

Wallingford Inland Wetlands & Watercourses Commission

Wednesday, April 3, 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; Robert Simon; Aili McKeen; Erin O’Hare, Environmental Planner.

NOT PRESENT: Commissioners Michael Caruso; Daryll Porto.

Chair Vitali called the Meeting to order at 7:03 p.m. and the Pledge of Allegiance was recited.

CONSIDERATION OF MINUTES

1. Regular Meeting, March 6, 2019, 7 p.m.

MR. PARENT: MOTION TO APPROVE THE MARCH 6, 2019 MEETING MINUTES AS PRESENTED

MS. PHILLIPS: SECOND

VOTE: MCKEEN – YES; KERN – YES; PARENT – YES; PHILLIPS – YES; SIMON – YES; CHAIR 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 item will have to wait until the grass is established.

2. **#A19-2.2/14 Brookview Avenue** – John Santamaria – (stream bank stabilization)

Ms. O’Hare said the Applicant requested this item be tabled noting she had gone to the site and contacted Roman Mrozinski of the Southwest Conservation District who came to the site and met with the owner and the Contractor who all agreed there must be more work than what was originally proposed. Ms. O’Hare said the Applicant is waiting for Mr. Mrozinski’s report and will present in May.

3. **#A19-3.1/14 Fairfield Boulevard** – Davenport Associates, LLC – (expansion)

Appearing in front of the Commission was Chris Hulk, P.E. Milone & MacBroom, representing Davenport Associates. He said the project entails the expansion of office space at the current Davenport Associates facility and the expansion of the outdoor storage area located on the northern side of the property. Mr. Hulk said the application is required because of the change from a grass/forested impervious area to a semi-impervious area over 10,000 sq. ft. He said currently on the site there are no wetlands but noted when the Applicant was in front of the IWWC over two years ago for the development of the headquarters, there was the same situation. Mr. Hulk said there are wetlands located on the western and eastern sides of the property and a storm water basin regulated through Town activities.

Mr. Hulk said that currently, the closest activity is the changing of the paved storage area to be the office expansion area which he pointed out on the site plan. He said this would be a mirror image of the existing office space and will be used for training along with a small expansion for some of their day-to-day employees. Mr. Hulk said there is no impact to wetlands from this perspective. He said sediment and erosion controls will be installed to keep any materials away from the storm water basin.

Mr. Hulk spoke about the development of the outdoor storage area which is currently a semi-forested area that was mainly briars and undergrowth located on the far north of the property and under the previous development was used as a snow storage area. He said what is being proposed now is to remove the trees, the topsoil and place down millings material which will allow the space to be used for storage needs, i.e., piping, pipe fitting and also have an area for snow storage. Mr. Hulk noted this expansion was approved by the Zoning Board of Appeals. He said the building is 150 ft. to 200 ft. away from the wetlands and the storage area is several hundred feet away from the wetlands.

Commissioner Kern asked where the snow would be stockpiled. Mr. Hulk said the snow would be stockpiled in the same general location but stored on different surface material. Commissioner Kern asked if any material and how much material would be removed from the site. Mr. Hulk said approximately 500 cubic yards to 600 cubic yards of topsoil would be removed from the site. Commissioner Kern pointed out he had been out at the site a few months ago and drove to the back of the parking area and noted a defined elevation difference between where the addition will be constructed and the existing area is located. He said this area seemed too steep to stockpile pipe. He asked if the material would be shifted around the site stating he didn't understand how this area would be used. Mr. Hulk said the plans call for the area on the southern side of the storage area is to have a retaining wall 2 ft. to 3 ½ ft. high. He explained the reason for the retaining wall is that a portion of the site has to be raised and cut a portion of the site to make a flatter area so the pipe can safely be stored. He said that site will be stepped.

Vice-Chair Parent noted Map "D1" which states "impervious fill 12 inches deep". He said this was right on the top and shows how the area will be built up with blocks. Mr. Hulk said he believed this was a typo, noting what will be on top will be a trench drain, an open-graded stone on top of the wall and the trench drain will be located on the western side to capture any storm water runoff into those infiltration trenches and any overflows will tie into the existing on-site storm water system. He said the storm water basin is capable of handling the proposed improvement without any need for modification to the basin.

He said there is no modification to the basin, but there will be a small modification which will have to be made to the outlet control structure, the V-Notch Weir, which retains the water and allows it to spill over in a controlled manner, will have to be raised one-inch.

Ms. O'Hare referenced her March 28, 2019 Environmental Planner's Report. She said the regulated activity described in the report is the creation of surface area, noting the net surface area proposed is approximately 28,500 square feet. Ms. O'Hare said the Applicant is increasing the drainage to the basin as it comes out of the pipe. Mr. Hulk said there is an increase in the storm water flow, noting that currently all the material still gets to the basin, but because of the change in material type; there will be a small increase in storm water runoff. Ms. O'Hare said she had also handed out to the Commission tonight, the Applicant's revised plan, which she pointed out was in response to comments she made in her Environmental Planner's Report.

Ms. O'Hare said she looked at the revised plan on Wednesday and has two conditions of approval in her EPR, but suggested adding three more, one of them being adding maintenance of the stone trench; and should the Planning & Zoning Commission require anything, they should check with the Environmental Planner to see if further wetland permitting is required and said she would like to see haybales at the end of the pipe that spills into the basin during the raw construction period. Mr. Hulk said the Applicant had no objection to taking measures for needed S&E controls during construction and would be happy to work with the Environmental Planner. Ms. O'Hare noted the two conditions of approval in her EPR and wants to ensure the new length of pipe being installed is perforated.

Chair Vitali asked Mr. Hulk if he understood what Ms. O'Hare had added to the conditions of approval and if the Applicant agreed to all of this. Mr. Hulk said the Applicant is agreeing to add the language to the trench drains being added to the storage area and will add operation and maintenance to this. Chair Vitali pointed out the trench drains are already on the plan. Mr. Hulk explained the operation and maintenance plan submitted separately excluded this material so he said he would revise this plan to include this material and the second condition of approval is that the Applicant will work with the Environmental Planner to take the necessary measures for erosion control during construction, and the Applicant will revise the language from matching the pipe type to calling for it to be a perforated pipe for the roof leader drain.

Ms. O'Hare said haybales or some other protection should be installed at the place where the pipe discharges into the basin during the raw construction. Mr. Hulk said the Applicant didn't have a problem adding haybales down where the outlet to the basin is located. Ms. O'Hare also mentioned standard erosion control, the Environmental Planner is contacted to inspect the erosion control plan on-site and to approve it before any other activities.

Commissioner Kern asked about the maintenance on the trenches. Mr. Hulk said these will be stone trench drains, three foot wide by four foot deep bed of stone with pipe at the bottom. He said the maintenance will be to periodically inspect the surface stone to ensure the millings are not encumbering the stone material and it will continue to function adequately. He said language will be added

specifically for the stone trenches to be periodically inspected and built-up debris to be removed as required. Commissioner Kern asked if all the millings would end up in the trench drains after winter. Mr. Hulk said the millings could potentially be in there so it will have to be reviewed. Commissioner Kern asked the reason for the perforated pipe, noting Ms. O'Hare requested this. Commissioner Kern pointed out he was at the site during construction and all the soils are not percolating soils, they are not hardpan but the next best step to hardpan, so there won't be any leaching going into the soils. Mr. Hulk said perforated pipe is being used to help with the infiltration. He explained the perforated pipe being requested by Ms. O'Hare is around the building itself for the roof leaders. He said he would prefer the pipe be solid, but if this is a recommendation or requirement for approval, the Applicant isn't adverse to doing this. Mr. Hulk said he believes this was the suggestion of the Environmental Planner.

Ms. O'Hare noted that going back to the original permit of two years ago, the Commission wanted the roof water to recharge, so the Applicant agreed to install a perforated pipe. Regarding the millings going into the trench drains, Commissioner Kern said he has never seen in 60 years, how this can be kept segregated. He said usually after a five-year period, one wouldn't know the drains are even there because they are all part of the shelf. Mr. Hulk said the owners are aware of what is required to make things work as designed. He noted the cleaning out of the sediment from the existing catch basins has already been scheduled.

Chair Vitali entertained a motion on Significant Activity.

MR. PARENT: MOTION THAT APPLICATION #A19-3.1/14 FAIRFIELD BOULEVARD – DAVENPORT ASSOCIATES, LLC – (EXPANSION), BE DEEMED NOT A SIGNIFICANT ACTIVITY

MS. PHILLIPS: SECOND

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

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

MR. PARENT: MOTION THAT APPLICATION #A19-3.1/14 FAIRFIELD BOULEVARD – DAVENPORT ASSOCIATES, LLC – (EXPANSION) BE APPROVED WITH TWO CONDITIONS OF APPROVAL AS SET FORTH IN THE ENVIRONMENTAL PLANNER'S REPORT DATED MARCH 28, 2019:

- 1. STANDARD EROSION & CONTROL CONDITIONS**
- 2. THE PROPOSED ROOF FLOWS WILL FLOW THROUGH PERFORATED PIPES, AS PER ONE OF THE ORIGINAL PERMIT CONDITIONS**

MS. PHILLIPS: SECOND

Ms. O'Hare mentioned other conditions, but the Commission only voted on the above two Conditions of Approval. The other Conditions of Approval were to add maintenance for the stone trench and should the Planning and Zoning Commission require anything, the Applicant should check with the Environmental Planner to see if further wetland permitting is required; also install haybales at the end of the pipe where it splits into the basin.

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

4.#A19-3.2/333 Christian Street – Choate Rosemary Hall – (soccer field reconstruction)

Appearing in front of the Commission was Robb Champlin, Project Manager, Clark Companies, and Walter Schaeffler, Chief Financial Officer, Choate Rosemary Hall. Mr. Schaeffer said the plan is for the renovation of the existing outdoor North Maguire Athletic Field. He said the existing grass playing field surface would be changed to a synthetic grass playing surface. He said the primary motivation ties into existing conditions on-site, difficult drainage and an effort to promote a better ability to schedule outdoor athletic contests in a timely manner, particularly after a wet season. He said there will be more playing ability and more playing time, augmenting Choate's other existing synthetic field and promoting student safety.

Mr. Champlin went through the design drawings. He explained there is an existing natural grass playing field and bleachers. He said the site itself will be accessed in the future by a gravel access road which will be utilized during construction. He said he came up with two drainage areas when the stormwater management calculations were done. Mr. Champlin said the one drainage area consists of the road and impervious areas along with a pad for future construction of a building. He said he is attenuating this for water quality with a sand trench with a pipe and are attenuating the quantity by a pond structure with an outlet. Mr. Champlin said the synthetic field proper has a slope on the west side, a field area, and another slope on the east side going down to a stream. He denoted the wetland buffer on the plan and follows half way up the bank near an existing fence and follows up to the north of the site.

Mr. Champlin said the field itself is currently natural grass, surface flow, and terrible soils which are finely grained which don't promote infiltration. He said geotechnical testing was performed. Mr. Champlin said a synthetic turf field is being proposed which vertically drain and don't surface flow. He said the top remains dry and the water flows through the turf section through an 8-inch stone base into flat drains in a permeable fabric. He said the water follows a sub-grade and is collected in pipe networks which were engineered to hold 200,000 gallons of water which will be released slowly back into the wetlands. He said this is shown on the plans. Mr. Champlin spoke about the outlet point which he said for the entire area is six inches which flows into a control structure with a weir plate that backs all of this water back up into the field and there is a three-inch opening at the bottom which allows the water to escape.

Mr. Champlin said the existing drainage structures will be maintained and piping will be improved to mitigate existing erosion. He said the storm water flows, pre - and post-construction, will be the same

over this entire area. Commissioner Kern asked what would happen downstream noting 200,000 gallons peaking out where the water would end up. Mr. Champlin said the field is enclosed by a perimeter concrete curb and is designed to hold a 100-year storm. Commissioner Kern asked if a weepage allowance for weepage coming from the bank from the east to the wetlands was considered. Mr. Champlin said this is not attenuated in the field and is the section maintained by the existing drainage system. Chair Vitali noted this is on the opposite side. Mr. Champlin said there is a way to release water from the system. Commissioner Kern asked about the material. Mr. Champlin said it was ¾ inch washed stone. Commissioner Kern said he read older articles about the synthetic turf being made with material that wasn't safe. He asked if the gravel was the replacement. Mr. Champlin said the gravel itself is beneath the turf which is below the synthetic turf with a fabric and a sand and rubber infill which keeps the blades vertical. Commissioner Kern asked about the building which Mr. Champlin mentioned at the beginning of his presentation. Mr. Champlin said the building will be dry storage. Mr. Schaeffer said the size is still under consideration, but the thought was to have a two to three-bay uninsulated frame building to house soccer balls with fiber optics for cameras which may be installed at the edge of the field. Mr. Schaeffer said the building will likely have basic electricity but no water or sewer.

Chair Vitali asked about the comment about a round stone base and then noted it was a crushed product. Mr. Champlin said this would be a quarry product that would be crushed. Commissioner Phillips noted the water drainage would be from the bleacher side down to the side where the drains are located, the fields are draining on one direction. Mr. Champlin said the field would not drain in one direction noting that half of the field drains towards the bank and the field has a crown. He said the water would go down the bank and then back up to the center of the field and back down. Mr. Champlin said half the field drains into three existing structures and the other half heads over the bank.

Ms. O'Hare referenced her Environmental Planner's Report dated March 28, 2019 which was sent to the Commissioners last Friday. She also noted there were revised plans which were also sent out to the Commissioners. Ms. O'Hare said the Applicant was not looking for approval tonight because there will be another revised plan. She said she did her first site visit last Friday with Tim Catella, of Clark Companies.

Ms. O'Hare said she had a few concerns but noted the plan is good except for existing erosion conditions. Ms. O'Hare said at the end of the slope, the existing field goes to the edge of a very steep slope with soft soils. She said at the last elevation line on the site plan shows Catlin Brook. She said there are three discharge points today that have eroded conditions. Ms. O'Hare said typically when work is being done within several feet of an eroded gully; it is folded into the project, which the Applicant has agreed to do and to also redesign. Ms. O'Hare said there should be a tie-in to the new drain into an existing 8-inch PVC pipe because the soil is fragile. She said the tie-in should be made up above where it is level and then there will only be two major discharges coming off the field. Ms. O'Hare said the Applicant has agreed to do this.

Ms. O'Hare said the third area she was concerned about was the building which has some roof drainage but mostly it is drainage coming down the slope for the access road which will be constructed. Ms. O'Hare said there is no gravel road currently, but the proposal is for the gravel road to be permanent in order to access the building. Ms. O'Hare said the drainage that is proposed to come down the gravel access road is to be contained in a small storm basin on the drawings. Ms. O'Hare said she is concerned about the discharge which is at the crest of the slope with soft soils. She said this is a sensitive area and must be looked at again.

Chair Vitali noted the gravel road will be constructed and the bank is steep. He asked about the existing path that goes in there and gets muddy and can't be used. He also wondered why this didn't have a new base in it, noting it gets flooded out and gets to be a mud puddle at the top of the hill. Mr. Champlin said this could be corrected but he had only assumed this new pathway. Chair Vitali asked if the gravel road would be permanent. Mr. Champlin said the road will be permanent but would only be used for maintenance vehicles and possibly ambulances. Mr. Schaeffer said the road follows a cut from the installation of the original field approximately 40 years ago, so that grade had been there. He said he believed there had been stone and gravel in the past but became semi-wooded over the years.

Mr. Schaeffer commented that when he learned about the scour, particularly under the 8-inch pipe which has been in place for approximately 40 years, we were prepared to install rip-rap and do mitigation as recently as this past Monday, but decided to wait until the IWWC meeting to address this as a maintenance item. Commissioner Kern asked Ms. O'Hare if she was comfortable in having the Applicant verbally agree to address her concerns. Ms. O'Hare pointed out the Town Engineer had expressed concern about this erosion at a recent Town Departmental meeting.

Ms. O'Hare said the Town Engineer stated that he would take a closer look at this situation when this application goes in front of the Planning & Zoning Commission. Commissioner Kern said this application could be approved tonight as received with a few modifications. Ms. O'Hare said she wasn't prepared to approve this application tonight. Commissioner Kern said he was more concerned with S&E controls. He said he believed the Commission could go ahead and approve the turf field and let the PZC address the scouring. Ms. O'Hare asked that Catlin Brook be placed on the Site Plan. Chair Vitali told Ms. O'Hare she should ensure this is Catlin Brook and not Wharton Brook at this point, noting this brook has had different names over time. Ms. O'Hare said the Applicant also must get the property line straightened out to see whose property the river is on at different points.

Chair Vitali asked the Applicant if soil was being removed now. Mr. Champlin said the organics, topsoil, sod and grass materials are being removed at this time. He said around three inches of material will be removed.

Chair Vitali entertained a motion on Significant Activity at this time.

MR. PARENT: MOTION THAT APPLICATION #A19-3.2/333 CHRISTIAN STREET – CHOATE ROSEMARY HALL – (SOCCER FIELD RECONSTRUCTION) BE DEEMED NOT A SIGNIFICANT ACTIVITY

MS. PHILLIPS: SECOND

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

Chair Vitali entertained a motion to approve or deny this application

MR. PARENT: MOTION THAT APPLICATION #A19-3.2/333 CHRISTIAN STREET – CHOATE ROSEMARY

HALL – (SOCCER FIELD RECONSTRUCTION) BE APPROVED WITH THE FOLLOWING

CONDITIONS:

- 1. THE ENVIRONMENTAL PLANNER INSPECTS THE EROSION CONTROLS PRIOR TO ANY FURTHER ACTIVITY ON THE SITE;**
- 2. THE TWO EXISTING ERODED DISCHARGE AREAS ARE REMEDIATED AS PART OF THE PROJECT**
- 3. WETLAND PLACARDS TO BE PLACED ON THE SITE**

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

RECEIPT OF NEW APPLICATIONS

1. **#A19-3.3/2 Taylor Lane** – William & Kara Shields – (filling for in-ground pool)

Ms. O’Hare said the Applicant requested this item be tabled because the design they wanted would fill in some of the wetlands. She said the Applicant is looking to turning the pool 90 degrees but noted they may have to go to the Zoning Board of Appeals.

2. **A19-3.4/5 Research Parkway** – 5 Research Parkway, Wallingford, LLC – (day care facility driveway, electric, gas & telephone utility installation) – Request for Administrative Approval – granted by Chair Vitali on 3/27/19.

Chair Vitali said this activity was included in the approvals of the Master Plan, but pointed out because the Master Plan wasn’t done, they didn’t get approvals for the building, but the work was done for the gas, electric and telephone for the daycare center. He said this is why a permit was needed for that activity. Ms. O’Hare said this was correct and noted this is tied somewhat to the demolition activity because some of the utilities are being cut off because of the demolition so the Applicant has to do this otherwise there will be no service to the daycare center.

3. **#A19-3.5/1175 Barnes Road** – Shekha Patel (Shields Hotels) – Modification of permit IWWC **#A18/10.1**
4. **#A19-3.6/1175 Barnes Road** – Kirit Patel (Shields Hotels) – Modification of permit IWWC **#A18-10.1** – Request for Administrative Approval - granted 4/2/19

Ms. O'Hare said Item #4 should have come in earlier before Item #3. She said in the original approval by the IWWC on Dec. 5, there was a Condition #1 which stated these three conditions must be brought in to the Environmental Planner within a month. She said the Applicant came in for an extension, to make it for three months, which the Commission agreed upon. Ms. O'Hare said this ended March 5. She said this is just to bring this retroactively back alive that the Applicant is still in compliance with the original permit. She said the Commission is granting another extension to Condition #1 for Item #4.

Ms. O'Hare said for Item #3, the IWWC approved the original hotel design on Dec. 5, 2018. She said the Applicant then came in with a revised design in response to what the Planning Dept. wanted. She said there was trouble with the restaurant and the design had to be revised. Ms. O'Hare said she sent the revised design out in the Commissioner's packets last Friday. Ms. O'Hare noted there was more concerns from Planning & Zoning. She said she received the final revision on April 3 and handed this out to the Commission and said that John Schmitz of BL Companies was present at tonight's meeting to present the final design which will then be forward to the Planning & Zoning Commission. She noted this plan is a modification to what the IWWC approved on Dec. 5, 2018.

John Schmitz, Project Manager, Civil Engineer, BL Companies, told the Commission the previous approved plan in December included a hotel, a proposed on-site restaurant and parking throughout. He said through discussions with Zoning, it was determined the hotel had to be ancillary to the restaurant so it wasn't acceptable in that location. Mr. Schmitz said in speaking with the client, it was determined that the restaurant would be removed along with the removal of approximately 90 parking spaces so the impervious area decreased from approximately 119,000 sq. ft. to 80,001 sq. ft., a 30% reduction. Mr. Schmitz said the storm drainage will remain the same, and there will still be one sand filter in the front and one in the back. He noted in the original design, there was underground detention, so because there is no parking, he has elected to go with a surface-basin and has maintained the two storm drain discharge points and level spreaders at the same location where they were recently approved.

Ms. O'Hare asked Mr. Schmitz to discuss how this affects the development close to the wetlands, the discharge areas, the differences. Mr. Schmitz said the discharge points haven't changed, but the storm water collection system for the site previously had one sand filter on the north side which went through an underground infiltration detention system and discharged. He said this system has been removed and the piping is perforated so it provides recharge for the roof water. He said in the rear of the site, it goes into a sand filter which then goes into a surface pond. He emphasized there is no longer underground detention. He said the same outlet is being maintained so it will be the same previous level spreader.

Commissioner Kern noted the project is in a Watershed area and asked if separators were being required. Mr. Schmitz said all of this has been retained. He pointed out storm water from the parking lots goes through a flow-splitter device and an oil separator and then into the sand filter and an under drain system which takes the water from the bottom of the sand and discharges the water which is required because of the location near the Watershed.

Commissioner Kern asked if there would be a maintenance plan. Mr. Schmitz noted there is a maintenance plan in the original application and was updated because there was no above-ground basin in the original application. Commissioner Kern asked who would receive this post-construction. Mr. Schmitz said the O&M will be maintained on-site and said copies could be sent to the Environmental Planner. Commissioner Kern said he was concerned after-the-fact who will maintain and wash this underground system. Mr. Schmitz said there is staff available 24/7 and stated the O&M manual does include some spill control criteria on how to manage spills, but the ultimate responsibility is to the hotel owner's to train staff. Commissioner Kern asked Mr. Schmitz if the property owners are training staff. Mr. Schmitz responded this is the first project he has worked on with this client, but noted the client has approximately 25 other hotels throughout New England. Commissioner Kern asked about the open pond area for the drainage which he noted will be wet all the time. He asked if the pond would be groomed once the hotel opens up for business.

Mr. Schmitz said this will be designed as a dry detention pond and will be maintained and mowed routinely during the summer. Ms. O'Hare asked Mr. Schmitz to speak about the flocculents for the small pond. Mr. Schmitz noted that one of the original Conditions of Approval of the project was the request to include floc logs which is what is being looked for in the Watershed during construction to keep sediment from transporting downstream. He said flocculent logs were added to the erosion control plan to check dams to intercept storm water because there are diversion ditches which go into the traps. He said the runoff during construction will pass through the stone check dams lined with floc logs.

Ms. O'Hare noted she met with Mr. Schmitz on Tuesday to go over the plan and am comfortable with this new plan. She suggested the standard Conditions of Approval where she goes out and inspects the erosion control measures before any activity on the site. Chair Vitali said these conditions are already in the original permit. Ms. O'Hare affirmed the Conditions are in the original permit so the Commission would just have to state all the original Conditions of the permit must be adhered to. She suggested wetland placards be added to the Conditions.

Chair Vitali said this can be acted-upon tonight because this is a modification to the existing permit. He asked for a motion to approve the application.

MR. PARENT: MOTION THAT APPLICATION #A19-3.5/1175 BARNES ROAD (SHIELDS HOTELS) -

MODIFICATION OF PERMIT #A18-10.1 BE APPROVED WITH THE FOLLOWING

CONDITIONS:

1. THE SAME CONDITIONS OF APPROVAL IN THE ORIGINAL PERMIT CARRY OVER

2. INLAND WETLAND PLACARDS BE PLACED ON THE PROPERTY

MS. PHILLIPS: SECOND

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

5. #A19.3.7/988 East Center Street – Benchmark Land Development, LLC – (industrial development & wetland restoration)

Chair Vitali said there was a new application for a Site Plan. Ms. O'Hare said this went out in the packet Friday night. She read a letter from the Applicant's Attorney regarding the new application and the Notice of Violation. Ms. O'Hare said the letter was from Atty. Dennis Ceneviva, Ceneviva Law Firm, representing the Applicant, with respect to both matters, the application and the violation. Atty. Ceneviva said in his letter, that it was his understanding that during the April 3, meeting, the new application will be accepted and scheduled for action at the May 1 meeting.

Atty. Ceneviva said in his letter he believes this is an appropriate action because both Ms. O'Hare and his client project team will be able to meet and discuss any legitimate concerns and hopefully achieve a final plan which receives Commission approval. He said with respect to the Notice of Violation, it is his hope the Commission will extend the date of May 1 (to remove the fill) as cited on the February meeting. He said in this way, the removal can be addressed concurrently with the new application and in this way, a Master Plan for restoring wetlands creating new wetlands and improving the overall functionality of the wetlands can be handled comprehensively. Atty. Ceneviva said in his letter he appreciated the Commission's indulgence in this matter and looked forward to presenting the plan at the May 1 meeting. He said in the letter the goal was to restore and improve the wetlands on the property.

Ms. O'Hare asked if the Commission wanted to consider modifying the order to remove all the material by May 1. Chair Vitali said Atty. Ceneviva indicated his client isn't going to remove any material by May 1. Ms. O'Hare asked if the Commission wanted to keep the May 1 deadline and then the client will be in violation of the order. Chair Vitali said he believed nothing would be done before May 1, because some action would have been done by now. Ms. O'Hare pointed out the Applicant has five years under a permit. Chair Vitali said this is exactly why last month he wanted to a deadline to get the wetlands violation corrected, noting the Applicant chose not to do anything. He asked Ms. O'Hare for suggestions. Ms. O'Hare said she would like to see the fill removed and then if the IWWC wants to approve the plan they received Friday night, this is acceptable. Chair Vitali said this is exactly what should be done, the fill is out, the drainage is reconnected, put back the way it is supposed to be or the way of their plans, then their application can be entertained on May 1.

Chair Vitali said this is exactly what happens to the violators, it sits and floats. Ms. O'Hare said she will inform Atty. Ceneviva to have the Applicant remove the fill and then the IWWC will be more pre-disposed on May 1 to listen to the new application.

6. #A19-3.8/79 Brentwood Drive – (retaining wall at pond)

Ms. O'Hare confirmed Chair Vitali's statement that this application was the replacement of an existing retaining wall. She said the wall at the pond's edge is right near the upland review area. – received by Chair Vitali.

7. #A19-4.1/3 Technology Drive – Klaschools – (expansion) – received by Chair Vitali

Ms. O’Hare said this is a school that is expanding.

BUDGET

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

Chair Vitali noted the budget has stayed the same so no increases are being requested.

REPORTS & COMMUNICATIONS

1. Letter to Mayor Dickinson, Jr. from Thomas Lewis, Tec Associates, Re: Providence & Worcester Railroad (P&W) 2019 Vegetation Control Program; dated 3/18/19; IWWC copy received 3/21/19.

Ms. O’Hare said this had nothing to do with the East Center Street property.

VIOLATIONS

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

MR. PARENT: MOTION THAT THE NOTICE OF VIOLATION, 988 EAST CENTER STREET – BENCHMARK LAND DEVELOPMENT, LLC & PROVIDENCE AND WORCESTER RAILROAD COMPANY (UNPERMITTED FILLING & DRAINAGE ALTERATION), REMAIN IN EFFECT

Ms. O’Hare requested the motion be amended to include the reaffirming of the order to remove the fill by May 1.

MR. PARENT: THE PREVIOUS ORDER FOR REMOVAL OF SOIL TO BE REMOVED BY MAY 1, 2019 TO CONTINUE

MS. PHILLIPS: SECOND

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

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 reported this is half done and half not done but will be addressed. He said Mr. Mineri can’t fix the basin until it dries out. She said she didn’t give Mr. Mineri a deadline. Chair Vitali said a date has to be set to get the violations corrected and suggested June 15, 2019

MR. PARENT: MOTION THAT NOTICE OF VIOLATION #A16-2.1/530 CHURCH STREET – JOSEPH MINERI, TIMBERWOOD HOMES, LLC – (EROSION & NON-COMPLIANCE ISSUES) BE RETAINED AND THAT THE EROSION AND NON-COMPLIANCE ISSUES BE RESOLVED BY JUNE 15, 2019

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 Lagace, et al/Frank Vitale – (forest removal)

Appearing in front of the Commission was Frank Vitale. Ms. O’Hare said Mr. Vitale has been cooperating with her office and Roman Mrozinski, Southwest Conservation District. She said the Commission has received a copy of Mr. Mrozinski’s report on the matter and he is instrumental in assisting with formulating a workable erosion control plan with Mr. Vitale’s Contractor. She said she has an appointment with the Contractor on Thursday, the owner and Mr. Mrozinski to look at what the Contractor has done. Ms. O’Hare said the Contractor is done with the erosion control part, not the planting plan which is being worked on. Mr. Vitale said the unsolicited pedestrian traffic has not stopped on his property. Mr. Vitale said there is a section of fence missing and this is where the people are trespassing, i.e., fishing and walking dogs. He said there is garbage everywhere.

Ms. O’Hare reported some people threw hay bales in the river. She said she reached out to the Parks & Recreation Dept. to re-install the fencing, but it is believed the fencing will just be taken down again. Ms. O’Hare said the owner’s idea was to create a block wall. She said she was told this would have to go to the Risk Manager’s office because people might jump off the wall. Ms. O’Hare suggested installing plantings and woodchips on the trail so it doesn’t look like a trail. Commissioner Kern suggested planting pachysandra on the bank for stabilization. He asked if the property owner could install a fence. Ms. O’Hare said he could install the fence up to the floodway. Chair Vitali asked if the sewer line was in the floodway. Ms. O’Hare said this is high and the sewer line isn’t in the floodway. Mr. Vitali said the people are walking on the trail above the sewer line. Ms. O’Hare said the trail isn’t in the floodway or in the 100-year flood plain.

MR. PARENT: MOTION THAT THE NOTICE OF VIOLATION – 52 HANOVER STREET/QUINNIPIAC RIVER - MARY JANE WEBSTER LEGACE, ET AL/ FRANK VITALE –(FOREST REMOVAL) REMAIN IN EFFECT

MS. PHILLIPS: SECOND

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

ADJOURNMENT

Mr. Parent made a motion to adjourn the Meeting at 8:29 p.m. Ms. Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary