

Minutes of the Special Meeting and Public Hearing of the Inland Wetlands Agency on July 24, 2013.

A. Roll Call

Present: Cathy Collins, Allen Cegan, Jim Connors, Ken Cowden, Dave DeFlumeri, Carol Dunn, Lily Flannigan, Richard Lutz, Brendan Magnan and Justin Margeson.

Also Present: Joe Griffith, DPLU Director; MaryRose Palumbo and Lisa Streit.

Collins called the meeting to order at 7:30 p.m.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Hearing

- 1. IW-A-13-024: 553 West Avenue, Grillo Services, LLC** - Proposal for a facility for leaf composting, tree and brush recycling, processing of topsoil, sale of landscaping products and 4 buildings with roads, parking, grading and stormwater improvements in and within 150' of a wetland in the Beaver Brook Watershed.

Collins stated that this is a continuation of a Public Hearing for 553 West Avenue. The hearing was left open at the June 26th meeting to give everyone time to review the Environmental report and reminded those present that this is a formal proceeding.

MaryRose reported that the file contents list is in the file and available in the IWA office.

Attorney Avalone submitted 2 copies of 2 booklets that contain complete sets of plans, reports, items submitted by email, report of safety management and the process from the manufacturer of the dye used for soaking mulch. Fred Mascia stated that drainage area maps have been submitted; these were omitted in error with the drainage report.

Collins called for those **IN FAVOR** of this application.

None.

Collins called for those **AGAINST** this application:

Steve Kraffmiller, 37 Sycamore Road, questioned the run off from compost and asked if it would pollute the ground or surface water and if so how would it be treated, contained and discharged.

REBUTTAL

Attorney Avalone stated that the report has been submitted and the product used has been used in Connecticut for over 20 years without a problem. Grillo has always used this product and have never been investigated by the DEP; have never had a complaint. It is a dry product and equipment sifts the dye in.

The public portion of the meeting was closed and the IWA asked their questions.

Collins asked the following questions:

1. Would relocating, increasing or decreasing the size of the road change the impact to the pond?
Fred Mascia stated that they are at the minimum width for 2 way traffic. For safety reasons they can't really make the road any thinner.
2. Would constructing the road during the dry season lessen the impact to the pond and Brook?
Fred Mascia stated that the dry season would be better, but currently that is difficult to predict.
3. How does a bridge being 120-150' in length make it economically unfeasible to construct?
Fred Mascia stated that the bridge would need to be 120 to 150' long and 2 lanes wide, constructed similar to a State highway bridge and would cost approximately 2 million dollars to construct. It would have abutments that would further impact the wetlands.
Matt Davidson stated he felt it was more desirable to expand an existing road rather than disturbing a new area of the site.
4. Stone is being used in place of pavement for the majority of the roadways. There is still an increase in the amount of impervious surface for the site due to less permeability. How will this increase in runoff be addressed?
Fred Mascia snow plowing will be with pay loaders, stone would be put within windrows. In the spring when the compost is mixed the stones would be used in the reconstruction of the site pad under the windrows.
Magnan asked about the pond that is impaired.
Michael Klemens stated that the disease appears to be contained to that wetland therefore it is important to clean that wetland before it spreads. Magnan asked if there was a cohesive plan to do so.
Michael Klemens explained that the plan is to create a healthy wetland by pulling out excessive nutrients and debris. The problem was accentuated this year by the incredibly dry spring. Restoring this wetland will prevent a reoccurrence of that disease.
Matt Davidson stated that he was not sure there would be a specific containment strategy for the mitigation; planting will fix the problem. Vegetation really provides most pollutant attenuation. A containment plan would be densely planting that wetland as detailed in the mitigation report.

Magnan stated that his question is about their approach to prevent the spreading of the disease. Michael Klemens stated it is not like the soil is polluted. It is impaired because of lack of vegetation. The real solution is restoring this wetland to a healthy functional wetland; basically fixing the wetlands. The soil is not a toxic waste, the conditions this summer was right for this disease. It is not a pathogen waiting to emerge.

Matt Davidson stated that the runoff from I-95 promotes the stagnant polluted condition. It is unlikely to get into Beaver Brook due to moving faster there and with constant flushing.

Magnan asked if there is any long term concern about that issue resurfacing. Matt Davidson stated that beyond densely planting you could monitor the herpetofauna to see if it gets better but the best plan is to better treat the water.

Lutz asked if the water is contaminated. Michael Klemens stated that toxins were concentrated due to droughty conditions. Ponds with oxygenation and vegetation will be more resilient. A healthy functioning wetland can better take the challenges and should greatly reduce these changes from happening again.

Magnan asked about the red leg disease and if it was contagious and a concern to public health if nothing is done with it. Michael Klemens stated that if nothing was done to this it could be a public health risk; if kids were going in and looking for frogs. It is an attractive nuisance, people and kids go there. It is impaired due to the highway runoff and lack of vegetation. Cleaning the soils by removing the silt and adding vegetation will help make it more resilient, but it will still be receiving unclean water from the highway. It should be watched over time to make sure it doesn't fill in with silt.

5. What will be done to prevent stones from the road being plowed into the pond during winter?

Fred Mascia stated that this happens on occasion and will have to be maintained. It will be plowed with payloaders.

6. In your 6/20/13 letter addressing Agency questions it was stated that the effects of runoff from the woodchips/composting activities will be presented at the public hearing – could you cover this again?

Fred Mascia reviewed the plan that combined plans C4 and C4-1 and reviewed the composting area and explained the windrow area. Currently the site grades Southwest. They are going to come in and build a pad that is 4' above ground water and grade everything towards the highway. Runoff from the roadway, gravel road and windrows will go Northwest. The runoff will join with the State's highway runoff and run through a grass swale, though a culvert to where the site naturally drains across the Iroquois pipeline, continuing the natural flow. So they are above the ground water and through grass swales and check dams to do infiltration. Fines from the composting area are absorbed in first 12" of top soil. The Grillos know they have to replenish their pad every year.

Eventually the water will get to Beaver Brook through the remnant wetland 'E' and infiltrated through the berm or through the ground. That is roughly 700' of grass swale which is sufficient to pre-treat before entering the Brook. The swales will have check dams and need to be maintained.

Collins asked that there is no pipe or mechanical system to pre treat the water? Fred Mascia stated that they could have added a two chamber system but that would have disturbed more area. The field area is an old gravel operation. There is very little paving for the project; 2 crossings and the entrance areas. Gravel is throughout the site.

Collins questioned why the storage bins are facing Beaver Brook when before they faced away. Fred Mascia stated that the bins were turned for function and loading; for accessing material.

Matt Davidson stated that earlier in the process they had talked about a treatment pond but changed the plan because the composting windrows breakdown in the winter when the vegetation in the pond would be dormant. He felt there wasn't sufficient benefit to having the bio-retention pond due to time of year and dormant season for the plants in the pond.

Michael Grillo stated that in the spring of 2012 they dug 16 test holes and never encountered water at 4'. Watershed maps submitted this evening show the 4 locations where drainage enters the site from the highway.

7. The Engineering report mentions the watershed maps; I don't believe that they were included in the report or plan set. Do you have those? These have been submitted.
8. Does non-acceptable debris sometimes come in with the plant material that is usually handled onsite? How is this waste stored or handled? Michael Grillo stated that they only call DEEP for toxic substances and this has actually never happened to them in 20 years in business. If they came upon waste dumped at the site they would contact DEEP. They have a series of 3 checks and document who comes into the site. Lawrence Grillo stated that in over 20 years they have had few instances of people dumping house waste etc. They load the waste back onto the truck and make them take it off site.
9. Will there be curbs along the Beaver Brook side of the site roads to prevent material and water from running down the slope into the wetland and NRU areas? Fred Mascia reviewed the curb and retaining wall area on the plans.
10. The Material receiving area and the associated stockpile areas as shown on Sheet C4.1 are near the top of a slope. How will you prevent material from these areas from being pushed or falling down the slope? Will these areas be regularly inspected and reported on to ensure that the material does not encroach outside of the limits of disturbance as shown on the plan?

Fred Mascia stated that the hill will be regraded and the runoff will go towards the North, away from the Brook. Lutz clarified so in the other areas there are grass swales but this area doesn't have that? Fred Mascia stated that that was because that material in that area has already been processed.

11. Is 3 years after construction sufficient for determining the success of the mitigation area?

Matt Davidson stated that he is not sure he included monitoring protocols in his report. The ACOE standards are 5 years; in 3 years you have a good sense of if you will have issues. He typically documents a monitoring plan with 1-2 site visits and a report to the town at the end of the growing season usually mortality and invasive species. He could draft a monitoring plan. MaryRose asked if they

anticipate going through the Army Corps and following their guidelines. Davidson stated that he did.

Lutz asked what happens if there is a problem. MaryRose stated that there are two bonds; one for construction and one for mitigation and she reviewed criteria for such. The bond is held until completion. Lutz asked if BeaverBrook would be tested. MaryRose stated that they are not working in BeaverBrook. Magnan asked about functions and values and net gain and asked if it is protocol for this to be measured/monitored. Matt Davidson stated that it is difficult to measure; not just size but function.

MaryRose reviewed the Public Hearing process for new members. Once the Public Hearing is closed, the decision must be made based on the material in the record referencing section 10.5 of the Regulations.

Collins asked if everyone had all the information needed to make a decision and then deemed the Public Hearing closed.

A five minute recess was taken.

Cowden asked what happens if a problem comes up in year 3 and he would like to see additional years of monitoring to ensure any problems are fixed.

Connors stated that it is a sensitive piece of property. They will also need to deal with drainage on the Post Road that ultimately impacts the Beaver Brook.

Munson thinks that we are the first step in many steps they are going to take the plan and that it seems pretty well conceived and he thinks problems are going to come from the drainage off I-95, not this project.

Connors stated that the State is not interested in cleaning up the debris based on his own personal experience. He has property that abuts the railroad and he cleans the area himself and feels Grillo would to the same.

Cowden questioned the length of monitoring. Magnan stated that based on training, the maximum is 5 years. Collins stated that their current operation is right on the river and has been for 20 years and they are closely monitored and feels they really thought out the plan with minimal impact. Margeson feels the plan is a plus and an improvement environmentally. Dunn agreed. Flannigan agreed. Magnan stated that he feels it is a net improvement and has no doubts about their expert testimony.

Connors agreed and stated that it is a good operation. DeFlumeri stated that he is concerned with I-95 and the diseased tadpoles and it should be monitored. Lutz stated that he was impressed with the professionals but feels the public would be more comfortable with an independent expert. Collins stated that it was too late for that, the Public Hearing is closed and it would have had to be for a specific issue.

Cegan agreed with everyone else, he would like 5 years of mitigation monitoring. Cowden would like to see wetland markers along the boundaries. He proposed large boulders (500 lbs) with wetland boundary markers them at 20' intervals on center.

The following motion was made by Connors, seconded by Cegan:

Based on the plans entitled "*Grillo Services, LLC, Property at West Avenue and School House Road, Milford, Connecticut*" by Tighe & Bond, cover and 18 sheets, dated April 26, 2013, revised June 19, 2013, the information in the file and presented at the public hearing on this application I move to approve application IW-A-13-024: 553 West Avenue for the following reasons:

1. A feasible and prudent alternative does not exist. The applicant provided convincing documentation that no change in the size of the footprint, or the location of the footprint would decrease the impact.
 - a. No alternative proposed is feasible.
 - b. No feasible alternative is prudent in that the applicant has shown the cost of a bridge to avoid all wetland impacts and stay above the flood zone would be cost prohibitive detrimental to the wetland.
2. After duly considering all relevant factors:
 - a. There will be a minimal adverse environmental impact which will be mitigated by the use of sedimentation and erosion controls as set out in the application, the renovation of the degraded pond and wetland area and the creation of the proposed wetland mitigation area.
 - b. The [~~Short-term~~] impacts during the construction phase shall be mitigated by the following conditions: (list permit conditions)
 - The work on the road will be done during the dry season.
 - 500 lbs boulders with wetland boundary markers **to be placed** on 20' centers around the mitigation areas, roadways and disturbed wetland areas.
 - 6' Green page fence to be installed on the downgradient side of the proposed woodchip berm in the material receiving and stockpile area.
 - Staggered 6-8' white pines planted downgradient of the green page fence sufficient to screen the area.
 - A construction performance bond to be calculated must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt by a professional licensed in the State of Connecticut showing finished 2' contours and locating all site structures. The asbuilt must be received for the release of this bond.
 - A mitigation bond to be calculated will be held for a minimum period of [~~Three~~] **five** years with monitoring reports twice a year by the professional wetland scientist to the MIWA. If the benchmarks for success of the mitigation areas are not met by year [~~Three~~] **four**, [~~two~~] **three** additional years of monitoring and reporting are required after the recommendations by the wetland professional are implemented. Once the benchmarks for success have been reached and final wetland professional report has been reviewed and approved the mitigation bond may be released.
 - Mitigation monitoring is to include but not be limited to water quality and herpetofauna.
 - Any changes to the plan must be reviewed by the MIWA for compliance with this approval.

- The permit is issued 7/24/13 and expires 7/24/18 unless otherwise provided by CT Statute.

That is my motion,

Commissioners discussed the motion and the above changes in bold were made. Margeson moved to amend the motion with the above changes in bold. The motion was seconded by Cowden and carried unanimously.

There being no further business to discuss, the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.