

**WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION**

**WEDNESDAY, SEPTEMBER 7, 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, September 7, 2016 in Council Chambers, Town Hall, 45 South Main Street, Wallingford, CT.

Seated Commissioners were: Vice-Chair David Parent acting as Chair; Nick Kern, Secretary; Commissioner Deborah Phillips; Alternates Jim Heilman and Daryll Porto; Erin O'Hare, Environmental and Natural Resources Planner.

Not Present: Chairman Jim Vitali and Alternate Michael Caruso.

Acting-Chair Parent called the Meeting to order at 7:10 p.m.

Voting members were: Parent, Kern, Heilman, Phillips and Porto.

**CONSIDERATION OF MINUTES**

1. Regular Meeting, July 20, 2016, 7:00 p.m.

**MR. KERN: MOTION TO APPROVE THE REGULAR MEETING MINUTES OF JULY 20, 2016 AS PRESENTED**

**MS. PHILLIPS: SECOND**

**VOTE: HEILMAN-YES; KERN-YES; PARENT-YES; PHILLIPS-YES; PORTO-YES**

2. Special Meeting, August 2, 2016, 4:30 p.m.

**MR. KERN: MOTION TO APPROVE THE SPECIAL MEETING MINUTES OF AUGUST 2, 2016 AS PRESENTED**

**MS. PHILLIPS: SECOND**

**VOTE: PORTO-ABSTAIN; PHILLIPS – ABSTAIN; PARENT-YES; KERN-YES; HEILMAN-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, Civil Engineer and Licensed Land Surveyor, Juliano Associates and Joseph Richello, Applicant.

Mr. Juliano told the Commission said this application has been ongoing for several months and noted at the July meeting, the Applicant was told by the IWWC to make a number of minor changes which were done and new drawings with the minor changes were submitted on August 10 to Ms. O'Hare. He said the Applicant was waiting for comments from the Town Engineer. He said comments from Ms. O'Hare on August 25 were addressed on August 26. Mr. Juliano said comments were received from the Fire Marshal on August 11 and a meeting took place with the Fire Marshal and Fire Chief on Sept. 1 to address their concerns. He said the Engineering Dept. provided comments late yesterday, and there were also additional comments from the Water & Sewer Division.

Mr. Juliano said there were four changes made to the drawings: the rear driveway behind the building, a major portion, was changed from asphalt to grass paved material which decreases the amount of impervious area. Mr. Juliano said the facility maintenance and storage building which was originally 6,000 sq. ft. was modified to 5,175 sq. ft. cutting the corner out in the upland review area. He said the amount of trees cut and the grading was also decreased as a result of the modification to the facility maintenance and storage building. Mr. Juliano said the third change was the redesign of the front swale and to relocate the discharge point from that swale. He said the fourth change was the addition of the cleared path from the site down to the sanitary sewer line. He said the flagged trees were also located. Mr. Juliano said these changes resulted in a 12.4% reduction in the amount of impervious surface, from slightly over 53,000 sq. ft. down to 46,000 sq. ft., noting most of the impervious surface reduction came from the upland review area.

Commissioner Kern asked if Mr. Juliano read Town Planner Kacie Costello's comments regarding the FEMA flood plain regulations. Mr. Juliano said he had just received the comments and noted the Applicant will have to prepare and forward a LOMA (Letter of Map Amendment), to FEMA to have the map changed because it is incorrect. Mr. Kern asked if the area was mapped out as it was when the flagging took place. Mr. Juliano said the topo map was done by the former applicant which he said he believed also did the survey work in 2009/2010 and noted the elevations are the same now. Commissioner Kern asked about raising the site a few feet to locate the project. Mr. Juliano said the building will be raised and to do this, there will be fill under the building, some of which will be in the floodplain and why the compensatory flood storage is being provided.

Commissioner Kern asked if by raising the building, the water would runoff to another location. Mr. Juliano said where the building is to be located, when water flowed on it, the water sheetflowed in various directions because of a flat slope. He said as the building is picked up and do the associated grading, the water will sheetflow in all directions. He said a rear swale which will catch the water and distribute it to the wetlands; the southside will sheetflow to the southside; the westside towards Main Street, will also sheetflow into the swale and then will make its way to the watercourse via the existing drainage structure. He said on the northside, the water will flow to the existing watercourse which borders the property. He said the one change will be the roofwater collected off the main building which will be discharged into the flood storage area so it will infiltrate in.

Mr. Juliano said he discussed Ms. Costello's letter with her and told Commissioner Kern that Ms. Costello understands that the current elevations on this site are different from the FEMA model. He said FEMA models state that during the 100 year flood, the water will rise to elevation 45 and their model and mapping shows this elevation is in the middle of Main Street. Mr. Juliano said elevation 45 runs through the middle of the site where the building will take place. He said his firm will submit new survey data and based upon this, FEMA will change their model. Mr. Juliano pointed out that it is customary to put a building one foot above the FEMA elevation and the Applicant's building will be three feet above the FEMA elevation. He said this will allow a nicer slope and pitch off the parking lot so there will be no flat spots and no ponding on site. He noted the FEMA mapping issue is not just relegated to the Applicant's site, the entire area has issues with how it was mapped by FEMA. He said he believed FEMA is working off of poor data. He said there are a lot lower properties in the area.

Commissioner Kern asked who is responsible if there is a problem. Mr. Juliano said the flood plain management plan is under Planning & Zoning jurisdiction. He said if he follows the rules and remains conservative, there shouldn't be any issues.

Ms. O'Hare followed up Commissioner Kern's question and asked if it was the Project Engineer who was responsible if anything wasn't accurately presented to FEMA or to the IWWC. Mr. Juliano said if he misrepresents something, this would fall on him. He said he doesn't have to design to a 100 year storm when designing to a floodplain because the Town only requires a 25- year designed storm. He said he is conservative and designs to the 100-year storm. Ms. O'Hare said the Town Engineer told her the Town asks applicants to design to the 100-year storm. Mr. Juliano said his firm designs storm drains to the 25-year design storm, but noted with detention basins, it is dependent upon the area of the drainage area which flows to and from the site. He said as long as he can pass the 100 year storm without any property damage or loss of life that is all that is required. He said when there are larger areas or culverts that changes, but for this project, it is the 25-year design storm.

Ms. O'Hare asked about the filling in the flooplain towards the rear of the building and asked why this building couldn't be moved 20 ft. towards Main Street, thereby removing the building

from the 45 ft. elevation. Mr. Juliano responded by saying he would have no place to put parking if this were done. He said putting the parking behind the building would be in the FEMA floodplain and by putting the parking in the front, he would be able to handle the drainage with a swale. He said the elevations are too flat in the back and the water would have to be dumped back into the flood storage area which Ms. O'Hare said she had questions about and which Mr. Baltramaitis said he had no problems with. Mr. Juliano said he wanted this plan to be as easy for the IWWC and Ms. O'Hare to understand and evaluate and know that when the IWWC or Ms. O'Hare asks for something, he responds.

Commissioner Heilman said that possibly what needs to be done is for the Applicant to readdress the outflow and call it an inflow and put the erosion controls going into the pond. He said he understands the idea there can be a 100-year storm and nothing leaves the site, it is completely in the basin. Commissioner Heilman noted that when one goes beyond the 100-year storm and is in a true flood situation, where the river itself comes up, it needs flood storage area and that is the basin because it is not filled with the 100-year storm. He said this is serving as the storage area in compensation for the other areas which are developed. Commissioner Heilman said his favorite design would be to ignore the aesthetics of Planning & Zoning and pull it forward; allow the Applicant to take the wetlands in the front which he said are basically useless, recreate wetlands in the back which could be functional. He said the aesthetics of Planning & Zoning won't allow the Applicant to come forward. He said the Applicant has fulfillment of our requirements in protecting the wetlands and at the same time dealing with the flood storage area. He said the math works fine. Commissioner Heilman said given the parameters, this works.

Mr. Juliano pointed out the Town owns a half-acre in front of the Applicant's property where the wetlands are located. He said if the Applicant had this piece, the building could possibly be moved forward, otherwise, there is a limited area in which to build. Commissioner Heilman said he liked the idea of raising the building up for the purpose of overprotecting. He said the parking in the back he sees as more of a safety concern because this complex is for the elderly, not for the young who don't worry about slipping on the ice. He said it was a good idea for the Applicant to maintain positive flow off of the site. He said keep it high and dry and minimize the possibility of someone slipping on the ice.

Regarding Mr. Baltramaitis' report on stormwater management, Ms. O'Hare said Mr. Baltramaitis is suggesting a change in how the water is infiltrated on site. She emphasized this site is in an Aquifer Protection District. She said the Water Division memorandum outlined eight concerns notably they would rather not see contaminated water from the parking lot infiltrated, but see clean water as from the roof infiltrated. Mr. Juliano went through the Water Division comments and noted Water & Sewer Division Sr. Engineer Erik Krueger acknowledges that an apartment building is not regulated by Aquifer Protection District regulations, but emphasized this doesn't mean the Applicant won't comply or won't use best management practices. Mr. Juliano said Mr. Krueger was concerned about what operations might take place in the facilities management

building. He said he has gone on the record stating part of the building is for residential storage and equipment which needs to be on site for replacement, i.e., dishwashers, sinks and lawn and snow equipment. He said no maintenance will be performed on this equipment.

Mr. Juliano addressed Mr. Krueger's comments regarding the front parking area which stated the parking area was less than one acre and strongly recommended the installation of a water/oil separator, which Mr. Juliano said was not required, but will more than likely be installed. He said the Applicant is being held to a higher standard because he is being asked to comply with regulations that don't apply to us. Mr. Juliano addressed Mr. Krueger's comments regarding direct infiltration into the Aquifer Protection District which was not recommended and runoff should be discharged to above-ground outlet points such as surface waters, swales or detention basins. Mr. Juliano said this is exactly what is being proposed.

Mr. Juliano said the Water Divisions concern was over the rear driveway being changed from pavement to grass pavers and noted this area was only 18 feet wide and there will not be a lot of infiltration. Ms. O'Hare asked if the front swale by Main Street would infiltrate. Mr. Juliano said there will be some infiltration, but the main discharge will be through the pipe which goes out to the catch basin where the Water Division requested an oil/water separator be installed.

Ms. O'Hare asked what would happen in the winter when this gets icy and then there is a rain storm. Mr. Juliano said the water will go out to discharge point. She asked if the water would rise above the ice. Mr. Juliano said it would not. Mr. Juliano addressed the last Water & Sewer Division comment which mentions the rear sanitary sewer connection. He said after the last meeting, per request of the IWWC, the clearing was mapped down to the sanitary sewer. He said Water & Sewer does not want a connection into the vault, so the Applicant will keep the sanitary sewer lateral through the clearing and saddle and core into the existing 24 inches. He said no additional trees will be cut.

Ms. O'Hare said Mr. Baltramaitis offered cursory comments but noted he didn't review the stormwater design, the outlets, inlets, the erosion control and how the water moves on this site, but just did an overview. Ms. O'Hare handed out a copy of her Sept 2, 2016 Environmental Planner's Report of comments since the July 20<sup>th</sup> Meeting. She spoke about the status of the application noting this application was initially received on May 4, 2016. She spoke about the five changes in the site plan and the copies of the different comments discussed tonight. She said the IWWC had 65 days to act, which is the maximum amount of time by State Statute, so the IWWC must act tonight. She noted her office doesn't recommend approval because there are at this protracted date, still many revisions requested, clarifications requested, and issues identified by this office and other departments. She recommended the Applicant withdraw tonight and rework the proposal to answer all the issues and omissions and reapply at a later date. She said the Applicant can apply for the October meeting.

Ms. O'Hare said the remaining concerns are with the overall site plan; the Fire Department and Water Division comments. She said the site plan is so tight, any changes are important and must work for the IWWC. Ms. O'Hare noted that grass pavers, which were requested by Chairman Vitali, are not allowed in the present zoning regulations. Regarding the traffic flow issue, if more parking is needed, she doesn't know where they would be put. She said there needs to be a turnaround if a vehicle cannot park in this area. She spoke about direct impact to the wetlands and the riparian impact. She asked why the entire 60 ft. grading rights area has to be cleared. She had previously asked the area be tightened up around the spillway. Ms. O'Hare also requested the boxwood plants be removed from the stream because they are not wetland plants and no protection has been provided at the outlets of the points where the facility building's roof drains discharge to the wetlands. She said stormflows from the front parking area drive are to be directed to catch basins near Main Street and then to the stream. Ms. O'Hare said she would like a statement addressing the impact on the conditions of that stream anticipated by this regulated activity.

Ms. O'Hare said there were issues with erosion control and no protection during the construction phase for the two existing catch basins on the Main Street entryway. Ms. O'Hare said there is no erosion control element across the driveway during the construction phase. She said there are no temporary on-site sediment basins. She said Mr. Juliano stated this was a flat site so this was not needed and silt fences will protect the wetlands. Ms. O'Hare said she never saw a site which didn't have some sort of temporary sediment flow control.

Ms. O'Hare said the silt fence on the map goes out to Mr. DeMartino's property outside the grading rights area. She said the silt fence will have to be pulled back from the stream or obtain additional rights from Mr. DeMartino. Ms. O'Hare said there is no deep test pit information for the bottom of the basin which she requested in her July 14, 2016 letter. She said wetland flag #43 is located 20 ft. from the bottom of the basin and that wetland flag is at elevation 43.6. She said she needs to know if the basin will infiltrate well or allow ground water to seep in being so close to the wetland. She said she still has no information on the elevation of water in the stream during flood events which she asked for on July 14.

She said drainage rights are also necessary for the Applicant to be able to drain into adjoining properties and the stream. Ms. O'Hare said the grades for the entire snow disposal area are 46 ft. but should be pitched slightly to drain into the stream. She spoke about the FEMA Floodway boundary where the river water rushes and is located 90 ft. from the corner of the facilities building and 80 ft. from the flood storage area. She said the map notes it is approximated, but wants to know where the line actually is and the significance of this line.

Ms. O'Hare questioned whether changes in the climate want to be considered, i.e., a rise of one, two or three inches could impact the site, 10, 20 or 50 years from now and the building is built to last many decades. She said the stormwater maintenance plan should be revised to require regular inspection and maintenance of the stream channel. She said she was on site

about a month ago, and saw branches and leaves in the channel and this should be included in the maintenance plan.

Commissioner Porto asked if these are new issues coming to light, or issues which should have already been addressed. Ms. O'Hare said the plan has been revised three or four times and noted it is a complicated site. She said she didn't notice the lack of a construction entrance anti-tracking pad which was discussed at staff meetings. She said with a project this big, there really should be a pre-application meeting with all departments in the future. She also said there is a lot of confusion about the floodplain and is not the simplest project that has come along.

Commissioner Heilman said this is a tight application trying to maximum what is trying to do on this property. He noted however, is being done within what is being required. He said he is hearing a lot of details he has never heard before, i.e. concerns about parking and traffic, which is not specifically wetlands; detention issues, which is Planning & Zoning. He said he would look at this project differently if this were not an apartment complex for the elderly. He said he is concerned and what the Applicant will do to protect the wetlands and the flooding. He said he wants to know what will be done with parking and how it affects the wetlands. He said if the Commission doesn't like "tight sites" then maybe they should look at revisions to the regulations.

Commissioner Kern said he visited the site today and didn't see any catch basins along Main Street and believes the water from the State highway runs down there to the site. He said he understood why the elevation would be raised high because it is a damp area. He said he didn't understand where FEMA plays into this and noted there are a lot of unanswered questions. He said this application needs to be worked on more so everyone is comfortable. He also questioned the "feasible and alternative use" and how this plays into this application.

Mr. Juliano said there is a feasible and alternative use which is an approved site plan for a retail establishment with generally the same impacts and same storage area.

Acting-Chair Parent asked if there was a feasible alternative regarding the apartment construction like a smaller apartment building. Mr. Juliano said the Applicant has to come up with different concepts on the site. He said the Applicant has been working with the Town Planner and the IWWC since May to provide a very well thought out and designed plan. He said the plan put forward and the changes made have addressed all of the concerns. Acting-Chair Parent said his preference would be to have the Applicant withdraw and see how it plays out with P&Z. He noted if IWWC granted the application, he believes the Applicant would have to come back after P&Z because the IWWC would be approving that the Applicant construct this project exactly the way it is shown on the plans.

Mr. Juliano addressed Ms. O'Hare's latest concerns, noting for the record, he just received them tonight. Acting-Chair Parent said the IWWC often gets information at the last meeting and has to make decisions. Mr. Juliano said he has received comments from Ms. O'Hare's office after 5

p.m. on a holiday weekend and has had to prepare for the upcoming meeting a few days later. He noted he submitted revised drawings on August 10, almost a month ago and he believed he gave Ms. O'Hare more than sufficient time to review the plans. He said he had professional issues over some of Ms. O'Hare's comments. Commissioner Kern asked Mr. Juliano to keep his comments to the wetlands issue and not bash Ms. O'Hare.

Mr. Juliano noted Ms. O'Hare's comments with the overall site plan and noted he will provide comments in response to the Fire Dept. memorandum before going to Planning & Zoning. He said what he said was misrepresented. Mr. Juliano noted that "grass pavers will not be used because they don't comply with zoning regulations is a complete falsehood" the driveways will need to be redesigned as when the lot is full, people will have to find parking spaces is also not true. He said the parking lot is designed for this particular use and noted there is extra parking; he said he didn't see comments from the Town Planner which state the Applicant has to apply for a LOMA is negative along with the Town Engineer's comments. He said Ms. O'Hare stated on the record that the Town Engineer only sent a cursory review. Mr. Juliano said the Town Engineer has had plenty of time to review this and the Applicant has been penalized because of this. He said the Town Engineer also asked the Applicant to address the peak flow and timing which he believed his calculations do.

As far as the spillway, Mr. Juliano said this area will not be cleared and we have shrunk the emergency spillway down and its on the drawings. He said the boxwood tree has been removed from the current plan; Mr. Juliano said no erosion control for roof drains is not normally provided because of a lack of flow; issues with impact and the stream conditions, Mr. Juliano said he didn't believe there will be any impact noting there is a rip-rap plunge pool in place; issues with erosion control, Mr. Juliano said there is a paved apron and technically the Applicant doesn't have to install a construction entrance, but it can be done if required; issues with the catch basin, Mr. Juliano said this wasn't true because the water doesn't run from the site to the catch basin because there is a high point in the driveway so technically, erosion control for this site is not needed because the water will stay on site; silt fencing, Mr. Juliano said he believes the silt fence reflects what is being done; issue with stormwater, Mr. Juliano said he didn't see the reservations in the Town Engineer's letter, and said it is not the Town Engineer's job to be a cheerleader for our designs because we meet what is being required.

Commissioner Kern asked if the commercial plaza required a FEMA approval. Mr. Juliano replied he did not know. Commissioner Kern said the Applicant could withdraw the application or the IWWC could deny this without prejudice. He suggested the Applicant get in touch with the Town Engineer and clear up these issues.

Commissioner Porto said it is the recommendations vs. the requirements in his opinion and he is struggling with the timeliness of these memos and notices going out. He said they were even mentioned in last month's Minutes regarding the timeliness. He said he sympathized with the Applicant regarding this but there seems to be a few problems. He asked Ms. O'Hare who

denied the use of the grass pavers. Ms. O'Hare said the Town Planner indicated the grass pavers are not allowed. Commissioner Porto said if the pavers are not allowed, this is a significant problem with the plan. Mr. Juliano said he has used this product in Wallingford to cut down on impervious surface and there is nothing in the Zoning Regulations prohibiting this use. Mr. Juliano noted that if Ms. Costello, Town Planner had an issue with this, she would have contacted him. He said he has no problem withdrawing, but hoped when this is resolved, it doesn't go on for multiple months.

Commissioner Phillips said the project should be withdrawn so the loose ends can be cleared up.

Commissioner Heilman asked Mr. Juliano why three sets of plans were submitted and why was this done. He asked what was wrong with the first set of plans and why were they changed. Mr. Juliano said plans submitted on April 29 was the original submission and had the storage and facilities building located where the flood storage area was. Mr. Juliano said the IWWC had reservations about the location of this building at their April meeting, so the building was moved which was reflected in the second set of plans. Commissioner Heilman the IWWC has to be careful how far we want to take this. He said the regulations have been satisfied but noted he can find concerns with some things.

Commissioner Kern said he likes the feasible and would like to see an alternative use. He said there are a lot of loose ends to make this project work and doesn't feel he has been persuaded enough to go forward with this. Acting-Chair Parent said if he is asked to vote, he is reluctant to vote for something he fully doesn't understand and has many questions about. He said he would like to see a withdrawal, resubmit and address these comments and then anticipate the Environmental Planner's Report would recommend approval. Ms. O'Hare said she would like to sit down with Mr. Juliano.

Mr. Juliano said he will provide a plan that addresses all of these issues. Ms. O'Hare said the Applicant will submit at the October meeting, noting the first time the IWWC can take action will be in November.

The Applicant officially agreed to WITHDRAW the application and plans to resubmit it in October. In response to the fee being waived, Ms. O'Hare noted the fee can only be waived because of a hardship. She said she didn't recommend a waiver. Commissioner Kern said he recommended a waiver believing it is a hardship to the Applicant.

2. **#A16-7.2/9 and 11 First Street** – John Gargano Limited Partnership – (car parking area, access road, and stormwater infiltration chamber) – WITHDRAWN

Ms. O'Hare said this application was withdrawn Monday and will be resubmitted at a later date.

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

Appearing in front of the IWWC was Atty. Joan Molloy, Loughlin Fitzgerald, representing the Applicant and Robert Pryor, P.E. L.S. with Land Tech.

Atty. Molloy said the application seeks permission to construct a new auditorium and classroom building and a new 125 space parking area. She said the building will be approximately 55,000 sq. ft. and will allow the entire student body to meet in one place, along with classrooms for music, dance and choral instruction. Atty. Molloy said the parking lot represents a consolidation of existing parking areas on campus. She said the building is located to the east of the Paul Mellon Arts Center (PMAC) and the parking area will be located behind the new proposed auditorium building.

Atty. Molloy said the wetlands and watercourses in proximity to the building have been flagged and noted on the survey. She said the Applicant is in front of the IWWC because of the totality of the new impervious surfaces, noting that no activities are proposed in the wetlands or in the upland review areas. She said the proposed drainage flows maintain the existing drainage patterns and the existing pond and Gunpowder Creek will receive stormwater, but the Engineers have presented evidence contrary to some statements in Ms. O'Hares report, that there is no net increase in the discharge flows or volumes. She said stormwaters will continue to be infiltrated post development. Atty. Molloy noted the engineers have met with the Town Engineer who reviewed the report and has no objection to the way the stormwater will be handled, noting this was verbal but no written report was obtained.

Atty. Molloy said she met with Ms. O'Hare in early August to review their submission and obtain comments and based upon this, the plan was revised and additional materials were prepared. She said another meeting took place with Ms. O'Hare about two weeks ago to review the updated plans and additional revisions were made based upon that meeting which included a revised plan, a revised stormwater management report including a summary report for the IWWC and a revised stormwater operations and maintenance plan which were all submitted.

Atty. Molloy said she informed Ms. O'Hare that the Applicant anticipated two additional changes to the plan: a proposed loading dock area which will be converted to an extended mechanical room and the reconfiguration of the handicap parking which she said will remain to the front of the building. She said she believed these changes to be minor and not affect the application.

Mr. Pryor distributed smaller versions of the exhibits he presented. The first exhibit showed the location of the project adjacent to Christian Street and east of the PMAC. He said five acres will be disturbed but there will be no direct wetland or upland review area impact. Mr. Pryor went over the soil erosion control plan for the site. He said the area to be physically impacted consists of approximately 5 acres which is part of 14.1 acres of watershed which runs to Gunpowder Creek.

Mr. Pryor went over the stormwater hydrographs and said he believed there would be no impact on Gunpowder Creek. He went over the management of storm water quality and bio filtration swales in the parking lot. He said the written comments from Mr. Baltramaitis have not been received, but noted Mr. Baltramaitis was concerned about the low permeability of the soil. He said there may be some minor changes to the footprint of the underground detention system, but doesn't believe there may be significant changes to the overall site plan.

Commissioner Heilman commented about the amount of slope area and the steepness. He said this reminds him of what took place when Bristol Myers-Squibb went to their site which had a similar topography and Spring Lake was devastated and put a huge sediment load into the reservoir. He said even though this application doesn't affect the reservoir, he has concerns about the steep areas in this project. He noted that during construction of the science building, there were problems with the soils and noted Mr. Pryor just described problems with soil permeability for this project. Commissioner Heilman said he guaranteed the reason for this is an extremely fine matrix of clay in the soil. He said significant phasing will be required along with very significant sediment and erosion controls. He said beyond the construction phase, he has no issues. Commissioner Kern noted the Applicant spoke repeatedly about post construction, but didn't mention during construction. He said a few years ago, the IWWC gave permission to dredge the pond to the west and the materials which were taken out were a breed of their own. He said he would be more concerned about the during construction phase because there is no room for error. Acting-Chair Parent spoke about Ms. O'Hare's recommendation to table this application. He said it must be ensured the construction phase is fine-tuned.

Atty. Molloy commented on Ms. O'Hare's Environmental Planner's Report noting that Ms. O'Hare pointed out there were some outstanding items. Atty. Molloy said the Applicant would be happy to add the diversion plans into the plan. She said the Applicant believes the stormwater plan and information provided does address Ms. O'Hare's concerns. Atty. Molloy said Ms. O'Hare wanted her to discuss alternatives. She said when the idea for the auditorium was first brought to light, it was initially supposed to be part of the St. John Hall renovation but received significant objections from nearby residents. She said from an educational perspective, it made more sense to separate the uses that St. John Hall is now going to be used for from the auditorium. She said it became more appropriate to construct a new structure and locate it near the PMAC. Atty. Molloy addressed the stormwater, and noted consideration was given to above-ground storage but the area soils are poor draining and would take time to infiltrate turning the area into a swamp. She said from a student health perspective this was not feasible, thus an underground storage infiltration system design.

Atty. Molloy said the Applicant is working with the Town Engineer to determine whether the infiltration system needs to be tweaked. She said this will be resolved with Town Engineer comments over the next month. Atty. Molloy said she has reached out to the Fire Marshal and the Town Planner to discuss potential issues. She said the Town Planner has indicated the handicap spaces have to be outside of the front setback area so this will be tweaked noting this

probably won't affect the total impervious surface, just the location. She said a plan will be presented which will be approved by Planning & Zoning. She said a loading dock was shown on the original plan, but will now be roofed over and become a mechanical room. Atty. Molloy asked if the IWWC wanted to consider Significant Activity at this meeting because Significant Activity would trigger a public hearing.

Commissioner Heilman said he didn't believe the concern of significance is one that is founded upon the interest of the public which is one reason for calling for significance. He said the application is significant because of the high clay content and the very extensive slope areas which has the significant potential of doing damage. He said he would call for significance on this project but not founded upon public interest, but the protection of the wetlands. Acting-Chair Parent said that prudence dictates we have the public hearing.

Acting-Chair Parent entertained a motion on Significant Activity.

**MR. HEILMAN:            MOTION THAT APPLICATION #A16-7.3/333 CHRISTIAN STREET – THE CHOATE ROSEMARY HALL FOUNDATION, INC., (AUDITORIUM AND CLASSROOM BUILDING WITH PARKING AREA AND STORMWATER FACILITIES) BE DEEMED A SIGNIFICANT IMPACT ACTIVITY**

**MS. PHILLIPS:        SECOND**

**VOTE:                    PORTO-YES; PHILLIPS-YES; HEILMAN-YES; KERN-YES; PARENT-YES**

Ms. O'Hare stated she was concerned with the conditions in Gunpowder Creek and will perform a site visit. Acting-Chair Parent said the Public Hearing on the Significant Impact Activity will take place at the next regular IWWC meeting on October 5, 2016 at 7 p.m. in the Town Hall Council Chambers.

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

Appearing in front of the IWWC was Paul Tanner, licensed geologist and a consulting engineer with O'Reilly, Talbot & Okun dealing with pollution matters in the northeast. He told the IWWC the application involves the surgical removal of soil in a vacant industrial facility which is 130,000 sq. ft. which is the former Thermo Spas site.

Mr. Tanner went over the large fold out map which was provided to the IWWC. He noted the property can't be seen from the road and noted this building was a stainless steel finishing business. Mr. Tanner said there is a large roof drain system which goes to a transition sump and then to a swale which goes to the Quinnipiac River floodplain. He said the majority of the flow infiltrates before it hits the bank of the river. He said he proposes to remove some soil from beneath the transition sump and beneath the drainage swale at a length of 80 ft. and replace the impacted soils and bring the grades back up to pre-existing grades which will improve the drainage network. He said he will leave behind rip-rap on the swale which is currently just soil.

Mr. Tanner said there will be two phases of construction; an upstream phase, which will involve digging out five feet of material at the transition sump with approximately 150 sq. ft. of total excavation. He said the excavated soil will be placed on the asphalt and under plastic surrounded by haybales.

He said there will be a discharge pad to catch sediment. He said in both areas, junction piping will be installed to divert and prevent erosion. He said there will also be bypass piping in the sump and swale. He said the construction project will take two weeks. He said restoration will involve backfilling to grade, installing a geomembrane filter fabric with rip-rap on top. He said after this, Phase 2 will begin which involves the 80 ft. swale. He said the project will also involve excavating approximately two feet in depth at the bottom and side of the swale and replacing this will clean fill, a geomembrane and rip-rap. He said environmental conditions with regard to the polluted soil will be improved along with improvement of the swale.

Acting-Chair Parent asked if the building will be put back to use. He said the investors want to sell the building for a commercial/industrial use. He said Phase 2 was added out of necessity and noted this application was approved by the IWWC but was never invoked because of business reasons.

Ms. O'Hare referenced her Sept. 2, 2016 Environmental Planner's Report. She recommended approval as submitted with the Condition of Approval that the erosion control measures are in place and meet the Environmental Planner's approval prior to any work being conducted on the site. She said a remediate plan was approved approximately two years ago for this site, but was never started, but the site was cleaned up. Mr. Tanner said as part of the work, he took 80 test borings and looked inside and outside the building. He said there were historic issues with the sump, the no one ever looked downstream. He said his samples came back with moderate issues with hydrocarbons and heavy metals which must be exhumed. Mr. Heilman said this was not a significant activity.

Acting-Chair Parent said this has been laid out well and the IWWC is happy to see land remediated and put back into use. He entertained a motion on Significant Activity.

**MR. HEILMAN: MOTION THAT APPLICATION #A16-7.4/155 EAST STREET –**

**O'REILLY, TALBOT & OKUN – (SOIL REMEDIATION IN EXISTING  
STORMWATER FACILITIES) BE DEEMED NOT A SIGNIFICANT  
ACTIVITY**

**MS. PHILLIPS: SECOND**

**VOTE: HEILMAN-YES; KERN – YES; PHILLIPS-YES; PORTO-YES;  
PARENT-YES**

Acting-Chair Parent entertained a motion on the application.

**MR. KERN: MOTION THAT APPLICATION #A16-7.4/155 EAST STREET –  
O'REILLY, TALBOT & OKUN – (SOIL REMEDIATION IN EXISTING  
STORMWATER FACILITIES) BE APPROVED AS SUBMITTED  
WITH THE CONDITION OF APPROVAL THAT EROSION CONTROL  
MEASURES ARE IN PLACE AND MEET THE ENVIRONMENTAL PLANNER'S  
APPROVAL PRIOR TO ANY WORK BEING CONDUCTED ON-SITE**

**MS. PHILLIPS: SECOND**

**VOTE: PORTO-YES; PHILLIPS-YES; HEILMAN-YES; PARENT-YES; KERN-YES;**

**NEW BUSINESS**

1. **#A16-9.1 – 30 Strawberry Hill** – Carol Borsari – (driveway crossing) – Request to modify design approved re: IWWC #A16-5.5, July 20, 2016)

Appearing in front of the IWWC was Carol Borsari. Ms. O'Hare said the IWWC approved this application at their July 20<sup>th</sup> meeting but noted staff has been busy working on revisions to this and there is a request to modify the design.

Ms. Borsari went over the changes. She said the plan to repair a small culvert bridge on her property was originally approved by IWWC at their July 20, 2016 meeting. She said after the approval, the Water Division came out to the property and performed depth tests which led to a meeting with them to discuss their suggested changes to the bridge and culvert because of a water line which runs three inches underneath the culvert.

She said this revised plan is to reflect the Water Division's suggested changes which include: the pipe will be two feet longer because rip-rap was added and the concrete headwall removed which was in the original plan; a concrete toe wall will be added to prevent undermining; the rip-rap slope will be anchored at the toe wall with boulders. Ms. Borsari said the Water Division recommended raising the culvert six inches because of the height change to accommodate their water line. She said because of the height change, the slope is being supported in the stream bed which is approximately one foot upstream and one foot downstream. She said the project will stay six inches from the bottom of the culvert to the top of the water main per the Water Division's request in order to protect the water line.

Ms. Borsari said a water main protection plan will be added at the Water Division's request.

Ms. O'Hare mentioned her Environmental Planner's Report of Sept. 2, 2016 and attachments being the Water Divisions two –page design to protect their water main. She said the Water Division will cover the cost to protect their water main. She said the attachments also include pages from DEEP which requested rock weirs because the stream channel will be raised. Ms. O'Hare said she and the Water Division had no objections to this project.

Acting-Chair Parent entertained a motion on this application.

**MR. HEILMAN: MOTION THAT APPLICATION #A16-9.1 – 30 STRAWBERRY HILL – CAROL BORSARI – (DRIVEWAY CROSSING) REQUEST TO MODIFY DESIGN APPROVED RE: IWWC #A16-5.5 JULY 20 2016 BE APPROVED**

**MS. PHILLIPS: SECOND**

**VOTE: HEILMAN-YES; KERN-YES; PORTO-YES; PARENT-YES; PHILLIPS-YES**

Acting-Chair Parent took the agenda in the following order:

### **VIOLATIONS**

- 3. Release of Cease & Correct Order – 22 Masonic Avenue** – Masonicare at Ashlar Village, Inc., - (erosion on Town open space property)

Ms. O'Hare said this had to do with the large storm basin for the congregate housing installed in 2006. She said water drained down onto Town property and onto a steep ravine which was also on Town property causing erosion. She said she performed a site visit last week and the issue has been corrected. She said she had no trouble granting release of the \$10,000 bond plus interest, which was posted in 2006.

Acting-Chair Parent entertained a motion to release the Cease & Correct Order

**MR. KERN: MOTION THAT THE CEASE & CORRECT ORDER  
BE RELEASED ON ITEM #A06-6.4B/22 MASONIC AVENUE  
ASHLAR VILLAGE, LLC**

**MS. PHILLIPS: SECOND**

**VOTE: PORTO-YES; PHILLIPS-YES; KERN-YES; HEILMAN-YES;  
PARENT-YES**

### **NEW BUSINESS**

Acting-Chair Parent entertained a motion to release the bond as requested.

2. **#A06-6.4B/22 Masonic Avenue** – Ashlar Village, LLC – (bond release)

**MR. KERN: MOTION THAT APPLICATION #A06-6.4B/22 MASONIC AVENUE  
ASHLAR VILLAGE, LLC BOND BE RELEASED AS RECOMMENDED  
BY THE ENVIRONMENTAL PLANNER**

**MS. PHILLIPS: SECOND**

**VOTE: PHILLIPS-YES; HEILMAN-YES; PORTO-YES; KERN-YES; PARENT-YES**

### **RECEIPT OF NEW APPLICATIONS**

1. **#A16-8.1 /70 North Plains Highway** – Bruce Maslar – (Industrial Development) – received by Acting-Chair Parent.
2. **#A16-8.2/347 East Main Street** – Michelle Roberts – (above ground pool) – administrative approval request – (approved August 15 by Chairman Vitali).
3. **#A16-8.3/26 Mansion Road** – Beth and Jay Souza – (in-ground pool, fencing, and rock slope) – received by Acting-Chair Parent.
4. **#A16-9.2/1460 Tuttle Avenue** – David and Christine White – (two driveway extensions for emergency vehicles, new horse area with fencing on south side, paving of gravel driveway, retaining wall, deck stairway, walkway, paddock, and after-the-fact driveway gate and fencing installation) – received by Acting-Chair Parent.
5. **#A16-9.3/Harrison Road/Allen Brook** – Traditions Golf Club & Pilgrims Harbor Condominium Association – (after-the-fact installation of irrigation flow control structure between pond and Allen Brook) - received by Acting-Chair Parent.

Acting-Chair Parent said he understood the DEEP permit has been given and the DEEP permit was acted upon and some changes were made to the drainage and this is what this application is supposed to address. Ms. O'Hare said see under "Reports & Communications" where the DEEP approved a permit application renewing the diversion permit to irrigate the golf course. She said in the process of reviewing the permit application, the DEEP ordered a fix which required a local permit. She said an after-the-fact permit can be issued.

6. **#A16-9.4 /136 Cheshire Road** – Fresh Meadows open space property – Wallingford Conservation Commission - (portion of trails, footbridge, signage, portion of parking area and drive, and fishing pier installation) – received by Acting-Chair Parent.

Ms. O'Hare said copies of the above applications were handed out at tonight's meeting.

## REPORTS & COMMUNICATIONS

1. DEEP Notice of Permit Application Approval for Diversion of Water Permit (DIV-201509812) – The Tradition Golf Club at Wallingford, LLC, 37 Harrison Road, Wallingford – withdrawal of a total combined maximum daily amount of 300,000 gallons of water per day from the two on-site ponds for the purpose of golfcourse irrigation and will affect Allen Brook; dated July 26, 2016; received August 2, 2016 – discussed above.
2. 2. Memorandum re: Comments on #A13-10.2/Quinnipiac River Linear Trail – Phase III – restoration planting plan.

Ms. O'Hare distributed a memorandum from the Town Engineer she received on today. She said this refers to the planting plan and the restoration planting plan. She said the plants will be installed in September or October.

3. CACIWC newsletter, *The Habitat*, Summer 2016, received 8/22/16
4. CACIWC -membership dues request

Ms. O'Hare said it is \$110 divided with the Conservation Commission. Acting-Chair Parent gave permission for the dues to be paid.

## VIOLATIONS

1. 252 Main Street, Yalesville – Brothers Pool – L&J Partnership, LLC – violations.

Ms. O'Hare said she drove by the site and some progress has been made. She said the storage racks are still up but are empty and the material on them is on the ground. She said the material behind the garage is still there.

2. Cease & Desist Hearing – 1460 Tuttle Avenue – David & Christine White – (clear cutting, filling)

Appearing in front of the IWWC was David White, property owner, and Tom Pietras, Soil Scientist.

Mr. White said plans were submitted for removing the dirt north of the house and east of the driveway. He said the Contractor will be coming out this week to do measurements and markings. Ms. O'Hare said several IWWC members were on-site on August 2 at Mr. White's house. She said Chairman Vitali directed the owner to submit a remediation plan for her to review. She said the plan came in on Aug. 22 but was not satisfactory. She said a more complete remediation plan was submitted on Tuesday but she only glanced at the plan. Ms. O'Hare said Mr. White is eager to remove the fill and plant in October or as soon as possible.

Ms. O'Hare spoke about some of the trees to be planted. She went over the list and asked about the balsam fir and black spruce which are not local trees. Mr. White said evergreens along the driveway would block the view and noise from the neighbors. Mr. Pietras said all native trees and shrubs will be planted. Ms. O'Hare said the plan is not ready for approval, but said it was permissible for Mr. White to begin taking out fill.

Acting-Chair Parent entertained a motion.

**MR. HEILMAN:      MOTION TO APPROVE THE PIETRAS ENVIRONMENTAL GROUP ENVIRONMENTAL PLAN SUBJECT TO COMPLYING WITH THE SEWER DIVISION REQUEST AROUND THEIR EASEMENT AND BY THE ENVIRONMENTAL PLANNER AND THAT FILL REMOVAL CAN BEGIN**

**MR. KERN:            SECOND**

**VOTE:                PORTO-YES; PHILLIPS-YES; KERN-YES; HEILMAN-YES! PARENT-YES**

## **ADJOURNMENT**

Mr. Kern made a motion to adjourn the Meeting at 10:35 p.m. Ms. Phillips seconded the motion which passed unanimously.

Respectfully submitted,

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Wallingford Inland Wetlands & Watercourses Commission  
Regular Meeting  
September 7, 2016

Cynthia A. Kleist

Recording Secretary