

WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION

WEDNESDAY, JUNE 3, 2015

ROBERT EARLY AUDITORIUM, TOWN HALL

45 SOUTH MAIN STREET, WALLINGFORD, CT

MINUTES

The Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission was held on Wednesday, June 3, 2015, in Council Chambers, Town Hall, 45 South Main Street, Wallingford, CT.

Seated Commissioners were: Chairman Jim Vitali Nick Kern, Dennis Murphy; Deborah Phillips; and alternates Jim Heilman and Michael Caruso; Erin O'Hare, Environmental and Natural Resources Planner.

Chairman Vitali called the Meeting to order at 7:04 p.m.

CONSIDERATION OF MINUTES

1. Regular Meeting, May 6, 2015, 7:00 p.m.

MR. KERN: MOTION TO APPROVE THE MAY 6, 2015 MEETING MINUTES AS PRESENTED

MR. MURPHY: SECOND

VOTE: HEILMAN-YES; KERN-YES; CARUSO-YES; PHILLIPS-YES; MURPHY –YES; VITALI-ABSTAIN

2. Special Meeting, May 19, 2015

MR. KERN: MOTION TO APPROVE THE SPECIAL MEETING MINUTES OF MAY 19, 2015 AS PRESENTED

MR. MURPHY: SECOND

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

OLD BUSINESS

1. **#A15-3.2/78 South Elm Street** – Doolittle Park/Wharton Brook – Wallingford Park & Recreation Department (streambank restoration project) – WITHDRAWN
2. **#A15-4.1/37 Harrison Road** – Joseph DiNatale, Tradition Golf Club at Wallingford, LLC – (after-the-fact golf cart installation & bridge demolition)

Representing the Applicant, Tradition Golf Club at Wallingford, LLC., was Joseph DiNatale, managing member, and Christopher Juliano, Juliano Associates, P.E., Licensed Land Surveyor

Mr. Juliano told the Commission that Mr. DiNatale had to install a gravel cart path at the golf course when an employee damaged the existing raised bridge that passed over the wetlands. Mr. Juliano distributed photos of current conditions at the golf course to the Commission.

At the start of the golf season, Mr. DiNatale took it upon himself to install a gravel cart path through a regulated area and the upland review area. He said this was necessary as to keep the business functioning. Mr. Juliano said the wetlands was recently reflagged by Tom Pietras and noted there is approximately 1,000 sq. ft. of wetland disturbance. He said there was an existing pipe in the wetlands, and noted Mr. DiNatale installed the gravel cart path using that pipe. As part of the application, his office performed drainage calculations in the larger three acre drainage area to determine if the pipe was of sufficient size. Mr. Juliano said it was determined the pipe would handle the runoff from the three acres for all storms up to and including a 100-year storm. He said the calculations were reviewed by the Town of Wallingford's Engineering Dept. and cited a letter to this fact which was included in the Commission's files.

Mr. Juliano said the Applicant has redefined the old drainage ditch which ran through the wetlands which he noted was one of the concerns of Ms. O'Hare's concerns that material was deposited in the wetlands. Mr. Juliano explained that when the channel was being cut-in to formalize the watercourse, the machine became stuck and resulting in the dumping of fill in the bucket. He said when the machine became free; the area was cleaned up, raked up and seeded.

Mr. Heilman said the bridge was a nice idea but felt it was ill-conceived and noted it is an active golf course and equipment must be moved in and out. He said this can't be done on a bridge as this. He said this was an appropriate thing to do under the circumstances.

Mr. Kern asked where the bridge was located in relation to the trench which was dug to drain the water.

Mr. DiNatale said all the water flows down from the trench into the pond.

Mr. Kern asked if there would be a problem in the area in regards to the grass grooming.

Mr. DiNatale said there are 30 acres on the other side of the wetlands and why the bridge was constructed, so equipment could have access and noted the standing water dries up in the summertime and traverses the fairway.

In answer to Mr. Murphy's question, Mr. Juliano said it was the Applicant's intention to get rid of the bridge. Mr. Juliano said a small backhoe will remove the damaged section of the bridge by working back from the center. He said the support posts will be cut down manually so as not to disturb the wetlands.

Ms. O'Hare went over her comments from the May 28, 2015 Environmental Planner's Report. She said she also handed out comments tonight from the Engineering Department which suggested broken stone bedding or a series of small cross pipes in the berm fill. She noted the comments went on to state the Applicant has represented the fill placed was gravelly and if porous enough, the gravel fill will promote continuity of the wetlands. She said the Engineering Dept. stated that since the path was already constructed, the implementation of these suggestions could result in unnecessary disturbance. Ms. O'Hare said the Commission has to decide to just approve this as is, or suggest modifications.

Chairman Vitali noted this was just a suggestion from the Engineering Dept. and also pointed out the suggestion was made to leave everything alone.

Ms. O'Hare said her major objection was that the work was done without a permit. She noted the wetlands were mowed.

Mr. Kern said the golf course has been maintained and groomed modified for 30 years and doesn't believe the Applicant is in violation because under they are allowed to do maintenance under the maintenance agreement.

Mr. DiNatale noted the section of the golf course being discussed was approximately 17 to 18 years old. He said nothing has been changed over that time period.

Mr. Juliano said as the gravel settles, it will be patched with gravel and cleaned up to ensure the gravel doesn't migrate into the wetlands and will become part of the maintenance plan.

Mr. DiNatali said the 10-inch pipe will prevent erosion and is a perfect situation.

Chairman Vitali entertained a motion for significant activity.

**MR. KERN: MOTION THAT APPLICATION #A15-4.1/37 HARRISON ROAD-JOSEPH
DINATALE, TRADITION GOLF CLUB AT WALLINFORD, LLC – (AFTER-
THE –FACT GOLF CART INSTALLATION & BRIDGE DEMOLITION) BE
DEEMED NOT A SIGNIFICANT ACTIVITY**

MR. MURPHY: SECOND

VOTE: HEILMAN-YES; KERN-YES; MURPHY-YES; PHILLIPS-YES; VITALI-YES

Chairman Vitali entertained a motion to approve or deny the application.

MR. KERN: MOTION THAT APPLICATION A15-4.1 /37 HARRISON ROAD TRADITIONS GOLF COURSE AT WALLINFORD LLC BE APPROVED AS SUBMITTED WITH ANY S & E CONTROL MEASURES THAT NEED TO BE PUT IN PLACE PRIOR TO THE COMMENCEMENT OF THE WORK OTHERWISE TO BE HANDLED IN A PROFESSIONAL CONSTRUCTION MANNER

MR. MURPHY: SECOND

Mr. Murphy pointed out the S & E has already been completed. Mr. Kern said he was concerned about the gravel and whether more was going to be brought in or is already on site.

Mr. Juliano said the gravel and the path there is the final path. He said in the future as the gravel moves, more will be put into place and packed down.

VOTE: HEILMAN-YES; KERN-YES; MURPHY-YES; PHILLIPS-YES; VITALI-YES

3. **#A-15-5.1/HIGH HILL ROAD** – Carver Preschool & Carver Academy c/o New Life Church, Inc. – (educational facility)

Appearing in front of the Commission was Atty. Dennis Ceneviva, Ceneviva Law Firm representing the Owner/Applicant New Life Church; Normand Bolduc, Project Manager with LRC Consultants, and Pastor Will Marotti, New Life Church.

Atty. Ceneviva said the property is located on High Hill Road, noting there is no address and is approximately 16.02 acres and part of the Mountainside facility which straddles Meriden and Wallingford. He noted to the south on the property, a home is being constructed for Pastor Marotti and his wife. He said the Applicant proposes to construct a 12,120 sq. ft. private school at the easterly end of the existing 2.5 acre gravel parking area. He said the building would require an on-site sewage disposal system and a well and would also require the construction of a stormwater drainage system which is a series of catch basins and a newly proposed parking area which will run through a water quality sediment structure which outlets to a water quality basin and eventually traveling over land to an unnamed lake.

Atty. Ceneviva said the septic system is located within 200 ft. of the unnamed lake and the tributary to a watercourse which outlets a few miles away to Spring Brook, which is a tributary to the Muddy River and discharge to the MacKenzie Reservoir.

Mr. Bolduc went over the details of the storm water drainage system on the site plan. He said the majority of the proposed improvements are within the existing gravel parking lot which is impervious. He said a substantial amount of soil testing was done on the proposed lot for the development of the proposed house and found the gravel parking area had no percolation because of the tightness of the soils. He said a different location was then sought for the location of the water quality system and for the septic system. He said because of the improvements, there will be less impervious areas in the development but they decided to implement storm water control devices such as a series of catch basins in the parking lot which go to an oil water separator and then down to a stormwater management pond with a forebay and a secondary bay. He said this will outlet to a level spreader. He said during construction, this storm management area will be utilized as a sediment trap with some divergent swales to get the storm water to the pond area during construction.

Mr. Bolduc said there was concern during the field walk that there was some settlement to the level spreader, so it has been made to be 42 inches in height poured structure on top of a 12-inch footing. He said there will be two-inch weepholes throughout the wall to better get the soils into the ground as opposed to it spilling over during a storm event.

Mr. Bolduc said in the stormwater management area, the forebay will be seeded, it will probably be mowed and the secondary bay will be planted with shrubs and two stone check dams will be installed to keep the water clean prior to leaving the water quality basin. He said the roof water will be in a secondary system where it will be piped separately to the level spreader so as to not dilute the water going into the oil water separator. He noted the majority of the parking lot will remain gravel, and there will be eight handicap accessible spaces, and a few parking spaces which will be paved. Mr. Bolduc said the vehicle drop-off area and the loading area will be paved as well as the two aprons which come off High Hill Road. Mr. Bolduc said landscaping will be done to a number of these areas that were impervious to help attenuate some of the water.

Mr. Kern asked about the taking away of the impervious to make it pervious, and at what elevation. He asked if the top foot will be taken and topsoil installed. He said gravel will be installed and filled in with topsoil and seeded, but it will have to be done delicately as to not to damage existing tree roots. He said test holes were done.

Mr. Ceneviva said also proposed for this site is the septic system which is on the submitted plans. He said it is located 110.8 ft. at its closest point west and upgradient from the wetland and 115 ft. from the unnamed lake and is as far back as it could be placed. Mr. Ceneviva said the Applicant recognized the requirements of the Commission and noted this septic system meets the requirements of the CT Public Health Code with regards to the water in the reservoir which he said will be drinkable. Mr. Ceneviva noted there were letters in the file to this effect.

He discussed the impact to the septic system and the leachate leaving the site. He said Mr. Bolduc and his team have tried to locate the septic system in different locations on the 16-acre site, but it appears this is the one spot where the septic system will work based on the soils.

He said they tried substituting or altering the area moving closer to High Hill Road but nothing seemed to work. He said they went a few more steps and noted the septic system, geometric, is state of the art. He said most septic systems of this nature would be multiple rows, this system is just one linear length, 162 ft. and instead of having additional rows bringing it closer to the water, this design is meant to work in a linear fashion. Mr. Ceneviva said analysis was done regarding distance requirements. He said through research, it appears that even properly functioning septic systems release effluent with nitrate. He said DEEP has developed standards regarding grade and condition of underlying soil. He said one of the more significant factors is the fact there is a significant well-treed ground cover between the septic system and the water course which minimizes the nitrates reaching the watercourse. He said reports he has obtained recommend a distance of between 80 ft. to 100 ft. between the leaching fields and the watercourse and this standard has been met.

Mr. Bolduc went over the location of the septic system and the gradient on the site map. He said there is a line that comes out to the septic tank and a grease trap because there will be a small kitchen proposed on the site plan. He said the system was designed for a full build out of the school and noted that currently, the school was house grades K-6 and a child daycare, but left room for a gym and a seventh and eighth grade. He said the septic system, a state –of-the-art Geometric System, GSP, will be 262 ft. long and level from end to end, thus the location selected. He noted the Health Department said this was the ideal location for the septic system.

Mr. Heilman asked about the reserve. Mr. Bolduc said it is below the septic system .

Mr. Kern asked about the geo system and the fact that the factory rep has to be on-site when it is installed. He asked if there was a track record for this geo system.

Mr. Bolduc the State Health Dept. approved this system in 2006. He said it is a sand and stone system, a form is put in, sand is put back in and compacted and the covers to the fins are removed and filled with stone. He said a perforated pipe is installed, filled with stone and a fabric put on top.

Mr. Kern said it appears this system is in a tight spot and hoped there wouldn't be a problem once the school is in full force.

Mr. Heilman said the concept is necessary, but noted that one has to understand what this is doing; it is providing a maximum distribution of the effluent that is being produced by the occupants of this institution. Mr. Heilman said when the wetland regulations were created, particularly setbacks from a sensitive area, in their minds at the time, this was not meant for institutional application but individual homes and in order to produce this type of load in the environment. He said something is needed which will create the maximum distribution over the

area that they have to handle it. He said the bottom line, the Applicant is putting into the environment, a load which is way beyond that this Commission could ever imagined, and are doing it far more efficiently than through a standard means.

He noted that as a Commission, they have backed off significantly our setbacks for the majority of the wetlands in Wallingford, but noted there was one place this wasn't done; where there are wetlands and watercourses attributed directly to the public water supply. He said the Commission looked at the regulations and built them out and applied restrictive setbacks only where the Commission believed it served the public most significantly. He asked in regard to this application, how many of them, (the Applicant's team), had been in this area below this footprint two years ago in the spring. He said he is bringing this up because this spring was unusual in runoff and very low rainfall, six inches below average.

He said why this occurs in this area is unique to the geology in this area and noted just east of where the Applicant is located, is the Talcott lava flow, and underneath this is approximately 30 meters of sandstone. He said down the street from where the Applicant is proposing to build, is the Talcott lava which is the first lava flow and down the street is an exposure of the lava flow which underlies the area and above the Talcott lava flow is the Shuttle Meadow sandstone which is different than the sandstone beneath the lava flow. He said this created an obstruction for future sedimentation in the area, and noted the sediments the school is located on, on top of the Talcott lava flow, are a much finer grade shale constituent.

He said this structure traps the rainfall into the upper layers and sheds down the back side of the slope. He said water builds up in this area and emphasized these areas flush in the spring and is a tough place to put a septic system for a single occupation, let alone this type of an influx with a system designed to maximize the outflow. He said all the way down it is a torrent river in a normal spring. He said it is percolating area and is not a good thing with a high capacity septic system, in his opinion.

Mr. Kern asked about the proposed gym and whether it would have showers. Mr. Bolduc said the septic system was designed to accommodate showers. Mr. Kern asked if there was a maintenance program for the grease trap. Mr. Bolduc said the Applicant will work with the Health Dept. on this issue and noted that the system has to be approved by the local Health Dept. and the State Health Dept. because it is over 2,500 gallons.

Ms. Phillips asked if the gravel road will still be utilized. Mr. Bolduc said during construction this road will be used to gain access from Pastor Marotti's property to the facility and during construction it will be used to gain access. He said the septic system capacity is 2,900 gallons.

Ms. O'Hare spoke about the Engineering Dept. comments and the Water Division comments. She said she earlier received a brief comment from the Health Department who stated the plan was conceptually approved but for the final approval more detail was requested. She said the State Dept. of Public Health will also be reviewing this application. Ms. O'Hare said there were two Environmental Planner Reports prepared for this application. She went over the report

which was handed out in the Commissioners' packets last week and noted it was detailed. She said there was seven pages and an attachment which is a drawing of the watershed submitted to her office by the Water Division. She said the Water Division substantiated that the site is located in the watershed. Ms. O'Hare said a USGS map showing the contours was also submitted which show the pond as a swamp which was impounded by the Army Corps of Engineers. She said currently this is a 20-acre lake and sits between two steep slopes. Ms. O'Hare said the map shows the travel path which eventually leads the water into MacKenzie Reservoir. She said the Water Division also submitted a copy of the public health code which states public water supply reservoirs have a 100 ft. minimum separation distance.

Chairman Vitali wanted to know where this information fit in with the IWWC regulations. He asked about the IWWC guidelines and regulations. Ms. O'Hare said the Water Division is going with the Public Health Code of 50 ft. from separating distance from a watercourse.

Chairman Vitali said wetland comments are desired, not Water Division comments.

Ms. O'Hare said the Water Division formally established that this location is in the headwaters and said the Applicant was told this and fully complied. She said there have been discussions between her office and the Applicant. She said the system has moved up the hill.

Mr. Bolduc said the system was moved 10 or 12 ft. without it being affected by further testing uphill which would not have been as good.

Mr. Kern asked Ms. O'Hare if the IWWC regulations are spoken about in staff meetings. Mr. Bolduc said these regulations weren't brought up until the site meeting. He said there was one overall meeting with the various departments. Ms. O'Hare said the proposed stormwater regulations were discussed. She said septic wasn't discussed and the Water Division had to establish that this lake drained into the reservoir which wasn't clear.

Chairman Vitali said this was clear to everyone on the IWWC. Ms. O'Hare said this wasn't clear to her or the Water Division at the initial meeting.

Chairman Vitali said it has been established that Ms. O'Hare did not bring up the regulation as it existed at the pre-application meeting. He asked where Ms. O'Hare was at this point. Ms. O'Hare said at the Special Meeting site investigation, this regulation was brought up by Mr. Heilman.

Ms. O'Hare said she was tasked with looking at how septic systems being proposed near a public drinking water supply, has been dealt with before over the past 10 years.

She said in her second Environmental Planner's Report dated June 3, 2015, handed out tonight, she noted in the past 10 ½ years, there were 35 permits handed out for single family residential construction in watersheds. She said the regulation spoken about pertain to public drinking supply watersheds as well as the other watersheds which are not used for the drinking supply. She said these are supposed to be 150 ft. away. She said for the public drinking supply

watersheds, they are to be at the 200 ft. which is being discussed tonight. She said the Applicant falls within the 200 ft.

Ms. O'Hare said in the past, different applications have been discussed and deliberated differently and cited 1365 Durham Road on which Spring Brook is visible. She said this was approved by the Commission, but there was much debate on how close the septic system could be to Spring Brook. Ms. O'Hare said this ended up being 100 ft. from Spring Brook after much deliberation.

Chairman Vitali noted there was a lot of deliberation on that issue because the IWWC believes this regulation is important and noted that Ms. O'Hare has been the Environmental Planner since some of these issues have been discussed and should have been aware there was a 200 ft. regulation.

Ms. O'Hare said on one of the applications, the soils were flatter and perked better and was finally approved 100 ft. from Spring Brook. She noted that of the 35 applications she reviewed, about half were sewer, and half were septic. She said she looked at the ones which were approved and noted some were approved in excess of 200 ft.

Chairman Vitali asked Ms. O'Hare her position on the present application.

Ms. O'Hare said if it is a regulated activity, people have to come in and obtain the wetland permit but it isn't prohibited, but it must be reviewed. She said she has reservations, but given the Water Division's position and the fact that it meets the Public Health Code separation of distance, she recommends approval and went over her conditions of approval:

1. Remediation for "eroded storm drainage swale" – located on southern side of slope to lake – to be completed prior to commencement of other work.
2. Rip-rap protection to be extended from the proposed emergency spillway on the basin downgradient to meet the level spreader and to be depicted on the final plans.
3. Erosion control blanket to be installed on finished grade (2:1 slope) of septic system installation, to be seeded and hay mulched upon installation, and to be depicted on Septic System Design Plan, sheet PP-1.
4. Erosion controls on slope to be monitored during construction phase before and after storm events and any breach to be rectified immediately. Appropriate materials to be kept onsite at all times for this contingency.

Chairman Vitali asked who would be doing the monitoring. Ms. O'Hare said the IWWC can request the Applicant hire an independent monitor but said she has in the past recommended independent monitors which haven't been taken up by the Commission and so she didn't recommend this now. She noted she is concerned about comments made by Mr. Heilman regarding the geology of the area, noting she has no knowledge of this and noted she hasn't ever witnessed the phenomena of the spring flushes.

Ms. O'Hare said she goes out to sites before storm events. Chairman Vitali asked if this is the same thing as hiring a professional monitor. Ms. O'Hare asked if the IWWC wants her to watch the job site twice week. Chairman Vitali said a lot depends on the contractor hired, some need more supervision. He said the question of having it inspected after the work is done satisfies this recommendation and didn't understand what an outside firm could offer.

Mr. Heilman said the operation here is child's play and there is nothing sophisticated or complicated about it. He said if monitoring is needed, start with the water analysis and over the next five years, and submit a report on the water quality. He said he wanted information on where else this septic system has been installed and the soil conditions it was installed into.

Mr. Bolduc said where the system is being located, the percolation rates were good and this is why the Applicant is requesting relief from regulation.

Mr. Heilman said he would also like to see if there is any way to install baffling for water control. He asked if it were possible to do this in two stages.

Mr. Bolduc said there is minimum separation distance from additional rows and noted if the reserve area was installed, they would have to go downstream 12 ft. which is the minimum separation distance. He said they have to be 261 ft. long minimum and this is why the system is over 261 ft. and it can't be terraced or cut into increments because they must obtain the leaching spread based upon the public health code design.

Chairman Vitali said staff will handle the monitoring.

Ms. O'Hare read her suggested condition #5:

5. Bond (\$30,000) to be posted prior to commencement of permit work (including tree removal) for the term of one-year after the stormwater basin facility becomes operational to insure no adverse impact to the discharge area on the very steep rocky slope located upgradient from the riparian wetlands and the lake and no adverse impact downgradient from the septic system installation as a consequence of the installation work on the steep slope above the lake.

Mr. Ceneviva said the church conducts quarterly water quality testing on the lake and the information provided to the CT Dept. of Health. He said copies will be provided to the IWWC.

Chairman Vitali said this just goes to show what the IWWC is trying to protect and noted he initially believed the \$30,000 bond was high, but said this way it will ensure the quality of the contractor doing the work.

Ms. O'Hare noted the Water Dept. had three suggested conditions of approval and the Engineering Dept. had five suggested conditions of approval. She cited the last Water Division suggested condition of approval which stated: "if imported fill materials are to be used, that they be restricted to "clean" uncontaminated soil and/or rock materials only, and that any type

of construction or demolition materials including roadway asphalt or concrete materials be specifically prohibited”.

Mr. Bolduc said there would be no construction debris used.

Mr. Ceneviva said these conditions were acceptable.

Mr. Kern said the septic system presentation was weak and he said he wasn't 100% comfortable with how this is the way to go. He suggested a condition of approval be that a copy of the water testing be given to Ms. O'Hare so it can be relayed to Mr. Heilman who lives downstream.

Mr. Bolduc said it wouldn't be a problem providing these water quality testing reports and having them on file with the local Health Dept.

Mr. Heilman suggested this testing be done in late spring and asked how many students would be anticipated at the school. Mr. Ceneviva said there would be 200 students. Mr. Heilman said this was a lot different than an individual family's septic system. He said a septic system of this proportion should be looked at very carefully. He said it would be interesting to speak with people who reside on the back side of that slope because in the spring the gutters are running with water week after week and one is up to their ankles in water in the backs of these areas because it is spongy. He said the water and snow which lands on the top, isn't going to go to down, it will flow down the slope which adds to the condition of the limited soils identified which have the capacity to deal with the water flows.

Mr. Heilman said 10 months out of the year, there are no issues, but two months out of the year might make a huge difference and he cautioned the Applicant to proceed with great caution especially with not knowing.

Chairman Vitali said there are a lot of peripheral items which were discussed, but he believed that all of the conditions or recommendations were either already on the plans, but will be incorporated in a final plan to the IWWC. He said the IWWC can move forward and entertained a motion to determine significant activity.

**MR. KERN: MOTION THAT APPLICATION #A15-5.1/HIGH HILL ROAD – CARVER
ACADEMY C/O NEW LIFE CHURCH, INC. – (EDUCATIONAL FACILITY)
BE DEEMED NOT A SIGNIFICANT ACTIVITY**

MR. MURPHY: SECOND

Mr. Heilman pointed out the fact that when one says “deemed not a significant activity”, the activity at this point has significant concerns with the magnitude of what is going into an area in which we are being asked to literally cut in half our anticipated protection for this area. He said he believes it has the potential to do impact, and this is not known. He said the reason for this

is the magnitude of the septic system and the location and the springtime conditions which occur there.

Chairman Vitali said he has given thought to the abutting property and noted if there are 200 people in this school, there are 2,000 people that attend different functions next door, and maybe that is why the water in the lake has been monitored by the State for many years without a problem. He said the septic system must work in the area but added it could be a concern but there doesn't seem to be another place to locate the septic system.

VOTE: HEILMAN-NO; KERN-YES; MURPHY-YES; PHILLIPS – YES; VITALI-YES

Chairman Vitali entertained a motion to approve or deny the application

MR. KERN: MOTION THAT APPLICATION #A15-5.1/HIGH HILL ROAD – CARVER

PRESCHOOL & CARVER ACADEMY C/O NEW LIFE CHURCH, INC –

(EDUCATIONAL FACILITY) BE APPROVED AS SUBMITTED WITH

THE FOLLOWING CONDITIONS OF APPROVAL:

1. **THE ENVIRONMENTAL PLANNER WILL INSPECT THE SITE PRIOR TO ANY COMMENCEMENT OF WORK WITH ALL ENVIRONMENTAL AND EROSION CONTROLS IN PLACE**
2. **THE WATER SAMPLES BE FORWARDED TO THE HEALTH DEPT. AND OR THE WALLINGFORD INLAND WETLANDS OFFICE FOR THE NEXT 10 YEARS FOR MONITORING FOR EFFLUENT DISCHARGE**
3. **A CONSTRUCTION SECURITY BOND OF \$30,000**
4. **ENGINEERING DEPT. RECOMMENDATIONS FOR A CATCH BASIN TO BE IN PLACE**
5. **WATER DEPARTMENTS RECOMMENDATIONS**
6. **RECOMMENDATIONS BY THE ENVIRONMENTAL PLANNER:**
 - A. **REMEDICATION FOR “ERODED STORM DRAINAGE SWALE” – LOCATED ON SOUTHERN SIDE OF SLOPE TO LAKE – TO BE COMPLETED PRIOR TO COMMENCEMENT OF OTHER WORK**
 - B. **RIP RAP PROTECTION BE EXTENDED FROM THE PROPOSED EMERGENCY SPILLWAY O THE BASI DOWNGRADIENT TO MEET THE LEVEL SPREADER AND TO BE DEPICTED ON FINAL PLANS**
 - C. **EROSION CONTROLS ON SLOPE TO BE MONITORED DURING CONSTRUCTION PHASE BEFORE AND AFTER**

STORM EVENTS AND ANY BREACH TO BE RECTIFIED IMMEDIATELY. APPROPRIATE MATERIALS TO BE KEPT ONSITE AT ALL TIMES FOR THIS CONTINGENCY

- D. BOND (\$30,000) TO BE POSTED PRIOR TO COMMENCEMENT OF PERMIT WORK (INCLUDING TREE REMOVAL) FOR THE TERM OF ONE YEAR AFTER THE STORMWATER BASIN FACILITY BECOMES OPERATIONAL TO INSURE NO ADVERSE IMPACT TO THE DISCHARGE AREA ON THE VERY STEEP ROCKY SLOPE LOCATED UPGRADIENT FROM THE RIPARIAN WETLANDS AND THE LAKE AND NO ADVERSE IMPACT DOWNGRADIENT FROM THE SEPTIC SYSTEM INSTALLATION AS A CONSEQUENCE OF THE INSTALLATION WORK ON THE STEEP SLOPE ABOVE THE LAKE**
- E. EROSION CONTROL BLANKET TO BE INSTALLED TO THE FINISH GRADE 2:1 AND THE SEPTIC SYSTEM TO BE SEEDED AND HAYED UPON INSTALLATION**
- F. EROSION CONTROL ON SLOPE TO BE MONITORED DURING THE CONSTRUCTION PHASE BEFORE AND AFTER STORM EVENTS WHICH THE ENVIRONMENTAL PLANNER WILL MONITOR**

MR. MURPHY: SECOND

Mr. Kern said he shared Mr. Heilman's concern downstream and hopes the IWWC did its homework to the maximum and his home and environment will be protected and to all the people who drink the Wallingford water.

Mr. Heilman said he hopes the project goes well and understands why there are regulated areas and noted this project creates a very difficult condition for this Commission to ever move forward to justify the reason for even having this application. He said this is magnitude beyond an individual home, five days a week during the academic year in addition the activities which go on to the north of the area.

VOTE: HEILMAN-NO; KERN-YES; MURPHY-YES; PHILLIPS-YES; VITALI-YES

Chairman Vitali called for a five-minute recess at 8:45 p.m. and returned from recess at 8:50 p.m.

- 4. **#A15-5.3/10 & 20 Alexander Drive** – Robert Tedeschi, AECOM, formerly URS Corporation – (minor plan revisions within scope of original permit, IWWC #A14-9.4

Appearing in front of the Commission was Ignacio C. Artaiz, AIA of AECOM, formerly URS Corporation, and project manager for this project, representing the Applicant Robert Tedeschi.

Mr. Artaiz said he is seeking a revision to a previously granted permit. He went over the site plan. Mr. Artaiz said the original permit was for a concrete walkway and a set of stairs which has a metal awning, which connects the parking area from 10 Alexander Drive to 20 Alexander Drive. He said the request is to extend the paved sidewalk, no cover and a handrail along the existing driveway to the south. He said the owner, Verizon Wireless, no longer wishes to utilize the northern entrance of the building and are seeking to have people use the walkway to access a different entrance to the building which is secure and has guards and check-ins. He said the sidewalk extension is approximately 80 feet in length, and approximately 6 ft. wide and falls within a 50 ft. buffer to an existing drainage basin and covers an additional 427 sq. ft. of the buffer. He said the original sidewalk is already in place but noted the awning has not as of yet been installed awaiting approval for the extension.

Ms. O'Hare said she had some trouble with this application, noting the original application was approved a few months ago. Ms. O'Hare said the Applicant has come in with a revised plan and noted she went out to inspect the erosion controls on the original walkway, and found the construction has gone beyond and she was not notified specifically, she said they began installing the walkway without contacting her to inspect the erosion controls. She said the walkway was fine, but part of the drainage basin had been filled. She said she was told the drainage basin was off-line and was being filled for safety reasons because the grade was to be moved out.

Ms. O'Hare said she attached a letter to her Environmental Planner's Report describing the situation and noted since then, the fill has been removed from the drainage basin. She noted the drainage basin is functional. She said the Applicant will return to the original design and the sidewalk area has been added which is being called an extension of the walkway and this is why the Applicant is here tonight.

Chairman Vitali expressed his appreciation to Ms. O'Hare for discovering the basin had been filled.

Mr. Artaiz said as a result of the inadvertent filling of the western end of the basin, there has been, there is a level area to the south of the walkway which is approximately 10 ft. wide. He said the original intent shows a five foot slightly sloped area before it goes into the basin. He said Ms. O'Hare has approved the leaving of the 10 ft. wide strip; however, the Applicant is not seeking this. He said the drawings which were permitted, are what the Applicant intends to have so that the final grading will comply with the drawings. He said if additional fill needs to be removed to comply with the drawings, this will be done. He said there will be more work and more disruption and noted he will come in at final grade to plant seed and the grading will be as shown on the original drawings. He said it has been ascertained this was always a functioning basin.

Mr. Kern asked about the new section to be installed and whether it was filled in or existing. Mr. Artaiz said the area is already there and noted because it is up against pavement/driveway, the sidewalk will be curved, six inches high above the pavement and will drop down approximately 12 inches to existing grade. He said there will be no additional grading beyond the installation of the sidewalk.

Mr. Kern asked about the other addition and will it have a hood. Mr. Artaiz said it will be open. Mr. Artaiz said most of the fill was removed, and more needs to be removed and added there has been no installation of erosion control on the exposed bank and will ensure this erosion control will be completed.

Ms. O'Hare said as far as conditions of approval, she referred to page 3 of her Environmental Planner's Report. She said there were two conditions of approval, but the Applicant is scratching the second one. She said the first condition states: "the disturbed inner wall of the drainage basin is to be seeded and adequately protected with straw mulch and an erosion control blanket, and adequately watered to establish growth prior to the installation of the new sidewalk being proposed tonight".

The Applicant agrees to this.

Ms. O'Hare said the second condition of approval is not part of the Applicant's intention because they do not want to extend the grade out a few more feet. She said the Applicant wants to return to the original design.

Chairman Vitali entertained a motion regarding significant activity.

MR. KERN: MOTION THAT APPLICATION #A15-5.3/10 & 20 ALEXANDER DRIVE – ROBERT TEDESCHI, AECOM, FORMERLY URS CORPORATION – (MINOR PLAN REVISIONS WITHIN SCOPE OF ORIGINAL PERMIT), IWWC # A14-9.4, BE DEEMED NOT A SIGNIFICANT ACTIVITY

MR. MURPHY: SECOND

VOTE: CARUSO-YES; PHILLIPS-YES; MURPHY-YES; KERN-YES; VITALI-YES.

Chairman Vitali entertained a motion to approve or deny this application.

MR. KERN: MOTION THAT APPLICATION #A15-5.3/10 & 20 ALEXANDER DRIVE- ROBERT TEDESCHI, AECOM, FORMERLY URS CORPORATION –MINOR PLAN REVISIONS WITHIN SCOPE OF ORIGINAL PERMIT, IWWC #14.9.4 BE APPROVED AS SUBMITTED NOTING THE ENVIRONMENTAL

PLANNER'S CONCERNS HAVE ALREADY BEEN ADDRESSED AS SUB-MITTED

MR. MURPHY: SECOND

VOTE: CARUSO-YES; PHILLIPS-YES; MURPHY- YES; KERN-YES; VITALI-YES

NEW BUSINESS

1. **#A10-5.3/803 North Farms Road – Toll Brothers – (bond reduction)**

Ms. O'Hare said the estates at Wallingford have been finished for some time and the bond hasn't been released before is because of the plantings not being done. She said Toll Brothers is now requesting a bond reduction from \$50,000 to \$5,000 to cover the 33 missing shrubs. Ms. O'Hare said the plantings haven't been done because some of the shrubs died because of being planted in the wrong areas and some shrubs just died.

Mr. Kern suggested splitting the bond at \$25,000 and \$25,000 because the work hasn't been completed.

Ms. O'Hare said additional rip-rap has been installed and everything has been completed except for the shrubs.

Chairman Vitali entertained a motion at this time.

MR. KERN: MOTION THAT APPLICATION #A10-5.3/803 NORTH FARMS ROAD – TOLL BROTHERS - (BOND REDUCTION) BE REDUCED FROM \$50,000 TO \$25,000 UNTIL THE SHRUB WORK HAS BEEN COMPLETED

MR. MURPHY: SECOND

VOTE: CARUSO-YES; PHILLIPS-YES; MURPHY-YES; KERN-YES; VITALI-YES

RECEIPT OF NEW APPLICATIONS

Ms. O'Hare said all these new applications came in this week.

1. **#A15-6.1/69 Cheshire Road – Luigi DelBuono – (single family residence) – received by Chairman Vitali.**

Ms. O'Hare said this was the subject of a violation because material was pushed close to the pond and wetlands and was asked to install a silt fence and trees were removed. She noted Mr. DelBuono has come in for an application.

2. **#A115-6.2/115 John Street** – Wallingford Energy II LLC – (electric generating facility expansion) – received by Chairman Vitali.

Ms. O'Hare explained this is the expansion of the existing electric generating facility, some additional gas turbines will be installed.

3. **#A15-6.3/South Elm Street** – Pat Wall Memorial Field – Town of Wallingford - (parking improvements) – received by Chairman Vitali.

Ms. O'Hare said this application came in Tuesday at 4:30 p.m.

ELECTION OF OFFICERS

Chairman Vitali opened the floor for nominations for Chairman. Mr. Kern noted the election of officers can't take place without a full slate of Commissioners.

Chairman Vitali took the agenda in the following order:

VIOLATIONS

1. **3 Powers Road** – Notice of Violation – Dave Woronick, Greene D.H. Woronick – unpermitted, unauthorized clearing in upland review area.

Chairman Vitali said he received a copy of a letter from Mr. Woronick's attorney forwarded by Ms. O'Hare. He said the letter was dated June 2, 2015.

Ms. O'Hare said a copy of the violation letter was in the Commissioner's packets. She said she received an anonymous call of trees being cut. She said she went on-site and saw cut trees in the 50 ft. upland review area from a pond on the property known as 3 Powers Road. Ms. O'Hare said there was initial confusion as to who actually owned the property because the Assessor's data hadn't been updated. She said the property was sold in November to David Woronick, Greene Woronick Construction and the cutting of the trees occurred after.

Ms. O'Hare said Mr. Woronick is stating that some of the tree cutting happened before he owned the property. She said some of the cutting looked old and some looked fresh. She said Mr. Woronick was advised to install 25 shrubs after conferring with Chairman Vitali which was has not been done. She said a notice of violation was sent out two weeks ago to install the plantings by June 2 which was not done and he is now on the agenda.

Chairman Vitali read the letter from Mr. Woronick's attorney, Robert E. Regan, into the record which stated he and his client could not attend the June 3, 2015 meeting and stated his client, Mr. Woronick did not cut down trees pictured on the attachment to Ms. O'Hare's letter, and did not see the tree being cut down, but the person who cut the tree down, left it in place on his

client's property. Chairman Vitali said the letter went on to say that Mr. Woronick did not remove the parts of the tree which remained on his property after it was cut down and indicated they spoke to Ms. O'Hare and explained this to her. The letter went on to state that it would be helpful and request the Chairman of the IWWC consider setting up a site meeting convenient to the Chairman and other Commission members to meet with Mr. Woronick and Ms. O'Hare to review the claims made in Ms. O'Hare's letter.

Chairman Vitali said he didn't know what a site investigation would determine because the trees were cut. He said a meeting to look at the tree stumps won't be any different than having the discussion at the next IWWC meeting. Chairman Vitali instructed Ms. O'Hare to contact Mr. Woronick's attorney and inform him the meeting he suggested will be next month in the Town Hall auditorium.

REPORTS & COMMUNICATION

1. Regulation Revisions –status

Chairman Vitali said Corporation Counsel Janis Small has not had time to review the Commission's position on this.

2. CT Department of Energy & Environmental Protection – Notice of Proposed Stream Flow Classifications – South Central Coastal Basin – public hearing to be held at SCRCOG, 127 Washington Ave., 4th floor, West, North Haven, CT, Tues, June 9, 2015, 2:00 p.m. to 4:00 p.m. and 6:00 p.m. to 8:00 p.m.; dated 5/18/15; received 5/20.15.
3. CACIWC newsletter, "The Habitat", Spring 2015, distributed to Commission
4. DEEP Municipal Inland Wetlands Agency Continuing Education Workshop: Legal and Administrative Updates, 6/19, Old Lyme, June 24, Burlington, July 1, Dayville; all 9:00 a.m.-12:30 p.m. – received 5/12/15

ADJOURNMENT

Mr. Kern made a motion to adjourn the Meeting at 9:16 p.m. Ms. Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary