

**Inland Wetlands and Watercourses Commission
Town of Wallingford**

**REGULAR MEETING
Wednesday, April 1, 2009**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, April 1, 2009, in Council Chambers, the Municipal Building, Wallingford, Connecticut.

Seated from the Commission were Jim Vitali – Chairman, Ellen Deutsch – Vice Chair, Nick Kern – Secretary, Jeff Kohan, Dave Parent – alternate, and Environmental Planner Erin O’Hare.

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

CONSIDERATION OF MINUTES:

March 4, 2009 - Regular Meeting

Ms. O’Hare corrected an error on Page 4 under the 91 North Turnpike Rd matter. It should read, Chairman Vitali stated that the Public Works Dept. is working on a map and a remediation plan to remove material from an area approximately 8,500 square feet in extent. Ms. Deutsch made a motion to accept the amendment by Ms. O’Hare. The motion was seconded by Mr. Kern and passed. Ms. Deutsch made a motion to approve the amended Minutes of the March 4, 2009 – Regular Meeting. The motion was seconded by Mr. Kohan and passed.

OLD BUSINESS:

#A07-1.4 / 82 & 124 CONSTITUTION STREET – BJB Construction
(release of bond)

Ms. O’Hare indicated that the bond is not ready to be released.

#A09-3.1 / OFF COOK HILL ROAD – Oakdale Woods Homeowners
Association – (roadway improvement)

Ms. O’Hare stated that the Engineering Department has put together a report on this project. The Applicant has met with the Southwest Conservation District and has decided to go with a design recommended by the District. The District has visited the site but the Applicant has not yet received a final report. The Applicant asked Ms. O’Hare to request on his behalf that this application be tabled to the next meeting.

#A04-8.4 / 1425 TUTTLE AVE. – W & W Properties (aka Gaylord Farms Road – Cheshire Crossing – Pulte Homes) – (release of bond)

Ms. O’Hare indicated that the bond is not ready to be released. There was a meeting set up but the Permittee has postponed the meeting.

NEW BUSINESS:

#A07-11.1 / 135 FAWN DRIVE – Fawn Drive Associates, LLC – (permit commencement extension)

Ms. O’Hare indicated that when a permit is granted there is a one-year term limit on the commencement of activity. The Applicant is asking the Commission to grant a one-year extension of that term limit. The one-year time frame on this permit was included in the conditions of approval. After some discussion it was decided that the Commission would get a legal opinion from the Town Attorney as to what would happen if the extension were not granted by the Commission.

MR. KERN: **MOTION TO TABLE THIS APPLICATION TO THE MAY MEETING.**

MS. DEUTSCH: **SECOND**

VOTE: **UNANIMOUS**

#A09-3.1 / 8 & 10 Atwater Place / Quinnipiac River – Howard Lohman, Sr. – (industrial development – contractor storage units)

Presenting the application was Christopher Juliano, Juliano Assoc.

Mr. Juliano stated that this site pertains to the last two lots in an industrial subdivision that was approved back in 1990-1991. They are in the process of obtaining a Stream Encroachment Line permit from the DEP. There are nineteen contractor storage warehouses proposed, each one 1,000 sq.ft. with associated parking, drainage improvements, and utilities. All of the improvements are outside the 50-foot buffer, outside the Quinnipiac River floodway and outside the greenbelt. This application is in front of the Commission because there is over 20,000 sq.ft. of parking area. The Water & Sewer Division would serve each unit.

Mr. Juliano gave a brief presentation of the plan. There is an existing cul-de-sac at the end of Atwater Place. Lot 8 is a rear lot with a 25 - foot access way and Lot 9 is a frontage lot. They are proposing to plant evergreens on whichever line is closest to the project, either the 50 - foot buffer, the floodway or the greenbelt line. The closest they will come to the buffer line is approximately 59.5 feet along the western boundary. Porous asphalt is being proposed for this parking area. This asphalt allows water to infiltrate through the surface. A cross - section has been provided in the plan. Catch basins and yard drains will be provided in various areas, which will continue to allow

the water to get into the stone reservoir. There is perforated pipe throughout. Mr. Juliano has reviewed the plan with the Water & Sewer Division. The buildings will be built one foot above the flood elevation line.

Mr. Kern would like to visit the site. It was decided that each Commissioner would visit the site at his convenience.

There was discussion about the previously approved plan from 1990. Mr. Juliano will review the previously approved plan for the next meeting. He will provide for the Commission the amount of fill that will be required to be brought onto the site to raise the buildings one foot above the flood elevation. Ms. O'Hare would like to have the wetland soils, delineated in 1987, updated and flagged to be sure the wetland line is where the old plan shows. Mr. Kern didn't feel it was necessary. Chairman Vitali requested cross - section of fill area.

#A09-3.2 / off Tuttle Avenue & Old Gate Road – Tennessee Gas Pipeline Co. – (pipeline replacement)

Chairman Vitali accepted the application.

VIOLATIONS:

1. 91 North Turnpike Road – Public Works Dept. storage yard

Present was Henry McCully, Department of Public Works. A plan has been completed that met all of the Environmental Planner's concerns. There will be approximately 2,640 cubic yards removed from the site. Ms. O'Hare reviewed her Environmental Planner's Report, dated March 27, 2009. She referred to a memorandum from Vincent Mascia, Water & Sewer Division, stating that only clean, uncontaminated fill can be used on the site. Ms. O'Hare asked that Mr. McCully hold off on doing the work until at least mid - June, due to amphibian breeding season. Mr. McCully suggested that he be allowed to do the work starting in September. He believes the job will take 2-3 weeks to complete. Mr. McCully stated that doing the job in September would work better for the Town because the price of fuel would be less expensive and it is also a better time for the erosion control grass to be planted rather than in the middle of the summer. Ms. O'Hare recommended to the Commission that the plan be approved with the condition that the work not be started until September 1st and ended before the growing season ends.

Mr. McCully indicated that once the work is completed there would be concrete blocks placed along the top of the slope to stop any further encroachment.

Chairman Vitali asked for public comment. There was no public comment.

MS. DEUTSCH: **MOTION TO APPROVE THE REMEDIATION PLAN WITH A CONDITION OF APPROVAL THAT THE WORK BE STARTED ON, OR ABOUT, SEPTEMBER 1ST, 2009 AND ENDED BY OCTOBER 1ST, 2009.**

MR. KOHAN: **SECOND**

VOTE: **UNANIMOUS**

2. 252 Main Street – L & J Partnership, LLC – (cease & desist and remediation plan)

Present were John Gable, CT Consulting Engineers, and the Owner, Lisa Morgillo.

The Owner has applied for a Stream Channel Encroachment permit from DEP. Mr. Gable has been working with Ms. O'Hare and believes that they have finally come up with a plan to meet the requirements of DEP and the IWWC. The toe of slope will be at elevation 40.5. The Applicant will be using turf blankets for slope stabilization. DEP does not want any plantings on the slope but plantings and seeding from the top of the slope to the gravel line limit.

Ms. O'Hare gave some background stating that the DEP did not like the use of Cablecrete on the slope as it is considered a deposition of material. DEP visited the site on March 20th along with Ms. O'Hare, the owners, and the Project Engineers. When visiting the site it became apparent that the proposed slope was not going to work. Ms. O'Hare indicated that the plan in front of the Commission was the revised plan with the slope being less steep, now a 2:1 slope.

Mr. Kern does not believe that the turf blanket is going to survive the first rainstorm when the river comes up. He felt the Cablecrete was the only thing that would stand a chance with all of the debris that flows down that river. Mr. Gable stated that all of the calculations say that this turf blanket can handle a 1:1 slope and this is a 2:1 slope with silty, sandy soils. DEP will not allow the Cablecrete to be used. Mr. Gable is willing to get the calculations together for the Town Engineer to review.

Ms. O'Hare referred to her March 23, 2009 memorandum. DEP only wants to see trees and shrubs installed from the top of the slope up toward the building. DEP does not want any plantings on the slope. Ms. O'Hare indicated that there is a problem with the garage on the site. The lean-to part of the garage needs to be removed. Ms. O'Hare stated that the garage was approved and permitted in 1994 but the lean-to portion was never approved by the Planning Dept.

Ms. O'Hare explained to the Commission that since the slope has been changed it only leaves a flat greenbelt that is approximately 8 feet wide. She doesn't feel that an 8-foot buffer is wide enough and she would like to see a larger planted area. Mr. Kern stated that the area is very tight and that the 8 feet should be enough. He just wants to be sure that the sewer line is as covered as possible.

Ms. Morgillo stated that, at the site visit, DEP stated that no part of the garage should be removed. Ms. O'Hare stated that the DEP would like the entire garage removed because it is in the floodway however the Town had approved the main body of the garage. The lean-to and the concrete pad were added on without a permit or flood certificate. Ms. O'Hare stated DEP wouldn't contradict the Town so DEP did not require that the garage had to come down. But the lean-to is different as it wasn't given local permits.

Ms. Morgillo brought up the issue of storing equipment on site. Ms. O'Hare referred to this issue in her memorandum dated March 23, 2009. Ms. O'Hare indicated that it is fine to store equipment outside for the one or two week period that the work is being done. Any equipment that is being stored on site regularly has to be inside a building according to the Planning Dept. Chairman Vitali requested that the Owner work with Ms. O'Hare on getting the plan ready for the May meeting.

3. 134 Grove Street Extension – Edward J. & Doreen Beauvais – (cease & desist – filling)

Present was Edward Beauvais. Ms. O'Hare reviewed the Cease & Desist Order dated March 27, 2009 and her Environmental Planner's Report dated March 27, 2009. She passed out to the Commissioners photos of the site.

Mr. Beauvais stated that the driveway was put in to access the property approximately three years ago. He indicated that the land was dug out years ago and they just were filling what was taken out. Chairman Vitali informed Mr. Beauvais that a permit is needed to build the driveway. The Violator was told the best thing to do would be to get an engineer and soil scientist to put together a plan. Chairman Vitali indicated the Cease and Desist remains in place.

REPORTS & COMMUNICATIONS:

1. Administrative approvals & PZC referral reports – staff report

Ms. O'Hare explained that she gets a referral for all of the proposed applications that appear before Planning & Zoning. If there are wetlands on the site she makes comments and she also comments on them as the Environmental Planner. She also reviews several IWWC administrative approvals a year. She explained this because she wants the Commission to understand that there are things that she does that the Commission doesn't necessarily see and reports that she writes for P&Z that they do not see. She referred to an application for fill at 12 Old Colony Road. Chairman Vitali felt that the amount of fill on that site is enormous along with the concept for developing that site. He stated that a bridge across the wetlands with that elevation change is going to be a huge undertaking. Chairman Vitali directed Ms. O'Hare to write a memorandum to DEP asking for literature about capping a contaminated area and if that is its policy.

2. CMEEC – 130 Thorpe Ave.- (installation of two generators) – application to CT Siting Council

Present was Al Wolfgram, AR Consulting, and Mike Pettini, MPE Consulting. Mr. Wolfgram stated that they would be installing two standby peak power generators at the existing substation. Mr. Wolfgram and Mr. Pettini gave a brief overview of the project. All of the activity is on the existing site and no drainage is being increased. The generators would not be used all of the time. They are just used to shave off the peak power demand. Chairman Vitali directed Ms. O'Hare to review the plan and make whatever comments she feels necessary.

