

**WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION**

**WEDNESDAY, JULY 20, 2016**

**ROBERT F. PARISI COUNCIL CHAMBERS**

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

**7:00 p.m.**

**MINUTES**

The Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission was held on Wednesday, July 20, 2016, in Council Chambers, Town Hall, 45 South Main Street, Wallingford, CT.

Seated Commissioners were: Chairman Jim Vitali; Vice-Chair David Parent; Nick Kern, Secretary, Dennis Murphy; Deborah Phillips; Alternates Jim Heilman, Daryll Porto; Michael Caruso and 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, June 1, 2016, 7:00 p.m.

**MR. PARENT:            MOTION TO APPROVE THE JUNE 1, 2016 MEETING MINUTES**

**AS PRESENTED**

**MR. MURPHY:        SECOND**

**VOTE:                HEILMAN-YES; MURPHY-YES; KERN-YES; PARENT-ABSTAIN;**

**PHILLIPS-YES; CARUSO-YES; PORTO-YES**

2. Special Meeting, July 6, 2016, 7:00 p.m.

**MR. PARENT:        MOTION TO APPROVE THE JULY 6, 2016 SPECIAL MEETING**

**MINUTES AS APPROVED**

**MR. MURPHY:        SECOND**

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

**PHILLIPS-YES; CARUSO-ABSTAIN; PORTO-YES; VITALI-YES**

**OLD BUSINESS**

1. **#A16-4.3/103 North Turnpike Road** – Joseph Richello – (apartment complex & facilities building)

Appearing in front of the Commission was Christopher Juliano, Licensed Land Surveyor, P.E., Juliano Associates, and Applicant Joseph Richello.

Mr. Juliano said this was the third meeting to discuss the proposed apartment complex at 103 N. Turnpike Road in Yalesville. He said at the last meeting, staff comments were received and the matter tabled. He said since that time, the Environmental Planner's comments from her June 8, 2016 memo were addressed and revised drawings submitted to the Town. Mr. Juliano noted that three additional memos were received dated July 14, July 15 and July 18 which were addressed with written comments. He pointed out the drawings were not revised based upon those three additional memos because the comments were minor in nature: i.e, move a silt fence, move a stockpile location and remove a boxwood from the wetland restoration area.

Mr. Juliano said the plans in front of the IWWC are the latest plans, sans some minor changes. He said he would like to turn this back over to the IWWC because at the last meeting there weren't any IWWC comments and questions. Chairman Vitali noted there was a lot of correspondence on the application and worked diligently. He said the IWWC didn't have a lot of time to look into the comments. He asked Mr. Juliano to provide an overview of the project.

Mr. Juliano went over the site plan and project details. He said there is one site entrance which has already been cut in. He said the main area field has been cleared and trees cut. He said a 36-unit age-restricted apartment complex has been proposed. Mr. Juliano said the floor plan and the design is based upon the Masonic Congregate apartments. He said the Applicant's apartments will be slightly larger and include a first-floor community room with an elevator. He said the apartment sizes were changed to two-bedrooms to keep them age restricted. He said a facilities management and storage building is also proposed, with a portion being used for resident storage because the building will have no basement. He said the rest of the storage will be used for maintenance storage.

Mr. Juliano went over the landscaping. He said in working with Ms. O'Hare, this has been modified and additional buffer plantings have been added to the watercourse to the north. Mr. Juliano addressed the grading, and noted that since the building will be located adjacent and in the 100 year floodplain, the building will be picked up so it is at elevation 48, which is three feet above the base flood elevation for the 100 year storm event. Mr. Juliano said this gives the ability to sheet flow water in all four directions and have the water collected in swales and the west and easterly sides. He said on the northerly side, the water will flow into the flood storage

detention area, and on the southerly side, the water will sheet flow off the parking lot, into the grass, then into the woods and into the wetlands on the south.

Mr. Juliano said the roof runoff from the facilities maintenance building will discharge at the rear of the building so it will sheetflow through the woods into the wetlands. He said the Applicant looked at doing something with the main building, but was concerned that discharging to grade would result in icing on the sidewalks and the parking lot during the winter. He said given the nature of the use, age-restricted, he didn't believe this was in the best interest of the residents or the project, so the roof drainage will be discharged to the flood storage and detention area. Mr. Juliano said all the storm water through all the storms up through the 50-year design storms will be captured and either run through one of the two swales, or sheet flowed directly to the flood storage area where it will be allowed to infiltrate. He pointed out no stormwater will leave the site. Mr. Juliano said during the 100 year storm, the Applicant has a minor discharge through a grass weir located to the north of the detention basin, which will flow to the existing watercourse to the north. He said the erosion will be kept down to one foot per second, which is less than a garden hose worth of water, and with a single row of silt fencing, which was moved from the tree line on Ms. O'Hare's recommendation.

Chairman Vitali asked about the wetland impacts. Mr. Juliano said there will be no direct wetland impact. He said there is a tongue of wetlands which protrudes out of the existing treeline. He said this will be replanted with a number of wetland shrubs, which is 920 sq. ft. of restoration. He said the major impact will be the amount of impervious surface, which is at 53,000 sq. ft., over the 20,000 sq. ft. requirement, and noted there is also approximately 32,000 sq. ft. of buffer disturbance, the majority of which is for the flood storage area. He said there will be minor grading for a swale on the east side and a minor intrusion into the upland review area for the swale on the east and small intrusion into the URA for the maintenance building in the southwest corner and the minor tree clearing for the building construction. He said there is a 920 sq. ft. restoration for the "tongue" near the wetlands.

Chairman Vitali asked how the wetlands would be protected during construction. Mr. Juliano said the silt fences will be used. He noted most of the area has been cleared out, especially on the eastern side which is near the wetlands. Mr. Heilman asked what determines the four parking spaces for handicap access. Mr. Juliano said handicap accessible spots are dictated by ADA and Town of Wallingford Planning & Zoning regulations. He said the Applicant is required to have one handicap spot per 25 parking spaces. He said there are more handicap parking spaces than are required by both the ADA and the Town of Wallingford. Mr. Heilman said he didn't have too much of a concern with wetland impact. Mr. Heilman asked about age restriction. Mr. Juliano said 65 is the minimum age but if the partner is less than 65 they must be at least age 50.

Chairman Vitali asked about pets. Mr. Richello said there will be no pets, but pointed out there may be cats allowed. Chairman Vitali spoke about a trail which goes down the sewer line.

Mr. Parent said this would be a tightly written contract, and noted the IWWC has approved projects in the past, and the Contractor's interpretation varied resulting in the Applicant coming back to the IWWC with problems. He wanted to ensure the Contractor builds exactly to the plan. Mr. Juliano said the Applicant is aware of this and noted Mr. Richello will be acting as the General Contractor. Mr. Juliano said his office is near the construction site and it will be easy for him to be on-site. Ms. Phillips asked if there would be an area for people to sit outside. Mr. Juliano said there will be a small patio area in the back of the building. Mr. Porto asked about community room rentals. Mr. Juliano said the community room will be a place for residents to gather for various events. He said there will also be a reading room on the first floor which can also be used.

Ms. O'Hare referred to her Environmental Planner's Report, dated Thursday, July 14, and then noted after a second site visit, an additional EPR addendum was generated on Friday, July 15. She said Mr. Juliano responded to her comments and noted the plan has not yet been revised. She said there will be approximately 20 small changes. Ms. O'Hare said she also visited the site today with the Applicant and noted the wetland flags are old, the numbers are ripped off and are from the original 2009/2010 approval. She said she requested the flags be reflagged in this area which she said was done this afternoon. Ms. O'Hare said she was concerned about the compensatory flood storage. She explained that even though this issue fell under Planning & Zoning jurisdiction, it dovetails with IWWC approval because the Applicant is proposing to put the compensatory flood area inside the storm basin. She said there is no alternate spot because the area is maxed out.

Ms. O'Hare said she reached out to the Engineering Dept. but has not yet received a reply. She noted the entire site, 90%, is in the FEMA floodplain, however, Mr. Juliano is using as the floodplain line, the line which was published on the FEMA website which states the true flood elevation on the 100-year storm is at the 45 ft. elevation which is indicated on the site development plan or set. She said this would be located in the middle of the apartment complex building. Ms. O'Hare said since the floodplain will be filled with a certain amount of fill and compensatory flood storage must be provided. She said the stormwater basin will be deeper to accommodate the floodwaters on the top. Ms. O'Hare said Mr. Juliano told her there would be no berm around the storm basin. Ms. O'Hare said without a berm, the storm basin will fill with water. She said she doesn't understand how both functions can be served by the same basin. She said the top of the basin is below the flood elevation and will fill before the 100-year flood elevation is reached.

Mr. Juliano said in his correspondence, the plans were revised but were not submitted to the IWWC because the changes were minor. Mr. Juliano said the set up in front of the board is the revised set. He said Ms. O'Hare describes this as a detention basin being used for flood storage area, when in fact; it is the other way around. He said this is a flood storage area being utilized as a detention basin during the lower storms. He said the Applicant isn't worried about the flood events. He noted the requirements for both the Town and the DOT require the Applicant to only

design detention basins up to the 25 year design storm, with the requirements that during a 100 year storm, the Applicant has to be able to safely pass that storm through the basin without loss of life or property damage.

Chairman Vitali said he might disagree, noting the Applicant is constructing the building and asked where they would be accomplishing the flood storage. Mr. Juliano said this would be in the flood storage area to the north of the building. He said this is four times larger than the cubic fill being placed. He said 311% more of compensatory storage is being provided than what is being filled in the FEMA floodplain and is on the drawings. Chairman Vitali asked Mr. Juliano if he was stating there is no storm water in a 100 year flood storm because the entire area will be underwater and not being controlled.

Chairman Vitali explained in a 100 year flood, Mr. Juliano is using this hole in the ground for compensatory flood storage and not worrying about any flood water. Mr. Juliano explained that part of the flood waters is contributed from the site, but is not trying to control it and meter out the flows, which is only done for lower storm events. He said the existing ground in the flood storage area is approximately elevation 44, the base flood elevation is 45, meaning that during the 100 year event, FEMA has computed the waters will go up to elevation 45, which means there is a foot of water on top of the ground, this is what FEMA predicts.

Mr. Juliano said he has taken 260 cu. yds. for the fill of the building, dig a hole and provide what we have taken away from the FEMA floodplain and putting in under the ground. Mr. Heilman asked if this were theoretically possible to do with a 10 x 10 x 100 ft. deep pool. He asked if this were deep enough, would it solve the volume calculation problem. Mr. Juliano pointed out this is strictly a volume calculation. He said he didn't have an issue regarding what is being proposed and how it will work. Mr. Juliano went over the FEMA FIRM map which is a small picture of the FEMA floodplain mapping and is a drawing of the edge of the 100-year flood plain. He said his data is in line with FEMA.

Ms. O'Hare asked Mr. Juliano at what point the basin would release water to the grass weir. Mr. Juliano said it would be a storm greater than the 50 year design storm. She pointed out if the water starts spilling into the stream, it will never get to the 100-year storm because the water will always be spilling out to the stream. Mr. Juliano said in theory, the 100-year would be up to that elevation anyway. He said this is not meant to discharge in the 100-year and is not meant to be a detention basin to the 100 year storm. Mr. Heilman said if one looks at this from a dry beginning at a moment in time and call this beginning of an event a 100-year storm, as the storm continues during the process that it fills that basin, it is doing its job and reaches its capacity and the storm continues. Mr. Heilman noted this is strictly a volume concern as to what ends up coming out of the Quinnipiac River as it enters into Long Island Sound, and this is the FEMA calculation and what they base their volume on.

In answer to Ms. O'Hare's question, Mr. Juliano said the entire area will be filled with water up to elevation 45 wherever this occurs (the 100 year storm event). He said there would have to be 12 feet of floodwater to put this property under water. Ms. O'Hare mentioned the Water Divisions memo which she said came into her office at 5 p.m. today. She said the Water & Sewer indicate this area is in the Aquifer Protection Area and if approved, three conditions of approvals, which involve the well and no regulated activities to be conducted as defined in the Aquifer Protection Act. He said W&S noted that no maintenance of vehicles, only storage, can be conducted at the facility maintenance vehicles, and that the DEEP stated that stormwater from parking areas cannot be discharged from direct infiltration structures within an aquifer protection area, but can be discharged to surface water swales or detention basins. The W&S also said consideration should be given to a small diameter drain from the detention basin to the downgradient channel so collective storm water run up is discharged to the surface water and should be sized so the detention basin drains slowly over a long period of time so as to not influence the peak infiltration rate. Chairman Vitali said this is what is designed.

Ms. O'Hare said W& S requested an oil/grit separator. Chairman Vitali noted that the IWWC saw this application 45 days ago and asked why it took 45 days for Ms. O'Hare to get all this correspondence back and forth on the application. Ms. O'Hare said her comments went out June 28. Chairman Vitali pointed out Ms. O'Hare's comments went out on July 15 again. He said this is a long period of time coming down to the wire the day before the application is presented. He said this is becoming a trend, that everything happens the last week before the application and doesn't give the IWWC time to analyze this. He wondered why it also took Water & Sewer Division, (W&S), 45 days to comment. Mr. Kern asked Ms. O'Hare when Erik Krueger, Water & Sewer Sr. Engineer, received her comments to review.

Ms. O'Hare said Mr. Krueger got the original ones and the revised drawings. Mr. Juliano said he received the revised drawings were given to him and comments faxed to his office July 1, and were faxed back to Ms. O'Hare on July 8. He said Water & Sewer have had the same drawings the IWWC had since July 8 and the original drawings since May.

Chairman Vitali said it is putting a lot of pressure on the IWWC and doesn't understand Ms. O'Hare has had 45 days to get this information processed. Ms. O'Hare said all this information was received at the June 1 meeting. She said if the IWWC doesn't act tonight, this application must be extended. Mr. Juliano said this wasn't accepted in June, it was in May and he gave a full presentation in June. Chairman Vitali said it reiterates again what the problem is and didn't understand what was taking so long to get these things through.

Mr. Kern asked about the staff meetings. Ms. O'Hare said they are once a month and the meetings take place a week before the P&Z meetings. Mr. Kern noted Water & Sewer had basically two months to review this and are just giving comments now. Ms. O'Hare pointed out the Applicant has not yet applied to P&Z. He asked Ms. O'Hare when she gave Water & Sewer copies of this plan to review. Ms. O'Hare said all the sets were given at the beginning of the

process. Mr. Kern asked Ms. O'Hare if she questioned at staff meetings why there are no comments. Ms. O'Hare said there are better results at the Inter-Departmental Meetings when it is a Planning & Zoning application, and pointed out if this were a Planning & Zoning application, Water & Sewer would have been at that meeting. She said she doesn't conduct staff meetings. Mr. Kern said this has been on the table since May, it is now the end of July and Ms. O'Hare is just getting the comments back at the eleventh hour. Ms. O'Hare said she did comments on May 26 with her first EPR. Mr. Kern said he was talking about Water & Sewer. Ms. O'Hare said she couldn't speak for Water & Sewer and doesn't know why they didn't respond. She said this was also the case with the Engineering Department. Ms. O'Hare said she sent them a personal memo asking for comments.

Ms. O'Hare said she is ready for the application, but wants the Town Engineer to say he is comfortable with this design of the storm water also serving the function of a flood storage area. She said she sent the memo out on July 5. Mr. Heilman said he doesn't have concern with the third party giving information at the end. He said if the IWWC passed this under the assumption of what is being said is correct and find out a mistake was made, Engineering has made a mistake, they have to come back to us because they can't do what they wanted to do. He said the IWWC wastes a lot of time with nuances in this case that are not necessary. Mr. Kern said there are a lot of loose ends and shouldn't stall on this because the Engineer is capable of modifying them. He wanted to make a motion that the application be deemed a Significant Activity because of the surrounding area. Mr. Parent noted that if there is Significant Activity there has to be a public hearing. Mr. Kern said the public hearing would take place next month and all the issues could be addressed, and the IWWC could vote on the application at that time.

Mr. Heilman asked on what grounds would this application warrant a Signification Activity, noting there was no erosion issue. Mr. Kern said he would rather discuss this because there are environmental issues regarding wildlife, and a concern about where the sewer line is going and tape on the trees. Mr. Richello said he put the ribbons on the site a year ago in an attempt to find an alternative route to move the sewer line or change the direction to avoid taking down large trees. Mr. Kern said he was concerned about using the retention in the front for flood storage and the floodplain and would like a comment from the Town Engineer. He said he was also concerned about endangered species in the area. Mr. Juliano said he did submit to the State a biodiversity database and the State responded there were no endangered species for this particular area.

Mr. Kern asked about a list of abutting property owners. Mr. Juliano said sheet two list the neighbors within 500 ft. which include Little Italy, Mr. DeMartino, DEEP, and the Town and SBC. Mr. Heilman said he had issues with a significant activity and asked why this concern wasn't raised two months ago. Mr. Kern said he brought this up last month. He said two years ago this was approved as a little strip mall with 20 cars at a time which went to a 35 apartment complex with a storage bin in the back. He said we went from something we really didn't want

and worked with them, to an apartment complex and said he felt snowballed from the start. Mr. Kern said if the engineer knew this from the beginning, it should have been worked out.

Mr. Juliano said if there is Significant Activity, the trailer park to the north would be notified because they touch the 500 ft. notification area. Mr. Juliano said he and his client had nothing to do with the strip mall application. He said the property was sold to Mr. Richello after.

Mr. Kern said he has seen the water on the road on this property and has seen the trailer park underwater. He said if there is a 100 year storm, there will be an impact on the river. Chairman Vitali said references were made to the previous plan involving wetland involvement. Mr. Parent said he is not ready to make a decision because there is not enough information. Ms. O'Hare said the regulations were amended on May 4 which reduced the notification from 500 ft. to 100 ft. notification for Significant Activity. Mr. Kern asked if an extension on the application will solve the problems. Ms. O'Hare said that when sites are maxed out and there is no area to be built on is wetlands, there is nothing in the zoning regulations which prohibit this. Chairman Vitali said the IWWC also has this control if we don't want anything built in the upland review area. Chairman Vitali asked the Applicant what would happen to the plan if the parking area was given back. Mr. Juliano said the majority of the parking area is outside the upland review area and a small portion of the maintenance building is in the upland review area. He said the biggest impact would be the rear driveway which would be permanent and where the compensatory storage would be located. Ms. O'Hare asked if the building could be made smaller.

The Applicant agreed to table this application until the Sept. 7, 2016 IWWC meeting. Chairman Vitali asked Ms. O'Hare to get the report from the Engineering Department. Chairman Vitali said he would agree to explore the possibility of a smaller maintenance building.

Chairman Vitali requested an extension.

The Applicant agreed to an extension.

Mr. Juliano asked if the IWWC would consider the Applicant using a grassy paver or a permeable paver for the rear driveway. Chairman Vitali said this would be a major help.

## **APPLICATION TABLED TO THE SEPT. 7, 2016 IWWC MEETING**

2. **#A16-5.2/16 Grieb Trail/Spring Lake-Kathleen O'Neil** – (rear yard improvements at lake edge)

Appearing in front of the Commission was Kathleen O'Neil, owner of 16 Grieb Trail. Ms. O'Hare explained that Ms. O'Neil called to complain about her neighbor and when she visited that site, she also noticed activity occurring on Ms. O'Neil's property. Ms. O'Hare said she worked with Ms. O'Neil. She said her rear yard is on Spring Lake and there is an existing block retaining wall with wetland soil between the retaining wall and the edge of Spring Lake. She said Ms. O'Neil

wants to restore the area, remove the invasives and make a wetland planting. Ms. O'Hare said in her Environmental Planner's Report dated July 14, 2016, Ms. O'Neil also wants to increase the height of the block wall on the south end by the Lake and repair the block wall and wants to keep the wooden deck, cement patio and wrought iron fence.

Ms. O'Neil said the original fence since the 1940's was replaced but then was damaged. She said the stone wall also goes back to the 1940's. Ms. O'Hare recommended approval.

Chairman Vitali entertained a motion on Significant Activity at this time.

**MR. PARENT:**           **MOTION THAT APPLICATION #A16-5.2/16 GRIEB TRAIL/  
SPRING LAKE – KATHLEEN O'NEIL, BE DEEMED NOT A  
SIGNIFICANT ACTIVITY**

**MR. MURPHY:**       **SECOND**

**VOTE:**               **MURPHY-YES; KERN-YES; PARENT-YES; PHILLIPS-YES;  
VITALI-YES**

Chairman Vitali entertained a motion on the application.

**MR. PARENT:**           **MOTION THAT APPLICATION #A16-5.2/16 GRIEB TRAIL/  
SPRING LAKE, KATHLEEN O'NEIL, BE APPROVED**

**MR. MURPHY:**       **SECOND**

**VOTE:**               **MURPHY-YES TO APPROVE; KERN-YES TO APPROVE; PARENT-  
YES TO APPROVE; PHILLIPS-YES TO APPROVE; VITALI-YES TO  
APPROVE**

Chairman Vitali said Ms. O'Neil should be refunded \$50 for the Wallingford Application fee

**MR. PARENT:**           **MOTION THAT THE TOWN PORTION OF THE APPLICATION FEE  
\$50, FOR PERMIT #A16-5.2/16 GRIEB TRAIL, KATHLEEN O'NEIL  
BE REFUNDED**

**MR. MURPHY:**       **SECOND**

**VOTE:**               **MURPHY-YES; KERN-YES; PARENT-YES; PHILLIPS-YES; VITALI –  
YES**

3. **#A16-5.4/252 Main Street/Quinnipiac River Raceway – L&J Partnership, LLC –**  
(fencing, grading & dumpster relocations)

Ms. O'Hare said she received a phone message from the Applicant today at 4:30 p.m. which said they had sold the racks. Ms. O'Hare noted nothing has been done at the site except remove the giant container. She said all the storage racks and materials are still on site. Ms. O'Hare said the message indicated that since the storage racks were sold, all of the storage material will be taken off and placed on the ground. Ms. O'Hare said the message indicated the materials stored on the ground will be sold by August and by the September meeting, everything will be set. Ms. O'Hare recommended tabling this item.

Chairman Vitali said the business is under violation and stays in existence at this point and the application to correct the violation will be tabled. Ms. O'Hare said the application came in at the June 1 meeting and an extension will be needed. Chairman Vitali said there won't be a reason for the application because the violation should be corrected by Sept. 1. Ms. O'Hare said the application is still needed along with the extension because the Applicant is requesting additional improvements to the site. Mr. Heilman said his concern was a legal one; what if the Applicant doesn't respond. He said it is the IWWC's responsibility to act upon something that is before the IWWC and coming to a deadline. He said the Applicant isn't before us and if something isn't done, there could be court action. Mr. Heilman suggesting denying the application without prejudice and having the Applicant reapply and pay another fee which could be waived.

Chairman Vitali entertained a motion to deny without prejudice at this time.

**MR. PARENT:            MOTION THAT APPLICATION #A16-5.4/252 MAIN STREET/  
QUINNIPIAC RIVER RACEWAY – L&J PARTNERSHIP, LLC –  
(FENCING,GATING & DUMPSTER RELOCATION BE DENIED  
WITHOUT PREJUDICE BECAUSE THE APPLICANT IS NOT  
PRESENT AND AN EXTENSION WOULD BE NEEDED**

**MR. KERN:            SECOND**

**VOTE:                PHILLIPS-YES TO THE MOTION; PARENT-YES; KERN-YES;  
MURPHY-YES; VITALI-YES**

4. **#A16-5.5/30 Strawberry Hill Road – Carol Borsari –** (improved stream crossing for gravel driveway)

Appearing in front of the Commission was Carol Borsari, property owner. Ms. Borsari said she is on a private road and there is a small culvert bridge and is requesting to repair and improve it because of the weight capacity. Ms. Borsari said she received a letter from Mayor Dickinson in 2009 stating this bridge was a hazard to Town emergency vehicles and therefore would not permit them to cross the bridge. She said she and Joe Gouveia co-own the bridge, and noted Mr. Gouveia has given permission for work to be done on the bridge and also from the neighbor who gave permission to access his property to install a silt fence.

Ms. Borsari said she put in the permit for the work before June 1, 2016. She said she hired a design engineer and is requesting written verification that the Fire Chief has verbally approved the plan that this does meet the weight capacity. She said she has not received any written or verbal response to this issue. She responded to Ms. O'Hare's comment regarding ownership. She said it is not in question and she has provided proof of ownership.

Ms. O'Hare distributed photos to the IWWC which were taken on July 1. She said she has worked with the engineer on the phone that has e-mailed drawings and said there is now a plan which works. Ms. O'Hare said the plan she is suggesting the IWWC consider is the plan in the packet. Ms. O'Hare said today she received correspondence from the Fire Dept. stating there are no issues with this project and the weight load is correct. Ms. O'Hare said there should be a more formal letter of plan approval from the Fire Dept.

Chairman Vitali asked about the project. Ms. O'Hare said there will be one pipe arch. She said the old one will be removed and another wider pipe arch will be installed. Ms. O'Hare said the Water Division is concerned because under this bridge parallel with the driveway is an old water line. She said today the memo came in from the Water Division which has conditions of approval attached to it. She said the Water Division wants to replace the water line if the new culvert gets to within a critical distance from the old water line. She said the Water Division will do test pits to find the depth of the water line. She said during the project, the bridge will be out of commission for a week, and if the Water Division gets involved, the bridge will be out of commission for a week and a half. Ms. Borsari said she won't be able to leave her property once the project begins.

Mr. Kern said this should be a quick fix for the Water Dept. unless the water line is replaced. Ms. O'Hare said besides the weight of the vehicles, it was discovered that water is snaking under the culvert. Ms. O'Hare said the IWWC should approve replacing the culvert, which entails installing a coffer dam, bypassing the water in the stream.

Ms. O'Hare suggested the bypass not be utilized and suggested the engineer pump the water around to cut down on disturbing the stream bank and the five foot diameter oak tree. She said at the base of the oak tree there are signs of scouring. She recommended 15 ft. long rip-rap be installed. Ms. Borsari said rip-rap is in the designed engineering plan.

Mr. Kern asked what was causing the scouring at the tree. Ms. Borsari pointed out the tree was not on her property. Chairman Vitali said if the flow is to be kept down to a zero flow, it will be the middle of September before work begins on this. He recommended approval at this meeting.

Mr. Heilman asked what would happen if there is a storm and could a pump handle the storm. Mr. Kern said the entire job shouldn't take more than four hours to dig it and put the pipe in the ground. He said the diversion with the pump is to take the excess water. He said there is two sections of pipe going across the road, not a major development. He said the key is to get the pipe in place so if there is a storm, the pipe in place would be the overflow for the pump. Ms. Borsari said the engineer has a bypass pipe. Mr. Kern said this is extra time and expense.

Ms. O'Hare said if a bypass pump is to be used, it should be pushed to the west and doesn't want it going into the tree roots. Chairman Vitali said he agreed with Mr. Kern that with the right equipment the pipe could be in the ground in four hours. Chairman Vitali said he would approve the project without the bypass pipe and let the contractor decide.

Chairman Vitali entertained a motion on significant activity.

**MR. PARENT:**           **MOTION THAT APPLICATION #A16-5.5/30 STRAWBERRY HILL ROAD – CAROL BORSARI – (IMPROVED STREAM CROSSING FOR GRAVEL DRIVEWAY) BE DEEMED NOT A SIGNIFICANT ACTIVITY**

**MR. MURPHY:**       **SECOND**

**VOTE:**               **MURPHY-YES; KERN-YES; PARENT-YES; PHILLIPS-YES; VITALI-YES**

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

**MR. PARENT:**           **MOTION THAT APPLICATION #A16-5.5/30 STRAWBERRY HILL ROAD-CAROL BORSARI – (IMPROVED STREAM CROSSING FOR GRAVEL DRIVEWAY) BE APPROVED**

**MR. MURPHY:**       **SECOND**

**VOTE:**               **MURPHY-YES; KERN-YES; PARENT-YES; PHILLIPS-YES; VITALI –YES**

Chairman Vitali told Ms. Borsari to keep Ms. O'Hare advised of the progress of this project. He suggested Ms. Borsari's engineer contact Ms. O'Hare before the project is started. Ms. Borsari

said she was concerned with the Water Division response which she received tonight. She said she asked the Water Division what their role or responsibility might be with the project because of the water line which is from 1952. Ms. Borsari said the Water Division couldn't find any record of an easement or Right-Of-Way across her property, but state in their letter, they need access. She said the letter she received tonight said the Water Division will have no responsibility and that the water line needs to be moved if necessary. She said she wanted more clarification. Chairman Vitali said this is a legal issue.

Mr. Kern said he is concerned with so many perks happening, Ms. Borsari will miss the dry season. He suggested refunding part of the application fee.

**MR. KERN: MOTION TO REFUND THE WALLINGFORD PART OF THE APPLICATION FEE OF \$50.**

**MR. MURPHY: SECOND**

**VOTE: MURPHY: YES; KERN-YES; PARENT-YES; PHILLIPS-YES; VITALI-YES**

Chairman Vitali recessed the Meeting at 9:08 p.m. for a short break

Chairman Vitali reconvened the Meeting at 9:12 p.m.

**NEW BUSINESS** – None.

## **VIOLATIONS**

1. 252 Main Street, Yalesville – Brothers Pool, L&J Partnership, LLC – violations-Discussed above.
2. Cease & Desist Hearing – 1460 Tuttle Avenue – David & Christine White – (clear cutting, filling)

Appearing in front of the Commission was David White, 1460 Tuttle Avenue. Ms. O'Hare distributed copies of a survey that Mr. White did of the property, so the IWWC would know where the filling took place, and where the wetlands were located. Ms. O'Hare said Tom Pietras, Soil Scientist, went to the site and did the wetland flagging. She said his report was distributed to the Commission. Ms. O'Hare said she wanted to look at the two documents and perform a site visit to see that everything is substantiated.

Ms. O'Hare recommended in her Environmental Planner's Report that the Commission perform a site visit and if the Commission were to recommend plantings, they go in before November 1. Chairman Vitali asked Ms. O'Hare if Mr. Pietras would have taken soil samples on top of the filled ground and would he treat this as a wetland if the soil underneath was wetland. Ms. O'Hare noted if there is less than 20 inches of fill, it is called something else and more than 20 inches it is called filled land. Chairman Vitali asked what is being determined.

Ms. O'Hare said she knows Mr. White filled wetland soils. She said Mr. Pietras was supposed to make recommendations of where the fill should be pulled back and where plants should be replanted. Mr. White said Mr. Pietras was going to meet with him to go over restoration plans. He said the survey report doesn't state this. Chairman Vitali said Ms. O'Hare should first meet with Mr. Pietras and Mr. White to discuss what is going on at the site.

The Commission agreed to schedule a site visit to 1460 Tuttle Avenue sometime during the first week of August at 4:30 p.m. Ms. O'Hare will make the arrangements.

## RECEIPT OF NEW APPLICATIONS

1. **#A16.7.1/2 Pine Glen Terrace** – Larry & Helen Stowe – (tree removal) – administrative approval

Approved administratively previously.

3. **#A16-7.3/333 Christian Street** – The Choate Rosemary Hall Foundation, Inc., - (auditorium and classroom building with parking area and stormwater facilities) – received by Chairman Vitali.

4. **#A16-7.4/155 East Street** – O'Reilly, Talbot & Okun – (soil remediation in stormwater facilities) – received by Chairman Vitali.

2. **#A16-7.2/9 & 11 First Street** – John Gargano Limited Partnership – (car parking area & access road) – administrative approval request

Chairman Vitali said First Street was an old paper street which is on the corner of North Street and Colony Street. He said the paper street was closed out in 1907. He said people have used this area for a variety of things. He noted Mr. Gargano purchased the two building lots and proposed using the old paper street as access to the building lots, which he converted to a parking area with access to his parking lot. Chairman Vitali said Mr. Gargano has reached the 20,000 sq. ft. threshold for permitting and proposed installing a sediment structure on First Street.

Chairman Vitali said Ms. O'Hare picked up different things that pertain to the legality of using First Street which he doesn't own. He said the primary paving is on the two building lots. Chairman Vitali said Ms. O'Hare was going to get comments from Corporation Counsel Janis Small. He said the IWWC would be approving a retention basin in an old paper street of which ownership has not been determined.

Chairman Vitali said if the paper street had been abandoned, both sides of the street, would split the abandonment. He said Mr. Gargano's attorney argues the street was never abandoned because it was never approved. Ms. O'Hare said a written opinion by Atty. Small has not been submitted. Ms. O'Hare said Atty. Small indicated the Applicant should pursue the legality of this.

Chairman Vitali noted that if the retention area was located on these two lots, this would be a moot point, but this isn't the case. He said approval would be granted for two lots by using someone else's property for a retention area. He said he didn't know if the IWWC could vote on something like this.

Ms. O'Hare said Mr. Gargano would purchase First Street from the owner, but the owner cannot be located. Chairman Vitali pointed out that if instant approval is desired from the Applicant, a retention area should be designed on the Applicant's own property. Ms. O'Hare said the IWWC is receiving the application tonight and since administrative approval was requested, it can be rejected and treated as a regular application. Chairman Vitali said he didn't know how a full application can be approved without an opinion from Atty. Small. Ms. O'Hare said the IWWC has 65 days to make a decision.

Chairman Vitali denied the Administrative Approval request at this point citing too many gray areas.

Vice-Chair Parent noted this was Commissioner Murphy's last Meeting and the IWWC cited his great service over the years.

## **REPORTS & COMMUNICATIONS**

1. DEEP Notice of Determination – Section 401 Water Quality Certification – Notice of Federal Coastal Consistency Review – Department of the Army General Permit for the State of Connecticut Municipalities: Statewide; Waters: All Waters dated 6/10/16; received 6-22-16.
2. Petition to the State of Connecticut Siting Council by Wallingford Energy, LLC on behalf of the Town of Wallingford for a Declaratory Ruling to approve upgrades to the Town substation and 115-KV Transmission lines in Wallingford, Connecticut, dated 6/24/16; received 7/14/16.

## **ADJOURNMENT**

Vice-Chair Parent made a motion to adjourn the Meeting at 9:34 p.m. Commissioner Murphy seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary

