

Wallingford Inland Wetlands & Watercourses Commission

Wednesday, April 5, 2017 – 7:00 p.m.

Robert F. Parisi Council Chambers – Second Floor, Town Hall

45 South Main Street, Wallingford, CT

MINUTES

PRESENT: Vice-Chair David Parent (Acting as Chair); Secretary Nick Kern; Commissioners Deborah Phillips; Mike Caruso; Daryll Porto, Alternate and Jim Heilman, Alternate.

NOT PRESENT: Chairman James Vitali

Acting-Chair Parent called the Meeting to order at 7:03 p.m. and the Pledge of Allegiance was recited.

Voting members: Phillips; Kern; Parent; Caruso and Heilman.

CONSIDERATION OF MINUTES

MS. PHILLIPS: MOTION TO APPROVE THE MARCH 1, 2017 MEETING MINUTES AS PRESENTED

MR. CARUSO: SECOND

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

OLD BUSINESS

- 1. #A17-2.1/605 North Elm Street – Pasquale DiNatale – (residential subdivision – 5 lots)**

Ms. O'Hare said she received a letter from the Applicant requesting this item be tabled.

Acting-Chair Parent entertained a motion to table the application

MS. PHILLIPS: MOTION TO TABLE ITEM #A-17-2.1.605 NORTH ELM STREET – PASQUALE DINATALE – (RESIDENTIAL SUBDIVISION – 5 LOTS)

MR. CARUSO: SECOND

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

CARUSO-YES

Acting-Chair Parent tabled the matter and took the agenda in the following order:

VIOLATIONS

4. 605 North Elm Street – Pasquale DiNatale – (unpermitted tree & vegetation clearing)

Ms. O'Hare said there were neighbors in the audience and noted she requested the Owner's representative to be present at tonight's meeting and pointed out he was not in attendance. Ms. O'Hare referred to her April 5, 2017 Environmental Planner's Report. She said she verbally notified Mr. DiNatale's representative of the violation two days ago, but had not as of yet sent out a Notice of Violation letter. She said she first visited the site on Feb. 21, 2017 and noticed a silt fence had been installed because the property owner had started clearing trees. She noted that in CT a property owner can clear trees as long as they are not near the 50 ft. upland review area. Ms. O'Hare said after the snow melted, she noticed the silt fence had never been trenched in.

Ms. O'Hare said she re-visited the site on April 4, during a rainstorm to view the large pond and how the overflow behaved during the storm. She said she also found a lot of clearing of mature trees and all the vegetation within 50 ft. of the wetlands and watercourses. She noted this was the first time in 12 years with a pending application that this clearing and cutting occurred.

Ms. O'Hare passed around photos of the site. She noted that on the west side of the property, one large single tree was also removed 30 ft. from the west edge of the pond, along with the removal of vegetation near the drainage swale in the wetlands and the banks of the swale. Ms. O'Hare requested she be directed by the IWWC that a Notice of Violation be sent out by the end of the week to direct the property owner. She pointed out that the property owner told her the silt fence is being toed in. Ms. O'Hare said a positive item was that no dirty water was entering the wetlands. Commissioner Heilman said he was waiting to see the effects of Thursday's rainstorm on the area and found it shocking regarding what was done. He noted the report by the Soil Scientist was outstanding.

Acting-Chair Parent said he was shocked to hear what had happened, noting the property owner seemed to have very careful plans of what was going to take place. He took comments from the public at this time.

Public Comment

Alfred Fabbriello, 78 Seiter Hill Road, said his property is directly adjacent to the clearing, and noted the property was cleared in a week. He said a good portion of his property was wetlands and wanted to know what the ramifications of the re-routing of drainage would be to his property. He said he wasn't aware of any violations and wanted to know what would happen to

Mr. DiNatale if the IWWC cited him. Ms. O'Hare said the Town doesn't have fines, but stated a letter will go out from her office requesting the property owner to appear in front of the IWWC and directs them to do certain things before appearing before the IWWC.

Acting-Chair Parent said the Ms. O'Hare has made a proposal for the Notice of Violation and assured Mr. Fabbriello that the IWWC takes this seriously and will take action. Ms. O'Hare suggested an IWWC Special Meeting site investigation.

Acting-Chair Parent entertained a motion authorizing the Environmental Planner to issue a Notice of Violation.

**MS. PHILLIPS: MOTION TO DIRECT THE ENVIRONMENTAL PLANNER TO
SEND A NOTICE OF VIOLATION TO PASQUALE DINATALE
605 NORTH ELM STREET, 605 LLC, - UNPERMITTED CLEARING
AND THAT A FUTURE SITE VISIT BE CONDUCTED AND THAT
MR. DINATALE'S REPRESENTATIVE AND HIMSELF BE PRESENT
AT THE SITE MEETING AND TO APPEAR AT THE NEXT MEETING
OF THE WETLANDS COMMISSION ON MAY 3, 2017**

MR. CARUSO: SECOND

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

Ms. O'Hare noted in response to Mr. Fabbriello's comments that she will also request the property owner look at the confluence between the two large ponds and the swamps. She noted the public can attend the Special Meeting at the site but cannot comment.

Acting-Chair Parent entertained a motion on setting the Special IWWC Meeting and a date.

**MS. PHILLIPS: MOTION THAT THERE BE A SPECIAL MEETING AT 6:05 P.M
ON MONDAY, APRIL 17, 2017 AT 4:30 P.M. FOR A SITE
INVESTIGATION
AT 605 NORTH ELM STREET**

MR. CARUSO: SECOND

VOTE: HEILMAN-YES; KERN-YES; PHILLIPS-YES; CARUSO-YES;

PARENT-YES

2. **#A17-2.2/902 South Colony Road** – 902 Colony Realty, LLC – (commercial development)

Appearing in front of the Commission was David Carson and George Cotter, OCC Group, representing Owner/Applicant 902 Colony Realty, LLC. He said the site is approximately 2 acres which is contiguous with Chef's Plaza located at 920 South Colony Road. Mr. Carson went over the site development plan which he said was reviewed by Ms. O'Hare, and noted the plans were revised in response to Ms. O'Hare's comments and a written response was also submitted to each of Ms. O'Hare's 11 comments. Mr. Carson said the site is improved with a 2,300 sq. ft. retail building, house and detached garage with a parking area with direct access off of Rt. 5. He said the rest of the parcel is open back to the wood line, back to the slope leading down to the wetlands associated with Wharton Brook.

Mr. Carson said Ms. O'Hare requested the Applicant do some field location in the area of the watercourse that feeds into Wharton Brook. He said the proposal is to tear down the two family house and garage, close off access to Rt. 5, and eliminate the parking, and construct a 9,750 sq. ft. plaza with access off the main access drive to Chef's Plaza. Mr. Carson spoke about the designed site drainage system to collect surface water from the pavement with the roof drainage tied in to an underground detention system. Mr. Carson said Ms. O'Hare requested the dumpster enclosure to be raised 8 ft. in height. He said a snow storage area will also be created. Mr. Carson said a 1,500 gallon oil/water separator was installed at the end of the parking lot. Mr. Carson said the end wall has eroded the outfall area below the headwall and has undermined all the way to the bottom of the headwall. Mr. Carson said this was inspected and said the end wall is stable but the material is all sand. He said the outfall from the pipe is dropping four feet to a self-made plunge pool which is two feet deep. Mr. Carson said the new plans include a detail to fill in the existing plunge pool with two inch stone at the base of the existing headwall, filter fabric and rip-rap. Mr. Carson said he discussed this with Applicant who agreed to work at the top of the hill with a crane to get the stone down to the existing plunge pool.

Mr. Carson requested the IWWC give the Applicant six months or to the end of the year to do this. He said the Applicant intends to demolish the house and garage once Planning & Zoning approval is obtained. Ms. O'Hare handed out the Applicant's addendum to the hydrologic report and responses to her comments from March 23, 2017. Ms. O'Hare referred to her Environmental Planner's Report of March 30, 2017. She said she didn't have a chance to look at the Applicant's changes. She asked if a stormwater management maintenance plan was handed in for the new plans. Mr. Carson said he had not and Ms. O'Hare said this was needed. She said she wanted more information on the outfall treatment, dimensions and the depth of the plunge pool.

Mr. Carson emphasized that nothing will be built, except to fill up an existing plunge pool with rip-rap. Ms. O'Hare asked if stone could be deposited in the Floodway. Mr. Carson said he believed permission would be needed from the IWWC. Mr. Cotter said the surrounding area down at the bottom of the slope between the headwall and Wharton Brook, the ground comes back up at least four feet. He said putting the rip-rap in at the water level and below in that area won't impact flood flows. Commissioner Kern said this looked like maintenance to prevent a future problem down the road. Ms. O'Hare suggested the Town Planner be consulted on this. Acting-Chair Parent said he was trying to discern whether this was a problem.

Commissioner Kern asked Mr. Carson if he was the original designer of the oil/water separator system and asked about the maintenance program and if it had been cleaned. Mr. Carson said he believed this was on the plans when it was approved administratively. Ms. O'Hare said she would like the outfall to be part of the storm water maintenance plan which has not been mentioned. She wanted the Commission to decide when the maintenance should be done now or next year. Acting-Chair Parent asked if there would be harm if this wasn't done in three months.

Mr. Carson said there would be no harm and noted erosion has been occurring for 60 years and six months won't change anything. He said he wants to fix this problem and not get a wetlands permit and have 12 years to do this. Mr. Carson said Applicant is ready to proceed. Commissioner Heilman asked if maintenance would require an application. Ms. O'Hare said the maintenance wouldn't require an application, but added she wanted more detail about the outfall noting there are questions about the drawing. Mr. Carson said he would provide blown up detail about the end of the pipe, headwall and the circular area where the water is at the end and where the rip-rap would be installed.

Ms. O'Hare said she would want this outfall to be part of someone's stormwater management maintenance plan because it hasn't been maintained. She said a drainage easement was needed. Acting-Chair Parent asked if there were other concerns. Ms. O'Hare said she showed the sketch to the Town Engineer who was not concerned with a six-month delay in doing this maintenance. She said the Town Planner had questions about the Floodway. Ms. O'Hare was asked by Acting-Chair Parent if the Applicant complied with everything on her list. Ms. O'Hare said she recommended a short recess so she could go over the new documents and revised plan.

Acting-Chair Parent recessed the Meeting at 7:59 p.m. and called the Meeting back to order at 8:07 p.m.

Ms. O'Hare said she reviewed everything and recommended four conditions of approval. She also recommended the outfall work be done in the dry season. Mr. Carson said the Applicant would be happy with the stipulation the work be done by Nov. 15. Commissioner Heilman said this is a one-day operation and could be done next week. Commissioner Kern said if a six-

month leeway is given, this will be done in that period and will fall together once permission is granted from Planning & Zoning.

Acting-Chair Parent entertained a Significant Activity motion on the application.

MS. PHILLIPS: **MOTION THAT #A17-2.2. 902 SOUTH COLONY ROAD – 902 COLONY REALTY, LLC – (COMMERCIAL DEVELOPMENT) BE DEEMED NOT A SIGNIFICANT ACTIVITY**

MR. CARUSO: **SECOND**

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

Acting-Chair Parent entertained a motion to approve or deny the application.

MS. PHILLIPS: **MOTION THAT APPLICATION #A17-2.2/902 SOUTH COLONY ROAD-902 COLONY REALTY, LLC – (COMMERCIAL DEVELOPMENT) BE APPROVED WITH THE FOLLOWING CONDITIONS:**

1. **A STORMWATER MANAGEMENT MAINTENANCE PLAN MUST BE SUBMITTED AND BE TURNED IN WITHIN A MONTH OF APPROVAL**
2. **REGARDING THE OUTFALL MAINTENANCE, THE APPLICANT WILL CONTACT THE ENVIRONMENTAL PLANNER AND THIS SHOULD BE DONE BY NOV. 15**
3. **ON THE ENVIRONMENTAL PLANNER’S REPORT #13 DATED MARCH 30, 2017, ITEM #13**

a: AS THE ROOT SYSTEMS OF THE MANY MATURE TREES CURRENTLY GROWING ON THE EDGE OF THE PARKING AREAS ON THE STEEP SLOPE ARE INTEGRAL TO THE INTEGRITY OF THE STEEP, SANDY SLOPE LOCATED UPGRADIENT FROM THE FLOODPLAIN. CONSIDER AS A MITIGATION, THE REMOVAL OF THE INVASIVE ORIENTAL

BITTERSWEET VINES OBSERVED STRANGLING MANY OF THESE TREES. SUGGESTED REMOVAL ENTAILS CUTTING AND DABBING CUT SURFACE WITH APPROPRIATE CHEMICAL TREATMENT AS CUTTING ALONE WILL INCUR VIGOROUS RE-GROWTH

b. REMOVAL OF MISCELLANEOUS TRASH AND DEPOSITIONS (XMAS TREES, POTTED CONTAINER PLANTS, PALLETS, BRUSH, PIPE PARTS, PLASTIC BAGS, MASONRY, RUBBLE, ETC.) FROM THE SLOPE ALONG THE EDGE OF THE EXISTING PARKING AREAS ON BOTH PROPERTIES

MR. CARUSO: SECOND

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

3.#A17-2.3/1460 Tuttle Avenue - David & Christine White – (driveway improvements & several yard improvements)

Appearing was David White, property owner. He said the application involves several items including fencing, deck stairs, retaining walls and the driveway. He spoke about the driveway noting there was an engineered map which was developed in accordance with the Fire Department's request, because the current driveway could not accommodate Fire Department vehicles. Ms. O'Hare said she went out to the site this past week and met with Christine White to go over the driveway plan. She said there is a need for fire safety and the need for a better driveway by the Applicant.

She said in conferring with the Deputy Fire Chief, it became apparent the current driveway was inadequate in terms of getting fire trucks, especially a ladder truck. Ms. O'Hare said a turnaround was needed which in turn, was triggered by Planning & Zoning requirement because of the length of the driveway. Ms. O'Hare said wetlands are being filled to do this and noted there is a history of filling the wetlands in the swamp on the other side of the driveway. Ms. O'Hare said she would regrettably have to approve the filling of the wetland in this case for the fire safety reason. She said the driveway will be 20 ft. wide to accommodate the ladder truck, and will slope down and have three to four foot long embankments. She said the water from the topside, which is the westside has existing culverts and will be extended to keep the flow going to the wetlands. Mr. White pointed out the driveway will be paved. Ms. O'Hare said along with the application, there are a number of yard improvements proposed.

Commissioner Heilman noted that a person owning a piece of property has the right to get in and out of it. He said the best possible place to do this would be looked at and noted this has already been done. He said it would be good to accept this. Mr. Heilman said the Commission

should look at the driveway as an essential. Ms. O'Hare said comments from the Fire Department indicate they also accept this revised design as well as the Health Department. She said the Electric Division also approved of the new design. Ms. O'Hare said the Water and Sewer Division suggested its comments be inserted in the approval. Ms. O'Hare read the conditions of approval into the record.

Acting-Chair Parent proposed approving the driveway and ask to table the other items. Mr. White said the other items were putting in fencing, moving some fencing, the stairway off the rear deck of the house and tiered retaining walls and restoring the original paddock.

Ms. O'Hare suggested going forward with the driveway and coming back at the May meeting for the other proposed elements. Ms. O'Hare said the Whites are also on the agenda for the Cease & Desist Order, noting that the last time the Commission dealt with this, Chairman Vitali said the Cease & Desist Order remains open until the driveway application is submitted, at which point this will be revisited. Ms. O'Hare mentioned the 12 trees planted in the swamp. Mr. White said the trees east of the driveway have been planted and the seed mix laid out. He noted a few trees still need to be planted along the driveway once the final dimensions have been approved. Ms. O'Hare noted the silt fence is in the middle of the swamp in two feet of water and said she would like this removed as soon as possible for the swamp wildlife.

Acting-Chair Parent entertained a motion on the application regarding approval of the driveway improvements.

MS. PHILLIPS: MOTION THAT APPLICATION #A17-2.3/1460 TUTTLE AVENUE, DAVID & CHRISTINE WHITE – (DRIVEWAY IMPROVEMENT PORTION OF THE APPLICATION) BE APPROVED WITH THE RECOMMENDATIONS OF THE WATER AND SEWER DIVISION AS STATED IN THEIR MARCH 10, 2017 MEMORANDUM AND THAT IS:

- 1. THE MANHOLE FRAME AND COVER THAT IS LOCATED IN THE AREA OF THE PROPOSED PAVEMENT WIDENING, SHALL BE ADJUSTED TO THE FINAL FINISHED GRADE; PLEASE NOTE THAT MASONRY UNDER THE FRAME, IS LIMITED TO A MAXIMUM OF 10 INCHES**
- 2. IT APPEARS THAT THE GRADE CHANGE OVER THE EXISTING**

**SANITARY SEWER IS APPROXIMATELY 1 FOOT EITHER UP
OR DOWN. THE HOMEOWNER SHALL CONFIRM THIS IS THE
CASE**

MR. CARUSO: **SECOND**

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

Acting-Chair Parent moved on to the Violations Section of the agenda.

VIOLATIONS

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

Acting-Chair Parent said the Cease & Desist Order would remain in effect with the exception of the driveway construction. Ms. O'Hare said she recommended the IWWC direct the Whites to remove the silt fencing which she said is cutting the swamp in half. Mr. White said part of the silt fencing is along the paddock area. Ms. O'Hare said that part of the silt fencing could remain.

Acting-Chair Parent entertained a motion on that the Cease & Desist Order remain in effect.

MS. PHILLIPS: **MOTION THAT THE CEASE & DESIST ORDER AT 1460 TUTTLE
AVENUE, DAVID & CHRISTINE WHITE, REMAIN IN EFFECT WITH
THE EXCEPTION OF THE DRIVEWAY, AND DIRECT THE HOME
OWNER TO REMOVE THE SILT FENCING THAT IS CUTTING
THE SWAMP IN TWO**

MR. CARUSO: **SECOND**

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

Acting-Chair Parent went back to the Old Business part of the agenda.

4. #A17-2.4/76-90 South Turnpike Road – Adams Landing Property Development, LLC- (subdivision, parking area expansion, compensatory flood storage area, and drainage improvements)

Appearing in front of the Commission was Robert Sonnichsen, P.E., Principal, Waldo & Associates engineers for the Applicant. Mr. Sonnichsen said in June 2010, the IWWC approved a regulated activity permit for the property and noted the Planning & Zoning Commission also approved a site plan in January 2011 for the property which was different from the plan approved by the IWWC. He said both plans approved the demolition of an existing on-site building and construction of a mixed-use building; commercial on the first floor and residential on the upper floors. He said some of the approved regulated activities were completed as part of the building construction of the site, and others not completed. He noted in 2016, the property ownership changed, and the client became the managing partner of the entity which owns this property.

Mr. Sonnichsen said the current application seeks to make modifications to the previous approved site plan and to complete many of the regulated activities in the 2010 approval. He went through what was and what wasn't completed. He stressed his client wanted to clean up the situation which was partially completed. He said the parcel was 3.122 acres and noted the Applicant is proposing to sub-divide the parcel. Mr. Sonnichsen said in 2010, the approved plan showed a three-lot subdivision which was not approved by the P&Z, just a site plan. He said his client is proposing a two-lot subdivision, noting the first property is where the existing building is located and is approximately 61,000 sq. ft. and the remaining parcel to the north is approximately 1.77 acres.

Mr. Sonnichsen said Oakdale Brook flows across the center portion of the property, under S. Turnpike Road and under a small footbridge to the east of S. Turnpike Road and onto State property which is the Merritt Parkway Right-Of-Way and discharges into the Quinnipiac River. Mr. Sonnichsen said Oakdale Brook flood elevations range from 35 ft. in the eastern portion of the site, up to about 40 ft. on S. Turnpike Road. He noted the building floor elevation is at 39.52, built in conformance with the requirements of the flood insurance program and the parking lot area ranges in elevation from 39 down to about 37, making some of the parking area below the 100 year flood elevation. Mr. Sonnichsen said he spoke with Ms. O'Hare and the Town Engineer regarding the need to do a stormwater management analysis of existing and proposed conditions. He said the proposal includes the addition of a total of 9 parking spaces on the southern side of Oakdale Brook. He said the Town Engineer indicated he didn't believe that detaining water on this site was appropriate and because it was on the lower end of the watershed, one would want to get the stormwater from the site down to the Quinnipiac River as quickly as possible. He said he completed a stormwater analysis for existing and proposed conditions on the site and noted the increase in flow is approximately 1/10 of a cubic foot per second. He said the 100-year flow on Oakdale Brook is approximately 1,040 cubic feet per second. He said the conclusion drawn was that stormwater detention on this project wasn't appropriate.

Mr. Sonnichsen submitted two copies of this report to Ms. O'Hare. He went over the site and landscaping plans. He noted the total number of parking spaces was 44 which he said was

required for this development. He said the original approved plans included a significant amount of parking on the north side of Oakdale Brook using an existing bridge for access. Mr. Sonnichsen said this existing bridge is not a vehicular bridge and noted the new owner doesn't want anyone walking or driving over this bridge. He said based on the owner's request, he designed parking to take up a significant portion of the northern portion of the parcel on the south side of the brook.

He said there was discussion with Town staff regarding this, and noted there is a provision in the P&Z Regulation which allows for reduction in parking for mixed-use properties when there are no conflicts between the two uses. He said the residential would use the parking spaces at night and weekends, and the commercial would use them during the weekdays. Mr. Sonnichsen said there was an agreement to reduce the residential component of the parking by 50% which reduced the total number of required spaces to 32, which he said has been provided by adding 9 parking spaces on the south side of Oakdale Brook. Mr. Sonnichsen said another decision was made to provide for additional parking on the north side of the brook, 12 additional spaces, but that work would not be done unless there was a problem at the reduced rate. He noted about 1,000 sq. ft. of the proposed parking area is within 50 ft. of the upland review area of Oakdale Brook. He said there is also fill in the FEMA floodplain which requires compensatory storage. He said the plans show an area to be excavated in the floodplain to provide this compensatory storage.

Mr. Sonnichsen said work will also be done to clean up what wasn't completed in the original project which called for catch basins in the parking area to be discharged through a stormwater quality structure to a flared end section at Oakdale Brook. He said the proposal is to install an additional catch basin and install approximately 20 ft. of 12 inch pipe with a splash pad to discharge to Oakdale Brook. He said the activities in the deferred parking area include a catch basin in 50 ft. upland review area; construction of approximately 40 ft. of storm drain pipe going down to Oakdale Brook and a splash pad. Mr. Sonnichsen said there will be habitat plantings along the top of the brook embankment which were never planted as part of the 2010 application and extensive S&E control. He said all the construction will be surrounded by silt fence and an anti-tracking pad where the new parking lot is proposed with existing storm drainage staying in place. He noted a dumpster will be moved to the back. He said he believes the application is complete and meets the requirements of the Regulations and will be a significant improvement to the area.

Ms. O'Hare said the walkway from the 12-lot parking area to the pedestrian bridge and over on the other side of the pedestrian bridge is missing from the plans. Mr. Sonnichsen said there is no walkway shown on the plan but could be easily added. He said there would be a gravel walkway unless required to have concrete or asphalt. He said there was discussion with Planning about installing a sidewalk along the frontage of the lot but not from the deferred parking area to the bridge. He said this walkway would be built at existing grade. Ms. O'Hare noted the floodway is wide and the water comes down both ways, floods from the Quinnipiac

under the Wilber Cross and meets with turbulence from the east and west. Mr. Sonnichsen showed the location of the floodplain on the map. Mr. Sonnichsen said a large portion of the northern part of the site is included in the 100-year floodplain but is relatively flat on the north side.

Ms. O'Hare noted her Environmental Planner's Report and said her memo to the Town Engineer of March 28, 2017 has not yet been answered. She said she has an issue with the compensatory storage basin. Commissioner Heilman said he believed the Applicant was requesting to make the parking 100% on the eastside of the property and let the north and west side go with the understanding if issues occur, this site may have to be used. He said he is concerned because the Applicant has options to do this, but it is important for the IWWC to protect the wetlands noting this is in an upland review area that the Applicant is requesting to utilize for parking. He asked what difference does it make to the wetland environment there under the existing conditions. He asked what is on the bank and what would be the effect of the parking area there in terms of protecting the wetlands. He said this is the bottom line. He said the IWWC has to understand the Applicant may have to come back and utilize this other section and have to ask what will be the big difference in that outcome. He said the IWWC has allowed the Applicant to take an Upland Review Area. Commissioner Heilman said he suspects this area is a significant stream channel and believes this is what the IWWC needs to look at. He said he doesn't see this as a major concern in protecting this channel.

Mr. Sonnichsen said the Applicant has made a commitment with Staff that if the parking reduction is approved, the Applicant will commit itself legally to construct an additional 12 spaces if this need arises. He said he has been to the site several times during the day, noting the commercial spaces are filled but very few residential spaces filled. He said the environmental impact of the expansion of the parking on the south side and the potential on the north side have to be looked at. He noted very little work is proposed on the north side near the Upland Review Area.

Ms. O'Hare said she visited the site three times and the Applicant worked with her on the plan. She said there is erosion undercutting of the bank which she sees all over Town. She said the Town Engineer doesn't feel there should be fortification of the banks so she is not calling for this. She said she and the Applicant both felt the big Sycamore trees and other trees should remain on the bank and as a result the stormwater pipes were moved to avoid the trees. Ms. O'Hare said the question is how to handle the planting plan which was not put in under the first permit but still has not been put in. She said half the plantings are supposed to be located on proposed Lot #2. She asked how P&Z would get the owner of Lot#2 to install the plantings. Mr. Sonnichsen said Lots #1 and 2 are owned by the same person. Ms. O'Hare said this will be sub-divided once P&Z approves the plan. Mr. Sonnichsen said there are legal measures which can be required. He said it would be a shame to move the plantings to the south side because of a potential change of ownership. He said a condition of approval can be put in requiring the new owner to abide by the planting plan.

Acting-Chair Parent entertained a motion on Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A17-2.4/76-90 SOUTH TURNPIKE ROAD – ADAMS LANDING PROPERTY DEVELOPMENT, LLC – (SUBDIVISION, PARKING AREA EXPANSION, COMPENSATORY FLOOD STORAGE AREA, AND DRAINAGE IMPROVEMENTS BE DEEMED NOT A SIGNIFICANT ACTIVITY**

MR. CARUSO: **SECOND**

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

Acting-Chair Parent entertained a motion to approve or deny the application.

MS. PHILLIPS: **MOTION THAT APPLICATION #A17-2.4/76-90 SOUTH TURNPIKE ROAD – ADAMS LANDING PROPERTY DEVELOPMENT, LLC - (SUBDIVISION, PARKING AREA EXPANSION, COMPENSATORY FLOOD STORAGE AREA, AND DRAINAGE IMPROVEMENTS) BE APPROVED WITH CERTAIN CONDITIONS:**

1. **WALKWAY SKETCH TO BE SUBMITTED WITHIN 30 DAYS;**
2. **INSTALLATION OF THE PLANTINGS OF PROPOSED LOT #2 TO BE COMPLETED BY JUNE 15, 2017;**
3. **ENVIRONMENTAL PLANNER TO INSPECT EROSION CONTROL INSTALLATION BEFORE ANY OTHER WORK BEGINS ON THE PROPERTY**

MR. CARUSO: **SECOND**

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

Acting-Chair Parent took the agenda in the following order:

NEW BUSINESS

2.#A10-4.3/76-90 So. Turnpike Road – Ichi-Ban Properties – (transfer of permit to Adam’s Landing Development, LLC)

Acting-Chair Parent entertained a motion.

MS. PHILLIPS: MOTION THAT APPLICATION #A10-4.3/76-90 SO. TURNPIKE ROAD – ICHI-BAN PROPERTIES – (TRANSFER OF PERMIT TO ADAM’S LANDING DEVELOPMENT, LLC) BE APPROVED

MR. CARUSO: SECOND

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

NEW BUSINESS

1.#A11-11.1/6 Rosick Road – Wallingford Land Trust – (extension requested)

Acting-Chair Parent entertained a motion for an extension. Ms. O’Hare said this is an Eagle Scout project to construct a portion of a boardwalk

MS. PHILLIPS: MOTION THAT #A11-11.1/6 ROSICK ROAD – WALLINGFORD LAND TRUST – (EXTENSTION REQUESTED) – BE GRANTED FOR FIVE YEARS

MR. CARUSO: SECOND

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

RECEIPT OF NEW APPLICATIONS

- 1. #A17-3.1/6 & 8 Northrup Industrial Park Road West** – 1070 North Farms Road, LLC – (industrial lot merger, parking expansion, stormwater basin expansion) – received by Acting-Chair Parent.

Ms. O’Hare distributed the plans. She said the existing stormwater basin is proposed to be enlarged.

- 2. #A17-4.1/Grieb Trail** – Daryll DeMarco – (two fence installations) – administrative approval request – received by Acting-Chair Parent.

3. #A17-4.2/25 Laurelwood Drive – Kurt Mathe – (fencing, etc. for in-ground pool installation) - received by Acting-Chair Parent.

Acting-Chair Parent took the agenda in the following order:

VIOLATIONS

1. 252 Main Street – Yalesville – Brothers Pool L&J Partnership, LLC – violations

Ms. O'Hare said she had taken photos of the site. She noted there are still problems but pointed out that the metal rack along the river was removed. She said there is equipment still parked by the river on the gravel along with other materials being stored.

Acting-Chair Parent entertained a motion that the violation be continued.

MS. PHILLIPS: MOTION THAT THE VIOLATION AT 252 MAIN STREET, YALESVILLE, BROTHERS POOL, L&J PARTNERSHIP, REMAIN IN EFFECT

MR. CARUSO: SECOND

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

3. Cease & Desist – 8 & 10 Atwater Place – Howard, Sr. and Gail Lohmann.

Appearing in front of the IWWC was Atty. Dennis Ceneviva, Ceneviva Law Firm, representing the owners, Howard Sr., and Gail Lohmann and George Cotter, project engineer, OCC Group; Eric and Howard Lohmann Jr., primary owners of Logan Steel which he said had been operating at this site for years on an approval on a parcel next door in 2002.

Atty. Ceneviva said that Rosalind Page, of Winterbourne Land Services, provided a land survey. He said the owners acknowledged they undertook some fill primarily during the period from 2002 to 2004, on these two parcels while they were developing the parcel next door at 9 Atwater Place which has P&Z and a wetlands permit. He said his clients recognized a plan which meets IWWC requirements and their needs. He said a remediation application should be submitted within the next two weeks.

Mr. Cotter said there was a site walk with Ms. O'Hare and noted the site is stable. He said Ms. O'Hare requested some erosion ruts be filled in and also requested topography on the southeast corner of the property with the adjacent parcel which was completed. He said Ms. O'Hare also asked for the property line to be staked which was completed and an existing condition plan from Ms. Page which was submitted.

Mr. Cotter said he has been putting a stabilization plan together and conditions of what should be done. He said there are two lots, 8 & 10 Atwater which will remain. He said this property is basically a storage area for the Lohmann's. Mr. Cotter said he came up with a regrading and an S&E plan. He went over the plan noting the sub-division was approved in 1988 with the two lots remaining to be developed. He pointed out the 100-year floodway and stressed there has been no activity in that area. Mr. Cotter also pointed out the 50 ft. wetland buffer and the 100-ft. greenbelt. Mr. Cotter said this area was filled some time ago and noted some of the fill was removed. He said Ms. O'Hare looked at the end of the stormwater outlet pipe at the end of Atwater Place which is covered over. He said as part of this application, a rip-rap pad will be placed at the end of the pipe and the material around the pipe excavated back to a 2:1 slope. He said where the existing slope where the property has been filled, he is proposing a 3:1 slope and a 4:1 slope beginning at the toe and graded back and loamed and seeded. He said there would be slight fill from the excavated material. He pointed out the Floodplain line limit. He said the flood elevation vary from 68 down to 67 with the controlling factor of the Quinnipiac River is the Oak Street bridge where the flood elevation goes from 67 on the north side to 63 on the south side. He said the proposal is to modify the slopes, noting the greenbelt or the 50 ft. setback would be loamed and re-seeded. He said there are no impacts towards the river or any disturbance outside the wetlands. Mr. Cotter said he is asking for a pullback on the southeast part of the property to pull back the slope to the property line, noting this area would also be loamed and seeded. He said he is proposing staking the toe slope with the silt fence and performing the work to stabilize the area. He noted that nothing in the IWWC's jurisdiction has been filled over the past few years.

Atty. Ceneviva said his client is moving forward and are not ignoring anything. He said the remediation plan has not been submitted as an application as of yet. Mr. Cotter said a 50 ft. buffer and silt fence had been placed as a defining line. He stressed this project has been on hold except for the comments made by Ms. O'Hare. Commissioner Kern asked if the Lohmann's planned to start back up before the Cease & Desist is rectified. Atty. Ceneviva said regarding anything within the IWWC's jurisdiction, the Lohmann's will wait for IWWC direction before beginning anything.

Acting-Chair Parent entertained a motion on the Cease & Desist Order.

MS. PHILLIPS: **MOTION THAT THE CEASE & DESIST ORDER FOR 8 & 10**
ATWATER PLACE – HOWARD SR., AND GAIL LOHMANN,
REMAIN IN EFFECT

MR. CARUSO: **SECOND**

Commissioner Heilman asked if the Cease & Desist was going to expire. Ms. O'Hare said Corporation Counsel stated the IWWC should vote on the Cease & Desist every month.

Commissioner Heilman asked if the IWWC votes on all the existing Cease & Desists. Commissioner Heilman said he didn't remember on a monthly basis reviewing all the violations on record. Ms. O'Hare said the Corporation Counsel feels this way on the Cease & Desist Orders. She said she would check with Atty. Small on whether the other violations should be voted on as well.

VOTE: KERN – YES; HEILMAN-YES; CARUSO-YES; PHILLIPS-YES
PARENT-YES

REPORTS & COMMUNICATIONS

1. CT Wetland In-Lieu Fee Grant Program, sponsored by Audubon Connecticut on behalf of U.S. Army Corps of Engineers; grant applications due April 17, 2017; received 3/3/17.
2. Memorandum to IWWC from John Gawlak, Director, Parks & Recreation Department, re: Open Space Users Meeting, Parks & Recreation Department, 6 Fairfield Blvd., April 25, 2017, 7:00 p.m.
3. CACIWC newsletter, The Habitat, Winter 2017
4. DEEP Pesticide Application For the Use of Pesticides in State Waters; Fieldstone Pond, Fieldstone Farms Assoc., off Grieb Road, Wallingford, Applicant: Northeast Tree, Pond & Turf Services, Inc.; received March 20, 2017.
5. Town Council Budget Hearing for Departments (IWWC), Robert F. Parisi Council Chambers, 2nd Floor, Town Hall, April 18, 2017, 6:30 p.m.; Public Hearing April 20, 2017, 6:00 p.m.
6. DEEP Pesticide Application For the Use of Pesticides in State Waters; 173 Summerhill Rd., Wallingford – Preserve Condominium ponds; Applicant: Solitude Lake Management.

Adjournment

Ms. Phillips made a motion to adjourn the Meeting at 9:55 p.m. Mr. Caruso seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary

