

Wallingford Inland Wetlands & Watercourses Commission

Wednesday, Sept. 6, 2017

Robert F. Parisi Council Chambers, Second Floor, Town Hall

45 South Main Street, Wallingford, CT

MINUTES

PRESENT: Chair James Vitali; Vice-Chair David Parent; Nick Kern, Secretary; Commissioners Deborah Phillips; Aili McKeen, Alternate; Bob Parisi, Alternate; Erin O'Hare, Environmental Planner.

NOT PRESENT: Commissioners Michael Caruso; Daryll Porto, Alternate.

Chair Vitali called the Meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

CONSIDERATION OF MINUTES

1. Regular Meeting, July 19, 2017, 7:00 p.m.

MR. PARENT: MOTION TO APPROVE THE JULY 19, 2017 MEETING MINUTES
AS PRESENTED

MS. PHILLIPS: SECOND

VOTE: MCKEEN – YES; KERN-YES; PARENT-ABSTAIN; PHILLIPS- YES;
VITALI – YES

OLD BUSINESS

1. **#A17-6.3/off Washington Avenue & Oak Street** – Town of Wallingford, - (trail construction, drainage improvements)

Appearing in front of the IWWC was Rob Baltramaitis, Town Engineer, and Jim Rossman, Principal with Stadia Engineering and Consultant/Design Engineers for this project.

Mr. Baltramaitis told the IWWC the Town is seeking a permit for regulated activity to allow construction of the project. He said this project was conceived years ago and has two main components: linking Wallingford Senior Center with Community Lake, and the Quinnipiac River Linear Trail. He said the Town was able to keep the project federally funded even after attempts to have the trail pass through some private property were unsuccessful. He said the

connectivity now to Community Lake will be through Hall Avenue, down Washington Street to the Senior Center. Mr. Baltramaitis said the second component of the project involves a 1,400 linear foot walking trail from the Senior Center from Washington Avenue, all on Town property, going south towards Oak Street and to one of the dredged pond adjacent to Community Lake. Mr. Baltramaitis went over the graphics which he sent to the IWWC. He said there would be streetscape improvements consistent to what is seen on Center Street and Quinnipiac Street, decorative light poles, street trees and brick pavers. Mr. Baltramaitis pointed out the only regulated activity by the IWWC, which he said is in two spots; a storm drainage outfall which takes storm water from approximately 140 acres beginning at Center Street from North and South Main Street, discharging into a 33-inch pipe. He said this has created havoc, noting there is a lot of scour in the area. Mr. Baltramaitis said this is a good opportunity to correct this situation and further extend the Town's drainage along Oak Street and discharge to a more natural point.

Mr. Baltramaitis said the pipe will be upsized and create an angle point in the drainage manhole which allows some energy to be taken out of the water. He said this water can go into a plunge pool as it goes to a dredge pond before entering the Quinnipiac River. Mr. Baltramaitis noted there will also be a planting restoration plan in the regulated areas. He said he has walked the site and met several times with Ms. O'Hare and said he accepted the two Conditions of Approval noted in Ms. O'Hare's August 29, 2017 Environmental Planner's Report.

Commissioner Kern asked about the quality of water to be slowed down coming out of the diverted manhole. Mr. Baltramaitis said the water is entirely street runoff from urban Wallingford, i.e., the west side of Center Street from Main Street. Chairman Vitali asked if the trail connected to anything. Mr. Baltramaitis said the trail will connect the Senior Center to the dredge pond. He said the connectivity from Community Lake to all points in Wallingford via a contiguous public walkway system. He said this is the first attempt to make a link a 10 ft. wide trail on the east side of Community Lake. He said the trail will terminate at the parking area and is approximately 1,700 ft. from the parking lot out to the viewing area to the dredge pond.

Chairman Vitali asked what is being done in the wetlands. Mr. Baltramaitis referenced a wetlands and soil scientist report in the Commissioner's packets which stated the wetland is low quality with a lot of sand fallout and trash and debris. He said in the impact area in the outfall is to make an improvement with native plantings. He said the existing outfall of the 33 inch pipe will be eliminated. He said this has been a problematic outfall for the Town which he said has gotten deeper and has scoured. Commissioner Kern asked if the trail was seasonal or all-year-round. Mr. Baltramaitis said when the Town takes ownership the trail will not be plowed during the winter, but noted trail use is not discouraged during the winter. Commissioner Kern asked about maintenance for trash removal. Mr. Baltramaitis said Public Works will maintain the trail and will have facilities at the beginning and end of the trail.

Ms. O'Hare said she has been working with the Engineering Dept. and performed site visits. She referenced her Environmental Planner's Report of August 31, 2017. She said there is a regulated impact as far as the trail bed is concerned which she said impacts 34,800 sq. ft. of upland review area for the construction of the trail. Ms. O'Hare said the direct wetland impact comes about with the installation of the improved facility which is taking the storm water to a large plunge pool going down to the floodplain area. She noted the wetland plantings are enhancements. She said the wetlands in this area are disturbed from trash which floats in during flood events and siltation. Ms. O'Hare also spoke about the bituminous trail construction surface area impact which she said in this case amounts to 13,000 sq. ft. which is a regulated activity. She said she was pleased that a significant amount of this project was dedicated to invasive species eradication and noted the biggest invasive species was Japanese knotweed. Ms. O'Hare said she has no problems with the application.

Commissioner McKeen asked about the method used to eradicate the Japanese knotweed. Mr. Baltramaitis said it will be removed by the roots and a spray treatment with a follow-up evaluation treatment. He said all disturbed areas will be restored with a New England conservation mix. Chairman Vitali asked if the performance bond includes the negative environmental impacts if caused. He said if someone has a failure, the bond has to be specific. Mr. Baltramaitis said the bonding company will challenge if the bond is called to get mitigation. He pointed out a performance bond on this project will have a contractor provide a warranty period for the restoration and plantings, so the bonds wouldn't be released until accepted approximately 365 days later. Chairman Vitali said he didn't know if the bond would cover a massive erosion problem or a cave-in to the existing pond.

Mr. Baltramaitis said Mr. Rossman pointed out to him that as an item is being paid, specifically the removal and restoration, the Town will withhold 30% of the contractor's invasive removal and the contractor's restoration for a year until the contractor gets paid. He said this is a bond, a guarantee. Chairman Vitali said he didn't see a major problem with this, but noted in the future, he would like to see some of these bonds have the environmental wrapped into it to protect the Town.

Chair Vitali entertained a motion on Significant Activity associated with the wetlands.

MR. PARENT: MOTION THAT APPLICATION #A17-6.3/OFF WASHINGTON AVENUE & OAK STREET – TOWN OF WALLINGFORD, CONNECTICUT – (TRAIL CONSTRUCTION, DRAINAGE IMPROVEMENTS) BE DEEMED NOT A SIGNIFICANT ACTIVITY

MS. PHILLIPS: SECOND

VOTE: MCKEEN-YES; KERN-YES; PARENT-YES; PHILLIPS-YES;

VITALI-YES

Chair Vitali entertained a motion on the application at this time.

MR. PARENT: MOTION THAT APPLICATION #A17-6.3/OFF WASHINGTON AVENUE & OAK STREET – TOWN OF WALLINGFORD, CONNECTI - CUT – (TRAIL CONSTRUCTION, DRAINAGE IMPROVEMENTS) BE APPROVED WITH THE FOLLOWING CONDITIONS WHICH WERE AGREED TO BY THE APPLICANT:

- 1. EROSION CONTROL MEASURES ARE TO BE IN PLACE MEETING THE APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR TO ANY CLEARING ACTIVITIES TAKING PLACE ONSITE**
- 2. PERMITTEE AND SITE CONTRACTOR ARE TO MEET WITH THE ENVIRONMENTAL PLANNER IN THE FIELD TO IDENTIFY INVASIVE PLANT SPECIES STIPULATED TO BE REMOVED AS PART OF THE PROJECT, ERADICATION METHODS AND PROCEDURE WILL BE REVIEWED AT THAT TIME, AND A MONITORING SCHEDULE WILL BE AFFECTED TO INSURE ERADICATION.**

MS. PHILLIPS: SECOND

VOTE: MCKEEN-YES; KERN-YES; PHILLIPS-YES; PARENT-YES; VITALI-YES

NEW BUSINESS – NONE

RECEIPT OF NEW APPLICATIONS

- #A17-7.1/9 Whiffletree Road** – Patricia Kaplan – (above-ground pool) – Request for consideration of administrative approval – *approval granted 7/21/17.*

Chair Vitali said he discussed this application with Ms. O'Hare and decided this was not a problem and granted administrative approval.

- #A17-8.1/41 Twin Pines Drive** – John Fernando – (tree removal from conservation easement area) – administrative approval request

Ms. O'Hare said she didn't ask the owner to appear in front of the IWWC noting it was a simple application. She said the owner is removing trees that both she and Mr. Fernando determined would eventually fall onto his home. Ms. O'Hare said the complicating factor is that these trees

fall within a 20 ft. conservation easement at the Toelle Brothers project, also known as The Estates at Wallingford. Ms. O'Hare said by Padens Brook, the eight houses along the back have a conservation easement. Ms. O'Hare said Corporation Counsel Janis Small said the IWWC can move ahead with administrative approval noting that notice to the IWWC regarding the conservation easement has been given. She said the way it works is an Applicant has to give notice to the neighbor, the Land Trust, to the State or to whoever holds the conservation easement. Ms. O'Hare said in this case, the conservation easement is on the Applicant's deed. She said notice also has to be given to the Planning Dept. which received notice.

Chair Vitali said he found it hard to believe that a conservation easement would prevent someone from removing a hazardous tree. Ms. O'Hare said this is a formality. Chair Vitali said this is a formality within the IWWC Regulations. The IWWC agreed to allow administrative approval which was granted by Chair Vitali.

Administrative Approval granted.

ELECTION OF OFFICERS - TABLED

REPORTS & COMMUNICATIONS

1. CT Association of Conservation & Inland Wetland Commissions, Inc., (CACIWC) – membership dues; received 8/24/17.

Ms. O'Hare said these dues are paid every year and with the dues, reduced rates for the conference are given and a quarterly newsletter.

2. CT Association of Conservation & Inland Wetland Commissions, Inc., (CACIWC) – 40th Annual Meeting & Environmental Conference, Radisson Hotel, Cromwell, Nov. 18, 2017, 8:30 a.m. -3:45 p.m., received 8/24/17

Ms. O'Hare said any IWWC member can attend this conference and money is available in the budget to cover conferences. She said there is a discount available if registered before Oct. 20.

3. Staff – report on corrections: 7 Old Gate Road; 8 & 10 Atwater Place; 1092 Clintonville Road.

Ms. O'Hare went over her memorandum to the IWWC. She noted she checks the open permits and didn't find erosion problems.

7 Old Gate Road-Ms. O'Hare said this property was purchased in May or June and she has been working with the new owner. She said the new contractor is ready to go forward with a quote this week and is hopeful the fill will be removed from both the new owner's and adjoining owner's properties. Commissioner Kern asked if the owner would remove what the IWWC

requested or will all the fill be removed. Ms. O'Hare said the owner is planning on following the Court Order and the fill will be taken off-site.

8 & 10 Atwater Place – Ms. O'Hare said there is no movement. She said no remediation has started. She said she is constantly in contact with the owners and noted the owners must meet with Planning & Zoning regarding filling two years ago in the floodplain.

1092 Clintonville Road - Ms. O'Hare said the Notice of Violation was issued on July 17, 2017. Ms. O'Hare said the owner came to the July 19 IWWC meeting and did a good job the week before the meeting but nothing significant has been done since then. Ms. O'Hare said the owner indicated he will grade the slope and install grass seed before winter. Ms. O'Hare said a plunge pool is needed in the back of the property.

Richello, 103 N. Turnpike Road - Ms. O'Hare said this project is moving along.

76-90 S. Turnpike Road – Adam's Landing. Ms. O'Hare said a Notice of Violation was issued last week. She said the representative will address this issue under "Violations" on the Agenda.

530 Church Street – Ms. O'Hare said this is called Hidden Brook Estates. Ms. O'Hare said the retention pond is holding up and was 70% hydro seeded. She said she cannot find out why the berms are 10 to 12 ft. high. She said the top of the outlet control structure is approximately four to five ft. above the bottom of the basin and berms that rise up 10 to 12 ft. She said she was told this would change. Chair Vitali asked if the Quinnipiac River was dredged. He said he believed a delta was built out in the river where it was filled in. Ms. O'Hare said the site was breached and went into the brook but she was unaware there was a delta in the Quinnipiac River from it. Ms. O'Hare said she would look into this.

605 N. Elm Street – DiNatale. Ms. O'Hare said this project is progressing.

29 Toelles Road, Fed-Ex. Ms. O'Hare said there is a \$15,000 bond which the Applicant wants released. Ms. O'Hare said a big storm in July blew out the wattles which is a long filter sock. She said there is also spill-off from Nucor next-door which she site visited last week. She said Fed-Ex handed in a sketch of corrections and she and the Applicant will stake in where the wattles should be located in the floodplain and also the new check dams.

Chimney Hill Road – Ms. O'Hare said this project is progressing. She noted most of the homes are sold.

DelBuono, 69 Cheshire Road. Ms. O'Hare said the bond was posted eight days ago and cleared. She said the Permittee is good with the building permit from the IWWC's perspective.

VIOLATIONS

1. Notice of Violation - **#A17-2.4/76-90 South Turnpike Road** – Adams Landing Property Development, LLC - (unpermitted filling in upland review area & noncompliance with permit terms)

Appearing in front of the IWWC was Robert Sonnichsen, P.E., Waldo & Associates, project engineer. Mr. Sonnichsen said he received the permit in April to complete the work which involves turning an existing mixed-use building into offices on the lower level and apartments on the second and third level, of which a number of site improvements were not completed. Mr. Sonnichsen said work that needed to be excavated included a compensatory flood storage area, and noted a stormwater system was not completed, stating just a catch basin was installed and discharged the pipe onto the ground. He said the approved plan called for a stormwater structure and a pipe discharging into Oakdale Brook.

Mr. Sonnichsen said another aspect of the project that is more related to Planning & Zoning than the IWWC was the construction of an auxiliary parking area. He said the Applicant did receive approval from the IWWC for this item. Mr. Sonnichsen said when the original building was constructed, there was insufficient parking. He said in order to rectify this, the Applicant worked with the Town Planner and requested the Planning & Zoning Commission waive the construction of the auxiliary parking area on the north side of Oakdale Brook, but the P&Z deemed it an inappropriate area for deferred parking and required as part of their permit to install the parking area on the north side of the brook. He said this is being worked on along with stormwater discharge on the north side of the brook and mitigation planting on each side of the brook.

Mr. Sonnichsen said two conditions of approval were significant, one of them being the plantings on the north side of the brook. He said since the Applicant was planning on subdividing the property, the portion that has the existing building was sub-divided off from the northern portion of the property. He noted there was a concern that if the property was subdivided, the plantings wouldn't be done because someone else could purchase the property and there was concern about compelling the owner to do the plantings.

Mr. Sonnichsen said the plantings were done by June 15 and are doing well. He said after the remainder of the project is completed, the Applicant will make some modifications. Mr. Sonnichsen said the violation had to do with the staging of the project. He said the P&Z accepted the application on May 8 and the permit was granted the end of July. He said there were some conditions which had to be met with P&Z approval having to do with a deeded Right-Of-Way along S. Turnpike Road. He said this was submitted to P&Z for their review in August. He said the owner was contacted regarding extra fill but pointed out the person delivering the fill was not told to place the fill outside the floodplain near S. Turnpike Road, but was placed in back within the floodplain area, and was one of the reasons for the Notice of Violation. Mr. Sonnichsen noted that prior notice had to be given to Ms. O'Hare before any work began and this was not done and the silt fence wasn't installed prior to any activity.

Mr. Sonnichsen said Ms. O'Hare contacted his office on August 23, and on August 24, silt fencing to protect the wetlands was put in on the north side of the site where most of the construction activity took place. He said the stockpile in the floodplain was moved to the location of the proposed parking lot and as a requirement of the Notice of Violation, the area will be mulched but also seeded. Mr. Sonnichsen said there has been a lot of midnight dumping on the back of the property which is being cleaned up and stabilized.

Mr. Sonnichsen said on Tuesday, he met with the contractor on site and said the catch basin was installed and also on Tuesday, the compensatory flood area was staked and the actual location and elevations of all the physical storm water structures which must be constructed. Mr. Sonnichsen said there was a mis-communication noting he wasn't notified the contractor was going into construction, but noted the contractor has been responsive and has not ignored the Notice of Violation.

Ms. O'Hare said she visited the site on Wednesday and observed no erosion, but noted no erosion controls had been installed on the north side of the brook where the stockpiles had been removed per order of the Town Planner. She said erosion controls were installed in August. Ms. O'Hare said she and the Town Planner are requiring the installation of a compensatory flood storage area which she said must be done before filling the parking lot, which she said should have been done first. Chair Vitali noted the compensatory flood storage area is located on the south side of the brook. He asked about the compensatory flood storage area on the north side. Ms. O'Hare said this is related to the fill deposited on the south side of the brook for the additional parking area on the south side of the brook. She said on Tuesday, the compensatory storage area was staked out. She said this should have been done a month ago. Chair Vitali asked what needed to be done.

Ms. O'Hare said the compensatory flood storage area must be installed and straw mulch must be installed in the cleared area to the north side of the brook. Mr. Sonnichsen said the Permittee is working with the IWWC and the P&Z. He said the P&Z said five sets of drawing had to be submitted along with the posting of a \$10,000 surety bond for sedimentation. He said the drawings were submitted to Ms. O'Hare for the PZC on Wednesday and the surety bond will be in place before the end of the week. He said the Permittee will excavate the compensatory storage area on Thursday and a silt fence will be installed on the north side of the brook. Ms. O'Hare asked about the new catch basin.

Mr. Sonnichsen said it was checked and is at the right elevation. He said there is no flow going through it so there is no erosion. He said there is no flow because it might not be connected to the catch basin in the middle of the parking lot. He said the catch basin will be hauled to the site but can't be installed until the five sets of plans are brought in and the bond posted. He said the Applicant is close to doing this within days.

Chair Vitali said it appeared that 99% of the violations were addressed. He said this is probably one of the better Applicants that have dealt with a violation in a long time. Ms. O'Hare stated that about half the violations were addressed and that she will report back in October on the status of this project. Mr. Sonnichsen emphasized that as soon as the bond is posted, all of the work will proceed, and in the meantime, the authorized construction work by the IWWC's Notice of Violation, will be completed by the end of the week. He said the site was staked and can now be excavated.

ADJOURNMENT

Mr. Parent made a motion to adjourn the Meeting at 7:59 p.m. Ms. Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary