

Wallingford Inland Wetlands & Watercourses Commission

Wednesday, October 3, 2018 – 7:00 p.m.

Robert F. Parisi Council Chambers, Second Floor, Town Hall

45 South Main Street,

Wallingford, CT

MINUTES

PRESENT: Chair James Vitali; Vice-Chair David Parent; Nick Kern, Secretary; Commissioners Deborah Phillips and Aili McKeen (alternate); Erin O'Hare, Environmental Planner

NOT PRESENT: Commissioners Michael Caruso, Daryll Porto (alternate) and Robert Simon (alternate).

Chair Vitali called the Meeting to order at 7: 02 p.m. and the Pledge of Allegiance was recited.

CONSIDERATION OF MINUTES

1. Regular Meeting, Sept. 5, 2018, 7:00 p.m.

MR. PARENT: MOTION TO APPROVE THE SEPT. 5, 2018 REGULAR IWWC MEETING MINUTES AS PRESENTED

MS. PHILLIPS: SECOND

VOTE: MCKEEN – YES; KERN – ABSTAIN; PARENT – YES; PHILLIPS –YES; VITALI - YES

CONTINUATION OF PUBLIC HEARING

1. Significant Impact - **#A18-6.2/5 Research Parkway** – 5 Research Parkway, LLC – (industrial redevelopment)

Appearing in front of the IWWC was Atty. Dennis Ceneviva, Ceneviva Law Firm, representing the Applicant, 5 Research Parkway, LLC; Michelle Carlson, Project Engineer, BL Companies; Emile Pierides, Engineer, BL Companies.

Atty. Ceneviva explained that at the September meeting, the Applicant made an offer to pay for an Erosion & Sediment Control Officer, based upon recommendations of Town staff and Chair Vitali. Atty. Cenevia noted that Chair Vitali requested a report on the Sediment & Erosion Control Plan. He noted this independent report was completed and some changes to the plan were made based upon this report.

Appearing in front of the IWWC was George Cotter, Peer Review Consultant, CW International, LLP, in Cheshire, went over his report. He noted that on Sept. 17, he was contacted by Ms. O'Hare who informed him the Commission and the Applicant wanted to have a peer review of the Erosion & Sedimentation Plan presented at the Sept. IWWC meeting. Mr. Cotter said that staff and BL Companies met on Sept. 26, and on Sept. 28, he received a revised set of Erosion & Sedimentation Plans which he reviewed in time for tonight's meeting. Mr. Cotter said he summarized in his letter handed out tonight what was being done on the 179.8 acre site, noting the proposal is to construct approximately 1.1 million sq. ft. of warehouse space. Mr. Cotter pointed out there will be 457 acres of wetland filling and 63,733 sq. ft. of upland disturbance. He noted the property rises from 340 ft. to 465 ft.; the proposed parking lots are roughly at 398 and 408,

respectively. Mr. Cotter said there will be large cuts made on the east side of the property which will be transferred down to the west side of the property and underneath where the buildings will be constructed.

In Mr. Cotter's presentation, BL projected Power Point site drawings on the wall illustrating points. Mr. Cotter said the Applicant has worked on the property so the site is roughly a balanced site, with a small amount of fill to be removed. He said the existing buildings will be demolished, except for the daycare facility. He said on this site, the present Bristol Myers-Squibb has no formal storm water management system with oil separators and grit separators. He said this plan has three locations for sand filters; one at the north end which will discharge into the wetlands and pointed out the detention basin on the south end for Building #2 will have a sand filter. He said at the present access which goes up to the existing building, there will be a third sand filter which will discharge into one of the ponds.

Mr. Cotter noted the amount of wetland disturbance has been kept to a minimum with the upland review areas to be revegetated except where the walls in the parking area will be located. Mr. Cotter said the Applicant's plan is in four phases with the first phase being demolition. He noted there will have to be a coordinated effort between the Owner and the Owner's Representative, the Engineer, the Contractor, staff and the erosion control inspector who will be on-site, in order to make adjustments to the plan as issues arise. Mr. Cotter noted a demolition phase has been added to the plan since the last meeting; the large and small pond will be drawn down and will be utilized as additional sediment basins during construction which will allow control points, places where discharge points will be squeezed down to a pipe or a footbridge in order to have control of water leaving these areas.

Mr. Cotter explained that once the initial sandwich silt fence is installed, and the two basins are installed, the demolition phase can begin. He said all perimeter erosion shall be installed prior to any work and the clearing and grubbing can be done in vegetated areas. He said before the clearing and grubbing, temporary sediment traps will also be installed and after this is completed, the stone entrances will be constructed. Mr. Cotter said once this is done, the earth work can begin. He noted there will be two retaining walls; one for Building #1 and one for Building #2. Mr. Cotter said the steep slopes will be stabilized and an ongoing process to determine if additional measures are needed will be in place to protect the wetlands.

Mr. Cotter went over Phase 2 which will bring in the fill but noted there will be sheetflow to the west. He said as the sediment basins are filling from Phase 1 and raising the grade along the west, the basins will be raised accordingly so there can still be discharge to the designated control points. Mr. Cotter said he has requested basin #13 in Phase 2 which was flowing to the plunge pool to discharge back to one of the pipes installed underneath the retaining wall. He stressed that all his recommendations will be implemented by the Applicant. During Phase 3, Mr. Cotter explained this is the installation phase for utilities, internal retaining walls and building foundations. He noted, as is being done in Phase 2, Phase 3 will utilize measures to control the storm water discharge from the site. He said the sand filter basins can be used as additional sediment basins as the site is being brought to the final grade. Mr. Cotter said at that point, installation of the gas and sewer can begin. He noted there are five control points on this site that give immense value to the control of the quality of the storm water runoff. The first control point is at the footbridge in the center part of the property where utilities cross the footbridge with an eight-foot opening. This is the exit for the wetland area to the north that the stormwater is discharging to in three different locations. Mr. Cotter said at that point with the approved use of flocculants by the Water Division, water quality can be controlled by the use of floc logs. He said the second control point is an existing manhole east of the small pond. Mr. Cotter said this will pick up discharge from two sediment traps to the east. Control point three will be the discharge from the large pond. He said a 30-inch drawdown pipe will be used as well as floc logs. Mr. Cotter said the fourth control point is the discharge from the detention basin which will control water flows coming from the southern site and building which will discharge to the Muddy River; the fifth control point is a fish

grate at the southwest corner of the Muddy River as it leaves the property. He said this is the last site where water could be controlled and floc logs could be utilized.

Mr. Cotter said, at the Sept. 26 meeting, there were a number of requests by staff to make changes to the plan. He said these came back in the Sept. 28 set of plans. He said it was requested that the rip-rap channels be added at the ends of the diversion swales as one goes down the 3:1 slope into the sediment traps. Mr. Cotter said when this is done, granular floc material can be used and can also be placed in the river as it flows down to the basin. He said floc logs will also be placed into the diversion channels. Mr. Cotter noted a sediment trap was added in Phase 2, #19. He said this will discharge into the proposed roof drain pipe which will flow out to the wetland area. He said this basin is in Phase 2, but noted in Phase 1, no sediment trap was shown in this area, so he requested this be added in this area which the Applicant agreed to do.

Mr. Cotter noted that along the south end of the properties into the detention basin, roof runoff was being picked up. He said he believed this could clog. Mr. Cotter said this has been modified and a flared end to the pipe has been installed. He said this will pick up the water coming down the swale to the upper end of the forebay for the detention basin. Mr. Cotter said the Applicant has agreed to install erosion blankets in the swale so it is not unprotected from the discharge from the runoff. He said floc logs will also be added to the dam spillway and the 30 inch drawdown pipe; floc logs will also be added to the existing manhole in Phase 2 at the end of the diversion swale. Mr. Cotter said additional control measures were also added to the Phase 3 plan; stone check dams were added in swales, the berm will remain in the detention basin throughout construction; water bars were added where appropriate and nodes were added to keep the detention basins drawn down during construction. Mr. Cotter added that stone check dams were added to all the diversion swales in all phases of work; temporary berms will be maintained in the detention basins in all phases. He said the existing ponds will be drawn down during construction to allow for additional storage contingency; temporary hay-bale piles have been added next to the sediment traps for the dewatering of the traps during storm events.

Mr. Cotter told the IWWC that measures were added to address the situation if construction were stopped because of weather conditions. He said he came up with a list of important recommendations for the successful project going forward. He recommended a pre-construction meeting take place prior to any work being done on the site and should be attended by the construction site supervisor, the engineer, the contractor, staff and the erosion person. He said the discussion should include how the involved parties will coordinate responses to issues raised by staff and how information on-site would be transmitted to involved Town Departments. He said these discussions would also determine how weekly site inspection reports and rain event reports would be delivered to the Town; the contractor would understand that unforeseen problems with the E&S measures will be immediately addressed and the contractor should follow plans for the installation of the E&S measures; it is understood that temporary sediment traps shown on the plans will be moved and raised as fill is brought up in the different phases; the contractor shall install any additional measures deemed necessary by the engineer or Town staff to protect the wetlands and the watershed; the construction contingency plan recently submitted for major storm events and emergency spills shall be followed; prior to demolition and, prior to construction, the on-site soils shall be reviewed as well as uses for dewatering turbid water in the sediment basins and sediment traps in the event of an emergency draw down. Mr. Cotter said there will be an on-site erosion inspector that will be chosen by the Town Departments. He noted this inspector will review erosion measures deemed necessary to protect the wetlands and MacKenzie Reservoir. Mr. Cotter said Ms. O'Hare had concerns about the large cuts and rock cut bleedouts. He said if this condition exists, a diversion swale will be installed and the water will be directed to an appropriate discharge point. He also noted weekly E&S inspection reports will be filed with the Wetlands office along with pre- and post-storm reports.

Mr. Cotter said he reviewed the steps that would need to be taken if the contractor was off the job and the site left open so to avoid adverse runoff. He said BL reviewed and agreed upon a bond amount of \$296,419. He said the plans presented are a horizontal, not a vertical, site. He said there has been talk of doing work in five-acre areas and that is not feasible in order to construct the two buildings of this size and the amount of change from the high side to the low side. He said the site will be open, but noted the work will progress in stages where there will be work in one area. Mr. Cotter said the site has been broken down with the sediment traps and detention basins so a direct discharge to a sediment trap is limited to approximately five acres. He said additional diversion swales could be added to further limit water flows.

Chair Vitali asked how the draw-down would work. In answer to Chairman Vitali's question, Mr. Cotter affirmed the bottom would be emptied and the watercourse would go through the center. Ms. Carlson said the pipe would only remain open to draw down the basin and then the pipe will be closed so something can't enter the pipe. She said this is the final stop for the water before it exits the site. She said the ponds are sized for a 100-year storm event.

Ms. O'Hare asked what level the pipe would be set at. Ms. Carlson said the pipe would be at the elevation of the bottom of the pond. Ms. O'Hare asked if the pipe could be modified so the top layer of water could be taken out. Ms. Carlson said the top layer of water should be clean. Mr. Kern asked how the Applicant would prevent the silt from going downstream and polluting the neighbor's property. Ms. Carlson said there will be floc logs to prevent this situation. She said this will be monitored. Chair Vitali asked if the pond were opened now, would the sediment go down to Spring Lake. Ms. Carlson said the pond would not be opened full bore, the water would be drawn down slowly after it has been dry for a period of time. Commissioner Kern said this didn't make sense and asked if this project was sized by the book or by past history of this type of soil and the footprint of what is being done. Ms. Carlson said this project was sized by the regulations. Commissioner Kern noted a similar project done years ago which was done by the regulations and a disaster occurred. He asked if the history of the site was taken into consideration. Ms. Carlson said the Applicant has gone above and beyond the book.

Ms. O'Hare noted that eight years ago the IWWC gave a permit to Bristol Myers-Squibb (BMS) to dredge and clean the pond which had a large amount of aquatic plants. She said All-Habitat drew down the pond and might know how the pipe works. She noted that every time she goes to BMS, the water is flowing over the spillway. She emphasized this is not a finite system. Ms. Carlson said there is not always water flowing into this, and the water will be drawn down first and when it fills up with water, it will be drawn down. Ms. Carlson said there will be a contingency plan. She said once it is drawn down the first time, we will look at what we have and determine if something has to be put over this. Ms. Carlson stressed the ponds will be drawn down as an extra measure to protect downstream resources if there is a catastrophic event. She clarified that there is no intention for sediment to enter the pond.

Chair Vitali asked if Town Engineer Rob Baltramaitis should be involved in this project. Mr. Cotter said he believed all staff would be involved, and noted he recommended the Town hire an E&S inspector who will be on-site. Chair Vitali said he would hate to see the Town Engineer's name omitted from the Pre-Construction site investigation. Mr. Cotter said all staff that has been involved so far would be involved in the Pre-Construction site investigation. Chair Vitali said he has gone over this project with Ms. O'Hare, and noted the more he listened to this application, it dawned on him that this is not really a wetlands application; it's a soil and erosion application, a construction application. He asked if the contractor would be able to build this as designed. Chair Vitali said this is the major weak link in this application. He wondered if this project would be a well-tuned machine and noted that no one knows this. Chair Vitali asked how the IWWC could protect against this; how can the IWWC be assessed about choice of contractor. He asked the Applicant if he had any input on the Contractor.

Atty. Ceneviva pointed out that everything the IWWC has requested, the Applicant has agreed to do. He said, for you, it isn't the plan, but the implementation of the plan. Atty. Ceneviva noted this is a large project, so there are a limited number of contractors who can bid on a project of this nature. Atty. Ceneviva said the Applicant has been speaking to contractors since around last December, and have still not chosen anyone because the Applicant has to have a comfort level. He said the Applicant is willing to work with the Mayor's Office, Planning & Zoning and IWWC because the Applicant wants a successful project. He said the Applicant is committed to getting the best contractor, one with no stigma attached. Atty. Ceneviva said it is not price, because the Applicant wants the best contractor. Chair Vitali said for this project, he believes the best contractor would be the cheapest to get it going. He said there are contractors which have different divisions, and he knows some of the jobs they did that was A+ and with other projects, the results were not as good. He said this is a difficult choice.

Commissioner Kern pointed out the "wounded bird" in this project will be the wetlands. He noted that BMS gave the same spiel about doing their project right. He said he remembered going out to the site and watching the west parking lot wash down into the wetlands and the IWWC had to go out there and tell them what to do. He asked for assurance that the wetlands would be safe. He said this shouldn't be about money, but doing the job correctly.

Atty. Ceneviva said the Applicant agreed and noted he had hoped the IWWC would have accepted the recommendations he and BL Companies made. He said when an independent review was suggested, the Applicant agreed. He said the Applicant didn't write Mr. Cotter's report, and the fact that he feels comfortable is a big deal. Atty. Ceneviva said it was clear from the first meeting; the Applicant has respect for the wetlands. Ms. Carlson noted that a similar project up the street in Wallingford, which BL Companies designed along the same line as this project with retaining walls, did not have wetland breaches. She said she was very confident in what was designed and noted that now we have to follow through and implement this accordingly and stay on top of the implementation.

Chair Vitali asked how big the retention pond was on that project, noting it appeared to be three or four acres. Ms. Carlson noted there was a big existing retention pond, and another retention pond was added. She pointed out there is also a massive underground detention system. Chair Vitali said that site was flat. Ms. Carlson noted that site wasn't flat, with a 45 ft. wall on the top side and two 45 ft. walls on the bottom side. She said it was similar to the BMS site regarding the grading and the cut in the hills. Chair Vitali said he still believes there was a larger retention area than what is at the BMS site.

Ms. O'Hare asked for clarification about the Large Pond and referred to page 2 of Mr. Cotter's report under "Erosion & Sedimentation Plans", and referred to BL Companies' response regarding the draw down of the pond dated Sept. 28 and received on Oct. 1. She said she was confused noting it stated the detention pond with the dam is to remain drawn down through construction in both these documents. She said she was under the impression this was from the "get-go" from the two different documents. She said this should be clarified.

Ms. Carlson said the detention pond will be drawn down from the onset before anything starts so we know what we are dealing with in regards to the 30-inch pipe and to make sure we understand how to open and close it down and to see what the bottom and the opening looks like; we want to draw it down at the beginning. She noted that water will build back up in this detention pond over time, and if there is another large storm event coming, it will be drawn back down. She emphasized this is not included in any of the calculations and is not needed to be drawn down. She said this is not intended to be used day-to-day for E&S control.

Chair Vitali entertained Public Comment at this time.

Public Comment – 8:22 p.m.

Jim Wolfe, Wallingford Economic Development Commission, told the IWWC they have done a wonderful job of reviewing everything submitted. He said he agreed with Mr. Cotter that this is a living area, and stated the IWWC could approve this project tonight. He said this has to be monitored and everything has been put in place to do this properly.

Joe Mirra, Economic Development Commission, said he wanted to clarify statements made about Bristol Myers-Squibb 20 years ago. He told the IWWC we are dealing with a small regional company which has experience in building this type of product. He said, as far as picking a contractor, this company has a lot at stake and we are dealing with people who are licensed and experienced – this means something to him. He said he is in favor of this; it will have a Town-selected check and balance on a day-to-day basis and doesn't know what else can be done but to follow through and hold these people to the project.

Jack Arrigoni, 18 Martin Trail, Wallingford, said he has resided on the west side of the Muddy River and also Spring Lake, where the river flows in, for 43 years. This was before BMS and has seen a lot with the lake and the river. He said construction of BMS was a surprise, but he didn't really understand anything until it rained. He said the first 10 years he resided on his street, he could look straight down to Spring Lake and see two to three feet of water. He said currently, one can walk across it when the water goes down during the summer. He noted he is a skater, and said for years he could go right from his back yard which would freeze solid, but after Bristol Myers-Squibb moved here, this lake doesn't freeze at that end anymore. He said he has to walk down to get on the lake. Mr. Arrigoni said the lake is shallower and thought it would freeze quicker. He said temperatures have risen two degrees over 30 years. He said he goes down Williams Road and slips and slides but when he reaches Rt. 68, it is like a warm summer day, the same on I-91. He said each additional building which goes in is adding to the ice melt. He spoke about snow load on a large roof which has to be removed. He said a one million sq. ft. roof is a monster and worries about the future making land more susceptible to winter conditions. He noted that cars and trucks will slide there. Mr. Arrigoni said he was bothered by two women who were worried about their well, noting this is their drinking water and something should be done to reassure them. Mr. Arrigoni said he wasn't sure a warehouse is the proper use of this property. He said knocking the existing BMS building down is a problem and wonders what will come down the brook. He noted that issues with groundwater quality on wells do not turn up for several years after development.

Ms. O'Hare acknowledged two letters from the public regarding wells which were entered into the record.

Chair Vitali noted there was a lot of information handed in today (Oct. 3, 2018). He asked Ms. O'Hare where was Water & Sewer, Planning & Zoning and Engineering. He pointed out this was all part of the IWWC's approval process. He said he wants to ensure they are comfortable with this project.

Ms. O'Hare noted this was the first time in her 14 years with the Town that there were inter-departmental conferences held to discuss one project. She said she hadn't received comments from the Town Engineer and hasn't received written comments from the Town Planner. She said the Town Planner said she wouldn't be moving forward with this project at the PZC's Oct. 10 meeting but the Applicant will be allowed to present. Ms. O'Hare also noted Erik Krueger, Sr. Engineer, Water and Sewer Division, has submitted several comment letters regarding this project. She noted his comment letter #5, dated Sept. 28, which came in on Oct. 1 which she distributed to the Commission. Ms. O'Hare also referenced her Sept. 28 Environmental Planner's Report and her Oct. 3 Environmental Planner's Report handed out tonight. She said she would like to see a narrative of the boring log she received on Friday and noted she didn't know where the blasting or ripping would be taking place.

Chair Vitali said this wasn't needed, noting the borings were done and that there was sandy material on the north side of the property.

Ms. O'Hare said it appears there is sand and gravel all over the lot.

Chair Vitali said if this is sandy gravel soil and will be the material under the building and parking lot, there are roof drains, which is a positive. He said even if the property is sloped; half of the parking lot is being prepared to accept roof drainage. He said this is the construction side of this project. He said he didn't believe the IWWC was ready to vote on this tonight but is concerned that every time there are letters from staff and departments, there is always a list of conditions which could grow to four or five pages. Chair Vitali said this was acceptable as long as the conditions are approved before the next meeting. He said he didn't want to go through and have a discussion on whether a condition of approval is acceptable. He said he believes we are getting enough reports from staff people that the list of questions is being narrowed down to a final version.

Ms. O'Hare said this might take a few meetings with BL Companies to clear this all up.

Chair Vitali said he would like to see 4 or 5 conditions of approval not 10 to 15 conditions.

Commissioner Kern said he noted that he reviewed Mr. Krueger's statement that the Water Division hasn't finished its technical review of the wetland permit application at this time, and will issue additional comments and questions as the review process continues. Commissioner Kern pointed out that Mr. Krueger has had 60 days or more, to make his concerns known to Ms. O'Hare. He said if Mr. Krueger has any concerns, he should address this to the PZC. He said the IWWC has waited 60 days for his comments and are probably not going to get them.

Ms. O'Hare said Mr. Krueger handed in a number of his conditions of approval, but noted she received a bunch of new BL documents this past Friday night Mr. Krueger has to review also.

Commissioner Kern said the IWWC shouldn't have to hold off because Mr. Krueger hasn't expressed his concerns.

Chair Vitali discussed, and noted Atty. Janis Small's memo, regarding the bond. He said he is in total agreement there is one bond for the Town but it is difficult to break apart the different pieces of it. He spoke about the erosion control bond noting this is under the authority of the PZC, but one the IWWC will probably be responsible for.

Atty. Ceneviva said there will always be more paper and didn't believe there will be a final resolution 30 days, 60 days or 90 days. He noted the last time he was in front of the IWWC and asked for a vote, all the presentations were made and the plans submitted, Chair Vitali had requested an independent authority submit an erosion and control plan. He noted that Chair Vitali indicated in the Minutes he was pleased with the erosion and sediment control process, but wanted to ensure it was reviewed independently. Atty. Ceneviva said they wanted a vote last time and we waited the additional 30 days for Mr. Cotter's work. Mr. Cotter's report was issued, and the Applicant has accepted all of his suggested conditions. He said he believes this is a better plan, 30 days later. We are creating wetlands at a 1 to 5 ratio – which is unheard of. Atty. Ceneviva said he wasn't sure there was much else to do. He said this is a plan that has to move forward. Atty. Ceneviva noted his client has clearly told him a vote is needed. He said the Applicant is prepared to accept all of Mr. Cotter's recommendations. He referenced Ms. O'Hare's letter of Sept. 28 which has 13 possible conditions of approval. He said, other than #5, seasonal limitations on work activities, and another condition regarding more authority to the erosion and sediment control inspector than is proper, he accepts all conditions. He noted that Atty. Small's letter indicated there was a certain limitation with the inspector's duties. He said his client is ready to move forward. Atty. Ceneviva said he received a comment from the Town Planner stating there is an interest in providing the Applicant with a comprehensive list so the project can move forward but PZC cannot move forward until an approval is obtained from Inland Wetlands. He pointed out as time goes by, there are always more issues and there always will be. He said this is a living, evolving plan. Atty. Ceneviva said the Applicant has agreed to have someone on-site to ensure a good job is done and the

Applicant is trying to do everything the Commission has requested. He said this plan is designed to meet the concerns of this Commission, to protect the watercourse and we think we are there. It is a living, evolving plan.

Chair Vitali noted how every meeting has resulted in an approved plan.

Commissioner Kern asked if the Applicant's position is for IWWC to run with what was presented.

Atty. Ceneviva said this was a fair statement.

Commissioner Kern noted that Ms. O'Hare spoke about a packet she just received and didn't have time to review. He asked if the Commission should be concerned that Ms. O'Hare could flag something that would need to be changed.

Atty. Ceneviva said the only changes were in the E&S plan based upon the conversations with Mr. Cotter.

Commissioner Kern asked what does the Commission have as an insurance policy, stating he didn't want decisions made the day before the rain storm and then there's a problem because the Commission gave the Applicant permission to start the project prematurely.

Atty. Ceneviva pointed out this is a regional company which is committed to the Town. He said the Applicant is willing to work with the community in every way; noting the Applicant has been talking to staff, Water & Sewer and Engineering, since April.

Commissioner Kern indicated that the engineer said it's a design-by-the-book and a 10% overkill. He said he is gun-shy over what has happened in the past.

Atty. Ceneviva said Ms. Carlson said the plan works without the final sediment basin; it works on its own. He said he believes the Applicant has given the IWWC everything to have comfort regarding the difficulties of this site. He noted the Applicant has not said no to anything and this is a terrific plan and will work. We will communicate regarding site contractor selection, he said.

Commissioner Kern said these things that were done are not "special to do"; they should come natural to you and are part of integrity. Atty. Ceneviva clarified that the Applicant went above and beyond, noting an independent monitor isn't required in the regulations.

Commissioner Kern said the bond amount frightened him, wondering why a \$300,000 bond would be offered on this project if there was assurance this wouldn't be needed.

Commissioner Phillips pointed out this is her drinking water and the Commission can't spend enough time on this and she agreed with Ms. O'Hare who had stated she was not ready. Commissioner McKeen said she had nothing to add.

Chair Vitali said he has been on the other side of this table and had his meeting postponed for less reasons than are being discussed tonight. He said he had one meeting postponed because staff didn't have time to look at the plans. He said he knows the frustration and knows this is disturbing to the Applicant. He said the flood of documentation at the end of the month is always an issue. We got lots of documents tonight that have not been reviewed yet and now you ask us to operate on faith at the last minute. Chair Vitali said the IWWC are volunteers and rely on staff which hasn't had the opportunity to comment on the last round of information. He said he gave Water and Sewer credit which has generated half a dozen memos on this project and Mr. Krueger took the time to put this information together. Chair Vitali said he is looking for all the documentation

to be in order and four or five conditions of approval. He said he feels more comfortable that Mr. Cotter's report is in and that some improvements have been made. Chair Vitali said the Commission probably wouldn't have been that intense on this project if Water and Sewer hadn't gotten into the issue with the water supply. He said he wants to think there is nothing more the Applicant can provide. He said he wants to see all the documentation together and that Ms. O'Hare puts her seal of approval on this project. Ms. O'Hare said she hadn't gone over the most recent information. Mr. Kern said he hopes that there is something between Ms. O'Hare's 11th hour short list and something that Mr. Cotter can see that will polish this project even more and give more of a comfort zone.

Ms. O'Hare said a 65-day extension needs to be requested from the Applicant to get to Nov. 7 by statutory regulations. Chair Vitali said an extension request is in order. Atty. Ceneviva said he didn't have this authority, but requested a few minutes to speak to his client.

Chair Vitali called for a five-minute recess at 9:02 p.m. The meeting was called back to order by Chair Vitali at 9:07 p.m.

Atty. Ceneviva noted that 5 Research Parkway, LLC consents to the extension of the Public Hearing to the November 7, 2018 meeting to try to meet the legitimate concerns of the Commission. Atty. Ceneviva said his client asked respectfully in return to direct the Town staff to provide a list of proposed conditions over the next two weeks. Chair Vitali said he believed two weeks was too long of a time period. Vice-Chair Parent said that what the Applicant wants within 10 days is the complete list of what the issues are. He said once these issues are answered, there will be no more additional questions or concerns. He said the IWWC will fully expect to have an Environmental Planner's Report go out to the IWWC in the mail ahead of time with a recommendation.

Atty. Ceneviva said he is looking for the Environmental Planner's Report with Conditions of Approval in a reasonable time frame. Chair Vitali said Ms. O'Hare has been supplied with everything requested. He said within seven days, she should review the plans and at that time within seven days, submit to BL Companies a list of conditions, which they can review within another seven days and approve or deny the conditions and straighten them out at the 14-day mark. Chair Vitali said in the last 7 days, a final draft of documents that are needed for approval by the IWWC and the Applicant. Ms. O'Hare said she would like to sit down with BL Companies.

Chair Vitali told Ms. O'Hare she had seven days to do this. Ms. Carlson said she would meet with Ms. O'Hare. Chair Vitali told Ms. O'Hare that within 7 days, she should have any questions of BL Companies in place. He said BL Companies will have 7 days to resolve the questions. He said this has got to be top priority to resolve the issues she has. Commissioner Kern asked Ms. O'Hare what questions she asked over the past 60 days that BL Companies have answered that she is still confused by. Ms. O'Hare said one question was why the Applicant would plant pine trees where Mr. Cotter asked that check dams be installed. She said stormwater can't run down from pine trees into check dams in the same location noting this had to be corrected. She said she now understands the draw down from the pond as explained tonight.

Chair Vitali asked for additional comments from the Public.

Joe Mirra, Economic Development Commission, told the IWWC the EDC looks forward to having this resolved next month.

Chair Vitali said the Public Hearing will be continued to the Nov. 7, 2018 IWWC meeting. The hearing ended at 9:13 p.m.

CONSIDERATION OF PUBLIC HEARING ITEM

1. Significant Impact - **#A18-6.2/5 Research Parkway** – 5 Research Parkway, LLC – (industrial redevelopment)

Not taken up.

Chair Vitali and Commissioner Kern inquired about monthly interdepartmental meetings held by the PZC and if wetlands issues can be aired there. Ms. O'Hare responded that big picture wetland concerns are aired there, but there are many other topics, e.g. fire hydrant locations, etc.

OLD BUSINESS

1. **#A18-9.1/6 Research Parkway** –Six Research, LLC – (industrial development)

Appearing in front of the Commission was Rosalind Page, Land Surveyor, Winterbourne Land Services, representing the Applicant, Six Research, LLC, and Michael Ott, Summerhill Civil Engineers, Project Design Engineer.

Mr. Ott provided a brief overview stating this is a three-acre site directly opposite the Research Parkway site of the previous application. Mr. Ott said the proposal is to construct an automotive storage facility. He said the client transports large car carriers and will drop off cars which will be stored inside the proposed building. He said the car carriers may stay overnight in the large paved area. He said all cars will come off the cars and stay in the building.

Chair Vitali said the problem may be the trucks that are bringing in the cars which could drip fluids. Mr. Ott said there is approximately 54,000 sq. ft. of proposed impervious area and the building is approximately 10,000 sq. ft. with the remainder being pavement which is large because of the size of the car carriers and the room needed for them to turn around. He said a stormwater management system has been designed.

Mr. Ott said he also spoke with Mr. Krueger of Water and Sewer and received all his requirements regarding the stormwater management. Mr. Ott said the stormwater management system has been designed to include water quality components, i.e., oil grit separator, pre-treatment prior to a sand filter, and then to the stormwater detention facilities. He said the system will capture all the impervious areas which is 54,000 sq. ft. prior to being discharged into the existing drainage system in Research Parkway. Mr. Ott said stormwater from this site runs to the north, underneath the driveway of the developed site next to this site and discharges across the road to the east into a large wetland on the 5 Research Parkway site. He said there is a large vernal pool identified by BL Companies in the wetlands the Applicant will be discharging to, and noted all of the construction activities are outside the 100 ft. offset area around the vernal pool so it is just the stormwater discharge that goes into the wetlands. He noted there are no inland wetlands on his site. He said there is just the large impervious surface within the Wallingford Watershed Protection District. He said he received comments from Ms. O'Hare on Friday and the Town Planner on Monday and is waiting for comments from the Town Engineer. He said he will be returning to the IWWC with revised information and a complete set of plans. Mr. Ott said the presentation to Planning & Zoning will take place Oct. 10.

Chair Vitali said he likes the fact Water and Sewer are involved in this application and said the IWWC was instrumental in creating the sand filter requirement.

Ms. O'Hare referenced her Environmental Planner's Report delivered to the Commission Friday night. She said on the last page of her report, it lists 20 items which were missing from the plan. Ms. O'Hare said she met with Mr. Ott who obtained more survey, map and catch basin information from her office files.

Mr. Kern said post-construction and pre-construction discharge numbers are important. He said this information should be relayed to BL Companies.

Mr. Ott said he contacted BL Companies Tuesday. He said this site is so small the peak discharge from our site will leave and enter the wetlands long before flows discharge from 5 Research Parkway. Mr. Ott said from a peak discharge point of view, he didn't believe this would be a problem. He said the more significant issue is water quality on our site.

TABLED TO THE NOV. 7, 2018 IWWC MEETING

NEW BUSINESS – NONE

RECEIPT OF NEW APPLICATIONS

1. **#A18-9.2/155 East Street** – Ferti Management Corp – (silo anchor installation) – Request for Administrative Approval – approved Administratively 9/5/18

Chair Vitali said this was Administratively Approved on Sept. 5, 2018. He noted anchors for the fertilizer silos will be installed. Ms. O'Hare said one of the four anchors was in the upland review area. Chair Vitali said he and Ms. O'Hare discussed this. He noted an inch and a half rod was sticking out of the ground. He said this was a small area.

The Commission had no issues with the Administrative Approval.

2. **#A18-9.3/155 East Street** – Ferti Management Corp. – (hazardous material storage cabinet installation) – Request for Administrative Approval

Chair Vitali said this had been a hazardous material storage cabinet designed for inside the building. He said the size precipitated another permit or insurance. He said the cabinet was moved outside. Chair Vitali said he understood this development is outside the upland review area. He said the material was outside the building and was hazardous, so it was given to the IWWC to vote on.

Ms. O'Hare pointed out if there is a spill and it rains, the material will run into the storm basin.

Chair Vitali said the storm drain system would take this material eventually to a wetland.

Larry Edwards, Professional Engineer, J. Edwards Associates, representing the Applicant, said there was the same discussion during the original application regarding the loading area at the back of the building. Mr. Edwards went over the site plan and stated this is self-contained and has its own spill area inside the locker with a trap area and alarms. He said this will be installed on a slab and is alongside the bulk storage area. He said any runoff will come into the catch area which he pointed out on the site plan. Mr. Edwards said this is 104 ft. away from the wetlands.

Commissioner Kern asked if this was a waterproof cabinet.

Mr. Edwards said this is steel and totally waterproof.

Commissioner Kern said he didn't see a problem.

Ms. O'Hare said two plan copies were brought in and the Applicant appeared tonight to ensure it would be approved administratively. She said Planning & Zoning will also consider this application.

Approved Administratively by Chair Vitali, with Commission approval to do so.

3. **#A18-9.4/5 Country Way** – (grading for in-ground pool & installation of pool fence) – Request for Administrative Approval)

Ms. O’Hare said the fill for the in ground pool will go approximately 10 ft. into the upland review area. She said she saw nothing wrong with this application. The Commission agreed to the Administrative Approval by Chair Vitali.

4. **#A18-10.1/1175 Barnes Road** – Sheka Patel (Shields Hotel) – hotel development

Ms. O’Hare said the Commission approved an office facility at this site that was never constructed. She said the IWWC has received the rolled up plans and the application. She said the Applicant doesn’t own the property, but has an option on the property and the Applicant brought in corrected owner signatures.

ELECTION OF OFFICERS – TABLED

REPORTS & COMMUNICATIONS

1. **#D18-6.1/15 Windswept Hill Road** – Paradise Hills Vineyard & Winery – parking area issue

Not taken up.

2. **CACIWC Annual Environmental Conference**, Nov. 17, 2018, Red Lion Hotel, Cromwell, CT

Not taken up.

3. **CACIWC Membership Renewal**

Not taken up.

Chair Vitali went to the Violations section of the agenda at this time.

VIOLATIONS

1. Cease & Correct Order – **55 Kondracki Lane** - (Quinnipiac Valley Center) – 55 Kondracki Lane Property, LLC, - (emergency driveway crossing work)

Chairman Vitali said this is a driveway crossing into a nursing home. He said the Applicant lost 50% of it and has not done anything to correct the issue. Chair Vitali said Ms. O’Hare is required to take the next step which is a notice from the IWWC.

Ms. O’Hare said Atty. Small told her to schedule a meeting with her regarding an injunction and the IWWC doesn’t need to take any action tonight noting the violation still stands.

Chair Vitali said the IWWC gave Ms. O’Hare authority to begin discussions.

2. Notice of Violation – **988 East Center Street** – Benchmark Land Development, LLC., & Providence and Worcester Railroad Company – (unpermitted filling & drainage alteration)

Chair Vitali said Ms. O’Hare’s report summed this up in the best way. He noted the report asked, “In considering violation matters, would this activity been approved if proposed in the proper manner with an application?”. Chair Vitali said this was the first step because if the Commission wouldn’t have approved this, he didn’t know if this had to go any further; a different concept would have to be presented. Chair Vitali explained there is a yard that unloads soda ash from railroad

cars for the concrete industry. He said there is a building at the end of the parking lot and it was decided to go behind the building and, in so doing, use up not only the upland review area but - to some degree - the wetlands. He said with this type of activity, it won't end where it is currently. He said he isn't excited about giving up the upland review area, buffer area, for this purpose which he said wasn't needed, it was just for convenience. Chair Vitali said there are other issues going on with the piping underneath the railroad.

Ms. O'Hare said David Lord, Soil Scientist, had handed out his report at the Sept. 5 meeting. He said the proposal was to restore half the wetlands but leave the other half filled. Ms. O'Hare said no one has contacted her since Sept. 5 and she is wondering what will happen to this drainage pipe and is concerned because winter is approaching.

Chair Vitali said the question is would the Commission have granted permission to use 100% of the upland review area for a driveway. He said this was a full blown-out driveway with snowplowing and sanding right on top of the wetlands which eliminated the buffer.

Ms. O'Hare said there is also a zoning violation which could mean they won't be allowed to have the loop around driveway behind the building.

Chair Vitali said it appears that the driveway will have to be removed.

Appearing in front of the Commission was Atty. Dennis Ceneviva, Ceneviva Law Firm, representing the Applicant; David Lord, Soil Scientist; Marcus Puttock, P.E.; and Godfrey Hoffman, Project Engineer. Atty. Ceneviva noted the Minutes suggested a full presentation would be made in November. He said the reason for this is because Mr. Lord had distributed his remediation plan and there were conversations with the Town Engineer. Atty. Ceneviva said he and Mr. Puttock have spoken to the Town Engineer because there were some pipes connected in a culvert near the tracks. Atty. Ceneviva said the Town Engineer wanted to know the nature of the pipes and the materials used. Atty. Ceneviva said Mr. Lord has a proposal, which is to make changes and remediate the site. Atty. Ceneviva said he asked Ms. O'Hare if a formal submission or an application was needed. Atty. Ceneviva said Ms. O'Hare told him either way was acceptable. He said the Applicant was prepared this evening to present or to come back in November with an answer from the Town Engineer regarding the relative value of connecting the pipes noting it would have an impact on the final plans.

Chair Vitali said he hasn't heard the driveway will be removed. He asked if the driveway around the building will be eliminated.

Mr. Lord said the plan he prepared proposes to remove fill from 378 sq. ft. of wetlands along the north side of the existing filled driveway section which was former wetlands flagged by himself back in 2008. He said the wetlands will be restored to its prior elevation and function and would be seeded and planted to a more viable wetland function level.

Chair Vitali asked about the driveway.

Mr. Lord said 478 sq. ft. is being removed.

Chair Vitali noted this is not eliminating the driveway that doesn't belong there that there was no permit for in the upland review area.

Mr. Lord said this doesn't take out the entire wetland that was filled, but removes all the wetland in the immediate area of the drive behind the existing structure. He said this is wetland fill that is closer to the railroad tracks that is currently proposed to remain in place.

Chair Vitali said the upland review area hasn't been addressed.

Commissioner McKeen said she would like to see the entire area restored.

Commissioner Kern said he has gone by the site a few times in the last two weeks and noticed a jackknifed tractor trailer looped around behind the garage on the site. Commissioner Kern said he wondered why so much area was needed when the truck could have backed in and pulled alongside the 3 drop-off sites. Commissioner Kern said it looked like they rear load using a vacuum type system. He said he didn't see any reason for this. Commissioner Kern said if the Applicant had come in and asked, he wasn't sure if he would have approved because the wetlands was restored and makes him think the Applicant is immune to environmental impact. Commissioner Kern noted the reservoir is not far from the site and wondered if the product leaving on the ground would be hazardous to the area. Commissioner Kern said he would like to see about the quality of product being dropped and its impact on the environment. He said he was willing to negotiate on the upland review area if the Applicant can show why he needs it. Commissioner Kern said he was in construction for 40 years and doesn't see why the Applicant needs all this area for the trucks.

Atty. Ceneviva said the genesis of this notice is that an application was filed with PZC to extend the retaining wall on the west side of the property. He said in the review by the Ms. O'Hare, she noticed the fill. Atty. Ceneviva said this wasn't something where a neighbor complained. An application was submitted. He said the Applicant isn't trying to hide anything. He said he spoke with the Town Engineer and will speak with Ms. O'Hare and I am happy to get the IWWC's direction.

Vice-Chair Parent said he went to the site and it appears someone made an illegal yard. He said there will have to be more presentations. Vice-Chair Parent said he got the impression there was a building and to accommodate it, the Applicant went around it.

Atty. Ceneviva said this was to accommodate the building and to clean the area behind the building.

Vice-Chair Parent noted that if the building was not there, the trucks would be able to turn around. Atty. Ceneviva said this was correct. Vice-Chair Parent said it appears the building can be moved and put somewhere else on the site.

Mr. Puttock said the building has been at the site for a long time. He said there was a large pile of construction debris, approximately 6 ft. tall, in most of the upland review area which was filled. He said the Applicant cleaned most of this out because he wants a clean site. Mr. Puttock said the Applicant felt it would be easier to drive the trucks around and didn't believe he had any malicious intent or disregard for the environment.

Commissioner Phillips said anything unauthorized should be undone.

Commissioner Kern noted that it appeared the elevation was higher than it was five years ago. He wondered if some of the debris was buried which brought the site up to make a plateau for the equipment. He said he wasn't opposed to this.

Chair Vitali said the Commission is not doing its job protecting wetlands when there is this situation.

Mr. Lord noted the area he looked at in 2008 and flagged and comes in from the north, was always a field and mowed for hay or was overgrown. He said it appeared the location of the wetland had changed historically and took a bend to the east and to the south where it disappeared into a culvert and flowed underneath the railroad track. He said the soil in the area to the north that was filled for the parking area and drive area shows no signs of water sitting in that area. He said there is no indication existing conditions are impounding water even where the wetlands exist. He said the soil and

vegetation in that area are not wetland associated. He said the water coming down now doesn't appear to create ponding conditions.

Atty. Ceneviva said an application will be prepared that is compliant with the Commission's concerns.

Chair Vitali stated the Notice of Violation should stay in effect and next month a more positive direction will be decided. Chair Vitali entertained a motion to continue the Notice of Violation.

MR. PARENT: MOTION THAT THE NOTICE OF VIOLATION, 988 EAST CENTER STREET, BENCHMARK DEVELOPMENT LLC AND PROVIDENCE AND WORCESTER RAILROAD COMPANY – (UNPERMITTED FILLING AND DRAINAGE ALTERATION) REMAINS IN EFFECT

MS. PHILLIPS: SECOND

VOTE: MCKEEN – YES; KERN – YES; PARENT – YES; PHILLIPS – YES; CHAIR VITALI – YES

ADJOURNMENT

Vice-Chair Parent made a motion to adjourn the Meeting at 10:01 p.m. Commissioner Phillips seconded the motion, which passed unanimously.

Respectfully submitted (Minutes taken from video recording – not present at meeting),

Cynthia A. Kleist

Recording Secretary