

**BRISTOL INLAND WETLANDS COMMISSION
MINUTES
REGULAR MEETING OF WEDNESDAY FEBRUARY 3, 2021**

CALL TO ORDER:

By: Chairman Fisk

Time: 7:00 P.M.

Place: City Hall

ROLL CALL:

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS:	Zachary Fisk (Chairman)	X	
	Chet Reed (Vice Chairman)	X	
	Sebastian Panioto (Secretary)	X	
	Michael Robinson	X	
	James Carros	X	
	David Rooks	X	
	Tammy Kelly	X	
ALTERNATE MEMBERS	David Scarritt	X	
	Daniel Massaro, Jr.	X	
	Carolyn Checoves	X	
STAFF	Carol Noble, P.E., Environmental Engineer	X	

PLEDGE OF ALLEGIANCE:

The next Regular Meeting of the Inland Wetland Commission: Wednesday, March 3, 2021.

INTRODUCTIONS AND SEATING OF ALTERNATES:**PUBLIC PARTICIPATION (NON-PENDING APPLICATIONS):**

There was no public participation.

ADMINISTRATIVE MATTERS:

1. Approval of Minutes – January 6, 2021

Commissioner Panioto explained the January 6, 2021 minutes needed a correction to the vote on Item #10, Staff Reports, IWEO Monthly Reports, December 2020, which Commissioners Panioto and Kelly were not in attendance and did not vote. The correct Commissioners that voted on Item #10 were Robinson, Rooks, Carros, Reed and Fisk, which was motioned by Commissioner Robinson and Commissioner Rooks seconded.

Also, a correction to Item #13, Application #1593, Cedar Hill Subdivision, Bristol Crossings, November 2020 and December 2020 Inspection Reports, there were no votes shown, but the correct Commissioners that voted were Robinson, Carros, Reed, Rooks and Fisk. This was motioned by Commissioner Robinson and Commissioner Carros seconded.

MOTION: Move to approve the minutes of the January 6, 2021, regular meeting, with correction as noted by Commissioner Panioto.

By: Robinson

Seconded: Carros.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.

Against: None.

Abstained:

None.

Items #3 and #4, under Pending Applications, were taken out of order.

MOTION: Move to amend agenda order to hear attorney's request for pending Applications #1910 and #20-467F-256 next.

By: Panioto

Seconded: Robinson.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.
Against: None.
Abstained: None.

PENDING APPLICATIONS:

3. Application 1910 – Wetlands Application to the activity in the upland review area is excavation of floodplain to compensate for floodplain filling related to the construction of drive thru only for Dunkin' Donut shop and related infrastructure; 172–176 East Main Street.; Map 41; Lot 33; The Ghio Family Limited Partnership, applicant.
4. Application 20-467F-256 – Floodplain Application for excavation of floodplain to create volume storage to compensate for filling associated with construction of a drive thru only Dunkin' Donut shop and related infrastructure; 172–176 East Main Street; Map 41; Lot 33; The Ghio Family Limited Partnership, applicant – (Application continued from January 6, 2021).

The Commission received the following items in their electronic packets: a Floodplain Compensation Planting Details report dated November 2, 2020, entitled "*Floodplain Compensation Planting Details, Ghio Property, 17 – 174 East Main Street, Bristol, CT, Soil Resource Consultants*"; a stormwater management report entitled "*Stormwater Management Report Including 2, 5, 10, 25 and 100 Year Storms, Ghio Family Limited Partnership, 172-176 East Main Street, Forestville, CT, prepared by Andrew Quirk, P.E., Kratzert, Jones & Associates, Inc, dated October 21, 2020, Revised January 27, 2021, by Andrew Quirk, P.E.*"; a planting detail report entitled "*Floodplain Compensation Planting Details, Revised to January 27, 2021, Bill Ghio Property, 172-174 East Main Street Bristol, CT, prepared by Soil Resource Consultants.*"

Attorney Furey, 43 Bellevue Avenue, on behalf of the applicant, explained that changes have been made and coordinated with the City Engineering staff to better accommodate floodplain storage and direct water flow away from the street system and toward the wetland. He requested that both applications be considered in a public hearing at the March meeting. He also requested that re-walking the site be waived due to the weather conditions and that the Commission recently visited the site, and there are many photos that can be provided.

MOTION: Move to consider wetland Application #1910 and Floodplain Application #20-467F-256 as significant activities and be scheduled for public hearings for March 3, 2021. No site visit will be scheduled before the public hearings.

By: Robinson

Seconded: Reed.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.
Against: None.
Abstained: None.

The Application #1910 and Application #20-467F-256 were scheduled for public hearings.

Item #6, under Old Business, was taken out of order.

MOTION: Move to amend agenda to hear Item #6 next: Superior Electric - Permit Application #1876 - Monthly Progress Report (01-21-21).

By: Chet Reed

Seconded: Rooks.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.
Against: None.
Abstained: None.

OLD BUSINESS:

2. Superior Electric - Permit Application #1876 - Monthly Progress Report (01-21-21)
Restoration Project - Schedule Update - January 21, 2021.

The Commission received the following items in their electronic packets: an e-mail dated January 21, 2021, from Almudena Villanueva, P.E. to Carol Noble, P.E., regarding the Superior Electric Restoration Project, Schedule Update January 21, 2021; a monthly report dated January 25, 2021 (fourteen attached photographs dated December 23, 2020 to January 18, 2021.)

David Monz, Updike, Kelly and Spellacy, 265 Church Street, 10th Floor, New Haven, on behalf of the applicant, explained the property was being stabilized and de-commissioned most likely next week. Then remobilize the property in April and then have a request to the Commission to finish the planting and mulching. He noted Carol Noble was inspecting the property on February 4, 2021 at 10:00 A.M.

After inquiry by Ms. Noble, Mr. Monz explained the remediation was finished and the restoration was being worked on areas 4B, 5 and 6.

The report was acknowledged; no action was taken.

Item #5, under New Business was taken out of order.

MOTION: Move to amend the agenda to move to Item #5, New Business, next.

By: Robinson

Seconded: Panioto.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.

Against: None.

Abstained: None.

New Business

5. 31 Vantana Drive - Cease and Correct

The Commission received the following items in their electronic packets: a letter dated January 26, 2021, from Jason Gagnon, Environmental Protection Technician to Samantha Belanger, regarding a Cease and Correct – Filling and Grading within a Flood Plain and Wetlands (two attached maps.)

Ms. Noble explained this was a compliance action and the property owners were cooperative and were in attendance to explain how the property was brought into compliance.

Samantha Belanger and Johnathan Guest, 31 Vantana Drive, the property owners, addressed the Commission regarding the Cease and Correct letter that was issued. Mr. Guest indicated that they placed fill for a shed and were unaware of the wetland and floodplain requirements until the compliance officer came to the property. They responded with the silt fence right away and indicated that they would remove the fill, revegetate and restore the site. They will work with the Engineering Department on a new shed location, and submit appropriate permit(s).

After inquiry by the Commission, Mr. Guest indicated the only alternative location for the shed was to the rear of the garage. The patio was existing when the house was purchased; he was unsure if it had a permit.

Ms. Noble indicated they will assist the property owners to locate the storage shed to not impact the sewer line with and administrative IW permit.

MOTION move that, under compliance, to allow the property owners of 31 Vantana Drive to remove the fill addressed in the Cease and Correct, dated January 26, 2021, and re-vegetate no later than April 30, 2021. Engineering Staff will work with property owners for an alternate location of the shed, but no fill because there are floodplain areas and wetlands issues on the property for compensatory

reasons. If the shed is proposed to be relocated, an Inland Wetlands Administrative Permit shall be required.

By: Robinson

Seconded: Reed.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.

Against: None.

Abstained: None.

After inquiry by Mr. Guest, the Commission explained they would allow tto the end of April to remove the end of April to remove the sand from the property.

MOTION move to amend the motion to allow the property owners until the end of April to remove the sand from the property.

By: Robinson

Seconded: Reed.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.

Against: None.

Abstained: None.

Item #2, Public Hearings, was resumed.

MOTION: Move to amend the agenda to resume Item #2, Public Hearings, next.

By: Robinson

Seconded: Panioto.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.

Against: None.

Abstained: None.

PUBLIC HEARINGS:

3. Application AWR 20-1 – Draft Amendments: Proposed Amendments to various sections of the Inland Wetlands and Watercourses Regulations to include the following: Section 2– Definitions; Section 4– Permitted Uses as of Right and Nonregulated Uses; Section 6– Regulated Activities to be Licensed; Section 7– Application Requirements; Section 9– Public Hearings; Section10– Considerations for Decision; Section 11– Decision Process and Permit; Section 14– Enforcement; Section15– Amendments; Section 21– Effective Date of Regulations – (Public Hearing continued from January 6, 2021).

- a) Section 4
- b) Section 6
- c) Section 7
- d) Section 10
- e) Section 11
- f) Section 14.2
- g) Section 14.3
- h) Sections 14.4
- i) Section 14.5
- j) Section 15.7
- k) Section 15.8

The Commission received the following items in their electronic packets: an e-mail dated November 30, 2020, from Carol Noble, P.E., Environmental Engineer to DEEP.Municipal.Inland.Wetland.Regis@ct.gov; Robert Flanagan, City Planner; Richard Lacey, Corporation Counsel; Nancy Levesque, P.E., City Engineer and Raymond Rogozinski, P.E., Director of Public Works, regarding 2020, City of Bristol, Proposed Inland Wetlands and Watercourse Regulations (with attached Inland Wetlands and Watercourses Regulations draft revisions rev 11-30-2020.docx; 01-06-21 pre legal (newspaper).docx; the following of Legislation and Regulatory Advisory Letters – 2009 to present Inland Wetlands and Watercourse Model Municipal Regulations (4th edition May 1, 2006) –

(34 pp): a memorandum dated December 16, 2015, from Betsey Wingfield, Bureau Chief, Bureau of Water Protection and Land Reuse to Connecticut's Municipal Inland Wetlands Agencies, regarding 2015 Legislation and Regulation Advisory (attached Substitute Senate Bill No. 1033, Public Act No. 15-85; Substitute House Bill No. 6942, Public Act No. 15-68; Application for Regulated Activity Timeline) Revised dated February 2015; a memorandum dated August 29, 2012, from Betsey Wingfield, Bureau Chief, Bureau of Water Protection and Land Reuse, regarding 2012 Legislation and Regulation Advisory; a memorandum dated September 8, 2011, from Betsey Wingfield, Bureau Chief, Bureau of Water Protection and Land Reuse, regarding 2011 Legislation and Regulations Advisory; a memorandum dated November 17, 2010, from Betsey Wingfield, Bureau Chief, Bureau of Water Protection and Land Reuse, regarding 2010 Legislation and Regulations Advisory; a memorandum dated March 3, 2010, from Betsey Wingfield, Bureau Chief, Bureau of Water Protection and Land Reuse, regarding 2009 Legislation and Regulations Advisory with attached regarding Substitute House Bill No. 5254, Public Act No. 09-181 and a copy of the Inland Wetlands and Watercourses Model Municipal Regulations, Fourth Edition, dated May 1, 2006; Also, three draft applications, respectively: Administrative Wetlands Permit, dated January 1999 with attached Stipulations (2/21); Form IW-1 (Application for a Wetlands Permit), dated January 2010 and Form IW-2 (Application for a Wetlands Boundary Change), dated January 10, 2010.

Carol Noble, P.E., Environmental Engineer, Public Works Department, 111 North Main Street, representing the applicant, addressed the Commission that DEEP has not responded to the submittal. The forms have been edited to electronic filing with one final paper required copy. The Amendment may be approved this evening, but an effective date is needed, which would allow for ConnDEEP to review. However, she had to review the standard stipulations to address long term maintenance of projects, which needed to be updated and reviewed by the Engineering Department. These stipulations would be reviewed at the March meeting. She reviewed some examples of the stipulations the State of Florida incorporated into their stipulations. The Bristol Storm Water Trust has examples of long-term storm water maintenance. After inquiry by the Commission, she explained there was existing language and also contacts/Staff that may be added to the stipulations. The US EPA also has a document.

The Chairman noted the stipulations do not require the public hearing as the Amendment. He suggested some workshops/meetings, if necessary. Also, they would check these documents when they review the stipulations for their vote. The Commission requested a definition and items for pesticides in the stipulations, which they drafted some stipulations. They may have Corporation Counsel review them. They suggested to review the State Regulations. The Commission had a discussion regarding pesticides on commercial and residential properties; near watercourses and enforcement.

Ms. Noble agreed that pesticides may be put in the stipulations or the Ordinances, but it was difficult to enforce.

MOTION: Move to approve Application AWR 20-1 – Draft Amendments: Proposed Amendments to various sections of the Inland Wetlands and Watercourses Regulations to include the following: Section 2– Definitions; Section 4– Permitted Uses as of Right and Nonregulated Uses; Section 6– Regulated Activities to be Licensed; Section 7– Application Requirements; Section 9– Public Hearings; Section 10– Considerations for Decision; Section 11– Decision Process and Permit; Section 14– Enforcement; Section 15– Amendments; Section 21– Effective Date of Regulations.

By: Reed

Seconded: Carros.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.

Against: None.

Abstained: None.

The application is approved.

The Commission and Ms. Noble discussed concerns of pesticides effects on public water supply, wells and wildlife, but it was a complex issue.

OLD BUSINESS

The Commission continued Old Business.

After inquiry by the Commission, Ms. Noble explained there would be a tentative meeting on February 17, 2021, with the Parks and Recreation Department, regarding various concerns, including building dams and stockpile issues. The Parks and Recreation Department was preparing an application. The Parks Department would attend that meeting regarding the Pequabuck River Water Shed Based Plan. The Commission would discuss the concerns as Ms. Noble had mentioned with various agencies/individuals at this meeting.

The Commission suggested the Commission schedule a meeting with the Parks and Recreation Department and their team to discuss their various concerns including liability.

STAFF APPROVED APPLICATIONS/UNPUBLISHED

4. Administrative Applications Approved

APP# Approved Administrative	Street No.	Address	Purpose of App.
101886	30	Mattatuck Rd.	500 gal above ground propane tank and piping to generator
101887	58	Tyler Way	Install pool
101888	35	Winding Brook Rd.	construct gazebo

MOTION: Move to place staff approved applications on file.

By: Robinson

Seconded: Panioto.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.

Against: None.

Abstained: None.

The application are place on file.

STAFF REPORTS:

5. IWEO Monthly Reports – January 2021

The Commission received the following items in their electronic packets: the Inland Wetlands Enforcement Officers Report, dated January 26, 2021; a letter dated January 12, 2021, from Jason Gagnon, Environmental Protection Technician, to Bristol Thai, LLC, regarding Notice of Violation, Debris along edge of Pequabuck River, 170 Riverside Ave.; a letter dated January 12, 2021, from Jason Gagnon, Environmental Protection Technician, to TJR Realty, LLC, regarding Notice, Response to Drainage Concerns, 28 Judd St.; a letter dated January 20, 2021, from Jason Gagnon, Environmental Protection Technician, to Renald Chasse, regarding Notice of Violation, Impacting flow of Tributary "A", 53 Rich Ln. and a letter dated January 26, 2021, from Jason Gagnon, Environmental Protection Technician, to Samantha Belanger, regarding Cease and Correct, Filling and Grading within a Flood Plain and Wetlands, 31 Vantana Dr. (two attached maps.)
Jason Gagnon, Environmental Protection Technician

Ms. Noble, P.E., explained the administrative applications with the new recently approved Amendments would have a new process to advertise a legal notice with all the various local and State requirements. After inquiry by Ms. Noble, the Chairman suggested to review the new process with the Corporation Counsel Office.

MOTION Move to file the report from the Inland Wetlands Zoning Enforcement Officer.

By: Robinson

Seconded: Panioto.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.

Against: None.

Abstained: None.

The report is filed.

6. Chimney Crest Condominium Association, Inc.
Pond Maintenance Letter Request

The Commission received the following items in their electronic packets: a letter dated January 26, 2021, from Carol Noble, P.E., Environmental Engineer to Chimney Crest Condominium Association, Inc., regarding Chimney Crest Detention Pond Maintenance and Schedule; two photographs dated January 14, 2021 and January 25, 2021, respectively; a letter dated April 19, 2004, from Margaret Rattigan to Lee Levesque, former Chairman Conservation Commission and Inland Wetlands Agency; a copy of the Inland Wetlands minutes dated April 19, 2004/Special Meeting April 26, 2004 (Pgs. 1-2.)

Ms. Noble, P.E., explained the letter went to the agent and not to the condominium association, but would be resent. This pond has not been maintained for the area. This item was just for their information.

MOTION Move to file the report from the Chimney Crest Condominium Association, Inc.

By: Robinson

Seconded: Panioto

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.

Against: None.

Abstained: None.

The report is acknowledged, no further action was taken.

CONSERVATION COMMISSION:

COMMUNICATIONS:

7. Community Science LI 2021
2021 Webinar Series: Community Science LI (Long Island)

The Commission received the following items in their electronic packets: a registration notice of Community Science, Long Island Sound Study (LISS), New York Sea Grant (NYSG), and Seatuck Environmental Association (Seatuck) for 2021.

The registration notice was acknowledged; no action was taken.

8. FRWA 319 grant application - FY2021 DEEP

The Commission received the following items in their electronic packets: a copy of the application entitled "*Application for CT DEEP Nonpoint Source Grant, § 319 of the Federal Clean Water Act, Deadline to Submit for FY 2021: January 14, 2021*"; Sheets 1, 2, 3, 4, 5 and 6 respectively, entitled Vicinity Map, Overall Construction Plan, North Lot Piping Plan, Bioswale Planting Plan, South Lot Tree Well Plan and Camera Location Plan; a letter dated January 13, 2021, from Raymond Rogozinski, P.E., Director of Public Works to Aimee Petras, Program Director, Farmington River Watershed Association, regarding Section 319 Edgewood School Ecologically based storm water improvements (with attached sheet "Bristol Public Works – Project team, roles and resumes."); a letter dated January 11, 2021, from Mary Rydingsward, President, Pequabuck River Watershed Association, regarding a letter in support of the Farmington River Watershed Association's (FRWA) application for 319 funding to design and install a bio-infiltration project; the following resumes: Mary Moulton, BS UMASS Educational Consultant and Treasurer, Pequabuck River Watershed Association (PRWA); Mary Rydingsward, MBA; Michelle Rudy and Aimee Petras.

Ms. Noble, P.E., explained there were minutes for this item, but in May 2021 the City would receive notification if they receive this funding.

The grant application was acknowledged; no action was taken.

9. Application #1891 – Barnum Road –Willow Industries Maintenance Reports

The Commission received the following items in their electronic packets: Maintenance Reports, Willow Industries Barnum Road, Earth Removal Operation, dated January 11, 2021 and January 15, 2021, Inspected By: Kyle Schultz and Schultz Corporation, respectively.

MOTION Move to file the report Application #1891 – Barnum Road –Willow Industries Maintenance Reports.

By: Reed

Seconded: Carros.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.

Against: None.

Abstained: None.

The report is filed.

ADJOURNMENT:

MOTION: Move to adjourn at 8:20 P.M.

By: Reed

Seconded: Robinson.

For: Panioto, Robinson, Carros, Kelly, Reed, Rooks and Fisk.

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,
Robin Klug

Zachary Fisk, Chairman
Inland Wetlands Commission

Sebastian Panioto, Secretary