

**Inland Wetlands and Watercourses Commission
Town of Wallingford
Regular Meeting
Wednesday, March 2, 2011**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, March 2, 2011, in Robert Early Auditorium, the Municipal Building, Wallingford, Connecticut.

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

Absent: James Kovach

Chairman Vitali called the meeting to order at 7:02 p.m.

CONSIDERATION OF MINUTES:

January 5, 2011 - Regular Meeting

MS. DEUTSCH: **MOTION TO APPROVE THE MINUTES OF JANUARY 5, 2011 –
REGULAR MEETING AS SUBMITTED.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

OLD BUSINESS:

**#A10-12.1 / 926, 928, & 938 North Colony Road – Readco Acquisitions, LLC –
(modifications to existing stormwater management facilities)**

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

Attorney Ceneviva stated that the property totals 1.619 acres. The Stop & Shop detention basin is located on this site. The proposal is to construct a 3,700 sq.ft. bank with multiple drive-thrus. The existing detention basin would be relocated to the easterly side of the site. The 50-foot upland review area has been added to the plans since the last meeting. There will be a snow storage area along North Colony Road and a 6-foot fence is proposed around the new detention basin as suggested by the Commission.

Mr. Whitcomb reviewed the plan stating that the detention basin would be relocated. The basin would continue to have the same amount of storage volume. The impervious surface on this site would be reduced by nearly one acre. The roof flows from the bank would be infiltrated. There would be a water quality basin along the front of the building. The entrance drive off of Route 5 has been modified to make it a right in/right out only access. The STC is doing a review of this site. There will be shade trees in the front of the site as required by the P&Z regulations. He indicated that the white pines that are on the abutting Stop & Shop property would be removed as authorized by the DOT.

Ms. O'Hare reviewed the Environmental Planner's Report dated February 25, 2011. She recommended that the application be approved. Ms. O'Hare stated that her condition #1 has now been placed on the revised site plan.

MS. DEUTSCH: **MOTION THAT APPLICATION #A10-12.1 / 926, 928, & 938 NORTH COLONY ROAD BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION #A10-12.1 / 926, 928, & 938 NORTH COLONY ROAD BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. THE ENVIRONMENTAL PLANNER'S RECOMMENDATIONS #2 AND #3 FROM THE REPORT DATED FEBRUARY 25, 2011.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

NEW BUSINESS:

QUINNIPIAC LINEAR TRAIL PHASE III & SENIOR CENTER CONNECTION / TOWN OF WALLINGFORD – Department of Engineering – (pre-application presentation)

Presenting the application was John Thompson, Town Engineer and Mark Arigoni, L.A., Milone & MacBroom.

Mr. Thompson stated that this project has been in the works for approximately five years. The plan is currently going through a DEP and DOT review process. There will be a formal application made to the IWWC in the near future. Mr. Thompson thought it would be useful to briefly discuss the plan and get some input before the formal application is submitted.

Mr. Arigoni reviewed the proposed plan. The trail would continue along the eastern bank of the natural path of the river to a proposed bridge crossing. The crossing would be approximately 210 feet across then continue to Fireworks Island. At that point, a second bridge is proposed which is a 95-foot pedestrian crossing of the man-made section of the river. After that point the trail would follow into the Yalesville on the Green property. To get to the Yalesville property there is a drainage ditch that needs to be crossed. The plan calls for a 40-50 foot span bridge crossing over that ditch.

Mr. Arigoni stated that there is an endangered plant species in the area. The discovery of that plant has slowed down the process and caused a shift in the location of the bridge to Fireworks Island. Mr. Arigoni discussed the FEMA floodway model. Recently it has been determined by DEP and DOT that the Town would request modification of the floodway as designated.

Mr. Arigoni stated that the 12-foot wide paved trail would continue staying as close as possible to existing grade. In the wet areas there would be an elevated boardwalk section that would only be

about 2-3 feet above ground in 50-foot sections. There will be some fill placed on the Fireworks Island side in order to match the elevation of both sides of the bridges. The trail would be 12 feet wide until it goes through the easement in Yalesville.

Mr. Thompson stated that the Town cannot use the existing bridge to Fireworks Island because the Town does not own it. The bridge is owned by the homeowners' association of Yalesville on the Green. The Town owns the island and has been in talks with the homeowners' association but they decided that they do not want the trail running down the middle of their homeowners' association. The Town has legal right for vehicular access across that bridge but not pedestrian access. Using that bridge could have saved the Town approximately \$600,000 and that is why Mr. Thompson has spent so much time trying to come to some sort of an agreement with Yalesville on the Green. Ultimately the Town had to move forward with the plan that is in front of the Commission this evening.

Mr. Thompson briefly discussed the construction plan for the trail. The Town would be using a DOT R.O.W off of Warehouse Point Road to access the area to get in heavy equipment and, on the other side, the bridge would be used to move equipment.

Mr. Thompson stated that the Senior Center Connection would be a paved trail for 70% of it. The area behind White Way Laundry would be a boardwalk section. The seniors have expressed great interest in the trail connection and Mr. Thompson believes it will be a heavily used section of trail.

The Commission looks forward to hearing more about the plan in the future.

#A05-10.2 / 10 LEIGUS ROAD – Workstage-Connecticut, LLC – (#A11-2.2 / administrative approval request relative to minor modifications)

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

Attorney Molloy submitted a report from Soil Scientist Bill Root, Milone & MacBroom, for the record.

Mr. Kroeber reviewed the plan and gave a quick overview of the report submitted tonight by Bill Root. Overall the wetlands have not seen any adverse impact. There are areas that need some repairs done on the erosion controls. As a part of this plan, all of the erosion controls will be replaced on site. All of the plants that have been approved by this Commission will be planted new by the time this plan is complete.

Mr. Kroeber indicated that the "as built" has been provided to Erin O'Hare, Environmental Planner. He stated that Detention Basin D would be completely rebuilt as well as the berm in that area. Detention Basin C has some minor modifications that need to be made. The sand filters would be installed once the site is stabilized. In the front of the site the drainage would be completely reconstructed and the light poles would be taken out and replaced. The set of plans currently being reviewed includes all of the conditions of approval from past applications.

Mr. Kroeber briefly reviewed the parking on the site. In the entrance to the site there would be some retaining walls with granite veneers, a boulevard has been added, and there would be some site signage with landscaping. At the main entrance to the building there has been some minor modifications made to the sidewalk and some plantings have been added. There would be a patio

area made near the truck loading dock. The plaza area has been redesigned to create some outdoor seating area. Overall, 9,500 sq.ft. of impervious surface has been added to the site.

Commissioner Heilman feels that the Commission should be notified of the sequence of events especially the repair of the outfall of the basin. He suggested that this site would lend itself to the possibility of creating an outdoor path/walk system for the employees use. Attorney Molloy believes that is an issue that could be looked at in the future.

MS. DEUTSCH: **MOTION TO AUTHORIZE CHAIRMAN VITALI TO GIVE
ADMINISTRATIVE APPROVAL ON APPLICATION #A05-10.2 / 10
LEIGUS ROAD**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

#A10-5.3 / 803 NORTH FARMS ROAD – Toll Brothers, Inc. – (release of cash bond, acceptance of surety bond)

Ted Merchant, Toll Brothers Inc., and George Cotter, P.E., OCC Group, were present.

Ms. O'Hare stated that she has checked with the Finance and Legal Departments and they are fine with the release of the cash bond and the acceptance of a surety bond. She stated that there are phasing issues on the site. At this time there are 11 acres opened up. The Erosion & Control Plan has been modified again and is constantly changing depending on the site conditions and there are many issues of concern. Mr. Cotter stated that this is an active site but he feels that they are working well with Ms. O'Hare.

Commissioner Kern doesn't feel that the Applicant really needs to be at this meeting. He has visited the site and did not see anything that was drastically changed from the original print. He feels that the site has been handled well and he doesn't see any major issues. Mr. Cotter indicated that he will continue to work with Ms. O'Hare and Toll Brothers has been extremely good about addressing issues in a timely manner.

Ms. O'Hare stated that there are two issues on this site that she wanted the Commission's input on. One issue is unpermitted disturbance beyond the silt fence. Toll Brothers stated that as the erosion controls were installed in snow, the contractor probably pushed the snow which they didn't realize had soil and vegetation with it. Mr. Cotter stated that along the silt fence there are areas where there is disturbance on the other side of the silt fence. At this time, they are not proposing to do anything but when the silt fence is taken out the area would be cleaned back to where the limit line was and restored. Ms. O'Hare would recommend that in the spring the contractor restore the grade and put straw mulch in the area. The Permittee has agreed to do that.

Ms. O'Hare stated that the other issue she is looking for direction on is with the conservation easement line. She stated that some of the conservation areas have been compromised meaning the vegetation has been removed or dirt put there. Ms. O'Hare recommended that in the spring the area be brought back to its original grade and in some cases shrubs be replaced. There should be no seed in the area, it should remain natural. The Permittee has agreed to follow Ms. O'Hare's

recommendations. Ms. O'Hare expressed concern for the fact that the site is not stable and there may be some issues when the big spring storms come.

Commissioner Kern feels that these issues should be addressed at the staff level and the Permittee should not need to appear in front of the Commission for these issues. Commissioner Heilman doesn't agree that Ms. O'Hare has the authority to override any decision of the Commission and therefore he felt it was appropriate that the Commission be informed of these issues.

Chairman Vitali directed the Permittee to stabilize the site for the big storms that Ms. O'Hare has expressed concern about.

MS. DEUTSCH: **MOTION THAT THE CASH BOND BE RELEASED AND A SURETY BOND BE ACCEPTED FOR APPLICATION #A10-5.3 / 803 NORTH FARMS ROAD**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

RECEIPT OF NEW APPLICATIONS:

#A11-2.1 / 549 WOODHOUSE AVENUE – Town of Wallingford – Tyler Mill/Muddy River Conservation/Recreation Area Trails System Enhancement Program – (trail improvements)

Presenting the application for the Conservation Commission was Chairman Jeffrey Borne, Vice Chairperson Mary Heffernon and Carl Arsenault.

Mr. Borne stated that the plan is to improve trails at the Tyler Mill Preserve area. On approximately ten miles of trail there will be only some work done in wetland and watercourse regulated areas. They are proposing to do maintenance work on existing trails. Ms. Heffernon stated that the project has gone out to bid. One of the stipulations of the bid is that the work would be done with as little impact to the environment as possible. The Conservation Commission hopes that by doing this work it would increase the presence of foot traffic and decrease the ATV presence. Primarily there will be five wetland/watercourse crossings. The worst case scenario is that there would be culverts installed at these crossings. In addition to those crossings, there would be some trail stabilization. The goal is to keep water off the trails to prevent erosion. There is one area where the trail needs to be widened. There is also a tree that has fallen in a wet area that must be removed. The trail will remain rustic but they are proposing to repair some of the ruts that have been created by ATV activity on the trail.

Chairman Vitali asked who will calculate the culvert sizes. Mr. Borne stated that if the contractor feels that the only solution is a culvert then the Commission would look to the Town Engineer for some recommendations as far as what size would be required. Commissioner Deutsch asked who would be the contact for this project. Mr. Heilman recommended that the Commission look into using the Student Conservation Association for some input on the trails. He feels that the trails could possibly be rerouted in some locations to stay out of the wetlands and other sensitive areas. Commissioner Heilman would like to see a map showing the trails. Mr. Borne stated that a draft map is still being worked on where the trails are accurately depicted.

Mr. Borne stated that once the bids are open and a contract is awarded the Commission would be back in front of the IWWC with more details. What they are looking for is the approval of the activities in the wetlands. Chairman Vitali stated that the Commission would need more details on the culvert activity before it could approve anything. The bid is being opened on March 8th.

The Conservation Commission would be back in April with more details.

REPORTS & COMMUNICATIONS:

1. Proposed Revised Application Form – (Draft II)

Ms. O’Hare put together a revised application form and is looking for feedback from the Commission. She will re-send it.

2. Staff report

- Toll Brothers project was discussed earlier.
 - The Willows is still under construction.
 - Workstage was discussed earlier.
 - 210 Main Street was stockpiling snow. She looked into it and doesn’t believe it is an issue. She discussed it with DEP who said that anything within their wetland jurisdiction it is the choice of the Commission if they want to pursue it or not. The other issue on this site was the Stream Channel Encroachment Line. The question was if they require a permit to stockpile snow there. Ms. O’Hare indicated she is awaiting a response from the DEP on this. Chairman Vitali does not see stockpiling snow as a detriment to a wetland.
 - The soccer field constructed by Mr. Richello has a fence design that is slightly different than what the Commission approved. The fence has not been installed yet. Chairman Vitali believes that the fence should be staggered sections approximately every 100 feet. Ms. O’Hare stated that Mr. Richello is proposing to stagger sections of fence every 18 feet or so. Chairman Vitali indicated that the purpose of that type of fence was to control the trash. The Commission directed Ms. O’Hare to recommend to Mr. Richello to install 50-foot sections of staggered fence.
 - North Farms, John Orsini, is going well.
 - Grove Street, Maplewood Construction, is under construction
 - Continuing education, Wesleyan University, March 12, 2011. If anyone is interested they should contact Ms. O’Hare.
 - Highland Avenue, Woronick, 11 lots has been reduced to 8 lots and no IWWC permit will be required.
3. DEP Stream Channel Encroachment Permit Approval – Yalesville Properties, LLC – 103 No. Turnpike Rd., Yalesville
 4. DEP Notice of Insufficiency – 300 Church Street – Yankee Gas Services Company – (gas regulating station construction)
 5. DEP Notice of Insufficiency – CT Fund for the Environment – deny fishway installation at Wallace Dam on Quinnipiac River; and Milone & MacBroom response letter.
 6. CT Federation of Lakes – “Lake Smart Home Award Pledge” & membership dues
 7. CT Land Use Law Seminar for Municipal Land Use Agencies, Wesleyan U., Middletown, CT – Mar 12
 8. DEP Snow Disposal Release memorandum
 9. US Army Corps of Engineers – Reissuance of the statewide Connecticut General Permit (5 years)

10. Quinnipiac River Land Use Leaders Training Short Course, Pace U. Land Use Law Center, held at CT Forest & Park Associations Rockfall, CT, April 2 and/or April 8
11. DEP Notice of Tentative Determination – 401 Water Quality Certification re: Yankee Gas Service Company – Wallingford Gate Station – 300 Church Street

VIOLATIONS:

1. 7 Old Gate Road – Mark Fenney – (filling)

The owner Mark Fenney was not present.

Ms. O'Hare received a revised map tonight showing the topo of the property. She will send them out in next month's packet and the Commission would discuss it at the next meeting.

ADJOURNMENT:

Commissioner Deutsch made a motion to adjourn. The motion was seconded by Commissioner Parent and passed. The meeting adjourned at 9:52 p.m.

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