

**WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION**

**WEDNESDAY, JUNE 4, 2014 – 7:00 P.M.**

**ROBERT EARLY AUDITORIUM, TOWN HALL**

**45 SOUTH MAIN STREET, WALLINGFORD, CT**

**MINUTES**

The Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission was held on Wednesday, June 4, 2014 in Council Chambers, Town Hall, 45 South Main Street, Wallingford, Connecticut.

Seated Commissioners were Chairman Jim Vitali; Vice-Chairperson Ellen Deutsch; Nick Kern, Secretary; David Parent, Dennis Murphy; Deborah Phillips; Michael Caruso, Jim Heilman, alternates; Erin O'Hare, Environmental and Natural Resources Planner.

Chairman Vitali called the Meeting to order at 7:05 p.m.

**CONSIDERATION OF MINUTES**

1. Regular Meeting, May 7, 2014

**MS. DEUTSCH:      MOTION TO APPROVE THE REGULAR MEETING MINUTES OF  
MAY 7, 2014 AS PRESENTED**

**MR. MURPHY:      SECOND**

**VOTE:              PARENT – YES; KERN – YES; DEUTSCH – YES; PHILLIPS – YES;  
MURPHY – YES.**

**OLD BUSINESS**

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

Ms. O'Hare said this is not ready to go forward.

2. **#A14-4.1/1024 Durham Road – FUN Properties, LLC – Frank Cotrona – (after-the-fact-filing)**

Appearing in front of the IWWC was Applicant, Frank Cotrona, owner, FUN Properties, LLC.

Referring to her Environmental Planner's Report of May 29, 2014, Ms. O'Hare said she first received notice of an issue at this property from a neighbor, Nancy Weber, of 1030 Durham Road who reported that silty runoff was coming from this site. Ms. O'Hare said Mr. Cotrona filed an after-the-fact permit on April 25, 2014, which was received by the IWWC on May 7, 2014. Ms. O'Hare said there is a gap in the review which she wanted to bring to the IWWC's attention. She said when the lot was approved in 1988, it was not developed so no matter what approvals were set in place at that time, there is no oversight for the development of this lot. Ms. O'Hare said the developer has to keep to zoning regulations, but there is no review and the developer is on his own to grade the property as he sees fit.

Ms. O'Hare said she brought to the developer's attention, the silty runoff and how the lot was being graded which was corrected. She said a slight swale, pitched away from the neighbor's property, was installed and is now grass which is acceptable. She also noted grading for the backyard had also been done approximately 27 feet into the 50-ft. upland review area. She said the developer did not apply for a permit because he didn't have to. She did see a sketch plan which the surveyor brought in of what was proposed there and they were out of the 50-foot area, so a wetlands permit was not needed. Ms. O'Hare said this has come up before and she is working with the Planning Dept. to see if there can be some sort of review. She called attention to correspondence by the Engineering Department which was attached to the EPR of May 29, 2014. She said this was a situation where the lot has fallen in between the cracks. Ms. O'Hare recommended approval with wetland placards being installed and the deed to contain language to the effect that any proposed alteration of the land behind the established limit, where the wetland placards would be installed, would need a wetlands permit review and a copy of the deed be handed into the Environmental Planning office.

**MS. DEUTSCH:      MOTION THAT APPLICATION #A14-4.1/1024 DURHAM ROAD  
FUN PROPERTIES, LLC – FRANK COTRONA – (AFTER-THE-FACT  
FILLING) BE DEEMED NOT A SIGNIFICANT ACTIVITY**

**MR. MURPHY:      SECOND**

**VOTE:              PARENT – YES; KERN – YES; DEUTSCH – YES; MURPHY – YES;  
PHILLIPS – YES;**

**MS. DEUTSCH:      MOTION THAT APPLICATION #A14-4.1/1024 DURHAM ROAD**

**FUN PROPERTIES, LLC – FRANK COTRONA –(AFTER-THE-FACT FILLING) BE APPROVED WITH THE THREE CONDITIONS OF APPROVAL SPECIFIED IN THE ENVIRONMENTAL PLANNER’S REPORT DATED MAY 29, 2014 AS FOLLOWS:**

1. **IWWC PLACARDSTOBE INSTALLED ALL ALONG THE EXISTING EDGE OF THE DEVELOPED UPLAND REVIEW AREA WHERE THE LAWN AREA MEETS THE WOODS**
2. **DEED TO BE RECORDED IN THE WALLINFORD LAND RECORDS TO CONTAIN LANGUAGE TO THE EFFECT THAT ANY PROPOSED ALTERATION OF LAND OR ACTIVITY BEYOND THE ESTABLISHED LIMIT OF APPROVED DEVELOPMENT AS INDICATED BY THE IWWC PLACARDS INSTALLED IN THE REAR YARD AND AS PER THE DEPICTION<https://www.youtube.com/watch?v=2BKdbxX1pDw>https://www.youtube.com/watch?v=2BKdbxX1pDw REPRESENTED ON DRAWING ASSOCIATED WITH IWWC PERMIT, #A14-4.1 ON FILE WILL REQUIRE IWWC PERMITTING TO BE OBTAINED PRIOR TO ANY ACTION TAKEN BY THE PROPERTY OWNER IN THE JURISDICTIONAL AREA**
3. **COPY OF THE DEED WITH THE ABOVE LANGUAGE TO BE SUBMITTED TO THE ENVIRONMENTAL PLANNER FOR THE IWWC #A14-4.1 FILE IMMEDIATELY UPON FILING IN LAND RECORDS**

**MR. MURPHY:**        **SECOND**

**VOTE:**                **PARENT – YES; KERN – YES; DEUTSCH –YES; MURPHY – YES; PHILLIPS – YES**

**3. #A14-5.1/14 Grieb Trail – Daryl DeMarco – (deck stairs)**

Appearing in front of the IWWC was Applicant Daryl DeMarco

Ms. O'Hare presented an overview of her Environmental Planner's Report dated May 30, 2014. She noted there was a last minute revised plan. She said the Applicant had submitted a sketch of his backyard initially when the application was received on May 7, 2014 but when she visited the site later in the month, where a proposed set of deck stairs was going to be built from the existing deck down to a narrow backyard which fronts right on Spring Lake. work was

progressing and she noted this work should have been a part of the application. Ms. O'Hare distributed photographs to the IWWC of the backyard. She said the original application was for deck stairs, but now there is a backyard patio; a foot of fill and sod which has been brought in, and an existing concrete retaining wall which has been raised a foot in height. Ms O'Hare said because of the rain pattern in the intervening two weeks, she did not believe the lake was impacted from a lack of erosion controls. Ms. O'Hare advised the Applicant and erosion controls were immediately installed. She also advised him to install sod.

Commissioner Murphy asked the Applicant why he did not consider installing the stairs at the end where the existing stairs are located.

Mr. DeMarco said he needed a bit more room when his parents come over. He needed an additional six-to eight feet in width to accommodate them. He said the deck width is eight feet.

Commissioner Kern asked if there was an existing retaining wall before the new wall was installed.

Mr. DeMarco said there was a retaining wall that was two blocks high of two feet by four feet by three feet.

In answer to Commissioner Kern's question, Ms. O'Hare said she found no file of the IWWC giving the owner permission to install the original retaining wall it was done years ago. Ms.O'Hare said the wall went up vertically, not horizontally toward the lake with the existing wall.

**MS. DEUTSCH:      MOTION THAT APPLICATION #A14-5.1/14 GRIEB TRAIL-DARYL DEMARCO – (DECK STAIRS) BE DEEMED NOT A SIGNIFICANT ACTIVITY**

**MR. MURPHY      SECOND**

**VOTE:              PARENT – YES; KERN-YES;DEUTSCH – YES; MURPHY –YES; PHILLIPS – YES.**

**MS. DEUTSCH:      MOTION THAT APPLICATION #A14-5.1/14 GRIEB TRAIL – DARYL DEMARCO –(DECK STAIRS) BE APPROVED AS SUBMITTED.**

**MR. MURPHY:      SECOND**

**VOTE:**

**PARENT- YES; KERN- YES; DEUTSCH – YES; MURPHY –YES;**

**PHILLIPS – YES.**

4. **#A14-5.2/73 North Plains Industrial Road – KW Paving & Concrete, LLC – (after-the-fact industrial improvements)**

Representing the Applicant was Christopher Juliano, P.E., L.S., Juliano Associates.

Mr. Juliano told the IWWC there are not wetlands on this industrial piece of property located on 73 North Plains Industrial Road. He said however, the pervious, semi-impervious regulations are tripped and this is why an application was submitted and the reason it was after-the-fact is that the Applicant had no idea these pervious, semi-pervious regulations even existed. He said it wasn't until the Town was notified of construction activity which the Applicant was told to cease until a permit was obtained. Mr. Juliano said the Applicant contacted him and he performed a survey, analyzed the surface areas, erred on the side of caution and submitted to the IWWC. He said the Applicant plans on using the back part of the property for a storage yard. He said all of the processed stone has been brought in, the grading has been done and there will be some storage units and a hoop house. Mr. Juliano said the Applicant is leasing the fenced-in area and are not owners of that property.

Chairman Vitali asked about a retention pond/swale to handle the parking lot water which got filled in.

Mr. Juliano said if there were a retention pond, it may have been installed when the construction was originally done. He said he did not believe there has been anything recent, it has remained an undeveloped industrial lot. He said there are old concrete pads and broken pavement and some grass mixed in with pavement. He said he decided to call this area grass and put in an application because it was over the 20,000 sq. ft. threshold.

Chairman Vitali asked how there would be water recharge in this area.

Mr. Juliano said there was processed down gravel and there is a dry well on site. He said the way the property is graded, the water sheet flows from north to south and flows to the existing drywell. He said there are also grass surfaces on the subject property as well.

Ms. O'Hare said this has been summed up and is before Zoning. She distributed photos of the area to the IWWC and asked Mr. Juliano to speak about whether the catch basins were connected to North Plains Industrial Road which the Engineering Department did not believe to be true.

Mr. Juliano said his field crews label this as catch basins. He said he went out on Wednesday and verified these "catch basins" are drywells and are not connected to the storm drains. He spoke about water quality and infiltration, and noted he provided Ms. O'Hare with information

on Flo-Guard which is a catch basin insert. He said he could make this a stipulation that this Flo-Guard be inserted into the one catch basin and maintained to manufacturer's specifications.

Ms. O'Hare said the storm water will flow into the catch basin from the front half of the property, but the back part of the property is flat and this is where the Applicant wants to install the storage facility.

Mr. Juliano said construction equipment and some processed materials would be stored in the storage facility.

Chairman Vitali asked Ms. O'Hare about a 500-1000 gallon diesel tank and asked her to check to ensure this was a double-walled tank and would satisfy Water & Sewer regulations in that area. He asked if this item should be bonded with a \$5,000 bond to ensure that the catch basin be installed. He said this is a band-aid, but a good band-aid.

**MS. DEUTSCH:**        **MOTION THAT APPLICATION #14-5.2/73 NORTH PLAINS INDUSTRIAL ROAD –KW PAVING & CONCRETE, LLC -(AFTER-THE-FACT INDUSTRIAL IMPROVEMENTS) BE DEEMED NOT A SIGNIFICANT ACTIVITY**

**MR. MURPHY:**        **SECOND**

**VOTE:**                **CARUSO-YES; PHILLPS-YES; DEUTSCH-YES;MURPHY-YES; KERN- YES.**

**MS. DEUTSCH:**        **MOTION THAT APPLICATION #14-5.2/73 NORTH PLAINS INDUSTRIAL ROAD-KW PAVING & CONCRETE, LLC -(AFTER-THE –FACT INDUSTRIAL IMPROVEMENTS) BE APPROVED WITH THE ENVIRONMENTAL PLANNER'S THREE CONDITIONS OF APPROVAL AS NOTED IN THE EPR DATED MAY 28, 2014 AND ARE AS FOLLOWS:**

- 1. REVISED PLAN TO BE SUBMITTED WITHIN ONE MONTH DEPICTING DRAINAGE CONNECTION TO TOWN STORM FACILITIES IN ROAD FOR EXISTING "CATCH BASIN" DEPICTED ON PLAN**
- 2. PRE-TREATMENT DEVICE, "FLO-GUARD" + PLUS CATCH BASIN INSERT FILLER" TO BE INSTALLED IN CATCH**

**BASIN/YARD DRAIN FACILITY WITHIN ONE MONTH OF APPROVAL.**

- 3. PRE-TREATMENT DEVICE-"FLO-GUARD" + PLUS CATCH BASIN INSERT FILLER" BE MAINTAINED REGULARLY AS PER SPECIFICATIONS PROVIDED (PRIOR TO AND JUST AFTER THE SNOW SEASON, AND DURING THE SUMMER RAIN SEASON AND AT A MINIMUM THREE TIMES A YEAR).**
- 4. A \$5,000 BOND BE REQUIRED FOR THE CATCH BASIN**

**MR. MURPHY**      **SECOND**

Regarding the oil tank, Commissioner Kern noted that no permit be issued until the tank conforms to local zoning and it be double-walled. He requested Ms. O'Hare follow-up on this.

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

Chairman Vitali, at this time, took the agenda in the following order:

**7. #A14-5.5/11 Terrell Farms Way – Omar Lopez –(tree removal in wetland)**

Appearing in front of the IWWC was Omar Lopez, Owner/Applicant.

Ms. O'Hare said she received a call from Mr. Lopez stating he wanted to remove seven trees (two mature trees and five saplings) right on the edge where his lawn meets the wetland line which is on file for this property. Ms. O'Hare said Mr. Lopez did submit an application, but her concern was that the lawn might get dug up in the process of removing the trees.

Mr. Lopez said he will ensure the yard will not be changed. He noted that two of the big trees are alive and two are dead.

Chairman Vitali asked if Mr. Lopez would be cutting the trees flush with the ground or would the stumps be ground.

Mr. Lopez said initially he planned to cut the trees flush with the ground and had no plans to replant because the original trees were too close to the house in the first place.

Chairman Vitali said requested the Applicant not remove the stumps but either cut them flush with the ground or grind them flat.

**MS. DEUTSCH:**      **MOTION THAT APPLICATION #A14-5.5/11 TERRELL FARMS**  
**WAY – OMAR LOPEZ –(TREE REMOVAL IN WETLAND) BE**  
**DEEMED NOT A SIGNIFICANT ACTIVITY**

**MR. MURPHY:        SECOND**

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

**MS. DEUTSCH:        MOTION THAT APPLICATION #A14—5.5/11 TERRELL FARMS  
WAY –OMAR LOPEZ – (TREE REMOVAL IN WETLAND) BE  
APPROVED AS SUBMITTED WITH AN ADDITIONAL CONDITION  
OF APPROVAL THAT WHEN IT COMES TO THE STUMPS, THEY  
ARE TO BE CUT FLUSH OR GRIND FLAT, NOT REMOVED**

**MR. MURPHY:        SECOND**

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

8.        **#A14-5.6/136 Cheshire Road-Fresh Meadows Open Space Property –**  
Wallingford Conservation Commission – (Eagle Scout project – installation of two trails & two picnic tables).

Appearing before the IWWC was Mary Heffernon, Chair, Conservation Commission and Zachary Blum, Eagle Scout Candidate from Troop 5.

Zachary Blum said he will be constructing two trails made of mulch and two picnic tables on the Galko Property on Cheshire Road.

Ms. O'Hare, referencing her Environmental Planner's Report dated May 30,2014, said she is familiar with the site, because the Town Hall has done planning on this property and the Conservation Commission recently applied for a State Grant for the DEEP Recreational Trails Grant program which was not awarded to the Conservation Commission. She said when Zachary expressed an interest in building the two trails and two picnic tables, the Conservation Commission endorsed this project. She said Zachary received approval from Mayor Dickinson and Parks & Recreation Director John Gawlak.

Chairman Vitali asked if other trails had been approved in this site, especially in the Nathan's Path area.

Ms. O'Hare said that was another Scout project off Rosick Road, on Wallingford Land Trust land, which was an earthen trail and an elevated board walk through the swamp and was successfully done.

Conservation Commission Chair Heffernon said she has seen through the Land Trust and the Conservation Commission, many successful Eagle Scout projects that have been done, but this is the first time she has seen a young man, who wasn't a few months shy of his 18<sup>th</sup> birthday come running in. She said he has done a remarkable job of presenting this project on his own and he is not even 15 years of age.

Commissioner Murphy asked if the Troop would take care of maintenance.

Chair Heffernon said the Conservation Commission would be overseeing the project after completion.

Commissioner Phillips said this was a very worthy project and wished Zachary good luck.

Commissioner Kern asked if a base would be installed on the picnic tables to secure them.

Zachary said there will be concrete sonitubes drilled into the ground and a piece of rebar or threaded rod and bend it and install it through the picnic table leg so it cannot be pulled out.

Commissioner Kern asked if there was an application fee with this project.

Ms. O'Hare said the fee is waived for Town projects.

**MS. DEUTSCH: MOTION THAT APPLICATION #A14-5.6/136 CHESHIRE ROAD – FRESH MEADOWS OPEN SPACE PROPERTY – WALLINGFORD CONSERVATION COMMISSION – (EAGLE SCOUT PROJECT - INSTALLATION OF TWO TRAILS & TWO PICNIC TABLES BE DEEMED NOT A SIGNIFICANT ACTIVITY**

**MR. MURPHY: SECOND**

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

**MS. DEUTSCH: MOTION THAT APPLICATION #A14-5.6/136 CHESHIRE ROAD- FRESH MEADOWS OPEN SPACE PROPERTY-WALLINGFORD**

**CONSERVATION COMMISSION-(EAGLE SCOUT PROJECT –  
INSTALLATION OF TWO TRAILS & TWO PICNIC TABLES BE  
APPROVED AS SUBMITTED**

**MR. MURPHY:**           **SECOND**

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

**5.#A14-5.3 /59 & 65 North Plains Highway – Wallingford Group, LLC – (after-the-fact modification to permit IWWC #A13-8.2 re: concrete products storage yard**

Appearing in front of the IWWC was Christopher Juliano, P.E., L.S., Juliano Associates, and Jon Gavin, owner/Applicant, Wallingford Group, LLC.

Mr. Juliano presented an overview of the situation. He said at last month's IWWC meeting, the Applicant was directed to button up the site, get things under control and once done were allowed to continue with the approved work. He said since that time, the rest of the excavation on 65 North Plains Highway has been completed, and the property line between 65 &69 North Plains Highway was staked out, and has only gone up to what has been approved. He said the millings have been installed at 65 North Plains Highway and part of 59 North Plains Highway up to the approved area. He said the Applicant is here to get approval for the modification of the permit for the expansion of the storage yard on 59 North Plains so the millings can be completed and approval on 69 North Plains so the remainder of the slope can be cut down, the berm installed and the rest of the grass buffer strip.

Referring to her Environmental Planner's Report dated May 30, 2014, Ms. O'Hare said there has been a lot of activity since the May IWWC meeting. She spoke about the correspondence she included in the IWWC's packets along with the Cease & Desist letter and the specific directives. Ms. O'Hare said it was determined that the Cease & Desist Order remain in effect and that there were five different directives: to install rip-rap on Town –owned properties subject to Town approval. Ms. O'Hare noted that the Applicant is working towards this, but there still is no approval from the Town. She spoke about a letter from Town Engineer John Thompson dated May 29, 2014 stating that the Engineering Dept. will approve, but the Army Corps of Engineers will not There was also a response letter from the Army Corps of Engineers to Mr. Gavin stating that rip-rapping required by the IWWC as remediation work, cannot take place but instead recommended that erosion controls be implemented. She added that installing rip-rap on the inlet and outlet sides of the culvert as shown on the modification application was also not completed by a directive from the Army Corps. She added the IWWC's directive to have the Applicant spread loam and seed around the edge was completed. She said because of the Army Corps directives, the remediation work (rip-rap armoring) cannot be completed from

North Plains Highway to the inlet of the culvert and they cannot do any armoring from the outlet of the culvert, including installing a plunge pool and fortify it.

Chairman Vitali asked why the Applicant couldn't rip-rap from the outlet of the culvert.

Mr. Juliano explained that the Applicant has permission from the Engineering Department and Corporation Counsel but Mr. Thompson wants to make sure the Army Corp is on board. He said the Army Corps has basically stated that any work adjacent to the watercourse, the high water mark, should not be completed until they are satisfied that every issue has been addressed.

Ms. O'Hare said she also reviewed the modification application and sent follow-up questions to the Project Engineer of which a copy was included in the IWWC packet. Ms. O'Hare said the Project Engineer's responses along with a revised plan sheet was also included in the IWWC packet. Ms. O'Hare spoke about the clear-cutting on the southern part of the property by the Applicant which was near the upland review area but not approved for clear-cutting. She said in the plan the Applicant submitted a month ago, it was indicated there would be re-forestation, but in the new plan, the re-forestation was not mentioned. She said the Applicant indicated that re-forestation was to take place if the clear-cutting was on Town property, but once the area was re-surveyed and showed the clear-cutting was on the Applicant's property, the proposal was dropped. Ms. O'Hare suggested using this area as a snow-disposal area. She said the Applicant rejected this proposal. She suggested the IWWC require a replanting plan.

Mr. Juliano explained that on the original application, the Applicant was asked to provide designated snow storage areas in the yard, and it was explained that because concrete products will be moving, it is difficult to designate a standard area. He said it is acceptable to the Applicant, Mr. Gavin, to use that "tongue" area of the property, as a snow storage area.

Ms. O'Hare spoke about impact figures in her Environmental Planner's Report dated May 30, 2014.. She said the modification figures decrease the impact to the wetlands by 320 sq. ft. She said the reason the figure has gone down from the original permit back in December, is that the Applicant now has a new soil scientist, James Sipperly, and according to him, the amount of wetlands impacted by the culvert crossing was 320 sq. ft. less than originally thought. She said the total watercourse altered would increase by 2 1/2 linear feet and the total upland area altered increased by approximately 15,000 feet and the total surface area created with this modification increased by approximately 34,000 feet. She recommended a revised plan showing the snow disposal area should be one of the conditions of approval.

Chairman Vitali said his recommendations in the designated snow area would not be to install millings because then the millings will be pushed further out into the area. He suggested using the gravel already on site.

Mr. Juliano noted there is a buffer strip that goes around the entire property and that tongue area does have a green bio filter along its edge before the wetlands. He said as far as the

surface is concerned, he believed the intention was to mill it, but if the IWWC wants it bare soil, the Applicant will defer to the IWWC.

Ms. O'Hare said the area being discussed was not proposed for grass in the plan.

Mr. Juliano said when the work was being done and the biofilter was being installed, we just went through and did that area (loam and seed). He noted that to have one little section that didn't have a bio filter made no sense. He said a buffer was installed around everything so no matter how the water sheet flowed off the storage yard, it would receive treatment.

Ms. O'Hare suggested the IWWC as a condition of approval, show the grass strip on the plan. She asked how this area would be distinguished as a snow removal area.

Commissioner Kern said there will be a grass strip around the area and will define itself because the snow removal area will be a section after the grassy strip that won't be milled.

Ms. O'Hare suggested this be put as a condition of approval that this area not be milled.

Mr. Gavin said he intended on milling that area and have the grass strip before it around the perimeter.

Commissioner Kern said he would like to see this area milled because of the weight factor of the machines that will be moving the snow from the lot into where the storage area will be.

Ms. O'Hare also suggested in her conditions of approval that a revised plan be submitted indicating the date the soil scientist completed the work on the revised wetland boundary. She believed the wetland placards would be a good idea as far as creep goes.

Chairman Vitali noted that wetland placards on posts do not stop the creep. He asked Ms. O'Hare what the IWWC would be approving tonight: would it be the map upgrade, the snow storage identification which would allow the Applicant to continue the project and put the millings down

Ms. O'Hare said the Applicant could complete their project with the exception of the armoring,

Commissioner Parent asked if the IWWC could approve the armoring subject to the Army Corps of Engineers approval.

Mr. Juliano recommended the Applicant hold tight and not do anything until Army Corps approval because their fines are in the tens of thousands of dollars.

Commissioner Parent said this strengthens the argument for giving the Applicant permission subject to because it makes it easier for the Army Corps to approve it because the Town is on board with this. He noted it would put a burden on the Army Corps to disapprove something the Town has already approved.

Ms. O'Hare said the Corporation Counsel had her say at the May 7 IWWC meeting that the Town is not a co-applicant on this Application the IWWC is about to act on. She said the IWWC needs to make this clear when this is approved by them. She said the Cease & Desist needs to be addressed and remains open. She pointed out the Cease & Desist asked the Applicant to remediate with the armoring which can't be done. She said the Cease & Desist will be open indefinitely.

Chairman Vitali said the vote tonight (Wednesday), will be only on property that is owned by the Applicant, that Mr. Gavin of Wallingford Group, LLC, owns. He noted there is a cease & desist on the project and even though the IWWC may vote to approve some things done tonight, (Wednesday), the fact that the Army Corps has stepped in, and is holding up the armored coating of Padens Brook on the inlet side of the culvert, back to the Wallingford side of the property, that being open keeps the Cease & Desist active for that section. He said if this is approved by the IWWC, the Applicant will be able to continue the project except for the section between the culvert and Town of Wallingford property. He noted that if the IWWC makes a motion to grant the Applicant permission to armor the brook subject to Army Corps approval, and at the same time, the Cease & Desist will end. He stressed that if this is going to be a condition of approval, and the Army Corps allows Mr. Gavin to armor line the brook and if the Town of Wallingford is in agreement on their property, the IWWC will allow both pieces to be armor protected/rip-rap on the brook.

Mr. Gavin said he doesn't want this Cease & Desist hanging over his head until it is resolved by the Army Corps, which could be a lengthy process.

Commissioner Murphy said the IWWC will wait until the Army Corps makes its decision, but the Cease & Desist is only on the armoring portion, not on the entire site.

**MS. DEUTSCH:**        **MOTION THAT APPLICATION #A14-5.3/59 & 65 NORTH PLAINS HIGHWAY - WALLINGFORD GROUP, LLC – (AFTER –THE- FACT MODIFICATION TO PERMIT IWWC #A13-8.2 RE: CONCRETE PRODUCTS STORAGE YARD) BE DEEMED NOT A SIGNIFICANT ACTIVITY**

**MR. MURPHY:**        **SECOND**

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

MS. DEUTSCH: MOTION TO APPROVE MODIFICATIONS TO APPLICATION #A14-5.3/59 & 65 NORTH PLAINS HIGHWAY-WALLINGFORD GROUP, LLC (AFTER-THE-FACT MODIFICATION TO PERMIT IWWC #A13-8.2 RE: CONCRETE PRODUCTS STORAGE YARD) WITH THE FOLLOWING CONDITIONS OF APPROVAL AS OUTLINED IN THE ENVIRONMENTAL PLANNERS REPORT DATED MAY 30, 2014 WHICH ARE AS FOLLOWS:

1. A REVISED PLAN IS SUBMITTED THAT INDICATES THE DATE THE SOILS SCIENTIST COMPLETED THE WORK ON THE REVISED WETLANDS BOUNDARY.
2. SNOW REMOVAL DISPOSAL AREA BE PROVIDED IN AREA CLEAR-CUT ON SOUTHERN EDGE OF PROPERTY AND ON THE PLAN THE GRASS AREA WILL BE IDENTIFIED AND THE TONGUE AREA WILLHAVE A MILLING AND BE IDENTIFIED AS SNOW STORAGE AS PER THE RECOMMENDATIONS OF THE ENVIRONMENTAL PLANNER
3. SHOULD THE ABOVE DISPOSAL AREA NOT BE PROVIDED, A PLANTING PLAN (AS APPROVED BY THE ENVIRONMENTAL PLANNER) SHOULD BE INSTALLED IN THE CLEARED AREA (USING NATIVE SPECIES OF TREES, SHRUBS AND FORBS)TO RE-CREATE THE FOREST CONDITIONS LOST ABUTTING THE WETLANDS
4. REVISE THE GRASS STRIP ON THE PLAN
5. THE MILLING AREA SHOULD BE INDICATED ON THE PLAN WHEN REFERENCING THE SNOW DISPOSAL AREA
6. WHEN THE ARMY CORPS GRANTS APPROVAL, THE CEASE & DESIST WILL END
7. SUBJECT TO THE ARMY CORPS APPROVAL AND TOWN OF WALLINGFORD APPROVAL, THAT THE RIP-RAP WILL BE PLACED ON THE TOWN PROPERTY IN ACCORDANCE WITH THE PLAN
8. PLACARDS SHOULD BE INSTALLED AT A REASONABLE LOCATION WITH THE APPROVAL OF THE ENVIRONMENTAL PLANNER

MR.MURPHY: SECOND

VOTE: PARENT- YES; HEILMAN – YES; KERN- YES; DEUTSCH – YES; MURPHY – YES.

**6.#A14-5.4/69 North Plains Highway -69 North Plains - Wallingford LLC – (after-the-fact concrete storage yard installation)**

Ms. O'Hare explained this is a subject of a Cease & Desist order which went out on May 2, 2014 because a forest was clear-cut without permit. She said once this was done, a Notice of Violation was sent out. Ms. O'Hare said the Applicant kept on grading and a Cease & Desist order was issued. She said the Applicant applied for an after-the-fact application to make this part of the bigger storage yard that is located to the east.

Mr. Juliano said this is impacting 4,400 sq. ft. and an additional 211 sq. ft. where the steep slope is located. He said this is on the back of 65 North Plains Highway and ties in with the Applicant's existing plant on 69 North Plains Highway. He said all of the grading has been done up to the property line and a silt fence has been installed with a grass biofilter on a portion of the property with a portion remaining as a berm so as not to get runoff.

Ms. O'Hare said this was a first-time application.

Commissioner Kern said he visited the site last Friday and recommended approval.

**MS. DEUTSCH:        MOTION THAT APPLICATION #A14-5.4/69 NORTH PLAINS HIGHWAY -69 NORTH PLAINS –WALLINGFORD LLC – (AFTER-THE-FACT CONCRETE STORAGE YARD INSTALLATION BE DEEMED NOT A SIGNIFICANT ACTIVITY**

**MR. MURPHY:        SECOND**

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

**MS. DEUTSCH:        MOTION THAT APPLICATION #A14-5.4/69 NORTH PLAINS HIGHWAY -69 NORTH PLAINS –WALLINGFORD LLC – (AFTER – THE FACT CONCRETE STORAGE YARD INSTALLATION BE APPROVED AS SUBMITTED WITH THE CONDITIONS OF APPROVAL AS DESIGNATED IN THE ENVIRONMENTAL PLANNER'S REPORT DATED MAY 30, 2014 WHICH IS AS FOLLOWS:**

- 1. IWWC PLACARDS BE INSTALLED AT THE EDGE OF THE GRASS STRIP PROPOSED AT 50-FOOT INTERVALS**

2. **GRASS FILTER STRIP BE MAINTAINED QUARTERLY BY OWNER**
3. **REVISED DRAWINGS TO BE SUBMITTED FOR FILE WITHIN ONE MONTH REVISED TO DEPICT:**
  - A. **Scale**
  - B. **Date the new wetlands information was flagged in field**
  - C. **Site plan preparer's name**
  - D. **Date prepared and revised**
  - E. **Title, such as "proposed storage yard – 69 North Plains Highway"**
  - F. **Addresses of both properties depicted in drawing**
  - G. **Revise location of pointer for "Proposed Limit of Process/Millings" (as it is off the edge of revised drawing copy submitted)**

**MR. MURPHY:**        **SECOND**

**VOTE:**                **CARUSO –YES; PHILLIPS –YES; MURPHY – YES; DEUTSCH – YES; KERN – YES**

**NEW BUSINESS**

1. **56 Gaylord Farms Road/Cellco Partnership (dba), Verizon Wireless and New Cingular Wireless PCS, LLC (dba, AT & T) – pre-application discussion request – re: wireless communications equipment facility structure)**

Appearing in front of the IWWC and representing Cello Partnership (dba) Verizon Wireless and New Cingular Wireless PCS, LLC (dba, AT &T), was Dean Gustafson, Soil Scientist, All-Points Technology Corporation.

Mr. Gustafson distributed updated figures and photographs to the IWWC. He said he is here for a post-co-location of an antenna on an existing water tank on the Gaylord Hospital property, with ground equipment to be located in the upland review area within a 48 by 35-foot gravel base would be approximately 30-feet from the nearest wetlands with the edge of the compound. He said actual construction activities will approach within 20 to 25-feet with the installation of erosion controls. Mr. Gustafson said the proposed project is located behind a maintenance building on the hospital grounds in an area which is primarily maintained lawns . He pointed out that T-Mobile currently exists on the water tank with ground equipment behind the maintenance building as well. He said one mature tree will have to be removed with the rest of the area being maintained lawn. He requested administrative approval. He said there

will be two 24 by 12 pre-fab concrete buildings, one for Verizon and one for AT & T as stand-alone structures. He said one will be in the upland review area. He said there will be concrete footings, four-feet below the frost line, for the structures to sit on. He said a crane will bring in the shelters and put them on top. He said the area is relatively flat, with grades less than 3% to 5%. He said 50-cubic yards of fill will be brought to the site. He said with the installation of erosion-sedimentation controls, there will be a perimeter of five to ten feet offset from the edge of the compound. He said the spoils from the concrete foundation will be live loaded off site.

Chairman Vitali expressed concern about Verizon eliminating jobs in Wallingford. He suggested a motion be made granting this activity subject to Environmental Planner's review and granted administratively because the activity is only impacting 25 feet into the upland review area. He said there should be a very limited footprint. He said the success of any operation is based on a contractor that is hired and AT&T and Verizon try to use top quality contractors.

Ms. O'Hare said that Verizon will make an application and this will be approved administratively with a fee. She said there is no site plan with grading yet.

Commissioner Kern agreed with Chairman Vitali that 200 jobs will be eliminated in Wallingford, and then Verizon asks for administrative approval.

Commissioner Parent said we are talking precedent, but this is so limited in scope and simple that administrative approval would be appropriate.

Commissioner Murphy said this is not a blank check.

Chairman Vitali said had this activity come in under an application, there would have been a chance that Ms. O'Hare would have reviewed it and not been in front of this table. He said he doesn't have an issue with this, but he wanted the IWWC to have it.

**MS. DEUTSCH:**           **MOTION THAT THIS ACTIVITY AT 56 GAYLORD FARMS ROAD/CELLCO PARTNERSHIP(DBA) VERIZON WIRELESS AND NEW CINGULAR WIRELESS PCS, LLC (DBA, AT &T) – PRE-APPLICATION DISCUSSION REQUEST – RE: WIRELESS COMMUNICATIONS EQUIPMENT FACILITY STRUCTURE BE GRANTED ADMINISTRATIVE APPROVAL BECAUSE THE IMPACT IS SMALL,( ONLY 25-FEET INTO THE UPLAND REVIEW AREA) WITH A PRE-FAB BUILDING SUBJECT TO ENVIRONMENTAL PLANNER'S APPROVAL AND ONCE THE ENVIRONMENTAL PLANNER IS SATISFIED WITH PROPER CONDITIONS TO PROTECT THE ENVIRONMENT AND EROSION CONTROLS MEASURES, IT WILL BE ALLOWED TO BE GRANTED ADMINSTRATIVELY**

**MR. KERN:**           **SECOND**

**VOTE:**                    **HEILMAN – YES; KERN- YES; DEUTSCH –YES; MURPHY – YES;**  
**VITALI- YES.**

Mr. Gustafson said he would be submitting an application shortly.

## **RECEIPT OF NEW APPLICATIONS**

2. **#A14-5.8/250 Main Street, Yalesville, - L & J Partnership, LLC** – (after-the-fact commercial concrete parking area – received by Chairman Vitali.

Appearing on behalf of the Applicant was John Gable, CT. Consulting Engineers. He said he was appearing in front of the IWWC because of a Cease & Desist Order. He said an after-the-fact application was applied for after discussions with Town officials and staff. He said new plantings were added after being destroyed this past year. He said the Applicant had constructed a concrete parking area in the back which was supposed to be gravel. He said the Applicant would like this to remain, but after speaking with Zoning, there is a corner on the southwesterly side of the property which is designated for snow deposition. He said in addition this area will be curbed to allow the water to flow into the existing gravel swale which deposits to the Quinnipiac Raceway.

Ms. O'Hare said she is in favor of this application as it was submitted. She said the Applicant removed the lower southern corner at the request of the Planning Department. She said this will be soil and a snow disposal area at her request.

Mr. Gable said the area cut out was 20 by 18 and will be a grass area not concrete.

Chairman Vitali asked why this proposed parking area is acceptable when it was originally approved to be gravel not concrete.

Ms. O'Hare said this was supposed to be gravel not concrete and noted there is still an open Notice of Violation. She said the after-the-fact permit can be denied, but there should be no action tonight, it is just being received. She said the runoff is clean. She said the back buffer area will be replanted and they now have a discrete snow disposal area. She asked about wheel stops.

Mr. Gable said wheel stops are being proposed in the plan.

1. **#A14-5.7/3 Harnish Lane** –Erkan Celik-(patio –administrative approval request ) – received by Chairman Vitali

3. **#A14-6.1 /680 Barnes Road** – Jaime Szyska – (addition) – received by Chairman Vitali

4. **#A14-6.2. 91 Farm Hill Road** – Sharon Cotrell – (stabilization of rear yard and pool fencing) – received by Chairman Vitali

5. **#A14-6.3/56 Brentwood Drive (Brentwood Village)** – Dennis O'Sullivan, P.E. – (restoration of slope upgradient of wetlands & re-paving) – received by Chairman Vitali

## **REGULATION REVISIONS**

1. Environmental Planner's Report, dated 5/29/14, re: proposed revisions documents (documents forwarded)
2. Consideration of proposed revisions to IWWC Regulations, Section 4 and Sections 6-11, and (new) Section 12
3. Set public hearing date, July 16

Ms. O'Hare discussed the proposed document revisions to the IWWC Regulations and distributed the Environmental Planner's Report dated May 29, 2014 regarding her meeting with Corporation Counsel Janis M. Small on Tuesday. She said the regulations in the packet, were set to go in November of 2012, but was put on hold. She said now it is being looked at again. She referred the IWWC to Atty. Small's comments on the back of the document. Ms. O'Hare said one issue (#4) on her EPR, involves a 500 ft. notice involving significant activity. Atty Small suggested this be changed to 100 feet (from the edge of the property in all directions). Ms. O'Hare discussed the memorandum of the commencement of the activity. Ms. O'Hare said she didn't administer the revocation of the one-year commencement clause because our regulations still have the one-year commencement and she administered this.

Chairman Vitali said this was a general statute that should have been eliminated and instead of writing all these people stating they had to get their one-year renewal—it was against the law when the letters were written.

Ms. O'Hare noted it was against the law but not against our regulations and this is why these have to bring them into conformance with State Regulations. She noted the one-year commencement is from Oct 1, 2012 forward and as far as is done before Oct 1, 2012, she said she still needs to confer with Atty. Small. She said she will be sending out a draft form letter to everyone whose permit was approved after Oct. 1, 2012.

Chairman Vitali said this didn't make sense but approved the proposed regulations and set a July 16, 2014 public hearing date to discuss these revisions which is the next IWWC meeting. Chairman Vitali asked Ms. O'Hare to notify Atty. Joan Molloy and Mr. Juliano that this public hearing is taking place on July 16, 2014.

## **REPORTS & COMMUNICATIONS**

1. Memorandum to IWWC from Janis Small, Corporation Counsel, re: One-year commencement requirement, dated 5/18/14 – taken up above.
2. Mayor Manuel Santos, City of Meriden, from Cuddy & Feder, LLP re: new Cingular Wireless PCS LLC ("AT &T) – Proposed Wireless Telecommunications Tower Facility, 33 Main Street, Meriden CT (dated May 15, 2014, received 5/16/14, with enclosed

Technical Report – request for comments prior to application to Siting Council – (copy to Wallingford IWWC)

Ms. O'Hare said this was forwarded to Wallingford as it is within 500 ft. of the Wallingford Town Line.

Commissioner Kern said this is not near the Wallingford town line.

Chairman Vitali asked Ms. O'Hare to look into this.

## **ELECTION OF OFFICERS**

Secretary Kern cast one ballot for the present slate of officers. The IWWC unanimously approved.

Chairman Vitali thanked the IWWC for their vote of confidence.

## **VIOLATIONS**

1. CEASE & DESIST: **#A13-8.2/59 & 65 North Plains Highway** – Wallingford Group, LLC – taken up above.
2. CEASE & DESIST – **69 North Plains Highway –Wallingford CT** – taken up above
3. NOTICE OF VIOLATION - **North Plains Highway, Town Right-Of-Way/Padens Brook** – Wallingford Group, LLC., re: unpermitted unauthorized activities on Town property within wetlands, watercourse and upland review area – taken up above.
4. NOTICE OF VIOLATION – **252 Main Street, Yalesville/ Quinnipiac River Raceway** – Brother's Pool, L & J Partnership – taken up above.

The IWWC acknowledged the presence of Courtney Parent , high school student, who is attended the IWWC meeting as part of her civics class to observe local government .

Commissioner Parent said what the student is observing is administrative law.

## **ADJOURNMENT**

Vice-Chairperson Deutsch made a motion to adjourn the Meeting at 9:23 p.m. Commissioner Murphy seconded the motion which passed unanimously,

Respectfully submitted,

Cynthia A .Kleist  
Recording Secretary