

Wallingford Inland Wetlands & Watercourses Commission

Wednesday, Dec. 5, 2018, 7:00 p.m.

Room 315, Town Hall

45 South Main Street, Wallingford, CT

MINUTES

PRESENT: Chair James Vitali; Vice-Chair David Parent; Secretary Nick Kern; Commissioners David Parent; Deborah Phillips; Michael Caruso; Robert Simon, Alternate; Erin O'Hare, Environmental Planner.

NOT PRESENT: Daryll Porto, Alternate.

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

CONSIDERATION OF MINUTES

1. Regular Meeting, Nov. 7, 2018 – **TABLED TO LATER ON THE AGENDA**

Chair Vitali took the agenda in the following order:

OLD BUSINESS

3. **#A18-11.1/155 John Street** – Town of Wallingford Sewer Division – Water Pollution Control Facility Phosphorus Reduction Project – (construction activities)

Appearing in front of the IWWC was Neil Amwake, General Manager, Water and Sewer Divisions; Dennis Setzko, Project Manager, AECOM; Richard Hendershot, Director of Public Utilities.

Mr. Amwake spoke about the Wallingford Treatment Plant phosphorus upgrade. He explained that currently the Wallingford Sewer Division and AECOM are designing upgrades to address new wastewater discharge requirements for phosphorus which will be effective April 1, 2022. He said these upgrades are being done to ensure the wastewater disposal needs currently and over the next 20 years meet the Town's future loads and as well as the pollutant loadings. Mr. Amwake explained the original plant was constructed around 1987-1989 and since that time there have been no significant upgrades other than a small nitrogen removal process in 2005.

Mr. Setzko went over the project area which he noted was fairly large. He showed the area to be impacted on the site plan. He said some buildings need to be constructed in order to do the

treatment processes. He said in doing so, some of the buildings would be located close to existing structures. Mr. Setzko went over the construction process and the temporary impact area which is in the buffer zone. He noted none of the work is in the wetlands. Mr. Setzko said the temporary disturbance area amounts to 690 sq. ft. and the permanent disturbance area is 960 sq. ft. He noted there is also a temporary impact to the 100-year flood zone. Mr. Setzko went over the construction process stating that sheeting will be installed to limit the exposure of the work area. He said this sheeting will be removed when construction is completed and the area will be re-seeded and will be brought back to its original concept.

Chair Vitali asked about feasible and prudent alternatives. Mr. Setzko said there is not a lot of area to work with at the plant site. Ms. O'Hare pointed out she forwarded the Applicant has responded to all concerns and she is satisfied. She noted her Nov. 30, 2018 Environmental Planner's Report and the Consultant's comments. Ms. O'Hare told the Commission this area was filled years ago and when one digs down, one hits water. Mr. Setzko said this was checked into and noted there will be some soil removed. He said when the sheeting work is being done, there will be water behind it which will have to be taken out. Mr. Setzko said the water could be contaminated with volatile organic compounds, so it will be pumped to the front of the treatment plant.

Commissioner Kern asked about post-construction runoff and where the roof drainage would be going. Mr. Setzko explained roof drains are all collected in catch basins, noting there are a few existing drainage conduits that go out into that area. Commissioner Kern asked about parking. Mr. Setzko said all that will be done is to replace parking. He said some existing parking will be removed to accommodate a truck delivery area. He pointed out on the site plan where the new parking will be located and noted, in answer to Commissioner Kern's question, that this area is not in an aquifer protection area.

Chair Vitali entertained a motion on Significant Impact

MR. PARENT: **MOTION THAT APPLICATION #A18-11.1/155 JOHN STREET – TOWN OF WALLINGFORD SEWER DIVISION**

WATER POLLUTION CONTROL FACILITY PHOSPHOROUS

REDUCTION PROJECT – (CONSTRUCTION ACTIVITIES) BE

DEEMED NOT A SIGNIFICANT IMPACT

MS. PHILLIPS: **SECOND**

VOTE: **CARUSO – YES; PHILLIPS – YES; PARENT – YES; KERN – YES;**

VITALI – YES

Chair Vitali entertained a motion on the application.

MR. PARENT: MODIFIED MOTION THAT APPLICATION #A18-11.1/155 JOHN STREET TOWN OF WALLINGFORD SEWER DIVISION – WATER POLLUTION CONTROL FACILITY PHOSPHORUS REDUCTION PROJECT (CONSTRUCTION ACTIVITIES) BE APPROVED WITH THE CONDITION OF APPROVAL NOTED ON PAGE 3 OF MS. O’HARE’S ENVIRONMENTAL PLANNER’S REPORT DATED NOV. 30, 2018: “EROSION CONTROL MEASURES ARE IN PLACE AND MEET THE APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR TO ANY FURTHER WORK BEING CONDUCTED ONSITE”

MS. PHILLIPS: SECOND

VOTE: CARUSO – YES; PHILLIPS – YES; PARENT – YES; KERN – YES VITALI – YES

2. **#A18-9.1 – 6 Research Parkway – Six Research, LLC – (industrial development)**

Appearing in front of the Commission was Atty. Dennis Ceneviva, Ceneviva Law Firm, representing the Owner/Applicant, Six Research, LLC; Michael Ott, Project Engineer and Rosalind Paige, Licensed Land Surveyor, Winterbourne Land Services.

Atty. Ceneviva explained the site is approximately 3.06 acres and doesn’t have wetlands or watercourses. He said he is in front of the IWWC because of jurisdictional requirements when a development is done, and there is an impact of an impervious area which exceeds the 20,000 sq. ft. IWWC jurisdictional limit. Atty. Ceneviva said the proposal is to construct a 9,720 sq. ft. building to be used for indoor automobile storage. He said there will also be a significant amount of paving. Atty. Ceneviva said there will be a fenced-in area behind the building which will accommodate approximately 12 to 15 18-wheel trucks which will leave the site every Monday to make vehicle deliveries and return on Friday. Atty. Ceneviva said the proposed building will house the new vehicles which will be delivered by trucks and then brought to various dealerships on the East Coast. Atty. Ceneviva stressed there will be no fueling and no repairs on this site.

Mr. Ott, Licensed Professional Engineer and Land Surveyor, Summerhill Civil Engineers in Madison, CT., asked if he could submit two copies of revised plans to the Commission. Chair Vitali asked if the plans had changed since last Friday. Mr. Ott said the plans were revised on Friday after meeting with Erik Krueger, Sr. Engineer, Water and Sewer Divisions. Chair Vitali noted it would be difficult to look at his plans and the plans being presented. He said that Ms. O'Hare needed the updated plans.

Mr. Ott said the site is located on the west side of Research Parkway. He said the site to the west is currently developed. He said there is no development on this site which is mostly brush. He said only a few up front trees will have to be removed as part of proposed construction.

Mr. Ott noted there is approximately 54,000 sq. ft. of impervious area proposed on-site which includes the paved area and the building. He said the site is in the Watershed Protection District so the Water Divisions requirements regarding storm water quality had to be met. He said this site doesn't have a lot of topographic relief and some vertical change in elevation on the site is needed in order to make the sand filter work which was part of the Water Division's requirements. Mr. Ott said he has been working with the Water Division on this issue of low topographic relief. He said he met with Mr. Krueger last Friday morning to discuss this low topographic relief issue and believed this matter had been resolved.

Mr. Ott went over the storm water management plan, noting the low point on the site is located on the northeast corner. He said there is a 12-inch culvert and swale along Research Parkway which allows storm water runoff to flow through a swale to the north beneath the driveway of the currently developed site. He said storm water flows through this pipe and enters the Town's storm drainage system and goes across to the east of Research Parkway and empties into the large wetlands that were seen in the 5 Research Parkway application. Mr. Ott noted there is a vernal pool located in this wetland.

He said he reviewed BL Companies drawings and pointed out there is a 100 ft. buffer around the vernal pool which comes close to the easterly edge of the pavement on Research Parkway. He said all the activities will be outside the 100 ft. area. Mr. Ott said the Applicant's storm water management system will take all the impervious area except for the building roof. He said the water from the building roof will be discharged directly into the existing swale between the site and Research Parkway and flow under the culvert. He said this water doesn't have to be treated because there is no processes in the building or on the roof which would generate pollutants.

Chair Vitali asked why this water wasn't being put into the recharge in the ground where it is usually put. Mr. Ott pointed out the Regulations allow building roof water to not go into this system. He said he typically would for a building of this size, but because of the difficulties with the topographic relief, he needed all the volume he could get to treat the storm water from the pavement, which he believed was more important. He said this is why this roof water will be allowed to go directly into the swale in front of the site.

Chair Vitali said he was having trouble understanding this statement, noting that when he made reference about putting a recharge into the ground, it wasn't going into any system other than a recharge into the ground. Mr. Ott said he misunderstood the Chairman's statement. He said half a dozen test pits were dug around the site; and the soils are not amenable to storm water infiltration, noting the soils are very fine-grained and very compact. He said he dug from the rear of the site all the way to Research Parkway and storm water infiltration will not work.

Mr. Ott said all the paved areas go into a flow diversion manhole where the water quality flow will be diverted into an oil/water separator and then into a sand filter and finally into the storm water management basin located on the southeast corner of the site. He noted the location of the three oil/water separators. He pointed out the Water Division has certain requirements for sand thickness and thickness of crushed stone beneath the sand filter. He said he did his best to meet these requirements given the topographic relief. He also added the Water Division also has requirements for the water quality volume stored. Mr. Ott said he believed Mr. Krueger is satisfied. Mr. Ott said the steepest slope on the pavement is 1 1/2 % and noted care was taken in grading the site because of the length of the car carriers which have very low clearance.

Chair Vitali noted a memo from Mr. Krueger dated today (Dec. 5, 2018). He asked if all of his requirements were satisfied. Mr. Ott said all the requirements were satisfied except for the required hydraulic calculations which he said were not completed. Chair Vitali noted the plan was dated Nov. 15, almost three weeks ago. Mr. Ott said that was the revision date, but the plans weren't delivered to the Town until last Friday morning and he met with Mr. Krueger the same day.

Atty. Ceneviva noted that he met with Mr. Krueger around Nov. 15 to discuss the sand filter had to be part of the process or was there an option. He pointed out the site is flat and in order to make the sand filter work, the Applicant would have to bring in 2 1/2 ft. of fill on the entire site. Mr. Ott said he was able to balance the Water Division's requirements which he said made sense from a storm water quality perspective, the cost of bringing in this fill.

Chair Vitali asked about the final concept. Mr. Ott said the final concept is what is being shown on the plans. He said the site didn't have to be raised 2 1/2 ft. Commissioner Simon mentioned the minimums and asked if all the recent rain was taken into consideration regarding design concepts. Mr. Ott said the minimums are met regarding storm water quality, and regarding overall storm water management, the full standards are met. Mr. Ott said the Water Division requires a two-foot sand depth, and he proposed to Mr. Krueger this be reduced to 18 inches. He also noted the Water Division requires six inches of crushed stone above the under drain pipes and he proposed reducing this to four inches. Mr. Ott said the Water Divisions also states one has to treat between one-half inch and one inch but is only able to treat one-tenth of an inch. He said this all has to do with water quality. Commissioner Kern wondered without

calculations, how Mr. Ott knew the pipe exiting the property is sized for the task it is supposed to undertake. Mr. Ott said he took the pipe capacity going under the driveway, which has approximately 2 ½ ft. of available headwater. He said the storm water management system throttles the peak discharges down such that the distance pipe can handle the flow. Commissioner Kern asked if there was a chance the water could “stand” and shut itself out because of the lack of capacity. Mr. Ott said he believes the water could pond temporarily because the land is flat. He said this was a good thing because the soils aren't good for infiltration practices and there will be some infiltration unless there is frozen ground or snow that freezes. He said he hasn't observed backups. Commissioner Kern noted the site is untouched and one can see where the water backups. Commissioner Kern said he was concerned that by moving the roof drains, the water will flow faster. He said the site is being altered with the parking lot and this means the charge won't stand around and discharge itself, but the water will want to move off the site quickly than what is happening now.

Mr. Ott explained the storm water management basin has an outlet control structure to meter the flow out slowly. He said this is a storage reservoir that has a reinforced concrete box. Commissioner Kern asked if there is a difference with the plan prints that he has. Mr. Ott said there are minor changes other than the main change which is the erosion and sediment control plan. He said a considerable amount of time was spent to ensure there is an adequate S&E plan. He said the storm water management basin will be used as a temporary sediment basin during construction until stabilization. He said to accomplish this, a permanent outlet control structure will be installed, an outlet pipe and driveway culvert will be installed and all the S&E controls will also be put into place. Mr. Ott said there will be a temporary construction entrance and a silt fence and protection of all the drainage inlets and a row of three barriers in the swale to protect the existing culvert and a temporary diversion ditch to catch any runoff and divert it into the temporary sediment basin.

Mr. Ott said there will also be a skimmer installed in the temporary sediment basin so water will be released slowly with a floating skimmer which is noted in the drawings. He said this is the biggest change which involves a more detailed S&E control plan. Commissioner Kern said if the rest of the Commission is comfortable, this application can move forward. Ms. O'Hare said her EPR of Nov. 30 went out in the packet. She said she reviewed this in September and nothing new was added until this past Friday. She said she still needed a chance to review this.

Ms. O'Hare mentioned Mr. Krueger's comments which she said she wasn't too concerned about noting this application has to go before Planning & Zoning. Ms. O'Hare said she would like time to review this. Ms. O'Hare asked about locating the basin in the Right-Of-Way in Research Parkway and the open swales. Mr. Ott said there has been some confusion, noting there are no storm water management facilities within the Right-Of-Way of Research Parkway. He said there is a swale which needs a driveway culvert within the Right-Of-Way, and the driveway needs to be constructed coming up over this. He also mentioned there has to be some re-grading of the

swales. He said the storm water management facilities are on the client's land. Mr. Ott said the basin is not in the Right-Of-Way but a regrading of the swale. Chair Vitali asked if the swale was in the middle of the boulevard on the lane or in the middle of the property. Mr. Ott said the swale is in the middle between the actual Right-Of-Way line and the edge of Research Parkway. He said his system would tie into whatever the Town ended up doing when improvements were made to Research Parkway. Ms. O'Hare noted the Engineering Department will look at the storm drainage and the use of the Right-Of-Way closely.

Chair Vitali said we are dealing with the storm water management on this site. Ms. O'Hare noted the erosion control plan and asked why there is an outlet control structure, asking if this needed to be in place during the construction phase of the project. Mr. Ott said this is a common practice to put the permanent outlet control structure in place and close off all the outlets except one, and tie the temporary sediment basin, temporary riser into that outlet control structure and when everything is done, the temporary riser is pulled away and open up all the other outlets on the permanent structure.

Ms. O'Hare asked about the roof flow in the swale and how the peak flow is metered. Mr. Ott said this this doesn't have to be metered down because it is a very small area and is very close to the 12- inch pipe going out. He noted the roof is approximately 9,700 sq. ft. and there is 54,000 sq. ft. total so there is 47,000 sq. ft. in addition to the roof and all of this goes into the storm water management basin and gets stored and released slowly. He said the roof water will be gone ahead of this and won't have to be detained.

Chair Vitali entertained a motion on Significant Impact.

MR. PARENT: **MOTION THAT APPLICATION #A18-9.1/ 6 RESEARCH PARKWAY
SIX RESEARCH LLC – (INDUSTRIAL DEVELOPMENT) BE DEEMED
NOT A SIGNIFICANT IMPACT**

MS. PHILLIPS: **SECOND**

VOTE: **CARUSO – YES; PHILLIPS – YES; PARENT – YES; KERN – YES;
VITALI – YES**

Chair Vitali entertained a motion on the application. He noted he did not have to address feasible and prudent alternatives because the site was flat, and the Water and Sewer Divisions had done their due diligence.

MR. PARENT: **MOTION THAT APPLICATION #A18-9.1/6 RESEARCH PARKWAY
SIX RESEARCH LLC – (INDUSTRIAL DEVELOPMENT) BE
APPROVED WITH THE FOLLOWING CONDITIONS:**

1. **MEMO FROM ERIK KRUEGER, SR. ENGINEER, WATER AND SEWER DIVISIONS DATED OCTOBER 1, 2018;**
2. **MEMO FROM ERIK KRUGER, SR. ENGINEER, WATER AND SEWER DIVISIONS DATED DECEMBER 5, 2018;**
3. **STONE OUTLET PROTECTION AT THE END OF THE ROOF DRAINAGE DISCHARGE POINT BE INSTALLED**

VOTE: CARUSO-YES; KERN-YES; PHILLIPS-YES; PARENT – YES; VITALI -YES

3.#A18-10.1/1175 Barnes Road – Kirit Patel (Shield Hotels) – (hotel/restaurant development

Appearing in front of the Commission was John Schmitz, Civil Engineer, BL Companies, representing the Applicant and Kirit Patel, Owner/Applicant.

Mr. Schmitz said there were some minor changes to the site plan since the last meeting. He said the driveway was reconfigured slightly in anticipation of a possible extension of the road by others to reach the rear property. He said the driveway was turned slightly so if the road is extended, one can come in at a 90% angle for easier access. Mr. Schmitz discussed the concern about some parking spaces in the easement for utilities for the Wallingford Electric Division. He noted these four parking spaces were removed and will be grass. He said there was concern about the outlets where storm water is discharged. Mr. Schmitz said the outlets were pulled away and 49 plantings were added to the downstream side of the level spreader buffering the wetlands. He said he met and discussed this design with Mr. Krueger

Ms. O'Hare referenced her Environmental Planner's Report and noted she had recently walked the site. She pointed out she walked the same site in 2005 which was originally approved for an office/warehouse but was never completed. Ms. O'Hare said the Hilton Hotel property had been split off in 2008. She said part of the Hilton Hotel's drainage was spilling onto the Shield Hotel's property in an un-engineered fashion. She said she wrote a Violation Letter to the owners of the Hilton Hotel property who contacted a local Contractor, Rusty Rogers. She said she met with Mr. Rogers on the property who found the bio-retention basin which she said was obscured by saplings. Ms. O'Hare said Mr. Rogers told her the basin was built, but the swale was never constructed so the leak-off is running off the Hilton Hotel's parking lot onto the Shield Hotels property.

Mr. Schmitz said Mr. Rogers asked him to put a stake to mark the property line so the swale can be constructed. Ms. O'Hare noted three items on page 3 of her Environmental Planner's Report. She said when she visited the site, she noted more water coming off the Applicant's site to the Hilton Hotel's property. Ms. O'Hare said this is because that portion of Rt. 68 does not

have curbing. Ms. O'Hare said water comes down to the middle of the Hilton Hotel's parking lot. She said she wants to ensure that the Developer of the Shield Hotels property addresses this issue. Mr. Schmitz said the Applicant's site is lower than the Rt. 68 south side where there is no curbing and when it rains, water runs onto the site.

Mr. Schmitz noted that when the Hilton Gardens Hotel was originally constructed, the catch basin was intended to take runoff from the road and to be swaled into the catch basin. He said for some reason, the swale was never constructed. Mr. Schmitz said with the grading being done in that area, the water will be pitched towards the drain where it will eventually enter into the State system and be carried away. He said now the water tends to flow towards the Hilton Hotel's driveway. He also showed the location of two sediment basins on the site plan and discussed with Mr. Krueger, the addition of flocculent logs to help sediment settle out. He said this would be added onto the plan.

Mr. Schmitz spoke about the dry well. He said when the driveway was adjusted, there was a high point in the road but a lot of the road pitches to the south and goes off into a leak-off which ends up in the bio-retention area. He noted some of the Applicant's driveway is also pitching down into this area, but instead of taking the Applicant's runoff and taking it into the bio-retention area, the runoff is being kept on the Applicant's side. He said a dry well is being proposed for the end of the Applicant's driveway. He said an overflow line will be tied from the dry well to the same splash pad where the drainage system will discharge into the level spreader.

Chair Vitali pointed out that if flocculent logs are needed for this system, this indicates the dry well isn't going to absorb that much water. Mr. Schmitz said there are designed on-site infiltration systems and there will be some infiltration through the system. He said this is why he didn't ask for the overflow, because if there are a lot of fine particles, the system may not work as intended.

Ms. O'Hare noted a three-page comment letter from the Water Division today (December 5, 2018). She said there is still a Right-Of-Way issue but as far as the Commission is concerned, this application can move forward.

Chair Vitali entertained a motion on Significant Impact.

MR. PARENT: MOTION THAT APPLICATION #A18-10.1/1175 BARNES ROAD –

KIRIT PATEL (SHIELD HOTELS) – (HOTEL/RESTAURANT

DEVELOPMENT) BE DEEMED NOT A SIGNIFICANT IMPACT

Commissioner Kern asked if the drywell doesn't function as planned, why even install it. Mr. Schmitz said this would be a four-foot diameter dry well. He said the intent was to keep the

Applicant's water from flowing into the driveway and getting into the neighbor's system. He said there will be some function to this and some infiltration will be removed from the soil. Commissioner Kern asked about the capacity of the drywell. Mr. Schmitz said he would have to look at the depth, noting this drywell would take the drainage from the Applicant's driveway and this is a small area. He said this is not a lot of water. He said this system would probably be a 500 gallon system.

Commissioner Kern said he wondered if 500 gallons of water would be caught and the rest would overflow into the outlet structure Ms O'Hare wants to see. Mr. Schmitz said the pipe would redirect this flow. Commissioner Kern asked about the catch basin maintenance. Mr. Schmitz said it would be the same as the rest of the site and is in the storm water management maintenance plan. He said the other basins will be inspected and there will be a yearly report.

MS. PHILLIPS: **SECOND**

VOTE: **CARUSO – YES; PHILLIPS – YES; PARENT – YES; KERN – YES;**
VITALI –YES

Chair Vitali entertained a motion on the application.

MR. PARENT: **MOTION THAT APPLICATION #A18-10.1/1175 BARNES ROAD –**
KIRIT PATEL (SHIELD HOTELS) – (HOTEL/RESTAURANT
DEVELOPMENT) BE APPROVED WITH THE FOLLOWING CONDITIONS:

1. **CONDITIONS STATED ON ERIN O'HARE'S ENVIRONMENTAL PLANNER'S REPORT DATED NOVEMBER 30, 2018;**
2. **MEMORANDUM FROM ERIK KRUEGER, SR. ENGINEER, WATER AND SEWER DIVISIONS, DATED DECEMBER 4, 2018**

MS. PHILLIPS: **SECOND**

VOTE: **KERN – YES; PHILLIPS – YES; CARUSO – YES; PARENT – YES;**
VITALI – YES

NEW BUSINESS – NONE

RECEIPT OF NEW APPLICATIONS

1. **#A18-11.2/171 North Plains Industrial Road – Polish National Alliance (PNA) – Modifications to IWWC #A15-9.3**

Ms. O'Hare said the Commission granted this Applicant a permit two years ago but the project was never started. She said in the last few years, the Applicant has changed its mind and began changing things around. She said the Applicant applied to Inland Wetlands and noted the changes are minor and can be administratively approved. Ms. O'Hare spoke about the changes and said this is an impervious surface application. She said the building is being moved and a walkway is being installed, but there is no appreciable difference as far as impervious surfaces are concerned and they submitted an Administrative Approval request. The Commission agreed to Administrative Approval which was then granted by Chair Vitali.

2. #A18-12.1/9 First Street, 11 First Street, and First Street (paper street) – John Gargano Limited Partnership – modification to permit **#A17-6.1**

Ms. O'Hare referred to her letter she wrote to the owner of the property on Nov. 26 in which she told the Owner that although he received Administrative Approval from the PZC, this approval was also needed to be granted by the Inland Wetlands Commission. Ms. O'Hare said the IWWC permit was obtained approximately one year ago. She said the PZC told the Owner to modify the plan. She said in terms of First Street, it can be paved, but the Owner wants this street to be processed stone which is considered to be a surfaced area. Ms. O'Hare said the other change was there used to be two ingresses to the Wallingford Auto Park in the front for the storage of cars, now there is only one ingress. She said the catch basin had to be moved.

Ms. O'Hare noted she received a letter from the Owner requesting Administrative Approval. The Commission agreed to Administrative Approval which was granted by Chair Vitali.

3. #A18-12.2/320 Barnes Road & 340 Barnes Road – Rowland Technologies – (industrial addition) –received by Chair Vitali.

Ms. O'Hare said this application involves an addition and will be presented at the January 2, 2019 Commission meeting.

ELECTION OF OFFICERS – To be taken up after Reports & Communications

REPORTS & COMMUNICATIONS

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

Ms. O'Hare said the Applicant was before the Commission in May or June. She said the Applicant didn't need a permit or a Request for Determination if the proposed parking lot expansion was under 20,000 sq. ft. She said the Applicant measured the area and determined they cannot make the parking lot under 20,000 sq. ft. She said the Applicant has not yet returned to the IWWC. Ms. O'Hare said she expressed her displeasure and noted the Applicant stated they would probably come in front of the IWWC in the spring. Ms. O'Hare said in the

meantime, erosion control measures had to be put into place. She noted the existing parking lot is draining into the wetland. She said the Applicant will fix the problem and she will be inspecting.

2. Memorandum to Law Department re: By-laws, dated 11/9/18 & response dated 12/3/18 – Not Discussed
3. **#A18-11.3/5 Research Parkway** – 5 Research Parkway, LLC – modification to permit IWWC **#A18-6.2** regarding driveway – Request for consideration of Administrative Approval

Ms. O'Hare said this application was submitted November 30 to her office. She explained this is the former Bristol Myers-Squibb property/warehouse application by 5 Research Parkway, LLC which the IWWC approved on Nov. 7. Ms. O'Hare said the application is in front of the PZC and has been changed. She noted the trucks for Warehouse #1 were going to exit onto Carpenter Lane and the trucks for Warehouse #2 were going to exit onto Research Parkway. Ms. O'Hare said the big change now is that the trucks are all going to exit onto Research Parkway but the cars associated with Warehouse #1 are still going to enter and exit off Carpenter Lane. Ms. O'Hare said the change will have ripple effect on the entire property, noting that now the ingress and egress will be closer for cars will be 60 ft. closer to Research Parkway and there will be less pavement involved because the truck entrance is being eliminated.

Chair Vitali said based upon what he read, there will be no difference in impact to the wetlands and there will be a reduction in impact to the upland review area, which Ms. O'Hare said amounts to 8,700 sq. ft. She pointed out the site activity area overall decreased by 124,000 sq. ft. so there is less erosion potential and the impervious surface area decreased by 9,600 sq. ft. so there is less impact overall. Ms. O'Hare said she is comfortable with Administrative Approval because this doesn't involve direct wetlands impact.

The Commission agreed with the granting of Administrative Approval by Chair Vitali.

VIOLATIONS

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

Ms. O'Hare explained that she and the Engineering Dept. will visit the site next week. She said she received a call from the Contractor who informed her that a slip lining was installed without prior review by the Town.

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 Owner/Applicant; Marcus Puttock, Engineer with Godfrey Hoffman Associates and David Lord, Soil Scientist. Atty. Ceneviva gave the history of the site since 2008 when the wetlands were first flagged and before his client purchased the property. He noted 988 East Center Street is 90,768 sq. ft. and is located in the CA-40 zone and is a corner lot with the railroad property boundary to the east. Atty. Ceneviva said his client owns approximately 150 ft. of frontage on E. Center Street. He said the railroad has a track that crosses E. Center Street. He noted it is difficult to tell where 988 E. Center Street meets the railroad property.

Atty. Ceneviva said according to 2008 site conditions, there was a debris pile behind the garage area and there were four buildings on-site which had a number of different uses. He said the site was nearly empty at that time and was in a state of disrepair. Atty. Ceneviva said the site had been graveled before his client owned the property. He said in 2015, his client purchased the property and razed three of the dilapidated buildings. He said the garage was left standing. Atty. Ceneviva said his client was in the process of trying to determine what to do with the debris pile in the back of the site which abuts the wetlands area.

Atty. Ceneviva noted that in 2015, his client began the process of cleaning up the property, razed the buildings that were in a dilapidated state, and connects the pipes into the Town's three-inch Right-Of-Way and covers it with gravel. He said the debris pile was removed and gravel placed behind the garage. He said the work was done to attempt to make the property more attractive.

Atty. Ceneviva presented letters from neighbors from 2015 which stated their approval of the improvements made to the property. Atty. Ceneviva said an application was filed with the PZC, and Ms. O'Hare saw the application and realized there was a violation. He said there was filling of the wetlands as part of the improvement process. He said his client is proposing a remediation which will make the property better. Chair Vitali noted Atty. Ceneviva indicated his client doesn't have to go behind the building if PZC approves this application to take apart the wall and move it back. He said the Applicant is in the upland review area and filled wetlands. Chair Vitali said there was a lot of work that needed permits and asked what the Applicant was going to do.

Atty. Ceneviva said there is remediation and mitigation. He said this is a corner lot which creates two setbacks. Chair Vitali asked if the setbacks were only for building construction. Atty. Ceneviva said this is for a retaining wall which is needed for the significant grade. Mr. Puttock said the Applicant also hopes to bring in a seventh railroad car in the future. Chair Vitali noted the upland review area was taken under our purview. Atty. Ceneviva said this was done unwittingly. He said the plan is to improve the functionality of the wetlands.

David Lord, Soil Scientist, said he flagged the wetlands in 2008. He said the extent of the wetlands runs from the north down to a point and moves and makes a 90 degree bend in 2008

to an area that changed from wetland soils to watercourse channels without wetland soils in them. He said another bend was made to the south to a terminus point to a man-made watercourse channel swale area, for the conveyance of storm water runoff passing through the wetland, taking the bend to the east and south, before going into the railroad culvert. He said this feature was altered in 2008 and did not have wetland soils but a black surface area recognized as watercourse conveyance. Mr. Lord said remediation involves restoring a current section of the impacted wetland which is currently under the gravel surface. He referenced the Nov. 27 wetland restoration and creation plan.

Mr. Lord said the Applicant is looking to provide mitigation compensation for the filling of approximately 522 sq. ft. of wetland area according to the 2008 survey. Mr. Lord said the Applicant is proposing to restore 175 sq. ft. of the filled watercourse area which reduces the amount of impact to 347 sq. ft. of wetland. He said the mitigation compensation and restoration package provides a 2.7 to 1 mitigation compensation ratio. Mr. Lord said for every sq. ft. of watercourse being proposed, the Applicant is proposing to create 2.7 sq. ft. of new wetland, immediately adjacent to the existing wetland and provide vegetative establishment of ground cover vegetation, shrubs and small trees within this area to greatly increase the environmental functioning of this area from its historical prospective in 2008 and its current functioning with the gravel extending out. Mr. Lord said the Applicant is also proposing to create 940 sq. ft. of new wetlands for a net gain of 593 sq. ft. of new wetland to compensate and mitigate and preservation of existing fill in the watercourse area.

Mr. Lord went over the revegetation activities. He said the proposal is to install five trees, shrubs and ground cover mix within the designated areas. He said the existing wetland will have shrubs, small trees and herbaceous ground cover, as well as the wetland emergent vegetation to provide quick revegetation from an upland habitat. He said 25 arborvitae will be planted which will provide a visual buffer between the gravel surfaced area and the new proposed wetland area. He said the white pine would go on the northern side of the newly created wetland area, and the other species will be suitable for planting within the edges or throughout the wetland areas which are former, permanent or future.

Mr. Lord spoke about a New England erosion control restoration seed mix which will introduce more wetland associated vegetation. Mr. Lord also showed photographs of what the area looks like today. He said the upland review zone will be restored and revegetated which amounts to 1,300 sq. ft. Mr. Lord discussed maintenance and monitoring. He noted that after a three year period after the work is done, the areas will be inspected on a regular basis and a written report will be submitted to the wetlands office. Mr. Puttock noted a manhole cover will be placed there on top of a catch basin structure which was buried under the gravel. He said there will also be another manhole at the other end of the installed pipe for connection, maintenance and inspection. He noted the pipe was also enlarged to connect the wetland and surface area. Chair Vitali asked about the covered catch basin. Mr. Puttock explained this is a catch basin box with

a solid concrete cover. Chair Vitali asked Mr. Puttock if he knew this shouldn't be done. Mr. Puttock said he was not involved with the project at that time. He said the Contractor that was cleaning up the debris believed the situation would be made better by doing this. Chair Vitali commented that everyone knows they shouldn't do these things when wetlands or upland review area is involved. Commissioner Simon asked if the north side of the property was a hayfield and would it be maintained as one. Atty. Ceneviva said this could be a conservation area and will not be utilized.

David Palumbo, property owner, said he looked at the property for many years but was unable to obtain it. He said in 2011 or 2012 he and his wife were able to purchase the property with the P&W railroad rights. He said he wants to be a good neighbor, and noted that if something was done wrong, he sincerely apologizes. He said the area was not flagged and went he got the demolition permits and started to clean up the site, people from the Town were on site regularly. He said he wished someone from the Town had said something to him. He said when he found the 1,800 sq. ft. debris pile, he believed he was doing a good thing by removing it. Mr. Palumbo said he found the pipes under the ground which he connected. He said some of the pipes were broken because of the debris. He said he is trying to do the right thing. He noted the seventh car track is already there. He said he and the railroad company have decided not to install the seventh car because of what has been occurring.

Mr. Palumbo said he was told not to take the building down because another building cannot be constructed because his property has two front yards. He said he wants to improve the property to make it better and not take more. Chair Vitali said the piece that would be the conservation easement cannot be developed because it is a wetland. He asked if the road was being constructed around the other buildings when they were being taken down. He said the expansion occurred in recent years. Mr. Palumbo said he did this slowly as it became affordable. Chair Vitali asked Mr. Palumbo if he wanted to remove the turnaround and eliminate it. Mr. Palumbo said he wanted to make it better and give the Town more.

Chair Vitali pointed out this is the problem of using the upland review area, noting it is not like building a swimming pool and is there once or a retaining wall in the upland review area. He noted this will be constantly used and there is no control of what is occurring and no bio-mass filtration going into the wetlands. Chair Vitali noted the Commission is finding out the wetlands is becoming an overflow for the storm drain system because the two pipes were closed together. He said the Town didn't tell Mr. Palumbo not to close the two pipes together because they weren't on the site when it was being done. Mr. Palumbo said he had people come to the site and told him they didn't know the pipes were there.

Ms. O'Hare said wetlands are not to be filled. She said the Applicant has to meet with PZC because there are zoning violations. Chair Vitali asked about a bond noting this was an elaborate plan to ensure the work gets done. Ms. O'Hare said she isn't in favor of filling

wetlands. Atty. Ceneviva noted that work that would be done quickly would be to do the manhole work and change the pipe as requested by Town Engineer Rob Baltramaitis. He said he believed PZC approval wouldn't be needed for this work. Ms. O'Hare said the Town would make the Applicant fix the pipes and noted she requested this work be done. She said the drainage pipe can still be done and the wetlands fixed. She pointed out there is no pre-treatment of the run-off from the trucks as proposed. Chair Vitali said Ms. O'Hare made a good point regarding no pre-treatment of any of this. He said the buffer would also be lost on that side of the property.

Ms. O'Hare said she is not in favor of approving this plan. Chair Vitali said this is still a half-hearted plan and not a complete plan of what the property is going to offer. He said what is being proposed is a band-aid. Commissioner Kern asked if Mr. Lord's wetland creation is to fix the upland review area or the wetlands area. Mr. Lord said his plan will create both. He showed the current and historic southern edge of the wetland. He said wetland will be added that is currently under the fill and gravel parking area. He said the gravel surface will be removed and will be re-vegetated, i.e., the 1,400 sq. ft. of upland review restoration. Mr. Lord said this is currently under gravel and fill which will be removed to bring the grades in agreement with the wetland at the 254 elevation. He said this is restoration and creation which was upland review zone and will now be wetlands. He said some of the upland review zone that had the debris pile under it will now be turned back into a vegetated upland review zone and new wetland area.

Commissioner Kern asked about pre-treatment. Chair Vitali said no matter how new the trucks are, they find a way to leak. He said an oil/water separator would have provided protection and noted there is currently nothing on this site. Commissioner Kern noted that on the eleventh hour, there is talk about an oil/water separator into the yard for drainage. He asked if Water and Sewer Divisions had any concern regarding the reservoir being down the street on this site. Ms. O'Hare said this doesn't go into MacKenzie Reservoir but into the future watershed. Chair Vitali said Ms. O'Hare made a good point that this property needs a master plan with an oil/water separator or a storm water management plan.

Atty. Ceneviva noted the Applicant is in front of this Commission because of a Notice of Violation and doesn't have an application. He acknowledged a Special Permit application was submitted to PZC before he realized his client had to appear in front of the IWWC. Chair Vitali asked if the PZC application addressed the parking lot with any storm water management. Mr. Puttock said there was no storm water management plan and said the plan submitted to the PZC was a grading plan.

Chair Vitali asked how much upland review area was lost. Mr. Puttock responded that the total upland review area disturbed was 4,500 sq. ft. with 1,800 sq. ft. being the debris pile. He said 1,400 sq. ft. will be given back. Chair Vitali said $\frac{3}{4}$ of the upland review area is still being used. He said an upland review area was taken and used as a driveway and turnaround which will be

used every day and noted there is no storm water management plan. He said this area should have remained an upland review area. Atty. Ceneviva said there may be an opportunity for the Applicant and his staff to meet with Water and Sewer and the Planning & Zoning. He said he didn't know of any zoning violations. He said a master plan concept can be put together and work this into the storm water management plan. Atty. Ceneviva said the drainage easement issue has to be remediated. Chair Vitali asked where the flow would be directed if a storm water management was installed in the parking lot. Mr. Puttock said he believed the flow would go directly to the catch basin on E. Center Street. Commissioner Kern said he was concerned about the 12-inch pipe going under the track. Chair Vitali said it needs to be determined where the State E. Center Street system dumps out.

TABLED TO THE JANUARY 2, 2019 IWWC MEETING

3.1181 Barnes Road – Hilton Garden Inn – drainage issue – discussed above.

4. Notice of Violation - IWWC #**A16-2.1/530 Church Street** – Joseph Mineri, Timberwood Homes, LLC – (erosion and non-compliance issues)

Appearing in front of the Commission was Joseph Mineri, owner/developer/builder of 530 Church Street. He said Lots 1-7 have had the driveways stoned and topsoil spread; lots 2, 3, 4, 5, 6 & 7 have been hydroseeded and stabilized to the best of his ability. He said last Wednesday, he received a call from Ms. O'Hare stating the pond was being filled with siltation, runoff and erosion. He said he was aware of these issues. Mr. Mineri said he sent his assistant to the site last Thursday in an attempt to resolve these issues.

Mr. Mineri said there are plans for this week and next week to finish the site. He said letters were sent to the abutting neighbors. He noted there was a meeting with the IWWC on-site last winter to push back the property line. Chair Vitali noted the Applicant owner was making a mess on Rt. 68 hauling topsoil out and there wasn't much protection. Mr. Mineri said he wants to do the correct thing. He said he wants to resolve any issues to get this area stabilized. He noted other people are also working on this site. Commissioner Kern asked Mr. Mineri why we waited until this point in time. Mr. Mineri said the weather needs to cooperate and noted as of today, the last bit of dirt has been hauled out and there will be no more erosion. Commissioner Kern asked Mr. Mineri how he would stabilize the siltation going into the pond. Mr. Mineri said he didn't know where this siltation came from, but guessed it ran off the top soil pile. He said the pond embankments are at the 85% stabilization level. He said there is still more work to be done. He said the lots surrounding the pond are hydroseeded and is some stabilization with the growing grass.

Ms. O'Hare pointed out the Notice of Violation went out November 28, 2018. She said she listed in the Notice, all the items that needed to be addressed which she said should have been addressed a year or two ago and was long overdue. She said she offered directives so there would be no questions. She noted the grass never took so dirt is moving into that storm basin

not the pond. Mr. Mineri said he is fully aware, mainly erosion issues, that have to be done. Commissioner Kern said he understood that additional erosion control will have to be done to prevent any further winter wash off from going into the swale or to the natural pond that hasn't been disturbed yet. He asked Mr. Mineri if he was going to spend more time and money to stabilize the area for the winter. Mr. Mineri said he was going to bring in more haybales and storm drains and a silt fence. He said he was willing to install a silt fence in the swale between lots #5 and #6. Commissioner Kern said it was up to Mr. Mineri to get everything done. He said he wanted the area stabilized before winter. Mr. Mineri said he would have a meeting between himself and the site Contractors before the ground freezes.

Ms. O'Hare said there is water coming down the new road that was built and entering the driveway at lot#5. Mr. Mineri said this has been fixed and is not a problem. He said he believes the water is coming from lot #1 and said he will put haybales around that property. Mr. Mineri said this will all be done by the weekend. Mr. Mineri said he is working as fast as he can to get these issues resolved. Ms. O'Hare asked why the gravel maintenance road which is supposed to go back to the basin. Mr. Mineri said this was discussed with Mr. Baltramaitis and Quality Construction. He noted there is stone underneath. He asked if this was a wetland issue. Ms. O'Hare said this is part of the erosion control plan compliance. She asked Mr. Mineri how much stone should be in place. Mr. Mineri said Quality did this and at the time it was an 1/1/2. He said he followed the plan, put in the stone and planted grass twice and the area has been stable.

Chair Vitali entertained comments from the public.

Christina and Nicholas Falco, House #5, Lot #3. Said they were concerned about what is happening and how this will affect them. They noted the road is still not approved and want to see the water drain appropriately through their property. Ms. Falco noted there is a large swale in their back yard and said she was under the impression the basin was a detention pond that would have no water. She said there is a lot of water in the detention pond all the time and thought it would be fenced in. Chair Vitali said he didn't remember the map showing a fence.

Sal Petruszk, Lot #2, #3 Hidden Brook Road, said he believes the catch basin is in his backyard. He is concerned that it will remain clean and asked if this would be cleaned out after the construction. Mr. Mineri said he will hire someone to clean out all of the debris in the catch basin. Commissioner Kern noted the Commission won't sign off on the bond release until everything is done. He said everything will be inspected before the bond is released.

Ms. O'Hare said she will work with Mr. Mineri and will do a walk-through. Ms. O'Hare said she contacted the Southwest Conservation District regarding fixing the rills in the basin during the winter. She said she didn't receive a response from one week ago, She said she will have to seek technical help on this basin issue. Chair Vitali said Mr. Mineri should get a silt fence installed before the ground freezes and install mulch hay over bare areas. Commissioner Kern

suggested Mr. Baltramaitis do a site visit with Ms. O'Hare. Mr. Mineri showed photos of the lots and the walkable grass.

Chair Vitali entertained a motion to affirm the Notice of Violation.

MR. PARENT: MOTION TO AFFIRM THE NOTICE OF VIOLATION

MS. PHILLIPS: SECOND

VOTE: UNANIMOUS

ELECTION OF OFFICERS

MR. KERN: MOTION TO RE-ELECT THE CURRENT SLATE OF OFFICERS: JAMES VITALI – CHAIR; DAVID PARENT – VICE-CHAIR; NICHOLAS KERN - SECRETARY

MS. PHILLIPS: SECOND

VOTE: UNANIMOUS

Minutes of November 7, 2018

Vice-Chair Parent asked that the Recording Secretary review page 2, second paragraph regarding a statement made by Atty. Ceneviva.

ADJOURNMENT

Vice-Chair Parent made a motion to adjourn the Meeting at 9:59 p.m. Commissioner Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary

