CONSERVATION COMMISSION/
INLAND WETLANDS AGENCY
WATERTOWN, CONNECTICUT

REGULAR MEETING MINUTES

Time: 6:30 pm
Date: October 11, 2018
Place: Watertown High School Lecture Hall
       324 French Street
       Watertown, Connecticut

1. Call Meeting to Order

Craig Palmer called the meeting to order at 6:32 p.m.

2. Roll Call

Ned Dalton executed the roll call.

Members Present: Craig Palmer
                 Ned Dalton
                 Joseph Polletta
                 Mike Genovese
                 Zaiga Antonetti
                 Harry Olson

Members Absent:  George Touponse
                 Tom Murphy
                 Pierre Moran
                 Charles Beliveau

Also Present: Moosa Rafey, Wetlands Enforcement Officer
              Mark Massoud, Zoning Enforcement Officer
              Roseann D’Amelio, Secretary
Moosa Rafey: Mr. Chairman, you can seat Mr. Olson if you want

Craig Palmer: In place of Tom Murphy

3. Public Participation:
   Anybody from the public wishing to speak? None

4. Action of Minutes
   A. Public Hearing September 13, 2018 Application 2018-17 Department of Public Works, Ice House Road; and
   B. Regular Meeting September 13, 2018

Did everybody receive the minutes?

Moosa Rafey: You don’t have the minutes, Mr. Chairman, you can table them

Mike Genovese: Motion to table

Zaiga Antonetti: Second

Craig Palmer: All in favor: Aye   Opposed: None   Abstentions: None

5. Pending Applications
Application #2018-19 of John Maxwell and Dean Bergstrom for the subdivision of 7.09 acre parcel into two residential building lots on Bidwell Hill Road, Watertown, CT

Gary Giordano: Good evening, for the record Gary Giordano, Professional Engineer and Land Surveyor representing the applicant, John Bergstrom. I know last month when we went over the plans with you and just a quick recap – it’s a two lot subdivision. One lot is already existing with a house and everything else all developed and the other one is a proposed development and both lots will have no impacts on wetlands, watercourses or any of the buffer areas on the proposed and existing conditions. That’s it in a nutshell.

Craig Palmer: Gary, last time did you mention there was a violation or something there already?

Gary Giordano: There was a previous approval application for a site restoration for the site

Craig Palmer: And that was completed?

Gary Giordano: No it’s not, it’s still ongoing

Craig Palmer: Will it be completed?
Gary Giordano: They took out an extension on it so they’re on their last extension and approval so it’ll be done

Craig Palmer: When is the extension up do you know?

Gary Giordano: I want to say they came back in a year or two ago so the second time is another 5 is it? I know Dean is working on it

Craig Palmer: Moosa are you aware of that?

Moosa Rafey: One of the violations was due to some flooding from this property into the next door neighbor’s property

Gary Giordano: Correct

Moosa Rafey: Do you remember, there was a little brook running through his property and then the owner was supposed to put a pond there and they did build the pond.

Gary Giordano: Actually, what happened is down in the northeast corner of the property

Moosa Rafey: Where the wetland is

Gary Giordano: That little bit of wetlands there was a little bit of disturbance there

Moosa Rafey: They created a detention pond there

Gary Giordano: He’s been working on it slowly but I know he took out an extension

Moosa Rafey: That part is done but there’s a watercourse going thru the property it’s not like an intermittent water course?

Gary Giordano: It’s not a watercourse it’s a swale

Moosa Rafey: A swale – yes

Gary Giordano: To replace the existing swale that was there

Moosa Rafey: It seems to be collecting the water from this property and draining into that detention pond and going into the next door’s property. I was there when they did the detention pond

Gary Giordano: Ok. You were there I wasn’t

Moosa Rafey: It was a long time ago
Craig Palmer: What should be done on there on that?

Moosa Rafey: This is just a two lot subdivision. Both lots meet the zoning requirements and there’s no wetland impact by the subdivision. The proposed house is also outside of the regulated area. If you make a decision on this basically you’re not approving any wetland activity you’re just approving the two lot subdivision plus the house doesn’t need your approval because it’s outside of the regulated area

Craig Palmer: Any questions?

Zaiga Antonetti: Yes, for you Mr. Chairman, is this the same owner?

Moosa Rafey: They’re two brothers

Zaiga Antonetti: They’re two brothers but the one that had the violation this is the same?

Moosa Rafey: One of the brother’s owns that parcel, yes

Zaiga Antonetti: Ok

Moosa Rafey: Mr. Dean Bergstrom

Gary Giordano: He’s going to own that second lot

Ned Dalton: What was the part of the violation that you think is not completed?

Gary Giordano: I believe he has to finish the swale up thru the middle and I believe he’s still working on the bank northerly of the barn, the existing barn that’s there already

Ned Dalton: Just grading?

Gary Giordano: There some grading. More than anything else there’s some grading and I think he has to remove some septic fill that was stockpiled on the property

Moosa Rafey: If you look at the location of the barn on this map, on the north side of the barn there’s a steep slope and that is not really stabilized yet but that has nothing to do with wetlands

Craig Palmer: It has nothing to do with us?

Moosa Rafey: No. That’s outside of the regulated area

Craig Palmer: Ok so whatever was left has nothing to do with wetlands
Moosa Rafey: No, whatever is in front of you. It’s just a subdivision of a lot into two building lots and there’s no proposed activity within the regulated area for this two lot subdivision.

Craig Palmer: Any other questions from the commission?

Moosa Rafey: The reason that this came to you is because there’s wetlands on the property. Every time there’s wetlands on a piece of property and they want to subdivide it they have to come to you for approval of the subdivision.

Joe Polletta: I’ll make a motion that Application #2018-19 of John Maxwell and Dean Bergstrom for a subdivision of a 7.09 acre parcel into two residential building lots Bidwell Hill Rd, Watertown, CT be approved subject to standard conditions

Mike Genovese: Second

Craig Palmer: All in Favor: Aye Opposed: None Abstentions: None

B. Application #2018-20 of Robert Matazzo for jurisdiction ruling by the Agency on creation of a nursery/farm at 695 Bunker Hill Road, Watertown, CT.

Gary Giordano: Again, for the record, Gary Giordano, Engineer/Land Surveyor representing the applicant, Robert Matazzo, for JM Farm/Nursery Farm, LLC, I guess. I believe we had our field walk Saturday morning and we took the 10 cent tour. As you can see, we’re looking to do a restoration of an existing farm that was there that he purchased. Place some evergreen trees in the fields and that’s about it.

Joe Polletta: During the field trip on Saturday, I guess we talked a little bit about a buffer that you’re going to put on the inside of the watercourses. Are you doing anything with that?

Gary Giordano: No I’m not. Our ruling here tonight if I understand this right is just the determination if whether we are a farm permit. Is that how I understand this application?

Craig Palmer: That’s what he’s asking for, correct

Joe Polletta: We were talking about this buffer

Gary Giordano: We can take under advisement to do a buffer for that but I think right now it’s just going as a farm permit, that’s all I think the application’s for at this current time. According to your own regulations Section 4.4

Craig Palmer: Any questions from the commission on this? Any questions from Moosa?

Moosa Rafey: I don’t have a question I just want to mention that US Dept. of Agriculture and CT Dept of Agriculture and also Northwest Conservation District always recommend to have a
regulated buffer and I have this brochure here if you want to look to see that they always recommend to have a buffer if there’s a watercourse. Leave a vegetative buffer on both sides and then create your farmland

**Gary Giordano:** I talked to my client about that and he has no intentions of going thru there but as for putting it on the plan

**Moosa Rafey:** In some areas there are very steep slopes towards the brook. I mean if you cut all the trees and vegetation you will have erosion problems there

**Gary Giordano:** I think if you read our verbiage we’re not going to go down and clear cut this place, we’re just going to maintain those fields and put some plantings in the fields

**Joe Polletta:** If he doesn’t go into that area then that will be the buffer

**Gary Giordano:** But as a farm as of right he doesn’t have to show a buffer. I’m not putting it on the map because like I say, it’s above and beyond our application right now

**Moosa Rafey:** You have the right to do the nursery, like planting those trees. You have the right as a farmer to do that, yes.

**Gary Giordano:** As a farm, as of right, in other applications I’ve done in other towns, you could drive right thru the watercourse if you want, as long as you don’t create anything over a pond over 3 acres. There’s a couple of different things with DEEP, a farm as of right that you could do but we’re not doing any of those, we’re just planting some trees in the fields and that’s all we’re looking for

**Moosa Rafey:** Planting tree is fine. I gave a copy of this brochure to the commission members before and there are certain things that farmers can do but certain things they cannot do. It’s not just because they are farming they can go there and fill all the wetlands and do whatever they want. Buffer strips on the sides of watercourses will be a good practice for your farm too. You want to protect your property and if you read this it says they cannot just go there and fill in wetlands and then call it farming. They have the right for the nursery. There’s no doubt about it.

**Gary Giordano:** As long as the farm abides by good soil conservation practices there’s nothing your application is talking about. We’re just looking for as of right farm permit that’s all we’re looking for. He’s not going to go in there and clear cut the place he’s just going to plant trees in the field

**Moosa Rafey:** Ok. He’s not filling any wetlands?

**Gary Giordano:** He’s not doing anything out there that you saw

**Moosa Rafey:** And he’s not crossing any watercourses?
Gary Giordano: Just the crossing that’s already there

Moosa Rafey: Existing not new crossing because if he does he needs a permit for that

Gary Giordano: I agree with you, yes

Moosa Rafey: And if he wants to fill wetlands he needs a permit for that

Gary Giordano: He’s not filling any wetlands

Moosa Rafey: Ok I just wanted to make sure

Gary Giordano: On the map for the as of right farming permit it’s just what’s on the map that’s all we’re looking for

Zaiga Antonetti: Just a quick questions for Moosa. So in your opinion you feel that this meets the standards for definition of a farm under both our municipal and state statutes?

Moosa Rafey: The nursery part yes, the planting trees, yes. They have the right to do that

Zaiga Antonetti: Because I know it’s more than five acres, it’s 11.32 acres

Moosa Rafey: This is from DEEP and they are the ones that gave us these regulations. Actually, this commission is an arm of DEEP and it says that permitted as of right activities do not include the filling of wetlands or watercourses under any circumstances. They need a permit to do that.

Gary Giordano: I think you need to go on the webpage for DEEP for the State of Connecticut and get the current ones Moosa, because those pamphlets are a little bit different than what’s on the regulations on the webpage.

Moosa Rafey: It’s the same

Gary Giordano: I know but I think within their own department they’re arguing with each other as per statutory regulations that pamphlet is wrong

Moosa Rafey: This is what they gave to us

Gary Giordano: I’m just telling you but we’re not doing any of that, it’s just a matter of what we’re proposing

Joe Polletta: The bottom line is you’re not getting it at the end so you’re going to leave it alone
Gary Giordano: Exactly. We’re just doing what’s on our plan, that’s it

Moosa Rafey: Gary, the reason that I mentioned those things is what you’re proposing this commission has no problem they make a jurisdiction ruling that you can do the nursery but that doesn’t mean that they can go and fill wetlands and cross the watercourse. I just want that to be clear.

Gary Giordano: No problem

Zaiga Antonetti: Excuse me Mr. Chairman, Gary, is your client planning on doing any commercial enterprise there?

Gary Giordano: He is a commercial landscaper and he’s just growing his own trees and that’s it

Zaiga Antonetti: In terms of the farm, is he planning to do anything commercial with that? Is he planning to have a commercial operation where he sells the trees on site?

Gary Giordano: I don’t believe so. I think it’s more for his own use

Zaiga Antonetti: Ok. So there’s no commercial operation going on?

Gary Giordano: Well he is a commercial operation, he’s an LLC

Zaiga Antonetti: Right, but in terms of the farm, you’re using it to grow the trees and not actually operate

Gary Giordano: Yes. That’s my understanding

Zaiga Antonetti: Ok

Joe Polletta: I’ll move that Application 2018-20 of Robert Matozza for a jurisdiction ruling by the agency on a creation of a nursery/farm at 695 Bunker Hill Rd, Watertown, CT be approved subject to standard conditions and the buffer will remain so it will not be disturbed.

Moosa Rafey: Mr. Chairman, I’m sorry, because this is not an application for you to decide on to approve or deny, this is something for jurisdiction ruling. Basically, the commission will tell the applicant that we agree with you that planting those trees you have the right to do that. That’s a jurisdiction ruling with clearance that any wetland activities or filling the wetlands or crossing watercourses in the future they have to come back to the commission. That’s your ruling basically and the buffer is up to the property owner. If they don’t want to create that it’s up to them but it is recommended by everybody that it’s a good practice to do it.

Gary Giordano: You’re preaching to the choir on that part.
Mike Genovese: Second

Craig Palmer: All in Favor: Aye  Opposed: None    Abstentions: None

C. Application #2018-21 of the Dover Benedict Group, LLC for construction of a new building, associated parking and loading area on a parcel of land located at the corner of Park Road and Callender Road, Watertown, CT

Scott Meyers: Professional Engineer/Land Surveyor with Meyers Associates, PC. Tonight on behalf of the applicant, The Dover Benedict Group. We had a site visit on Saturday. Since then we did make a revision to the plan at the request of the commission to allow for the access to the detention pond so what we did was we actually took 8 feet off the side of the building, moved that square footage to the east side of the building. We did have to shave 500 square feet off to do that so now the building instead of 14,000 sf is going to be 13,500. We are providing 12 feet to be able to get from the top of the berm over to the building for maintenance purposes and I just had to slightly relocate the water quality swale around because we did bump out that square footage to the rear. Same size same length it just had to be bumped out of here. As you recall, the proposal is the construct an industrial building on the site. The site is about 1.8 acres. It is a non-conforming lot but we were able to fit the parking required for the building square footage along with the detention pond provide the zero increase in runoff and we compiled with all the zoning regulations even though it’s a non-conforming lot. I think we only have about 40%, actually it’s a little less now because we shaved 500 sf of impervious coverage off and I think the max is 50 on the property. All in all I think it’s a good plan for the site and the applicant is anxious to get started.

Craig Palmer: Did you get a chance to review from Paul Bunevich, the town engineer?

Scott Meyers: When did it come?

Craig Palmer: October 9

Moosa Rafey: Scott, I have a copy if you need it. I thought he sent it to you

Scott Meyers: He emailed me something

Craig Palmer: Can you just read that over

Scott Meyers: Yes, those are no problem. He sent me #2 & #3 but I didn’t see #1 but that’s no problem

Craig Palmer: Ok. Any questions from the commission on this?
Moosa Rafey: I have two questions. I know you’re moving the building 12 feet distance but how are you going to access that if you curb the driveway? And you’re also proposing landscaping there. All those trees and shrubs, if somebody wants to go to that side of the building how can you get there?

Scott Meyers: Well the trees and shrubs are small shrubs, we can move them so that we provide 12 feet from the top of the berm to them if we had to. It’s pretty close now

Moosa Rafey: But the driveway is curbed, no?

Scott Meyers: Yes, we can leave a curb cut there and still provide a lip to keep runoff in the gutter and just leave a soft curb cut type thing so you can drive in if you had to, it’s not a big deal

Moosa Rafey: That 12 feet wide accessway – is that going to be paved?

Scott Meyers: No, it will just be grass. There’s not too much maintenance involved in the detention pond. Most of it is going to actually be on the side where the drainage outlets into the pond which you can access pretty easily right from the driveway.

Moosa Rafey: Ok Mr. Chairman, as long as they provide a little accessway from there to get to the side of the pond I don’t see any other problem and also, I sent a copy of this to the fire dept today and there was a review memo from the Fire Marshall and if you want to read that into the record

Ned Dalton: From Kim Calabrese to Moosa Rafey. Moosa, after reviewing the proposed plans for the Dover Benedict Group, LLC facility on the corner of Park Road and Callender Road, my only concern would be the area between building 1 and the pond. I see that it is set at 12 feet. I want to make sure that this measurement, although not ideal, stays at least this distance to allow fire department access if needed. If you have any questions, feel free to contact me.
Kim Calabrese, Fire Marshall

Moosa Rafey: I talked to Kim today and I explained to her that they are leaving 12 feet and she said it’s basically ok

Craig Palmer: Anyone else have any questions?

Joe Polletta: With this proposal we don’t have any direct impact on the wetlands correct?

Scott Meyers: No. We’re providing zero increase and runoff in all storms below predevelopment levels as well.

Ned Dalton: Is there going to be any activity on that pond?
Scott Meyers: The existing pond there? No. It'll just remain basically taking whatever runoff from the north side of Callender through the pipe culvert and out so we're not going to effect that at all or touch it.

Ned Dalton: You're not going to clean it or clear around it?

Scott Meyers: Actually right now it's pretty clean

Ned Dalton: No, I mean around edges

Scott Meyers: You mean as far as vegetation?

Ned Dalton: Yes

Scott Meyers: Our grading is going to be close to the edge of it so whatever grading we have and then it'll just be seeded and be grass.

Joe Polletta: I'll move that Application #2018-21 of The Dover Benedict Group, LLC for construction of a new building with associated parking and loading area on a parcel of land located at the corner of Park Road and Callender Road, Watertown, CT be approved subject to standard conditions and the three items from the Town Engineer’s Memorandum.

Mike Genovese: Second

Craig Palmer: All in Favor: Aye  Opposed: None  Abstentions: None

6. New Applications:

A. Application 2018-23 of Baribault Oil Company for pavement of approximately 10,454 Sq. Ft area from which 7,500 Sq. Ft within upland review area at 600, 610 and 620 Main Street, Oakville, CT

Todd Parsons: Good evening, my name is Todd Parsons, I am an engineer with Leonard Engineering. Our offices are in Winsted. I am here tonight with Susan and John Santopietro of Baribault Oil Company. This application regards property at 600, 610 and 620 Main Street in the Oakville section. On this map, this is Main Street here, 600,610 & 620 Steele Brook is to the North and it’s just to the side of the Bradshaw Jeep Dealership which is over here. The business actually occupies a little bit more property. They also occupy 630 Main Street, which is shown here but all of our activities are on the property’s 600,610 & 620 so that subject of our application is very outlined in the heavy blue line. The property has an office building here, paved parking area and driveway, another driveway area here. These two buildings are rental residential units. This area here is walled and contained bulk storage facility for their oil business and all this property down here that’s outlined in this tan line is currently a parking and truck maneuvering area that’s covered with densely compacted paving millings. This green line
here is the upland review area adjacent to Steele Brook. Back in May, which is the reason we’re here, the EPA conducted an inspection of this facility. Bulk storage facilities fall under the jurisdiction of the EPA. They asked to see their spill prevention control and counter measured plan which was prepared in 2008 and so they reviewed the plan in comparison to the site. There was for the most part some minor discrepancies in housekeeping items that needed to be addressed and really only one substantive issue and that was whether or not a spill that would occur outside of the bulk storage area so outside of the concrete wall. Whether or not that spill would be contained so if a delivery truck had a spill or if there’s a spill during a loading or unloading process. So we were engaged to make that determination and what we found is that yes there is in fact containment for that. There’s a berm that goes around the entire bottom of the site that currently drains in this direction towards the river. There’s a berm that contains the area. There’s one catch basin in the corner and that catch basin has a valve on it so it can be shut in the event of a spill. After the valve is a 2,000 gallon oil separator and then a pipe that discharges to Steele Brook. What we found that there is storage in this bermed area here for well beyond what would be anticipated for a spill. However, there’s a statement in the requirements that says that the surface of that containment area needs to be sufficiently and permeable and unfortunately they don’t define that. They leave it up to the engineer to make that determination. So our recommendation was to pave this area here which is roughly a quarter of an acre, about 7,500 sq ft of which is within the regulated upland review area and that would definitely contain a spill better than a milling surface even though the milling surface is largely impermeable and if there was a spill to occur and they were on site right there and they reacted to it, they would be able to clean it up. But if it was something that occurred at night and it didn’t get noticed right away the pavement will do a better job so this is a protective measure and it will not change the hydrology at all because the run off characteristics are essentially the same pre and post. We approached your staff, we had an informal meeting with your staff and we explained this project to them and they determined a permit would be required from this agency and a site plan amendment from Planning and Zoning so we’re here tonight and happy to answer any questions. The owners of the business are here and they are also available for questions if you have any.

**Zaiga Antonetti:** Have you had any significant spills?

**Todd Parsons:** No

**Zaiga Antonetti:** In all the years of operations, no?

**Todd Parsons:** No

**Zaiga Antonetti:** Do you have a copy of what the DEEP said in terms of their recommendations of the findings that they had?

**Todd Parsons:** It’s the EPA and yes there was a copy submitted with the application. It’s several pages long, it’s pretty boring, but it really boils down to that one issue.
Craig Palmer: I think a year ago they added on and they did that drainage and that new separator and all that was done then, right?

Todd Parsons: Yes, a few years ago

Craig Palmer: So they already have the containment in place?

Todd Parsons: Yes

Craig Palmer: So we’re not adding anything?

Todd Parsons: Right

Craig Palmer: Any other questions from the commission?

Joe Polletta: When you complete this it’ll be safer and better for the area?

Todd Parsons: Yes. It’s additional protection against a spill

Joe Polletta: So it’ll improve the site

Todd Parsons: We consider it to be an improvement

Joe Polletta: Last time you said that you had an oil separator in the ground, right?

Todd Parsons: Correct

Craig Palmer: Any questions from wetlands officer?

Moosa Rafey: Mr. Chairman, I don’t have a question. It’s not by choice, they have to do this because the EPA is requiring them. The only concern that I have is because they paved this area the water will move faster into that catch basin. I just want the town engineer to look at that to make sure that everything is ok and your existing drainage system can handle that

Todd Parsons: I think the runoff characteristics are essentially the same. If you went out there and looked at it and didn’t look very closely you’d probably think it’s paved because it’s very densely compacted. We actually did a couple of test pits to see what was underneath so we would know to design for a pavement structure and the backhoe really had to scrape in order to get through the upper surface of that.

Moosa Rafey: Anyway, the commission cannot make a decision tonight. They have to wait until next month and that’ll give time to give this to Paul, the town engineer, to look at it.

Craig Palmer: Would the owners like to speak?
Susan Santopietro: 32 Partridge Court, Watertown. They were there for the day and we went through everything and we had the proper plan in place, the SPCC plan, and they just wanted us to do a little better so we want to do better too and to your questions, we have never had a spill that’s reached the Steele Brook and we never ever want to. That’s our #1 goal. If you have any suggestions, we’re happy, we’ve worked with Todd, he’s a professional engineer and we’re just trying to do the best we can to be proper with the EPA regulations.

Craig Palmer: thank you.

Joe Polletta: I’ll move that Application #2018-23 of Baribault Oil Company be tabled.

Zaiga Antonetti: Second.

Craig Palmer: All in Favor: Aye  Opposed: None  Abstentions: None

7. Old Business
   A. Second Notice of Violation issued to the owner of 30 Jericho Rd, Watertown

Moosa Rafey: Mr. Chairman, before I came to the meeting I drove by and I didn’t notice any activity there. Everything is still the same and I’m going to contact the property owner and talk to him to see what’s going on.

Craig Palmer: B. Notice of Violation issued to the owner of 375 Woodbury Road, Watertown.

Moosa Rafey: On this one I have good news. He called me today and said that everything was done and I went there and took some pictures. He removed the stock pile that he pushed into the wetlands and he put a row of evergreen trees on the north side of that silt fence. If you remember, that he put on the bottom of the slope, and that entire area that he disturbed now is vegetated. All the natural vegetation came back and it doesn’t look like it was touched at all. I don’t want him to go into that area. I said just create a buffer by planting evergreens like a wall there and that will be like the permanent border between the regulated area and the back yard of that house. But the good news is he planted all the trees and he removed the stock pile and at this time you can make a motion to withdraw the notice of violation.

Zaiga Antonetti: I make a motion that we remove Item B under Old Business: Notice of Violation issued to owner of 375 Woodbury Road, Watertown, based upon the recommendations of the Inland/Wetlands staff.

Mike Genovese: Second.

Craig Palmer: All in Favor: Aye  Opposed: None  Abstentions: None

C. Notice of Violation issued to the Watertown Fire District concerning regulated activities conducted on the district property on Judd Farm Rd., Watertown.
Moosa Rafey: Again, I didn’t hear from them. Last time I talked to them both attorney’s for both sides are working together to see what has to be done there. They still didn’t get to a resolution.

Craig Palmer: Ok. D. Notice of Violation issued to the owner of Watertown Brownfield, Echo Lake Road, Watertown

Mark Massoud: Mr. Chairman, if I may. At the last meeting, apparently there was some discussion about whether a letter had been sent to the property owner with regards to the agencies previous request to either submit a letter of request to lift the Notice of Violation or to appear in person. That had not been done and I had verbally communicated the agencies wishes to the property owner. To fulfill your request we did send a letter, and this happened actually very quickly in the last couple of days, sent a letter to the property owner and they did respond with a letter, which is in front of you, making that request in writing to lift the notice of violation. I had previously provided to you a summary report that lists the current status of the site. That very quickly being that the site is idle, any material that had been brought into the site earlier in the year had been removed, wood chips have been placed along the top of slope to protect the site from any further erosion and the property owner has since determined there will be no further use of the site until and unless they submit an application to the commission for regulated activity. The request as it has been in front you is to lift the notice of violation, you requested a letter and you do have that and I’m happy to answer any questions.

Craig Palmer: Can the Secretary read the two letters into the record

Ned Dalton: reads letter into the record
October 10, 2018

First Class and Certified Mail

Watertown Brownfield, LLC
c/o Marion Markiewicz
55 McLennan Drive
Oakville, CT 06779

Rc: 0 Echo Lake Road, Watertown, Connecticut aka Tax Map 105, Block 90, Lot 24

Dear Mr. Markiewicz:

As you are aware, a notice of violation issued to you for the above referenced property has appeared on the agenda of the Inland Wetlands and Watercourses/Conservation Commission Agency for the past several months.

Through staff your representative has requested that the Agency remove the notice of violation on the grounds that the conditions upon which the notice was issued are remedied and no longer exist. Specifically, you assert that the fill and landscape debris deposited at the top of slope of previously disturbed areas is now removed from the site, and that the slope is stabilized with a wood chip mulch covering to prevent erosion and sedimentation to adjacent wetlands. Staff relayed your request and presented a status report confirming your statements both verbally and in writing to the Agency at the July and August meetings.

The Agency asked for additional information pertaining to the status of any current or previous permits, which they have received, and requested that you or your representative either make the request in writing or attend a meeting and make the request in person.
October 10, 2018
Marion Markiewicz
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At the September meeting the Agency motioned that staff write a letter to you reiterating that you make your request in writing or appear at a meeting.

Please let me know your intentions so we may plan accordingly.

Sincerely,

Mark Massoud
Land Use Administrator/Zoning Enforcement Official

cc: Conservation Commission Inland Wetland Agency
    Paul Jessell, Town Attorney

Enc.
October 11, 2018

Town of Watertown
Inland Wetlands Agency/Conservation Commission

To Whom It May Concern:

As you are aware there was a notice of violation issued to me, Marion Markiewicz, the owner of Watertown Brownfield LLC for my property located at 0 Echo Lake Road. Working with Town staff regarding the potential violation I removed anything that was in question and remedied all potential violations. Town staff observed all areas in question on July 12, 2018. All material has been removed and there are no longer potential violations in question. The town also did a second inspection on August 9 2018 and found again, no areas in question or potential violations.

Please see Mark Massoud’s letter to The Town of Watertown Inland Wetland Commission, stating there are no longer any potential violations in question and to remove the notice of violation. I also respectfully request to remove the notice of violation and be removed from the Agenda.

Sincerely,

Marion Markiewicz
Craig Palmer: Any questions from the commission on this? None Moosa, any questions?

Moosa Rafey: No comments

Zaiga Antonetti: I have a question. Mark, all of these had been forwarded to Paul Jessell. Have you heard anything back from the town attorney regarding any of this?

Mark Massoud: Correct, I forwarded the letters to Paul and I had a conversation with him yesterday. I informed him of what our tact was and how we plan to remedy the notice of violation and he was in agreement. He had no contrary comments.

Zaiga Antonetti: Do you still feel that the facts as you noted them in your letter are still true?

Mark Massoud: Yes, I do

Zaiga Antonetti: Thank you

Joe Polletta: So when you went on the site you didn’t see any violations and everything was put back together?

Mark Massoud: Correct. The site had been cleared of any material that had been brought to the site with the exception of a row of wood chips which is placed at the perimeter at the top of the slope ostensibly to prevent any erosion or sedimentation and it appears that it’s doing its job

Craig Palmer: Was there any comment from the town attorney?

Mark Massoud: No contrary comments. Again, I spoke with him yesterday and informed him of how the events appear to be going

Joe Polletta: So basically, you did the same thing that Moosa went on the other side on Litchfield Road to make sure everything was ok

Mark Massoud: Correct

Joe Polletta: So there was no problem with anything?

Mark Massoud: That’s correct, yes.

Joe Polletta: I’ll make a motion that 7D – Notice of Violation issued to the owner of Watertown Brownfield, Echo Lake, Watertown, CT be removed from the agenda.
Mike Genovese: Second

Craig Palmer: All in Favor: Aye Opposed: None Abstentions: None

Ned Dalton: Motion to table 7A and 7C under Old Business. 7A - Second Notice of Violation issued to the owner of 30 Jericho Road, Watertown and 7C - Notice of Violation issued to the Watertown Fire District concerning regulated activities conducted on the district property on Judd Farm Road, Watertown

Mike Genovese: Second

Craig Palmer: All in Favor: Aye Opposed: None Abstentions: Noe

8. New Business
   A. Dept. of Public Works memorandum for a letter of support for Steele Brook greenway recreational trails grant application

I’m going to recuse myself from this because we’re involved in this property

Moosa Rafey: I think the commission did the same thing last time when they did the first section of the greenway you wrote a letter of recommendation that the commission is in favor of that project. Basically, the Town of Watertown, Dept. of Public Works is requesting another letter of support from the commission.

Zaiga Antonetti: Do we have any further details in terms of exactly what it is that the grant application is going to include? I know it says here that he’s going to purchase, acquiring property along the former railroad right of way between Unico Fields and French Street. Do we know what properties he’s proposing to purchase?

Moosa Rafey: I don’t have those details

Mark Massoud: To answer your question, yes, there is a list but apparently we don’t have it here today.

Zaiga Antonetti: Do we have any idea what the cost of this is going to be or he’s applying for all the monies that would be necessary for the grant to fund all the monies that would be necessary to purchase the properties and design the construction of the pedestrian bridge over Steele Brook

Moosa Rafey: Other than what Mr. Cavanaugh wrote in the letter, to be honest I don’t have additional information. If you want you can table it
Zaiga Antonetti: Well, I think there’s some urgency to it because the last sentence in it says “The grant application is due by the end of October”. I don’t think we can table it for the next month

Moosa Rafey: Ok. I’m sure that they will submit an application to you when they want to build this thing

Zaiga Antonetti: So basically we are just giving him a blanket letter of approval that we support him applying for this grant correct? We’re not making any statements as to purchase of the specific properties or any design on the bridge. We’re just supporting his efforts to apply for a grant

Mark Massoud: Correct. I don’t think you’re granting any approval, the second part I believe is accurate, you’re giving a letter of support for him to go forward and make the application.

Zaiga Antonetti: Just to go forward and make the application without implication that we are supporting any of the individuals

Mark Massoud: Correct, I don’t think it usurps at all any future applications that they have to make to the commission to carry that project forward. That’s correct

Zaiga Antonetti: Thank you. I just wanted that clarified and Moosa, are you prepared or Mark to draft our letter of support?

Moosa Rafey: Yes, I will do that on your behalf. Should I use your name because Mr. Chairman recused himself?

Zaiga Antonetti: In the name of the commission. If you want to put my name on it as Vice Chair that’s fine but it’s the commission that’s supporting him

Moosa Rafey: Ok. I will draft a letter and bring it to you

Zaiga Antonetti: Or you can mail it to me. We don’t want to hold them up because he has a deadline of end of October.

Moosa Rafey: You’re basically supporting the trail.

Zaiga Antonetti: Yes, we’re supporting his applying for the grant is what we’re doing.

Mark Massoud: No more than that at this point
Zaiga Antonetti: No more than that at this point. Do any commissioners have any questions? None. I would entertain a motion that we approve Mr. Cavanaugh’s request for a letter of support for the Steele Brook Greenway recreational trails grant application.

Mike Genovese: So moved

Joe Polletta: Second

Zaiga Antonetti: All in Favor: Aye  Opposed: None  Abstentions: None
Ok – I turn it back to Craig

Craig Palmer: 9. Communications and Bills
   A. Appointment letter for Mr. George Touponse as a regular member of the CCIWA to fill the unexpired term of Anthony DiBona for the term expiring January 31, 2019 and
   B. Appointment letter for Mr. Harry Olson as an Alternate Member of the CCIWA to fill the unexpired term of George Touponse III for a term to expire January 31, 2019

Joe Polletta: I make a motion to accept and file 9A and 9B

Mike Genovese: Second

Craig Palmer: All in Favor: Aye  Opposed: None  Abstentions: None

Moosa Rafey: I want to welcome Mr. Olson on the commission

Craig Palmer: 10. Reports from Officers and Committees: None

11. Reports from Staff
   A. Agent Determination
      a. Application #2018-22 of Prospect Pools, LLC for installation of an inground pool within upland review area at 132 Hidden Pond Dr, Watertown

Moosa Rafey: I issued a permit for the swimming pool. It is approximately 45 to 50 feet away from the edge of the wetlands.

Craig Palmer: Anything else under staff? None

12. Public Participation: Anybody from the public wishing to speak?

Michael Grillo: Good Evening Board, I am Michael Grillo, President of Grillo Services, LLC. I live in Trumbull, CT, 33 Haybell Hill Rd. I’m here tonight with my brother and also owner of Grillo Services Vice President, Lawrence Grillo, he also lives in Trumbull. He resides at 20 Gwendolyn Dr in Trumbull. We recently made a down payment on a 65 acres parcel here in Watertown located at 192 Park Road. It’s the old Muskaluk farm. We plan to keep it a farm. We’re here before you tonight because there are some wetlands on
the property, which we don’t see ourselves impeding in any way. There’s some wetlands up in the north corner in a wooded area and there’s a small spring fed pond on the property and we don’t see ourselves impeding either of those two wetlands at all. There is a small man made pond that Sweet Peet uses. It has a liner in it because he lets it fill with water and he pumps that water onto the sweet peet pile which is a manure that’s called a bwock composting. He puts that manure in piles about 75 feet high and he flips that pile and he runs a gas pump probably with an inch line or so with a sprinkler system onto that sweet peet pile and he turns that over and gets the micro organisms back into the pile as he’s making his sweet peet compost mulch.

What we do is we are in the compost business also. We’re one of the largest composters in southwest Connecticut, we’re one of the largest mulch and soil manufacturer’s in southwest CT. We have 25 employees, we’re founded in 1993 down in Milford, CT. We currently operate on a 22 acre parcel and lease another 8 acre parcel. So that’s where our full operations are right now. We’d like to make this our manufacturing facility. Our primary focus is and our primary business is broken into basically three categories. Bringing in brush, logs, stumps, leaves and grass. We take the brush, logs and stumps, we grind them up through these big grinders that are called tub grinders and we do a primary grind and then we do a secondary grind to make our mulch. We make black mulch, red mulch, brown mulch. These colorants that we use when we make the mulch are all derived from rare earth materials. Everything comes out of the soil as far as the carbon, the iron oxide so you’re not getting any pollutants going back into the soil when we make our mulch. Furthermore, when we inject the colorant into the mulch into the grinder, it’s applied directly to the mulch so it’s not like you have a tremendous amount of runoff going anywhere. So what we do is we take our grindings and we take woodchips and we put those in rows also and we use those in our mulch products also. The leaves that we take in we take them in from the City of Milford, the City of Stamford, the Town of Trumbull and occasionally we get leaves from other towns. We take those leaves and we put them in large trapezoid type rows. A winrow could be about 12 feet wide on the bottom and about 12 ft high and we take those rows and we run them out for as long as we can and we turn those rows every 30 days as far as the leaves go. Now that make a rich humus compost product that takes about 9 months to make the way our process. The grass we take in is very limited. Those are two of the primary functions and the other primary function is we’re a large environmental remediation supply company. When people, for example, may fill in a wetland, Deep may require them to remediate that wetland, we’ll build soils to 99% to the exact same species of soil that was originally in that wetland to replace and regrow that wetland.

With that being said, we have 25 employees, we plan to keep this a farm and the back 10 acres of this property, like I said there is some wetlands there and we don’t plan to impede that whatsoever, we’re going to leave that wooded at this point. We plan to have some cows back there and some cows and goats also in the front of the property. Inside the barn we plan to have a small saw mill and make rough saw and lumber. It goes pretty well with our business as we’re bringing in logs and brush. Right now the farm is mostly all cleared so we’re not going to be going in there and taking out any trees because right now it’s being
mowed a couple times a year. They’re taking the hay and using it for cow feed. We plan to keep it a farm, we’d have to widen the entrance on the far side, so it won’t actually be a problem with the line of side of traffic, if you know the property on Park Rd up more towards the corner so it’ll be plenty of line of site. Obviously we’re going to have our wetland scientist and engineers flag all the wetlands, this is just an informal informative meeting, it’s the reason we came here tonight. We’ll have some equipment on site, pay loaders, grinders, some trucks and storage containers. The site is pretty well tucked back from the road so I don’t think we’ll be an eye sore. We’re going to keep the trees in the front and maybe add some. So that’s why were here and I know my brother would like to interject and give you a little bit more information. Thank you

Lawrence Grillo: 20 Gwendolyn Dr. Trumbull, CT, partner at Grillo Services, partner with my brother Michael. I want to elaborate on a few things that maybe he left out. Like he said it’s a very preliminary map just to give you an idea of what we do. What you don’t see there are storage bins that would use with mafia block to make storage bins which we would use to store out mulch products, our compost, our blended soils which we sell to the public, contractor’s, municipalities, and to residents. They pick it up and we also deliver these products. That’s one thing I wanted to touch on. Obviously you’d be seeing a much more detailed map that. It’s very preliminary it’s just to give you an idea of what we do and we do use a lot of real estate in the process of composting and win rowing, my brother touched on it, constantly working oxygen into the products so it does use a lot of acreage. I would like to say one thing in regard to some of the runoff, the woodchips hold quite a bit of moisture and our compost holds 5 times its weight in moisture as well, to give you an idea, it’s like a big sponge, so we’re anticipating a lot of run off into other areas because it just sucks right in so I think it’s important to touch on that as well. I’ll also be happy to answer any questions.

My brother would also like to mention that we do bring in top soil. We also blend that top soil we bring in from new subdivisions, we blend it with our compost. We really do this because your typical species, a good one would be 4-6% organic content. We boost that up with our compost and our blending from 10-12%. We actually make a State of Connecticut DOT speck soil which has been used by the State of Connecticut for many years now.

Craig Palmer: The problem is you don’t have an application before us

Michael Grillo: No, we just wanted to give you a preliminary map. Moosa mention come speak before the board

Craig Palmer: We can’t give any opinions

Michael Grillo: Oh no, I don’t want any opinions. I just want to know if you have any questions right now

Craig Palmer: We got the gist. You have to go through the process
Michael Grillo: I’m just here to offer information that’s all

Zaiga Antonetti: So you’re anticipating submitting an application to us, correct? Because it’s going to have a wetland impact.

Michael Grillo: Absolutely

Craig Palmer: Like I said, without an application. We’re only the wetlands part of it. I don’t know about the zoning part

Michael Grillo: I understand. Thank you for your time

Mark Massoud: Mr. Chairman, may I ask a questions?

Craig Palmer: Yes

Mark Massoud: I’ve heard their presentation. They’re in front of the Planning and Zoning Commission. I just have one questions and then I’ll explain the Planning and Zoning process. You mentioned you bring top soil in then I thought I heard previously maybe you use top soil from the site? I just want to clarify that.

Michael Grillo: Some of our top soil will be strips and fields because we won’t be able to work on that pace right now. The pay loaders would be sliding all over the place on the loomy, slippery soil so we just have to just get down to it a subsoil base to work on but once we do remove that product that would be blended with compost and sold as well. We bring in soil from all over

Lawrence Grillo: We also do bring in some subsoil because subsoil has a lot of times the characteristics of the soil that we need but it’s lacking organic content which we make so we’re able, again, turn that also with the top soil to make soil species that are viable and we need for different projects

Mark Massoud: Mr. Chairman, just to complete the picture, the Grillo’s did come to the Planning and Zoning Commission and made a similar informal presentation. They’ve spoken, I believe, with the EDC and I believe are going to one of their meetings next week for a similar presentation. So right at this point they’re making the rounds to gather information, feed back and they’ll proceed from there.

Craig Palmer: Anybody else from the public wish to speak? None

Joe Polletta: I make a motion to adjourn at 7:38

Zaiga Antonetti: Second
Craig Palmer: All in Favor: Aye  Opposed: None  Abstentions: None

ATTEST:

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Edwin Dalton, Secretary