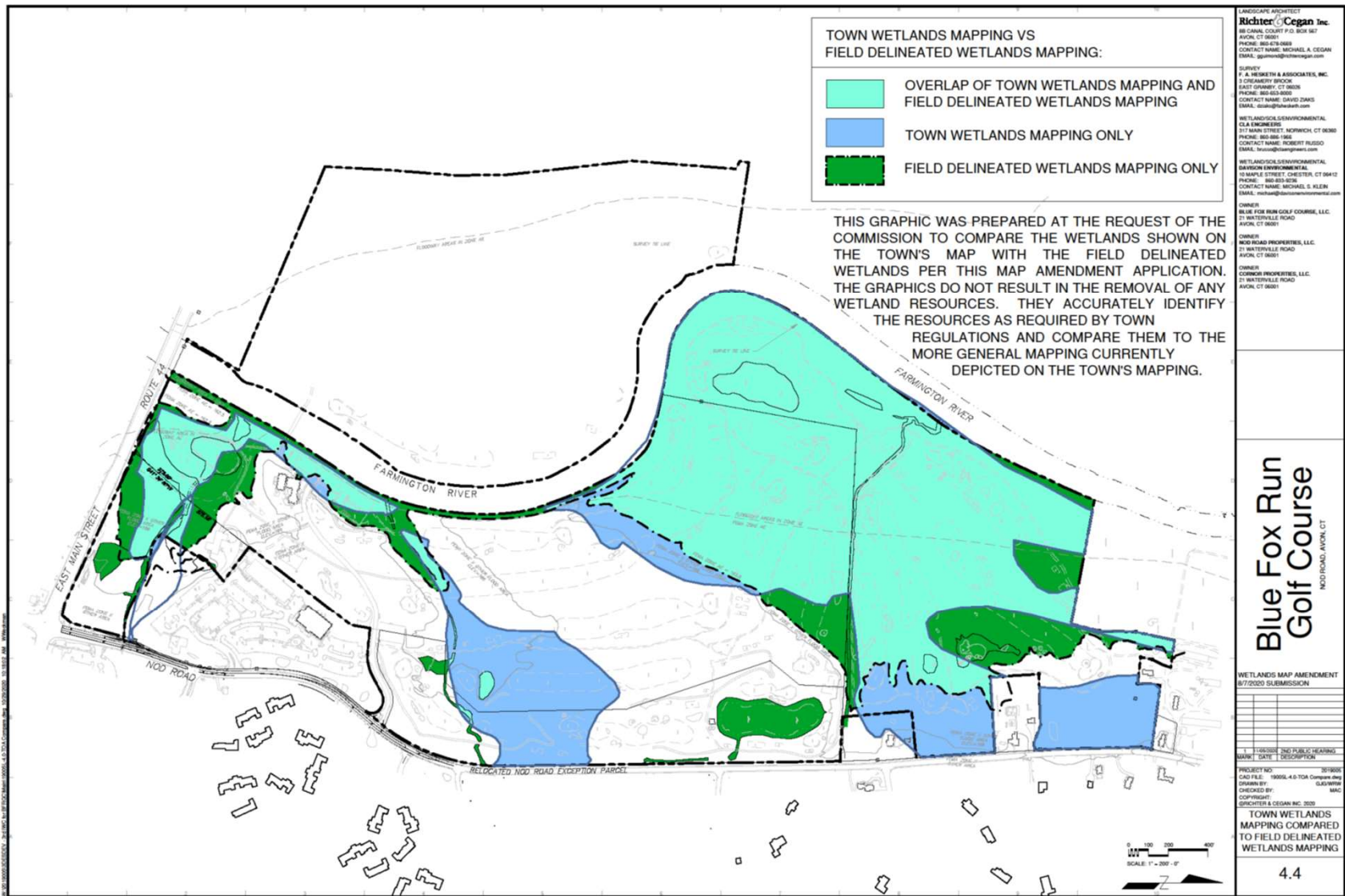
WETLANDS MAP AMENDMENT
 8/7/2020 SUBMISSION

NO.	DATE	DESCRIPTION
1	8/7/2020	PRELIMINARY
2	8/7/2020	FINAL PUBLIC HEARINGS
3	8/7/2020	FINAL

PROJECT NO: 20190001
 CAD FILE: 190001_4.3-TOR Compans.dwg
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 CHECKED BY: MAC
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FIELD DELINEATED
 WETLANDS MAPPING

4.3





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 AVON, CT 06001

OWNER
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Blue Fox Run Golf Course
 NOD ROAD, AVON, CT



AVON • BLOOMFIELD • BOLTON • BRISTOL • BURLINGTON • CANTON • COVENTRY • EAST GRANBY • EAST WINDSOR • EAST HARTFORD • ELLINGTON
ENFIELD • FARMINGTON • GLASTONBURY • GRANBY • HARTFORD • MANCHESTER • PLAINVILLE • SIMSBURY • SOMERS • SOUTH WINDSOR
STAFFORD • SUFFIELD • WEST HARTFORD • WETHERFIELD • TOLLAND • VERNON • WILLINGTON • WINDSOR • WINDSOR LOCKS

Date: September 22, 2020

To: Town of Avon Inland Wetlands Commission
John McCahill, Director of Planning and Community Development, Town of Avon

From: Barbara Kelly, Registered Soil Scientist, SSSSNE, CPESC #2180

Barbara Kelly

Page 2 – Blue Fox Run - Avon

Observations (cont'd)

- The surficial geology, three modified watercourses that transect the parcel, presence of outwash on part of the flood plain, and development of high terraces along high gradient streams provided evidence of a complex pattern of natural soil development.
- The flags marking the boundary of hydric/wetland soils and watercourses appeared accurate.
- Alluvial soils, a portion of which were high terrace alluvial soils, and glacial outwash soils were present.
- Alluvial soils were noted in areas outside the wetland boundary that had been delineated on the preliminary map.

Comment

The District concurs with the delineation presented in the 8/7/20 submission. While not affecting the

In mapping alluvial soils with a mixture of undisturbed and disturbed areas, it is standard practice to utilize elevation observations. Utilization of flood elevation is consistent with this practice.

Golf Course (preliminary map). For this report, the District reviewed the August 7, 2020 Wetland Map Amendment Soils Report prepared by CLA Engineers, Inc. and the Davison Environmental Wetland Boundary Map Amendment letter dated August 7, 2020. The "Blue Fox Run Golf Course - Wetland Map Amendment, 8/7/20 Submission" plan sheets titled field delineated wetlands and watercourses, compilation plan-logged soil test locations, and potential golf course modifications/development were

reduced, the likelihood of continued alluvial deposition; climate change driven increases in intensity and frequency of storms, development upslope across Nod Road, and modification of the watercourses crossing the site may create backwater situations, and possibly increase alluvial deposition and short-term flooding events along the smaller watercourses.

- Occum Soils and similar alluvial soils on the site typically have lenses of gravel and sand with depth.

The wetland delineation shown on the "Blue Fox Run Golf Course - Wetland Map Amendment, 8/7/20 Submission" accurately and optimally represents wetland boundaries and soil conditions observed during the field inspection and follows recommendations, professional judgment, and conclusions reached in the virtual meeting.

on areas where the municipal wetland map is significantly different than the field delineated wetland. The District will typically not recommend changes if discrepancies do not involve significant areas or resources and fall within generally accepted standards of professional judgment. After the June 10, 2020 site inspection, we discussed observations, recommendations, and professional judgement with Michael S. Klein and Robert Russo in a virtual meeting on June 18, 2020.

Observations

- The site contained a complex pattern of natural soil horizons and, on significant portions of the site, soil horizons that had been disturbed by the historical land uses of agriculture and development of the golf course and infrastructure.

boundary was delineated in consultation with the mapped hydric wetland soils and watercourses to create the delineation presented in the 8/7/20 Wetlands Submission. The District concurs with this delineation.

The wetland delineation shown on the "Blue Fox Run Golf Course - Wetland Map Amendment, 8/7/20 Submission" accurately and optimally represents wetland boundaries and soil conditions observed during the field inspection and follows recommendations, professional judgment, and conclusions reached in the virtual meeting.

Thank you for the opportunity to comment.

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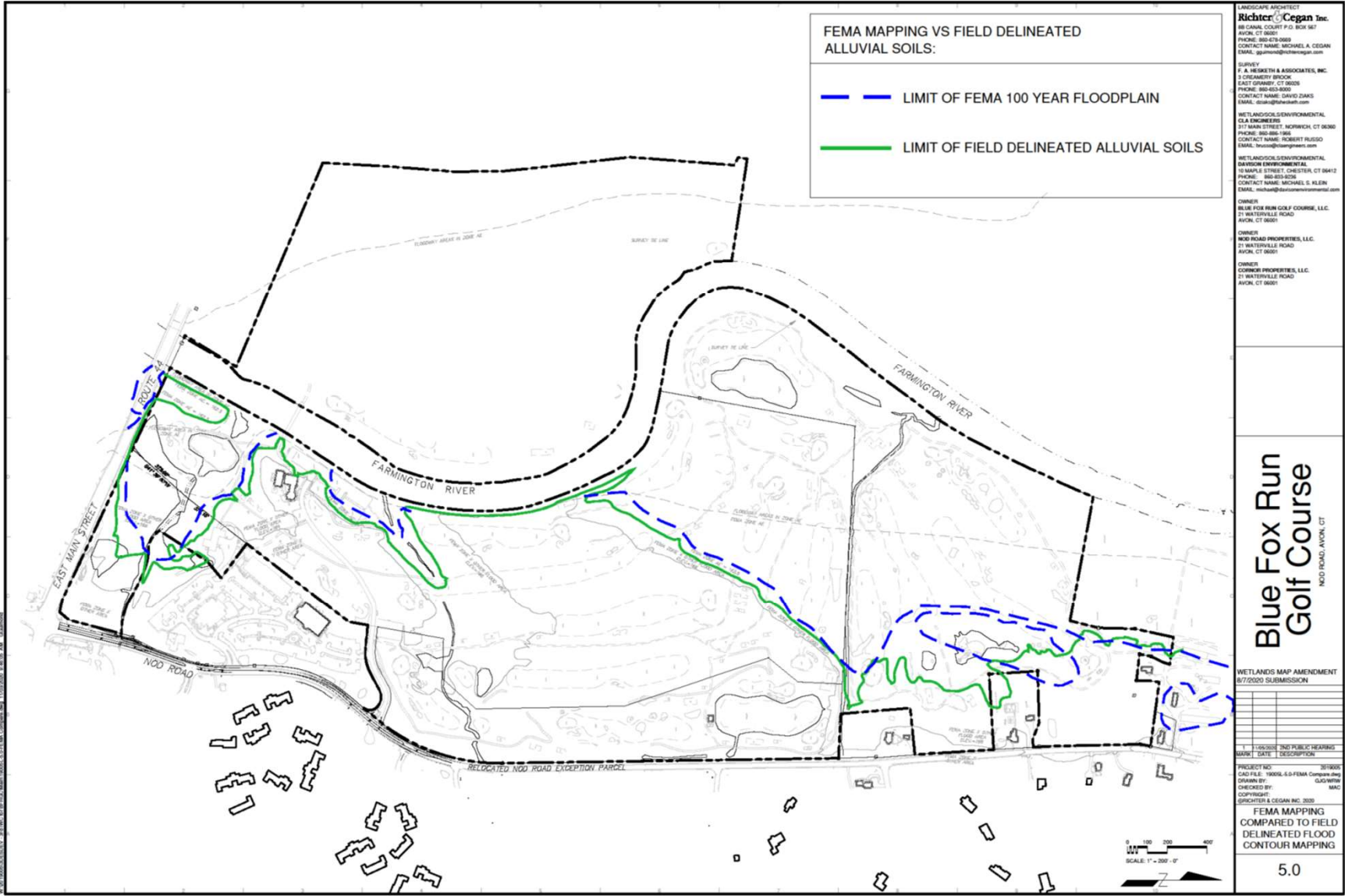
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Blue Fox Run Golf Course
 NOD ROAD, AVON, CT



Michael W. Klemens, LLC
POB 432—105 Main Street
Falls Village, CT 06031
October 30th 2020

Attorney Brian Smith
Robinson and Cole, LLP
280 Trumbull Street, Hartford, CT 06103

Dear Attorney Smith

I have reviewed various reference documents in the file regarding the second attempt to amend the

Where in that statement which has appeared in several letters I have written (most recently October 28, 2020) is there any discussion or implication made that the Connecticut Siting Council uses the 500-year flood line as a wetland line? I served on the Council for more than seven years and our concern for infrastructure was to place it above the 500-year flood, sometimes even higher. The Council relied on wetlands boundaries delineated by soil scientists, as is the practice throughout Connecticut.

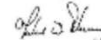
Mr. Klein says it is accepted practice to delineate wetlands on a site before development plans are made and that he has four delineation projects in his backlog. It is correct that it is accepted practice to delineate wetland constraints prior to designing a development. But this is something all together different, there is a current wetland delineation. Even the Applicant's own consultants, when pressed on this issue during the October 6th 2020 public hearing, conceded that the customary procedure to

"I have repeatedly stated that I am not a soil scientist."

"The issue for me is not the delineation line per se, but the fact that the 500-year flood area is currently protected as "mapped wetlands" and will no longer be protected from development by this amendment to the Avon wetland map".

"[t]he Applicant seeks to take the Town of Avon backward by removing regulatory protection from large areas of floodplain."

500-year flood area is currently protected as "mapped wetlands" and will no longer be protected from development by this amendment to the Avon wetland map. Attempts to disqualify me on this basis ring hollow—the facts are that if the Avon IWWA allows this map amendment to proceed there will be large



Section III G Avon Zoning Regulations

"As a result of past flooding including the effects of the 1938 and 1955 hurricanes in Avon, these regulations exceed the minimum requirements of the Federal Emergency Management Agency.

The 500-year floodplain is hereby defined as the design flood elevation (DFE) for the Town of Avon.

All new construction...used for human occupation, shall have the floor elevation of all stories elevated above the 500-year floodplain elevation."

14. In this Application, the Applicant again seeks to delineate wetlands on the Property

"The Application proposes significant amendments to the delineation of wetlands and watercourses on the Property but does not accurately delineate wetlands"... "would likely delineate more wetlands on the Property than the applicant."

15. A public hearing to consider the Application is scheduled for October 6, 2020 and

The wetland delineation shown on the "Blue Fox Run Golf Course - Wetland Map Amendment, 8/7/20 Submission" accurately and optimally represents wetland boundaries and soil conditions observed during the field inspection and follows recommendations, professional judgment, and conclusions reached in the virtual meeting.

[NCCD Letter Dated 9/22/2020](#)

SEPTEMBER 29, 2020

natural resources of the State for the following reasons:

VERIFIED PETITION FOR INTERVENTION
UNDER GENERAL STATUTES SECTION 22a-19(a)

Nod Road Preservation Inc. ("NRP"), a 501(c)(3) non-profit corporation, P.O. Box #233, Avon, CT 06001, hereby intervenes in the above-captioned matter pursuant to Connecticut General Statutes Section 22a-19(a), and represents that:

1. **NRP's mission is to protect the natural beauty, country peacefulness, and authentic**

charm associated with Nod Road and the greater Farmington Valley through responsible land

A. The Application will result in direct and indirect impacts to wetland and watercourse resources and will likely adversely affect wetlands and watercourses.

Inadequate consideration has been given to preservation of the existing wetland and watercourse resources.

B. The Application proposes significant amendments to the delineation of wetlands and watercourses on the Property but does not accurately delineate wetlands.

"Using current accepted and more conservative methodology (the FEMA 500 precautionary flood-line) to identify alluvial soils would result in a more accurate delineation of wetlands".

General Statutes Section 22a-10(c) that

"The issue for me is not the delineation line per se, but the fact that the 500-year flood area is currently protected as "mapped wetlands" and will no longer be protected from development by this amendment to the Avon wetland map."

[Dr. Michael Klemens Letter Dated 10/30/2020](#)

public trust in the air, water or other natural resources of the state.

wetlands on the Property than are shown in the Application.

ATTACHMENT 2

Robinson+Cole

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Direct (860) 275-8224

Robinson+Cole

Clifford S. Thier, Chair
October 28, 2020
Page 3

II. Reason No. 2 – The Inland Wetlands and Watercourses Regulations do Not Permit the

“FEMA mapping cannot be used to delineate wetlands”

“To be clear, Nod Road Preservation, Inc. does not endorse the concept of using FEMA mapping as an alternative... [h]owever, if the Commission is now willing to accept a surrogate then adopting the conservative approach is far more prudent”

“In mapping alluvial soils with a mixture of undisturbed and disturbed areas, it is standard practice to utilize elevation observations. Utilization of flood elevation is consistent with this practice.”

[NCCD Letter Dated 9/22/2020](#)

The wetland delineation shown on the "Blue Fox Run Golf Course - Wetland Map Amendment, 8/7/20 Submission" accurately and optimally represents wetland boundaries and soil conditions observed during the field inspection and follows recommendations, professional judgment, and conclusions reached in the virtual meeting.

[NCCD Letter Dated 9/22/2020](#)

“Dr. Michael Klemens notes that due to the effects of climate change and in light of resultant resiliency planning, the 100-year flood is no longer considered as the operative standard to allow natural systems to function properly. State agencies are now considering the 500-year flood as the appropriate precautionary standard for resiliency planning purposes. Use of the 500-year floodline would be especially appropriate for the subject site given that it is prone to flooding.”

“The issue for me is not the delineation line per se, but the fact that the 500-year flood area is currently protected as “mapped wetlands” and will no longer be protected from development by this amendment to the Avon wetland map.” [Dr. Michael Klemens Letter Dated 10/30/2020](#)