

**WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION**

**WEDNESDAY, NOVEMBER 2, 2016**

**ROBERT F. PARISI COUNCIL CHAMBERS**

**WALLINGFORD 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, November 2, 2016 in the Robert F. Parisi Town Council Chambers, Town Hall, 45 South Main Street, Wallingford, CT.

Seated Commissioners were: Chairman Jim Vitali; Vice-Chair David Parent, arrived at 7:04 p.m.; Nick Kern, Secretary; Deborah Phillips; Alternate Jim Heilman; Erin O'Hare, Environmental and Natural Resources Planner.

Not Present: Alternates Michael Caruso and Daryll Porto.

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

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

**CONSIDERATION OF MINUTES**

1. Regular Meeting, October 5, 2016

**MS. PHILLIPS: MOTION TO APPROVE THE REGULAR MEETING MINUTES OF OCTOBER 5, 2016 AS PRESENTED.**

**MR. HEILMAN: SECOND**

**VOTE: HEILMAN-YES; KERN-ABSTAIN-PARENT-YES; PHILLIPS-YES; VITALI-YES**

**OLD BUSINESS**

1. **#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)

Since the Applicant was not present at the time of consideration of this item, Chairman Vitali went to the next item on the agenda.

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 Owner/Applicant Joseph Richello.

Mr. Juliano presented a full overview of the project. He said the property is located south of the Little Italy store and is 10 acres in size on RT. 150. He said the property has an area of uplands in the front portion of the property and the rear property is characterized by wetland soils and an existing storm sewer which runs north to south. He said the easterly boundary is the Quinnipiac River. He said the Applicant is proposing to construct a three-story 36 unit age restricted elderly housing apartment building which is characterized as 8-30G (affordable housing). He said this will be accomplished through an overlay zone working with Planning & Zoning to create. He said in addition to the main building, there will be a smaller storage facility for the individual apartment users and also washing machines, and maintenance equipment. He said there will be no vehicle maintenance performed, thus no floor drains.

Mr. Juliano said there is the required amount of parking to be located in the front of the building on the westerly side of the property, and some additional spots used for overflow and for facility maintenance. He said there will be a circular pattern around the building for fire and refuse removal. He said two large areas have been included for snow storage and for a small community garden which was added a few months ago and will be along the northern side of the driveway at the request of Planning & Zoning.

Mr. Juliano said with respect to grading and stormwater management, there will be a swale in the front that the front parking lot and some of the driveway will shed to and go through an oil/water separator and connect to existing catch basins in the driveway. He said those basins discharge to the existing watercourse along the northern boundary and eventually go out the Quinnipiac River. Mr. Juliano said a portion of the property is in the floodplain and there will be filling in the floodplain.

He said to compensate, there will be a flood storage area in the rear portion of the property. He noted that all utilities will be underground and the grades will be minor in nature. He said the site is flat and noted the building will be elevated to keep the water away. Mr. Juliano spoke about landscaping. He said Ms. O'Hare's comments about species and where they would be planted were addressed. He said an area of wetlands which protrudes from the existing treeline was replanted with native shrubs so as to become a wetlands again. Mr. Juliano said riparian

plantings were installed along the north side of the property to protect the watercourse and wetlands. He said storm drainage will be done by sheetflow in all four directions to keep the existing drainage pattern.

Mr. Juliano said he is not overly concern regarding erosion control which will be controlled by silt fencing. He said straw wattles will be installed around the swales to contain water during construction activities. Ms. O'Hare referred to her Environmental Planner's Report of Oct. 28, 2016. She said this application improved from the one in September. She said she gave this application a favorable report with the caveat that there are favorable comments from the Engineering Dept. She received the report today.

Ms. O'Hare said she was driving by the site today and noted millings. Mr. Richello said he had the opportunity to bring the millings in for the driveway area and said he installed rip-rap for the tracking pad. He said he piled the millings inside the building area. He said the millings will be for the parking and driveway areas.

Ms. O'Hare referred to Town Engineer Rob Baltramaitis' report. She said Mr. Baltramaitis said he has no issues with the stormwater management system design itself. She said Mr. Baltramaitis found a problem with the information used to demarcate the floodplain limit which she said impacts the flood storage area which is also the stormwater basin. Ms. O'Hare said this is a substantial change because it involves a one-foot difference in elevation to be used to designate the Federal 100-year floodplain line. She noted that ever since 2010, any fill in the 100-year floodplain has to be compensated with a compensatory flood storage area which she said Mr. Juliano has done. Ms. O'Hare said that the mistake has occurred with the elevation, and this will throw everything off. She said there will be a need for more storage area which could be a problem because the site is small.

Mr. Juliano said he spoke to Mr. Baltramaitis who believes there is a discrepancy between the topographic work done by OCC and the current FEMA datum. Mr. Juliano said he hasn't had the chance to investigate to see if there is an actual discrepancy, but noted he told Mr. Baltramaitis this will be his first course of action.

Mr. Juliano said Ms. O'Hare believes that if the topo elevations go down by a foot, there will be more fill in the area, but noted this is not exactly true. He said if the elevations of existing grade are reduced by a foot, the proposed grades will also be reduced by a foot and the envelope of fill will be constant and can be moved up and down as necessary. Mr. Juliano said if any change is made, he has his constraints with respect to area and impacts on wetlands which can't be increased. He said any grade adjustments will be made unilaterally between existing and proposed so there will be no expansion or impact into wetland buffers. Mr. Juliano emphasized the flood storage area will only be used for roof runoff. He said all of the storm drainage from other hard surfaces will be going in other directions. He said he didn't believe the discrepancy Mr. Baltramaitis raised will have any impact on the wetlands. Mr. Juliano

quoted Mr. Baltramaitis saying that he is still satisfied with the project and doesn't believe there will be any negative impact.

Ms. O'Hare noted the 45 elevation in the driveway behind the building is now 44. She said this means there is a lot more territory between elevation 44 and elevation 45 which has to be accounted for as fill. Mr. Juliano said this would move the 45 contour but at the same time, there is the height of the fill and that would decrease. He said he would have to go out and do a new topo. In answer to Chairman Vitali's question, Mr. Juliano said the 100-year flood elevation is elevation 45. He said Mr. Baltramaitis' concern is that the existing grades shown from the OCC map is on the old datum. Chairman Vitali said Mr. Juliano had OCC's data but used a different data. He also noted that Mr. Baltramaitis said the elevation is 46, not 45.

Mr. Juliano noted that under the previous datum, the 100-year flood elevation was 46. He said based upon the 2010 FEMA maps, they report the base flood elevation is 45. Mr. Juliano said he is going on the presumption that Mr. Baltramaitis is 100% correct. He said Mr. Baltramaitis wants him to go out to the site and figure this out which he has agreed to do. Mr. Juliano asked the IWWC to let him address this issue and return in December. Mr. Juliano pointed out he didn't believe this would change the impact to the wetlands at all. Chairman Vitali said he didn't believe there was any margin for error on this property.

Mr. Juliano said he received a LOMA (Letter of Map Amendment) from FEMA last week and said that based upon this map amendment, FEMA removed an area of the property above elevation 45. He said based upon the issues Mr. Baltramaitis raised, he would have to address this again with FEMA. Chairman Vitali asked if FEMA spoke about fill on the property. Mr. Juliano said FEMA wanted to know if fill will be placed or has been placed historically in the past. Mr. Juliano said fill has been placed historically in the past. Ms. O'Hare noted that FEMA's idea of the floodplain line was up along Main Street, but through the letter, they are agreeing with Mr. Juliano that the floodplain line is in the middle of the property.

Commissioner Heilman said it didn't think it is understood that what one is looking to do is a volume adjustment based upon the statistics that were determined in the field. He said this won't change the boundaries of the wetlands, it will change what one does in the floodplain within a matter of inches based upon the irregularity of the topography as it exists. He said depending upon what is done, adjustments may have to be done to establish volume constraints. Mr. Juliano said the building was set three feet above the FEMA floodline which allows for some adjustments. He said there was a safety factor in the design.

Chairman Vitali said there are too many unknown issues associated with the elevation.

Mr. Juliano said he was fine with Ms. O'Hare's four comments in her Environmental Planner's Report. Chairman Vitali asked about the detention pond. Mr. Juliano said this was mainly for flood control when the river floods. Chairman Vitali asked about groundwater elevation in the basin area. Mr. Juliano said the test was done in September and noted water was encountered

at 80 inches. Chairman Vitali noted we are in a drought and he would hate to have a wet bottomed basin. Mr. Juliano indicated it would be a mowed bottom.

Vice-Chair Parent said there were four conditions of approval and the elevation issue and nothing else. Vice-Chair Parent said if these are resolved, there would be no reason to delay action on this application in December. Ms. O'Hare said if there is redesign, it has to be referred back to the different departments. Vice-Chair Parent said he would like to see this end. Chairman Vitali asked if the calculations change, would this go back to FEMA because a different map would be used. Mr. Juliano said he has to go back to FEMA to have this addressed to change where the floodplain line is which will be at elevation 45. He said if the floodplain line moves, there will be no reason why FEMA doesn't recognize this. He emphasized the elevation number doesn't change, it is elevation 45 now. He said FEMA didn't change this until 1988 but the question is where this elevation is on the property. He said by doing a new topo, it probably would shift closer to the road.

### **POSTPONED TO THE DEC. 7, 2016 IWWC MEETING**

**1.#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)

Appearing in front of the IWWC was David White who said he finished seeding the part of the driveway where the fill was removed and six trees were planted in that area. He said the fill in the playscape area to the north was put back to the level indicated by Soil Scientist Tom Pietras and the area was also straw mulched. Mr. White said he intends to remove as many fallen logs as he could. He said he thought this was an option. Chairman Vitali said he believed all the logs had to be removed. Mr. White said Mr. Pietras said the logs would decompose and didn't have to be removed. He said he asked could he remove the logs for firewood and said this seemed to be the agreement.

Ms. O'Hare said she requested the logs be removed at the August 2, 2016 site meeting. She said the IWWC indicated the logs should be removed, but they could be used for firewood. Chairman Vitali said the IWWC would like the logs removed.

Mr. White said there was a question about fill being placed on the east side of the pond. He said this area has not been filled or graded. Ms. O'Hare said Chairman Vitali said several times at the site visit and at the last meeting, that the entire fill should be removed from the wetlands. She said she didn't know if this was literal or not. She said she wasn't clear if the fill should be removed under the playscape. Chairman Vitali said he recalled at the site visit, there had been recent filling around the edge of the pond. Ms. O'Hare said the Applicant has addressed most of this area. She distributed photos of that area taken at the Aug. 2, 2016 site visit to the Commission.

Ms. O'Hare said there are two issues: remediation of the violation on the agenda and the new application on the agenda received last month. She asked about the other horse pen created behind the barn. She asked if Mr. White just wanted to install a fence or grade and seed the area or just install the fence and remove six dead trees. Mr. White said he assumed he would install wood chip filling or grass for the horses. He said there originally was a fence and he wants to put the fence back up. Ms. O'Hare said if the IWWC wants to approve this application, she wants to ensure this gets approved with the surface Mr. White wants. Ms. O'Hare spoke about the driveway and said she visited the site with the Deputy Fire Chief who took a measurement wheel and determined there should be a driveway that is 20 ft. wide for the flat part of the driveway which she said was 660 ft. long.

Chairman Vitali asked how long the driveway was where one comes through and takes a sharp right to the house. Ms. O'Hare said this part of the driveway was 420 ft. Chairman Vitali asked how much of the wetlands would be filled. Ms. O'Hare said the Applicants need to hire an engineer because of the driveway which has the sewer main and sewer easement, the electric poles overhead and the neighbor and wetlands on both sides of the driveway. She said this is driven by the new Fire Ladder Truck which is 73,000 pounds and noted a turnaround also has to be installed in front of the house. Ms. O'Hare noted a lot of the driveway has been filled but noted this fill hasn't been taken out. Ms. O'Hare said the IWWC could approve the horse pen at the south side of the property.

Chairman Vitali said he didn't want to approve anything because of the engineer being called in. He said he was concerned where the trees along the driveway were planted. Mr. White said he didn't plant these trees because he was waiting to see where the location of the final driveway would be. Chairman Vitali suggested continuing this to next month.

Commissioner Heilman said significant activity has not yet been determined for the new application. He said if this application was deemed to be a Significant Activity it would require an engineering stamp on the application. Chairman Vitali said to satisfy fire and safety there will be a major filling of the wetlands. Commissioner Heilman said this would be a Significant Activity. Ms. O'Hare requested the Applicant's engineer provide wetlands impact figures and upland review area impact figures for the paddock, the south horse fence, the walkway and the terrace by the house and the driveway. Ms. O'Hare said she will send the Applicant a memo.

Commissioner Heilman recommended entertaining a decision of significance for this application because it would lay substantial foundations upon which the IWWC could move forward positively. Chairman Vitali said he didn't have a problem with this if the Applicant was ready for this. Commissioner Heilman pointed out there is an application before the IWWC which set up a clock which is running and the IWWC has to make a decision within a certain period of time. Chairman Vitali said the application before the IWWC is not complete noting the engineer will be creating what the Applicant is requesting. Ms. O'Hare said the IWWC typically has to act

within 65 days. She said the IWWC would have to request an extension from the Applicant. Chairman Vitali said the Applicant may end up withdrawing until the engineer is ready.

Vice-Chair Parent said the Applicant could probably withdraw the application without prejudice along with a waiver of the fee when the application is re-submitted. The Applicant agreed to withdrawn the current application with the fee to be waived when the new application is submitted. Chairman Vitali told the Applicant to talk this over with Ms. O'Hare and either give an extension or withdraw.

The Applicant agreed to the granting of the extension to the IWWC. Ms. O'Hare noted the Applicant can withdraw at any time.

3. **#A16-10.1/4 Pogmore Drive** – Brad Rau Construction, LLC – (addition) – administrative approval requested – approved administratively Oct. 18

### **NEW BUSINESS**

1. **#A13-5.4/320 Barnes Road** – Rowland Technologies – (request for bond release)

Ms. O'Hare said this cannot be granted at this time because the Applicant could not get the work completed.

2. **#A10-5.3/803 North Farms Road** – Toll Brothers – (request for bond release)

Ms. O'Hare said she visited the site today (Wednesday, Nov. 2, 2016) and all the plantings were done. She recommended the bond be released.

Chairman Vitali entertained a motion to release the final bond.

**MR. PARENT: MOTION THAT APPLICATION #A10-5.3/803 NORTH FARMS ROAD –  
TOLL BROTHERS – (REQUEST FOR BOND RELEASE) BE GRANTED**

**MS. PHILLIPS: SECOND**

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

**RECEIPT OF NEW APPLICATIONS – NONE**

### **REPORTS & COMMUNICATIONS**

1. Letter to Town of Wallingford Inland Wetlands & Watercourses forwarded by Julie Dutton, DEEP Bureau of Materials Management & Compliance Assurance Engineering & Enforcement Division, re: report of Complaint at 567 Center Street – illegal dumping into Wharton Brook; dated 10/4/16; received 10/6/16.

Ms. O'Hare said the DEEP has to respond to any complaint. She said this was an anonymous handwritten complaint which stated on a Saturday night, the owner of the property broke up his sidewalk and deposited it into Wharton Brook. Ms. O'Hare said she went to the area and noted a lot of concrete on the streambank. She said without forensic testing, she couldn't make a determination. Ms. O'Hare said she isn't sure what the DEEP will do, but noted the concrete is holding up the bank.

## **VIOLATIONS**

1. **252 Main Street, Yalesville**, Brother's Pool, L&J Partnership, LLC – violations.

Ms. O'Hare said she visited the site this week and noted the shelving is still in place, but the materials have been removed.

2. Cease & Desist – **1460 Tuttle Avenue** – David & Christine White –(clear cutting, filling).

Ms. O'Hare said the Cease & Desist is still in effect. Chairman Vitali affirmed it remains in effect.

Chairman Vitali requested a motion to add two additional items to the agenda.

**Vote: Heilman-yes; Kern-yes; Parent-yes; Phillips-yes; Vitali-yes.**

1. Schedule for the 2017 IWWC Meetings.

Chairman Vitali asked the Commission if they would combine the first Wednesday of July and first Wednesday of August meetings. The IWWC agreed to combine the two meeting dates to one date July 19, 2017 and approve the schedule.

2. Cease & Desist Hearing regarding unpermitted filling of wetlands and the upland review area located on 8 & 10 Atwater Place.

Chairman Vitali said Ms. O'Hare will be visiting the site to determine whether this unpermitted filling is in the upland review area only or into the wetlands. He said the party has agreed to a verbal Cease & Desist order issued Nov. 1, 2016. He said Ms. O'Hare will follow up with a written Cease & Desist warning. Chairman Vitali said a meeting must take place within 10 days for a Cease & Desist hearing.

The IWWC agreed to conduct the Cease & Desist hearing on Thursday, Nov. 10, 2016 at 7 p.m. in the Robert F. Parisi Council Chambers, Town Hall.

## **ADJOURNMENT**

Vice-Chair Parent made a motion to adjourn the Meeting at 8:04 p.m. Commissioner Phillips seconded the motion which passed unanimously.

Respectfully submitted

Cynthia A. Kleist

Recording Secretary