

**BRISTOL INLAND WETLANDS COMMISSION  
MINUTES  
REGULAR MEETING OF WEDNESDAY APRIL 3, 2019**

**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
	Michael Robinson	X	
	Sebastian Panioto	X	
	James Carros	X	
	Tammy Kelly		X
	David Rooks	X	
ALTERNATE MEMBERS	Daniel Massaro, Jr.		X
	David Scarritt	X	
	Carolyn Checovetes	X	
STAFF	Carol Noble, P.E., Environmental Engineer	X	

**PLEDGE OF ALLEGIENCE**

**PUBLIC PARTICIPATION**

(15 minutes total – 3 minutes per citizen; comments are limited to agenda items other than development applications.)

There was no public participation.

**ADMINISTRATIVE MATTERS:**

1. Approval of Minutes – March 6, 2019

**MOTION:** Move to approve the minutes of the March 6, 2019, regular meeting, as amended.

By: Robinson

Seconded: Carros.

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

Against: None.

Abstained: None.

**PENDING APPLICATIONS**

There were no pending applications.

**PUBLIC HEARINGS**

There were no pending public hearings.

**NEW APPLICATIONS**

1. Application #1864 - Wetlands Application for construction of retaining wall, walkway, curb and fence repair along Pequabuck River at School St. and West St. intersection; Assessors Map 29, Lot 88. City of Bristol, applicant.
  - a. Assessor's Map with Inland Wetlands Watercourse Layers
  - b. Application
  - c. Site photos (three pages)
  - d. Plan (Electronic Copy Only)

Nancy Levesque, P.E.  
 Assistant City Engineer  
 Public Works Department  
 111 North Main St.  
 Bristol, CT 06010

Ms. Levesque explained the Pequabuck River conduit was constructed in the 1960's in this section. A retaining wall conduit is in disrepair and there is undermining in the parking lot and behind the retaining wall. The Engineering Department has contacted contractors and engineers to assist them. The work includes repair of the retaining wall, rip-rap, additional rip-rap construction and retaining walls. Also, if damaged, repairs to sidewalks, parking lot and metal fencing. Today the installed snow fences had to be taken out of the river. A survey was done and the inland wetlands were delineated. No work would be done in the river during construction, which would be done during low flow time and to be finished as soon as possible. There would be grouting behind the wall and a restored rip-rap shelf similar to the original work that has deteriorated.

After inquiry by the Commission, Ms. Levesque explained the photographs were from last week, but fencing has fallen today because of the windy weather.

**MOTION:** Move to receive Application #1864.

By: Robinson

Seconded: Panioto.

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

Against: None.

Abstained: None.

The application is received.

After inquiries by the Commission, Ms. Levesque explained the work would be done in a three week timeframe, to be scheduled with the contractors during the current low river level. She commented the State would be doing some work in this area. There would be no additional repairs. The alternative was a full replacement with significant costs and impacts. The floodplain area would not be effected, but rip-raps would be constructed and detritus removed along the bank. The equipment would not be on the main stream beds, but there would be small equipment on the edge. The work area location is difficult with a culvert and buildings. Most of the work would be done from the top at the parking lot.

Ms. Noble explained the work was important for safety and an environmental restoration because materials were eroding into the water. This would stabilize the bank.

The Commission declared this a non-significant activity because of its urgency with the understanding that most of the work was being done from the top of the parking lots and small equipment brought in daily.

**MOTION:** Move to declare Application #1864 a non-significant activity.

By: Robinson

Seconded: Panioto.

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

The application was declared a non-significant activity.

**MOTION:** Move to approve Application #1864 - Wetlands Application for construction of retaining wall, walkway, curb and fence repair along Pequabuck River at School St. and West St. intersection; Assessors Map 29, Lot 88. City of Bristol, applicant, in accordance with the plot plan and information submitted with standard stipulations.

By: Robinson

Seconded: Panioto.

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

The application is approved with stipulations.

2. Application #19-462F-239— Flood Plain Application for construction of retaining wall, walkway, curb and fence repair along the Pequabuck River; Assessors Map 29, Lot 88. City of Bristol, applicant.
  - a. Assessor's Map with Floodplain Layers
  - b. Application
  - c. National Flood Hazard Layer FIRMette Map
  - d. Plan (Electronic Copy Only)

Chairman Fisk explained items discussed for Application #1864 would also apply to Application #19-462F-239.

**MOTION:** Move to receive Application #19-462F-239.

By: Robinson

Seconded: Carros.

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

The application is received.

Nancy Levesque, P.E.  
Assistant City Engineer  
Public Works Department  
111 North Main St.  
Bristol, CT 06010

After inquiries by the Commission, Ms. Levesque explained during the construction process the contractor would take measures for storm events. The contractors stabilize the areas on a daily basis, which was also a part of the Engineering Departments requirements. There would be inspectors reviewing the work for requirements.

**MOTION:** Move to approve Application #19-462F-239 – Flood Plain Application for construction of retaining wall, walkway, curb and fence repair along the Pequabuck River; Assessors Map 29, Lot 88. City of Bristol, applicant, in accordance with the plot plan and information submitted with standard stipulations.

By: Robinson

Seconded: Carros.

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

Against: None.

Abstained: None.

The application is approved with stipulations.

- 3. Application #1865 - Wetlands Application for bike path and ramp upgrades along Right of Way safety enhancements: roadway striping, signage, ramp, ramp improvements and at-grade sidewalk connections at Downtown Corridor Sidewalks – Muzzy Field to Downs St.; various locations. City of Bristol, applicant.
  - a. Assessor’s Map with Inland Wetlands Watercourse Layers
  - b. Application
  - c. List: Summary of Work in Regulated Areas: Community Connectivity
  - d. Plan (Electronic Copy Only)
  
- 4. Application #19-462F-240 –Flood Plain Application for Right of Way safety enhancements: roadway striping, signage, ramp, ramp improvements and at-grade sidewalk connections at Downtown Corridor Sidewalks-Muzzy Field to Downs St.(various locations.) City of Bristol, applicant.
  - a. Assessor’s Map with Inland Wetlands Watercourse Layers
  - b. Application
  - c. List: Summary of Work in Regulated Areas: Community Connectivity
  - d. Plan (Electronic Copy Only)

Chairman Fisk explained that Applications #1865 and #19-462F-240 would be heard concurrently, but voted on separately.

Nancy Levesque, P.E.  
Assistant City Engineer  
Public Works Department  
111 North Main St.  
Bristol, CT 06010

Ms. Levesque explained the City received a community connectivity grant to help fund connectivity from Muzzy Field to Memorial Boulevard for sidewalk improvements; ADA compliant sidewalk ramps; additional sidewalks; wayfaring signs; road signs; Memorial Boulevard bicycle path and roadway grade adjustments to make it bicycle and pedestrian friendly. There are multiple locations from Downs Street to Muzzy Street as the plans indicated.

**MOTION:** Move to receive Application #1865.

By: Robinson

Seconded: Carros.

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

Against: None.

Abstained: None.

The application #1865 is received.

**MOTION:** Move to receive Application #19-462F-240.

By: Robinson

Seconded: Carros.

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

Against: None.

Abstained: None.

The application #19-462F-240 is received.

Ms. Levesque explained the work would all be done within the City right of way to make the City more pedestrian and bicycle friendly.

After inquiries by the Commission, Ms. Levesque reviewed the few areas near the inland wetlands on Downs Street and South Street, but it was mostly a few areas on Memorial Boulevard. The bicycle path was only on the street and no additional pavement proposed. There were prior proposed plans (finished) for pavement striping without expanding the pavement width. The sidewalks would be repaired, ADA detectable warning strips would be installed and some grading correction. There were additional proposed 5' wide sidewalks. The work on South Street includes the wayfaring signs, detectable warning strips at handicapped ramps. Most of the new sidewalk is proposed on Downs Street (1,500 sq. ft. on one side) and because of the difficult grading may be restricted to one side.

Ms. Noble explained the small portion of sidewalk missing on Riverside Avenue (intersection of Blakeslee St., Riverside Ave., Memorial Blvd. and Downs St.). The Downs Street sidewalk work is outside the floodplain. The new sidewalk work on Downs is south of the Pequabuck Bridge, going up the hill and near the cemetery. The new work also includes pavement striping and sidewalk demolition for delineators and ramp improvements.

After inquiries by the Commission, Ms. Noble explained the area on Riverside Avenue at the missing sidewalk is located in a compacted flat area at least ten feet away from the slopes. The regulated area was mostly Memorial Boulevard for the bicycle path pavement striping, signs and delineators (existing developed area.) South Street is above the regulated area. The crosswalks on Tulip Street were outside of regulated areas and there were sidewalks in the regulated area near the Rockwell Park area. Ms. Levesque explained the existing drainage areas were not being improved for any storm water from the sidewalks. There was a two foot sump in the catch basins to help catch sediments and debris.

Chairman Fisk's opinion was there were a few areas the Commission should schedule for site inspection and review for public hearings. The Commission discussion was a large project should be reviewed for site inspection.

**MOTION:** Move to declare Application #1865 a significant activity and set a public hearing for the May 1, 2019 meeting and schedule an onsite inspection for April 20, 2019.

By: Robinson

Seconded: Panioto.

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

Against: None.

Abstained: None.

The application #1865 was declared a significant activity, scheduled for public hearing and scheduled for onsite inspection.

**MOTION:** Move to declare Application #19-462F-240 a significant activity and set a public hearing for the May 1, 2019 meeting and schedule an onsite inspection for April 20, 2019.

By: Robinson

Seconded: Panioto.

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

Against: None.

Abstained: None.

The application #19-462F-240 was declared a significant activity, scheduled for public hearing and scheduled for an onsite inspection.

**STAFF-APPROVED APPLICATIONS/UNPUBLISHED**

- 5. Administrative Applications Approved – (Administrative Applications and Floodplain): None.

**Administrative Applications Approved**

App.# Approved Administrative	Street No.	Address	Purpose of App.
None			
Floodplain (Approved)	Street No.	Address	Purpose of App.
None			

- 6. Administrative Inland Wetlands Application #101713 for installation of 432 linear feet of 24 inch diameter and 80 linear feet of 12 inch diameter ductile iron water main at Mix St. wellfield; 181 Mix St.; Assessors Map 53; Lot 141. Water Department City of Bristol, applicant.
  - a. Application
  - b. Assessor’s Map with Inland Wetlands Watercourse Layers
  - c. Plan (Electronic Copy Only)

The following item(s) were submitted into the record: photographs and an e-mail dated April 1, 2019, from Robert Longo to Carol Noble, P.E., regarding the Mix Street Wetlands Application (submitted by Carol Noble, P.E., Environmental Engineer.)

Ms. Noble explained the City of Bristol Water Department submitted an administrative permit with an erosion control plan for the proposed work. The Water Department Superintendent indicated they had entered into a Consent Agreement with the Public Health Department for the removal and replacement of this portion of the water line to the Mix Street well field station along the entrance drive. There would be no additional work and the order was to do the work promptly. Silt fences will be installed on both sides of drive. Wetland areas have been flagged. The City is requesting the Commission’s approval of the administrative application and that the application be filed. After inquiry by the Commission, she explained this was part of the Coppermine Brook, and the New Britain wellfield is across the street, but was unsure of the connection.

**MOTION** Move to approved and place on file.

By: Robinson

Seconded: Carros.

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

Against: None.

Abstained: None.

The application is approved.

**OLD BUSINESS**

7. Cease and Correct - Notice of Violation and Enforcement Order, from Carol Noble, P.E., Environmental Engineer, regarding Parcel 43-99B-1, 125 Fredrick St.
  - a. Assessor's Map with Inland Wetlands Watercourse Layers
  - b. Letter dated March 12, 2019, from Carol Noble, P.E., Environmental Engineer (One Pages)
  - c. Letter dated February 12, 2019 from Carol Noble, P.E., Environmental Engineer (Two Pages)
  - d. Supporting Documents, dated February 28, 2018 ( 13 Pages)
  - e. Map dated February 28, 2019, from Robert Green Associates, LLC

No one was in attendance to review this item.

Attorney Salvatore Vitrano, Vitrano, Peleski & Wynne, LLC  
135 West St.  
Bristol, CT 06010

Brian Cunningham  
Robert Green and Associates, Inc.  
6 Old Waterbury Rd  
Terryville, CT 06786

Gaski's Realty, Inc.  
550 Broad St.  
Bristol, CT 06010

Mario Chiovitti  
CLI Services, LLC  
Landscape Construction and Erosion Control Contractor

Ms. Noble explained at the March meeting the contractor was requested to contact the Engineering Department in April before the planting season started and to have a site visit. She suggested to schedule an onsite meeting, since this was a Commission request.

**MOTION:** Move to schedule an onsite inspection for April 20, 2019.

By: Robinson

Seconded: Panioto.

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

The application was scheduled for onsite inspection.

After inquiries by the Commission, Ms. Noble explained the applicant had some gravel previously delivered. The Staff requested a permit be filed or a restoration plan for removal. The applicants engineer submitted a restoration plan for removal with plantings. The landscape contractor agreed to contact the City prior to work.

**NEW BUSINESS**

8. Letter dated March 21, 2019, Maintenance of Storm-Water Management System – Chippanee Golf Course
  - a. E-Mail dated March 14, 2019 (1 photograph.), regarding storm water runoff
  - b. E-mail dated March 12, 2019, regarding the site inspection (one photograph)
  - c. Letter dated February 27, 2019, regarding Maintenance of Storm-Water Management System (attached two pages photos and two maps.)

The following items were submitted into the record: a schematic plan dated 2019 (submitted by Attorney Edward Krawiecki) and a video of the first pond, entitled "Backyard Flooding, October 2018" (previously submitted by Danielle Tabacco.)

Alan Cahill, 21 Royal Drive, a neighbor, explained his neighbors reviewed information and they had photographs. He explained how the water and water runoff has increased on his property for the last ten years to the point of about three years ago he has ducks swimming in his yard. Half his yard is gone and it is unmanageable. His opinion was where the curb stops on the Chippanee Golf Course, the water goes on the neighbors properties and correction is required.

Ms. Noble explained the applicant's representative was in attendance. There have been numerous discussions with the representatives and they have been prompt in responding. They have been asked for a correction plan.

Attorney Edward Krawiecki  
17 Riverside Avenue  
Bristol, CT 06010

FW Blasius, Jr., LLC  
6 Marsh Road  
Bristol, CT 06010

Attorney Krawiecki, on behalf of the applicant, explained the concerns and the proposed plans to resolve. He reviewed the letter received, staff meeting and the short and long term recommendations. The short term suggestions were to remove the grates and clean the debris between the three ponds (near Mr. Cahill's property at the lowest end of the property). The low point of the three ponds goes to the marsh pond area. They had a previously approved permit with CTDEEP for carp management program to reduce vegetation and they lost all the carp in upper two ponds due to dry weather summer before last, but were unsure of the third pond. Therefore, precautions were needed so the lower pond grate was not removed. They hired a contractor to investigate the pipe and it was determined clear and not crushed. After investigation, they discovered the overflow pipe between second and third pond was six inches higher than pond bank, so in heavy rainstorms the second pond was overflowing to the neighbors' properties. Their idea is to build up the cart part higher and roll the higher grade around the pond to allow the pipe to properly work. The plans will include proper erosion and sedimentation controls. They will need weather cooperation and potentially access from the neighbors to construct. The surveys should be finished by Robert Green Associates in a couple weeks. The cart path will be a higher than the pipe to allow the pipe to function properly, instead of finding the easiest way out toward Chippanee Drive. The new cart path will be elevated and properly sloped for approximately 275'. The more specific plan will be developed after the survey has been completed.

Commissioner Rooks questioned the long-term solution of the raising of the path. Atty. Krawiecki indicated that can be looked at and options weighed for cost.

The following person were not in favor or against the plan, but had inquiries: Ms. Danielle Tabacco, 7 Royal Drive; Alan Cahill, 21 Royal Drive and Mr. Casey Tabacco, 7 Royal Drive.

Nancy Levesque, Assistant City Planner, explained she reviewed the first pond during the heavy rain. Before the grate was removed, it was overflowing heavily on the cart path. She took photographs. After the grates were removed and during a rainstorm, it was not as problematic.



Ms. Tabacco review a video of the flooding in their backyards, Chippanee Drive, Royal Drive and the second pond overflowing into the street and their yards, which flooded very fast. They had to put a sump pump in their basement because of the flooding, which occurred four time in one year.

Attorney Krawiecki reviewed the conceptual plan to raise the cart path and explained why it will help alleviate the backyard flooding to divert the water. He indicated they will not be averse to meeting with the neighbors after the survey is received and the plan is prepared.

Chairman Fisk agreed the sketch would likely resolve the second pond, but he had concerns the cart path should be a little bit longer to the first pond because the elevations were close. Ms. Noble noted a professional engineer needs to design the plans for staff review.

Mr. Tabacco, 7 Royal Drive, explained the video showed the second pond water unable to get through the pipe. He had concerns that the problem may not be solved with the cart path raising and suggested that cleaning the third pond would improve the concerns.

Mr. Cahill appreciated the work being done, but the applicant's attorney stated cleaning the third pond was economically unfeasible and the concerns would continue.

Attorney Krawiecki noted 60 days was reasonable for the plans and design. He would try to get these plans as soon as possible.

The Commission agreed to schedule an onsite meeting for this property on April 20, 2019.

9. Certified letter dated March 12, 2019, from Carol Noble, P.E., Environmental Engineer, regarding East Main St., Parcel 41-34-33A, (nine pages attached)
  - a. Certified letter dated February 14, 2019, Notice of Violation and Enforcement Order, from Carol Noble, P.E., Environmental Engineer, regarding Parcel 41-34-33A, Account 0100021, East Main St. (three pages photographs.)

Thirty Three – Thirty Four East  
Main St. Associates, LLC  
321 Main St.  
Farmington, CT 06032

Ms. Noble reviewed that this item was discussed at the March meeting for the Notice of Violation, Enforcement Order and follow up Cease and Correct Order sent to this property owner, but the operation continues. Materials were brought on site after the representative stated they would cease and apply for permits. At the March meeting the Commission requested a representative attend this evening's meeting to review plans. The City is ready for the citation process if not resolved.

Attorney Robert Cohen, 580 Broad Street, on behalf of the applicant, explained since the March meeting he was unsuccessful to contact the Chief Building Official, but spoke to Ms. Noble briefly. He spoke with the Corporation Counsel Office extensively. The engineer, Gary Pranger who would prepare the plans, has been in Florida for an extended period. But, their opinion is they are not encroaching on inland wetlands and they are in floodplain, but a survey is required. There had been a previous permit for this property. After inquiries by the Commission, Attorney Cohen explained he does not have a restoration plan at this time. He has a copy of the letter from Ms. Noble. He was told Mr. Pranger would prepare the plans.

The Commission commented about concerns of materials placed and remaining in the floodplain. The property required correction, regardless where the engineer was at this time. Chairman Fisk and the Commission emphasized plans be prepared by a different engineer to resolve this matter in 30 days.

Ms. Noble explained that unidentified drums, batteries and wrecked vehicles have been brought in. She reviewed photographs. She indicated restoration/removal plans or applications/plans be submitted, to solve these concerns and comply with City management practices. If the tenant submits applications/plans, it has to

demonstrate the inland wetlands are protected from the potential concerns. These operations have to be ceased and corrected, and coordinated with Corporation Counsel Office on the noncompliant regulatory requirements.

Chairman Fisk explained to Attorney Cohen he should inform his client that citations would be initiated. The Commission commented the concerns were prior to March 2019; they had concerns of the vehicles and materials in the drums near the river. Chairman Fisk explained this item should be placed on the May agenda and continue the Cease and Correct and to submit plans. Citation protocols can be addressed at next meeting.

**MOTION** Move to continue the Cease and Correct and the Notice of Violation and Enforcement Order, from Carol Noble, P.E., Environmental Engineer, regarding Parcel 41-34-33A, Account 0100021, East Main St., to their May 1, 2019, regular meeting and refer this matter to the Corporation Counsel Office.

By: Robinson

Seconded: Rooks.

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

Against: None.

Abstained: None.

The item is continued.

#### **CONSERVATION COMMISSION**

10. Committee Report
11. Finance Committee
12. Rules & Procedures Committee
13. Open Space Committee
14. Referrals from Planning Commission

#### **STAFF REPORTS**

15. IWEO March 2019 Monthly Report

Jason Gagnon, Environmental Protection Technician

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

By: Robinson

Seconded: Panioto.

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

Against: None.

Abstained: None.

The report is filed.

16. After inquiry by the Commission, Ms. Noble explained there was no updated information on the grant status for the property abutting the Barnes Nature Center, but the CTDEEP review includes various agencies taking approximately six months. She received the bill from the Environmental Learning Center for Phase I that would be divided for the two properties.

#### **COMMUNICATIONS**

17. Cedar Hill Inspection Report, dated March 9, 2019

Ms. Noble explained that she and Jason Gagnon, IW Zoning Enforcement Officer, reviewed the property and requested the property owners to clean the pond because of the silt. The property owners' engineer has continued monthly reports and has been requested to address the pond siltation. The stormwater management system should be a working system to accept the drainage.

18. Freedom of Information, Basic Overview of Freedom of Information Act, by Henry J. Zaccardi, from Shipman and Goodwin, Counselors at Law, dated 2019 (37 Pgs.)

Ms. Noble explained this was a report that would be reviewed at the Land Use Academy Training on Monday, April 29, 2019 from 6:30 P.M. to 9:30 P.M. She requested the Commissioners to contact her if they would like to attend.

19. Letter regarding Rain Garden Workshop, on Thursday April 18, 2019, Bristol Public Library with the Farmington River Watershed Association, at the Bristol Public Library (Main Library.)

20. Letter dated March 27, 2019, from Mayor Ellen Zoppo-Sassu, regarding CTDEEP Section 319, Nonpoint Source Pollution Program

Ms. Noble explained if the Mad River Watershed (portion of Cedar Lake in Bristol) grants are approved, this project would be similar to the grant for the to the Pequabuck River watershed plan that is currently being prepared by Farmington River Watershed Association.

**CONSERVATION COMMISSION**

There were no Conservation Commission items.

**MATTERS OF UNANIMOUS CONSENT**

There were no matter of unanimous consent.

**ADJOURNMENT**

**MOTION:** Move to adjourn at 8:52 P.M.

By: Robinson

Seconded: Carros.

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

Against: None.

Abstained: None.

This meeting was taped.

Respectfully submitted,  
Nancy King

Zachary Fisk, Chairman  
Inland Wetlands Commission

Sebastian Panioto, Secretary