

**BRISTOL CONSERVATION/INLAND WETLANDS COMMISSION
MINUTES
SPECIAL MEETING OF WEDNESDAY MAY 22, 2024**

CALL TO ORDER:

By: Chairman Fisk

Time: 7:00 P.M.

Place: City Hall
Council chambers
111 North Main Street
First Floor

ROLL CALL:

MEMBERS	NAME:	PRESENT	ABSENT
REGULAR MEMBERS	Zachary Fisk (Chairman)	X	
	Michael Robinson (Vice Chairman)	X	
	David Rooks (Secretary)	X	
	James Carros	X	
	Daniel Massaro, Jr.	X	
	James Ritchie	X	
	Faye Duquette		
ALTERNATE MEMBERS	Greg Klimek	X	
STAFF	Nancy Levesque, P.E., City Engineer	X	

Chairman Fisk called the meeting to order at 7:00 P.M.

1. Pledge of Allegiance

Chairman Fisk reminded the Commission the next Regular Meeting of the Inland Wetland Commission is Monday, June 3, 2024.

2. Call to Order**3. Old Business**

- a. Application #2019 – Wetlands boundary change application for the restoration of the White Bridge Waterworks facility at Maltby Street; Assessor's Map 52 & 53, Lots 11, 15, 16B16A, 17, 145, 147, 149, 150 & 151; New Britain Water Department, Ramon Esponda, Deputy Director, applicant (Public Hearing Closed at May 6, 2024 Regular Meeting).

The Commission received the following items in their electronic packets for Application #2019:

- a. Application
- b. Assessor's Map with Inland Wetlands Watercourse Layers
- c. Narrative (2 pages)
- d. May 1, 2024 Letter from Sebastian Amenta (4 pages).
- e. Review comments by Ray Rogozinski & Responses – April 22, 2024 & May 2, 2024 (5 pages).
- f. May 6, 2024 letter from Carol Noble (8 pages).
- g. Link to 3rd Party Review Agreement (22 pages)
- h. Link to Response 1 Attachments (61 pages)
- i. Response 2 Attachment (2 pages)
- j. Link to Response 3 Attachment (9 pages)

- k. Response 4 Attachment (2 pages)
- l. Link to Response 5 Attachments (5 pages)
- m. Link to Response 9 Attachments (20 pages)
- n. Attachment 10 - CT DEEP Permit Need Determination (3 pages)
- o. Link to Attachment 11 – Detailed Groundwater and Stream Monitoring Plan (11 pages)
- p. Attachment 12 – Letter confirming hydrologic information for project site remains valid (2 pages)
- q. Attachment 13 – Proposed wetlands boundary line change map (2 pages)
- r. Attachment 14 – Resumes of Engineers and Soil Scientists (11 pages)
- s. Letter dated March 28, 2024, from Cameron Covill, North Central Conservation District, Inc., regarding Review of Wetlands Application, New Britain Water Department (3 Pgs.)
- t. Link to Hydrogeologic Study (3 pages)
- u. Link to Application #2019 Correspondence (38 pages)
- v. Summary of Updates Sheet (2 pages)
- w. Whitesbridge Wellsfields Overall Map (1 page)
- x. Letter from Graham Stevens dated February 21, 2024 (2 pages)
- y. Letter dated May 6, 2022, from ConnDEEP, regarding Natural Diversity Database (NDDDB) maps and files (2 pages).
- z. Verified Petition to Intervene Under CGS 22a-19, submitted by Rivers Alliance of Connecticut (8 pages)
- aa. Letter dated April 27, 2022, from CDM to the CT State Historic Preservation Office, regarding 106 Review, Replacement of White Bridge Waterworks Facilities Applicant: City of New Britain.
- bb. Photos Submitted by Daniel Sutula dated March 11, 2024 (1 page)
- cc. Attachments: Project Site Map; Additional Information; Project Drawings; Abutting Property Map and Property Owners Map; Site Survey: Wetland Replication Areas (26 pages).

The Commission received the following items in their electronic packets for Application #2020:

- b. Application #2020 – Wetlands application for the restoration of the White Bridge Waterworks facility at Maltby Street; Assessor’s Map 52 & 53, Lots 11, 15, 16B16A, 17, 145, 147, 149, 150 & 151; New Britain Water Department, Ramon Esponda, Deputy Director, applicant.
- a. Application (2 pages)
- b. Assessor’s Maps with Inland Wetlands Watercourse Layers (4 pages)
- c. Narrative (7 pages)
- d. May 1, 2024 Letter from Sebastian Amenta (4 pages).
- e. May 6, 2024 letter from Carol Noble (8 pages).
- f. Review comments by Ray Rogozinski & Responses – April 22, 2024 & May 2, 2024 (5 pages).
- g. Link to 3rd Party Review Agreement (22 pages)
- h. Link to Response 1 Attachments (61 pages)
- i. Response 2 Attachment (2 pages)
- j. Link to Response 3 Attachment (9 pages)
- k. Response 4 Attachment (2 pages)
- l. Link to Response 5 Attachments (5 pages)
- m. Link to Response 9 Attachments (20 pages)
- n. Attachment 10 - CT DEEP Permit Need Determination (3 pages)
- o. Link to Attachment 11 – Detailed Groundwater and Stream Monitoring Plan (11 pages)
- p. Attachment 12 – Letter confirming hydrologic information for project site remains valid (2 pages)
- q. Attachment 13 – Proposed wetlands boundary line change map (2 pages)
- r. Attachment 14 – Resumes of Engineers and Soil Scientists (11 pages)
- s. Letter dated March 28, 2024, from Cameron Covill, North Central Conservation District, Inc., regarding Review of Wetlands Application, New Britain Water Department (3 Pgs.)

- t. Link to Hydrogeologic Study (3 pages)
- u. Executive Summary (2 pages)
- v. Link to Application #2020 Correspondence (38 pages)
- w. Letter dated February 26, 2024 from Sebastian Amenta (1 page)
- x. Summary of Updates (1 page)
- y. Letter dated February 21, 2024 from Sebastian Amenta (2 pages)
- z. CT DEEP Letter dated May 6, 2022 (2 pages)
- aa. State of Connecticut Project Review Form (2 pages)
- bb. Letter from CDM Smith dated April 27, 2022 and attachments (15 pages)
- cc. CT DEEP Letter dated May 6, 2022 (3 pages)
- dd. Verified Petition to Intervene Under CGS 22a-19, submitted by Rivers Alliance of Connecticut (8 pages)
- ee. Link to State HPO Submission April 2022 (19 pages)
- ff. Photos Submitted by Daniel Sutula dated March 11, 2024 (1 page)
- gg. Attachments: Project Site Map; Additional Information; Project Drawings; Abutting Property Map and Property Owners Map; Site Survey: Wetland Replication Areas (26 pages).

The Commission received the following items in their electronic packets for Application #23-458F-305:

- c. Application #23-458F-305 – Floodplain application for the restoration of the White Bridge Waterworks facility at Maltby Street; Assessor's Map 52 & 53, Lots 11, 15, 16B16A, 17, 145, 147, 149, 150 & 151; New Britain Water Department, Ramon Esponda, Deputy Director, applicant.
 - a. Application (1 page)
 - b. Revised Application (1 page)
 - c. Application Page 2 (1 page)
 - d. Narrative
 - e. Pumping Station Data
 - f. Assessor Maps (3 pages)
 - g. Letter from Sebastian Amenta dated May 1, 2024 (4 pages)
 - h. May 6, 2024 letter from Carol Noble (8 pages).
 - i. Review comments by Ray Rogozinski & Responses – April 22, 2024 & May 2, 2024 (5 pages).
 - j. Link to 3rd Party Review Agreement (22 pages)
 - k. Link to Response 1 Attachments (61 pages)
 - l. Response 2 Attachment (2 pages)
 - m. Link to Response 3 Attachment (9 pages)
 - n. Response 4 Attachment (2 pages)
 - o. Link to Response 5 Attachments (5 pages)
 - p. Link to Response 9 Attachments (20 pages)
 - q. Attachment 10 - CT DEEP Permit Need Determination (3 pages)
 - r. Link to Attachment 11 – Detailed Groundwater and Stream Monitoring Plan (11 pages)
 - s. Attachment 12 – Letter confirming hydrologic information for project site remains valid (2 pages)
 - t. Attachment 13 – Proposed wetlands boundary line change map (2 pages)
 - u. Attachment 14 – Resumes of Engineers and Soil Scientists (11 pages)
 - v. Letter dated March 28, 2024, from Cameron Covill, North Central Conservation District, Inc., regarding Review of Wetlands Application, New Britain Water Department (3 Pgs.)
 - w. Hydrogeologic Study December 2007 (3 pages)
 - x. Link to Application #23-458F-305 (39 pages)
 - y. Letter from Sebastian Amenta dated February 26, 2024 (1 page)
 - z. Summary of Updates (1 page)
 - aa. Update Letter form Sebastian Amenta dated February 21, 2024 (3 pages)
 - bb. CT DEEP Letter dated May 6, 2022 (3 pages)
 - cc. Verified Petition to Intervene Under CGS 22a-19, submitted by Rivers Alliance of Connecticut (8 pages)

- dd. Link to State HPO Submission April 2022 (19 pages)
- ee. Photos Submitted by Daniel Sutula dated March 11, 2024 (1 page)
- ff. Attachments: Project Site Map; Additional Information; Flood Map; Link to Floodway Areas, Project Drawings, Abutting Property Map and Property Owners Map; Site Survey: Wetland Replication Areas (38 pages)

Boundary Change in Application # 2019

Nancy Levesque, stated that the solid blank line on the map for the proposed boundary is what was delineated by the soil scientist Ian Cole from CEI.

Commissioner Robinson asked if there is an existing wetlands map from the city.

Nancy Levesque, City Engineer, said the current city wetland mapping is on the map. The city's wetland map goes thru the fingers and roadway on the north wellfield. The line goes around those fingers and due to being filled in years back they are no longer considered wetlands. The city mapping had them as wetlands, but the soil scientist delineated that to remove from our wetlands mapping. The wetlands limits to be delineated and the wetlands areas to be filled, and a stipulation can be that the applicant be requested to come back once work is complete for another boundary change to reflect the modifications that they are making in the field should the application be approved.

Chairman Fisk asked if any questions of comments, as what we are looking for is a consensus of how to act on this application right now.

Nancy Levesque stated that the other application needs to be approved in order to make the stipulation, before the boundary change can be made.

Chairman Fisk stated that in his opinion this application can be approved, and that the stipulation would fall on the next application to come back for a boundary change.

Attorney Olson mentioned that there should be a motion to direct staff, to draft a motion of approval for the next meeting, nothing is being approved tonight.

VOTE: to draft a motion for approval of the application #2019 of at next meeting.

For: Fisk, Robinson, Rooks, Carros, Massaro, Ritchie, Duquette

Against: None

Vote passed.

Chairman Fisk stated this is the same goal to as discussed on the previous application.

Nancy Levesque, City Engineer, reviewed the plan for the wells. The applicant's plan is to abandon the wells and construct new wells, which will need to be two feet above the flood plain. Some of the areas around the wells need to be built up with a radius of fifty feet, which will cause some disturbance. The plan submission indicated prudent and feasible alternatives on site, since the wells are already established and they are reusing the same areas, relocating them on another area of the site would cause more damage to the wetlands than their current locations.

Chairman Fisk states that the wells are generally in the same location, he doesn't feel this is significant.

Commissioner Massaro asked if the old wells were being removed.

Nancy Levesque, City Engineer, responded that they will be abandoned in accordance with the Department of Public Health regulations. The wells would be capped and are located in the lower and upper fields. The new wells are outside of the wetland area.

Nancy Levesque, City Engineer, stated the next item to discuss would be demolition and construction on the structures on the property. The pump house and the cistern in the lower well field, as well as the upper well field. The wall along the river will be left in place.

Commissioner Robinson asked for clarification on the footing and wall of the upper pump house as this is an integral part of the wall.

Nancy Levesque, City Engineer, stated that typically they are left in place and filled within the foundation to prevent it from becoming a safety hazard.

Attorney Olson, stated that the question to ask is, whether the demolition activities present a significant adverse environmental impact on the wetlands.

A discussion was had about adding a stipulation about removal of debris.

Nancy Levesque, City Engineer, stated that there could be a provision stating to shield the river from any demolition activities.

Nancy Levesque, City Engineer, reviewed the construction of the new pumphouse which is located within the upland review area and outside city delineated wetlands. The proposed driveway has an amount of fill associated with it as well. The pumping station will be above the base flood elevation, as well as the driveway so they have access during a 100-year storm. Reducing the overall impervious on site with the new pumpstation going from three buildings to one building.

Attorney Olson, stated the question again, is there a significant environment impact on the wetlands? He also stated that it would be appropriate to break in to two sections. The reason is if you find it does not, then you approve. If it does then you have to question whether there are any feasible alternatives. The pump station being section one and the filling for compensatory wetlands as its own.

Driveway:

Nancy Levesque, reviewed the PowerPoint for the flagging of the wetland's areas for the adapted boundary. This would be working off the boundary change line that we would be looking at for approval. Since it is a utility, it has to be raised at least two feet above the base flood elevation and accessible for a 100-year storm.

Chairman Fisk asked if there were any issues with the driveway portion.

Commissioner Massaro stated obviously there is, but there is not a reasonably prudent alternative for it.

Chairman Fisk also stated that there would be more alternatives, but that it would be more detrimental to other wetlands and the driveway is already in a wetland area, and it would be less detrimental than moving it anywhere else on the site. Considering that and that there will be mitigated wetlands, are we all in agreement that this is a prudent method of constructing the driveway on this site

The commission agreed with Chairman Fisk regarding the driveway having no other prudent alternative.

Gravel and Sediment Removal

Nancy Levesque, began discussing the gravel pile. It is to the south of the supply pond and a portion of it was previously taken out of the supply pond. There were piles left during different projects and the plan is to remove and restore to original grade, possibly using some of what is in those piles.

A conversation was held regarding that the fill on site be used to regrade the area and if additional fill has to be brought in, it should be wetlands type soil. The discussion continued regarding if this would be a significant activity and cause an adverse effect to the wetland environment.

Nancy Levesque, City Engineer, said the act of removal of the gravel and sediment is an adverse during the duration of removal. The reconstruction of the drainage pipe is also a temporary adverse event. The long- term impact would be positive. A sequence of construction was submitted with the plans which includes timeframes of the construction. It was also said that it can be stated the contractor has to follow the sequence of construction or come back to staff for any modifications.

Fill with regards to driveway at the pumphouse and lower well field

Nancy Levesque, City Engineer, described that three of the wells south of the canal have fill and are in wetlands. There has to be a fifty-foot radius around the wells and two feet above so they are kept outside of the wetland area. The fill next to the pump house is required to meet the base flood elevation by FEMA.

A discussion was held regarding the wetland effects of this. There is no other area that would be a feasible alternative to put the pump house on the property.

Wetland Creation

Attorney Olson stated that is a significant environmental impact because it's being created in an area that are not wetlands.

Nancy Levesque, City Engineer, stated that there is usually a creating and monitoring plan and is usually a three-year plan to ensure that the planting come in. It is usually left up discretion to the soil scientist.

Chairman Fisk stated that this could be stipulated in the motion and could be approved by the commission.

Attorney Olson stated that it could be stipulated to require Connecticut native wetlands plants and a final planting plan to be provided to staff for review and approval.

Nancy Levesque, stated slide #99 in the attached documents indicated areas there are stream gauges and piezometers that are proposed as well as monitoring wells. The plan indicates those items to continue ongoing monitoring for three years as a requirement and gauges are placed in various areas on the site. Monitoring will be done daily and could be stipulated that the data be uploaded. This could be a stipulation for staff to access the data and make it public.

Attorney Olson stated that environmental intervention pleading applies to all three application and should be discussed at this time.

Chairman Fisk asked the commission that considering the intervening application and how it applies, have they made a case for evidence, we should consider that is factual that this application is detrimental to the wetland's region.

Attorney Olson stated there is a three-step analysis in the intervention pleading. First, has the pleading complied with the statutes that require there be a specific factual allegation in the pleading that there will be unreasonable pollution, reasonably likely to have an effect on the air, water or other natural resources in the state of ct. The second step is, did they prove it. Did they submit evidence that these effects will occur? The

finding has to be based on a competent technical expert and has the effect been adequately described and quantified. The third step would be to provide feasible prudent alternatives.

The commission reviewed the intervention pleading letter that was submitted.

Commissioner Rooks stated that the third-party review did bring up withdrawals, and if we felt that we need more information from the applicant of intervener we could ask for that. There was a lot of discussion from the public and other areas about the impact of withdrawal. The studies submitted were from 2007 and there is no current in any reports. This is one of the concerns, what if the minimum and maximum

Commission Massaro asked if they could exceed the registered diversions?

The registered diversions cannot be exceeded. Nancy Levesque stated that DEEP is standing by the registered diversion of the upper and lower well fields of approximated 8.7 million gallons per day currently.

Attorney Olsen reminded the commission that the first thing to determine if the pleading on its face makes specific factual allegations about conduct that is likely to result in unreasonable pollution. Also, that the intervention pleading can only raise issues that are in the wetland commission jurisdiction. The commission cannot tell them not to withdraw, but there may be some room for discussion of the impacts those withdrawals have on the wetlands and whether there are better ways to do it. The decision has to be based on what's in the record.

Commissioner Fisk said that based on this and the monitoring that will be in place, what kind of stipulations can we consider as a result of monitoring if we see the stream flows are too low? Can we ask that well pumping cease?

Attorney Olson responded; the registration is the registration. The monitoring provides what would be publicly available information as to the levels in the streams and people who are concerned with the levels of the stream can do with that information what they choose to do with it.

Chairman Fisk stated they may take that information to another agency that has jurisdiction.

Commissioner Robinson stated that the point that was brought up that during the drought the Coppermine went dry and the aquifer was being sent away. Do we have any jurisdiction or any way or regulating to say we don't want this to happen again?

Attorney Olson responded that the first thing is to find whether the pleading is sufficient, and if that's the commissions determination then you can stop here. But the jurisdiction question, you cannot tell them to stop pumping, but you might have room to have jurisdiction over wetland impact due to the pumping and how those are managed and dealt with. But this is a very grey edge of the commissioner's jurisdiction.

Chairman Fisk asked if the intervener petition is sufficient to go forward and the commission all said no.

Attorney Olson stated that this will be included in the resolution that will be drafted, but it just means that you don't have to go to the analysis portion.

Chairman Fisk asked what if the pumping is excessive and causes low flows and impacts the newly created wetland area.

Attorney Olson respond that in the resolution, it will contain fairly robust monitoring of the new wetlands areas because it doesn't always work.

Chairman Fisk want to revisit that stipulation that the wetlands that are going to created will come back for a boundary change.

A recess was taken at 8:30 p.m.

Meeting resumed at 8:35 p.m.

Chairman Fisk stated that there are a few items to consider. One is the operation maintenance plan that the application can work with the city staff for approval.

Nancy stated that operation s and maintenance for normal mowing and maintained should have a plan in place and we can come back for major issues that come up. The second concern is the heron nesting, and the suggestion was poles and stands. Instead of that, the plan should be to plant some trees in the wetland to support the herons in the future.

Chairman Robinson, stated that this will become an economic feasibility where the dead trees are back there, can we take any action for replant and make it a species that would support the blue herons. The poles will just invite other species to the area. Wetland conducive plants that we specify that will support the blue heron population.

Floodplain Application

Nancy Levesque, reviewed the application stating that they are meeting FEMA's requirements for the proposed wells, buildings and driveway. They are supplying compensatory storage in excess of the fill being brought in. Overall, with the amount of flooding, the compensatory storage is providing additional storage area. They have provided a no rise certificate which indicated there will not be a rise in the elevation. The filing of a Lomar for the application which is a letter of map revision upon completion of the project and recalculation the base flood elevation with relation to the grades after the as built and construction is complete. The applicant has agreed to this.

The commission discussed that they are increasing the storage and it is not their responsibility to fix the flooding that already is happening.

Chairman Fisk stated that the residents who spoke should be directed to the flood and erosion commission to assist with that issue but this application is not going to harm them but it is not the applicant's job to correct it.

The commission was all in agreement with approving this application.

4. Adjournment

MOTION: Move to adjourn at 9:05 P.M.

By: Rooks

Seconded: Robinson

For: Duquette, Robinson, Carros, Massaro, Ministro, Ritchie, Rooks and Fisk.

Against: None.

Abstained: None.

This meeting was taped.

Zachary Fisk, Chairman
Inland Wetlands Commission

David Rooks, Secretary