

INLAND WETLANDS AND WATERCOURSES COMMISSION

TOWN OF WALLINGFORD

REGULAR MEETING

WEDNESDAY, DECEMBER 4, 2013

MINUTES

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, December 4, 2013 in Council Chambers, Town Hall, 45 South Main Street, Wallingford, Connecticut.

Seated Commissioners were: Jim Vitali, Chairman; Deborah Phillips, alternate; Michael Caruso, alternate; Nick Kern, Secretary; Dave Parent, Commissioner; Erin O'Hare, Environmental and Natural Resources Planner.

Absent: Vice-Chairperson Ellen Deutsch; Jim Heilman , alternate and Commissioner Dennis Murphy.

Chairman Vitali called the meeting to order at 7:01 p.m.

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

CONSIDERATION OF MINUTES

1. July 24, 2013 – Regular Meeting - Amended

Chairman Vitali said these Minutes were tabled for a few months for review because there were comments in the Minutes that did not take place at the Meeting. He entertained a motion to approve the amended Minutes.

MR. PARENT: **MOTION TO APPROVE THE AMENDED REGULAR MEETING MINUTES OF THE JULY 24, 2013 MEETING**

MR. KERN: **SECOND**

VOTE: **UNANIMOUS**

2. November 6, 2013 – Regular Meeting

Chairman Vitali entertained comments from the Commission regarding a memo Ms. O'Hare had submitted regarding these Minutes. Commissioner Kern suggested this issue be discussed later on in the Meeting.

**MR. PARENT: MOTION TO APPROVE THE REGULAR MEETING MINUTES
OF NOVEMBER 6, 2013 AS SUBMITTED**

MS. PHILLIPS: SECOND

**VOTE: VITALI, PARENT, PHILLIPS – YES
KERN - ABSTAIN**

PUBLIC HEARINGS

1. **#A13-10.2/SIGNIFICANT IMPACT – Main St., 202 Main St., 380 Main St., 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)**

Chairman Vitali opened the Public Hearing which was continued from Nov. 6, on this matter at 7:05 p.m. and said this was for the Significant Impact on the Linear Trail application for the Town of Wallingford.

Presenting the Application was John P. Thompson, P.E., Town Engineer, Town of Wallingford, CT., Michael J. Joyce, P.E., Milone&MacBroom and William Root, Environmental Scientist, Wetland Ecologist, Milone&MacBroom.

Mr. Thompson said their attendance tonight was a continuation of two previous presentations to the IWWC. He said he was hopeful all of the pertinent issues involving this project were addressed.

Mr. Joyce said since the Nov. 6, 2013 meeting, a review letter was received from Ms. O'Hare in which a follow-up meeting took place to go over her comments. He said revised plans were resubmitted in response to her comments and correspondence was received from Ms. O'Hare stating our responses were adequate.

Ms. O'Hare said her Environmental Planner's Report dated November 27, 2013, went into detail regarding this meeting. She also spoke about her interim letter dated Nov. 21, 2013 which detailed her comments, in which the Applicant's responded in their letter dated Nov. 26.

Chairman Vitali asked the Applicant about the need to construct scaffolding to support the bridge as it is being assembled. He asked whether there would be any problems constructing the scaffolding, as it would be installed during the high flood season.

Mr. Joyce said a detailed discussion about the scaffolding took place with Ms. O'Hare. He noted that in the concurrent application to the CT. Dept. of Transportation and the Army Corps of Engineers, a Flood Contingency Plan was included. He noted the specifics of this plan have been added into the plan for the IWWC approval and has been given to Ms.O'Hare in the form of a narrative. He said the plan goes into detail about removing anything in advance of a storm.

Commissioner Kern expressed concern about the stabilization of the soils in the area and asked the Applicant how they would control erosion once the soil is disturbed near the water's edge.

Mr. Joyce said, as indicated on the plan and aside from the large events, the trail alignment has been pulled away from the immediate edge except for the crossing of the river which is on one side near the highway, which is rather elevated. He said on the other side of the trail, the soils, as indicated in Mr. Root's report, are alluvial soils, and not necessarily poor draining soils.

Mr. Root explained further that the soils in the area are alluvial, also known as floodplain soils and the rerouting of the trail as part of the application, took all of the work out of the areas that have hydric or mucky soils. He said the stability of the trail and the soils in this area is high. He said this area is a low velocity floodzone and was not worried about long-term erosion which will be at grade, except for where the abutments will be located.

Mr. Joyce noted that during the November 6 presentation to the IWWC, much detail was given regarding what measures will be implicated to stabilize the abutments and the footings for the structures. He said the footings for the bridge structures will be placed on piles in the specific areas that are near the wetlands and the watercourses.

Commissioner Kern said the corner of his property abuts the area where this work will be taking place. He said the bank has no stability. He said in the past 25 to 30 years, the area has gone from a 25 - foot river to a 75-foot river at that one corner. He said the trees also have no stability. He said everytime water comes up in a 100-year storm, the trees lay down into the river and end up on the neighbor's property. He asked who would maintain this area post-construction when a tree from the upper section on Industrial Road, washes down and slams into the bridge that will be constructed.

Mr. Joyce said, as indicated on the plans, the work is not isolated to the banks of the river. He said the footings and abutments have been spread well away from the river specifically near the side of Commissioner Kern's property. He said because of False Mermaid, which is protected vegetation; the bridge abutment will be pulled away from that area resulting in a longer span bridge in that area.

Commissioner Parent asked where the pre-fabricated bridge will be constructed.

Mr. Joyce said the bridge will typically be shipped in 50-foot sections and will be constructed by a CT DOT approved manufacturer. He said the pieces will be assembled in the field and projected and launched to the scaffolding above it. He said this bridge assembly should be completed in one to two days.

Chairman Vitali again asked about the scenario involving a tree falling into the river and getting caught under the footbridge and who would be responsible for removing the tree.

Mr. Thompson said nothing would change involving trees coming down the river. He said the Town is responsible if the tree originates on Town property. He said if trees wash down the river, there is no entity responsible for it.

Chairman Vitali entertained comments from the Public at 7:15 p.m. There were no comments from the Public.

Ms. O'Hare entered into the record the Flood Contingency Plan and the Wetlands Soil Map that was submitted on Nov. 17. She said the Fire Prevention Bureau comments were entered into the record at the Nov. 6, IWWC meeting. She also entered the Condition of Approval as recommended in the Environmental Planner's Report, into the record.

Mr. Thompson said the remaining outstanding permits for this project will be obtained within the next month or so and, once obtained, after approval from the CT DEEP and the Army Corps or Engineer, the plan is to put the project out to bid over the winter. He said the contract could be awarded in the Spring of 2014, with a year and a half construction time with the finish date sometime in 2015.

Ms. O'Hare reminded the IWWC that this project is a Significant Activity. She read from the "Significant Activity, section 10.3 which read: "In the case of any application which received a public hearing, a permit shall not be issued unless the IWWC finds that a feasible and prudent alternative does not exist." She said the alternatives were discussed at the Nov. 6 public hearing.

Chairman Vitali closed the Public Hearing at 7:24 p.m.

CONSIDERATION OF PUBLIC HEARING ITEMS

1. **#A13-10.2/SIGINIFCANT IMPACT – Main St. – 202 Main St., 380 Main St., 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)**

MR. PARENT: MOTION THAT APPLICATION #A13-10.2/SIGNIFICANT IMPACT 202 MAIN STREET, 380 MAIN ST STATE OF CT D.O.T. R.O.W., 37 WAREHOUSE POINT RD., FIREWORKS ISLAND, QUINNIPIAC RIVER – TOWNOF WALLINGFORD BE APPROVED SUBJECT TO CONDITION ONEOUTLINED IN THE ENVIRONMENTAL PLANNER'S REPORT DATEDNOV. 27, 2013 TOGETHER WITH A FINDING THAT FEASIBLEALTERNATIVE IMPROVEMENTS HAVE BEEN CONSIDERED AND THAT NONE EXIST

- 1. FINAL RECOMMENDATION REGARDING REQUESTED RESTORATIVE PLANTING PLAN (TO INCLUDE NUMBERS AND SPECIES OF NATIVE TREES SHRUBS, AND FORBS, INSTALLED IN RANDOM PATTERNS TO MIMIC NATURAL SPACING) TO BE DETERMINED BY CTDOT BASED UPON DESIGN REVIEW AND REVIEW AND ASSESSMENT OF FIELD CONDITIONS BEFORE, DURING AND AFTER CONSTRUCTION PHASE. PLAN TO BE REVIEWED IN CONJUNCTION WITH ANY FENCING REQUIREMENTS IMPOSED BY CTDOT. RESTORATION PLANTING PLAN RECOMMENDATION TO BE RENDERED UPON THE COMPLETION OF CONSTRUCTION IN THE PERTINENT AREA. PERMITTEE TO ADVISE THE ENVIRONMENTAL PLANNER ON PROGRESS IN THIS REGARD AND TO SUBMIT THE PROPOSED RECOMMENDATION TO THE ENVIRONMENTAL PLANNING OFFICE AS SOON AS POSSIBLE**

Chairman Vitali noted before the vote, that the Significant Activity determination was voted on by the IWWC at the November 6, 2013 Meeting.

MS. PHILLIPS: SECOND

VOTE: UNANIMOUS

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

Representing the Owner/Applicant was Atty. Dennis Ceneviva, 721 Broad Street, Meriden, Chris Juliano, P.E., Juliano Associates, Project Engineer, and John Gavin, Principal.

Chairman Vitali asked if the Applicant was aware that a few property owners may not have been properly notified of this public hearing and that the Applicant would be proceeding at their own risk.

Atty. Ceneviva said he was aware of this situation. He presented an overview of the project. He said the two parcels of property, 59 & 65 North Plains Highway, are located in the I-40 zone and total 370,000 sq. ft. in lot area. He said at the Nov. 6, meeting, changes made from the initial submission were discussed. Atty. Ceneviva distributed a modified plan to the IWWC. He said the two activities being discussed at tonight's meeting involve the stream crossing and a request to perform filling and excavation in the upland review area. He said there is an unnamed sandy bottom stream that he referred to as Paden's Brook, that bisects the combined parcels. He noted this area, which is not pristine, has been impacted by previous utility installations.

He said there have been some Town culvert work, clearing, and historic development upstream in the watershed area. Atty. Ceneviva said in an effort to address some concerns raised by the IWWC at the Nov. 6 Meeting, some changes were made in an effort to minimize any impact on

the wetlands and watercourse areas. He said the proposed box culvert, the stream crossing, has been reduced in length from 196 ft. to 160 ft., including the headwalls. He noted that 50-ft gantry cranes will be crossing that area where the proposed box culvert, stream crossing, will be located in order to access the proposed storage areas on this property and so the absolute minimum that can be worked with is 160 ft.

Atty. Ceneviva said there will be plantings to maintain a corridor of plants along both banks of Padens Brook particularly where the proposed culvert is to be installed. He said as much Japanese knotweed will be removed from the area as possible as suggested by Don Mysling, CT DEEP Inland Fisheries Biologist. Atty. Ceneviva also spoke about the installation of a light well tunnel across the center of the culvert. He said the light tunnel is designed to address the darkened conditions within the culvert allowing the sunlight to enter within the 160 ft. strip.

He noted that at the Nov. 6 Meeting, a series of cored openings at the bottom of the culvert was discussed along with the proposal of having a 12-inch diameter opening every four sections. Atty. Ceneviva said he spoke with Mr. Gavin about recharge and it was determined that the cored opening could be provided at the bottom of each section of the culvert. He said this is designed to promote the recharge that is important to the sandy brook bottom and in an effort to mitigate concerns about potential impact on aquatic insect production and the remaining vibrancy of this waterbody.

In answer to Chairman Vitali's question, Mr. Gavin said he has done light tunnels and recharge in the past.

Atty. Ceneviva said at the Nov. 6 Meeting, filling and excavation was discussed. He said it was proposed to do grading by taking soil from the north side of the property and relocate it to across the brook to the south side of the property to regrade and provide an area where millings could be put down. He pointed out that millings will be used to create a permeable hard surface for the proposed storage area. He said the millings would be placed on top of a gravel base which would increase the permeability in that location. He said the millings would not be thick, just a thin layer over the gravel bottom to provide a hard surface. Atty. Ceneviva said the parking lot will not be sanded or salted and that is why asphalt is not being proposed. He noted because it will be a storage area, there will be little vehicle traffic, i.e. four or five trucks a day.

Atty. Ceneviva said, with Mr. Juliano's assistance, a grass strip was designed which circles the storage area to act as a biofilter. He said the storage area will be graded to create a turtle back effect allowing the water to sheet flow evenly off of the millings into the grass strip. Atty. Ceneviva said Mr. Gavin is willing to maintain the grass strips in a manner that is appropriate and prudent. He said there is also a proposal to install some recharge galleys along the grass strip as depicted on Mr. Juliano's plan to minimize the effect of the millings being installed in the upland review area. He noted the amount of area being impacted in the upland review area is approximately 19% of the total upland review area on the site.

Atty. Ceneviva spoke about Ms. O'Hare's request that the Applicant install wetland placards along the edge of the grass strip. He said the Applicant would be happy to comply. He noted that other alternatives have been looked into, i.e. constructing a bridge across the stream instead of a culvert, but noted that might be more impactful. He said the overall size of the storage area was reduced. He added the incursion into the upland review area was also reduced down to approximately 19%.

Chairman Vitali asked about the 19% calculation regarding the upland review area and asked if both parcels on the north and south side of the brook were taken into consideration.

Mr. Juliano said he prepared that number and calculated the area of the total upland review area of the property and calculated where the millings would be placed within the upland review area.

Chairman Vitali asked about the grass swale around the perimeter of the storage area and questioned whether some of the millings would be pushed into the grass swale area when the parking area was snowplowed.

Mr. Gavin said the galleys would be a natural sediment chambers in themselves.

Mr. Juliano said with the placement of the galley systems down where the culvert system is located, the grass strip will be treated as a swale where the runoff will be collected and then flow into the recharge system and for the higher design flows, it will stay as a sheetflow mechanism.

Commissioner Kern asked why there were two emergency access points.

Mr. Juliano said the existing gravel driveway is over the AT&T easement and was never moved to the multi-use easement. He said it is useable by the Town and goes through a portion of the wetlands, it does not make sense to remove it and do more harm to the wetlands to push it over to where the multi-use easement is located. He said Mr. Gavin has agreed to leave this area open and to designate the area with line striping. He said the two big concerns of the Town is that the emergency access way remain open and that proper cover is maintained over the utilities.

Commissioner Kern asked about the type of trees to be planted and expressed concern about fencing.

Mr. Root said the trees will be oaks and maple trees, growing to 30 to 60 ft. at maturity.

Mr. Juliano said the fencing would be more of a maintenance issue and will not be done, but the placards could be placed on the back of the grass strip so as not to be damaged from snow plowing.

Chairman Vitali entertained comments from the public at 7:58 p.m.

Nicholas Murano, 219 Church Street, Yalesville, said Mr. Gavin's business provides jobs and is good for the economy, and that the business is involved in many environmental products and he hopes the IWWC will favorably consider this project.

Ms. O'Hare made several comments regarding this project. Addressing Commissioner Parent's comments regarding the recharge, Ms. O'Hare said one reason the recharge galleys have been presented at this later date is because one of the regulated activities the applicant is seeking permission for: the surface area provisions. She noted that if over 20,000 sq. ft. of surface area, whether it is semi-impervious or impervious, gravel, paved or millings, the Applicant must obtain a permit. She said this was done with Chick-fil-A because a large area was being paved. She said approximately three and a half acres will be paved with millings. Ms. O'Hare asked for a copy of the detailed sheet on the recharge galleys.

Ms. O'Hare asked how the water will enter the recharge galleys.

Mr. Juliano said there will be a curbless catch basin grate set at grade and the grass strips will keep the sediment off. He said he could add catch basin inserts, but noted that any millings entering the catch basin could be sucked out when they are cleaned.

Mr. Gavin said the galleys are a sediment- catching structure.

Ms. O'Hare requested a maintenance management plan for the catch basins. She also requested a water handling plan.

Mr. Juliano said he submitted the water handling plan as a document, and to submit this as a plan would require a multi-plan set going through the phases, each piece as it goes along. He said it is better to have it as a word document because it doesn't depict well at all on a plan.

Mr. Gavin indicated installation of the 20 culverts will take one week, stream flow will be by-pass pumped and routed to a big settling tank.

Ms. O'Hare said she also hasn't received an engineering review of the project from the Town Engineering Dept. She said she wrote an Oct. 24 memo to the Dept. regarding this issue, but has not heard back.

Chairman Vitali said he did not believe the project should be delayed because there were no comments from the Town Engineering Dept.

Commissioner Kern spoke about Ms. O'Hare's comment on recharge. He said he has been on the IWWC for 25 years, and recharge is one of the key plays on this. He said the IWWC has been on the recharge from day one, and is not a new regulation. He noted that if the Town Engineering Dept. did not respond to Ms. O'Hare, there must have been a reason. He said we are dealing with a firm where 25% of the staff at the plant are engineers; they hired a professional engineer to design this and they have been raked over the coals. He said the applicant has not said no to anything, this applicant has done projects in Town for the past 25

years with no problems and are now being asked for items at the eleventh hour. He said Ms. O'Hare should have asked these questions months ago.

Ms. O'Hare said she has been asking for months. She said the applicant has failed to give her some of the answers she has requested, i.e., the dimensions of the coffer dam assembly.

Mr. Juliano said he received the 13 page document on Tuesday afternoon (reference was to the Environmental Planner's Report). He said he submitted the verbiage on the water handling process prior to last month's IWWC meeting and has not received any phone calls asking for this process, which may be in the 13-page document which he has not had a chance to look at.

Ms. O'Hare said the only information she has received since the Nov. 6, IWWC meeting was the planting restoration plan and a list of plants. She said the most important item missing is the Engineering Review but if the IWWC feels comfortable with the watering plan as discussed, it could be made a "condition of approval." She said she does not feel comfortable moving ahead without a professional engineering report.

Chairman Vitali questioned Ms. O'Hare on whether she made these requests about the coffer dam on the record. He said it was not requested at the last meeting of Nov. 6th Meeting.

Commissioner Kern read the Minutes from that portion of the meeting. He said he cannot support Ms. O'Hare on this issue, and noted there should have been a response within the last 60 days from the applicant on this issue.

Ms. O'Hare entered the following documents into the record:

The Public Hearing notice which was posted as required and the Applicant sent out notices to property owners within 500 feet. She noted a few property owners were not contacted, but as the Chairman indicated, the Applicant is willing to take that risk.

A copy of comments by Vincent Mascia to the Town Planner which refers to the multi-use access way and the weight of the equipment traveling over the sewer easement and that the area be kept open.

Comments by the Wallingford Fire Prevention Bureau dated Oct. 2, 2013 indicating they approve but contingent on additional information being provided, i.e. emergency access through the property needs to be clarified.

A letter received Oct. 21 from Don Mysling DEEP Senior Fisheries Biologist, who is requesting the Applicant and the IWWC consider the Stream Crossing Guidelines forwarded to them. She entered the DEEP Stream Crossing Guideline booklet into the record.

Another letter from Mr. Mysling dated Oct. 30, 2013 which discusses designs which could be improved upon to minimize loss of stream productivity and various environmental impacts from this project.

Various documents handed in tonight: the revised site plan, and a narrative prepared for the public hearing and presented tonight.

All of the documents which have come in since this Application was submitted at the Sept. 4, IWWC Meeting, i.e. all the various file documents and the Environmental Planner's Reports, and the mitigation planting plans submitted last week.

Chairman Vitali closed the Public Hearing at 8:30 p.m.

CONSIDERATION OF PUBLIC HEARING ITEMS

2.#A13-8.2/SIGNIFICANT IMPACT – 59 & 65 North Plains Highway – Wallingford Group, LLC. – (stream crossing & excavation filling activities for industrial use – concrete storage yard)

Atty. Ceneviva noted there was a request for placards as one of the five conditions of approval as outlined in Ms. O'Hare's Nov. 27, 2013 Environmental Planner's Report and that they would be happy to comply with this request. He said there was also a request for perimeter fencing which the IWWC has discussed. Regarding the stormwater management facilities, Atty. Ceneviva indicated the Applicant will provide whatever plan the IWWC deems fit; regarding a request to pull the storage yard back 25 ft. from any wetlands, Atty. Ceneviva said there are some areas, around the entrances, which come closer to the 25 ft. so this particular condition cannot be complied with. He said the applicant has pulled it back further and is at 19 % of the activity within the URA and the retention of the two mature trees on the north bank, he did not believe these were identified, but there will be a new planting plan to replace the trees lost. He said there are just two out of the five conditions that have not been met.

MR. PARENT: **MOTION THAT APPLICATION #A13-8.2/SIGNIFICANT IMPACT 59 & 65 NORTH PLAINS HIGHWAY – WALLINGFORD GROUP, LLC., BE APPROVED SUBJECT TO DELINEATED CONDITIONS # 2 AND #4 IN THE ENVIRONMENTAL PLANNER'S REPORT DATED NOV. 27, 2013, TOGETHER WITH THE FINDING THAT THERE IS NO FEASIBLE ALTERNATIVE THAT IS ACCEPTABLE TO THIS APPLICATION**

CONDITION # 2: **STORMWATER MANAGEMENT FACILITIES**

CONDITION #4: **INSTALLATION OF IWWC PLACARDS EVERY 50 FEET.**

MR. KERN: **SECOND**

Before the vote took place, Ms. O'Hare requested clarification on the stormwater management facilities and what this would entail. She asked the original motion be amended.

Chairman Vitali noted that if the map is approved as drawn, that would take care of the stormwater management facilities issue. He said if the Condition of Approval is to add the placards every 50 ft., that satisfies both concerns, but if the IWWC tries to go back and explain what the stormwater facility management system is, Ms. O'Hare is making reference to something internally in the report and he did not believe that is what is specifically drawn on the map. He asked the motion be withdrawn and a new motion be made. Chairman Vitali said the storm water management as far as the IWWC believes, is accurate the way it is drawn on the plan, i.e. the bio filter, swale and recharge areas. He said the new motion would be to approve the map as submitted with the Condition of Approval to add IWWC placards every 50 ft. and there were no acceptable, feasible and prudent alternatives to this plan.

ORIGINAL MOTION WITHDRAWN BY COMMISSIONERS PARENT AND KERN

**MR. PARENT: MOTION THAT APPLICATION #A13-8.2/SIGNIFICANT IMPACT
59 & 65 NORTH PLAINS HIGHWAY – WALLINGFORD GROUP, LLC
BE APPROVED TO INCLUDE THE MAP AS SUBMITTED WITH THE
FURTHER CONDITION OF APPROVAL THAT THE IWWC
PLACARDS BE INSTALLED EVERY 50 FEET AND THERE IS A
FINDING THAT THERE IS NO ACCEPTABLE AND FEASIBLE
PRUDENT ALTERNATIVE**

MR. KERN: SECOND

VOTE: UNANIMOUS

OLD BUSINESS

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

Ms. O'Hare said the request is not ready to go forward at this time.

2. **#A13-10.4/985 Church Street** – Jeffery Kazimer –(bamboo barrier installation) – (APPROVED ADMINISTRATIVELY)

Chairman Vitali said this application, which was submitted to protect the bamboo from spreading to surrounding land areas, had been discussed between he and Ms. O'Hare which he approved administratively.

3. **#A13-11.1/720 North Main Street Extension** – (modification to permit – stream drainage discharge) – (WITHDRAWN)

Chairman Vitali said this had been withdrawn, but it also applies to "Violations" under Item J on the Agenda. He noted the violation was corrected and tied to the modification of the permit.

Ms. O'Hare requested the IWWC release the "Cease & Correct Order." She said this order has been satisfied.

MR. PARENT: **MOTION TO RELEASE THE "CEASE & CORRECT ORDER" ON APPLICATION #A13-11.1/720 NORTH MAIN STREET EXTENSION**

MR. KERN: **SECOND**

VOTE: **UNANIMOUS**

4. **#A13 - 11.2/Wharton Brook Drive** –Wallingford Housing Authority – (drainage improvements)

Representing the Applicant was Donald Smith Jr., P.E., 56 Greenwood Circle, Seymour, and Michael Southam, Wallingford Housing Authority.

Mr. Smith said the Applicant is seeking approval to replace an existing failed drainage outlet located to the rear of 35 Wharton Brook Drive. He said he believed this drainage outlet was part of the original construction of the housing authority project in the 1950's. Mr. Smith said the drainage outlet is bituminous swale which collects the runoff from a number of the different housing units. He said the bituminous swale terminates at a concrete catch basin in the bottom of the swale. He said over time, the swale became consumed with debris which was washing down the swale, and coupled with lack of maintenance, the storm water flow bypassed the catch basin and created its own eroded channel down to Wharton Brook. Mr. Smith said the existing catch basin discharged through a 20-inch tile pipe out to a concrete headwall. He said the headwall is sitting upstream from the eroded channel and is in bad condition. He said the Applicant is proposing to remove the existing upstream catch basin, the original drainage pipe, the downstream headwall, and install a four-foot wide rip-rap lined swale that would collect the runoff from the end of the bituminous swale and bring it down to Wharton Brook.

Mr. Smith said the four foot wide swale would receive approximately nine inches deep of water in the 100-year event. He said the project impacts include 1,920 sq. ft. of regulated area and approximately 3,200 sq. ft. of upland review area impacts. He said the project schedule calls

for this work to be performed during July and August when flows are at their lowest point, as well as a five-day clear forecast window. He said the project should be completed in three days.

Ms. O'Hare reviewed her Environmental Planner's Report dated Nov. 27, 2013. She said there were no issues and recommended approval with the conditions that erosion controls are in place and meet the approval of the Environmental Planner prior to any work being conducted on-site.

MR. PARENT: **MOTION THAT APPLICATION #A13-11.2/WHARTON BROOK DRIVE - WHARTON BROOK – WALLINGFORD HOUSING AUTHORITY - DRAINAGE IMPROVEMENTS BE DEEMED NOT A SIGNIFICANT ACTIVITY**

MS. PHILLIPS: **SECOND**

VOTE: **UNANIMOUS**

MR. PARENT: **MOTION THAT APPLICATION #A13 -11.2/WHARTON BROOK DRIVE – WHARTON BROOK – WALLINGFORD HOUSING AUTHORITY – DRAINAGE IMPROVEMENTS BE APPROVED SUBJECT TO THE STANDARD CONDITIONS SET FORTH BY THE ENVIRONMENTAL PLANNER WHICH RECOMMENDS THAT EROSION CONTROL MEASURES ARE IN PLACE AND MEET THE APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR TO ANY WORK BEING CONDUCTED ON-SITE**

MS. PHILLIPS: **SECOND**

VOTE: **UNANIMOUS**

NEW BUSINESS

1. **#A08-4.1/30 Thurston Drive** – (request for retroactive extension of one-year commencement)

Chris Juliano, Licensed Surveyor and P.E., of Juliano Associates, spoke on behalf of the owner/applicant.

Ms. O'Hare said the owner chose not to file an application. She noted in her EPR dated December 4, 2013, handed out tonight that there is a request for retroactively approving the extension of the one-year commencement. She noted this application was originally approved in 2008, so the one-year commencement came to a close in 2009. She said if an extension is not requested, the permit lapses and becomes void. She said the permit is valid for up to 14 years. Ms. O'Hare said because of the one-year commencement clause, these applications don't have a life of 14 years, they have to start within a year or seek an extension of the one-year commencement date and often permittees to come back for an extension.

Chairman Vitali asked Ms. O'Hare about the retention pond which does not do any retention at all. He asked if, in the original application, if the issues with the retention pond were going to be corrected.

Ms. O'Hare said she did not recall.

Mr. Julianosaid in the original permit, modifications were being made to the detention basin to correct the issue of the pond not detaining. He said the owner, Mr. Thurston, approached him a few weeks ago with the idea of wanting to construct a small portion of a truck parking area to the north side of the building. He said looking at what was already constructed, and believing a valid permit still existed, he went ahead and drew up the plans and submitted them to the PZC.

He said that all the work on that plan, which would be requested, falls under the existing permit. He said this is a small sub-set, a temporary parking lot in the same location as the proposed parking lot, so the grading is very similar with some minor modifications. He noted all the materials would be stored on-site, 10 feet away from the URA.

He said when Ms. O'Hare notified him that the permit had lapsed, the owner wrote a letter for retroactive approval, and if the IWWC granted this approval, he believed the conditions of the existing permit would cover the work. He said if this happened in year one, this would be the commencement. Mr. Juliano said he is not asking the IWWC for anything they have not already approved and he is not trying to modify the permit. He states the owner has a need for truck parking at this time.

Chairman Vitali asked if the retention pond will be fixed because this is part of the application which was permitted and field modifications done which were not subject to approval of the IWWC.

Mr. Julianosaid Mr. Thurston has taken the position that if he does not get the retroactive, his permit is dead and he will not build the parking lot because he doesn't want to go through the process again.

Chairman Vitali requested verification that the retention pond will be upgraded as originally designed in the approved application.

Commissioner Kern asked if the partial is approved what would be done with the parking area because he said he was not comfortable leaving the dirt near the URA. He said he would like to see the dirt leave the site.

Mr. Juliano said once the dirt is taken off site, then down the road, Mr. Thurston would have to pay to have new soil brought back on-site.

Ms. O'Hare told the IWWC that if they extend the one-year commencement from 2009 to 2014, the old permit (2008) would be alive for 14 years from 2008.

Commissioner Kern recommended a new application be filed and that the retention pond be fixed because the brook has been eroding for five years.

Chairman Vitali said his position would be to grant the retroactive extension to ensure the retention pond is corrected.

Mr. Juliano said Mr. Thurston understands the problem with the retention pond and does not have a problem if one were tied to the other. He said he will discuss the issue with Mr. Thurston with a definitive plan or a decision not to go through with the plan.

TABLED TO THE JANUARY 8, 2014 IWWC Meeting.

RECEIPT OF NEW APPLICATIONS

1. **#A13 – 12.1/3A North Plains Industrial Road** –Keith Devit – (after-the-fact shed)
– Received by the Chairman.

Ms. O'Hare said the Applicant wanted to keep his shed and submitted the fee and was willing to chance the IWWC not approving the application.

VIOLATIONS

1. **#A13-11.1/720 North Main St. Extension** – (Cease & Correct – stream drainage discharge) – Taken up above under "Old Business."

REPORTS & COMMUNICATIONS

ADJOURNMENT

Mr. Parent made a motion adjourn the meeting at 9:07 p.m. Ms. Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary