

**INLAND WETLANDS AND WATERCOURSES COMMISSION**

**TOWN OF WALLINGFORD**

**REGULAR MEETING**

**WEDNESDAY, NOVEMBER 6, 2013**

**7:00pm**

**MINUTES**

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

Seated Commissioners were Jim Vitali – Chairman; Commissioners Dave Parent and Dennis Murphy; Jim Heilman – alternate; Deborah Phillips – alternate; Erin O'Hare, Environmental and Natural Resources Planner.

Absent: Nick Kern, Secretary and Ellen Deutsch, Vice-Chairperson

Chairman Vitali called the meeting to order at 7:00 p.m.

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

**CONSIDERATION OF MINUTES**

July 24, 2013 -Regular Meeting

**JULY 24, 2013 MINUTES TABLED TO THE DECEMBER 4, 2013 MEETING.**

October 2, 2013 – Regular Meeting

**MR. PARENT:            MOTION TO APPROVE THE REGULAR MEETING MINUTES OF OCTOBER 2, 2013AS SUBMITTED.**

**MR. MURPHY:        SECOND**

**VOTE:                    VITALI, MURPHY, HEILMAN, PHILLIPS – YES**

**PARENT– ABSTAIN**

October 16, 2013– Special Meeting

**MR. PARENT:**            **MOTION TO APPROVE THE SPECIAL MEETING MINUTES OF OCTOBER 16, 2013 AS SUBMITTED**

**MR. MURPHY:**        **SECOND**

**VOTE:**                    **VITALI, , MURPHY, HEILMAN, PARENT, PHILLIPS - YES**

## **PUBLIC HEARING**

1. **#A13-10.2/MAIN ST, 202 MAINST., 380 MAIN ST, –STATE OF CT D.O.T R.O.W.37 WAREHOUSE POINT RD., Fireworks Island, Quinnipiac River Linear Trail – Phase III – (trail, bridge, parking area expansion, access ways) – SIGNIFICANT IMPACT**

Chairman Vitali opened the Public Hearing at 7:05 and said this Application was for the purpose of expanding or extending the Quinnipiac River Linear Trail.

Presenting the Application was John P. Thompson, P.E. Town of Wallingford Dept. of Engineering and Michael J. Joyce, P.E., Associate Project Manager, Milone&MacBroom and William Root, Environmental Scientist, Wetland Ecologist Milone&MacBroom.

Mr. Thompson presented a brief overview of the project. He said Phase III of the trail has been in the works for the past three years and has been very slow in developing through the CT DOT (Dept. of Transportation) and the CT DEEP (Dept. of Energy and Environmental Protection). He said the project is in the final stages of review with CT DOT and is scheduled to go to the CT DEEP later this year or early next year for public bidding with construction tentatively scheduled for next spring.

Mr. Thompson said one of the final steps in the process was taking this project before the IWWC for their review and approval of the Application.

Mr. Joyce distributed half-scale drawings of the plan to the IWWC. He said this is a continuation of the existing Quinnipiac River Linear Trail project which will connect to the existing cul-de-sac which is at the existing northern terminus of the trail, extend to the western side of the Wilbur Cross Parkway which is on the eastern side of the Quinnipiac River approximately  $\frac{3}{4}$  of a mile. He said a proposed pedestrian bridge will cross the Quinnipiac River which accesses Fireworks Island. He said the trail will then continue north up to the existing oyster shell parking lot just to the east of the Yalesville on the Green property. Mr. Joyce said that presently, access to Fireworks Island is currently gained through a timber vehicle bridge which comes through the Yalesville on the Green development and crosses the Quinnipiac River Raceway. Mr. Joyce said this area is located within a floodplain and an inland wetland and watercourse area.

Mr. Root told the IWWC that the first step for his work was to do the wetlands flagging. He said much of the site is under the two-year storm elevation and was included in the Federal Regulatory limits as an ordinary high water mark. He said there are also State and Federal wetland delineations and a 100-year floodplain and floodsite, making this a complicated area.

Mr. Root said the trail portion of the project is not that complicated. He said he set out to find those soils that would be the most workable and the least damaging to manipulate when doing a trail system. He said the layout of the trail stuck to the drier soil areas making it safer for people to use and easier to maintain. He said there are very high wetland and wildlife values in this area and a tremendous fishery resource. Mr. Root spoke about proposed mitigation measures. He noted the area is flat, so erosion controls will be easy, there will be standard erosion controls and water handling measures. He said there will be a small amount of fill associated with the abutments for the bridge. He said the disturbed areas will be replanted with seed mixes mostly around the shoulders of the slopes of the trail. He said there will also be an invasive species management plan which involves working for five years to keep invasive species down especially along the disturbed areas of the trail. He said Japanese knotweed is the most problematic invasive here.

In answer to Chairman Vitali's question regarding the forested wetlands area, Mr. Root said this floodplain forest is deciduous, containing a lot of oaks, hickory, elms and maple trees. He noted this area is an excellent wildlife and nesting habitat corridor especially for the Red Shouldered Hawk. Mr. Root said the vegetation is thick which provides an opportunity for trapping sediment and treating runoff and pollution absorption.

Ms. O'Hare asked questions relative to soils and proposed restoration plantings.

Mr. Joyce said within the project limits from beginning to end, there are approximately 40 acres of existing wetlands that occur, which can be flagged or identified as wetland or watercourses through this corridor. He said in this area, the proposed application proposes just over three acres of direct wetland or watercourse impact, some of which is temporary. He said this includes the construction access roads, and disturbance areas adjacent to the trail along the way. He said once the trail is complete, the temporary three acre disturbance area will drop down to just under an acre which basically represents the paved trail area.

Mr. Joyce said the total impervious surface associated with this Application is 1.5 acres which includes the paving of the trail and the temporary gravel construction access. He discussed how the trail would be constructed. He said the two primary points of access for the trail will be coming through the Yalesville on the Green property coming across the timber bridge and working south from the Oyster Shell parking lot to the western side of the Quinnipiac River. He said the other point of access will be from the elbow in Warehouse Point Rd, working through an existing easement through Town property partially in the State Right-of Way for the Wilbur Cross Parkway. Mr. Joyce passed around photos of the existing trail to the IWWC. He said the existing bridge is 140 foot span and the proposed bridge is 208 feet. He noted this Application

will be submitted to Planning & Zoning for flood development permits. He said the final design should be finalized this year, with construction beginning next year.

Commissioner Murphy asked about funding.

Mr. Thompson said there is approximately \$375,000 of DEEP monies, recreation monies, and approximately \$2.2 million of Federal money, Transportation enhancement monies.

Commissioner Heilman said he was impressed about the environmental concerns going into this project. He said this presents an opportunity to the citizens and hoped down the road this trail will be self-policed and is a beautiful set-up.

Chairman Vitali questioned the bridge being constructed through September which is hurricane season.

Ms. O'Hare presented her Environmental Planner's Report dated October 30, 2013. She went over the Public Hearing notification procedures. She entered into the record a copy of the Certificate of Mailings, a copy of Phase III of the Quinnipiac Linear Trail Permit Application which includes as attachments a Soil Scientist Report; Mitigation Report; Environmental Report; Executive Report and Alternative Assessment Report. She said revised impact figures dated October 1, 2013, were submitted by Mr. Joyce along with a Site Plan submittal. Comments from the Wallingford Fire Prevention Bureau were submitted which indicated the project was approved to move forward with additional information to be provided regarding the turnaround capability of the west side of the Parkway in the general vicinity of the existing cul-de-sac for Fire Department vehicles. Ms. O'Hare will also enter into the record the hand-outs when she receives a copy for the record.

Ms. O'Hare said because this is a large project, she had not as of yet completed a detailed analysis.

Chairman Vitali entertained comments from the public at this time.

State Rep. Mary M. Mushinsky and Cathy Granucci, Co-Chairs of the Wallingford Linear Trails Committee, read a statement into the record speaking in favor of the Application. They noted that the Town Engineer's Office and Milone&MacBroom made extensive changes to Phase III to accommodate concerns raised by the DOT and the DEEP. They said these design changes delayed the project and forced additional cost-saving measures to keep within budget but had to be done to keep the project going. They noted that Phase III of this trail will further link the community to the Quinnipiac River and enhance its protection. They asked the IWWC to support its proposal.

Ms. O'Hare recommended the Public Hearing be kept open to allow responses to the IWWC's comments and responses to Public comments and responses to the Environmental Planner's comments.

Virginia Blinn, representing the owner, had questions on the proposed access road and its possible impact to the owner's business located on 37 Woodhouse Point Rd.

Mr. Thompson said there is a CT DOT easement parallel to the highway R.O.W. He said he would be happy to meet with the property owner to discuss this issue.

Chairman Vitali kept the public hearing open and continued it to the December 4 IWWC Meeting.

### **CONSIDERATION OF PUBLIC HEARING ITEM**

**1. #A13-10.2/MAIN STREET., 202 MAIN STREET, 380 MAIN STREET, STATE OF CT D.O.T.R.O.W., 37 WAREHOUSE POINT RD.,** Fireworks Island, Quinnipiac River – Town of Wallingford – Quinnipiac River Linear Trail – Phase III – (trail, bridge, parking area expansion access ways) – SIGNIFICANT IMPACT – Tabled to the December 4, IWWC Meeting.

Not taken up.

### **OLD BUSINESS**

1. **#A13-10.-5.3/803 NO. FARMS ROAD** – Estates at Wallingford – Toll Brothers – (request for bond release)

Ms.O'Hare said this matter is not going forward at this time

2. **#A13-7.5/7 TWIN PINES DRIVE** – WaldemarRadwan – (after-the-fact shed, plantings, fill, mowing).

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

Ms. O'Hare said she did not prepare a new Environmental Planner's Report, however, the August 29, EPR still stands and she noted that this application has been tabled twice. She said she performed another site review for the overall Willows development on the lots that have wetlands violations recently . She noted this owner was the first property owner in "The Willows" to come forward after receipt of a letter from the Developer that there were non-compliance issues. She said the Applicant made an application to retain a shed within the Upland Review Area which was discussed at the July 24<sup>th</sup> meeting and was tabled. Ms. O'Hare noted the shed was also not in compliance with zoning and the Applicant appeared before ZBA and was denied a variance. She said the Applicant still wants to retain the shed. She said the Applicant has a botanical garden-67 ornamental plants in the URA. She said any activity in the URA needed a permit from IWWC and this Applicant and other owners did not come in for this application as they were supposed to.

Ms. O'Hare said on October 16, the IWWC conducted a Special Meeting to discuss these non-compliance issues specifically in "The Willows" development. Ms. O'Hare presented photos taken October 14 in the URA . She also presented an as-built plan of where the house is located

and where the backyard meets the common open space area. She said the IWWC needs to act- can the Applicant have a shed in the URA. She said the Applicant does not want to move the shed out of the URA but they have to remove it two feet from the side and two feet from the back at least for zoning compliance.

Ms. O'Hare said fill was also brought in but it might be better to leave it. She said the Applicant has gone over into the common open space area in the back, approximately 15 feet with plantings. She said the Applicant, as noted in the EPR of August 29, is willing to discontinue mowing in the open space common area which is not their property and willing to replace the original Developer's line of shrubs using some of the shrubs they are proposing to take out of the common open space area, take out the small patch of running bamboo in the open space area, and would like to continue mowing the grass in the URA and keep their ornamental botanical garden. She said the Applicant also wants to keep the shed.

Chairman Vitali said the UPA was never designed as a no-build zone because the property owner has some rights and privileges to land they own but it is controlled by asking for permits. He said he has seen worse violations than plantings in the URA.

Commissioner Heilmansaid he is concerned about setting a precedent, if this allows to go how can you not allow anyone else to go. He said this is a beautiful garden, what if they want a different type of garden, are we going to start nitpicking what type of garden. He said this area, that used to be a farm, has been taken out of that status. He said the IWWC knew what was going to happen here, we argued with the Developer. He said the IWWC has been put between a rock and a hard place and hates to see what has happened here. He said people have put a lot of effort into this area, it is a beautiful place.

Chairman Vitali noted that people have pools and sheds in upland review areas. He said the IWWC tried to prevent such things and if the precedent is only in new developments that this can't be done, then the IWWC has to be careful on every application that comes in.

Commissioner Murphy said it is the after-the-fact part that bothers us also. He said this is a tough position for everyone.

Commissioner Parent agreed with Commissioner Heilman, you do it for one, you do it for all. He said the garden is beautiful, but the subdivision was approved on the rules and regulations that the IWWC had laid down. He said Atty. Molloy addressed all of these concerns with the homeowners at the closings, they had notice. He said the homeowners have acted at their own peril.

Chairman Vitali said what he sees coming along is that it all has to be brought back to where it was when the home was purchased, or some has to come out and some can stay and modify what they have which is the homeowners request.

Ms. O'Hare recommended this Application not be considered a Significant Impact.

**MR. HEILMAN:        MOTION THAT APPLICATION #A13-7.5/7 TWIN PINES DRIVE  
BE DEEMED NOT A SIGNIFICANT IMPACT**

**MR. MURPHY:        SECOND**

**VOTE:                UNANIMOUS**

**MR. PARENT:        MOTION THAT APPLICATION #A13-7.5/7 TWIN PINES DRIVE BE  
BE APPROVED WITH THE CONDITION THAT THE SHED BE  
MOVED**

THERE WAS NO SECOND THEREFORE THE MOTION DIED.

**MR. PARENT:        MOTION THAT APPLICATION #A13-7.5/7 TWIN PINES DRIVE  
BE APPROVED WITH THE CONDITION THAT THE SHED BE  
MOVED FORWARD 100 % OUT OF THE URA, THE MOWING  
CEASE BUT THE PLANTINGS AND THE FILL BE RETAINED**

**MR. PARENT:        SECOND**

**VOTE:                HEILMAN – NO; VITALI-YES; MURPHY – NO; PHILLIPS –NO  
PARENT – NO**

**MOTION DEFEATED 4 TO 1 TO LEAVE THE GARDEN INTACT,  
STOP THE MOWING IN THE COMMON AREA AND MOVE THE SHED  
OUTSIDE OF THE UPLAND REVIEW AREA**

Ms. O'Hare said asked for clarification regarding intent of the decision.

Commissioner Parent said denial of the application means the shed is removed from the URA, the mowing stops and plantings get moved. He said the violation is in effect because the after-the-fact application is denied. Every activity that was done has to stop.

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

Representing the Applicant was Atty. Dennis Ceneviva, 721 Broad Street, Meriden; William Root, Senior Environmental Scientist, Milone&MacBroom, and Chris Juliano, Juliano Associates, Project Engineer.

Atty. Ceneviva presented an overview of the project. He said the properties involved in this project are two contiguous parcels: 59 & 65 North Plains Highway. He said they are both located in the I-40 zone. He said the parcels total approximately 370,000 sq. ft. in lot area. The site also has approximately 130,000 sq. ft. of wetlands. He said there is a sandy bottom stream called Padens Brook that bisects the parcel which the DEEP refers to as an "unnamed perennial watercourse" which discharges off-site to the Quinnipiac River. Mr. Ceneviva said this parcel received two prior IWWC permits for development of an industrial building and a soccer field as noted in the Environmental Planner's Report dated October 31, 2013. Atty. Ceneviva said the Applicant intends to cross Paden's Brook by constructing an approximately 196 ft. long box culvert that would allow access to the north and south sides of the property. He said the Applicant is requesting permission to cross Paden's Brook in order to allow the Applicant and his business to transport 50-ft. gantry cranes to a proposed storage area on the north and south end of the parcels. Atty. Ceneviva said the original proposal requested permission to erect a 160 ft. long, 10-ft. wide, 6-ft. high box culvert which included the size of the headwalls. He said Applicant's proposal has been made smaller, based on a number of staff comments. He said there have been reports from DEEP and involvement of the team. He noted the proposal as revised has reduced the size of this culvert to 160 ft. including the headwalls. He said the Applicant proposes to cut and grade land north of Paden's Brook and relocate that fill to the south side. He added that a light tunnel across the center culvert to address concerns about the darkened conditions in the culvert, is also being proposed. He said a series of poured openings at the bottom of the culvert is also being proposed to allow recharge to the sandy bottom of the stream and vegetation plantings to address concerns of the DEEP and Ms. O'Hare in her Environmental Planner's Report.

Mr. Juliano presented an overview of what was approved by the IWWC in 2003 and in 2010 which included construction of a warehouse, a soccer field, pavilion, storage shed, a smaller box culvert and improvements to the Town's linear trail access.

Mr. Juliano said excavation will take place on the north side of Paden's Brook and excavation material will be placed within the URA on the southern part of the property. He noted all along the wetlands area, a 10-ft. biofilter will be constructed. He noted the culvert will be buried so it is at least six-inches below the stream bed.

Chairman Vitali asked why the Upland Review Area is being filled.

Mr. Juliano said when the soccer field was proposed, there was disturbance in the wetlands area. He said this time there will be less fill, overall there will two to three inches of fill placed in the area of the storage yard. He said the paved area will be processed millings.

Chairman Vitali inquired about using an open-bottomed arch for the crossing.

Mr. Root addressed his Stream Ecology report submitted tonight to the IWWC.

Ms. O'Hare asked Mr. Juliano about the culvert design and if photos of the 12-inch pipe perforations were available. She referred to her Oct. 31, 2013 Environmental Planner's Report in which she stated that the Applicant has revised this plan four times with the latest revised plan being submitted on Oct. 30, 2013. She believed this was a "Significant Impact Activity" and strongly recommended the IWWC declare it so and set a public hearing. She advised getting an extension from the Applicant and tabling this project to the December 4 IWWC meeting so that various new submittals, changes and outstanding issues to the plan can be addressed. Ms. O'Hare stressed that an engineering review of this project because of the hydraulics involved, is needed and said she has been waiting for this review from the Engineering Dept. which she has not yet received. She said she also requested a snow handling plan from the Applicant because work would be commencing immediately during the winter months.

In response to Chairman Vitali's question, Atty. Ceneviva said he did not expect to submit a different plan within 30 days. He noted however, that because the IWWC intends to table this project until the Dec. 4<sup>th</sup> meeting, a final set of plans consist with what was presented this evening and more detailed can be presented. He said a meeting took place between the Engineering Dept., including Ms. O'Hare which was called by Water and Sewer Divisions and no issues were raised regarding this application.

**MR. HEILMAN:            MOTION THAT APPLICATION #A13-8.2/59 & 65 NORTH PLAINS HIGHWAY BE DEEMED A SIGNIFICANT ACTIVITY**

**MR. MURPHY:            SECOND**

**VOTE:                      Heilman-yes; Phillips – yes; Murphy-yes; Parent – yes; Vitali-no vote recorded.**

**ITEM TABLED TO THE DEC. 4, 2013 IWWC MEETING**

Chairman Vitali requested an extension of the Applicant which was then granted, and a Public Hearing was set for December 4.

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

Presenting the Application was Amy Souchuns, Atty., Hurwitz, Sagarin, Slossberg& Knuff, Milford, representing the Applicant and William Goebel, Partner, Branch Manager, Bohler Engineering.

Atty. Souchens said they were appearing again in front of the IWWC because of the increase in impervious surface which was discussed at the Nov 6, 2013 IWWC meeting. She said at the end of this meeting, Commissioner Heilman had requested additional revisions to the proposed storm water and drainage that would feature additional creative treatment of that system. She said all of this has been submitted to staff over the past few weeks, with additional follow-up.

Mr. Goebel said the site was re-designed to capture as much paved area as possible to flow through some curb leaks, where previously, the flow went directly into drainage inlets. He said the detention basin in the front of the site was eliminated so it is more gently graded and more landscaping in the front will now be provided. Mr. Goebel said there is approximately 12,000 sq. ft. of paved area that will be flowing through the leak-offs, through the grassed area and swales, prior to entering the drainage system.

In her Environmental Planner's Report dated Oct. 31, 2013, Ms. O'Hare said the Applicant has come back with a creative way to handle flows from this property. She said there six leak-offs discharging from the paved area into the grassed area. She said her concern is the potential for erosion while the grass is being established and said this is why she came up with the two "Conditions of Approval." She said she has not seen this type of treatment before and that is why these conditions are included. She recommended approval as submitted with the two conditions of approval.

Mr. Goebel said this would be an added challenge to the construction, but they are willing to work with the Environmental Planner and the IWWC.

Commissioner Heilman said he was thrilled with the opportunity to do something a little different with the runoff and thought it was a great attempt.

**MR. PARENT:**            **MOTION THAT APPLICATION #A13-8.6/1094,1098& 1100**  
**NORTH COLONY ROAD BE DEEMED NOT A SIGNIFICANT**  
**ACTIVITY**

**MR. MURPHY:**        **SECOND**

**VOTE:**                    **UNANIMOUS**

**MR. PARENT:**        **MOTION THAT APPLICATION #A13-8.6/1094, 1098 & 1100**  
**NORTH COLONY ROAD BE APPROVED WITH THE TWO**  
**CONDITIONS OF APPROVAL**

- 1. DESIGNATED AREAS DESIGNED TO RECEIVE STORM FLOWS OFF PAVED AREAS MUST BE ADEQUATELY PROTECTED TO PREVENT SEDIMENTED FLOWS FROM EXITING THE SITE IN ALL PHASES OF THE CONSTRUCTION PROCESS. PAVING NOT TO OCCUR UNTIL VEGETATED AREAS ARE ADEQUATELY STABLIZED TO RECEIVE STORM FLOWS. ENVIRONMENTAL PLANNER TO BE CONTACTED TO INSPECT ADEQUACY OF PROTECTION IN THESE AREAS IN ALL PHASES OF**

**CONSTRUCTION AND ADEQUACY OF STABILIZATION IN  
THESE AREAS PRIOR TO THE COMMENCEMENT OF PAVING**

- 2. EROSION CONTROL MEASURES ARE IN PLACE AND MEET  
THE APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR  
TO ANY FURTHER WORK BEING CONDUCTED ON-SITE**

**MR. MURPHY:**           **SECOND**

**VOTE:**                   **UNANIMOUS**

**5.#A13-9.3/24 PADENS COURT – Gavin Polizzo – (shed relocation)**

Appearing before the Commission was the Applicant, Gavin Polizzo and John Gilmore.

Mr. Polizzo requested a reprieve on a shed that is built on his property. He said he has resided at this address for two years, and at the closing was shown where the house was built, where the URA is located and where construction would be prohibited. He said the area where the stick-built shed is located was not previously marked, there were no placards at the time or no shrubs planted at the time when the shed was built. He said the shed was constructed in the level portion of the yard. Mr. Polizzo said when he received notification of violation, he did take care of issues, millings on the property and an irrigation system, which has been moved away from the wetland area. He added that roof discharge was also rectified. He said he is in compliance with Inland Wetlands regulations on every item except the shed. He said the problem he is having with moving the shed, because there is not another level portion of the yard which can accommodate the shed.

Ms. O'Hare said there was no new Environmental Planner's Report, but she did prepare a report when she visited the site recently (handed out to the IWWC). She said the Applicant wants to retain his shed. She brought up other issues on the site: the Applicant has stopped mowing the lawn in the common openspace area since receipt of the notice from Atty. Molloy, the Developer's attorney, citing some non-compliance issues. Ms. O'Hare said the Applicant has gone beyond the back rear property line, an approximate 15 ft. by 12 ft. slope to Padens Brook and has also installed a six-inch drain pipe into the open space which as of October 15, was still in place. She said there was also an 18 ft. long by 9 ft. wide denuded area by the slope. She said the shed is 12 ft. by 8 ft. installed in the corner property in the URA. She said today it is installed 5 to 6 ft. from the Applicant's rear lot line, up on blocks and near the crest of the slope going down to Padens Brook. Ms. O'Hare said there is a 15 ft. by 15 ft. denuded area behind the shed where the ground was disturbed. She said there is a second drain pipe located near the common open space area.

Ms. O'Hare said when the Developer found out the original shrubbery were not there, he went out and planted additional shrubbery on the lot line. She said the shed has electricity and the

Applicant would like to retain it where it is or in the proposed location out of the URA. Ms. O'Hare distributed photographs taken Oct. 14, of the shed and area in question.

**MR. PARENT:**            **MOTION THAT APPLICATION #A13-9.3/24 PADENS COURT  
BE DEEMED NOT A SIGNIFICANT ACTIVITY**

**MR. MURPHY:**        **SECOND**

**VOTE:**                    **UNANIMOUS**

Mr. Gilmore, personal friend of Mr. Polizzo, noting that his firm created the subdivision, told the IWWC that he went out to the site this past summer and examined all of the existing violations and recommended to Mr. Polizzo that he correct the situation: the vegetation, the irrigation system. He said the actual area where the shed was located was one of the "permitted activities" which was part of the original subdivision. He said part of that area was to be loamed and seeded as part of the project. He said there was some processed aggregate on the slope immediately behind the shed which was removed this past summer; the pipes which were from the roof leaders were also removed as well as the irrigation system. Mr. Gilmore said the Applicant is no longer maintaining the lawn area that was formerly the briars and will return to its natural state. He said the only violation remaining is the location of the shed in the URA and that area had been previously approved for some disturbance in the lawn area.

**MR. PARENT:**            **MOTION THAT APPLICATION #A13-9.3/24 PADENS COURT  
BE APPROVED WITH THE CONDITION THAT THE SHED  
BE RELOCATED OUT OF THE UPLAND REVIEW AREA**

**MR. MURPHY:**        **SECOND**

**VOTE:**                    **UNANIMOUS**

**6. #A13-10.1/150 WILLIAMS ROAD – William & Mary – Ellen Ginter – (garage)**

Appearing before the Commission were the Applicants William & Mary-Ellen Ginter.

In her Environmental Planner's Report dated October 28, 2013, Ms. O'Hare said the Applicants want to construct a three-car garage. She recommended approval of this application which is in the URA. She says the garage comes close to a drainage ditch which runs behind the proposed garage, but the drainage ditch was man-made. She said the lot was filled a long time ago for the home site. She said there are two drainage ditches on either side of the property that drains

the wetlands onsite. She said the drainage ditch to the north is located mostly off-site and a culvert is located under the driveway. Ms. O'Hare said there is a plot plan.

Commissioner Heilman recommended that Ms. O'Hare put a notation in the file noting several discrepancies with this application regarding the map.

Ms. O'Hare recommended this note be part of the condition of approval.

**MR. HEILMAN:        MOTION THAT APPLICATION #A13-10.1/150 WILLIAMS ROAD  
BE DEEMED NOT A SIGNIFICANT ACTIVITY**

**MR. MURPHY:        SECOND**

**VOTE:                UNANIMOUS**

**MR. PARENT:        MOTION THAT APPLICATION #A13-10.1/150 WILLIAMS ROAD  
BE APPROVED WITH THE FOLLOWING CONDITIONS AS  
OUTLINED IN THE ENVIRONMENTAL PLANNER'S REPORT AND  
RECOMMENDATION THAT A NOTE WILL GO INTO THE FILE**

- 1. WORK ON PERMIT NOT TO COMMENCE UNTIL A REVISED  
PLAN IS SUBMITTED FOR THE FILE DEPICTING THE  
CULVERT, THE TWO SWALES, UPLAND REVIEW AREA  
BOUNDARIES AROUND BOTH SWALES, AND THE NOTE  
ABOUT WETLANDS (AS DISCUSSED FURTHER ABOVE) AS A  
CONDITION OF APPROVAL**
- 2. EROSION CONTROL MEASURES ARE IN PLACE AND MEET THE  
APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR TO  
ANY FURTHER WORK BEING CONDUCTED ON-SITE**

**MR. MURPHY:        SECOND**

**VOTE:                UNANIMOUS**

## **NEW BUSINESS**

- 1. #A07-6.6. /760 NO. FARMS ROAD – VW Homes LLC – (request for bond release)**

Appearing in front of the Commission was the Applicant Gerald Verna.

Ms. O'Hare said the Applicant was ready for the bond release. She said although there are minor things to be done, this was a construction performance bond.

**MR. PARENT:            MOTION THAT APPLICATION #A07-6.6/760 NORTH FARMS  
ROAD BOND REQUEST BE GRANTED**

**MR. MURPHY:        SECOND**

**VOTE:                UNANIMOUS**

Chairman Vitali requested that an item pertaining to a new Application, a "Cease and Correct Order", be put onto the agenda:

**#A13-7.4/720 NORTH MAIN ST. EXT. – GEM Properties, LLC., "Cease and Correct Order."**

**MR. PARENT:            MOTION THAT APPLICATION #A13-7.4/720 NORTH MAIN ST.  
EXT.-WETLANDS VIOLATION – CEASE AND CORRECT ORDER  
BE ADDED TO THE AGENDA**

**MR. MURPHY:        SECOND**

**VOTE:                UNANIMOUS**

Ms. O'Hare explained that this Application was approved on July 24, 2013 with GEM Properties. She said the temporary sediment basins were not installed because the pitch was incorrect. She said more fill was brought in to correct the pitch, and the sediment basins were installed. She said the storm pipe from the sediment basins was to connect to the storm system on North Main St. Ext. as was approved. She said the day this work was to be done, it was discovered that the access for the hookup was blocked by a utility cable which doesn't appear on various maps. Ms. O'Hare said the Applicant is in violation, they must connect. She said once the area is paved, the water must go somewhere. She said the "Cease and Correct" order was issued today in hopes the situation can be remedied.

Mr. Verna said he was going to go into the system from N. Main St. Ext., and the pipe dumps into the brook. He said he was unable to connect into the basin because of an AT&T duct line. He said the plan is to turn the pipe and go directly into the brook.

Ms. O'Hare said under the agenda under "Receipt of New Applications" there is an Application to modify the Application approved for this property being discussed. She said this application is eligible to be acted on at the Dec. 4 IWWC meeting. She noted that the action tonight, which is a "Cease and Correct Order" allows immediate corrective action with the order.

Chairman Vitali said the IWWC would be approving the modification to the permit #A13-7.4 to satisfy a "Cease and Correct Order."

Ms. O'Hare said she would phrase the action this way: "You are ordered to install the design represented in the Application pending before the Commission which is called #A13-7.4."

**MR. PARENT:**           **MOTION THAT APPLICATION #A13-7.4/720 N. MAIN ST. EXT. WETLANDS VIOLATION CEASE AND CORRECT ORDER BE APPROVED WHICH WILL ORDER THE APPLICANT TO MAKE THE MODIFICATIONS TO A PREVIOUS PERMIT AS OUTLINED IN THE PLAN IN THE NEW APPLICATION #A13-7.4./720 N. Main ST. EXT. REGARDING DISCHARGE TO THE STREAM.**

Commissioner Heilman noted this modification does not significantly alter this application therefore there are no concerns in needing a new vote.

**MR. MURPHY:**           **SECOND**  
**VOTE:**                   **UNANIMOUS**

Chairman Vitali returned to the regular agenda items under "Old Business."

### **OLD BUSINESS**

7. **#A13-10.1/RESEARCH PARKWAY & 2 RESEARCH PARKWAY** – Connecticut Foodbank – (office/warehouse)

John Schmitz, P.E. and Project Manager with BL Companies, Meriden, CT., appeared before the Commission representing the Applicant and explained the application. He said the Applicant appeared before the Commission two years ago with a separate application on this property for Worker's Compensation and were looking to construct an office on this site which was approved, but was not developed. He said CT Foodbank is looking to build on this site and looking to move their headquarters to Wallingford and consolidate their business. He said the building will be 8,000 sq. ft. with associated parking and improvements.

He said the impervious coverage of the site, which is approximately 9 ½ acres, is close to 180,000 sq. ft. He said there are no wetlands or watercourses on-site, but a resource has been identified where there is a storm drain which collects water from Joseph Carini Drive north of the property discharging storm water from a flared end on the property. He said Ms. O'Hare requested we show a 50-foot URA. He showed the Commission the proposed plan. He said there will be an 82,000 sq. ft. warehouse with an office building and parking. He said 1,500 sq. ft. of disturbance has been identified in the URA. He said they were in receipt of the Staff

Report last week and concur with the recommendations in it. He said the Applicant intends to remove the invasive species.

Ms. O'Hare as outlined in her October 30, 2013 Environmental Planner's Report, suggested mitigation and eradication of Autumn olive trees along Carini Drive in addition to the above. She said the Applicant did not wish to do this.

Chairman Vitali said he was more interested in water quality which he noted was under control.

**MR. PARENT:            MOTION THAT APPLICATION #A13-10.3 RESEARCH PARKWAY AND 2 RESEARCH PARKWAY BE DEEMED NOT A SIGNIFICANT ACTIVITY**

**MR. MURPHY:        SECOND**

**VOTE:                UNANIMOUS**

**MR. PARENT:        MOTION THAT APPLICATION #A13-10.3/RESEARCH PARKWAY AND 2 RESEARCH PARKWAY BE APPROVED**

**MR. MURPHY:        SECOND**

**VOTE:                UNANIMOUS**

#### **RECEIPT OF NEW APPLICATIONS**

1. **#A13-10.4/985 CHURCH STREET** – Jeffery Kazimer – (bamboo barrier installation) – Received by Chairman.

Chairman Vitali explained the Applicant wants to install a barrier 80 ml plastic to install running bamboo and may be eligible for an administrative approval.

Ms. O'Hare said she would visit the site to make a determination.

2. **#A13-11.1/720 NORTH MAIN STREET EXT.** – (modification to permit – stream drainage discharge regarding "Cease & Desist Order."
3. **#A13-11.2/WHARTON BROOK DRIVE – WHARTON BROOK** – Wallingford Housing Authority – (drainage improvements) – Received by Chairman.

Ms. O'Hare said Applicant will present at the Dec. 4 IWWC meeting

#### **2014 IWWC MEETING SCHEDULE**

The Commission discussed the draft schedule and discussed the possibility of changing meeting dates if necessary. Chairman Vitali questioned the July 2 date being near July 4. The Commission agreed to cancel the suggested August 6, 2014 regular meeting and have a Special Meeting possibly on July 16, 2014.

## **REPORTS & COMMUNICATIONS**

1. Bamboo enforcement - status – Not taken up.
2. DEEP - letter of closed file re: 252 Main Street, dated 10/10/13 – Not taken up.
3. Southwest Conservation District newsletter, "Soil & Water," Fall 2013 – Not taken up.
4. CT Association of Conservation & Inland Wetlands Commissions (CACIWC) – Annual Meeting & Environmental Conference, Nov. 16, 9 a.m.-3:30 p.m. – Not taken up.
5. CT Association of Conservation & Inland Wetlands Commissions (CACIWC) – newsletter, Fall, 2013 – Not taken up.

## **VIOLATIONS**

Taken up above under added Agenda item.

## **ADJOURNMENT**

Mr. Parent made a motion to adjourn the meeting at 10:44 p.m. Mr. Murphy seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary