

**Inland Wetlands and Watercourses Commission
Town of Wallingford
Regular Meeting
Wednesday, November 3, 2010**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, November 3, 2010, in Robert Early Auditorium, the Municipal Building, Wallingford, Connecticut.

Seated Commissioners were Jim Vitali – Chairman, Ellen Deutsch – Vice Chairperson, Nick Kern – Secretary, James Kovach, David Parent, Jim Heilman – alternate, and Environmental Planner Erin O’Hare.

Chairman Vitali called the meeting to order at 7:03 p.m.

CONSIDERATION OF MINUTES:

October 6, 2010 - Regular Meeting

MS. DEUTSCH: **MOTION TO APPROVE THE OCTOBER 6, 2010 – REGULAR MEETING MINUTES AS SUBMITTED.**

MR. KOVACH: **SECOND**

VOTE: **UNANIMOUS**

Mr. Vitali abstained from voting as he was not at that meeting.

EXECUTIVE SESSION:

Executive Session – pursuant to Connecticut General Statutes Section 1-200 (6) (B) to discuss pending litigation: Inland Wetlands and Watercourses Commission v. Lynn Cooke Andrews

Chairman Vitali announced that the Commission would go into Executive Session. (7:05 p.m.)
At approximately 7:45 p.m. the Commission returned.
Chairman Vitali stated that for the record the Commission should have made a motion to go into Executive Session and now a motion is needed to come out of Executive Session.

MS. DEUTSCH: **MOTION TO GO INTO EXECUTIVE SESSION**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION TO COME OUT OF EXECUTIVE SESSION**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

OLD BUSINESS:

#A03-11.2 / 950 NORTH MAIN STREET EXTENSION – Maplewood
Construction Co. – (bond release)

Ms. O'Hare indicated that the bond is not ready to be released. The matter was tabled.

#A03-12.5 / 346 EAST MAIN STREET – Vincent Perretta – (bond release)

Ms. O'Hare indicated that the bond is not ready to be released. The matter was tabled.

#A10-7.2 / 206 MAIN STREET – Albert DiChello – (paving)

Presenting the application was Attorney Jim Strub.

Attorney Strub indicated that he has been working with Town staff since the last meeting. He did some research on the drainage rights on 210 Main Street. Attorney Strub has been in contact with DOT and has reviewed the land records in Wallingford. He stated that there are no recorded rights at all other than for the DOT for the first ten feet from Route 150. Attorney Strub has contacted Mr. DeMartino, owner, 210 Main Street, and he is willing to grant an easement to 206 Main Street as drainage and grading right of way. Attorney Strub has drafted the easement and has verbally gotten consent from Mr. DeMartino who has a copy of the draft agreement.

Attorney Strub stated that the maintenance plan for the oil/grit separator and the improvements that go into the easement area have been submitted. The plan states that the property owner has the responsibility for the maintenance.

Ms. O'Hare stated that she received comments today from the Department of Engineering, which states that the revised plan satisfies their technical comments. Engineering stated that the Applicant should provide evidence that the drainage/grading rights have been granted by the adjacent property owner prior to issuance of the wetland permit.

Ms. O'Hare noted that all of the revisions that were requested were included in the revised plan distributed to the Commission this evening. She reviewed the Environmental Planner's Report dated October 29, 2010. Ms. O'Hare indicated that she spoke to Mr. DeMartino who concurred that he is going to allow the drainage easement as stated by Attorney Strub. She stated that she has the draft drainage easement and grading rights document and the stormwater management maintenance plan document. Ms. O'Hare recommended that the application be approved. She noted that the gravel on this site currently extends approximately 10 feet beyond the property line to the rear of Little Italy and the property line should be respected for the permit work.

Attorney Strub indicated that there could be an area delineated on the plan as a snow shelf if the Commission would like to see that as a condition of approval. Commissioner Kern indicated that he would feel comfortable with a condition of approval being that the snow be kept out of the brook.

MS. DEUTSCH: **MOTION THAT APPLICATION #A10-7.2/ 206 MAIN STREET BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. KERN: **SECOND**

VOTE: **CHAIRMAN VITALI ABSTAINED - UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A10-7.2 / 206 MAIN STREET BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

1. **THE DRAINAGE AND GRADING EASEMENT MUST BE SIGNED BEFORE A PERMIT IS ISSUED.**
2. **THE SILT FENCE AND S&E CONTROLS ARE TO BE IN PLACE AND INSPECTED AND APPROVED BY THE ENVIRONMENTAL PLANNER BEFORE ANY ACTIVITY ON THE SITE.**
3. **A SNOW SHELF IS TO BE DELINEATED ON THE PLAN, THERE SHOULD BE NO SNOW PLACED IN THE BROOK.**
4. **A PERFORMANCE BOND IN THE AMOUNT OF \$20,000 IS TO BE POSTED.**

MR. KERN: **SECOND**

VOTE: **UNANIMOUS**

NEW BUSINESS:

#A05-10.2 / 110 LEIGUS ROAD – Workstage-Connecticut – (permit extension)

Presenting the application was Attorney Joan Molloy and Dan Kroeber, P.E., Milone & MacBroom.

Attorney Molloy stated that the Applicant is seeking an extension of the existing permit for an additional two years. The permit is due to expire in February 2011. The work would not begin until spring because they do not want to disturb the site over the winter. They hope to complete the majority of the work by September 2011, which is when the tenant is expected to start taking occupancy. She stated that the original work should have been phased.

Commissioner Heilman would like to have some breakdown as far as the order in which the outstanding items on the site are going to be addressed. Mr. Kroeber stated that they are in the process of conducting an ‘as built’ survey of all the originally proposed improvements. The plan is to get that survey on a plan and compare it to the original plan and add piecemeal plans to create a composite plan. They will take it apart piece by piece to see what was completed properly and what wasn’t. They will use that as a new base map to build new plans upon. There may be a new contractor hired to do the work so they would need to start from the ground up. The contractor is expected to start work in the spring.

Attorney Molloy stated that, in the spring, Soil Scientist Bill Root, Milone & MacBroom, would visit the site and examine the wetlands to see if there is anything additional that would need to be done. Chairman Vitali believes that there have been some wetlands on this site that have been eliminated or changed due to the activity on the site. He would like to see a report on what has happened to the wetlands on this site since the activity began. Commissioner Kern requested plans

for the southern parking area. Commissioner Deutsch requested the anticipated plans and wetland status report be submitted in writing.

Chairman Vitali stated that Commissioner Heilman would act as the liaison and would meet with Ms. O'Hare and Attorney Molloy on monitoring the activity on this site.

Ms. O'Hare reviewed the Environmental Planner's Report dated October 28, 2010. She pointed out that one of the conditions of approval from 2007 was that Soil Scientist Tom Pietras visit the site one year later and do an assessment of the wetlands which has not been done. The Commission didn't have a strong feeling about who actually did the wetland assessment as long as it gets done. The Applicant stated that they would be doing a wetland assessment before they resume activity on the site. There would then be another assessment done at the end of the project, as it was one of the conditions of approval back in 2007.

MS. DEUTSCH: MOTION THAT APPLICATION #A05-10.2 / 110 LEIGUS ROAD BE GRANTED A TWO-YEAR EXTENSION OF THE PERMIT.

There was some discussion about the bond expiring in February 2011. It was agreed upon by the Applicant and the Commission that the bond would be held to go along with the permit extension and would be amended if needed.

MR. PARENT: SECOND

VOTE: UNANIMOUS

#A04-4.2 / 105 SOUTH TURNPIKE ROAD – Juniper Ridge Association, LLC – (bond release)

Ms. O'Hare referred to the Environmental Planner's Report dated October 29, 2010. She recommended that the bond be released.

MS. DEUTSCH: MOTION THAT APPLICATION #A04-4.2 / 105 SOUTH TURNPIKE ROAD BOND BE RELEASED.

MR. KERN: SECOND

VOTE: UNANIMOUS

**#A05-5.8 / 210 MAIN STREET – 210 Main Street Realty, LLC – (release of bond)
#A05-5.8 / 210 MAIN STREET – 210 Main Street Realty, LLC – (permit extension)**

Ms. O'Hare pointed out to the Commission that this site is also listed under Violations on the agenda. The violation was for the clearing of vegetation and it has been in place for several years. Ms. O'Hare reviewed the Environmental Planner's Report dated October 29, 2010 and had photos of the site for the Commission to review. The work was supposed to be done by November 7th. The bond was not posted until September 20th. Ms. O'Hare stated that the contractor kept delaying the work due to bad weather but the work was completed last week. The plantings have been installed along with a silt fence. The seed that had to be used was rye rather than the preferred wetland mix due to the time of year. Ms. O'Hare stated that the work has been completed but her biggest concern

is if the plantings will survive the winter and if the seed that was planted so late will stabilize the area.

Ms. O'Hare stated that at the permit expires November 7th and there is no guarantee that the site has been stabilized, as the permit should be extended one year to use as a tool to guarantee that this area will be stabilized satisfactorily. Ms. O'Hare would like to see the Applicant install straw mulch over the seed in the area behind Little Italy to get it through the winter. Commissioner Kern feels that the grass should take in the next week or two.

There was discussion about the bond and if it should be held or released. After some discussion it was decided that the permit would be extended for one year and the bond would be released.

Mr. Justin Ray, Q-River Lawn Care, stated that he has gone above and beyond what was asked for by the planting schedule. He stated that he has no issue with installing mulch hay in the area behind Little Italy. The Commission agreed that the landscaping business could now open for business as the terms have been met.

MS. DEUTSCH: **MOTION THAT APPLICATION #A05-5.8 / 210 MAIN STREET BOND BE RELEASED AND THAT THE PERMIT BE EXTENDED FOR ONE YEAR AND HAY MULCH BE INSTALLED AS A CONDITION OF THE PERMIT EXTENSION.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

RECEIPT OF NEW APPLICATIONS:

**#A10-11.1 / 2 RESEARCH PARKWAY – Worker's Compensation Trust –
(commercial development)**

Presenting the application was Attorney Dennis Ceneviva and John Schmitz. P.E., BL Companies.

This property is 5 acres in size and is part of a subdivision of the current parcel, which is just less than 10 acres in size. This site is a vacant parcel of land. There are no wetlands on the site. They are in front of the Commission because of the amount of impervious surface proposed for this location. What is proposed is a 25,680 sq.ft. two-story office building with approximately 175 parking spaces. On the plans, there is an area of proposed future expansion. The drainage plan being presented takes into consideration that expansion area.

Mr. Schmitz reviewed the existing conditions map pointing out the existing flows on the site, which flows from north to south and from west to east. There are three locations where storm water discharges from the site currently. Mr. Schmitz reviewed the proposed plan. The main access would be off Research Parkway and there would be an emergency access off Thorpe Avenue. The storm drainage that is flowing from the north needs to be picked up on this site. Water will be collected along Research Parkway where it would be directed under the driveway and to a swale that will discharge into the existing 36-inch pipe. Roof water will be collected and placed into underground detention/infiltration system at the rear of the building. There will be catch basins throughout the parking lot to collect stormwater runoff. The runoff from the parking lot would be

directed to the oil/grit separator. High flows would be diverted directly into the detention pond located at the southeasterly corner of the site. The pond would be planted with a wet seed mix.

Mr. Schmitz pointed out on the plan where the snow storage would be located.

Mr. Schmitz indicated that low flows after leaving the oil/grit separator are processed through a sand filter. There is an underdrain system under the sand filter that then allows the water to flow to the detention system.

MR. KERN: **MOTION THAT APPLICATION #A10-11.1 / 2 RESEARCH
PARKWAY BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MS. DEUTSCH: **SECOND**

VOTE: **UNANIMOUS**

REPORTS & COMMUNICATIONS:

1. Staff Report

Ms. O'Hare briefly discussed the memorandum dated October 14, 2010 to Janis Small, Town Attorney, from Erin O'Hare, Environmental Planner, regarding action on applications at receipt. Ms. O'Hare indicated that she has done some research with surrounding towns. Meriden handles minor items such as sheds in the upland review area at the first meeting. If they feel it is a minor issue where there are no wetlands involved and they feel it is not controversial they approve the item at the first meeting. Chairman Vitali pointed out that this is not a DEP approved practice and he doesn't believe that the Commission needs that make a decision at this time regarding this matter.

Ms. O'Hare discussed how other towns handle violations in terms of applications. Some towns make all violators submit an application and other towns handle it the way Wallingford does, on a case-by-case basis.

Ms. O'Hare briefly discussed the Environmental Planner's Report dated October 28, 2010 regarding floodplain regulations. She showed the Commission the revised watershed map recently approved by the P&Z and discussed how the new map will affect IWWC applicants that fall within the watershed areas on the map.

Chairman Vitali discussed an 11-lot subdivision proposal with no wetlands on the property. Since there are no wetlands, the developer felt that he did not need a wetland approval for anything. After staff meetings, it was discovered that the regulation that pertains to the creation of 20,000 sq.ft. or more of impervious surface needing a permit would pertain to this property. The Commission discussed whether the intent of the recently amended regulation was to include residential subdivisions or just industrial/commercial uses. The Commissioners felt that the regulation was intended to pertain to any type of development, including a residential subdivision and they affirmed it should not be changed. Ms. O'Hare will contact the developer and reaffirm that an application needs to be submitted.

Ms. O'Hare discussed a violation at 10 Whiffletree Road. This is a case where she is looking for some direction from the Commission if the owner should submit an after-the-fact application or if the Commission just wants to order remediation. There has been some filling in the wetlands area

both on his property as well as the abutting Association property. Ms. O'Hare feels that the fill should be removed. The owner was directed by Kacie Costello, Assistant Town Planner, to remove the fill that was placed in the open space property, owned by the Association. After lengthy discussion, the Commission indicated that the property owner needs to remove the fill from the wetlands and the upland review area as well and should he wish some fill to remain he needs to submit an application as soon as possible.

Ms. O'Hare stated that she needs some direction on some unpermitted activity that has occurred at 1363 Durham Road. The owner has filled in the front area near the road. Ms. O'Hare had photos of the filled area. Half of the area filled is State ROW property. Ms. O'Hare has called the State who is going to do a site inspection this week. The owner also filled in the upland review area on her property. The reason the owner did this was because vehicles were using this area to turn around or make cell phone calls and that activity was disturbing the owner by having car lights shine in her windows. Chairman Vitali stated that it is clearly a violation and the area needs to be remediated. However, if the owner wants to leave the material on her own property in place, then an application needs to be submitted.

2. CACIWC membership – renewal

MS. DEUTSCH: **MOTION TO RENEW TOWN MEMBERSHIP IN CACIWC AND PAY HALF THE TOWN MEMBERSHIP FEE.**

MR. KOVACH: **SECOND**

VOTE: **UNANIMOUS**

3. Request for Determination of Exemption form

Ms. O'Hare briefly reviewed the revised Request for Determination of Exemption form.

4. Meeting Schedule – 2011

The Commission approved the 2011 Meeting scheduled as presented.

5. DEP IWWC Training DVD: Introduction to Map Reading & Site Plan Review – (to circulate)

Ms. O'Hare indicated two copies of the training DVD were forwarded by DEP to be circulated to interested Commissioners.

VIOLATIONS:

- 1. #A05-5.8 / 210 Main Street – 210 Main Street Realty, LLC – (landscaping business) – remediation**

Discussed earlier.

ADJOURNMENT:

Commissioner Deutsch made a motion to adjourn. The motion was seconded by Commissioner Kovach and passed. The meeting adjourned at 9:55 p.m.

Sonja Vining
Recording Secretary
Town of Wallingford
Inland Wetlands and Watercourses Commission