

WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION

WEDNESDAY, OCTOBER 5, 2016

ROBERT F. PARISI COUNCIL CHAMBERS – TOWN HALL

45 SOUTH MAIN STREET, WALLINGFORD, CT

7:00 p.m.

MINUTES

The Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission was held on Wednesday, October 5, 2016 in the Robert F. Parisi Council Chambers, Town Hall, 45 South Main Street, Wallingford, CT.

Seated Commissioners were: Chairman Jim Vitali; Vice-Chair David Parent; Deborah Phillips; Alternates Jim Heilman; Michael Caruso and Erin O'Hare, Environmental and Natural Resources Planner..

Not Present: Nick Kern, Secretary and Alternate Daryll Porto

Chairman Vitali called the Meeting to order at 7:04 p.m. and the Pledge of Allegiance was recited.

Voting members were Commissioners Caruso, Parent, Heilman, Phillips and Vitali.

CONSIDERATION OF MINUTES

1. Regular Meeting, September 7, 2016 – 7:00 p.m.

MR. PARENT: MOTION TO APPROVE THE REGULAR MEETING MINUTES OF SEPT. 7

2016

MS. PHILLIPS: SECOND

VOTE: HEILMAN: YES; VITALI-ABSTAIN; PARENT-YES; PHILLIPS-YES; CARUSO-ABSTAIN

Chairman Vitali took the agenda in the following order:

OLD BUSINESS

4. **#A16-9.3/ Harrison Road/Allen Brook** – Tradition Golf Club at Wallingford, Inc., - (after-the-fact installation of irrigation flow control structure between pond and Allen Brook)

Appearing in front of the Commission was Joseph DiNatale, 37 Mulligan Drive, who provided background information on the application. He said the golf course had the first nine holes built approximately 40 years ago, with the second nine holes built approximately 15 years ago. Mr. DiNatale said the irrigation permit is renewed every 10 to 15 years, but expired six months ago. He said he reapplied to DEEP to get a new permit which was approved. He said the permit was for 25 years which expires in 2041. Mr. DiNatale said DEEP gave him 40 days to do a minimal amount of work which included constructing a small weir so water from the brook wouldn't drain into the pond and dry out the brook during a drought. He said neighbors complained to Ms. O'Hare and noted he wasn't aware a local permit was needed and believed that DEEP superseded the Town's regulations.

Ms. O'Hare said this project will improve the brook's water quality. She said she received the DEEP notice in August regarding the diversion permit, but received a complaint a month later from a condominium owner that the water in the pond was drawn down which had to be done in order to complete the work. She said she contacted DEEP and was told a local permit was needed. She noted the DEEP did issue a diversion permit and the IWWC has no authority over diversion permitting.

Chairman Vitali entertained a motion on Significant Activity.

MR. PARENT: **MOTION THAT APPLICATION #A16-9.3/HARRISON ROAD ALLEN BROOK – TRADITION GOLF CLUB AT WALLINGFORD, INC. – (AFTER-THE-FACT INSTALLATION OF IRRIGATION FLOW CONTROL STRUCTURE BETWEEN POND AND ALLEN BROOK BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MS. PHILLIPS: **SECOND**

VOTE: **HEILMAN-YES; PARENT-YES; PHILLIPS-YES; CARUSO-YES; VITALI-YES**

Chairman Vitali entertained a motion to approve or deny the application

MR. PARENT: **MOTION THAT APPLICATION #A16-9.3/HARRISON ROAD ALLEN BROOK – TRADITION GOLF CLUB AT WALLINGFORD, INC. – (AFTER-THE-FACT INSTALLATION OF IRRIGATION FLOW**

CONTROL STRUCTURE BETWEEN POND AND ALLEN BROOK BE

APPROVED

MS. PHILLIPS: **SECOND**

VOTE: **HEILMAN-YES; PHILLIPS-YES; PARENT-YES; CARUSO-YES**

VITALI-YES

PUBLIC HEARINGS

Chairman Vitali opened the Public Hearing at 7:11 p.m.

#A16-7.3/333 Christian Street - The Choate Rosemary Hall Foundation, Inc., - SIGNIFICANT IMPACT – (auditorium and classroom building with parking area and stormwater facilities).

Appearing in front of the Commission was Atty. Joan Molloy, Loughlin Fitzgerald, on behalf of the Applicant and Robert Pryor, P.E., Landtech. Atty. Molloy said after her presentation on Sept. 7, she had asked the Commission if they wanted to deem this application a significant impact because of the Commission's concern of the impacts regarding the failure to control any of the soils that would be disturbed as part of this project as well as the wetlands. She said because of the IWWC's concern, a Public Hearing was scheduled. Atty. Molloy noted that because of the unusual timing of the IWWC's hearings over the past few months, the scheduling of this hearing was technically over 35 days after the receipt and opening of the application. Atty. Molloy said the Applicant consented to delaying the opening of the Public Hearing until tonight. She said she put this in writing and is in the file.

Atty. Molloy noted because this is a Public Hearing, the information presented at the Sept. 7 IWWC meeting will be re-presented as well as response to Ms. O'Hare's comments. Atty. Molloy said the revised plans and a report, noting the latest revision date on both was Sept. 24, 2016, reflects Ms. O'Hare's and the Engineering Department comments as well as a review of the stormwater management plan.

Atty. Molloy said the Applicant wishes to construct a new approximate 50,000 sq. ft. auditorium/classroom building, located to the east of the Paul Mellon Arts Center as well as a new parking area with 122 spaces and will be a consolidation of on-campus parking areas which will be located behind the proposed auditorium building. She noted the wetland and watercourse areas in proximity to the site were flagged. Atty. Molloy noted the Applicant is appearing before the IWWC because of the totality of the impervious surfaces, but emphasized that no activities are proposed within any wetland or upland review areas.

She said the proposed drainage flows maintain the existing drainage patterns. The existing pond and ultimately Gunpowder Creek will receive stormwater but stated the engineers have presented evidence there are no net increase into the discharge flows or volume. She said stormwater will continue to be infiltrated post-development. She said the Engineering Dept. submitted a memorandum stating they have no objection to the IWWC approving the project. Atty. Molloy said she met with Ms. O'Hare in early August and based upon this meeting, the plans were revised. Another meeting with Ms. O'Hare took place on August 24, and based upon that meeting, the plans and stormwater management report were revised. She said at that time, the Applicant was anticipating modifying a loading dock and converting this to an extended mechanical room and the reconfiguring of the handicap parking to reflect zoning regulations. She said these changes are reflected on the revised plans which were submitted to Ms. O'Hare and the IWWC. Atty. Molloy said she met again with Ms. O'Hare after the Sept. 7 IWWC meeting and incorporated her comments into the revised plans. She said actual changes to the plans were made in Ms. O'Hare's presence where additional sedimentation and erosion controls were requested by Ms. O'Hare and were submitted to the IWWC.

Atty. Molloy said the required IWWC evaluation impact assessment was submitted along with certifications. She distributed reduced handouts of Mr. Pryor's presentation. Chairman Vitali asked Atty. Molloy if she was aware of Ms. O'Hare's 14 conditions of approval which were submitted before tonight's meeting. Atty. Molloy said she received a draft report around noon today and was handed the final report right before tonight's meeting, noting there were additional comments she had just learned about. Chairman Vitali asked Atty. Molloy if she knew which conditions of approval were satisfied. Atty. Molloy said in some instances this may be a question of the Applicant believing they had presented the information, and in some cases Ms. O'Hare is requesting additional sedimentation and erosion control protection which the Applicant is willing to do. Atty. Molloy said if the IWWC wants a bond, they will post it and if Ms. O'Hare wants a call out of Gunpowder Creek on any of the plan sheets or submitted drawings, this can be done.

Mr. Pryor went over the site plan. He showed the relationship of the project area to the Choate campus and some of the surrounding watercourses. He pointed out the location of the two ponds which are south to the proposed auditorium. Mr. Pryor noted the location of Gunpowder Creek and the portion which is piped underground where it leaves the lower pond and returns to the surface approximately 960 ft. to the south of the pond into the south of Christian Street. Mr. Pryor noted the area where Gunpowder Creek joins with Wharton Brook south of the project area. Mr. Pryor went over the second site plan which depicts the construction area as it presently appears. He said the disturbance area of the new project is less than 5 acres but when one looks at the area surrounded by the silt fence, it is just over 6 acres of overall project area which encompasses the auditorium and parking lot construction.

Chairman Vitali asked Mr. Pryor to identify the stormwater detention systems off the corner of parking area. Mr. Pryor said there are two proposed stormwater detention systems: one for the

upper parking lot area and one for the roof area of the auditorium. Mr. Pryor said in the existing condition, everything gets to Gunpowder Creek. He said he divided the affected drainage area which comprises just over 14 acres, into three areas.

Mr. Pryor said the northernmost portion of the drainage area consists of overland flow which gets collected by existing drainage, yard drains and stormwater piping which is piped directly into the lower pond area via a submerged 30 inch RCP culvert. He said the central portion of the site drains via overland flow through grass and wooded areas where it is collected by existing drainage structures to the south of the PMAC and existing parking area. He said this drainage is piped to the existing drainage system on Christian Street and connects to the piped portion of Gunpowder Creek to the west. He noted that all of the stormwater runoff existing today gets to Gunpowder Creek in the present condition. He added that roof runoff from the new building will be collected separately and piped to an underground detention system. He said as a result, stormwater discharge rates and volumes will be reduced from the two-year storm through the 100-year storm. He said as far as a stormwater impact on flows and volumes, there is no impact to Gunpowder Creek as a result of this project.

Mr. Pryor spoke about soil and erosion control measures for this project. He said the comments made by Ms. O'Hare were addressed to the best of their ability and noted three construction entrances have been provided. He said five sediment trap locations sized to DEEP specifications have been provided as well as diversion berms associated with each sediment basin to direct water to each basin. He said a dewatering trench with flocculant will be provided as well as maintenance and inspection of the soil and erosion control plans. Mr. Pryor said the challenge is the type of soil which is fine and doesn't settle out quickly. He said a flocculant product has been specified for all the areas where water will be flowing in an effort to get the suspended solids to settle out in the diversion traps.

Chairman Vitali asked about the flocculation and wondered if test borings were taken and if there were similar rock and terrain in the parking area. Mr. Pryor said deep testing was done throughout the site and noted the same types of fine soils were found and we are up against the same type of conditions. Chairman Vitali asked if this would be all biofiltration. Mr. Pryor said the water quality treatment for the parking lot would consist of biofiltration swales, sheetflow off the parking lot to biofiltration swales which will infiltrate and catch basins elevated above the bottoms of these swales which go into the underground detention system which is infiltrated.

Commissioner Heilman asked about the biofiltration in the center of the parking lot and asked if this were raised or below the surface of the parking lot. Mr. Pryor said this would be below the surface of the parking lot. Commissioner Heilman said this was a "splendid" concept and should be utilized everywhere. Chairman Vitali said he was concerned with the underground galley system off the corner of parking lot because of the steep grade and noted if the slope gets saturated with water, this possibly could slide down the hill. He asked if there should be a

retaining wall to ensure the galley system stays put. Mr. Pryor said the slope is gentle: 4:1 and part of what the Town Engineer came up with was to over excavate the detention system and replace the soil with higher permeability soil. Chairman Vitali said he didn't know if he liked this idea, noting the area will be disturbed and chances are the same red rock will be hit. He said he is getting concerned with this and would like to study this area more. Mr. Pryor said a test pit was dug in this location and were down approximately 10 ft. and no rock was hit in that location.

Commissioner Heilman this became more of an impervious surface concern and was recognized as a large scale on steep slopes which triggered the public hearing. He said he was very impressed with the plan, expected this, and wanted to see this and likes everything designed. He said his only concern is as the wells are drilled on the steep slopes, there is a localized containment for what comes out because that can be something nothing can grow in because the soil is fine. Mr. Pryor said there will be a localized silt fence around the drill site and a small containment or impoundment area for any water coming out of the well.

Commissioner Heilman asked about Gunpowder Creek stating he knows the flow rates won't be increased, but noted it is constantly flowing. He said the volume won't increase and said this didn't understand this concept of how one can collect from one area and put it into another area. He said the rate it goes in can be controlled, but to him the total volume is larger spread over time, volume per time is maintained. He asked if the volume to Gunpowder Creek will be decreased.

Mr. Pryor said the calculations show a decrease because of the underground detention systems. Commissioner Heilman asked why one would want to decrease the aquatic conditions of a system. Mr. Pryor said we are looking at flows from storm events, and ideally, this is not the typical condition or the standard everyday condition, but the stormflow condition, so reducing volume slightly from stormflow conditions is not likely to have a great deal of effect on the day-to-day environmental systems. Ms. O'Hare wondered if rock wasn't found at the 10 ft. depth, would a platy layer be found which would send the water sideways or bleed out down the slope. Chairman Vitali noted bleed out would be permissible, but not permissible if the slope was taken with it. She asked if something less than rock would cause the sideways phenomenon.

Mr. Pryor said the test pit was done in the lower part of the soccer field where some fill and red rock and silty material was found. He said nothing was found indicating lenses of clay which would cause the lateral movement of water. Commissioner Heilman said all the soils found on top of the bedrock are the byproduct of the bedrock itself, post-glacial. He said one could run into the same clay conditions in some layers here, but noted the further west one goes from the Talcott lava flow, the courser the sands become. He said he hopes these types of severe clays are not seen, especially on the slope.

Ms. O'Hare indicated for the record that the public hearing was noticed in the local paper and in the Town Clerk's office and the Applicant noticed abutting property owners within 100 ft. of the property. She went over the Environmental Planner's Report dated Oct. 5, 2016. She said she wanted to get this out in the Commissioner's packets last Friday, but noted there was a lot of material which came in and detail which had to be reviewed. She said she handed this out tonight. Ms. O'Hare discussed Section 10.2 and 10.3 of the Town of Wallingford's amended Regulations. She said this Section talks about what the IWWC has to do, criteria which the Commission must go through because of a Significant Activity. She noted in 10.3 it states because of a significant activity impact, "the permit shall not be issued unless the Commission finds on the basis of the record, a feasible or prudent alternative does not exist and in making this finding, the IWWC shall consider the facts and circumstances set forth in Section 10.2 with criteria a through g. She said the criteria the IWWC would look at in this case is a,b,c, which is the environmental impact on wetlands and watercourses and the Applicant's purposes for and any feasible alternatives to the proposed activities which would result in less or no environmental impact to the watercourses and wetlands and their long-term impact.

Ms. O'Hare said the stormwater from the site is going to Gunpowder Creek which is a watercourse and lower Choate Pond which is an impoundment of Gunpowder Creek and the wetlands are the narrow edges of wetlands on the side of Gunpowder Creek. She said Commissioner Heilman focused on these potential impacts to the Creek at the Sept. 7 meeting. She said she believes the Applicant has done a great job trying to avert the potential but the process has to be gone through because it is a Significant Activity impact. Chairman Vitali asked Ms. O'Hare what the IWWC would be voting on. Ms. O'Hare said the IWWC would be voting to approve the regulated activities which she listed on page 3 of her Environmental Planner's Report. Chairman Vitali said he believed this is a case of what is the IWWC approving; the whole application of the project; the erosion control part or the significant activity part. Commissioner Heilman explained the project has within it activities; the activities have the potential to create a situation with wetlands, a Significant Activity. He said there are huge slopes and a many open areas and there can be a blow-out. He said this is why the Applicant went to this level to lay out this program and noted if this was a flat field, this wouldn't be a Significant Activity. He said the application is to allow the Applicant to do a project within which there are activities which are a concern to the wetlands.

Chairman Vitali said the IWWC is voting on the application and the reason the Applicant is here is because of impervious surface and the construction of the project. Ms. O'Hare said this is initially what the Applicant believed, but noted the water from the 4.7 acre activity site will end up in the pond and Gunpowder Creek. She said flows are being discharged to these two water bodies with the potential of more water volume, pollution in the volume, and the rate which has been addressed. Ms. O'Hare said she liked the project, noting the Applicant has done a lot of work. She went over her recommendations on page 5 of her Environmental Report. Atty. Molloy said #1 "Erosion Control bond be posted for \$30,000" is no problem as well as # 2, "Erosion

control measure are in place and meet the approval of the Environmental Planner prior to any further work being conducted onsite with inspection approvals broken into phase of work and different work areas as may apply; #3, "Revise the site plan set to "call out" Gunpowder Creek as this watercourse is not called out on any of the plan sheets or on any submitted drawings" was no problem; #4, "the plan packet (color 6-sheet) document submitted to IWWC at the Sept. 7 Meeting, including "Existing Conditions Watershed Map" but not a "Proposed Conditions Water Shed Map", was addressed. Atty. Molloy said she had questions on Item #5 which dealt with revising the IWWC evaluation and impact assessment document. Atty. Molloy said Ms. O'Hare has requested the Applicant to revise the IWWC impact assessment and indicate some information. She said if she had the opportunity to discuss this with Ms. O'Hare, she would have asked why, noting that information is contained in the plans in the stormwater management summary and is unclear why a statement that the water flows into the pond is needed. She said Applicant would comply with this request if asked.

Chairman Vitali asked Ms. O'Hare the criteria for item #5. Ms. O'Hare explained in a Significant Activity application there is more information required from the Applicant. Chairman Vitali said this should have been identified in the beginning of the application. Ms. O'Hare said 10 things are required including an ecological evaluation of the wetlands and watercourses involved in the activity. She said she believed it was an oversight that it wasn't included in the report. Atty. Molloy reiterated this information is provided elsewhere.

Atty. Molloy cited 5.b. where Ms. O'Hare wants a watercourse evaluation. She said she has spoken about Gunpowder Creek repeatedly and the evaluation assessment report notes Gunpowder Creek will not be impacted and asked why a more detailed analysis of a watercourse is needed which is fairly distant from the project in and of itself, and impacts will only occur if the S&E control system fails which the Applicant is doing its best to avoid. She said this seems a cumbersome obligation.

Commissioner Heilman noted in certain cases where there is a Significant Activity, this may very well apply and is appropriate to exist within the documentation. He said this is different, nothing is being done to rip up Gunpowder Creek, just adding some water which has been well managed. He said it is appropriate to have this condition in the Regulation where it applies, but noted the IWWC has the discretion to say it is not needed in this case and doesn't see this in this case. Ms. O'Hare said this is the Applicant's chance to brag they have addressed this issue. Ms. O'Hare said she wants a confirmation from the Applicant this has been done. She said this creek flows through two managed athletic fields and is not a pristine creek. She said currently, there is no mention of the creek.

Chairman Vitali emphasized this is what happens when a document is presented the night of the meeting. He said he understood the Applicant had been in Ms. O'Hare's office at least five to six times going over this and noted that he didn't understand how the IWWC can vote on a

14 condition document the night of the meeting. He said the IWWC has been through this before and it is wrong.

Atty. Molloy suggested Mr. Allen address these issues verbally. Atty. Molloy said she believed this was an overreach in asking the Applicant to do an evaluation of a receiving watercourse when no alterations are proposed to the watercourse.

Appearing in front of the IWWC was Chris Allan, Professional Soil and Wetland Scientist with Landtech Consultants. With regard to 5.a., he said he was in agreement that the project will contribute flows to the Lower Pond via an existing drainage pipe during the construction phase as well as post construction; 5b- Watercourse Evaluation: Mr. Allan noted Gunpowder Creek is a narrow watercourse approximately 6 ft. to 10 ft. wide in between a soccer field and 150 ft. to 200 ft. in length before it gets to a small wooded section and for the most part is open to sunlight and has a sand and silt substrate; 5C – the Applicant agrees the Town stormwater system in Christian Road discharges to Gunpowder Creek; 5d - Impact Assessment – Mr. Allan said this was addressed in the Environmental Assessment Report submitted to the IWWC and stated emphatically there will be no impact on watercourses and wetlands which also applies to Gunpowder Creek.

Regarding Item #6 - "revised site plan to be submitted to indicate the emergency overflows in each of the five temporary sediment traps shall have a filtering system installed if so directed by the Town Engineer or the Environmental Planner" was, according to Atty. Molloy, addressed this by Mr. Pryor. She said if a filtering system is desired by the IWWC, it will be installed. Ms. O'Hare said she received the Town Engineer's report this Wednesday morning and pointed out that when she questioned him today, the Town Engineer indicated he was not in favor of material from the sediment traps going into the Town system without filtration. Mr. Allen noted additional elements could be added to the sides of the sediment traps to address the possibility of sediment laden water getting through the silt traps.

Chairman Vitali said he was concerned with the retention ponds, the slopes and temporary basins, that an end wall would blow out. Mr. Allen said he didn't foresee this problem occurring. Ms. O'Hare said this filtering system would only be installed if needed, it is not required. Mr. Allen suggested this was covered in their soil control notes. Regarding Item #7, Atty. Molloy said Mr. Pryor discussed how this would be handled in regards to water and other types of things which might come out and noted S& E control plans were added noting Ms. O'Hare drew on the plans where she wanted it installed. Mr. Pryor said a note can be added to the plan. As far as 7.c., Mr. Pryor said he didn't believe this was the condition "silt fencing as depicted directs flows downgradient directly into the existing catch basin located near the intersection of Rosemary Lane and Christian Street which is not acceptable as proposed." He said he will look into this.

Regarding Item #8 – “Address status of existing small drain pipe (6”) on slope as depicted on plans”. Atty. Molloy said the Applicant was not sure what pipe was being referred to. Ms. O’Hare noted this was noted on the Applicants survey of existing conditions map and the pipe is on the slope near the gym. Atty. Molloy said this was the first she heard of this. Mr. Pryor said if this is an existing pipe, they will have to deal with it. Chairman Vitali asked if there was erosion at the end of the pipe. Ms. O’Hare said she was concerned about the water coming out of the pipe. Chairman Vitali said Ms. O’Hare didn’t know what the ground conditions around the pipe outlet are. Ms. O’Hare said the pipe was inside the project area. Atty. Molloy noted the pipe is by the soccer field and their project is further west. Mr. Pryor said he believed this pipe was outside the project area and will not be working in that area; Item #9 which states a contingency plan to be submitted to address beefed-up erosion control measures in the event of a serious storm event, i.e., turbidity curtain to be installed in Gunpowder Creek at inlet (mid-athletic field) and at outfall to Lower Pond). Atty. Molloy said a stormwater management plan was submitted which requires regular inspection and is adequate to address this issue; Item #10 – Flocculation Channel detail drawing omitted from E&S detail sheet”

Atty. Molloy said one can be provided; Item #11 – Sediment trap detail drawing depicts dike on outlet end of trap”. Mr. Pryor said this will be addressed if needed. Ms. O’Hare wanted to know what type of material the dike is comprised of. Item #12 - “Additional diversion trenches appear to be needed to adequately direct the sedimented flows into the respective sediment traps proposed in the large parking area” Atty. Molloy said she believed everything was put in which was wanted. She stressed that if something additional is needed, it will be done; Item #13 – “unclear as depicted how the existing overland runoff coming from the east to the construction area is to be handled and the hay bale check dams provided in the swale in this vicinity appear to be facing in the wrong direction” – Atty. Molloy said she believed the Applicant spent considerable time discussing this.

Mr. Pryor said a swale has been provided on the uphill side of the parking lot which is channeled to the catch basin and is clear how it is presented on the plan. He said the plan shows the haybales on the downhill side of the silt fence which is the correct place to install them. He noted the detail always overrides the plan, but if graphically incorrect, it will be looked at. Item #14 – Atty. Molloy said if Ms. O’Hare desires to have more places inspected on a regular basis, the Applicant will comply. She said the stormwater management plan spells out who will do the inspection. Atty. Molloy said she doesn’t believe the Applicant has to show there are absolutely no alternatives, just show no prudent and reasonable alternatives. She said Mr. Allen discussed this in his report and has demonstrated the Applicant has the best alternatives. Commissioner Heilman agreed with this noting there have been situations where he has looked at a plan and wondered why this was or wasn’t done. He said he looked and didn’t see any feasible alternative to accomplish what the Applicant wants to do. Chairman Vitali said it is the parking lot driving this application. He said the feasible and prudent alternative to the parking lot would involve a shuttle bus transporting people to the facility.

Ms. O'Hare said the IWWC could move forward in making the finding given the facts and circumstances set forth, and there are no prudent or feasible alternatives found. She said this project can be approved with the recommendations discussed above. She said she would like to see a revised stormwater management plan which lasts for 20 years. Atty. Molloy said this will be done. Commissioner Heilman said he views Ms. O'Hare's recommendations not as requirements or edicts to the IWWC, but something Ms., O'Hare is asking the IWWC to consider. He said 14 issues were cleaned up well and noted the application is exemplary and was good to have this in a public hearing so people can see a good job done.

Chairman Vitali entertained public comment at this time. There was NO public comment.

Chairman Vitali closed the Public Hearing at 8:38 p.m. and entertained a motion to approve or deny the application.

MR. PARENT MOTION THAT APPLICATION #A16-7.3/333 CHRISTIAN STREET

THE CHOATE ROSEMARY HALL FOUNDATION, INC. – SIGNIFICANT IMPACT – (AUDITORIUM AND CLASSROOMS BUILDING WITH PARKING AREA AND STORMWATER FACILITIES) HAVING HAD A PUBLIC HEARING, HAVING SHOWN THERE IS A SIGNIFICANT ACTIVITY AND HAVING SHOWN THERE IS NO FEASIBLE ALTERNATIVE, BE APPROVED WITH THE RECOMMENDATIONS AND NOTING THAT SOME OF THE RECOMMENDATIONS SUGGESTED BY THE ENVIRONMENTAL PLANNER WERE RESOLVED AT THE MEETING TONIGHT IN THE PUBLIC HEARING AS DISCUSSED

MS. PHILLIPS: SECOND

VOTE: HEILMAN-YES; PARENT-YES; PHILLIPS-YES; CARUSO-YES; VITALI-YES

Ms. O'Hare asked if the application was approved with a bond. Chairman Vitali said the Applicant agreed to a \$30,000 bond.

OLD BUSINESS

1. **#A16-8.1/70 North Plains Highway** – Bruce Maslar – (industrial development) – WITHDRAWN

Ms. O'Hare said she asked the Applicant to withdraw after she determined the proposed stormwater wasn't going into North Plains Highway, the Town's stormwater system because there is none, but was going into five proposed drywells into the sand. She said technically, the

Town doesn't have jurisdiction because the Regulations say "likely to impact wetlands and watercourses." She said the application fee was returned.

2. **#A16-8.3/26 Mansion Rd.** – Beth and Jay Souza – (in-ground pool, fencing, and rock slope) – approved administratively, 0/23/16 by Chairman Vitali.

Chairman Vitali said Ms. O'Hare suggested an administrative approval to him and it was granted.

3. **#A16-9.2/1460 Tuttle Avenue** – David and Christine White – (two driveway extensions for emergency vehicles, new horse area with fencing on south side, paving of gravel driveway, retaining wall, deck stairway, walkway, paddock, and after-the-fact driveway, gate and fencing installation)

Ms. O'Hare said this property is also under the Cease and Desist order under "Violations".

Appearing in front of the IWWC was David White, property owner who said he has started the permit application. Chairman Vitali said he wanted comments from Ms. O'Hare first because the IWWC was looking for soil removal when they did a site visit. Mr. White said soil was removed in the small area and the large area next to the driveway and seeding had begun. He said the only the dirt by the playscape remains because the contractor reneged on the removal so he was attempting to remove the soil himself.

Ms. O'Hare referenced her Environmental Planner's Report of Sept. 30, 2016 which mentioned the new proposal to improve the property and the condition of the property which is under the Cease & Desist matter. She distributed photos of her site visit last Monday to the Commission. She said a lot of work has been done in the paddock area. Mr. White submitted a new drawing. Ms. O'Hare said the Fire Department will have to review this plan. She said herself and the Fire Department don't believe a 24 ft. driveway is necessary. Mr. White said the narrowest part is 15 ft. wide as a surface with the shoulder a few feet on either side and the east side running off to bolster this at 8 ft. to 10 ft. Ms. O'Hare recommended tabling this new application so she can meet with the Water & Sewer Divisions and the Fire Department. Chairman Vitali asked Ms. O'Hare if the IWWC agreed when they did the on-site visit if there was room for the driveway expansion to the property line to the north. Ms. O'Hare indicated this was a new project. Ms. O'Hare said one of the new improvements proposed is the restoration of the paddock area with a fence and two gates. She said the Water Division told her there could be no gates in the easement.

Chairman Vitali asked Ms. O'Hare to check back with the Water Division because he believed the Water Division would want the gates over the top of their easement to be able to service this easement. Ms. O'Hare noted in 2009, the IWWC had approved the turnaround for the fire trucks. She said the Fire Dept. wants a 50 ft. bend in the radius of the driveway to accommodate their new ladder truck. Ms. O'Hare said she would like to see the remediation

plan completed and plants installed. Chairman Vitali said the remediation plan should be done first before the plan is approved. Ms. O'Hare said she had concern about the ladder truck and whether they could access the property. Ms. O'Hare said the Fire Dept. said in a pinch they could access the property but noted the Fire Dept. was afraid they would slide off the edge into the wetlands.

Chairman Vitali said there are a lot of unknowns with this application and said the violation needs to be straightened out first and the IWWC will have a more favorable attitude towards this. He said the IWWC would not hear this application until the remediation is done.

Commissioner Heilman said Mr. White has the right to submit an application, and once this is done, the IWWC is obligated by law to act upon this. He said the IWWC is not favorable about acting on this application when there is so much to be done to bring this up to that point. Mr. White said he was hoping to tie in the driveway because the same contractor was doing the cleanup and the driveway. Chairman Vitali said there is a lot more material to clean up than is needed for the driveway. Mr. White agreed to the tabling of the application. Ms. O'Hare said it may be possible to get the Fire Dept.'s requirements approved and built. Chairman Vitali said he hoped for more information within the next 30 days. Ms. O'Hare suggested opening the Cease & Desist matter.

Chairman Vitali entertained a motion to table this application noting the Cease & Desist order will stay in effect and that Mr. White is under direction from the IWWC to remove all materials installed in the upland review area.

MR. PARENT: MOTION THAT THE CEASE & DESIST ORDER FOR DAVID AND CHRISTINE WHITE REMAINS IN EFFECT AND IN ADDITION THE MATERIALS INSTALLED IMPROPERLY BE REMOVED

MS. PHILLIPS: SECOND

VOTE: HEILMAN-YES; PARENT-YES; CARUSO-YES; PHILLIPS-YES VITALI-YES

Ms. O'Hare said she wanted feedback regarding the planting plan submitted on Sept. 7. She said Mr. White proposed trees along the driveway and wetland seedmix in the muddy swamp area where fill was removed. Commissioner Parent asked if plans were submitted. Ms. O'Hare said plans were submitted. Mr. White said there were about 20 trees to be planted along the driveway. Chairman Vitali noted trees along the driveway would interfere with the ladder truck.

Ms. O'Hare suggested replicating the trees which were removed. Commissioner Heilman suggested keeping native trees. Chairman Vitali said some cut trees will reseed themselves. Mr.

White said he would plant 12 conifers along the driveway. Chairman Vitali accepted the owner's request to repair the barn.

Chairman Vitali entertained a motion to table the application.

MR. PARENT: MOTION THAT APPLICATION #A16-9.2/1460 TUTTLE AVENUE – DAVID AND CHRISTINE WHITE – (TWO DRIVEWAY EXTENSIONS FOR EMERGENCY VEHICLES, NEW HORSE AREA WITH FENCING ON SOUTH SIDE, PAVING OF GRAVEL DRIVEWAY, RETAINING WALL, DECK STAIRWAY, WALKWAY, PADDOCK AND AFTER-THE-FACT DRIVEWAY GATE AND FENCING INSTALLATION) BE TABLED

MS. PHILLIPS: SECOND

VOTE: HEILMAN-YES; PARENT-YES; PHILLIPS-YES; CARUSO-YES; VITALI-YES

5.#A16-9.4/136 Cheshire Road – Fresh Meadows open space property – Wallingford Conservation Commission – (portion of trails, signage, portion of parking area and drive, and fishing pier installation)

Ms. O'Hare, representing the Conservation Commission, referred to her Environmental Planner's Report of Sept. 30, which was sent out in Thursday's packet. She said this concerns the Conservation Commission applying for a grant to construct a series of ADA compliant trails on an existing open space property known as Fresh Meadows which abuts Schoolhouse Road on its east side. She said Cheshire Road bisects the property. Ms. O'Hare said the Commission applied to the State and was awarded a grant to develop the trails and a fishing pier under the CT Recreational Trails Program.

Ms. O'Hare said the Town is moving forward with the grant, noting the Town Council approved the contract. She said permitting needs to be obtained before a contract bid can be obtained. Ms. O'Hare said she attached color coded portions of the trails which were approved. She said two trails are bituminous and one will be stone dust. She noted the total grant is \$282,000 and the Town's match is \$56,000. In response to Chairman Vitali's comment of the significant cost, she said it is not all trail work and the \$60,000 will build a small parking lot on the south side of Cheshire Road.

Chairman Vitali entertained a motion on Significant Impact Activity.

MR. PARENT: **MOTION THAT APPLICATION #A16-9.4/136 CHESHIRE ROAD-FRESH MEADOWS OPEN SPACE PROPERTY – WALLINGFORD CONSERVATION COMMISSION – (PORTION OF TRAILS, SIGNAGE, PORTION OF PARKING AREA AND DRIVE, AND FISHING PIER INSTALLATION) BE DEEMED NOT A SIGNIFICANT ACTIVITY**

MS. PHILLIPS: **SECOND**

VOTE: **HEILMAN-YES; PARENT-YES; PHILLIPS-YES; CARUSO-YES VITALI – YES**

Chairman Vitali said he believed the Tyler Mill project trails were made either by the Boy Scouts or the Conservation Commission. He wondered what would prevent the low bidder contractor from being the worst one ever seen. He said there is a lot of work associated with this trail and the contractor has all the controls. He said if this wasn't a Town project, there would be a tremendous amount of conditions of approval. He said the Environmental Planner has to wear a stern hat when the project begins. He said this application has to be treated as if it had nothing to do with the Town. He asked who would post the bond, noting he believed it would eventually be the contractor. Ms. O'Hare said she didn't consider this yet.

Chairman Vitali entertained a motion to approve or deny this application.

MR. PARENT: **MOTION THAT APPLICATION #A16-9.4/136 CHESHIRE ROAD –FRESH MEADOWS OPEN SPACE PROPERTY – WALLINGFORD CONSERVATION COMMISSION – (PORTION OF TRAILS, SIGNAGE, PORTION OF PARKING AREA AND DRIVE, AND FISHING PIER INSTALLATION BE APPROVED SUBJECT TO:**

1. THE EROSION CONTROL MEASURES

ARE IN PLACE AND MEET THE APPROVAL OF THE

ENVIRONMENTAL PLANNER PRIOR TO ANY WORK BEING

CONDUCTED ON-SITE.

2. **A BOND IN THE AMOUNT OF \$20,000 BE POSTED**
3. **BEST MANAGEMENT PRACTICES BE USED BY THE CONTRACTOR**
4. **ALL THE BASIC REQUIREMENTS BY THE IWWC ON ANY PROJECT**

MS. PHILLIPS: **SECOND**

VOTE: **HEILMAN-YES; PHILLIPS-YES; PARENT-YES; CARUSO-YES;**
VITALI-YES

RECEIPT OF NEW APPLICATIONS

1. **#A16-9.5/80 Valley Street** – Allegheny Ludlum, LLC., - (activity relative to removal of process tanks at former wastewater treatment plant) – administrative approval requested.

Chairman Vitali noted this seemed to be an improvement to the area stating the processing tanks are being removed. He said Ms. O'Hare suggested administrative approval.

3. **#A16-10.1/4 Pogmore Drive** – Brad Rau Construction, LLC – (addition) – administrative approval requested.

Ms. O'Hare said this came in on Tuesday and she has not yet been on the site. The IWWC indicated this could be an administrative approval.

2. **#A16-9.6/103 North Turnpike Road** – Joseph Richello – (apartment complex & facilities building)

Appearing in front of the IWWC was Christopher Juliano, P.E., Licensed Land Surveyor, Juliano Associates and Applicant/Owner Joseph Richello.

Mr. Juliano said this project was withdrawn after five months and noted the changes recommended by the IWWC at its Sept. 7 meeting were made. He said he has met with Ms. O'Hare and went through the changes along with minor comments and said the changes made with a new application reflect these changes. Mr. Juliano said a Letter of Map Amendment was also officially submitted to FEMA because the flood plain line is in the wrong place based upon elevations.

Mr. Juliano went over the project and did an overview and said this was an identical layout and the only change was based upon comments from the Water & Sewer Division. He said the plan has returned to a paved rear driveway and the size of the front swale was increased and an oil/water separator was added. He said he also received a definitive letter from Town Engineer Rob Baltramaitis. He also requested the application fee be waived.

TABLED TO THE NOV. 2, 2016 MEETING.

REPORTS & COMMUNICATIONS

1. DEEP Municipal Inland Wetland Agency 2016 Legal and Administrative Updates – copies of documents.
2. Letter to Mayor Dickinson, Jr. from Timothy J. St. Germain, P.E, Senior Vice-President, White Way Laundry, Inc., re: White Way Laundry, Inc., 271 Hall Avenue – State Wastewater Discharge Permit Renewal Application, relative to renewal of existing discharge to Wallingford Water Pollution Control Facility, dated 8/30/16; received 9/7/16.
3. Letter to Inland Wetlands Commission c/o Erin O'Hare from Anthony Johnson, Manager – Transmission Vegetation, Eversource Energy, re: Eversource Right-Of-Way Vegetation Reclamation Project; dated 9/2/16; received 9/12/16.

Ms. O'Hare said she will be meeting with Mayor Dickinson, the State Representative and Eversource regarding this issue. She said there will be major tree cutting and noted the neighbors are concerned with privacy issues.

4. Southwest Conservation District, Inc., newsletter, *Soil & Water*, Fall 2016, received 9/28/16 – (distributed)
5. Southwest Conservation District, Inc., *20-15-2016 Annual Report – Project Highlights* – flyer, received 9/28/16 – (distributed).

Mr. Juliano asked about the fee reimbursement for the Richello application. Commissioner Parent said because this took so long to get correct information from DEEP, time had expired and was not the fault of the Applicant and believed there was a hardship and the fee should be waived. Ms. O'Hare noted the State portion of the application fee cannot be returned. She said the fee was \$2,000 for the Town and \$60 to the State.

Chairman Vitali entertained a motion at this time.

MR. PARENT: MOTION THAT FEE OF \$2,000 FOR APPLICATION #A16-9.6/103 NORTH TURNPIKE ROAD – JOSEPH RICHELLO – (APARTMENT COMPLEX & FACILITIES BUILDING) BE WAIVED AS A RESULT OF HARDSHIP

MS. PHILLIPS: SECOND

VOTE: **HEILMAN-YES; PARENT-YES; PHILLIPS-YES; CARUSO-YES;**

VITALI-YES

ADJOURNMENT

Mr. Parent made a motion to adjourn the Meeting at 9:40 p.m. Ms. Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary