

Wallingford Inland Wetlands & Watercourses Commission

Wednesday, March 6, 2019, 7:00 p.m.

Robert F. Parisi Council Chambers, Town Hall

45 South Main Street

Wallingford, CT

MINUTES

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

NOT PRESENT: Commissioner Michael Caruso; Daryll Porto, Alternate

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

CONSIDERATION OF MINUTES

1. Regular Meeting, Feb. 6, 2019, 7:00 p.m.

MR. PARENT: MOTION TO APPROVE THE REGULAR MEETING MINUTES OF FEB. 6, 2019

AS PRESENTED

MS. PHILLIPS: SECOND

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

OLD BUSINESS

1. **#A14-7.2/195 Chimney Hill Road** – Sunwood Development Corp. – Request for final bond release.

Ms. O'Hare said this is not ready to go forward.

2. **#A19-1.1/15 Windswept Hill Road** – Paradise Vineyard & Winery – Richard Ruggiero – (driveway and parking improvements)

Appearing in front of the IWWC was Christopher Juliano, P.E., Licensed Land Surveyor, Juliano Associates, who reminded the Commission he presented an overview of this project at their February meeting. Mr. Juliano said the Applicant is looking to expand the winery portion of their operation by doing a building expansion for production, adding a patio for customers and a semi-permanent tent. Mr.

Juliano noted that as part of the expansion, the parking area will also be formalized. He said this is the reason why the Applicant is in front of the IWWC because of an increase in surface area. Mr. Juliano went over the site plan and pointed out at the end of Windswept Hill Road at the cul-de-sac, there is a driveway entrance for the winery. He said the driveway accesses both Albert Ruggiero's property and Richard Ruggiero's property, but pointed out the focus was on Richard Ruggiero's property where the main building is located and all the activities take place.

Mr. Juliano went over existing conditions, noting the driveway comes up through the existing property with some parking on Albert Ruggiero's property. He said the formal parking area is in the rear. Mr. Juliano said one of the main reasons besides the expansion, which prompted this application, was to consolidate all the activities onto one property without having an overlap between the two properties. Mr. Juliano explained that as a person comes off Windswept Hill Road, the driveway entrance will be formalized which he noted was more of a Planning & Zoning requirement. He said the PZC is requesting a full 24-ft. wide driveway so there won't be issues with emergency vehicles. Mr. Juliano said the driveway will also be smoothed out and the few items on the Right-Of-Way will be pulled back onto private property.

Mr. Juliano said as soon as one gets out of the 50 ft. access way, the driveway goes from being paved 24 ft. down to 20 ft. He said this is also where the transition from pavement to gravel takes place. Mr. Juliano also explained that since the area is in the Watershed Protection District, gravel will be used for all surfaces beyond the formal driveway entrance. He showed the location of bus parking, customer parking and the existing winery building, where a 20 ft. x 80 ft. addition is planned for wine production. He noted that a formalized patio will also be installed where the current grass area exists along with a temporary seasonal tent off to the side. Mr. Juliano showed the location of two formal bus parking spaces and the customer parking between the two areas of the vineyard, and in the back area, the formalized parking area which will have defined spaces which will be able to better manage traffic circulation.

Mr. Juliano said all of the gravel and parking area will be removed from 12 Windswept Hill Road and relocated to 15 Windswept Hill Road. He said there will be very minor grading, noting Ms. O'Hare's concern about cutting into the hill. Mr. Juliano said the Applicant will not be going into the hill, but pulling away from the hill and removing gravel toward the south in the flat area. He added the area is 154 ft. away from the wetlands. Mr. Juliano noted the existing building is approximately 33,530 sq. ft. and with the addition it will enlarge to 77,317 sq. ft. He said there will be 14,000 sq. ft. of new gravel and building.

Chair Vitali said he believed the issue was runoff from the parking area going into the wetlands. Mr. Juliano noted that one of the concerns Ms. O'Hare had was that runoff comes through the property and ends up in the wetlands, which he pointed out, was naturally occurring based upon the topography. Mr. Juliano said Ms. O'Hare was concerned the increase in gravel area would exacerbate the issue. He said he came up with a system of installing cobbles and boulders along the edge of the parking lot which will stop any surface flows and slow them down. He also spoke about pre-treatment stating that 154 ft.

doesn't meet the CT requirement for pre-treatment, being 30 ft. short. He said a 250 ft. long swale will be installed behind the boulders and cobblers which will attenuate flows. He said this is a low-tech, but an elegant solution. Commissioner Kern asked about the tent, the patio, and the back section, noting during the site visit in November that area seemed steep and wondered if the topography would be changed. Mr. Juliano said where the proposed patio is going, is a fairly flat area. He noted there is a ramp going up to the building, which will remain. He pointed out the addition will be two-stories, so they will be able to load into the lower level, and then the first floor will match the elevation of the first floor of the winery production area. He said the ramp will probably be made to be less steep by being extended out.

Commissioner Kern asked about the roof leaders running with sheet flow over the ground. Mr. Juliano said he didn't know if there were roof leaders on the building, noting he believed the runoff from the roof hits the grade with no gutters or leaders, just sheet flow. Commissioner Simon asked what was meant by formalized parking. Mr. Juliano said the PZC will want designated line striping. He said between the rows, split rail fencing will be used. He said there will be a post every 9 ft. which will define the parking spot. He said this will fit in with the farm nature of the operation.

Mr. Juliano said the gravel will have to be painted with strips which he said wouldn't last long, but at least the split rail fence will remain intact and people will be able to visually see the parking spaces. Mr. Juliano also pointed out that during the winter, the rails can be pulled out so as to not interfere with plowing. Commissioner Simon asked about the type of material would be used for the driveway and what material is on the driveway currently. Mr. Juliano explained the first part of the driveway will be paved, and said that currently, the driveway is a combination of broken pavement, dirt, gravel and millings. Commissioner Simon asked if this material would be removed when the new gravel is installed. Mr. Juliano said anything that can be reclaimed will be reused as a driveway base. He noted that millings cannot be used in the Watershed Protection District.

Ms. O'Hare referenced her Feb. 28, 2019 Environmental Planner's Report. She noted 12 Windswept Hill Road sent a letter and gave permission to allow some of the activities, which she said would happen on that property and would have required a co-application. Ms. O'Hare said she is interested in drainage easements for all the increase in flows which will travel north. She also noted that on the 12 Windswept Hill Road property, Mr. Juliano spoke about a border of boulders and cobblers along the edge. She noted on the other side, there will be a grassed drainage swale and wanted further explanation from Mr. Juliano. She said she believed there should be a drainage easement which could be included in the Conditions of Approval.

Ms. O'Hare also spoke about a seep coming out of the hill on the southwest side of the parking area. Ms. O'Hare noted this seep when she was on the site last spring. She said Mr. Juliano doesn't believe there will be a seep in this area because the Contractor will cut into the woods and remove some of the slope and the forested area and if there is a seep it can be handled at that time.

Ms. O'Hare spoke about comments from the Water Division which she said was looking at this project closely, because it was in the watershed area. She noted the Water Division recommended that pervious materials be used; and no storage of hazardous toxic contaminated materials and no parking lots having more than 10 spaces shall use sodium chloride for ice control. Ms. O'Hare also noted comments from the Electric Division which she pointed out sent 15 pages of specifications detailing how the electric utility under the driveway is to be handled with concrete, gravel and depth. Ms. O'Hare went over her three Conditions of Approval. Ms. O'Hare asked Mr. Juliano to go over the grass drainage swale. Mr. Juliano explained this is a grass-line swale 3 ft. wide, six inches deep and is relatively flat. He said the purpose is to attenuate the flows in order to meet the 2002 CT guidelines for pre-treatment attenuation.

Mr. Juliano mentioned the seepage in the southwest portion of the property and noted that while the Contractor will cut into the woods, activities will cease prior to the slope. He noted that any seepage in the gravel parking lot will collect there and be treated as runoff. Mr. Juliano said he read through Ms. O'Hare's Conditions of Approval and will comply.

In answer to Chair Vitali's question, Mr. Juliano said the swale will be mowable once or twice a year. He noted there are woods on the other side of the grassy area. Chair Vitali said he would like to see the swale designed so the grass could be cut with a lawn mower and believed the swale would function better if it stays mowed. Mr. Juliano agreed. Ms. O'Hare explained she wasn't concerned about seeps coming out from the eastern slope; the seeps she saw last spring were right next to the chicken coop located on the southwestern area. She noted if one looks at the grading, there is a low point and a crest in the area where the drainage comes along the ridge.

Chair Vitali entertained a motion on Significant Activity on this application.

MR. PARENT: MOTION THAT APPLICATION #A19-1.1/15 WINDSWEPT HILL ROAD – PARADISE VINEYARD & WINERY – RICHARD RUGGIERO – (DRIVEWAY AND PARKING IMPROVEMENTS) BE DEEMED NOT A SIGNIFICANT ACTIVITY

MS. PHILLIPS: SECOND

VOTE: SIMON – YES; PHILLIPS – YES; PARENT – YES; KERN – YES; CHAIR VITALI –YES

Chair Vitali entertained a motion to approve or deny the application.

MR. PARENT: MOTION THAT APPLICATION #A19-1.1/15 WINDSWEPT HILL ROAD – PARADISE VINEYARD & WINERY – RICHARD RUGGIERO – (DRIVEWAY AND PARKING IMPROVEMENTS) BE APPROVED SUBJECT TO CONDITIONS LAID OUT IN THE ENVIRONMENTAL PLANNER'S MEMO OF FEB. 28, 2019 WHICH

INCORPORATES BY REFERENCE THE MEMO FROM THE DEPT. OF PUBLIC UTILITIES DATED FEB. 1, 2019. THE CONDITIONS IN THE ENVIRONMENTAL

PLANNER’S REPORT ARE AS FOLLOWS:

- 1. COPY OF LAND RECORD RECORDING TO BE SUBMITTED TO ENVIRONMENTAL PLANNER WITHIN ONE MONTH OF APPROVAL RELATIVE TO DRAINAGE EASEMENT FOR THE 12 WINDSWEPT HILL ROAD PROPERTY IN FAVOR OF 15 WINDSWEPT HILL ROAD PROPERTY REGARDING THE INTRODUCTION OF INCREASED FLOWS TO TRAVEL FROM THE IMPROVED PARKING AREA AND DRIVES LOCATED ON THE 15 WINDSWEPT HILL ROAD PROPERTY ONTO THE 12 WINDSWEPT HILL ROAD PROPERTY;**
- 2. CONDITIONS OF WATER DIVISION MEMORANDUM DATED 2/1/19, BE MET**
- 3. EROSION CONTROL INSTALLATION IS TO BE INSPECTED AND APPROVED BY THE ENVIRONMENTAL PLANNER FOR ADEQUACY OF INSTALLATION PRIOR TO ANY FURTHER WORK BEING CONDUCTED. GROUND LEVEL CANNOT BE OBSCURED BY SNOW FOR THE INSPECTION.**

MS. PHILLIPS: SECOND

VOTE: SIMON – YES; PHILLIPS –YES; PARENT – YES; KERN – YES; CHAIR VITALI - YES

3.#A19-1.3/5 Research Parkway – 5 Research Parkway Wallingford, LLC – (demolition of buildings) – Request for Administrative Approval – Granted 2/6/19

Chair Vitali said Administrative Approval was granted, but was subject to the Applicant receiving permits and approval from Planning & Zoning and Water and Sewer Divisions.

4.#A19.2.1/23 Wojtasik Drive – Joseph T. Wojtasik – (after-the-fact tree removal)

Chair Vitali noted an after-the-fact tree removal was granted. Ms. O’Hare said this wasn’t an Administrative Approval. She noted the tree in the stream corridor has been removed. Chair Vitali said that based upon Ms. O’Hare’s recommendation, Mr. Wojtasik applied for an after-the-fact permit and asked Ms. O’Hare if there was any reason not to grant Administrative Approval. Vice-Chair Parent noted this appears to be minor and an Administrative approval could be granted. The Commissioners agreed.

Chair Vitali granted an Administrative Approval. Ms. O’Hare noted this item is also on the Agenda under “Violations” so the Commission will have to vote to remove this violation.

NEW BUSINESS – None

RECEIPT OF NEW APPLICATIONS

1. **#A19-2.2/14 Brookview Avenue** – John Santamaria – (stream bank stabilization) – received by Chair Vitali. Ms. O’Hare said this application went out in the Commissioners packets last Thursday. Ms. O’Hare said she will visit this site within the next month and write a report.
2. **#A19-3.1/14 Fairfield Boulevard** – Davenport Associates, LLC – (expansion) – received by Chair Vitali. Ms. O’Hare said this application is for an increase in surface area.
3. **#A19-3.2/333 Christian Street** – Choate Rosemary Hall – (soccer field reconstruction)

Ms. O’Hare explained this is an existing grassed soccer field. She said the games were being washed out because of the amount of rain this fall season, so a turf field with underdrains will be installed.

BUDGET FY 19/20

1. Town Council Public Hearing, Council Chambers, April 8, 2019, 6:00 p.m.
2. Town Council Budget Workshop, Council Chambers, April 16, 6:30 p.m.

Chair Vitali said that he and Ms. O’Hare went over the budget and other than salaries; the budget has stayed the same.

REPORTS & COMMUNICATIONS

1. Eversource Energy – Notice of tree removal in transmission easement area from Beseck Switching Station north to Meriden line; received 2/14/19
2. DEEP Permit Application for the Use of Pesticides in State Waters, 173 Summerhill Road – Preserved Condominium pond – received 2/14/19

Chair Vitali asked Ms. O’Hare if the use of pesticides in the pond water occurs each year. Ms. O’Hare said this is the case and noted she received two more DEEP applications for the use of pesticides today; one for the Choate Rosemary Hall ponds, and one for the Fieldstone Farm ponds. She explained DEEP issues the permit but the applicator is required to send the IWWC a notice. She said this is sort of rubber stamped by the DEEP, but the IWWC and her office can submit comments to DEEP.

3. Rockfall Symposium, “Site Design and Green Infrastructure for Changing Weather Patterns”, UCONN Extension Center Annex, Haddam CT, April 12, 2019.
4. CT Association of Wetland Scientists (CAWS) Annual Meeting & Environmental Conference, Cromwell, CT., Thurs., March 14; received 2/20/19

VIOLATIONS

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

Ms. O’Hare reported she was informed that the Applicant’s Attorney will be meeting with Town Planner Kacie Hand next Tuesday. She said a lot of changes have to be made to the plan in order to comply with

the Water Division's watershed requirements for the future watershed, i.e. Tyler Mill Preserve Watershed, designated as a future watershed.

Chair Vitali said he believes it will be a year or two before the permit is obtained, so the violation can be maintained for this long. He said a position has to be taken that the driveway must be removed, because this area wasn't a driveway beforehand. Chair Vitali instructed Ms. O'Hare to contact the Applicant's Attorney stating that the violation must be corrected and the driveway removed immediately. Ms. O'Hare said erosion controls must also be involved. She asked what would be installed after the driveway is removed. Chair Vitali suggested natural material, grass seed or haybales. He said if the Commission is not careful, this violation will sit and will be in effect constantly. Chair Vitali said he believes this driveway should be removed by May 1 and the area put back into its natural condition.

Chair Vitali entertained a motion.

MR. PARENT: MOTION REGARDING NOTICE OF VIOLATION, 988 E. CENTER STREET, BENCHMARK LAND DEVELOPMENT LLC, AND PROVIDENCE AND WORCESTER RAILROAD COMPANY BE DIRECTED BY THE ENVIRONMENTAL PLANNER TO REMOVE THE VIOLATION BY MAY 1, 2019

MS. PHILLIPS: SECOND

VOTE: MCKEEN – YES; PARENT –YES; PHILLIPS – YES; KERN –YES; CHAIR VITALI – YES

Ms. O'Hare asked the Chair if this mean removing materials from both the and he responded in the affirmative as Benchmark put the material on both properties.

2. Notice of Violation – IWWC #A16-2.1/530 Church Street – Joseph Mineri, Timberwood Homes, LLC – (erosion & non-compliance issues) – staff report

Ms. O'Hare said Mr. Mineri did 60% of the work and is waiting for spring to restore the basin walls and seed some eroding areas.

Chair Vitali entertained a motion on the violation.

MR. PARENT: MOTION THAT THE VIOLATION REGARDING IWWC #A16-2.1/530 CHURCH STREET EROSION AND NON-COMPLIANCE ISSUES REMAIN IN EFFECT

MS. PHILLIPS: SECOND

VOTE: MCKEEN – YES; KERN –YES; PARENT – YES; PHILLIPS – YES; CHAIR VITALI – YES

3. Notice of Violation – 52 Hanover Street/Quinnipiac River – Mary Jane Webster Legace et. al./Frank Vitale – (forest removal)

Ms. O'Hare said she has been working with Mr. Vitale and the Contractor. She noted the report in the Commission's packets by Roman Mrozinski of the Southwest Conservation District. Ms. O'Hare said the violation was issued on January 28 but pointed out things have not gone smoothly because of the weather. Ms. O'Hare said the Contractor constructed a berm at the top of the slope approximately three weeks ago as he was instructed to do by the Southwest Conservation District. Ms. O'Hare said the Contractor intends to haul the trees out of the river on Thursday or Friday and use these trees to stabilize the edge of the bank. Ms. O'Hare said she instructed him to install haybales on the top of the river bank because the snow is melting and bringing soil material down.

Ms. O'Hare noted the Quinnipiac River Watershed Association Board has agreed to provide some funds for replanting which must be done to restore the bank. Chair Vitali asked about Ms. O'Hare putting an article in the newspaper regarding the regulations of clear cutting within 50 ft. of the wetlands. Ms. O'Hare said the reporter initiated this article.

Chair Vitali entertained a motion on the Notice of Violation.

MR. PARENT: MOTION THAT THE NOTICE OF VIOLATION FOR 52 HANOVER STREET/QUINNIPIAC RIVER, MARY JANE WEBSGTER LEGACE, ET AL, REMAIN IN EFFECT

MS. PHILLIPS: SECOND

VOTE: SIMON – YES; PHILLIPS – YES; PARENT – YES; KERN – YES; CHAIR VITALI – YES

4. Notice of Violation – 23 Wojtasik Drive – Joseph Wojtasik – (tree removal)

Chair Vitali said this violation has been removed because there is a permit. Chair Vitali entertained a motion that the notice of violation is no longer in effect.

MR. PARENT: MOTION THAT THE NOTICE OF VIOLATION ON 23 WOJTASIK DRIVE, JOSEPH WOJTASIK IS NO LONGER IN EFFECT

MS. PHILLIPS: SECOND

VOTE: SIMON – YES; PHILLIPS – YES; PARENT – YES; KERN – YES; CHAIR VITALI – YES

Commissioner Kern asked Ms. O'Hare if she checked whether or not the materials are being stockpiled and used for grading and leveling or removed from the site at 5 Research Parkway. Ms. O'Hare said there is no development application, but there is a demolition permit. She said for the demolition, she believes the materials are being taken off-site but did not pursue this. Ms. O'Hare said she will report to the Commission on this matter before the next IWWC meeting.

Chair Vitali said he thought the materials were to remain on-site to be used as fill as part of the base. Commissioner Kern said he was concerned that the material would be used for fill on site and the soil and erosion control would double and triple. He said porous concrete would be crushed to a powder

and fine granular material and the water would push it around. Commissioner Kern said Ms. O'Hare was going to check to see if this was the case and to ensure the S&E controls would be beefed up around these piles so they wouldn't be sitting down on Rt. 68 in a rainstorm or on the little pond in front.

Ms. O'Hare said she and the other Town Departments were supposed to go to the site on Tuesday to check the erosion control and give the go-ahead, but the site visit was canceled because of the snow storm. She said she will look into this matter.

ADJOURNMENT

Vice-Chair Parent made a motion to adjourn the Meeting at 7:45 p.m. Commissioner Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary