

INLAND WETLANDS AND WATERCOURSES COMMISSION

TOWN OF WALLINGFORD

REGULAR MEETING

WEDNESDAY, JULY 24, 2013

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, July 24, 2013, in the Robert Early Auditorium, Town Hall, 45 South Main Street, Wallingford, Connecticut.

Seated Commissioners were Jim Vitali – Chairman; Ellen Deutsch – Vice-Chairperson; Nick Kern – Secretary; Dennis Murphy, Dave Parent, (arrived at 7:16 p.m.); James Heilman; Deborah Phillips – alternate and Environmental Planner Erin O’Hare.

Absent: Jim Dobson – alternate.

Chairman Vitali called the meeting to order at 7:06 p.m.

CONSIDERATION OF MINUTES

1. Regular Meeting, June 5, 2013

Consideration of June 5, 2013 Meeting Minutes was tabled until the September 4, 2013 Meeting. Chairman Vitali noted that on Page 4 of the Minutes, in the discussion regarding the Public Works storage yard, on page 5, there is a comment where Mr. Bill Comerford was asked to give a copy of his video tape to Ms. O’Hare which Mr. Comerford refused to do. Chairman Vitali requested that wording be added to the Minutes stating why Mr. Comerford refused to give Ms. O’Hare a copy of the video tape and asked Ms. O’Hare to review the tape of the June 5 Meeting and to insert the correct wording into the record.

OLD BUSINESS

1.#A13-4.4/QUINNIPIAC RIVER/155 EAST STREET/WILBUR CROSS HIGHWAY – TOWN OF WALLINGFORD SEWER DIVISION – (sewer utility installation) WITHDRAWN

Ms. O’Hare said the Applicant is doing a re-design and has withdrawn the application.

2.#A13-5.3/14 BROOKVIEW DRIVE – JOHN SANTAMARIA – (after-the-fact application – bridge & clearing)

Ms. O’Hare said this issue generated from a neighbor complaint of construction activity in the vicinity of the stream located at 14 Brookview Drive. Ms. O’Hare said she performed a site visit and found a 16 foot-long wooden bridge under construction along with some clearing on the

far side of the stream. Ms. O'Hare instructed the carpenters building the bridge to cease any further construction at which time they indicated they had completed their work for the day. Ms. O'Hare said she then contacted the owner of the property, John Santamaria, and informed him that a permit was needed because this bridge construction was an unpermitted activity.

Ms. O'Hare also noted she had contacted Chairman Vitali in regards to how to proceed with this violation and it was decided an after-the fact application may be in order since there was no on-going erosion from the project, there was no harm to the wetlands, and the watercourse was not directly impacted. Ms. O'Hare said an after-the fact-application was submitted by Mr. Santamaria on May 15, 2013. She said she returned to the site this week and it is stable.

JohnSantamaria, owner, was present and he submitted an original drawing and the only change made was the inclusion of a small ramp which would be installed on the far side of the walk.

Chairman Vitali asked Ms. O'Hare if this change would affect her recommendation. Ms. O'Hare said it was permissible to add the ramp.

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-5.3/14 BROOKVIEW DRIVE BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION #A13-5.3/14 BROOKVIEW DRIVE BE APPROVED AS SUBMITTED WITH THE UPDATED PLAN.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

3.#A13-5.4/320 BARNES RD – Borghesi Building – (permit modification to #A11-10.2).

Presenting the application was Gary Capitanio, Vice-President, Borghesi Building & Engineering Company, Inc.

Mr.Capitanio reviewed the original site plan which was approved on December 7, 2012. He said an extruder line now needs to be installed, requiring the pre-engineered building to be lengthened by 18-feet which would involve being closer to the edgeof the wetland boundary that was previously approved. Mr. Capitanio noted that the retention pond for storm water drainage treatment was also previously proposed and approved by the Commission to extend into the proximity of the wetland boundary line. He spoke about working with Ms. O'Hare to develop a wetlands planting buffer. He submitted a drawing of this wetlands planting buffer to the Commission.

Chairman Vitali asked how far the proposed addition to the building would intrude into the upland review area and how would he insure the protection of the wetland area while construction is occurring.

Mr. Capitanio said the new proposed intrusion into the wetlands would be approximately seven feet resulting in an 800 square foot loss of the upland review area. He said a double row of siltation fence with the haybales in between will be continued along the edge of the proposed disturbance, clearing and grading.

Commission Heilman expressed concerns that previous dialogue regarding the protection of the upland review area were for naught.

Mr. Capitanio said even though the building is being extended 18-feet, we are implementing the same measures to protect against the delineated edge of the wetlands similar to previous approval. He submitted for the record to the Commission a new landscape plan.

Chairman Vitali questioned Ms. O'Hare's on the Environment Planner's Report on this matter.

Ms. O'Hare said what Mr. Capitanio is seeking approval for, involves an alteration to the middle section - 80 feet in the middle of the eastern line - which will change from having alterations 18feet from the wetlands to about three inches from the wetlands.

Mr. Capitanio explained now going to the north, approximately 80 feet - permission is being asked to continue this double silt fence barrier and haybales to allow some of the grading work to take place. He said the edge of clearing has moved closer to the wetlands area, but there is still a distance from the new proposed edge of clearing to the wetland boundary in the northern area.

Vice-Chairperson Deutsch suggested wetlands placards be placed in the area.

Ms. O'Hare requested the Applicant submit a revised copy of this site plan for the record which he did.

Chairman Vitali recommended the plantings be extended further up in the eastern boundary and possibly a bond be issued to ensure the protection of the wetland.

Commissioner Heilman recommended the bottom of the basin be made uneven, to allow development of hammocks.

**MS. DEUTSCH: MOTION THAT APPLICATION #A13-5.4/320 BARNES ROAD
(PERMIT MODIFICATIONS TO PERMIT #A11-10.2) BE DEEMED
NOT A SIGNIFICANT ACTIVITY.**

MR. MURPHY: SECOND

VOTE: UNANIMOUS

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION #A13-5.4/320 BARNES ROAD**

WITH THE RECOMMENDATIONS OF THE ENVIRONMENTAL PLANNER'S REPORT DATED JULY 18, 2013 WITH THE FOLLOWING CONDITIONS OF APPROVAL:

- 1. WETLANDS PLACARDS BE PLACED NEAR THE WETLANDS WITH THE APPROVAL OF MS. O'HARE.**
- 2. DOUBLE THE AMOUNT OF ADDITIONAL PLANTINGS(FROM 59 TO 118) ON THE EASTERN BOUNDARY GOING NORTHLAND WITH THE POSITION OF THE PLANTINGS TO BE APPROVED BY THE MS. O'HARE.**
- 3. THE ISSUANCE OF A \$20,000 EROSION CONTROL AND PERFORMANCE BOND ON THE WETLANDS AREA IN THE EVENT OF MISHAP.**
- 4. THE RETENTION BASIN SHOULD BE HAMMOCKED.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

4. #A13-5.5/OLIVER CREEK ROAD TO EAST STREET /Algonquin Gas Transmission, LLC – (Pipeline Integrity Project line work).

Presenting the application was Dennis Blais, TRC Environmental, representing Algonquin Gas Transmission, a subsidiary of Spectra Energy.

Mr. Blais said Algonquin Gas Transmission is required by the U.S. Dept. of Transportation regulations governing pipeline safety to routinely monitor and inspect their pipeline systems. He said this project entails running an internal pipeline inspection tool on their 12-inch C7 systems pipeline located in Town which is approximately 1.2 miles long. He said the first part of the project will be running the non-invasive tool which collects data on the condition. Mr. Blais said based on the report, there could be anomalies which would then need to be excavated and could involve the wetland areas located to the south side of Oliver Creek Road. He requested a blanket permit authorization in the event pipeline repair work is required in this area or the associated upland review area.

Ms. O'Hare asked the Applicant to verify for one event of an anomaly of the wetland area, approximately 400 sq. ft. of impact .

Mr. Blais said the impact would be temporary, usually a 20 ft. by 20 ft. excavation to expose the pipeline. He said if the work would involve wetland areas, there are a variety of proven construction mitigation including timber mats to avoid soil mixing or excessive running; the top 12 inches of the wetlands would be removed and segregated; the existing seed bank would be replaced for restoration; the work space would be boxed out; filter bags placed in a straw bale corral. He said after completion, within one to three days, the area would be restored to pre-construction condition, segregated topsoil respreads and annual ryegrass will be planted to stabilize the site.

Commissioner Kern asked if yearly maintenance programs have been performed.

Mr. Blais said the pipeline was built in 2001, so this is the first time maintenance would be performed. He said mowing is on a three-year cycle.

Chairman Vitali said this is an interesting area – a sand plain - which is on the base of the Town's old landfill.

Ms. O'Hare said the Applicant is requesting this permit in the event they need one .

Chairman Vitali asked how this would be a significant activity and what would the permit be issued for. Ms. O'Hare said she did not see this request as a significant impact activity because of the scale – 400 sq. ft. per incident.

Mr. Blais said if there was an event, the applicant would provide 48-hour notification, site photos, and a location map.

Chairman Vitali recommended granting approval to the Applicant to work within their easement, subject to the conditions the Applicant recommends giving Ms. O'Hare prior to the work.

Commissioner Heilman said the Applicant would be safe with a not significant activity in this location.

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-5.5/OLIVER CREEK ROAD TO EAST STREET BE DEEMED NOT A SIGNIFICANT ACTIVITY BECAUSE IF THE PIPELINE HAD TO BE ACCESSED ITS ONLY A 400 SQ. FT. AREA OF WETLANDS ON A LEVEL PIECE OF LAND.**

MR. MURPHY: **SECOND**

VOTE: **VOTE: 4-1 – (KERN-NO)**

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION #A13-5.5/OLIVER CREEK ROAD TO EAST STREET AS SUBMITTED USING MS. O'HARE'S RECOMMENDATIONS THAT ARE MENTIONED IN THE JULY**

17, 2013 ENVIRONMENTAL PLANNER'S REPORT, #1 AND 2
AND WITH THE FOLLOWING CONDITIONS OF APPROVAL:

- 1. THE WORK IS TO BE DONE WITHIN THE APPLICANT'S EASEMENT**
- 2. THE APPLICANT WILL PROVIDE MS. O'HARE WITH THE ITEMS IDENTIFIED DURING DISCUSSION WITH THE COMMISSIONERS.**
- 3. BEST BUSINESS PRACTICES WILL BE IMPLEMENTED.**

MR. MURPHY: **SECOND**

VOTE: **4-1 – (KERN – NO)**

5. #A13-5.6/6 EAST DAYTON HILL ROAD – Douglas Morgan – (after-the fact application – yard & drainage).

Ms. O'Hare presented her Environment Planner's Report. She noted that at the May 1, 2013 meeting, the Applicant was directed and did file an after-the-fact application which was received at the June 5, 2013 meeting. Ms. O'Hare recommended approval as submitted. She said she visited the site this week and, since the June 5 meeting, conferred with Henry McCully, Public Works Director and Rob Baltramaitis, Assistant Town Engineer, regarding the installation of a catch basin this summer, at no cost to the property owner, on East Dayton Hill Road, taking the flows from the stream on Mr. Morgan's property. Ms. O'Hare recommended approval.

Resident Debbie Gross, 580 Woodhouse Avenue, asked about the possible impact of this project on surrounding properties. Resident Robert Gross asked how much dirt was brought to the site to fill. He said his concern is flooding because the State had visited this area several years previously.

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-5.6/6 EAST DAYTON HILL ROAD. BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

SECOND: **MURPHY**

VOTE: **4-1 – (VITALI- NO).**

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION #A13-5.6/6 EAST DAYTON HILL ROAD BE APPROVED AS SUBMITTED WITH THESE CONDITIONS OF APPROVAL :**

- 1. WITH THE STANDARD SOIL AND EROSION CONTROLS**

2. THE ORDER ON THE PROPERTY SHOULD REMAIN UNTIL ALL WORK IS COMPLETED ON-SITE AND THE JURISDICTIONAL AREA IS STABLIZED AS RECOMMENDED IN THE ENVIRONMENTAL PLANNER'S REPORT.

3. NOTIFY THE ENVIRONMENTAL PLANNER IF CATCH BASIN IS NOT COMPLETED BY SEPTEMBER OR OCTOBER.

MR. MURPHY: **SECOND**

VOTE: **4-1 – (VITALI – NO)**

6.#A13-5.7/58 & 88 WOODHOUSE AVE. (Map 150/191 & Map 150/186) –
Donald R. Ahearn - apartment complex – 36 units, one free-standing unit, construction of stormwater facilities in Woodhouse Ave).

Representing the applicant Donald R. Ahearn was Atty. Joan Molloy of Loughlin Fitzgerald Attorneys. Christopher Juliano, licensed land surveyor and professional engineer, presented the application.

Atty. Molloy introduced the application.

Mr. Juliano said the application is to construct a 36-unit apartment building on 55 & 88 Woodhouse Avenue and to increase impervious area as per regulations. He said access would be off Woodhouse Avenue with a loop parking system with the majority of parking on 58 Woodhouse Avenue.

He presented an overall property and topographic survey. He said the property consists of an existing house on 88 Woodhouse Avenue and a former right-of-way, a paper street, and an office building which are owned by Mr. Ahearn and various on-site sheds and equipment.

Mr. Juliano noted that Mr. Ahearn also owns the former Katherine Street right-of-way that runs from Woodhouse Avenue to Florence Avenue and 58 Woodhouse which is an unimproved lot. He said the property is 2.7 acres and there is a small finger of wetlands that extends from the Towers Apartment Street complex into the former Katherine Street right-of-way. The area is encumbered with a sanitary sewer easement that services the Towers Apartments out to Harrison Avenue. He said no activity is proposed in the wetlands or in the 50 foot buffer. He said on-site run-off will be collected, and detained underground and new piping will be extended out to the existing storm drainage south of Harrison Avenue. He said per Ms. O'Hare's recommendation, a stockpile area will be added in the rear of the apartment building: and a silt fence will be added along Woodhouse Avenue for the storm sewer construction, two oil grit separators will be added and roof flows from the building will be discharged off the back.

Ms. O'Hare went over the Environmental Planner's Report which was sent out July 18, 2013. She indicated that 340 feet of storm water utility is proposed to be built on Woodhouse Avenue and this water will end up discharging to an unnamed stream located just north of Center

Street behind Williams Place. This stream is heavily eroding the outfall facility is in dire need of repair, and there is an application to be received tonight to permit streambank stabilization there. Ms. O'Hare also expressed concerns about drainage patterns on the subject site and said a de-watering plan may be necessary relative to installation of the detention facilities.

Commissioner Kern said he was concerned with abutting neighbors that have wetlands and whether water should be dumped on their side.

Commissioner Heilman said an important thing to realize is that there is no infiltration taking place due to the fill and high groundwater.

Vice-Chairperson Deutsch asked about soil testing.

Mr. Juliano said he completed and submitted a storm water and wetlands report which includes soil types.

Mr. Kern said there is ledge here and perched water and there are a lot of voids that need to be answered before he can make a decision, especially where the stormwater is concerned.

Chairman Vitali tabled this application until the Sept. 4 Commission meeting to allow for soil bore testing and other information requested.

ITEM TABLED UNTIL SEPTEMBER 4, 2013.

NEW BUSINESS

Chairman Vitali took up, under "New Business" and under "New Applications" several matters all pertaining to 720 North Main Street Extension (Request for declaratory ruling that a permit will not be required; #A13-7.1 regarding upland review area activities only, and #A13-7.4 regarding upland review area activities and the creation of surface area greater than 20,000 sq. ft.)

Atty. Joan Molloy represented the Applicant, GEM Property Group, LLC, and presented an overview.

Atty. Molloy said Ms. O'Hare was contacted regarding administrative approval for the activities on this site. She noted that in 2004, approval was granted by the IWWC for an office building which was never constructed. She said in 2005, the Visiting Nurse Association presented a modified plan which changed the size of the structure and exact location of the office building. She said the full application had no impacts to the wetlands or watercourses, but 180 sq. ft. of the building was located in the upland review area along with a small discharge area which was approved by the IWWC. She said construction of the parking lot and storm drainage was discussed in length and as a result of input from the IWWC, a storm drainage system was designed that had small swales and detention area a portion of which was above ground.

Atty. Molloy said the IWWC determined this was not a significant activity and the proposed storm drainage did not have any impacts to the wetlands and watercourses and was approved. The Visiting Nurse Association requested a one-year extension but no other extensions were requested. Atty. Malloy said GEM Property wants to construct the building that was designed under the Visiting Nurses Association approval. Atty. Molloy said Ms. O'Hare informed her that the regulations had changed, stating that 20,000 sq. ft. of impervious surface would have to be

reviewed by the IWWC. Atty. Molloy said that since the application had already been reviewed by IWWC and it had been determined that the storm drainage system and impervious surface had no impacts to the wetlands and watercourses, there was no need to submit an application for that portion of the site. She said she decided to request an administrative approval (#A13-7.1) after her discussions with Ms. O'Hare. She noted a regular application (#A13-7.4) was also submitted to protect her client.

Chairman Vitali said he did not see an issue if the same footprint of the building and parking area will be constructed. He said it is a flat and sandy site and could be handled administratively.

Vice-Chairperson Deutsch said since the regulations have changed, she asked if the application should be reviewed again to see that nothing was missed. Atty. Molloy said this application was reviewed twice and some changes were made. She said she was not against the application being reviewed administratively.

Ms. O'Hare noted the Environmental Planner's Report on these matters went out in the packet and attached to it was her memo to Janis Small, Corporation Counsel stating a permit is required. She said Atty. Small gave an opinion the permit is required.

Commissioner Heilman stated this application breaks from proper procedure to let it go as an administrative approval and sets a precedent even though he understands it and wondered if this was a good way to proceed.

Atty. Molloy said she did not believe a precedent would be set because this project already had a high level of review.

Ms. O'Hare stated there were no erosion controls approved on the old application and no erosion controls outlined on the new application.

MR. KERN: **MOTION THAT APPLICATION #A13-7.4/720 NORTH MAIN STREET EXTENSION BE GRANTED ADMINISTRATIVE APPROVAL WITH THE STIPULATION THAT ALL SOIL AND EROSION CONTROL MEASURES WOULD HAVE TO BE MET.**

MR. PARENT **SECOND**

VOTE: **4-1-(DEUTSCH- NO).**

NEW BUSINESS

1. **#A10-5.3/803 NORTH FARMS ROAD** – Estates at Wallingford – Toll Brothers – (Request for bond release).

Ms. O'Hare said the matter is not ready as there are a few outstanding items noted on the site visit last week.

2.720 NORTH MAIN STREET EXTENSION – GEM Property Group, LLC – (Request for declaratory ruling that a permit will not be required).

Ms. O'Hare indicated that the Request for Declaratory Ruling that a permit will not be required must be addressed by the IWWC and since the IWWC just acted to allow an administrative approval, a permit is required.

Chairman Vitali said that a permit will still be needed. He said administrative approval would be granting a permit.

MS. DEUTSCH: MOTION THAT 720 NORTH MAIN STREET EXTENSION – GEM PROPERTY LLC BE GRANTED A PERMIT BY ADMINISTRATIVE APPROVAL.

MR. MURPHY: SECOND

VOTE: UNANIMOUS

REPORTS & COMMUNICATIONS

1. Staff report, dated July 18, 2013

Received by the Commission as forwarded in the packet.

2. DEEP Training Session, June 2013 – “Legislative Updates” –handouts & reports, D. Phillips.

Ms. O'Hare reported that Commissioner Phillips attended the session and the Legislative Updates were distributed in the packets.

3. 91 N. Turnpike Rd., Public Works Storage Yard – (complaint re: possible unpermitted discharge) –report.

Ms. O'Hare said the IWWC requested a Environmental Planner's Report which was received by the IWWC on Wednesday or by fax.

Chairman Vitali said it was interesting to read that what appeared to be an oil sheen was a bacteria from years of decomposing vegetation.

Ms. O'Hare said Mayor Dickinson and Water and Sewer Divisions General Manager Roger Dann and Public Works Director Henry McCully received a copy of the report.

Ms. O'Hare said the storage area is still being utilized but not for certain activities.

- 4. QRWA Community Workshop re: Quinnipiac Watershed Action Plan – 7/23 Meriden, CT – Not Taken Up.**
- 5. CACIWC Newsletter – Not Taken Up.**
- 6. CT Federation of Lakes newsletter – Not Taken Up.**

7. **DEEP correspondence to Mayor re: Public Act 2013-205 re: repeal of Stream Channel Encroachment Line Program, dated 7/9/13 – Not Taken Up.**

RECEIPT OF NEW APPLICATIONS

1. **#A13-7.1/720 N. MAIN STREET EXTENSION** – GEM Property Group, LLC- (office building, upland review area activity – administrative approval requested)

Taken up above.

2. **#A13-7.4/862 EAST CENTER STREET** – Alberta Management LLC – (after-the-fact application – improvements)

The application was received and will be taken up at the Sept. 4 meeting.

3. **#A13-7.4/720 NORTH MAIN STREET EXTENSION** – GEM Property Group, LLC – (office building).

Taken up above.

4. **#A13-7.5/7 TWIN PINES DRIVE** – Waldemar Radwan – (after-the-fact shed, plantings, mowing).

Chairman Vitali received the application which will be taken up at the Sept. 4 meeting

5. **#A13-7.6/61 BARNES INDUSTRIAL PARK ROAD NORTH** Woodard & Curran, Inc. – (fencing)

Chairman Vitali received the application.

6. **#A13-7.7/528 SO. CHERRY STREET** – Allnex USA, Inc., (formerly Cytec) – (outfall pipe extension installation)

Chairman Vitali received the application.

Ms. O'Hare said this is for the State industrial discharge permit. This will be reviewed at the Sept. 4 meeting.

7. **#A13-7.8/18-20 WILLIAMS PLACE** – Angela Lokas – (streambank stabilization)

Chairman Vitali received the application.

8. **#A13-7.9/EAST CENTER STREET** – Vietnam Veterans Memorial Park – Town of Wallingford – (expansion and improvements to parking area).

Chairman Vitali received the application

9. **#A13-7.10/549 WOODHOUSE AVENUE/TYLER MILL PRESERVE** – Town of Wallingford – (trail footbridges)

Chairman Vitali received the application

Ms. O'Hare said there is a need for three new footbridges on the trail to cut down on mud from horses and hikers.

Chairman Vitali spoke briefly regarding the new State regulation on running bamboo vs. bush bamboo and how to control it on the State website.

ADJOURNMENT

Vice-Chairperson Deutsch made a motion to adjourn. The motion was seconded by Commissioner Murphy. The meeting adjourned at 10:10 p.m.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary