

APPROVED Meeting Minutes  
Guilford Inland Wetlands Commission  
Special Meeting  
March 18, 2020 at 7:00pm  
Guilford Community Center  
32 Church St. Guilford CT

GUILFORD TOWN HALL  
20 APR -9 PM 12:43

**\*NOTE: Please be advised that at this time the following are strictly "Draft Minutes" until approved by the Inland Wetlands Commission \*Once approved the minutes will be marked as "Approved Minutes" and will be available in the clerk's office or upon request.**

**Members Present:** K. Clark, E. Besmer & J. Parker

**Members Webex meeting:** None

**Members Absent:** J. Marchi & S. Williams

**Alternates Present:** None

**Alternate Members Webex meeting:** W. Furniss & J. Netwon

**Alternates Absent:** None

**Staff Present:** Kevin Magee, Environmental Planner

**Staff Participating by Webex: meeting:** Erin Manix, Inland Wetlands Officer, Michelle Nazzario, Wetlands Secretary.

Chairman K. Clark opened the meeting at approximately 7:00 P.M.

Appointment by Chair of members sitting for this meeting: K. Clark, E. Besmer, J. Parker, W. Furniss & J. Newton

**A. APPROVAL OF AGENDA**

March 18, 2020

Upon a motion by Commissioner W. Furniss and seconded by Commissioner E. Besmer, it was voted to unanimously to approve the agenda.

**B. PUBLIC HEARING**

1. Vigliotti Construction, 2103 & 2131 Long Hill Rd, Map 96, Lot 1, 1C, 2 & 2A, Regulated Activity & Subdivision Referral, Open space subdivision including the construction of a 1,405 LF Town Road and the creation of 31 lots with various lot improvements within 100' of wetlands review zone and road crossing with water, gas, electric within the wetlands.

Present for Applicant: Chuck Mandell Thomas Stevens & Associates  
Attorney Tim Lee  
Robert Russo – Soil Scientist, CLA Engineers (Webex participant)

Consultant for Town of Guilford: Robert Wheway Codespoti & Associates (Webex participant)

Discussion:

Chuck Mandell provided to the commission an updated set of plans. Chuck Mandell reported that the plans are updated to address most of Codespoti's concerns and the remaining concerns are minor in nature and can be handled by conditions of approval.

Robert Wheway concurred that most of his concerns in his Peer Review letter dated March 18, 2020 are minor in nature and can be addressed by conditions of approval. Only one of his outstanding concerns would require changes to the plans which is moving the outlet of basin at Station 6+0 to the west towards the driveway of lot 5.

Commissioner Parker asked about seeing the latest set of plans. Kevin Magee indicated that the pages that were changed within the plan set were emailed out.

Discussion was held regarding the feasibility of lot 19 and should it be combined with lot 18. Commissioner Clark indicated that lot 19 is a marginal lot and he does want to see the commission forced into approving a regulated activity on this lot that the lot cannot handle once the lot is approved by the Planning and Zoning Commission. Chuck Mandell agreed that is a marginal lot but health department has indicated that it has suitable soils for the installation of a septic system.

Commissioner Parker and Attorney Lee discussed the definition of prudent alternative and reviewed the alternatives discussed at the last meeting with the difference in wetlands filling between the 12 foot wide culvert and the 18 foot wide culvert being approximately 100 square feet, the recreation of the disturbed stream channel, the mitigation area, and the dedicated open space as part of the subdivision. The commissioners asked if a conditional of approval be that the open space be deeded to the town prior to the commencement of construction.

Comments from the Public:

Attorney Robert Leitze, attorney for the property owner, indicated that he is in agreement that the open space should be deeded to the town prior to construction and that the Smith family is in support the protection of the open space.

A motion was made by Commissioner Besmer to close the public hearing. The motion was seconded by Commissioner Parker and was approved.

**C. DELIBERATION OF PUBLIC HEARING ITEM**

**DISCUSSION:**

The commission discussed with Kevin Magee and Robert Wheway the proposed resolution for approval and additional items added to the standard condition of approval.

Commissioner K. Clark made the following motion:

**GUILFORD INLAND WETLANDS COMMISSION**

Resolution of Approval of Regulated Activities Permit  
Vigliotti Construction  
Long Hill Estates East Subdivision,  
2103 & 2131 Long Hill Road, Guilford CT

On or about November 13, 2019, the applicant Vigliotti Construction, LLC filed an application for Regulated Activity and Subdivision Referral for an Open Space Subdivision including the construction of a 1,405 linear foot town road and the creation of 31 lots with various lot improvements within the 100 foot wetlands review zone and road crossing with water, gas, electric within the wetlands. The application was modified on March 13, 2020 to clarify the regulated activity which is for the improvements to the road, installation of a 12 foot wide box culvert, Detention Basin A, Detention Basin B, WQB1, WQB2, and WQB3, driveway construction to lots 26, 27, and 28, the creation of 4,725+/- square feet of wetlands as mitigation and the construction of a walking path to Baldwin School.

At the Guilford Inland Wetlands Commission held on November 13, 2019 the commission voted to make the application a Significant Activity. The Commission conducted a site walk on December 7, 2019. Public hearings were conducted on December 11, 2019, January 8, 2020, February 12, 2020, March 11, 2020 and March 18, 2020. The Commission deliberated on the application at its meetings on March 18, 2020.

In accordance with the findings set forth below, the application is hereby **APPROVED** and subject to the conditions set forth below.

**FINDINGS:**

1. The proposed regulated activities consisted of construction of a road with utilities, installation of a 12 foot wide box culvert, rebuilding a pond outlet structure, installation of Detention Basin A, Detention Basin B, WQB1, WQB2, and WQB3, driveway construction to lots 26, 27, and 28, the creation of 4,725+/- square feet of wetlands as mitigation, and the construction of a walking path to Baldwin School.
2. The plans accompanying the application, including revisions, are identified as:

Residential Open Space Subdivision, Long Hill Estates East, prepared for Vigliotti Construction Co., Assessor's Map 96, Lots 1, 2A & 2D, Long Hill Road & Spruce Hill Drive, Guilford, Connecticut, prepared by Thomas A. Stevens & Associates, Inc, "Cover Sheet" sheet C-1 of 13, dated 4/30/19, revised to 3/16/20 "Improvement Location Survey Record Subdivision Map" sheet C-2 of 13, dated 4/30/19, revised to 3/16/20. "Improvement Location Survey Site Development & Stormwater Management Plan" sheet C-3 of 13, dated 4/30/19, revised to 3/16/20; "Improvement Location Survey Site Development & Stormwater Management Plan" sheet C-4 of 13, dated 4/30/19, revised to 3/16/20; "Improvement Location Survey Site Development & Stormwater Management Plan" sheet C-5 of 13, dated 4/30/19, revised to 3/16/20; "Improvement Location Survey Site Development & Stormwater Management Plan" sheet C-6 of 13, dated 4/30/19, revised to 3/16/20. "Improvement Location Survey Plan & Profile Tamarack Lane" sheet C-7 of 13, dated 4/30/19, revised to 3/16/20. "Improvement Location Survey Plan & Profile Tamarack Lane" sheet C-8 of 13, dated 4/30/19, revised to 3/16/20; "Soil Erosion & Sediment Control Plan / Sanitation Report" sheet C-9 of 13, dated 8/31/17, revised to 3/16/20; "Improvement Location Survey Soil Testing & Tree Locations" sheet C-10 of 13, dated 4/30/19, revised to 3/16/20. "Improvement Location Survey Soil Testing & Tree Locations" sheet C-11 of 13, dated 4/30/19, revised to 3/16/20; "Detail Sheet" sheet C-12 of 13, dated 4/30/19, revised to 3/16/20; "Detail Sheet" sheet C-13 of 13, dated 4/30/19, revised to 3/16/20; "Property Survey, Wetlands Boundary Clarification Plan" Sheet C-1 dated 2/13/17 last revised 4/9/19; "Improvement Location Survey Plan & Profile Tamarack Lane – Alternate 1" sheet C-7 of 11, dated 4/30/19, revised to 12/11/19; "Improvement Location Survey Plan & Profile Tamarack Lane – Alternate 2" sheet C-7 of 11, dated 4/30/19, revised to 12/11/19.

Long Hill Road & Spruce Hill Drive, Guilford, Connecticut, Long Hill Estates East, Residential Open Space Subdivision, prepared by CLA Engineers, Inc., "Tamarack Lane Proposed Stream Crossing" sheet SC-1 dated 2/19/20, revised to 3/11/20; "Tamarack Lane Proposed Stream Crossing" sheet SC-2 dated 2/19/20, revised to 3/11/20; "Stormwater Basin Section & Details" sheet 1 dated 3/5/20, revised to 3/16/20; "Stormwater Basin Section & Details" sheet 2 dated 3/5/20, revised to 3/16/20. "Stormwater Basin Section & Details" sheet 3 dated 3/5/20, revised to 3/16/20. "Watershed Map Existing Conditions" Figure No. 2. Dated 1/16/2020 revised to 2/28/2020; "Watershed Map Post Development Conditions" Figure No. 3. Dated 1/16/2020 revised to 2/28/2020; "Land Use Map - Existing Conditions" Figure No. 4. Dated 1/16/2020 revised to 2/28/2020; "Land Use- Post Development Conditions" Figure No. 5. Dated 1/16/2020 revised to 2/28/2020;

3. Written material submitted

Guilford Inland Wetlands Commission Application for Inland Wetlands and Watercourses Act – Public Act 155; 2103 & 2131 Long Hill Road, received 11/8/19.

CLA Engineers "Wetland Report / Road Crossing" letter to Thomas A Stevens & Associates, Inc. dated 12/2/19.

Town of Guilford Engineering Department Memorandum to the Inland Wetlands Commission, dated 12/11/19.

Town of Guilford Natural Resources Department letter to Thomas Stevens & Associates dated 12/11/19.

CLA Engineers Wetland report to Thomas A Stevens & Associates, Inc. dated 1/8/20.

Quality Associates Excavation Corp cost estimate to Vigliotti Construction dated 1/8/20.

Soils Report, Prepared for Long Hill Estates East, Long Hill Road, Guilford, Connecticut, July 5, 2019, Project 5849, by Thomas A Stevens & Associates, Inc.

Drainage Report, Long Hill Estates East, Long Hill Road & Spruce Hill Drive, Guilford, Connecticut, prepared for Thomas A. Stevens & Associates, Inc, prepared by CLA Engineers, Inc., dated 1/16/20, revised 3/6/20.

Summary of Revisions / Response to Comments, Long Hill Estates East, Guilford, Connecticut, CLA-6165, to Thomas A. Stevens & Associates, by CLA Engineers, dated 3/2/20.

Engineering Peer Review Letter prepared by Codespoti & Associates P.C. letter to Kevin Magee Environmental Planner/ Wetlands Administrator dated February 3, 2020.

Engineering Peer Review Letter prepared by Codespoti & Associates P.C. letter to Kevin Magee Environmental Planner/ Wetlands Administrator dated March 10, 2020.

4. The total area of the site is approximately 77 acres with 14 acres of wetlands and a vernal pool. The site slopes from Long Hill Road to the West River.
5. The project is reported to have a direct wetlands impact of 386 square feet as the result of the installation of a 12 foot wide box culvert, temporary disturbance to wetlands and/or watercourse of 1,180 square feet, and a disturbance of 7,234 square feet in the upland review area as a result of road construction.
6. The application was reviewed by town staff which included Kevin Magee, Environmental Planner, Janice Plaziak, Town Engineer, and Dennis Johnson, Health Director.
7. A third party review of the application was performed by Codespoti and Associates.
8. Having considered and reviewed all of the opinions from the experts, including the Commission's own consultants, and the public testimony, and having considered the criteria for decisions set forth in Section 271-38 of the its regulations, the Commission finds that, provided the conditions, set forth below are satisfied, and that the permit should be issued subject to the conditions set forth below. The

Commission further finds that, provided the conditions are satisfied, a feasible and prudent alternative does not exist.

**Condition of Approval:**

1. That prior to any site work or disturbance, the application shall include the approved map, revised to include these conditions of approval.
2. Inland Wetlands Enforcement officer shall be notified 24 hours prior to any construction activities and contact information for the site contractor be provided to the Wetlands Office. A preconstruction meeting should be held.
3. Prior to construction:
  - a. Soil erosion and sediment control measures shall be installed as shown on the approved plan.
  - b. That all installation shall be done by hand or by a mini excavator with a 1 foot wide bucket.
  - c. That the Inland Wetlands Enforcement Officer be notified of such installation so that an inspection might be conducted to determine compliance and authorize commencement of construction.
4. An independent soil and erosion control expert shall be retained to monitor soil and erosion controls on site and conduct inspections at least once a week and within 24-hours of the end of a storm with a rainfall amount of 1-inch or greater and shall submit a report to the Inland Wetlands Enforcement Officer after each inspection, but not less than once a week.
5. A stone or rip-rap anti-tracking pad shall be installed at the entrance and exit areas of the site in order to prevent erodible material from being tracked onto paved areas and subsequently being deposited into adjacent storm drainage systems, inland wetlands or watercourses.
6. A row of bright orange construction fencing as well as erosion controls shall be installed at the limit of landscaping / construction as shown on the permit map prior to the commencement of construction activities. The construction and silt fencing shall be inspected by the Inland Wetlands Enforcement Officer in the field prior to the commencement of construction activities.
7. During construction, piles of fill, erodible material and debris shall not be created within 100 feet of regulated inland wetland and watercourse areas unless specifically authorized in this permit.
8. No grading, clearing, landscaping or other ground surface disturbance shall occur within 100 feet of the regulated inland wetland and watercourse area unless specifically authorized in this permit.

9. Any material, man-made or natural, which is in any way disturbed and / or utilized during work herein authorized shall not be deposited in any wetland or watercourse, either on- or off-site, unless specifically authorized in this permit.
10. Steps taken to control sedimentation, erosion and downstream siltation shall include but need not be limited to:
  - a. The stabilization of all disturbed earth surfaces with suitable ground cover and/or hay mulch during and following construction activities.
  - b. The installation of a temporary erosion control fence or other suitable erosion control measure as indicated on the permit map or as required by Inland Wetlands Enforcement Officer. This erosion control measure will be installed prior to the start of construction activities. Its location will be reviewed and approved in the field by Inland Wetlands Enforcement Officer.
  - c. The limitations of all construction activities to a specified area reviewed and approved by the Inland Wetlands Enforcement Officer and as defined by the permit map.
  - d. The placement of additional erosion controls as reviewed and approved by Inland Wetlands Enforcement Officer prior to commencement of clearing and construction activities.
11. The permittee shall immediately inform the Inland Wetlands Enforcement Officer of problems involving sedimentation, erosion, downstream siltation, or any other adverse impacts, which develop in the course of or are caused by the work herein authorized.
12. A planting plan for disturbed buffer and wetlands areas shall be submitted to the commission for approval.
13. The permittee, Vigliotti Construction, shall submit a planting bond in the amount of the cost of materials and labor including monitoring the mitigation area to the Inland Wetlands Enforcement Officer prior to the commencement of any on-site disturbance to insure compliance with the conditions of this permit. The bond shall be held for five years following the post installation of plantings and written acceptance by Inland Wetlands Enforcement Officer to insure compliance with the conditions of this permit.
14. Prior to final completion of the regulated activities, the Inland Wetlands Enforcement Officer shall be notified so that an inspection may be conducted to determine that all soil erosion and sedimentation control measures have been maintained in the manner in which they were approved on the site plan and are in compliance.
15. That all soil erosion and sedimentation control measures shall be maintained in the manner in which they were approved on the site plan and are in compliance for a period of one year or one growing season after completion of the project and

that vegetation is established to the satisfaction of the Inland Wetlands Enforcement Officer prior to removal of such soil erosion and sedimentation control measures. In the event that the property/permit area is transferred to another party prior to a period of one year or one growing season after completion of the project;

- a. A bond will be set by the Inland Wetlands Enforcement Officer in an amount adequate to ensure that in the event of failure of such soil erosion and sedimentation control measures or in the event that they become ineffective and or in disrepair, the Town of Guilford may enter upon such property and re-establish such soil erosion and sedimentation control measures as shown in the approved plan,
- b. And that the developer shall enter into an agreement with the Guilford Inland Wetlands Commission to place a cash bond which will be held in a savings account held by the Town of Guilford in the amount as established by the Inland Wetlands Enforcement Officer,
- c. The bond will be held by the Town of Guilford in a savings account for the period of one year or one growing season; to ensure that all soil erosion and sedimentation control measures shall be maintained in the manner in which they were approved on the site plan; are in compliance for a period of one year or one growing season after completion of the project; and that vegetation is established to the satisfaction of the Inland Wetlands Enforcement Officer prior to removal of such soil erosion and sedimentation control measures.

16. The construction of the regulated activity shall be under the supervision of a Professional Engineer registered as such in and by the State of Connecticut.

- a. Prior to the start of construction, the applicant must forward to the Guilford Inland Wetlands Commission office the name, address, and telephone number of the Professional Engineer retained by the applicant to supervise construction.
- b. The Professional Engineer must submit monthly reports to the Guilford Inland Wetlands Commission office. These reports shall be received no later than the 1<sup>st</sup> Wednesday of each month and shall contain the following:
  - a. Site work completed the past month with photographs included.
  - b. Site work anticipated and scheduled for the next month.
  - c. Report of any problems
  - d. List of action items
  - e. Resolution of action items
- c. Failure to submit a report will result in appropriate enforcement by the Guilford Inland Wetlands Commission or its authorized Agent.



17. Construction of the stormwater treatment system including inlets, manholes, drains, water quality treatment structures, water quality basins, and outlet protection shall be inspected by an independent professional engineer retained by the permittee, who shall be licensed in Connecticut and shall be experienced in the design and operation of these systems. The professional engineer shall provide a report documenting proper construction and an as-built plan of the stormwater treatment system.
18. Plans be revised to show outfall basin 6+00 to be relocated further to the west near the convergence of lot 5 and 6+00 grading, which provides for a gentler slope to the wetlands and consolidating the wetland buffer disturbance.
19. CLA Engineers, Inc, Sheet SC-2 Shall be revised to show the proposed 41" wide by 24" high rectangular weir pond outlet structure.
20. The plans sheet be revised to show 4 foot deep catch basin sumps at the last catch basin before the water quality basins. The detail sheets be revised to include a 4 foot deep catch basin sump.
21. Construction of the control structure and the culvert shall be overseen by a professional engineer. Complete engineered construction documents for the control structure and culvert shall be submitted to the Town of Guilford Engineering Department for review and approval prior to construction beginning. Qualified on-site inspection of the infrastructure construction be conducted during the project. Material testing and certification demonstrating compliance, approved by the developer's engineer, shall be submitted to the engineering department for final approval. As built plans and details should be submitted to the engineering department.
22. Prior to construction of the control structure and culvert a preconstruction meeting be held with town engineer, wetlands enforcement office, environmental planner, professional engineer of record, erosion and sediment control expert of record, soil scientist of record and site contractor.
23. Construction of the stream crossing shall take place during a period of low flow. The contractor/ property owner shall notify the Inland Wetlands Officer at least one week prior to the start of work on the stream crossing.
24. No dewatering of the pond shall be conducted without notification and acknowledgment by the inland wetlands officer.
25. Stream channel restoration shall be overseen by a certified soil scientist or biologist. This includes the alignment of the stream channel, boulder placement, and wetland seed mix/planting installations as called for on the plans.
26. A licensed soil scientist or qualified wetlands scientist shall oversee the creation of the wetlands mitigation area and monitor the site for 5 years following completion of the mitigation area. During the 5years monitoring period, the

invasive species should be controlled and annual reports be filed with the Inland Wetlands Commission.

27. The inland wetlands boundary within the area to be developed shall be permanently delineated by the setting of permanent 4"x4" wooden or concrete posts. The posts shall be marked with signage indicating they are wetland boundary markers. The posts are to be located along the wetlands boundary as shown on the final plans at a maximum of 100' intervals and as approved by the Inland Wetlands Enforcement Officer.
28. This permit does not obviate the permittee's obligation to obey all other applicable federal, state and local laws or obtain any applicable federal, state and local permits.
29. This permit may be revoked or suspended if the permittee exceeds the conditions of approval of this permit or has secured this permit through deception or inaccurate information.
30. That any changes to the approved plan must be submitted to the Inland Wetlands Commission for approval.
31. The dedicated open space shall be conveyed to the Town of Guilford prior to commencement of construction.
32. That unless an extension is granted,
  - a. Construction must begin within one year of approval.
  - b. This permit expires five years from the date of approval

Motion was seconded by Commissioner Besmer and was approved.

Approved: J. Parker, E. Besmer, W. Furniss, J. Blackwell, & K. Clark

Opposed: None

Abstained: None

Vote: 5-0-0

#### **Discussion of Subdivision Referral:**

The commission reviewed the subdivision referral and discussed wording concerning the merger of lot 19, the need for conditions stating that the commission has not approved the lots, and property deeds should reflect the maintenance of the on-site infiltration methods of rain gardens and/or subsurface infiltration systems.

Commissioner K. Clark made the following motion:

Guilford Inland Wetlands Commission  
Subdivision Referral

Vigliotti Construction  
Long Hill Estates East Subdivision,  
2103 & 2131 Long Hill Road, Guilford CT

VOTED: On March 18, 2020, the Guilford Inland Wetlands Commission refers favorably to the planning and zoning commission the subdivision shown on map titled "Residential Subdivision – Long Hill Estates East, Long Hill Road & Spruce Hill Road, Guilford, Conn.", Prepared by Thomas A. Stevens & Associates, 13 sheets dated April 4, 2019 and revised to March 16, 2020 and by CLA Engineers Sheets SC-1 & SC-2 dated February 19, 2020 last revised 3/11/2020 and sheets C-1, C-2, C-3 dated March 5, 2020 last revised March 16, 2020 with the following conditions:

1. No lots have been approved by the Inland Wetlands Commission. Lot numbers 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28 are located within the Inland Wetlands Commission Regulated Review Zone and will require individual applications to be submitted to the Inland Wetlands Commission for final approval.
2. The applicant shall consider merging lots 18 & 19 or reconfigure lot lines if it is determined that Lot number 19 due to on-site wetlands and stormwater detention basin, does not provide enough buildable area beyond the 50 foot set back from the Inland Wetlands as approved in the Planning and Zoning Special Permit. Any shifting of the proposed improvement would result in work being conducted within the 50 foot set back from the wetlands and there is no additional space for future on-site improvements.
3. Water quality volume for the individual lots cannot be verified since detail site development plans have not been provided. Design details with stormwater calculations should be approved as part of the site plan approval process. Should the individual lots include additional impervious surface area not shown on the current plans, the overall stormwater management plan with respect to peak rates and volumes of runoff may need to be reassessed.
4. The site development plan should show stormwater treatments for houses, driveways, and developed areas for each lot. Soil reports have been submitted, however no testing has been conducted at the location of the proposed rain gardens. Additional site testing should be conducted to determine feasibility of the infiltration methods.

5. The dedicated open space shall be conveyed to the Town of Guilford prior to commencement of Construction.
6. Property Deeds shall note that on-site infiltration consisting of a rain garden or subsurface infiltration is located on the property and that the property owner is responsible for proper maintenance of the infiltration systems.

Motion seconded by Commissioner Wendy Furniss and was approved.

Approved: J. Parker, E. Besmer, W. Furniss, J. Blackwell, & K. Clark

Opposed: None

Abstained: None

Vote: 5-0-0

#### **D. Discuss Staff Approvals of Regulated Activity During Coronavirus Outbreak Period**

Kevin Magee asked the commission if they would be interested in expanding the agent approval process to allow staff to approve activities located in the upland review area. The commissioners discussed the topic and agreed that they would like to review the applications as receipts to the commission and determine as a commission which applications that they are Ok with staff approving the applications. The applications would need to be emailed to the commission members prior to the meeting.

#### **E. DISCUSS SITE WALKS**

The commissioners would like to continue with site walks. They feel that being outdoors they can maintain social distancing. Each member would need to drive on the own, No Carpooling. The only schedule walk that they do not want to walk is the boardwalk to be constructed in the Westwoods. For the benefit of those that cannot make the walk meeting it was suggested that photo's be taken of the site.

#### **D. CLOSE OF MEETING**

Then with no further business before it, upon a motion made by Commissioner E. Besmer and seconded by Commissioner W. Furniss it was unanimously voted to adjourn the meeting of the Guilford Inland Wetlands Commission at approximately 8:35 P.M.