

SPECIAL MEETING

Wallingford Inland Wetlands & Watercourses Commission

Thursday, February 8, 2018, 5:30 p.m.

Room 205, Town Hall

45 South Main Street, Wallingford, CT

MINUTES

PRESENT: Chair Jim Vitali; Vice-Chair Dave Parent; Secretary Nick Kern; Daryll Porto, Alternate; Erin O'Hare, Environmental Planner.

NOT PRESENT: Commissioners Deborah Phillips; Michael Caruso; Alternate Aili McKeen.

Chair Vitali called the Meeting to order at 5:30 p.m. and the Pledge of Allegiance was recited. Chair Vitali began the Meeting by stating the purpose of this Special Meeting was to consider the business of the Regular Meeting scheduled to take place Feb. 7 which was canceled because of weather.

CONSIDERATION OF MINUTES

1. Regular Meeting, Jan. 3, 2018, 7:00 p.m.

MR. KERN: MOTION TO APPROVE THE JANUARY 3, 2018 MINUTES AS PRESENTED

MR. PARENT: SECOND

VOTE: PARENT – YES; KERN – YES; PORTO – YES; VITALI – YES

OLD BUSINESS

- 1. #A17-10.2/291 Hall Avenue – Community Lake Park – Wallingford Parks & Recreation Department – (tree thinning & vegetative removal)**

Ms. O'Hare said Parks & Recreation has submitted a letter proactively granting the Commission an extension. Chair Vitali asked if there was another option. Ms. O'Hare said the Commission could deny this application. She noted Parks & Recreation has one more extension now and that they have used up their first 30 days. Chair Vitali requested the extension and noted it was granted.

- 2. #A17-10.3/530 Church Street – Timberwood Home, LLC – (clearing on Lots 1,2,3,&4) – Request for administrative approval.**

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Ms. O'Hare noted the Special Meeting in the field on Dec. 16, 2017 and said the Applicant has yet submitted revised plans. She pointed out when the revised plans are submitted, Chair Vitali will grant administrative approval if satisfactory.

Commissioner Kern asked Ms. O'Hare if there was a bond on this application. Ms. O'Hare said a bond is posted for erosion control. Commissioner Kern asked how the Applicant got this far with no results. Ms. O'Hare said the Applicant went on vacation, but noted she was contacted Wednesday by the Applicant and she has scheduled a meeting for this Friday at 10 a.m. to resolve the matter.

NEW BUSINESS

- 1. #A14-7.2/195 Chimney Hill Road** – Sunwood Development – 16-lot subdivision – Request for bond reduction, received 2/1/18

Ms. O'Hare said that originally there was a \$50,000 bond, which was reduced to \$40,000 by the Commission. She said there are only four undeveloped lots remaining. She suggested the Commission consider reducing the bond again. She noted that the Planning & Zoning Commission had released the bond on the road. Commissioner Kern asked about the oak tree which Chair Vitali noted had been cut down by accident. Ms. O'Hare said nothing has happened with this. Chair Vitali pointed out the Commission wanted the Applicant to replant that oak tree. He suggested not releasing the bond until the spring so a new tree can be planted.

- 2. D18-2.1/528 South Cherry Street** – Wallingford Industrial Improvement Company, LLC – Request for determination under Section 7.2 that the proposed Allnex USA, Inc. subdivision does not constitute a regulated activity.

Chair Vitali noted the "D" on this application represented a determination request. Ms. O'Hare explained that one of the requirements of our regulations involves Section 7.2. which basically states that if someone submits a subdivision plan to Planning & Zoning, this plan must also be submitted to the Inland Wetlands Commission if there are wetlands or watercourses on the property. Ms. O'Hare said she met with the Applicant, Rusty Rogers and Atty. Joan Molloy beforehand. She said the property is sandy, but there are no wetlands. She also said the Applicant submitted documentation by a soil scientist that there are no wetland soil types there.

Ms. O'Hare explained to the Commission the reason Mr. Rogers, the Applicant, had to appear at this meeting is because Section 7.2 involves the larger 250-acre piece of Allnex property which does have a lot of wetlands and watercourses. She said Corporation Counsel Janis Small also stated the Applicant had to apply.

Ms. O'Hare explained the vote by the Commission would determine there are no regulated activities by the act of sub-dividing this property. She pointed out the Commission would just be dealing with the sub-division, not the sand extraction or the Special Permit application which is

coming. She said all that Section 7.2 asks is could the property be split. She said the Act was changed in 2006 because developers were deciding a wetlands permit wasn't required and roads and homes were being constructed which engendered necessary wetland permits. She said this Section 7.2 was a way to do this process correctly.

Chair Vitali asked if a motion were made that this sub-division doesn't require a wetland permit to be sub-divided and what the wording in the motion would be. Ms. O'Hare said she didn't consult with the Law Department on wording. Ms. O'Hare noted that Atty. Molloy is coming in under Section 7.2, but would like to come in under provision "b" which states "A perspective Applicant under Section 7.2.a above, may request the Commission to determine whether or not a proposed activity the act of slicing a 26-acre piece of land off from the original piece of property, constitutes a regulated activity. For such purposes the Applicant may submit the plan (which the Applicant intends to submit to the Planning & Zoning Commission), for such determination".

Chair Vitali said in this case, this activity (sub-division) doesn't constitute a regulated activity. He entertained a motion on the Request for Determination.

MR. PARENT: MOTION THAT APPLICATION #D18-2.1/528 SOUTH CHERRY STREET, WALLINGFORD INDUSTRIAL IMPROVEMENT COMPANY LLC., UNDER SECTION 7.2, THAT THE PROPOSED SUB-DIVISION DOES NOT CONSTITUTE A REGULATED ACTIVITY

Ms. O'Hare referenced her Environmental Planner's Report dated Feb. 8, 2018, which sums up the proposed project. She said her EPR basically agreed with the determination. She mentioned the soil scientist report of which copies were not provided to the IWWC, noting this report would accompany a site plan. She said there weren't any floodplain or alluvial soils on the property, but sandy soils. She noted the last paragraph on page 2 of her EPR which states "it would be a concern if the significant removal of sand deposits during sand excavation activities resulted in ponding of water at the surface or seeping of groundwater, and should such conditions occur, the IWWC regulations may apply at that time. Case in point is the several large water bodies occurring on the Meriden Markham Airport land post excavation activity".

Ms. O'Hare said when a lot of sand is dug out, the end result could be the creation of a large number of water bodies. Commissioner Kern noted this is post-development, and also it's not wetlands. Ms. O'Hare said theoretically, after development, water could come up and there could be water-filled holes for a while which are "water courses" under the Wetland Act.

MR. KERN: SECOND

VOTE: PARENT – YES; KERN – YES; PORTO – YES; VITALI – YES

RECEIPT OF NEW APPLICATIONS

1. **#A18-1.1/155 East Street** – Ferti Management Group, LLC – driveway & stormwater management improvements – Request for administrative approval – received by Chair Vitali.
2. **#A18-1.2/801 North Colony Road & 6 Beaumont Road** – NERP Holding & Acquisition Company, LLC – (commercial development) – received by Chair Vitali who noted this was the Tractor Supply application.

ELECTION OF OFFICERS – Tabled

REPORTS & COMMUNICATIONS

1. North American Wetlands Conservation Act Small Grants Program – matching grant program for projects involving restoration/enhancement and/or establishment of wetlands and associated upland habitats for the benefit of all wetlands-associated migratory birds; deadline 10/19/18.
2. Letter to IWWC from Lee D. Hoffman, Esq., Pullman & Comley, LLC, received 1/17/18, regarding filing by Wallingford Renewable Energy, LLC with CT Siting Council re: Request for Declaratory Ruling relative to location and construction of solar photovoltaic systems on three contiguous parcels: Town landfill site and two Material Innovation & Recycling Authority parcels – (S. Cherry St., Ball St., Pent Rd., Oliver Creek Rd., & Quinnipiac River) – No IWWC jurisdiction; comment period ends Feb. 12.

Chair Vitali mentioned the 3-ring binder on the table regarding Wallingford Renewable Energy Energy, LLC., brought by Ms. O'Hare and spoke about the solar panel project at the Wallingford Landfill which he said the Commission has no control over. He said the Commission may be an advisory board. He said Ms. O'Hare will go through this project submittal and make any recommendations to the Siting Council. Ms. O'Hare distributed the sketch map.

Chair Vitali spoke about possible Administrative Approval for the 31 Country Way application. Ms. O'Hare explained the Applicants had a deck which is being removed and a screened-in porch and deck will be constructed in the same footprint. The Commission agreed to Administrative Approval which will be granted by Chair Vitali. Ms. O'Hare said this will be put on the next IWWC's agenda because it was too late to be put on the February IWWC agenda.

Chair Vitali asked Ms. O'Hare when she received the Ferti application. Ms. O'Hare said she receive that application on January 3 which missed the deadline by one day as was the case with the 31 Country Way application. She noted Administrative Approvals can be granted on a rolling basis.

Chair Vitali noted the IWWC Budget for FY 18/19 will virtually remain the same but noted Ms. O'Hare has put in a \$2,000 request for purchasing environmental services. Ms. O'Hare said she hasn't suggested anything, but is for the Commission approval. She said this same thing regarding the \$2,000 is done every year. Chair Vitali noted the money hasn't been spent and so it is the same budget every year.

ADJOURNMENT

Commissioner Parent made a motion to adjourn the Meeting at 5:50 p.m. Commissioner Kern seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary