

INLAND WETLANDS AND WATERCOURSES COMMISSION

TOWN OF WALLINGFORD

REGULAR MEETING

WEDNESDAY, OCTOBER 2, 2013

7:00pm

MINUTES

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, October 2, 2013 in Council Chambers, Town Hall, 45 South Main Street, Wallingford, Connecticut.

Seated Commissioners were Jim Vitali – Chairman; Ellen Deutsch – Vice Chairperson; Dennis Murphy; Jim Heilman – alternate; Deborah Phillips – alternate; Paula Miller – alternate; Erin O’Hare, Environmental and Natural Resources Planner.

Absent: Nick Kern – Secretary and Dave Parent – Commissioner.

Chairman Vitali called the meeting to order at 7:05 p.m.

Voting members were: Commissioners Vitali, Deutsch, Phillips, Heilman and Murphy.

CONSIDERATION OF MINUTES

July 24, 2013 -Regular Meeting

Chairman Vitali tabled approval of these minutes expressing concern over a paragraph in the minutes found on pages 8 and 9, under “New Business.”

Chairman Vitali asked Ms. O’Hare how the following paragraph got into the Minutes when this wasn’t discussed at the meeting: “Ms. O’Hare noted the Environmental Planner’s Report on this matter went out in the packet and attached to it was her memo to Janis Small, Corporate Counsel, stating a permit is required. She said Atty. Small gave an opinion that the permit is required.”

Ms. O’Hare said she believed this was under “720 North Main Street Extension.” She said the tape would have to be listened to but she believed it was said. Chairman Vitali said the tape could be listened to but it was not there. He said this statement was not in the video and it

wasn't talked about, and statements cannot be put into the Minutes that were not discussed at the meeting.

Ms. O'Hare agreed but noted that it wasn't discussed.

Chairman Vitali asked Ms. O'Hare to review the tape or video and wanted a positive answer of where this came from.

MINUTES TABLED TO THE NOVEMBER 6, 2013 MEETING.

September 4, 2013 – Regular Meeting

MS. DEUTSCH: MOTION TO APPROVE THE REGULAR MEETING MINUTES OF SEPTEMBER 4, 2013 AS SUBMITTED.

MR. MURPHY: SECOND

VOTE: VITALI, DEUTSCH, MURPHY, HEILMAN – YES
PHILLIPS – ABSTAIN

September 4, 2013 – Special Meeting

MS. DEUTSCH: MOTION TO APPROVE THE SPECIAL MEETING MINUTES OF SEPTEMBER 4, 2013 AS SUBMITTED

MR. MURPHY: SECOND

VOTE: VITALI, DEUTSCH, MURPHY, HEILMAN - YES
PHILLIPS – ABSTAIN

OLD BUSINESS

1. **#A10-5.3/803 NO. FARMS ROAD – ESTATES AT WALLINGFORD – Toll Brothers**
– (request for bond release)

Ms. O'Hare said the Applicant is not ready to go forward because they have a lot of plantings to install. She said the Applicant should be ready for the November 6, IWWC Meeting.

2. **#A13-7.3/862 EAST CENTER STREET – Alberta Management LLC – (after-the –fact – improvements).**

In her Environmental Planner's Report dated September 26, 2013, Ms. O'Hare noted she met with the Applicant's representative Jeff Raup onsite because Mr. Raup was adamant that a fence and additional plantings were not needed. She said there is a DEEP ordered remediation project underway which has been ongoing for a few years and there are buried pipes which has made the Applicant hesitant to dig in the area until the pipes are removed, which will not be anytime soon. She said the Applicant also stated that since the area is being occupied by an office building, that no-one would be dumping in the wetlands.

Chairman Vitali asked what type of permit would be issued.

Ms. O'Hare said the permit would be for minor activities in the upland review area.

Vice-Chairperson Deutsch asked if the Applicant had an occupant for the building.

Ms. O'Hare said Mr. Raup is the principal owner of Alberta Management which own the property and did not ask who would be moving into the building. She noted that Planning and Zoning did approve this site for office use. Ms. O'Hare said no-one has occupied the building to date, but heard that True Blue Environmental would be occupying the building.

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-7.3 EAST CENTER STREET ALBERTA MANAGEMENT LLC, BE DEEMED NOT A SIGNIFICANT ACTIVITY**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A13- 7.3 EAST CENTER STREETALBERTA MANAGEMENT LLC, BE APPROVED AS SUBMITTED WITH THE FOLLOWING RECOMMENDATIONS FROM THE ENVIRONMENTAL PLANNER:**

1. **RECENTLY ALTERED OPEN SPACE TO BE INSTALLED WITH GRASS TO STABILIZE**
2. **A PERMIT MUST BE OBTAINED FOR ANY FURTHER PROPOSED WORK IN THE WETLANDS OR IN THE UPLAND REVIEW AREA (50 FEET BACK FROM FLAGGED WETLANDS**
3. **WETLANDS REPORT AND FIELD SKETCH REFLECTING WETLANDS BOUNDARY AS FLAGGED IN THE FIELD BY DAVID LORD, SOILS SCIENTIST, IS TO BE SUBMITTED OR PERMIT MAY BE REVOKED**

SECOND: **MURPHY**

VOTE: UNANIMOUS

3.#A13-7.5/7 TWINS PINES DRIVE – Waldemar Radwan – (after-the-fact shed, plantings, mowing).

Marta Radwan, the Applicant's daughter, appeared before the Commission.

As noted in her September 26, 2013 Environmental Planner's Report, Ms. O'Hare said nothing had changed. She noted the Applicant had appeared before the Zoning Board of Appeals on September 16 which denied a variance request to keep the shed where it was currently located. Ms. O'Hare said the Applicant contacted her asking if the shed should be moved and she told the Applicant to wait to see what the IWWC would decide at their October 2 meeting because the fate of the shed location, (currently in the upland review area), has not as of yet been determined. Ms. O'Hare said this 7 Twins Pine Drive is part of a larger picture, and the IWWC would not want to make a decision on this issue. She said the IWWC would have to request an extension from the Applicant in order to table this again. She said the IWWC has 65 more days under the Statute to make a determination on this particular Application.

Chairman Vitali asked under the overall package, if a workshop was being planned.

Ms. O'Hare said she recommended as part of her Environmental Planner's Report, that the IWWC schedule a Special Meeting to conduct a workshop on the matter, as a careful review of the particulars is required since there are many properties involved. She said a follow-up report will be presented to the IWWC after the site investigation which is scheduled to be conducted early next week. Ms. O'Hare said she had obtained from the Building Department, 28 as-built plot plans of all 28 lots and will be going out in the field and marking down exactly what she finds. She said in starting this project, she has run into two additional problems: a cartographic problem where lines are not identical from what was approved to what is on the as-built; and the installation of shrubbery by the Developer. She said the landscaper installed the shrubbery in different places, and not in the approved areas.

Chairman Vitali asked what would happen if the Applicant withdrew his after-the-fact Application until the IWWC can make a decision instead of granting extensions.

Ms. O'Hare said if the Applicant withdraws and they have to return to the IWWC for any reason, the Applicant would have to re-apply and pay another fee.

Commissioner Heilman said his biggest concern is the overall direction the IWWC chooses to follow on this – whether the IWWC upholds the Regulation or lets it go. He said the workshop might provide some degree of variation of what the IWWC would allow. He said if it weren't for the fact that the IWWC fought so hard to avoid this scenario, if there were to be a workshop, he would attend but would prefer not to attend unless Planning and Zoning was

also in attendance. He said the IWWC saw this coming, (with the 30 homeowners), but the builder assured the IWWC that the property owners would be informed.

Commissioner Heilman said it is not so much the 30 property owners receiving the adjustments for the infractions as it is as important for the IWWC to decide what direction we are going.

In answer to Chairman Vitali's request, Ms. Radwan said the Applicant would agree to a 65-day extension.

Ms. O'Hare said "The Willows" issue was also listed under "Violations" at the end of the agenda. She said she met with Town Corporation Counsel Janis M. Small and there were several recommendations. She said the Atty. Small indicated the Workshop was a good idea and would have to be posted as a Special Meeting. Ms. O'Hare said Atty. Small advised her to send out a form letter to all 62 of the property owners indicating what is occurring and that the issue is under review. She indicated she also met separately with the Developer and his Attorney.

Commissioner Heilman suggested inviting the Developer.

The IWWC set the date for the workshop for Wednesday, October 16, at 6 p.m. in Room 315 in Wallingford Town Hall.

Chairman Vitali tabled the Application to the November 6, 2013 IWWC Meeting.

4. **#A13-7.7/528 SO. CHERRY STREET** – Allnex USA, Inc., (formerly Cytex) – (outfall pipe installation).

Presenting the Application was Jay Kulowiec, Professional Engineer, Arcadis USA and Consulting Engineer to Allnex USA, Inc.; Bob Logano, Project Manager, Allnex, USA, and James Walton, Arcadis USA.

Mr. Kulowiec said the Application was initially presented to the IWWC in September but some information was pending which needed to be provided to Ms. O'Hare. He said since the September meeting, the plans and specifications have been revised for the pipeline installation and the drawings along with a copy of the Soils & Wetlands reports prepared by Soil & Environmental Services, East Lyme, dated September 26, were provided to Ms. O'Hare.

At Chairman Vitali's request, Mr. Kulowiec presented another overview of the Application. He said the area in question is part of Cytex's property from their Wastewater Treatment Plant to the existing facility to the Quinnipiac River. He said treated wastewater from the treatment plant had been conveyed by a natural channel and then intersected with what the State classifies as an "unnamed tributary of the Quinnipiac River". He said the last DEEP permit renewal had a stipulation that Cytex would have to convey their wastewater discharge directly to the Quinnipiac River and not to the unnamed tributary.

Mr. Kulowiec said a number of alternatives were looked into after the engineering analysis was completed. Mr. Kulowiec said it was determined that because of the crossing of the Spectra Energy gas main right-of-way which is on Allnex property, the depth of those pipes, and the requirements in the easement agreement between Cytec and Spectra, that the only way to discharge to the Quinnipiac River was to utilize a piping system. He said Allnex's discharge pipes will have to be installed under the gas mains. Mr. Kulowiec presented a map which highlighted all the wetland designations and soil types. He acknowledged the project is in a wetlands area and is a regulated activity within the wetlands area. He noted on additional plans, the upland review area was also shown.

Ms. O'Hare presented an overview of her September 27 Environmental Planner's Report. She said new and revised documents, submitted on September 26 were forwarded to the IWWC in their packets. She noted the Applicant completed the CT soils for wetlands along with the federal designation. She said her questions regarding stream crossings, access ways, dewatering and how Allnex would cross under the gas mains were all answered. Ms. O'Hare said Allnex also included a detailed drawing of how the pipe would spill out into the Quinnipiac River.

Ms. O'Hare recommended the Application be approved as submitted with the following conditions of approval: The Environmental Planner to be contacted to inspect erosion control measures as installed prior to any further activity on the site under this permit.

Mr. Kulowiec noted that because of Spectra Energy's requirements regarding restrictions of working in their right-of-way, construction of the pipeline will not take place until April 15, 2014. He added the Application was also submitted to Planning and Zoning because it is a floodway activity.

Commissioner Heilman said this was not a good day for the Quinnipiac River.

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-7.7/528 SO. CHERRY ST
ALLNEX USA, INC. BE DEEMED NOT A SIGNIFICANT ACTIVITY**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-7.7/528 SO. CHERRY
ST. BE APPROVED AS SUBMITTED WITH THE FOLLOWING
RECOMMENDATIONS IN THE ENVIRONMENTAL PLANNER'S
REPORT:**

**THE ENVIRONMENTAL PLANNER TO BE CONTACTED TO INSPECT
EROSION CONTROL MEASURES AS INSTALLED PRIOR TO ANY
FURTHER ACTIVITY ON THE SITE UNDER THIS PERMIT**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

5. **#A13-8.1/12 NATHAN'S PATH** – Edward Butkus – (after-the-fact in-ground pool and proposed gazebo, patio and fencing).

Edward Butkus, Applicant, appeared in front of the IWWC.

In her September 26, 2013 Environmental Planner's Report, Ms. O'Hare said the Applicant has revised his plan from a gazebo to a pool house because this structure has four walls. She recommended approval because the area where the pool house is to be installed, which is an upland review area, is maintained as a lawn. Ms. O'Hare said she saw only minimal impact to the wetlands. She noted that the pool is after-the-fact.

Chairman Vitali asked if this issue would have come into the workshop.

Ms. O'Hare said her vision for the workshop is to discuss and work on "The Willows."

Chairman Vitali said the workshop will focus on upland review areas not just "The Willows."

Commissioner Heilman agreed with Chairman Vitali stating that the workshop would shed light on both of these situations. He stated we should always ask ourselves, "will it make a difference," and it won't in this case.

Ms. O'Hare recommended approval of this Application as submitted with the condition of approval that erosion control measures are in place and meet the approval of the Environmental Planner prior to any further work being conducted onsite.

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-8.1/12 NATHAN'S PATH
BE DEEMED NOT A SIGNIFICANT ACTIVITY**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-8.1/12 NATHAN'S PATH**

**BE APPROVED AS SUBMITTED, THE UPDATED PLAN PER
CONDITIONS OF APPROVAL OF THE ENVIRONMENTAL PLANNER
WHICH STATES THAT EROSION CONTROL MEASURES ARE IN
PLACE AND MEET THE APPROVAL OF THE ENVIRONMENTAL
PLANNER PRIOR TO ANY FURTHER WORK BEING CONDUCTED
ONSITE.**

MR. MURPHY

SECOND

VOTE:

UNANIMOUS

Chairman Vitali asked about a patch of running bamboo as indicated in Ms. O'Hare's EPR.

Mr. Butkus said he keeps the bamboo under control through constant mowing.

6. **#A13-8.2/59 & 65 NORTH PLAINS HIGHWAY** – Wallingford Group LLC – (stream crossing and excavation and filling activities for industrial use)

Ms. O'Hare said she received a letter today from Christopher Juliano, Project Engineer, on behalf of the Applicant, requesting the above matter be tabled so the Applicant could retain the services of an expert so the issue of stream ecology and the impact of the proposed culvert on the watercourse may be thoroughly investigated and addressed.

Chairman Vitali tabled this matter until the November 6 IWWC meeting.

7. **#A13-8.3/1020 North Main Street Extension** – Jan Koster & Robin Cozenza – (driveway)

Presenting the Application was Jan Koster, Co-Permittee

Mr. Koster said his Application involves relocating his present driveway which is partly over the neighbors land. He said two years ago, he received conditional approval from the Town to pave the driveway, but the neighbor was unwilling to approve. He said the only other option was to move the driveway closer to the wetlands, in the buffer, which would eliminate having to deal with the neighbor because the driveway would be entirely on his property.

In her Environmental Planner's Report dated September 25, 2013, Ms. O'Hare said the best way to understand this issue was to visit the site. She said the Applicants could fit a driveway parallel to the existing driveway between the wetlands. Ms. O'Hare said the Applicants want the new driveway paved. She said the Applicants have been attempting to pave the portion of the existing gravel driveway currently being used over the neighbor's property, where the

Applicants have an easement for at least two years, but the neighbor will not grant permission. She said the gravel driveway is eroding and has potholes which the neighbor will not allow to be repaired. Ms. O'Hare recommended approval of the Application with the stipulation that silt fencing be installed when the driveway is constructed and that the Environmental Planning office be contacted, and that the driveway be pitched towards the wetlands which are disturbed and support phragmites and multi-flora rose. She added, should erosion or sedimentation occur in the wetlands on the subject property as a result of installing the paved driveway, then the Permittee will be obligated to take corrective action in this regard to prevent degradation of the wetlands. The Permittee is to pave only the portion of the driveway that is on his property.

In answer to Chairman Vitali's question, Mr. Koster said he is only planning because of financial constraints, to only pave a portion of the driveway, the part which tilts towards the wetlands near the top.

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-8.3/1020 NORTH MAIN STREET EXTENSION BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-83/1020 NORTH MAIN ST EXTENSION BE APPROVED WITH THE FIVE RECOMMENDATIONS OUTLINED IN THE ENVIRONMENTAL PLANNER'S REPORT**

- 1. SILT FENCING IS TO BE INSTALLED ALONG THE NORTH EDGE OF THE PROPOSED DRIVEWAY AREA**
- 2. THE ENVIRONMENTAL PLANNING OFFICE IS CONTACTED WHEN WORK IS TO COMMENCE TO INSPECT EROSION CONTROL MEASURES PRIOR TO ANY FURTHER WORK BEING CONDUCTED ONSITE**
- 3. THE DRIVEWAY IS TO BE PITCHED TOWARD THE WETLANDS AREA TO MINIMIZE THE POTENTIAL FOR ADDITIONAL FLOWS TO TRAVEL DOWN THE DRIVEWAY AND ENTER**

NORTH MAIN STREET EXTENSION

- 4. SHOULD EROSION OR SEDIMENTATION OCCUR IN THE WETLANDS ON THE SUBJECT PROPERTY, AS A RESULT OF INSTALLING THE PAVED DRIVEWAY, THEN THE PERMITTEE WILL BE OBLIGATED TO UNDERTAKE CORRECTIVE ACTION IN THIS REGARD TO PREVENT DEGRADATION OF THE WETLANDS**
- 5. THE PERMITTEE IS TO PAVE ONLY THE PORTION OF THE DRIVEWAY THAT IS ON HIS PROPERTY, 1020 NORTH MAIN STREET EXTENSION**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

8. #A13-8.5/864 NORTH FARMS ROAD - Town of Wallingford – (municipal fire station)

Presenting the Application was Peter Struble, Fire Chief; Richard Heidgerd, Deputy Fire Chief Donald Smith Jr. Professional Engineer representing the Wallingford Fire Department and the Town of Wallingford, David Stein, Principal Project Manager, Silver Petrucelli & Associates and Aris W. Stalis, Landscape Architect.

Mr. Smith presented an overview of the project which involves the construction of a new 16,000 sq. ft. firehouse and the relocating of the functions which exist on the property adjacent to RTE. 68.

Mr. Smith said the site is a 10.29 acre parcel on the east side of North Farms Road. He said the parcel is dissected by Caitlin Brook. He said the floodplain varies from 40 to 100-feet wide and is a regulated FEMA watercourse. Mr. Smith said the wetlands on the site were flagged by the Soil Science and Environmental Services in 2010 for the Town. He said the total amount of on-site wetlands is approximately 47,100 sq. ft. or 1.08 acres. He said runoff from the site flows in three directions: east towards Caitlin Brook, south towards 4 Saddle Brook Drive and to the south towards 8 Saddle Brook Drive. He said there is a catch basin which collects site runoff. Mr. Smith said the condition of the on-site 18-inch re-inforced concrete pipe has been reviewed with the Water and Sewer Divisions and has been determined to be in good condition. He said there is approximately 140 of the pipe that has deteriorated and the outlet is also in disrepair. Mr. Smith said site development consists of a u-shaped driveway off North Farms Road and eight bays. He said as proposed, there is approximately 74,000 sq. ft. of impervious area on

the site and runoff is being collected from 53,000 sq. ft. of the impervious area and will be put through an underground storm water management system located on the southerly side of the development. He said the system is based on some infiltration and percolation tests have been performed. He said the system will infiltrate one-inch of rainfall from that 53,000 sq. ft. of impervious area. He said the peak flow going to Caitlin Brook has been reduced approximately 25% in the two-year storm; nearly 10% in the 10-year storm and approximately 12% in the 100-year storm.

Mr. Smith said the runoff going towards 4 Saddle Brook Drive is experiencing a decrease of between 25% and 33% depending upon the storm event because the drainage area has been reduced. He said the runoff towards 8 Saddle Brook Drive will not change but as vegetation increases, the flows will be reduced.

Mr. Smith spoke about wetland impacts. He said they are proposing to remove the existing stormwater pipe discharge and relocating it downstream approximately 40 to 45 feet. He said this is being done in order to develop a sufficient rip-rap apron for the flows. He noted that once the existing storm water pipe is removed, the bank will be stabilized and 100 sq. ft. of rip rap will be installed near the brook.

Per Chairman Vitali's request, Mr. Stalis presented an overview of the planting design.

Vice-Chairperson Deutsch said she had a problem with non-native plants being proposed on the property.

In referencing her Environmental Planner's Report dated September 27, 2013, Ms. O'Hare said she did not believe this project was a significant impact activity, but noted the IWWC may wish to conduct a public hearing take place because of public interest. She had two recommended conditions of approval, one being standard erosion and the other involves restoration of the stream buffer. She said because a 20-foot stream buffer will have to cut along the stream corridor in order for the developer to install storm water pipes, Ms. O'Hare recommended the installation of shrubs in the area.

Chairman Vitali asked that Ms. O'Hare and Mr. Smith come up with a shrub installation plan.

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-8.5/864 NORTH FARMS ROAD BE DEEMED NOT A SIGNIFICANT ACTIVITY**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-8.5/864 NORTH FARMSROAD BE APPROVED AS SUBMITTED WITH**

**ENVIRONMENTAL PLANNER'S TWO CONDITIONS OF APPROVAL
IN HER ENVIRONMENTAL PLANNER'S REPORT DATED
SEPTEMBER 27, 2013 AND THAT THE SPECIES OF PLANTS TO BE
USED BE NATIVE TO CONNECTICUT AND A MAINTENANCE PLAN
MUST BE SUBMITTED BEFORE A PERMIT IS ISSUED**

Ms. Deutsch amended her motion after a discussion about stormwater management to:

**MOTION: ADD A THIRD CONDITION OF APPROVAL THAT A
STORMWATER MANAGEMENT PLAN BE SUBMITTED THAT
INCLUDES EXACTLY HOW AND WHEN TO BE MAINTAINED**

**1.EROSION CONTROL MEASURES ARE IN PLACE AND MEET THE
APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR TO ANY
FURTHER WORK BEING CONDUCTED ONSITE.**

**2.PARTIAL RESTORATION OF THE EXISTING STREAM BUFFER IN
THE 20-FOOT WIDE ACTIVITY AREA IN VICINITY OF
STORMWATER DISCHARGE INSTALLATION NEAR CAITLIN
BROOK. RESTORATION PLANTINGS (TO RESTORE BUFFERING
FUCNTION, DECREASE SUNLIGHT, DETER REPOPULATION BY
INVASIVE PLANT SPECIES) OF NATIVE SPECIES OF SHRUB AND
FORBS**

**3. A MAINTENANCE PLAN BE SUBMITTED BEFORE A PERMIT IS
ISSUED.**

MR. MURPHY: SECOND

VOTE: UNANIMOUS

Chairman Vitali inquired how a subsurface system can be maintained.

Mr. Smith responded that it has observation ports which gauge when to maintain.

9. **#A13-8.6./1094, 1098 & 1100 NORTH COLONY ROAD – Chick-fil-A, Inc.,**
(commercial redevelopment).

Presenting the Application was Amy Souchuns, Atty. with Hurwitz, Sagarin, Slossberg & Knuff, Milford, representing the Applicant and Josh Swerling, Sr. Project Manager at Bohler Engineering.

Atty. Souchuns presented an overview of the project. She said this is a redevelopment of the existing Midas site. She noted a portion of the parking will be located at 1094 North Colony Road, where the wetlands are located. She said there will be no impact associated with the work to be performed on these wetlands and noted the Applicant was appearing before the IWWC to address the existing Regulations involving impervious surfaces over 10,000 sq. ft. Atty. Souchuns said the Applicant is proposing an approximate additional 17,000 sq. ft. of impervious impact.

Mr. Swerling went over the site map of the proposed development. He said a 5,000 sq. ft. building is proposed. He noted the majority of the site discharges into the existing Lowe's system. He said the increase in the impervious surface is being mitigated through storm water quality units and catch basins. He said there is no work proposed in the wetland or upland review areas. He said soil erosion sediment controls will also be implemented. Mr. Swerling also spoke about landscaping plans. He asked the IWWC to allow the Applicant to take what was going into the detention basin out front and add it to what was going through the underground system. He said everything going through the underground system, eventually discharges through the Lowe's system.

In response to Chairman Vitali's question, Mr. Swerling said the recharge will be going through the underground system. He said the Applicant would review installing a series of curb breaks to allow some of the runoff from roof drainage to go through to the landscaped areas and the catch basins instead of going through to the full deep depression.

Chairman Vitali tabled this Application to the November 6 meeting.

NEW BUSINESS

Chairman Vitali took the agenda in the following order:

RECEIPT OF NEW APPLICATIONS

3.#A13-10.2/MAIN STREET, 202 MAIN STREET – 380 MAIN STREET – State of Connecticut DOT R.O.W., 37 Warehouse Point Road., Fireworks Island, Quinnipiac River - Town of Wallingford – (Quinnipiac River Linear Trail – Phase 111 – trail, bridge, parking area expansion accessways) – SIGNIFICANT IMPACT

Chairman Vitali received the Application, and said this project is Phase Three of the Quinnipiac River Linear Trail and involves a parking area, a trail, a bridge, expansion and accessways. He said since there is no question this project involves Significant Activity, the Applicant has requested being assigned Significant Activity and by so doing, will trigger a Public Hearing for next month.

Presenting the Application was Michael Joyce, P.E., Milone & MacBroom. He said this project will impact approximately three acres of wetlands and one-acre of upland activity.

He said a full presentation will be made to the IWWC at the November Public Hearing. He said this is a continuation of the Linear Trail which runs on the eastern side of the Wilbur Cross Parkway. He said the terminus is a cul-de-sac under RT 15. He said the Trail will be extended approximately one mile and will terminate at the current oyster shell parking area at Fireworks Island. He said the State DOT has reviewed the plan and an Army Corps of Engineer permit and a DEEP permit will also be obtained.

MS.DEUTSCH: **MOTION TO DEEM APPLICATION #A13-10.2 A SIGNIFICANT
ACTIVITY**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

1.#A13-9.3/24 PADENS COURT – Gavin Polizzo – (shed relocation)
Received by Chairman.

Ms. O'Hare said this shed is inside the 50-foot buffer area.

2.#A13-10.1 /150 WILLIAMS ROAD – William & Mary-Ellen Ginter – (garage)
Received by Chairman.

4.#A13-10.3/RESEARCH PARKWAY & 2 RESEARCH PARKWAY – Connecticut Foodbank
– (office/warehouse).
Received by Chairman.

REPORTS & COMMUNICATIONS

Chairman Vitali said Ms. O'Hare distributed to the IWWC a piece of literature regarding fines. He said some of the IWWC attended the Town Council Ordinance Committee meeting which focused on issuing fines for Planning & Zoning violations. He said there were eight or nine specific violations the Town Council wanted to allow fines for. Chairman Vitali said as the discussion centered around the wetlands, it was determined that it would be extremely difficult to issue a fine for a black and white offense. Chairman Vitali said he asked Ms. O'Hare at the meeting to put together some suggestions on what would constitute a black and white offense. He discussed her report.

Chairman Vitali said the Town Council would use Planning and Zoning as a starting point and depending upon the success, then go to IWWC. He asked Ms. O'Hare how she would fine

someone who discharged into the wetlands because it is not a cut and dry issue and is not ongoing. He said this will be an on-going discussion.

Ms. O'Hare said she wished she could have had fining ability when she observed a gentleman outside the Town Hall hosing Mr. Clean into a catch basin.

Commissioner Miller asked if this incident would fall under the Littering Ordinance.

Ms. O'Hare said she will provide a copy of the report to the other IWWC Commissioners. She will forward the report to Staff Report to them.

1. Bamboo enforcement status – Ms. O'Hare submitted Atty. Small's memorandum regarding Bamboo legislation, liability and Enforcement by the IWWC enforcement officer to the IWWC. She said Atty. Small did not have time to review the issue.
2. DEEP Training Session – Not Taken Up.
3. CACIWC Membership Dues

Ms. O'Hare said the Membership dues are \$110 and would be split between the Conservation Commission and the IWWC. The Commission agreed to spend \$55 to join CACIWC.

4. CT Federation of Lakes – correspondence re: donation to support organization – Not Taken Up.
5. CT DEEP NOV Closure Letter re: Thermapas, Inc., 155 East Street, dated 9/23/13 – Not Taken Up.
6. NRCS Red Soils/Wetlands Study – field workshop, Vietnam Veterans Memorial Park, Oct. 8, 9 a.m.

Ms. O'Hare said the NRCS noted there are three sites in Town in wetlands where there are red soils. She said a special workshop for the IWWC and the Health Dept. and herself will take place October 8 at 9 a.m. at the Vietnam Veterans Memorial Park.

7. FEMA Risk Mapping Assessment Discovery Process – Quinnipiac Watershed notice, dated 9/23/13.

The IWWC spoke briefly about enforcing Cease and Desists as it relates to wetland issues.

VIOLATIONS

1. 1148 North Colony Road – (clearing) – Not Taken Up.
2. 760 North Farms Rd - "The Willows" - noncompliance re: 28 properties (mowing, plantings, post removal, filling, sheds, etc.) and common open space. – Taken up above.

ADJOURNMENT

Vice-Chairperson Deutsch made a motion to adjourn the meeting at 9:29 p.m. Mr. Murphy seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary