

WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION

WEDNESDAY, NOVEMBER 5, 2014 - 7:00 p.m.

ROBERT EARLY AUDITORIUM, TOWN HALL

45 SOUTH MAIN STREET, WALLINGFORD, CT

MINUTES

The Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission was held on Wednesday, November 5, 2014, in Council Chambers, Town Hall, 45 South Main Street, Wallingford, CT.

Seated Commissioners were Vice-Chair Ellen Deutsch, acting as Chair; Nick Kern, Secretary;; Dennis Murphy; Alternates Deborah Phillips; Jim Heilman; Michael Caruso; Erin O'Hare, Environmental and Natural Resources Planner.

Not present: Chairman Jim Vitali and Commissioner David Parent.

Voting Commissioners were: Deutsch, Kern, Murphy, Heilman, and Phillips.

Acting Chair Deutsch called the Meeting to order at 7:03 p.m. and took the agenda in the following order:

CONSIDERATION OF MINUTES

1. Regular Meeting, October 1, 2014, 7:00 p.m.

Acting-Chair Deutsch entertained a motion at this time.

MS. MURPHY: MOTION TO APPROVE THE MEETING MINUTES OF OCTOBER 1, 2014 AS PRESENTED

MR. KERN: SECOND

**VOTE: DEUTSCH – YES; KERN – YES; PHILLIPS – YES;
MURPHY – YES; HEILMAN-YES**

OLD BUSINESS

1. **#A05-9.3/1092, 1094 & 1096/North Colony Road** – Lowe’s Home Center, Inc. – (release of bond)

Ms. O’Hare said the placards are installed and the bond can be released.

Acting-Chair Deutsch entertained a motion at this time.

MR. KERN: MOTION TO RELEASE THE BOND

MR. MURPHY: SECOND

**VOTE: HEILMAN-YES; KERN-YES; DEUTSCH-YES; MURPHY-YES;
PHILLIPS-YES**

3. **#A14-9.4/10 & 20 Alexander Drive** - Robert Tedeschi, URS Corporation – (pedestrian walkway).

Appearing in front of the Commission was Robert Tedeschi, PE, BCEE, Assistant Vice-President URS Corporation AES and Ignacio C. Artaiz, AIA, URS Corporation.

Mr. Tedeschi said Verizon needs parking at their property on Alexander Drive and would like to lease the parcel down below. He said in order to do this; access must be established to the parcel. He said this project involves the construction of a 130 ft. long 10 ft. wide walkway, covered with a canopy. He said the construction will be in the spring and last 10 to 12 weeks. Mr. Tedeschi said there is a detention basin on top of the hill and the walkway is being proposed within the 50 ft. upland review area. He went over the site plan. He said a silt fence with hay bales will be installed at the toe of the slope and a silt fence around the boundary of the detention basin. Mr. Tedeschi said small trees and scrub brush will be removed and erosion controls will be implemented. He said the concrete walkway, which will be approximately 7 ft. wide, 30 ft. long with a 20 ft. grade differential, with 40 steps. He said there will be two-inch stone applied to the side of the walkway and will be some filling as the walkway is cut into the slope.

Commissioner Kern asked who will maintain the walkway and where the snow will be put.

Mr. Tedeschi said there will be a canopy over the walkway and Verizon will maintain it. He said the snow will be moved off to one side. He said Verizon has a facilities manager and will be put into their program to maintain it.

Commissioner Kern expressed concern about salt being applied around the retention pond.

Mr. Tedeschi said that area wouldn’t drain into the detention pond.

Commissioner Kern said he went out to the site on Wednesday to look at the area and didn't have a problem.

Ms. O'Hare cited her Environmental Planner's Report dated October, 29, 2014. She said that basin is in need of maintenance and said silt fencing is in the plan between the walkway and the basin. She said she put in as a "condition of approval" that maintenance mowing of the basin must be completed prior to the start of the work and erosion control measures must be in place with her approval.

Commissioner Heilman spoke about the salt. He said when it is applied, it is water soluble and once in the liquid state, it runs and goes into the ground, but overall very little, considering the volume of water. He said he has seen pine trees damaged when the salt spray gets into those trees. He said in this situation, most of any salt used would get caught up in the stone and in the runoff and end up in the catch basin and diluted.

Acting Chair Deutsch entertained a motion at this time.

MR. KERN: MOTION THAT APPLICATION #A14-9.4/10 & 20 ALEXANDER DRIVE-ROBERT TEDESCHI, URS CORPORATION – (PEDESTRIAN WALKWAY) BE DEEMED NOT A SIGNIFICANT ACTIVITY

MR. MURPHY: SECOND

VOTE: MR. KERN-YES; MR. HEILMAN-YES; MR. MURPHY-YES; MS. DEUTSCH-YES; MS. PHILLIPS-YES.

Acting-Chair Deutsch entertained a motion at this time.

In answer to Commissioner Kern's question, Ms. O'Hare said she was comfortable with the S & E controls put into place.

MR. KERN: MOTION THAT APPLICATION #A14-9.4/10 & 20 ALEXANDER DRIVE-ROBERT TEDESCHI, URS CORPORATION – (PEDESTRIAN WALKWAY) BE APPROVED AS SUBMITTED

MR. MURPHY: SECOND

VOTE: MR. HEILMAN-YES; MR. KERN-YES; MR. MURPHY-YES; MS. DEUTSCH-YES; MS. PHILLIPS – YES.

2. **#A14-7.2/195 Chimney Hill Road** – ATA Realty, Inc. – (resubdivision development – 16 lots).

Appearing in front of the Commission and representing the Applicant were Atty. Joan Molloy, Loughlin Fitzgerald; Robert G. Wiedenmann, Jr., Sunwood Development Corporation and Stephen Giudice, L.S., Principal, Harry E. Cole & Sons.

Atty. Molloy presented an overview. She said Applicant was seeking approval for regulated activities associated with a 16-lot residential subdivision at 195 Chimney Hill Road. She said the submitted plans shows no activities within the wetlands and any requested activities are within the Upland Review Areas. Atty. Molloy the Commission conducted a site-walk on Sept. 17 and at last month's Meeting, the Commission determined this project was not a significant activity but continued the application to tonight's Meeting to allow time for the Applicant to meet with the Town of Cheshire and any concerns they may have. She said on Oct 9 there was a Meeting with Town staff and Cheshire Inland Wetlands and it was determined there was no objection to the basic plan but confusion due to drafting errors on the plan and recommended changes to some of the design details. Atty. Molloy said the plans were revised to address these concerns of which the Town of Cheshire had no objections to, but suggested that the sedimentation and erosion controls be monitored and the Commission consider posting a bond to ensure sedimentation and erosion control measures are maintained.

Atty. Molloy said she received another memorandum from Ms. O'Hare dated October 24, 2014, which was a detailed review of the plans submitted to her on October 22, 2014. Atty. Molloy noted that on Oct. 30, she, Mr. Giudice and Mr. Wiedenmann met with Ms. O'Hare to review this letter which was followed up by a summary of responses as was discussed at the Meeting. She said the applicant agreed to several of the changes requested by Ms. O'Hare, but added there were some changes they did not agree to. Atty. Molloy said she provided Ms. O'Hare with draft copies of the proposed drainage easement and the declaration of covenant and restriction regarding the storm water maintenance facilities and as a courtesy, a copy of the conservation and declaration area was also provided to Ms. O'Hare. Atty. Molloy said she and Mr. Wiedenmann met with Ms. O'Hare on Tuesday and went over the drafts and she suggested some changes which we agreed to make.

Atty. Molloy spoke about a memo from the Town Engineer, Rob Baltramaitis who indicated he had no objection to the IWWC acting favorably on this Application. She addressed the latest memos by Ms. O'Hare and spoke about two major revisions to the plan.

Mr. Giudice reviewed the major revisions to the plan which included the Lot #1 sketch and the Chimney Hill detention sketch. He said at the last Meeting there were concerns about storm drainage coming onto Chimney Hill Road and to address this, a 30-inch underground pipe storage system was designed which consists of a 30-inch plastic pipe which is laid flat with a control structure behind the catch basin. He said this will collect the water in the roadway and

provide detention underground and reduce the peak flows in the Chimney Hill Road area. He noted the Assistant Town Engineer was favorable to this idea. Mr. Giudice addressed the changes to Lot #1. He said there was culvert in the driveway of an abutting property which couldn't handle the water that came out of the wetland. He said to ensure the safety of the abutting property owners to the south, a grass swale was proposed along the property line which would direct water to a positive discharge point to a Town drainage system on Chimney Hill Road. Mr. Giudice said the impact will not be changed in that area, the flows remain reduced. He said landscaping was added on Lot #1, and placards will be placed along Lot #1. He said this wetland, which is in a field, will be enhanced with trees and shrubs. He said Ms. O'Hare recommended different types of shrubs which he said will be left up to the discretion of the IWWC. Mr. Giudice said wetlands placards have been proposed along the upland review area impact areas and some placards proposed along Lot #6, with additional wetlands placards proposed along Lots #8, 9 and 16. Mr. Giudice said the infiltration units for the roof leaders were removed from the plans.

Mr. Giudice said the detention basins were revised to have micropools and low flow channels in them. He said these were fine-tuned based on meetings with the Town of Cheshire and Ms. O'Hare and Mr. Baltramaitis. He said the plan as proposed was a big improvement over what was originally submitted.

Commissioner Kern asked about the changes suggested by the Town of Cheshire regarding stormwater and whether it impacted Wallingford.

Mr. Giudice said the changes with Cheshire were more questions about the emergency spillways and co-efficients. He said they agreed with the overall plans and their comments didn't change the design that much, just minor things from a stormwater quality standpoint.

Commissioner Kern asked who would maintain the underground storage.

Mr. Giudice said this would be maintained by the Town of Wallingford.

Commissioner Kern asked what would happen with the water in the middle of winter when it rains.

Mr. Giudice said this is a contained system. He said inside the manhole is a wall and a three-inch orifice which allows it to drain completely. He said in a storm situation, the orifice would restrict the flow of water. He said at all times the system is designed to drain completely.

Commissioner Kern commented he has seen swales ice up.

Mr. Giudice said he has proposed an alternate route for the water so it doesn't flow under the driveway. He noted this won't prevent icing in this area (wetland), but any water will be directed away. He said he wasn't sure who would be maintaining the abutting property owner's catch basin.

Mr. Giudice showed the IWWC the location of the placards on the site plan. He said placards are proposed on Lot#16 along the edge of the URA impact where tree clearing is proposed. He said on Lots #8 & #9 the placards will be placed along the existing tree line in a straight line and on Lot #6 placards will be placed where proposed clearing in the URA will take place; on Lot #1, three placards are proposed to be placed along with landscaping.

Atty. Molloy said Milone & MacBroom reviewed the revised storm water plans and indicated the plans are in accordance with the Town's subdivision regulations and sound engineering practices. She submitted the review to the IWWC.

Atty. Molloy addressed issues brought up in Ms. O'Hare's Oct. 30, 2014 EPR. She said a large number of concerns were addressed but there were still some concerns one of them being the "three fingers of wetlands" which Atty. Molloy indicated were not within the conservation restriction areas, but which Ms. O'Hare requested be added. Mr. Giudice said one finger of wetland will be on Lot #9, one on Lot#16 and one on Lot#1.

Atty. Molloy said to extend the conservation areas onto the fingers of wetlands defeats the rationale for the conservation easement because the Applicant is trying to preserve undisturbed open space area. She said there is nothing in the Inland Wetlands regulations which require conservation easements and to extend these easements creates those irregular lines. She said the Applicant has not proposed to extend these conservation areas over these three fingers.

Commissioner Kern asked why this couldn't be sectioned all into one area.

Atty. Molloy said most of the conservation area is the treed area, and the idea is to preserve the trees and existing vegetation. Atty. Molloy addressed the placard locations. She said the Applicant is placarding the location of the conservation easements and the majority of the wetlands are behind the placards. She said there were discussions with Ms. O'Hare over where the placards should be located. Atty. Molloy said in Lot#1 there is a finger of wetlands, but are designating limitations by way of the placards just adjacent to the finger of wetlands. She said Ms. O'Hare told her the placement of the placards varies, depending on the project.

Commissioner Kern said he is trying to prevent what happened on Grove Street where the property owner purchased the home and discovered the placards were right outside his back door. He said as a Commission, we don't want to keep having these problems occur. He said a format is needed and install the placards where they will have the most impact.

Commissioner Heilman said in some areas, we want to protect the URA. He said the wetland placards are most important at the time when people move in and during construction, but five or six years down the road, they disappear because people don't want the placards in their yards. He said ideally, the placards should be in stone.

Commissioner Kern asked Atty. Molloy to have the Applicant work out the location of the placards with Ms. O'Hare and then if there is still a problem, the IWWC can make the final decision.

Atty. Molloy spoke about activities permitted in Lots 1, 8 & 9. She said currently the proposal is to allow grading associated with the construction of the homes, sedimentation and erosion controls and eventually lawns in this area. She said on Lot #16, there would be the same things, but if a homeowner wanted to construct a deck, there might be some slight intrusion in the permitted disturbance area; on Lot#6, the permit would allow to have a small portion of the house to be located in the disturbance area and depending upon the design of the home, there might be a deck. Atty. Molloy said hypothetically, could a play scape or a garden be allowed in these areas without having to come back for a permit? She said this isn't needed for what is being proposed, but is a philosophical issue.

Commissioner Kern said he sided with Ms. O'Hare only because of what has happened in the past. He said the IWWC doesn't want to be the watchdog or the bearer of bad news; this needs to be resolved up front and there needs to be a system in place. He said the IWWC is willing to work with the Applicants.

Commissioner Heilman said he believes this is a difficult problem. He cited Lot#6 as an example. He said he likes this development and would rather see this type than a cluster development but noted the cluster concept is better for the wetlands. He said people want their yards and move into an environment like this, is because they enjoy it. He said there will be some fringe disturbances but the overall picture is better for the people who will be living in these homes 20 and 30 years from now. He said this should be done on an individual basis. He said he would like to see this handled mutually between Ms. O'Hare and the Applicant. He said the Applicant has done a decent job in making serious attempts of staying out of where they shouldn't be. He said the overall picture is good and noted the land is going to be developed but we are here to ensure it is done in a good way.

Ms. O'Hare clarified item #3 on the Oct. 30, 2014 EPR. She said several years from now, if the homeowner wants to install an inground pool, she believes a permit would be needed because it is a new activity, a regulated activity. She said this is not the activity the IWWC is being asked to approve tonight which is grading and installing lawn grass.

Atty. Molloy said this was discussed with Ms. O'Hare (whether or not a pool could go in later on if the permit was granted). She said there is nothing in her letter stating an inground pool could be installed without a permit. She said her letter addresses above ground activities, not grading.

Commissioner Heilman said regardless of whether it is a lawn, swamp or desert, the regulations talk about measurements from boundaries. He said if it is a new activity, it would have to be reviewed and in the case of a play scape, he would hope this could be an administrative approval. He said if it were a playscape, it would need to be reviewed.

Commissioner Kern said he agreed and it helps drive home the point to the buyer that it is fifty feet and would like to see the format changed for a sale, be more defined and get it in writing which protects each party. He said the in ground pool opens up another can of worms.

Mr. Wiedenmann said the Applicant needs to know where the line is; is it only lawn or other things that are sort of approved by this permit.

Commissioner Murphy said he believed this permit would allow use of the URA as a lawn and in the future, whether it is a shed or pool, that would be a separate activity needed to be addressed by the homeowner.

Atty. Molloy addressed the plantings along the rear of Lot #1. She said trees were originally shown, then Ms. O'Hare suggested additional plantings so highbush blueberries were planted.

Mr. Giudice said a few trees were proposed in the regulated area and agreed with Ms. O'Hare to modify these plantings. He said the Applicant and Ms. O'Hare could not agree where the planting would be located.

Ms. O'Hare said she thought during the site walk meeting that there would be buffer plantings. She said this is a hayfield today and will grow back to a forest in 20 years.

Mr. Giudice said the Applicant would be happy to change to different types of plantings. He said they also proposed swamp oaks around the blueberry bushes and pin oaks.

Acting-Chair Deutsch suggested the Applicant adhere to Ms. O'Hare's recommendation.

Atty. Molloy addressed the concern of Ms. O'Hare which was putting a note on the plan stating that the rear of Lot #15 ponds in late winter and early spring. Atty. Molloy said the Applicant is not willing to do this, and felt at the site walk, the IWWC didn't believe this was a concern.

Ms. O'Hare said this is an anomaly because of the configuration of the area which is a depression that collects water but does not enough mottling to be declared a wetland.

Atty. Molloy spoke about the final concern in Ms. O'Hare's Oct. 30 EPR which involved erosion and sedimentation control measures to protect the Carter property and whether the Applicant should be crossing the street to establish this. Atty. Molloy said in her conversations with Ms. O'Hare, on Tuesday, it was determined based on conversations with Mr. Wiedenmann, that where this should be controlled is on the Applicant's property. She said the S & E controls have been beefed up. She said because of this, the Applicant is not agreeing to this.

Atty. Molloy addressed some issues on Ms. O'Hare's EPR of Nov 5, 2014 regarding revisions to proposals, outstanding information. She said the Applicant doesn't recall agreeing to retain Milone & MacBroom as an independent monitor. She said Mr. Wiedenmann has an excellent

reputation in this area and emphasized the Applicant will be monitoring the S & E controls and the neighbors will also be monitoring the S & E controls.

Mr. Wiedenmann said records are required by DEEP to be kept.

Atty. Molloy said there is also no need to transfer permits to individual lots; this is the responsibility of the developer not the homeowner (reference is to the site development of lots).

Commissioner Kern said he would feel comfortable doing this as has been done in the past; Mr. Wiedenmann would be responsible to contact Ms. O'Hare. He said there is no reason to get an outside source. He said if Cheshire has a problem, they can hire someone.

Atty. Molloy stressed that the Applicant is not asking Ms. O'Hare to be the primary source; we are still going to be the primary party monitoring the S & E and Ms. O'Hare will still be monitoring but the burden will be on the Developer. Atty. Molloy spoke about Ms. O'Hare's suggested Conditions of Approval. She said the Applicant has no problem with Ms. O'Hare's suggested Condition of Approval from October 30, 2014 that S & E controls be in place; regarding the transfer of permits, Atty. Molloy said there is also no need to transfer permits; this is the responsibility of the developer not the homeowner. She said the Applicant reserves the right to go back onto the lots. With regard to the S & E control bond, she said the Commission might require its own bond and noted the Applicant will be required to perform its own S & E control bond with the Planning & Zoning Commission, so at some level, there will be double bonding. She said their Contractor has quoted a price for S & E control measures in the area of \$15,000 to \$16,000. She said if the IWWC believes a bond is needed, the Applicant would request it be less than \$30,000.

Atty. Molloy said in regards to the legal documents, the Applicant has no objection to that being a condition of approval, but noted that Ms. O'Hare had put a timeframe on this which she was concerned about being realistic; being done within one month of approval of the Planning & Zoning. She emphasized that if P & Z approval is granted and she immediately makes the changes, and submits them to everyone for their review and then goes up to the Law Department, she said she cannot guarantee this can be done in month. She said she doesn't have a problem producing the documents, it is the timeframe because she can't control when the staff reviews and comments. She said with the storm water maintenance management plan, the Applicant is happy to work with Ms. O'Hare, but it needs to be determined who is going to have primary responsibility for the swales on Lots #1 and 2. She said it is presumed the homeowner will have the responsibility, with the Homeowners Association as backup, but until the Engineering Dept., Planning & Zoning and the Law Dept. have commented, this cannot be finalized. She said there is no problem with providing final documents, but one month is not realistic.

Atty. Molloy addressed creating jurisdictional lines around the basins on Lots #3 and 7. She said when this was discussed with Ms. O'Hare on Tuesday, she believed they arrived at a different conclusion because the Applicant doesn't believe the detention basins will be regulated just by their creation. She noted these basins are not intended to hold water. She said the Applicant objects to this condition.

Commissioner Kern said he is comfortable with what the Applicant has put in front of the IWWC, but is not comfortable with the bond because of the sensitivity of the area and some of the concerns, he would like to see the bond higher than \$30,000 and would like to call it a performance bond which would extend from the start to the end of the project. He said he was thinking more of \$50,000 for the bond. He said this is a small amount of money compared to the size of the project. Mr. Kern said the IWWC could vote on this tonight or table.

Atty. Molloy said if the Commission decides on the higher amount, she would like the ability to come back to the Commission after the Applicant has made progress on the construction and get this reduced. She said the Applicant would like approval tonight and we don't have an issue with submitting revised plans. She said the issue is a directive to work with the Environmental Planner regarding the location of the placards; the S & E control measures; getting the documents finalized and submitted to Ms. O'Hare and submitting revised plans.

Commissioner Murphy said he didn't like the idea of approving a permit and refining the details afterwards. He said the more we know upfront the better.

Commissioner Heilman said in this particular case, he would be willing to act on this application tonight.

Commissioner Kern said the differences can be worked out and feels comfortable voting on this tonight.

Ms. O'Hare said she was unclear on how the resolution was worked out on Item #1 which involved certain wetlands which project out beyond the conservation easement area.

Acting Chair Deutsch said this was one of the items to be discussed by Ms. O'Hare with the Applicant and if there were no agreement, the IWWC would decide.

Commissioner Kern said this was a giveback and P & Z wants to see open space square footage. He said the IWWC was comfortable with this.

Atty. Molloy said wetlands placards could be installed at the edges of the fingers of the wetlands. She said the Applicant and Ms. O'Hare could go to the site and pick the appropriate places based on the actual conditions on the site. She said this may allow the Applicant to keep the conservation area where wanted and give notice to the future homeowner in those three fingers that the wetlands actually come out of the conservation area.

Ms. O'Hare said she would agree to what Atty. Molloy said except that she doesn't want to have the placards on the wetlands line.

Mr. Wiedenmann said it makes more sense to put the placards up post-construction.

Acting-Chair Deutsch entertained public comments.

Jerry Matuskiewicz of 249 New Cheshire Road said he didn't understand why all the storm sewer water wasn't being run down Chimney Hill Road and why half of it is being dumped into retention ponds on the back half of the property and then sheet flowing down into the reservoir. He said the idea is trying to keep the water from going into the reservoir. He said he heard no calculations on a 25-year storm, a 50-year storm or a 100-year storm. Mr. Matuskiewicz said a retention pond will be installed where there are already erosion problems on the Rancor property from what is coming off of Platt Drive and Kaserzsky Drive with the storm sewers. He asked which way the water would flow. He said if the water is at the corner of the gravel driveway, it would flow down Chimney Hill Road where there is already an erosion problem. He said if it is done on the other side of the property near the farmhouse, then the water will flow down South Meriden. He said he didn't understand how a catch basin or holding pond could be approved without calculations; no-one knows how much water comes off this property, except the people who reside in this area. He said there is a lot of water when there are storms.

Mr. Giudice said there are an entire book of calculations submitted with this application to the IWWC and have been reviewed by the Wallinford Town Engineer, Milone & MacBroom and the Cheshire Engineering Dept. He said all of these agencies agreed the engineering is sound. He said he typically does not direct flows of water in different directions; we try to mimic the natural direction of flow. He said we have to work with the topography of the land and have done this; the flows have been reduced and will not have a negative impact on the properties.

Acting-Chair Deutsch closed public comments.

Commissioner Heilman said one cannot legally take water flowing north and make it go south.

Commissioner Kern said the IWWC is not pushing this through; we have taken site walks, taken public input and have come up with a good product that will make everyone happy. He said everyone is concerned with the water on Chimney Hill Road and have done what could be done and have maxed out the property.

Acting-Chair Deutsch entertained a motion at this time.

**MR. KERN: MOTION THAT APPLICATION #A14-7.2 /195 CHIMNEY HILL ROAD
ATA REALTY, INC., - (RESUBDIVISION DEVELOPMENT – 16 LOTS)**

BE APPROVED AS SUBMITTED WITH THE FOLLOWING

CONDITIONS:

1. **THE BOND BE SET AT \$50,000;**
2. **S & E CONTROL MEASURES BE IN PLACE BEFORE COMMENCING OF ANY WORK ON-SITE;**
3. **WORKING ON THE PLACARDS NEED TO BE POSITIONED IN THE PROPER PLACES WITH THE ENVIRONMENTAL PLANNER;**
4. **THE TIMEFRAME FOR SUBMITTING OF THE DOCUMENTS WILL BE EXTENDED ANOTHER 30 DAYS FROM WHAT THE ENVIRONMENTAL PLANNER SUGGESTED (30 DAYS) BEFORE WORK COMMENCES.**

Atty. Molloy said she preferred a time limit not be put on the submittal of the documents, but he can't control it. She said if there is a problem getting staff approval, she will write the IWWC requesting additional time.

MR. MURPHY: SECOND

Ms. O'Hare asked if one of the conditions of approval included a storm water maintenance management plan is to be submitted which she handed out tonight and in the calculation report.

Atty. Molloy said Ms. O'Hare asked her to add this to the Exhibit B to the declaration.

Ms. O'Hare said she is asking for this separately, as a management plan.

Mr. Giudice said as part of our storm water management report, we typically include a storm water maintenance schedule which is probably the last sheet in the set. He said there were some comments that this was a boilerplate form and the request was to modify which we did. He said we could incorporate this as an addendum.

Ms. O'Hare asked about the storm basins being treated as a water body once they are constructed. She asked if she is to regulate them as water bodies.

Commissioner Kern said this would be no different than a retention pond.

Ms. O'Hare said the Alexander Drive Applicants had to appear in front of the IWWC because they were within 50 ft. of their storm basin. She said there were no wetlands, the storm basin holds water.

Atty. Molloy said our system dissipates and shouldn't be treated as a water body.

Commissioner Kern said this is an underground reservoir which collects it and dissipates.

Ms. O'Hare said this two big detention basins are open to the sun.

**VOTE: HEILMAN-YES; KERN-YES; MURPHY-YES; PHILLIPS-YES; DEUTSCH
YES.**

MOTION APPROVED.

NEW BUSINESS

1. **#A14-7.2/195 Chimney Hill Road** – Request for consent to transfer permit #A14-7.2 upon approval-Sunwood Development Corp.

Atty. Molloy said this item on the agenda was a submittal by the Applicant for a transfer of permits which is officially in the name of ATA Realty, Inc. She said the plan is for Sunwood Development Corp., to purchase this. Atty. Molloy requested this can be transferred at this point, without having to come back to the IWWC. She said this is a separate agenda item.

Ms. O'Hare said we have never been asked this before and she asked for an opinion from Janis Small, Corporation Counsel who indicated that the Applicant had to submit a transfer request, which was done along with a \$50 fee. She said the IWWC could consent to the transfer with a condition that Sunwood Development purchases the permit.

Atty. Molloy explained to Commissioner Murphy that Sunwood is purchasing the actual property from ATA Realty. She said they are under contract to purchase.

Ms. O'Hare said the IWWC consents to the transfer conditioned on proof of the acquisition of the property by Sunwood.

Acting-Chair Deutsch entertained a motion at this time.

**MR. MURPHY: MOTION TO APPROVE APPLICATION #A14-7.2/195 CHIMNEY
HILL ROAD, SUNWOOD DEVELOPMENT CORP-REQUEST FOR
CONSENT TO TRANSFER PERMIT #A14-7.2 UPON RECEIPT OF
PROOF OF THE ACQUISITION OF THE PROPERTY BY SUNWOOD
DEVELOPMENT CORP.**

MR. KERN: SECOND

**VOTE: PHILLIPS-YES; MURPHY-YES; KERN-YES; HEILMAN-YES;
DEUTSCH-YES**

MOTION APPROVED.

RECEIPT OF NEW APPLICATIONS

1. **#A14-10.1 /26 Orlando Road** – Michael Sinisgalli – (addition) – request for administrative approval – received by Acting-Chair Deutsch.

Ms. O'Hare said Chairman Vitali granted Administrative Approval. She said the application is regarding the construction of an addition onto the north side of the house and the surveyor failed to point out the wetlands in the woods. She said Atty. Small requested Administrative Approvals go onto the agenda.

2. **#A14-10.2/930 South Colony Road** – Docker Drive Development, LLC – (minor plan revisions within the scope of original permit #A08-4.2 – storm water basin modification.

The matter was taken up by Acting-Chair Deutsch.

Appearing in front of the Commission was George Cotter, of OCC, representing the Applicant.

Mr. Cotter said notice was received from Ms. O'Hare who had concerns that the detention basin on Docker Drive was not as it was shown on the original and approved plans. He said it is slightly different but doesn't have any impact on the function of the detention basin. He said what happens is the discharge of the rip-rap spillway has a significant grade change before it leaves the basin and goes down to the brook. He went over the site map. He said the plan shows the original basin, but the basin has now been lowered two feet but the volume is the same. He noted that in the original plan, he constructed the outlet structure to an area that had been excavated in the slope and discharged it back to the emergency overflow channel. He said there are more disturbances in this plan from what was actually constructed.

Mr. Cotter said after consulting with the Assistant Town Engineer, he requested the basin be shown as-built and do the drainage calculations over and what has been constructed is an emergency spillway with the structure located in the front and a pipe out the back side with a plunge pool. He said in one area, the rip-rap had stopped and the level spreader hadn't been put in and it hadn't been graded to get the water down. He said there is a natural slope area which the ATV's had been using. He said after discussion with Mr. Baltramaitis, leave the level spreader as it was originally located, and construct a rip-rap channel down to it, so the net change is that there is less disturbance. He said it is stabilized and a permit modification is needed to complete the work as shown on the plan.

Ms. O'Hare said he received a memo from Mr. Baltramaitis who worked with the re-design and advised the construction of the rip-rap lined channel in the wetlands be completed immediately.

Mr. Cotter said they have been waiting on electrical issues to stabilize the road area and should be completed within the month.

Acting-Chair Deutsch entertained a motion at this time.

MR. KERN: MOTION THAT APPLICATION #14-10.2/930 SOUTH COLONY ROAD

DOCKER DRIVE DEVELOPMENT, LLC – MINOR PLAN REVISIONS
WITHIN THE SCOPE OF ORIGINAL PERMIT #A08-4.2 BE APPROVED
AND BE COMPLETED AS SOON AS POSSIBLE

MR. MURPHY: SECOND

VOTE: KERN –YES; MURPHY-YES; HEILMAN-YES; PHILLIPS-YES; DEUTSCH
YES

2015 REGULAR MEETING SCHEDULE – consider draft for approval

Acting-Chair Deutsch said last year instead of meeting during the beginning of the month, the IWWC met in the middle of the month and then had no August Meeting.

Commissioner Kern suggested leaving the July 1 Meeting date as written and cancel the August Meeting and call a Special Meeting if needed.

MR. KERN: MOTION TO APPROVE THE PROPOSED MEETING CALENDAR

MR. MURPHY: SECOND

VOTE: KERN-YES; HEILMAN-ABSTAIN-MURPHY-YES; PHILLIPS-YES;
DEUTSCH-YES

MOTION APPROVED

REPORTS & COMMUNICATIONS

1. Regulations revisions – status

Ms. O'Hare said she received a memo of the first draft of the revisions on Tuesday from Atty. Janis Small, Corporation Counsel. She said this may be ready for the next Meeting.

2. State of CT DEEP letter to Town of Wallingford, c/o. John Thompson, Town Engineer, Notice of application approval – Water Quality Certificate re: Quinnipiac River Linear Trail Phase 3 – not discussed.
3. State of CT Dept. of Transportation – Notification of Registration for the General Permit for Contaminated Soil and/or Sediment Management – 160-186 North Colony Rd –State Property, part of the New Haven-Hartford –Springfield Line-Wallingford Railroad Station Project re: staging, transfer and temporary storage of contaminated soil and/or sediment not to exceed two years; received 10/17/14 – not discussed.

4. State of CT DEEP Notice of Tentative Determination to Approve an Application for 401 Water Quality Certification – National Railroad Passenger Corporation – railroad infrastructure and service improvements which may possibly result in any discharge to waters of the state (Quinnipiac River, Meetinghouse Brook, Wharton Brook, Padens Brook and associated wetlands), received 10/20/14 – not discussed.
5. CACIWC newsletter, "The Habitat", fall 2014 – received by Commission.
6. New England Hydropower Company, LLC, copy of letter forwarded to Ms. Kimberly Bose, Federal Energy Regulatory Commission, dated 10/15/14, re: Hanover Pond Dam Hydroelectric Project – Notice of Joint Agency public meeting (site visit, Nov. 19, 3:00 to 4:00 p.m., and then meeting 4:30 – 6:30 p.m.) at Meriden City Hall, 142 Main Street, Meriden, CT. – not discussed.
7. Southwest Conservation District newsletter, "Soil & Water", Fall 2014 – received by Commission.

VIOLATIONS

ADJOURNMENT

A motion by Commissioner Kern seconded by Commissioner Murphy to adjourn the Meeting at 9:08 p.m.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary