

INLAND WETLANDS AND WATERCOURSES COMMISSION

TOWN OF WALLINGFORD

REGULAR MEETING

WEDNESDAY, SEPTEMBER 4, 2013

7:00 p.m.

MINUTES

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, September 4, 2013, in Council Chambers, Town Hall, 45 South Main Street, Wallingford, Connecticut.

Seated Commissioners were Jim Vitali - Chairman; Ellen Deutsch – Vice Chairperson; Nick Kern – Secretary; Dave Parent; Dennis Murphy; Jim Heilman – alternate; Paula Miller – alternate; Erin O'Hare, Environmental and Natural Resources Planner.

Absent: Deborah Phillips – alternate.

Chairman Vitali called the meeting to order at 7:07 p.m.

The voting members were: Chairman Vitali; Vice-Chairperson Deutsch; Commissioners Kern, Murphy and Parent.

CONSIDERATION OF MINUTES

June 5, 2013 – Regular Meeting

MS. DEUTSCH: **MOTION TO APPROVE THE AMENDED MINUTES OF JUNE 5, 2013 AS SUBMITTED.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

July 24, 2013 – Regular Meeting

Per the request of Chairman Vitali, these Minutes were tabled until the October 2, 2013 meeting.

August 5, 2013 – Special Meeting

MS. DEUTSCH: **MOTION TO APPROVE THE MINUTES OF THE AUGUST 5, 2013**

SPECIAL MEETING AS SUBMITTED.

MR. HEILMAN: **SECOND**

VOTE: **TO APPROVE: VITALI, DEUTSCH, HEILMAN.**

ABSTENTIONS: KERN, MURPHY, PARENT.

OLD BUSINESS:

1. **#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 storm water facilities in Woodhouse Ave).

Speaking on behalf of the Applicant, was Attorney Joan Molloy, Loughlin FitzGerald P.C. Also representing the Applicant was Kenneth Stevens, Soil Scientist and Christopher Juliano, Professional Engineer and Licensed Surveyor, Juliano Associates, LLC.

Atty. Molloy said this application, which was originally brought before the IWWC at their July 24 meeting, involves the re-development of property off of Woodhouse Avenue, and does not propose to have any direct impact to the wetlands or the regulated area, but requires IWWC review because of the amount of the surface impervious area. She said at the July 24th meeting, the IWWC requested additional information and the application process was continued to the September 4th IWWC meeting. Atty. Molloy addressed the concerns of the IWWC regarding what might be under the ground at the proposed site, including the possibility of ledge and whether a different design should be considered.

Atty. Molloy said in response to IWWC concerns, the Applicant performed soil borings on the property. She said Mr. Juliano responded in writing on August 1, to a letter sent to him by Ms. O'Hare addressing issues regarding this application. She said Ms. O'Hare has questioned certain activities, i.e. cleaning up the property and removing unnecessary material, by the Applicant on the 58 Woodhouse Avenue parcel and on an adjacent property. Atty. Molloy said she has met with Ms. O'Hare in an attempt to address these issues. She said the Applicant used to own the Towers property and operates a construction business out of the subject property and, as a normal part of his activities, brings construction material onto the site, stores it, and removes it as needed. She said several years ago, the Applicant began removing material from this site and storing it on 58 Woodhouse Avenue. She said all of this stored material has been removed and the area has been graded and re-seeded. Atty. Molloy said she prefers to focus on this application and not on the Towers property, which is not impacting this application.

Mr. Juliano spoke about soil boring test information which was completed, as requested by Commissioner Kern at the July 24, 2013 IWWC meeting. Mr. Juliano said the four borings went down to approximately 21 ½ feet and ledge was not encountered. He said he is not concerned with the drainage system and ledge. He noted that groundwater was encountered anywhere from 4 to 7 feet. He said the drainage system will go down approximately four to five feet. He said over the past few years, there has been a rain deficit in Connecticut, so the closed drainage system will be sufficient and there will be no need to infiltrate.

Chairman Vitali requested Mr. Juliano give a brief overview of the project.

Mr. Juliano said the project will encompass a one-building 36-unit apartment complex, (Fairway Apartments), on the 88 Woodhouse Avenue parcel with the entrance coming off Woodhouse Avenue at the existing driveway. The main parking lot and secondary driveway, also going out to Woodhouse Avenue, will also lead to the 58 Woodhouse Avenue parcel. He said the property is flat so drainage options were limited. He said an existing drainage system will be tied into at the southern end of Harrison Road. He said drainage will be brought down Woodhouse Avenue and offset behind the curb so traffic flow on the State highway would not be disrupted. He said drainage would be controlled by two underground detention systems which will be closed systems. Mr. Juliano said Ms. O'Hare recommended sending some of the roof runoff back to the existing wetlands. He said the rear half of the building will have downspouts and water will be discharged at-grade and be allowed to sheet flow off the property into the existing wetlands system which is partially on the abutting Towers complex. He said all of this depends on approval from the State and the Town Planning and Zoning Commission. He said if denied, the property could be developed as three residential lots.

Ms. O'Hare reviewed her Environmental Planner's Report dated August 27, 2013. She said there was an extension granted to the Commission because of no scheduled IWWC August meeting. She said if the Commission does not act tonight, another extension would have to be granted to the Commission. She recommended if approved, the IWWC should request mitigation/restoration of the pocket of wetlands in the vicinity of Katherine Street back to native plantings, removing the phragmites. She said the Sewer Division has approved this restoration work within its easement. She also recommended removal of the recent deposition of earthen material and other material on the abutting property, 1-118 Putter Lane, and relocated to the subject property or offsite prior to the Oct. 2 IWWC meeting.

Chairman Vitali questioned whether Ms. O'Hare's recommendation regarding removal of material was appropriate to this Application or to the Tower Property.

Commissioner Heilman requested the maps be sealed and stamped for the record.

Chairman Vitali indicated members of the public would be heard.

Ron Donath, 43 Carr Street, expressed concern about water drainage down into wetlands property in back of the golf course and into pipes recently installed by the State. His groundwater table is at 2/12 to 3 feet.

Dominic Falcone, Florence Avenue, who owns adjoining property on Katherine Street, questioned whether the Applicant actually dug down 21 feet because his property is always wet. He expressed concern about water flow. He indicated he had attempted to put in an inground pool but could not as his watertable was at four feet. He indicated Mr. Ahearn had added three to four feet of soil on the 58 Woodhouse Avenue property last year.

Chairman Vitali said there will be a closed drainage system installed that will not infiltrate water to the ground.

Regina Andrews, 41 Harrison Avenue, spoke about flooding problems occurring on her property since abutting trees were cut down by the Applicant years ago. She indicated soil conditions are so wet her fence poles will not stay up.

Mr. Juliano said once the parking lot is installed, any water will remain on-site going through the closed drainage system.

Ms. O'Hare noted no borings were taken on the 58 Woodhouse Avenue property.

Mr. Juliano said he did not know why this occurred, but the four borings completed are representative of what is on-site. He stated he is comfortable with the design as is.

MS.DEUTSCH: **MOTION THAT APPLICATION #A13-5.7/58 & 88 WOODHOUSE AVE. BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

SECOND: **MURPHY**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION #A13-5.7/58 & 88 WOODHOUSE AVE. AS SUBMITTED WITH THREE CONDITIONS OF APPROVAL:**

1. **MITIGATION OF THE WETLANDS AREA AS MENTIONED IN THE ENVIRONMENTAL PLANNER'S REPORT OF AUGUST 27, 2013 AND**
2. **COMPLIANCE WITH NUMBERS ONE AND TWO UNDER "ALTERNATE ACTION" IN THE ENVIRONMENTAL PLANNERS REPORT OF AUGUST 27, 2013, AND:**
3. **A STAMPED AND SEALED SET OF PLANS MUST BE SUBMITTED BEFORE THE PERMIT IS GRANTED.**

SECOND: **MURPHY**

VOTE: **UNANIMOUS**

2. **#A13-7.3/862 EAST CENTER STREET - ALBERTA MANAGEMENT LLC – (after-the fact application – improvements).**
Jeff Raup was present representing the Applicant, Alberta Management, Inc.

In her August 30, 2013 Environmental Planner's Report, Ms. O'Hare said two separate parties were interested in renovating the old gas station at this site. She said she cautioned both parties that wetland areas and the pond in the back of the property must be depicted on submitted maps. Ms. O'Hare noticed work, mostly in the upland review area and close to the wetlands, was being performed on the property and contacted Mr. Raup who filed an after-the-fact application. She said the Applicant has been co-operative and hired David Lord to flag the wetland area and are awaiting a report from Mr. Lord.

Ms. O'Hare said the application, submitted in July, shows an area of disturbance. She said when trees were cleared, automotive debris was discovered which was cleaned up. Ms. O'Hare recommended approval with one condition: that fencing or a barrier be installed behind the building. She said any further work in that area will require another permit, but no use is planned for that rear area.

Mr. Raup said he was not one of the two parties Ms. O'Hare originally met with. He said the Application Ms. O'Hare is referring to was for a convenience store/gas station approximately 9 or 10 months ago. He said he tried to purchase the property at that time, but discovered it had already been sold. Mr. Raup said he approached the property owner stating that if approval is not granted, he would purchase the property. Mr. Raup said he did purchase the property in late April and submitted a (PZC) Application for Change of Use which was approved. He said he was not aware of any meeting with Ms. O'Hare. He said nothing was done intentionally and never before had to deal with wetlands. He said there are no wetlands identified on any maps he has seen just "possible wetland areas". He said he informed Zoning Board of Appeals that his intention was to just clean up the property. He said the automotive trailer and debris removed was not within 50 foot upland review area. He said an abandoned culvert installed by either the State or the Town to drain off Center Street runoff, was filled in approximately 8 feet from the building. He believes this culvert is what created the wetland area. He said there was a remediation process installed in the wetland area in 1999. He said the trees had to be removed to get rid of the trailer and the large mounds of debris which had been on the property for over 30 years. He said he informed Zoning Board of Appeals that he had no intention of doing anything behind this building and still does not. He said he converted the use to office use with a limited number of parking spaces that exclude commercial equipment except for the trailer that was removed from the property for clean-up purposes and will have to be returned to the site.

Ms. O'Hare recommended an after-the fact approval for activities within the upland review area and stated a guardrail fence should be installed to protect the wetland area which is in a steep area.

Mr. Raup said a fence cannot be installed until the remediation program is completed. He said the material removed was outside the wetlands area. He said Ms. O'Hare is requesting a fence in an area which was never disturbed.

Chairman Vitali indicated the area was, in fact, disturbed by the recent dumping of mulch there and he tabled the Application pending further discussion between Ms. O'Hare and the Applicant.

3. **#A13-7.5/ 7 TWIN PINES DRIVE – WALDEMAR RADWAN – (after-the-fact shed, plantings, mowing).**

Speaking on behalf of the Applicant was Marta Radwan, daughter of the Applicant. Ms. Radwan said the shed was put in the current location because of the slope of the yard and it is not possible to relocate. She also addressed the mowing of the grass in the yard, and the shrubs planted.

Ms. O'Hare presented her Environmental Planner's Report on this issue dated August 29, 2013. She said she has been dealing with the Applicant's father. She said this was the first application regarding the Willows Project and she expects to receive more. Ms. O'Hare said this is in response to a site walk she took with the Willows developer in May where numerous non-

compliance matters on the lots, which are 95 percent sold, were identified. She said 80 percent of the issues were activities conducted by the new homeowners and a few involve the developers who are completing construction. She said these activities are unpermitted and unauthorized activities in the upland review area but they are not located in the wetlands themselves, except for one. Ms. O'Hare said the issue on 7 Twin Pines Drive involves encroaching to within 20 feet of the wetlands on the rear portion of the lot which specifies in the deed that a wetlands permit must be obtained. She said this was reviewed at the closing and the Developer was required to install a line of bushes to demarcate the wetland area. She said many of the bushes and the posts have disappeared from approximately 30 homes. Ms. O'Hare noted that the property in question is landscaped beautifully, but a permit is needed for those activities in the back and a variance is also needed for the shed which should be a minimum of five feet from the rear property line, but is only three feet. She said the property owner has applied for a variance which will be heard on Sept. 16. Ms. O'Hare said the property owners want to retain the shed, but if the Zoning Board of Appeals rule the shed must be moved, it will be moved. Ms. O'Hare said the property owners removed small shrubs that were originally installed by the Developer on the jurisdictional boundary as required in the permit, and removed natural vegetation and installed ornamental shrubs and flowers in the common open space area to within 20 feet of the wooded wetland and installed ornamental shrubs and flowers within the upland review area without permission. The year lot area was also graded and seeded and is maintained as a lawn between the installed shrubs. She said the shrubs installed in the common open space area must be removed – this is non-negotiable - but the property owners are applying for an after-the fact application to allow the shed and the plantings in the back to remain and to be able to mow the back yard. Ms. O'Hare noted that 75 percent of the homeowners in this development – in the noncompliant group - are mowing their backyards which is not permitted. She said if mowing is to be allowed, the Developer needs to appear before IWWC for a revision to the permit for the entire development. Ms. O'Hare said she was not against allowing mowing in the back yards and most of the yards come to 20 feet of the wetlands in response to concerns raised by Commissioner Heilman regarding fertilizers and possible pesticide application. She said many of the yards are green, indicating fertilization.

Commissioner Heilman said this situation infuriates him because the IWWC worked hard on creating regulations for this subdivision. He said a class-action suit should be filed against the Developer because people want a back-yard and this is reality. People want to beautify their property and make it nice, but this is not allowed along a wetland area.

Commissioner Kern recommended more placards be installed in the development (beyond the one placard per lot that was originally required.)

Chairman Vitali said he believes the Developer did everything in their power to prevent this situation from happening. He said if this issue with the shed is approved, the other homeowners may ask for the same approval.

Ms. O'Hare said there is only one other non compliant shed in the Development and that homeowner needs to apply for a permit. She said Atty. Molloy sent out a letter to approximately 30 homeowners informing them they were noncompliant and how to remedy. She said the Developer wants to wait until Fall to address this issue. Ms. O'Hare said this application can be tabled.

Chairman Vitali requested Atty. Molloy, who was in the audience for another matter, to address the Commission on the matter.

Atty. Molloy, representing VW Homes, spoke on the issue. She said the Developer has no plans to seek any modifications. She said when the lots were advertised and negotiated with buyers, the Developers were very clear regarding the restrictions and people were given copies of the plan showing individual lots. She said she made a point of stressing this to the potential buyers and their attorneys.

Commissioner Parent said this application could have been acted on tonight, and he would have voted against it. He suggested the Town Council give permission to the Zoning Enforcement Officer authority to begin levying fines against people who bought these open space properties and then treat them as residential lots. They violated the contract, he said.

Vice-Chairperson Deutsch indicated only native shrubs were approved, originally and any invasive plant species must go and only native shrubs can stay.

Commissioner Miller said she is afraid of passing this issue and setting a precedent. She said a decision should not be made tonight.

Ms. O'Hare said the IWWC has 65 days to act on this issue with two possible extensions available if needed.

Chairman Vitali tabled the matter stating that this entire issue has to be dealt with under one package. He suggested Ms. O'Hare put together a report package and return to this issue at the October 2 IWWC meeting.

4. **#A13-7.6/61 Barnes Industrial Park Road North** – Woodard & Curran, Inc. – (fencing).

Presenting the Application was Nicholas Hastings, Licensed Environmental Professional, Woodard & Curran, and Jesse Edmunds, Project Manager, Woodard & Curran, Inc.

Mr. Curran said this application involves installing a fence along several wetland areas in the 61 Barnes Industrial Park Road North property. He said the proposed activity involves the installation of a chain-link fence to limit human access and prevent trespassing. He said steel fence posts will be hand-driven with a slam bar every 10 feet in the wetlands area. He said if necessary, a hydraulic hammer attached to an air compressor may be utilized and the chain-link fence panels will be attached to the posts using wires and hand tools. In addition, two-feet of clearance from the ground will be provided for fencing being installed in the intermittent drainage swale, to allow drainage flow in the swale. Mr. Edmunds noted that no heavy machinery or equipment will be utilized in the wetland areas and no wetlands altered or fill used during the fence installation. He said the height of the fence should be around 5 ½ feet.

In response to Commissioner Miller's question, Mr. Edmunds said the fence is in response to a remedy by the DEEP to limit human access to historic pesticide contaminated soil

Ms. O'Hare referred to her Environmental Planner's Report dated August 27, 2013, and said this is a fairly straight-forward application and recommended approval as submitted.

Chairman Vitali granted the public to be heard in this matter.

Joe Gambardella, 20 Old Woods Road, abutting property owner, asked where the fence line would be placed.

Mr. Edmunds responded that the fence line would be placed as shown on the plans submitted to the IWWC. He said the fence will be on Mr. Gambardella's property line but will be set back on the ridge of the property.

Mr. Gambardella expressed concern about his driveway which he said is on the property line. He said if the fence were pushed 20 to 50 feet back because of snow removal, it would make things easier for himself and his neighbors.

Chairman Vitali said if the Applicant is under State guideline to install the fencing, he thought the fencing should be put up around the perimeter of the property. He suggested dialogue with the Applicant and DEEP regarding the request.

Mr. Edmunds said comments have been received from the abutting neighbors and will be forwarded to the State, leaving room for snow removal, an aesthetic look for the fencing and continuing use of the driveways and the cul-de-sac. He said none of these issues are in wetland areas.

Commissioner Miller questioned whether we should be concerned for the quality of storm flows off this contaminated property.

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-7.6/61 BARNES INDUSTRIAL PARK ROAD NORTH BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

SECOND: **MURPHY**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-7.6/61 BARNES INDUSTRIAL PARK ROAD NORTH BE APPROVED AS SUBMITTED.**

SECOND: **PARENT**

VOTE: **UNANIMOUS**

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

Presenting the Application was Jay Kulowiec, Professional Engineer, Arcadis USA and Consulting Engineer to Allnex USA, Inc.

Mr. Kulowiec said this application involves the construction of a new pipeline which will convey Allnex's treated wastewater from their on-site treatment plant. He said this treatment plant is regulated by DEEP through an NDEP (National Discharge Elimination Permit). He said in the last re-issuance of the permit, DEEP mandated the discharge from the treatment system be relocated from entering an unnamed tributary that enters the Quinnipiac River on the Allnex property, to go directly to the Quinnipiac River in order to be in conformance with the State's water quality requirements. He said preliminary engineering and selection of alternatives has

been completed and approved by DEEP and detailed engineering and the permitting process have begun. He said a floodway application will also be submitted to Planning and Zoning. He presented drawings which showed the current treatment system is partially piped. The pipe terminates in an existing open channel which traverses approximately 500 feet down to the tributary about 100 to 125 feet away from the Quinnipiac River and then flows into the Quinnipiac River at that bend. He said the DEEP has ordered Allnex to remove that discharge from the unnamed tributary, a water of the State, which is a Class A stream. He said along the Quinnipiac River is a high pressured gas line Right-Of Way owned by Spectra Energy. He said Spectra's requirements for crossing their Right-Of-Way must also be met that no construction can occur after November 1 and no construction can start until mid-April.

He said in order to do this, the new discharge pipe will have to go below the gas lines. To guard against flooding, Mr. Kulowiec said the discharge will have to be piped all the way to the river; the open swale cannot be used. He said the proposed pipeline is approximately 500 feet long which will be buried.

Chairman Vitali asked why a wetlands application was needed.

Mr. Kulowiec said the entire area is a flagged wetlands, a watercourse, and a floodway.

Ms. O'Hare said this revised plan came in on August 28, 2013 after the Environmental Planner's Report was written. She said there are several items missing, but the impact figures, received on Tuesday indicate the entire pipe will be built in a wetlands.

In response to Ms. O'Hare's question, the Applicant indicated a stream crossing will be constructed which would impact 170 sq. ft. of the wetlands.

Ms. O'Hare said the Applicant will install the outfall conveyance pipe under the wetlands area through the wooded floodplain forest with an impact of 15,400 sq. ft. and will construct the outfall structure at the Quinnipiac River bank which will be below mean water – the impact will be 460 sq. ft. to the river and 20 linear feet of the bank.

Mr. Murphy asked that the Applicant consider a swale.

Mr. Kulowiec explained that a swale was originally constructed but a swale would not work with the gas lines and had to be designated for the 500-year flood elevation so a swale would not work out. He stated the pipe will not back up. He indicated the application still needs the 50-foot upland review area, Connecticut soil types, determination of need for dewatering facilities, and Spectra's easement restrictions. It will require an Army Corps permit.

This Application was continued to the October 2, 2013 IWWC meeting.

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

Representing the Applicant owner Angela Lokas and Paul Buckley Reynolds, Land Surveyor, Stonewall Boundaries. Mr. Reynolds said when a boundary stakeout survey was conducted on the Applicant's property, he encountered some concerns he believed the Town should be made aware of. He noted that he also conducted a survey a few years ago at 792 Center Street and found there was an embankment behind Williams Place for the properties on the southerly side of the road. He said the stream comes down through drainage easements and undeclared drainage easements from East Main Street and Woodhouse Avenue. He said the Woodhouse

Avenue drainage goes into the Wallingford Country Club property and discharges into a catch basin which is south of East Main Street on East Center Street. He said the drainage goes underneath several properties before terminating at an endwall which is collapsing in the rear of Williams Place. Mr. Reynolds said that drainage culvert from East Center Street which drains Woodhouse Avenue is in total disrepair. He said he informed Town Engineer John Thompson and the Engineering Department of this situation and was told this was a State issue and the State said it is not their issue as there is no easement.

He said the property on Williams Place and the homes on East Center Street were all part of Wallingford Country Club in the 1930's and he believes this culvert was installed by the Country Club but is draining out a good portion of Woodhouse and Harrison Avenues. He said there are also recorded easements for the draining of East Main Street and Williams Place. He presented photos the Applicant took of the disrepair of the culvert from East Center Street and presented them for the record. He said the holes in the culvert are so large, a small child could fall into them. He said the endwall is in a state of disrepair and ready to collapse. He said the Applicant's property is three properties down from that endwall and her concern is that her property is being washed out by the runoff into her property. He said the Applicant is appearing in front of the IWWC in an effort to remedy this problem. Mr. Reynolds said Ms. O'Hare has been working with the Applicant and has a plan that was submitted.

Ms. O'Hare said the plan for the application, which was submitted to the IWWC at the July 24 meeting, was prepared by the Southwest Conservation District.

Mr. Reynolds said the Applicant wants to remedy this problem, stabilizing her slope, by installing rip-rap by using a wheelbarrow brought down from the Applicant's driveway, over the sanitary easement, using no heavy machinery. He said no one is claiming ownership of the discharge pipe even though it is on State property. He said the water begins from Woodhouse Avenue and goes onto Country Club property and comes out into a culvert into a catch-basin just south of East Main Street on the north side of East Center Street.

Ms. O'Hare said per her August 29 Environmental Planner's Report, there is over development of the upgradient watershed which has resulted in a catchment area too large for the stream which has caused the stream to progressively erode, causing trees to fall. She noted that even if the Town or the State repaired the pipe, it would not take away the problem with the volume of water coming out of the repaired pipe. She said the Applicant owns on both sides of the stream and half of the bank on the southern side. She said the northern bank is treeless and the bank has eroded. Ms. O'Hare said the design calls for greater rip-rap at the base. She said the stream would be impacted 100 linear feet and the impact going up the slope would be 1,200 sq. ft within the upland review area. Ms. O'Hare said the slope must be brought down on half her property, which is too steep, and a geotextile membrane with the rip-rap will be deposited on top. She said the Sewer Division, which has an easement in this area, has approved this procedure. Ms. O'Hare expressed regret that the Applicant had to take on the cost of this project herself.

Vice-Chairperson Deutsch asked if rip-rap was installed, would it cause the erosion to be moved down stream.

Commissioner Heilman responded if rip-rap is installed at the toe of a slope, the energy of the water is dissipated, so no.

Mr. Reynolds entered photos into the record and offered to show the IWWC a video taken by the Applicant of the effect of rain on her property.

Chairman Vitali nixed the idea of showing the video stating that it also had to be shown to the public.

Commissioner Heilman suggested the possibility of refunding the application fee.

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-7.8/18-20 WILLIAMS PLACE
BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

SECOND: **MURPHY**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION # A13-7.8/18-20
WILLIAMS PLACE BE APPROVED AS SUBMITTED WITH THE
CONDITION OF APPROVAL THAT THE ENVIRONMENTAL
PLANNER BE NOTIFIED PRIOR TO THE COMMENCEMENT
OF ANY SITE WORK.**

SECOND: **MURPHY**

VOTE: **UNANIMOUS**

**7. #A13-7.9/EAST CENTER STREET - VIETNAM VETERANS MEMORIAL PARK -
TOWN OF WALLINGFORD – (expansion and improvements to parking area)**

Presenting the Application was John Thompson, Town Engineer, and Rob Baltramaitis, Assistant Town Engineer.

Mr. Thompson said this Application was submitted on behalf of the Town of Wallingford, Department of Parks and Recreation and involves improvements at Vietnam Veterans Park. Mr. Thompson said the Engineering Department has been working with Parks and Recreation for a number of years making improvements in the irrigation system and at the ball fields and grading. He said Parks and Recreation asked the Engineering Dept. to look at the safety and operation improvements at the complex. He said there is congestion at the southerly parking area resulting in congestion in the narrow driveway going out to Center Street and inadequate parking in the complex. He said the Engineering Dept. has worked with Parks and Recreation and the Police Dept. and has come up with a plan that entails three basic elements: the creation of a turn-around at the southerly end of the parking lot which will be pervious pavement with a rain garden in the middle. He said the main parking field will be widened on the west side slightly to provide a uniform standard parking stall at aisle width. He said the remaining portion of the improvements entail the widening of the driveway from the main

parking field to East Center Street, including the widening of the road and construction of a pedestrian walkway from the main complex to the new parking expanded parking lot at the northerly end of the complex. He said the parking lot is currently 30 spaces and plans are to double the size to about 65 spaces. Mr. Thompson said the project has been reviewed by the CT Dept. of Public Health which has jurisdiction over the complex because Wallingford has a municipal water company. He said there is funding in place through a Capital Account and a STEAP Grant. He said work should be done by the DPW and would start late October or November of this year.

Chairman Vitali asked if the project would be crossing an intermittent watercourse in the turn-around and whether there would be a culvert here.

Mr. Baltramatis said there is a watercourse and a culvert here currently which is the access to the farm lease field. He said this is a replacement with a longer culvert. He said the four-foot slope must be graded into. He said three of the four existing culverts will also be replaced. He said the existing 24 - inch culvert in the river would be extended approximately 20 ft. including both sides. He said wetland impact is minor and would be temporary.

Mr. Thompson said the Community Gardens would not be effected by this project.

Ms. O'Hare in her August 29, 2013 Environmental Planner's Report recommended approval with the condition that erosion control measures be in place and meet the approval of the Environmental Planner prior to any work being conducted on-site.

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-7.9 EAST CENTER STREET/
VIETNAM VETERANS MEMORIAL PARK - PARKING AREA
EXPANSION AND IMPROVEMENTS BE DEEMED NOT A
SIGNIFICANT ACTIVITY.**

SECOND: **MURPHY**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A13-7.9 EAST CENTER STREET/
VIETNAM VETERANS MEMORIAL PARK- PARKING AREA
EXPANSION AND IMPROVEMENTS BE APPROVED AS SUBMITTED
WITH THE CONDITION THAT EROSION CONTROL MEASURES
BE IN PLACE AND INSPECTED BY THE ENVIRONMENTAL
PLANNER PRIOR TO ANY WORK BEING CONDUCTED.**

SECOND: **MURPHY**

VOTE: **UNANIMOUS**

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

Presenting the Application was Mary Heffernon, Vice-Chairperson, Conservation Commission, and Dianne Saunders, Commissioner, Conservation Commission.

Ms. Saunders said there are muddy trails in the Tyler Mill Preserve and some footbridges have been constructed with monies from the Trails Grant which the IWWC reviewed approximately one year ago. She said in the wetlands located in the south section of Tyler Mill, parallel to the south side of the river, the trail has been improved by eliminating invasive species but there are certain pockets where the mud is deep. She said native cedars which have fallen in the area will be used, nothing will be put into the ground and rocks will be put around the base to prevent movement. She said there is a need for three more footbridges at the locations detailed in the permit application because the mud is slippery and there have been injuries to hikers and bikers as a result. She said once the footbridges are installed, native plants will grow. She said the work will be done when weather permits. She submitted photos for the record of before and after shots of recently completed footbridges in the Preserve.

Vice-Chair Heffernon said the plan is to use native white oak for these footbridges and not pressure treated wood. Scouts are anticipated to be involved in the construction.

MS. DEUTSCH: MOTION THAT APPLICATION #A13-7.10/549 WOODHOUSE AVENUE/TYLER MILL PRESERVE TRAIL FOOTBRIDGES BE DEEMED NOT A SIGNIFICANT ACTIVITY.

SECOND: MURPHY

VOTE: UNANIMOUS

MS. DEUTSCH: MOTION THAT APPLICATION #A13-7.10/549 WOODHOUSE AVENUE/TYLER MILL PRESERVE TRAIL FOOTBRIDGES BE APPROVED AS SUBMITTED.

SECOND: MURPHY

VOTE: UNANIMOUS

NEW BUSINESS:

1. **#A10-5.3/803 NO. FARMS ROAD – Estates at Wallingford – Toll Brothers – (request for bond release).**

Ms. O'Hare said the bond release was not ready.

2. **#A05-10.2. 110 Leigus Road** – Workstage Connecticut, LLC – (request for bond release).

Atty. Joan Molloy, Loughlin Fitzgerald, P.C., spoke on behalf of the Applicant.

Atty. Molloy said she has been in discussions with Ms. O'Hare regarding the bond release. She said there were a few conditions associated with the bond release and said Ms. O'Hare's concern was whether or not the Applicant was in compliance with these conditions, i.e., the wet meadow along Leigus Road and the condition this meadow be mowed annually. She said the mowing is being done, but not until after the first frost per recommendation of Soil Scientist Bill Root. She said there is no time frame, but that it be done annually.

Ms. O'Hare said she discussed the drainage ditch (or swale located in the wet meadow) being kept open if it is clogged.

Atty. Molloy said one of the reasons why the IWWC specifically required the annual mowing was because of concerns expressed by Robert Heilman of water flow coming off of his property. She said there was a drainage swale widened on the property after farming use had ceased. She said there was never a complaint that when the mowing was taking place that it was affecting the drainage. Atty. Molloy said another condition involved de-icing, that calcium chloride be used and is being used. She said there is nothing in the proposal prohibiting the use of sand and it does not violate the terms of conditions. The use of a certified pesticide plan was another one of the concerns. Atty. Molloy said this is a LEEDS certified building and in order to maintain the LEEDS certification, only specified bio-approved products may be used and are being used.

Ms. O'Hare indicated the permit - required IPM is a specific management program and it concerns more than just the products being used and is typically used in agriculture . She said she did not know, however, why the IWWC approved the IPM program requirement at that time.

Chairman Vitali said he was sure the concern of the IWWC at the time was that drainage was being put directly into the reservoir. He asked who wrote the conditions of approval. There was some dispute between Chairman Vitali and Ms. O'Hare regarding how the conditions were written and whether the IWWC knew what they were approving. He asked how the conditions of approval could be changed.

Ms. O'Hare said a minor permit modification would have to be applied for.

Atty. Molloy said there have been no problems with insects or anything else. She said the Integrated Pest Management system is a far more complex system based on what Ms. O'Hare explained to her. She said she believed an environmentally friendly site was to be built and that condition was acceptable. She said she preferred not to return to the IWWC with a permit modification. She said the last issue involved Ms. O'Hare's concern regarding certain plants going in certain locations. She said the site is well-vegetated.

Commissioner Heilman said there is no instability in the area.

Chairman Vitali said the bond could be released without any alterations.

Commissioner Kern requested Ms. O'Hare research the plan conditions approved by the IWWC.

Chairman Vitali suggested taking out the IPM and putting in the LEEDS certified pesticide approval list.

Atty. Molloy asked if the bond is tied to the Conditions of Approval. If the IWWC is satisfied the site was constructed properly, and the wetlands are being and if protected as is, the bond could be released tonight and she could return later on and request the permit be modified.

Chairman Vitali said the bond would be released tonight and Atty. Molloy will need to modify the Conditions of Approval so the client would not have a problem down the road.

MS. DEUTSCH: **MOTION THAT THE BOND BE RELEASED FOR APPLICATION #A05-10.2/110 LEIGUS ROAD – WORKSTAGE CONNECTICUT LLC.**

SECOND: **MURPHY**

VOTE: **UNANIMOUS**

3. **#A04-4.1B/1365 DURHAM ROAD – James Cararra** (request for permit renewal).

Ms. O'Hare said this Applicant renewed a permit back in May when the extension had lapsed and the IWWC then renewed the permit retroactively. She said the Applicant needs another permit renewal good for another five-year period.

MS. DEUTSCH: **MOTION TO GRANT A PERMIT RENEWAL FOR APPLICATION #A04-4.1B/1365 DURHAM ROAD - JAMES CARARRA BE APPROVED**

SECOND: **MURPHY**

VOTE: **UNANIMOUS**

4. **#A11-7.5/1020 NORTH MAIN STREET EXTENSION –** (request for extension of commencement date)

Ms. O'Hare said this involves a steep driveway that goes onto the Applicant's neighbor's property. The Applicant wants to pave a portion of the driveway which the neighbor will not allow. She said he needs an extension of the commencement date which was granted by the IWWC last year. Ms. O'Hare said this Applicant is on the agenda twice under "Receipt of New Applications." He is applying because he wants to route his driveway between two wetland pockets. The Applicant wants to keep his original Application open as a preventative measure.

MS. DEUTSCH: **MOTION TO EXTEND THE COMMENCEMENT DATE FOR APPLICATION #A11-7.5/1020 NORTH MAIN STREET EXTENSION.**

SECOND: **MURPHY**

VOTE: **UNANIMOUS**

RECEIPT OF NEW APPLICATIONS

1. **#A13-8.1/12 NATHAN'S PATH** – Edward Butkus – (after-the-fact inground pool and proposed gazebo patio, and fencing) – Received by the Chairman.
2. **#A13-8.2/59 & 65 NORTH PLAINS HIGHWAY** – Wallingford Group LLC – (stream crossing & excavation).

Chairman Vitali indicated that he would let Christopher Juliano , P.E., Juliano Associates, LLC., speak on behalf of the Applicant.

Mr. Juliano said he submitted the Application as a Permit Modification to two existing permits: #A03-12.3 and #A03-10.4.2. He said Ms. O'Hare feels this should be a full permit. He said he is planning to extend the culvert so he believes a Permit Modification is in order.

Ms. O'Hare said this should be a full permit because two properties are involved this time are not just 59 No. Plains Highway, and because the original culvert design was 16 feet wide and now will be 174 feet wide. She said fill taken off 65 North Plains Highway will be brought in to build a storage yard area at 59 North Plains Highway. The new application will be on the October 2, 2013 IWWC agenda. Mr. Juliano indicated the new fee adjustment will be filed with Ms. O'Hare.

3. **#A13-8.3/1020 NORTH MAIN STREET EXTENSION** – Jan Koster & Robin Cozensa – (driveway) – Received by Chairman.
4. **#A13-8.4/180 CHESHIRE ROAD** – The Farms Country Club – (water utility) - Received by Chairman.
5. **#A13-8.5/864 NORTH FARMS ROAD** – Town of Wallingford – (Town fire station) – Received by Chairman.

VIOLATIONS:

1. **1148 NORTH COLONY ROAD** - (clearing)

Gary Greenalch, Pacesetter Construction, updated the status of an Application on behalf of North Colony Road Associates, 1148 North Colony Road, Wallingford, Ct.

He said clearing was done earlier in the year and wetlands were discovered. He said the Applicant is in the process of appearing before the Zoning Board of Appeals to change where the landscaping buffers are and increase more of a buffer to the back of the site where the wetlands are located. He said a preliminary plan has been drafted by the Architects and is under discussion with Ms. O'Hare. He said they will not be on the October 2 agenda.

6. **#A13-8.6/1094,1098 & 1100 NORTH COLONY ROAD** - Chick Fil – A, Inc. – (commercial redevelopment) – Received by Chairman.

Chairman Vitali acknowledged Attorney Amy Souchens in the audience.

Atty. Amy Souchens appeared for the receipt of the Application. She said the Chick-Fil-A will be located on the current Midas Muffler site and the vacant site directly adjacent, with associated parking on a corner of the Lowe's parcel. She said the Engineering team will be presenting at the October 2, 2013 IWWC meeting.

REPORTS & CORRESPONDENCE

1. Staff report, dated August 28, 2013 – Not Taken Up.
2. DEEP Training Session - IWWC enforcement re: recent bamboo legislation, Aug. 20 - Not Taken Up.
3. CACIWC – membership dues - Not Taken Up.
4. CT DEEP – “CT Green Infrastructure Symposium”, Cromwell, Sept. 19, 9 a.m. – 3:30 p.m. – Not Taken Up.
5. CT Federation of Lakes – correspondence re: donation to support organization – Not Taken Up.
6. CT DEEP – “A Newsletter for Inland Wetlands Agencies “, Issue 1.1. – Not Taken Up.

ADJOURNMENT

Vice-Chairperson Deutsch made a motion to adjourn. The motion was seconded by Commissioner Murphy and passed unanimously. The meeting adjourned at 10:16 p.m.

Respectfully submitted,

Cynthia A. Kleist
Recording Secretary