

Wallingford Inland Wetlands & Watercourses Commission

Wednesday, September 5, 2018 – 7:00 p.m.

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

45 South Main Street, Wallingford, CT

MINUTES

PRESENT: Chair James Vitali; Vice-Chair David Parent; Commissioners Deborah Phillips; Aili McKeen & Robert Simon, Alternates; Erin O’Hare, Environmental Planner.

NOT PRESENT: Commissioners Nick Kern, Secretary; Daryll Porto.

Chairman Vitali called the Meeting to order at 7:02 p.m. and the Pledge of Allegiance was recited.

CONSIDERATION OF MINUTES

1. Regular Meeting, July 18, 2018, 7:00 p.m.

MR. PARENT: MOTION TO APPROVE THE REGULAR MEETING MINUTES OF JULY 18, 2018

AS PRESENTED

MS. PHILLIPS: SECOND

VOTE: MCKEEN – YES; PARENT – YES; PHILLIPS – YES; SIMON – YES; VITALI –YES

2. **CONTINUATION OF PUBLIC HEARING** –Began at 7:05 p.m.

1. Significant Impact - **#A18-6.2/5 Research Parkway** – 5 Research Parkway Wallingford LLC (industrial development)

Chairman Vitali noted this Public Hearing was called based upon Significant Activity.

Appearing in front of the IWWC was Atty. Dennis Ceneviva, Ceneviva Law Firm, representing the Applicant; Emile Pierides, P.E. and Michelle Carlson, P.E., Project Engineer, and Eric Davison, Wetlands Scientist and Soil Scientist, of Davison Environmental.

Atty. Ceneviva noted there was an extensive PowerPoint presentation at the last meeting and noted since that time, positive changes were made to the plan to address concerns expressed by the Chairman and Commissioners. He went over the changes which included changes in the site plan which resulted in the reduction to the requested wetlands filling areas. He noted originally, 2,465 sq. ft. of wetlands was originally proposed to be filled on a site which has 1.2 million sq. ft. of wetlands. He said the request is now down to 457 sq. ft. of wetlands which is .04% of the entire 28 ½ acres of on-site wetlands. Atty.

Ceneviva said another change is the reduction of proposed activity in the Upland Review Area. He said at the last meeting, the original plan called for work to be done in 90, 620 sq. ft. of the Upland Review Area which is slightly more than 2 acres out of approximately 1.169 million sq. ft. of Upland Review Area. Atty. Ceneviva pointed out the site has already been disturbed previously. He said the number of proposed parking spaces was reduced from 1,200 parking spaces. He pointed out there are 1,422 existing parking spaces at the Bristol Myers-Squibb site. He said the new proposal is to reduce the parking spaces to 1,017. Atty. Ceneviva noted the Applicant is working with Planning & Zoning to ensure adequate parking.

Chair Vitali asked if all the parking spaces would be paved. Atty. Ceneviva said there is an area that will not be paved but used for potential tenant needs. Atty. Ceneviva said the main improvement is in the E&S (erosion and sediment) control plan. He said the Applicant realizes this is an important site to himself and to the town. He said what will be proposed tonight regarding erosion and sediment control, hasn't been proposed in any other development in Town, only at the FedEx site in Middletown. He said the Applicant recognizes the need to address erosion and sediment control.

Atty. Ceneviva addressed a concern raised by Erik Krueger Sr. Engineer, Water and Sewer Divisions, to have an Erosion and Sediment Control enforcement officer during the site work, which the Applicant is agreeable to. Chairman Vitali asked if the Applicant had a person in mind. Atty. Ceneviva suggested George Cotter as a possible candidate. Chair Vitali said this was a good suggestion, noting the site has red soil which attaches to each molecule of water. He said Mr. Cotter experienced this at Choate Rosemary Hall and has worked with a product that cleans up the water. He asked that the E&S Control Officer submit a report by the October IWWC meeting before any approval.

Chair Vitali said he is looking for a report that states that BL Companies have done a thorough job in their soil and erosion control method and this might sway him to approve the project. Chair Vitali asked Ms. O'Hare if she was prepared to recommend approval of this project tonight. Ms. O'Hare said she received the revised materials on Thursday and comment responses on Friday. She said she is not prepared to recommend approval tonight, but added she liked the idea of having an independent S&E Control Officer on site. Ms. O'Hare said she had a lot of questions on the S&E control plan and questions on the soils.

Ms. Carlson went over the changes on a PowerPoint presentation. She noted there were two short videos of the areas that some of the Commissioners were unable to visit on their recent sitewalk. Ms. Carlson showed the two videos of this area. Mr. Pierides briefly narrated the videos. He said the first video showed the Muddy River and the gorge between the two proposed warehouse buildings. He also showed the existing access drive used by Bristol Myer-Squibb. Mr. Pierides presented the second video which showed the emergency access drive going out to Carpenter Lane. The video also showed an existing nature trail which goes down to an undeveloped part of the site paralleling Carpenter Lane and the proposed site of a culvert. Mr. Pierides showed a photo of the utility crossing from the daycare to the parking lot from access drive. He said on both the left and right sides of this photo are wetlands that border the sewer line fill.

Ms. Carlson went over how they accomplished decreasing the direct wetlands fill and the upland review impact areas on the map. She said with warehouse #1, the site was elevated, picked up three feet and slid back towards the CL&P easement and was able to move anywhere from 12 ft. to 28 ft. back from the wetlands. She pointed out that with warehouse #2, the area was picked up 12 ft. and some of the parking was eliminated. She said the driveway was extended to pick up grade thus decreasing the back walls 12 ft. so there is now a balanced site. Ms. Carlson noted with this plan, there is 600,000 less cubic yards of material to move around which she said will allow for faster construction because no materials will have to be hauled off-site.

Ms. Carlson said there are approximately 68 proposed parking spaces which will be put in reserve for now. She said this area will be graded out and grassed and if the spaces are needed, they will be installed. Ms. Carlson spoke about the erosion control plan. She showed each disturbance area and the proposed wetlands fill area on the map. She said the plan went from just under 2,500 sq. ft. to about 460 sq. ft. of direct wetlands fill, decreased by over 2000 sq. ft. in that area. Ms. Carlson said the upland disturbance area was decreased along the bottom for a total of approximately 30,000 sq. ft. less. Chair Vitali asked about the upland review area that is still in disturbance. Ms. Carlson showed this area on the map but noted the upland review disturbance in that area was also decreased. She said they pulled away from that wetland so drainage and grading toward that wetland could be maintained. She said work in that area was reduced by approximately 8,200 sq. ft. She pointed out #2, and #3 disturbance areas near the CL&P easement.

Ms. Carlson noted in those areas, they are working in the upland but there is asphalt and a chain-link fence and improvements in that area. She said the asphalt and chain link fence will be removed and be replaced with grass. She pointed out that out of approximately 63,000 sq. ft. of upland review area that is proposed to be disturbed now, 33,000 sq. ft. is work that is being done that already has pavement or roadway. She said there is approximately 30,000 sq. ft. of new upland disturbance.

Chair Vitali noted that in various areas on the site, retaining walls are being constructed to hold the parking lot and to hold the natural contours back. He asked where these particular retaining walls would be located and how high the walls would be.

Ms. Carlson showed Section CC over by the wetlands, and pointed out there is the wetland and the grading going away from the wetland up so water drains back into the wetland and the grading will then go down to the retaining wall which will be 22 ft. high. She said after that wall, there is the parking. Chair Vitali asked about the other side of the parking on cross section BB by the CL&P property line. She said this area slopes up then down and then there is a retaining wall about 20 ft. which holds up the bank behind the CL&P easement. She said there is then the asphalt and trucks in the rear of that area and going across there will be the proposed building. She showed the existing grade and where there will be cutting, the retaining wall which is approximately 15 ft. and the sloping down to the wetland.

Ms. Carlson showed the cross section by Warehouse #2. She said the property line slopes up, then down. She said this is where the two-tiered wall system would be located which would be about 20 ft. in

height. She also showed the existing grade on the map and where a wedge of material will be cut out. Chair Vitali asked if test borings had been done on this wedge material. Ms. Carlson said they are in the process of doing borings and are hitting rippable ledge down to about 30 ft. to 35 ft. with more competent rock below this. Chair Vitali asked if blasting will have to take place in this area. Ms. Carlson said boring are being done now but by warehouse #1 there is rippable ledge down to about 35 ft. and below this is bedrock. She said there could be minimal blasting over by warehouse #1. Ms. Carlson noted there will be selective blasting and the borings are being completed this week.

Vice-Chair Parent asked about the 35 ft. and how this would proceed. Ms. Carlson said this will go down in lifts. She said there will be sedimentation basin traps installed as the site is lowered. She said in warehouse #1, there will be cutting as the retaining wall is being built on the opposite side and fill where there needs to be fill. She showed drawings of the FedEx site as an example. Chair Vitali said it appeared there was more cutting then filling on higher elevation. Ms. Carlson explained it is an overall balanced site between the two warehouses; each warehouse itself isn't necessarily balanced, but the two combined it is a net balanced site. She said mass excavation and trenching was taken into consideration.

Ms. Carlson showed warehouse #2, with the 15 ft. wall, the drive, the truck drive and down to the pond. She also showed the existing grade which she said was a fill condition. Ms. Carlson spoke about the E&S measures, noting the site will be brought down and a path will be cut so the main silt fence can be installed. She spoke about and showed on the map, a silt-fence "sandwich". She showed a photo on the downstream side closest to the wetlands of a "super silt fence" which is a reinforced silt fence attached to steel posts. Ms. Carlson said there will also be haybales along with a standard silt fence. She said all work will be done on the left hand side of the silt fence sandwich. She said this will all be installed and then the site will be cleared and grubbed.

Ms. Carlson said a three-day draw down Faircloth skimmer will be used in the sediment traps; she showed the Commission a sample, noting this device floats on the water with a metal basket which skims the clear water off the top. Ms. Carlson said flocculents will also be used with the Faircloth skimmer along with a line of haybales. She said this is the most extensive of any site she has worked on in Connecticut. Ms. Carlson said if needed, an additional sediment trap will be installed and will be placed to not collect more than five acres. She said diversion trenches will be put in to guide the water to the traps. She noted that no water will be sheeting down from the worksite into the wetlands.

Chair Vitali asked the estimated time of construction in terms of stabilizing the site. Ms. Carlson said this stabilization work should take approximately 9 months.

Ms. O'Hare asked about the Faircloth skimmer, noting she was having trouble imagining one in a 70 ft. by 100 ft. sediment trap. She pointed out that if there is heavy rain and there is only a 1 ½ inch diameter orifice on the fair cloth skimmer, she said this was a large surface area trying to go into a 1 ½ inch pipe. Ms. Carlson said the traps are sized appropriately; they are deep and are not six inch shallow traps. She said the traps are designed to allow a large amount of water to flow into them. Ms. Carlson said there

will be a stone wall where water can seep through and go out into the next stone into the haybale. She said this system has been used throughout Connecticut successfully.

Chair Vitali said he believed Ms. O'Hare was trying to see if the skimmer would work during a rain storm. He said he believed the purpose of the skimmer would be after the rain and the sediment pond starts to settle down, this would want to grab the top inch of water little by little. He said he didn't believe anything would control during a 100-year storm event. Ms. Carlson said the water would end up in a detention basin during a 100-year storm event, Ms. Carlson said this skimmer would take a three-inch rain event. She said during the storm, the basin is filling up as the storm is occurring, but afterwards, at the existing ponds where the dam is located, the water will be lowered, so if any sediment got through, it would end up in the pond before it got out; the water would never get off site. She showed a photo of the 140 open acres at the FedEx site and noted there were no break outs at that site. She pointed out this Bristol Myers-Squibb site is at the most, 80 acres. She said her firm is doing a lot of warehouse work across the country and said her system will work and believes in it.

Vice-Chair Parent asked Ms. Carlson how many of these projects they have done. Ms. Carlson said she has been involved in projects in Middletown, FedEx; Charlotte, Denver, Fort Worth Texas, Allentown, Pa; Costco's (20 acres) in New Britain; East Lyme; Lisbon Landing and residential Gateway Commons in East Lyme, which she pointed out, was at least 80 acres and was just opened 2 years ago.

Chair Vitali asked if the red soil present at the Bristol Myers-Squibb site was present at these other sites. Ms. Carlson said some of the sites, Denver, was worse than the Wallingford site; Middletown near the old Aetna, was about the same; Ft. Worth, she said was terrible. Chair Vitali pointed out that in Middletown, that site had heavy clay soil that didn't drain. Ms. Carlson said that soil when it got wet, could not be driven upon.

Chair Vitali noted this was not the same soil as the Bristol Myers soil and asked if it stayed in suspension at FedEx. Ms. Carlson said the soil stayed in suspension and was the red soil type. Ms. O'Hare asked Ms. Carlson to show the sediment traps on the Middletown site. Ms. Carlson showed the locations on the Powerpoint presentation. Ms. O'Hare asked about a reinforced silt fence. Ms. Carlson showed a photo of the FedEx Middletown site. She showed a 50 ft. retaining wall and another wall that was 100 ft. tall and 40 ft. wide. She showed one row of super silt fencing and the red color of the soil, and the location of several sediment traps. Ms. Carlson said in Middletown, there were no blowouts pointing out there were 140 acres open at once, and just one instance of tracking onto the road which was put under control.

Chair Vitali asked if there was more information on the retention pond and the outlets of the retention pond. Ms. Carlson said there was only one retention pond built down below warehouse #2, but emphasized they would be utilizing the existing ones on-site with the storm water system. Chair Vitali asked about the outlet structure of the existing on-site retention ponds noting they had just been dredged. He said the existing draining system would not be fed into those retention ponds. Ms. Carlson said that some of the storm water will empty into these two ponds as is occurring now. Chair Vitali

asked about the sediment control ponds during construction. Ms. Carlson showed phase 1 when work began and showed the 100 x 70 sediment traps throughout the site as well as the permanent basin to be used as a sediment and erosion control measure. Chair Vitali asked what would be used as an outlet structure. Ms. Carlson said the Faircloth skimmer will be used and acknowledged they will be used on all the ponds. Chair Vitali asked if there would be a weir to measure storm events. Ms. Carlson explained that in a storm event, if water flows out of these, turbidity testing will be done during the rain. She said the sediment traps are sized to handle any type of flow and are temporary and can be moved as the site gets built up.

Ms. O'Hare asked about the changing of the roof flow. She said she asked if the roof flow could be dispersed. Ms. Carlson said one outlet was added. She said there are now three roof outlets for a total of four. Ms. O'Hare said her original request was to look at ways to disperse roof flows, noting that a 14-acre flat roof will have a tremendous amount of water coming off it. She said most of the rain hit land and had a chance to infiltrate into the soil and then slowly seep into the wetlands. She noted that now, this is being replaced with a 14-acre warehouse roof. Ms. Carlson noted the pipe is perforated, so as water comes into the pipe, there is ability for ground infiltration.

Ms. O'Hare noted that when the overburdened soil is cut down 30 ft. , what type of material will there be. Ms. Carlson said there is a lot of weathered bedrock and said there will be some infiltration. She said the discharge will be added to mimic the existing drainage patterns. Ms. O'Hare said there is a dramatic difference between the natural hydrograph vs. after it is paved, noting after this is built, there will be storm water all at once. Ms. Carlson said there will be water into the wetland and it will seek a level and seep into the wetland. She said where water is falling now over the land, it never gets into the wetland. Ms. O'Hare disagreed stating the water discharges underground into the ground water and then discharges to the wetland. Ms. Carlson pointed out there is discharge now closer to the wetland underground along the roofline. She said there is perforated pipe and is essentially pipe to allow water to seep down into the ground. She said water will also be discharged over level spreaders in sections to feed the wetland system. Ms. Carlson said there will be infiltration and direct discharges.

Ms. O'Hare asked if there was a reason not to have more pipe. Ms. Carlson said she is trying to mimic existing patterns as much as possible. Ms. O'Hare asked about the detention box and asked if there was detention for the roof flows per se. Ms. Carlson said there is detention for the roof flows per se, some of it is in the pipe when it comes down and ultimately, it goes into the wetlands. She said peak flows don't have to be met at each of the individual outlets, just at the design points. She said the rate of runoff will not be increased at any storm event off site. Ms. O'Hare said it would be preferred if peak flows could be maintained at a given location.

Mr. Pierides pointed out the roof drain pipes are oversized; they are perforated 42-inch and 36 - inch pipes. He said there is an outlet control structure before discharge into the wetlands.

Mr. Pierides said they have modeled the wetlands and there is a design point right at the wetlands at the narrow point, so the peak development peak flows are being mimicked. He said there are five design

points, not just at the outlet and flows will be matched. Ms. O'Hare asked about the subsurface detention box noting that when there is less than a year's storm, and asked at what level storm would the water start to flow and exit the box. Mr. Pierides said there are multiple orifices; one small one at the bottom to throttle down water in the smaller storms and bigger orifices as the box fills up. Ms. Carlson said the water doesn't stagnate. She spoke about the bentonite wall noting the grading was modified and was put back close to existing conditions. Ms. O'Hare noted the drawdown of the large pond. Ms. Carlson said this would only be done in an emergency and was not part of the sedimentation and erosion control. Ms. O'Hare said she would like to see a contingency plan written out for that event. She said she is looking for flocculent information. Ms. Carlson said this would be based upon the soils at the different levels. She said she will be working with an expert and will take soil samples. Ms. O'Hare asked if each segment trap will have its own flocculence on logs, ropes. Ms. Carlson said it will be on site if needed and will be in blocks. She said she clearly understands the importance of the S&E plans and they are not being taken lightly.

Chair Vitali said the IWWC understands that the Applicant has taken a lot of concern regarding the S&E plan, but experiences in this particular area of town feeding into a water supply has been an issue beforehand. He said he didn't believe enough questions can be asked and they are doing the best with the information on hand and pointed out that all Town Departments are involved. He said the super silt fence was an interesting product and is probably in the right place in the last row. Chair Vitali said one of the big issues is the determination of the bond and should be done before the next IWWC meeting. Ms. O'Hare suggested having Mr. Cotter recommend a bond amount.

Chair Vitali entertained Public Comment – 8:19 p.m.

Debbie Labutis, 1260 Barnes Road, said she was extremely concerned about the possible blasting noting she has well water. She said she will not be able to hook into city water where she is living if her well gets damaged. She wondered who would provide her with water and who would pay if her well was damaged. Chair Vitali said this has always been an issue, He recommended samples be taken and kept on record. He said if there is blasting, Ms. Labutis will know there is a problem because the well water will turn red. Chair Vitali noted that Bristol Myers-Squibb expanded the last time, there was a lot of blasting. He said the only difference in the presentation tonight compared to the previous time, is this group may be digging down 30 ft. and hitting a rock layer whereas Bristol Myers-Squibb went back into the mountain. He said he heard a person had a problem with that project.

Ms. Labutis said she is concerned and her house is an investment. She wondered if something happened to her well, how would it be fixed. Atty. Ceneviva said the Applicant has retained Terracon as their geotechnical expert. Atty. Ceneviva said the closest residence is approximately 900 ft. from the site. He said the blasting shouldn't come anywhere close to the residences.

Brian Opp, Licensed Geotechnical Engineer, Terracon, said on this site there are two types of rock, a softer, weaker rock near the surface and basalt which is the trap rock. He said the softer weaker rock is favorable for cutting and is rippable so blasting should not be required. Mr. Opp said the effects of the

blasting is mitigated by the softer rock. He said with blasting, the radius of effect is 20 to 40 times the diameter of the blast charge, so if there are 3 ½ inch charges in the ground, it would only have an effect of several feet away. Mr. Opp said he didn't believe we were in the zone of influence this close to the site where the nearest residence is. Ms. Carlson showed the area where there might be some lower level rock removal which is 900 ft. away. Chair Vitali said he was over 900 ft. away from blasting when he had to pull his pump up. He noted there is no contingency plan if there is a problem.

Mr. Opp said there would be specifications written to monitor. He said there would be monitoring not only for the job site but residences further away. Ms. Carlson said there would also be a pre-blast survey and if something happened and the well was destroyed, another well would be put in.

Chair Vitali said water would be drawn from the same supply even if it was drilled from 100 ft. away. He said this believed this was more a Planning & Zoning than a Wetlands issue. Ms. Labutis said she believed this is a serious issue because she cannot connect to city water. Vice-Chair Parent asked what would happen if the well couldn't be restored and the property became useless.

Louise Labutis, 1232 Barnes Road, echoed the same concern as her neighbor regarding the well water. She said she dealt with this issue before with the blasting with Bristol Myers-Squibb. She said she is concerned about having no water and said she has had problems before and will take samples. Chair Vitali said this is a difficult question. Louise Labutis said there are several houses in her area that are on a well and she is very concerned.

Ms. O'Hare said she was not ready to recommend approval tonight. Chair Vitali continued this public hearing to the October 3 IWWC meeting. Chair Vitali said one of the issues was the bonding and the erosion control. Ms. O'Hare asked the Commissioners to think about mitigations noting she is hesitating going with the proposed mitigation, i.e., the creation of the 5,000 sq. ft. wetlands area because it would open up more earth and disturbing an area that is now non-wetlands. She said she would like to see enhancement of existing wetlands instead. Ms. O'Hare suggested removing some invasive species, i.e., autumn olive, bittersweet vine, phragmites. She also suggested taking out the utilities through the crossing and taking the fill out that was put in the crossing.

Atty. Ceneviva noted the team has spent a lot of time with Ms. O'Hare and except for the review by Mr. Cotter, their plan is done. Atty. Ceneviva said he believed this is a terrific plan and that the Applicant has come up with the best options for this project.

Vice-Chair Parent said the IWWC has approved plans before and gotten bitten. He said this is the nature of the IWWC's concern. Atty. Ceneviva said the Applicant is talking about bonding, and an enforcement officer to come on to the site on a weekly basis to monitor. He said the Applicant has been sensitive to the fact there was problems in the past and this is why there is new S&E controls. He said the Applicant was happy to have his team interact with Mr. Cotter and have an ongoing relationship with the enforcement officer and have the appropriate bonding.

Chair Vitali said he felt a little more comfortable with the super silt fence to keep the bulldozers out of the wetlands. He indicated the IWWC would review the Site Contractor's qualifications or resume. Atty. Ceneviva said the Applicant is willing to communicate at all times with the IWWC.

Public Hearing Continued to the October 3, 2018 IWWC Meeting

CONSIDERATION OF PUBLIC HEARING ITEM

1. Significant Impact 0 **#A18-6.2/5 Research Parkway** - 5 Research Parkway Wallingford, LLC – (industrial development)

Ms. O'Hare said if the Public Hearing is closed on Oct. 3, the Commission moves into the deliberation phase and no new information can be added once the hearing is closed. This is the "Consideration of the Public Hearing" item on the agenda.

OLD BUSINESS

1. **#A18-7.1/35 Toelles Road** – Ian Fenny, Environmental Engineer, Nucor Steel Connecticut, Inc. – Request for administrative approval – (stormwater-related improvements) – approved administratively, July 31, 2018.

Ms. O'Hare said this is all set – approved administratively.

2. **#A18-7.2/508 Main Street, Yalesville** – Frenchy's Auto Body -(addition)

Ms. O'Hare referred to her Environmental Planner's Report dated August 31, 2018. She said the Applicant withdrew today because they are going to take the building and turn it and thus be out of the IWWC's jurisdictional area and will go to Planning & Zoning. She said the Applicant will address the on-site problems such as parking old cars too close to the stream.

NEW BUSINESS

1. **#A14-7.2** – 195 Cheshire Road – Sunwood Development – (16-lot subdivision) – Request for bond release.

Ms. O'Hare said she went to the site and saw some minor issues. Ms. O'Hare said all the houses are sold and everything is completed, but at the end of the cul-de-sac on Royal Oaks Road, there are some rilling on half of one lot because the grass didn't take and the runoff is going into the storm basin. She said more topsoil and seed should be added. She said the bond has \$10,000 that is still being held but recommended giving some of the bond back. Ms. O'Hare said \$1,000 should be kept on the bond but has no doubt everything will be completed. Vice-Chair Parent suggested holding back \$1,000.

Chair Vitali entertained a motion to reduce the bond to \$1,000.

MR. PARENT: MOTION THAT APPLICATION A14-7.2 195 CHESHIRE ROAD – SUNWOOD DEVELOP -

MENT REQUEST FOR BOND RELEASE BE MADE AND THE BOND BE REDUCED BY

\$9,000 AND RETAIN \$1,000

MS. PHILLIPS: SECOND

VOTE: MCKEEN- YES; PARENT- YES; PHILLIPS – YES; SIMON –YES; VITALI – YES

RECEIPT OF NEW APPLICATIONS

1. **#A18-9.1 – 6 Research Parkway** – Six Research, LLC (industrial development) – received by Chair Vitali

ELECTION OF OFFICERS – Tabled

REPORTS & COMMUNICATIONS

1. **#D18-6.1/15 Windswept Hill Road** – Paradise Hills Vineyard and Winery – parking area issue

Ms. O'Hare referred to her August 31, 2018 Environmental Planner's Report. She said when the Applicant appeared before the IWWC in July, they didn't have an agricultural issue so they were supposed to withdraw their request for determination for agricultural exemption and have not withdrawn it. She said the Applicant was supposed to come into her office with a plan showing they could keep the parking lot under the 20,000 sq. ft. regulated amount. She said the Applicant informed her today they could not keep the parking area under 20,000 sq. ft.; the bigger lot is needed to satisfy other things Planning & Zoning requires. Ms. O'Hare said there will be a wetlands application for the parking lot.

VIOLATIONS

1. Cease & Correct Order – **55 Kondracki Lane** (Quinnipiac Valley Center) – 55 Kondracki Lane Property, LLC - (emergency driveway crossing work)

Ms. O'Hare said there has been no movement on this project. She said the original engineer called in a structural engineer who specializes in bridge work and told her they should have a plan in next week.

2. Notice of Violation - **988 East Center Street** – Benchmark Land Development, LLC ,& Providence and Worcester Railroad Company – (unpermitted filling & drainage alteration)

Appearing in front of the Commission was Atty. Dennis Ceneviva, Ceneviva Law Firm, representing the Applicant Benchmark Land Development, LLC owner of 988 East Center Street; and David Lord, Soil Scientist, Soil Resource Consultants, and David Palumbo, Principle with Benchmark Land Development, LLC.

Atty. Ceneviva said he was in front of the IWWC in July and spoke about bringing in a project engineer, Godfrey Hoffman who submitted a plan late today for the site. He said Mr. Lord has created a wetland

restoration plan which was just submitted. Atty. Ceneviva said it makes sense to submit an application rather than just reply to the Notice of Violation. He emphasized nothing has changed since the date of the Notice. He said this violation came about because the Applicant submitted an application to the PZC to do work at 988 East Center Street and during review, Ms. O'Hare learned there had been filling in the upland review area behind the existing building. Atty. Ceneviva said there was a large amount of debris and construction material behind the building and Mr. Palumbo removed this debris and leveled the area down with crushed stone not recognizing the wetland implication at the time.

Chair Vitali said as far as he sees, the upland review area and wetlands have been eliminated. Atty. Ceneviva said Godfrey Hoffman has had conversations with the Town Engineer; there is a Town Right-Of-Way (drainage) and some of the work done was connecting pipes in a culvert. Atty. Ceneviva said this may be viewed as a positive step by Engineering and it makes sense to come back with a full presentation to be heard in November. Ms. O'Hare said Godfrey Hoffman Engineers did come in with one set of their proposal today which was not an application, just an idea. Mr. Lord distributed copies of the report he prepared that has a plan to take existing conditions and restore part of the impacted wetland area and mitigate by compensation and creation of more than the amount of wetlands impacted.

Ms. O'Hare mentioned another violation in the FEMA flood zone.

ADJOURNMENT

Vice-Chair Parent made a motion to adjourn the Meeting at 9:08 p.m. Commissioner Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary