

**Inland Wetlands & Watercourses Commission  
Special Meeting  
Wednesday, January 15, 2020, 7:00 p.m.  
Robert F. Parisi Council Chambers, 2<sup>nd</sup> Floor, Town Hall  
45 South Main Street, Wallingford, CT**

**MINUTES**

Chair James Vitali called this Special Meeting of the Wallingford Inland Wetlands & Watercourses Commission to order at 7:00 p.m.

**A. Pledge of Allegiance** – The Pledge of Allegiance was recited.

**B. Roll Call**

**PRESENT:** Chair James Vitali, Secretary Nick Kern, Commissioners Deborah Phillips and Michael Caruso; Alternates Robert Simon and Jennifer Passaretti; and Environmental Planner Erin O'Hare.

**NOT PRESENT:** Alternate Aili McKeen.

Ms. O'Hare explained that this Special Meeting was scheduled because the January 8<sup>th</sup> Regular Meeting had been cancelled.

**C. CONSIDERATION OF MINUTES**

**1. Special Meeting, Nov. 18, 2019, 7:00 p.m.**

**MS. PHILLIPS: MOTION TO ACCEPT THE MINUTES OF THE SPECIAL MEETING ON NOVEMBER 18, 2019, AS SUBMITTED.**

**MR. CARUSO: SECOND**

The November 18th Meeting record showed that the Commissioners present were Acting Chair David Parent, Secretary Nick Kern, Commissioner Michael Caruso, and Alternate Aili McKeen. Chair Vitali and Commissioner Phillips were not present on November 18<sup>th</sup>. The vote proceeded as follows:

**VOTE: MR. KERN – YES; MR. CARUSO – YES**

**2. Regular Meeting, Dec. 4, 2019, 7:00 p.m.**

Chair Vitali called for consideration of the Minutes.

Environmental Planner Ms. O'Hare said on p. 6, fifth paragraph, the first sentence should state: "A report by Ms. Jen Beno, Soils Scientist, was handed out.", and, after the vote on p. 14, item H.5., the next two paragraphs should be reversed and joined, to read, "Chair Vitali asked Ms. O'Hare for an update on the Andrews case. Ms. O'Hare said an official from the EPA made a site visit there this fall, and the EPA order has yet to come out and the Notice of Violation remains in effect."

**MS. PHILLIPS: MOTION THAT THE MINUTES OF THE REGULAR MEETING OF**

**DECEMBER 4, 2019, BE ACCEPTED WITH CORRECTIONS.**

**MR. CARUSO: SECOND**

**VOTE: MR. KERN – YES; MR. CARUSO – YES; MR. SIMON – YES;  
MS. PASSARETTI – YES; CHAIR VITALI – YES**

#### **D. OLD BUSINESS**

##### **1. #A19-11.2 / 425 South Cherry Street - Jeffrey P. Dewey, P.E. (DBA BL Companies) – (industrial redevelopment)**

Appearing was Jeffrey Dewey, P.E., BL Companies. Mr. Dewey said from the last meeting there were items that needed to be addressed: the erosion control issues and a drainage design concern about underlying sand under the existing soil on the site. We were asked to integrate the infiltration systems to be tied to the sand layer. So we put stone trenches 5 feet wide and 11 feet on center. There's 6 feet in between, then a 5-foot trench, and 6 feet in between on the drawing. We went down to elevation 49' into the soil layer. Both systems have them, which greatly increased the infiltration rate. I'll pass out some numbers about infiltration (copies given to Commissioners). In the table on page 6, you can see the overall volumes. On page 3 of 5 infiltration at #2 from the roof areas' drain was about 36.5 hours. Now it's 9 hours, greatly increasing how that system is going to drain. At the other system, it went from 70 hours to infiltrate down to 17 hours. On the plan details, we added these stone trenches 11 feet on center and 5 feet wide, so it's a significant increase for the storm drainages. The other revisions to the plan were erosion control measure issues made with the Environmental Planner. Most had to do with the temporary sediment basin. So we included all erosion control measures on Sheet EC-1 and our adjustments of the temporary trap plus a storm swale. So, as the water seeps out of the temporary sediment trap, it has a stone base instead of traveling over gravel. I'll pass the second sheets out now.

Ms. O'Hare asked what sheets did the Commission just receive?

Mr. Dewey said he gave out revised Sheets EC-1, DM-1 (the demo sheet), EC-2 (the notes sheet), and EC-3 (erosion control detail sheet). We relocated the sediment trap so we can completely install the drainage system in this parking lot. We relocated the outlet and put a weir at the top through a berm wall. On EC-3 the wet storage volume goes into the existing ground. Above that, it weeps through the stone berm wall with an overflow weir at the top for larger storm events and with a stone pad to the catch basin that's in the street. Additional features are some hay bale rows around the discharge point of the sediment trap closer to the catch basin in the street and some silt sacks on the other side of Pent Road and around the catch basin and around catch basins in the other side of South Cherry Street. My notes on EC-2 require sediment accumulation markers in the sediment trap, where the contractor can clean the traps out and bring them back to the design grade.

Commissioner Kern asked if the stone to be used underneath is going to make a weak point and result in a wet bottom.

Mr. Dewey said there was no groundwater indication in any of the holes, and we excavated to 10 feet.

Commissioner Kern said at certain times in the spring on the hard land, that site will be flooded. So you're taking the capacity away. What will happen to the water that used to come and settle, such as when the holes were there before the Town started to fill it in?

Mr. Dewey said he understood that the top layer was a sand layer, which would infiltrate. So, if there was a tighter layer of soil over it, it would cause ponding take a while to get the water away. But now

we're paving and putting in the infiltration system and these stone connected trenches to reintroduce runoff to that sand layer that will absorb most of those storm events.

Commissioner Kern asked, in all your testing, there was no sign of groundwater?

Mr. Dewey said No.

Ms. O'Hare said these revisions were made on January 10<sup>th</sup>. So my review comments went into the third Environmental Planner's Report, dated January 10<sup>th</sup>, that you have in your packet. I suggested conditions of approval. Mr. Dewey, did the size of the sediment trap change? It shrank.

Mr. Dewey said it did not; it holds the same volume. You were concerned about the drainage. I did additional contours in plan view for you to see the difference in the wet and dry storage. I added additional contours for how it's to be built.

Ms. O'Hare said so the earlier size of the basin didn't change?

Mr. Dewey said No. It has more volume than previously.

Ms. O'Hare asked, on Sheet EC-1 at the far left, it says bottom area is 34' by 69'.

Mr. Dewey said we added contours in plan view for you to see the difference in the net of the dry storage. I added additional controls for that.

Ms. O'Hare said she understood. So she included in her packet last week to the Commission the original comments of the new Town Engineer, Ms. Alison Kapushinski, plus further comments from her. Those will go to P&Z. So he'll get more updated plans to Planning & Zoning. For the motion, Mr. Dewey, we should go through my memo on suggested conditions of approval and what has been taken care of and what will remain.

Chair Vitali said he said that a lot here seems to be under control. Do you agree to the 10 recommendations by the Environmental Planner?

Mr. Dewey said Yes. Some of them are noted on the Note Sheet, and her conditions made sense.

Chair Vitali said regarding hay bales, silt fence, heavy rains prep and storage—I don't know if we have to go over them.

Ms. O'Hare asked to talk about condition #9, which is an off-site impact. There are two regulated activities proposed. One is creation of surface area, for which he provided the infiltration units. The other is the potential for transport of sedimented flows going to the south side of Oliver Creek Road. There's that potential. If I find from a storm event that there's red sand in the marsh on Oliver Creek Road, that's part of the two activities you're asked to approve tonight. Mr. Dewey said there are two cement infiltration trenches which help against sediment flows that may be expected on Oliver Creek Road during construction. If there's a big rain, this is in Condition #9 that the Permittee will be asked to deal with that on Oliver Creek Road.

Mr. Dewey said they could, as per Ms. O'Hare's recommendation.

Chair Vitali asked for a Motion on Significance of this activity.

**MS. PHILLIPS: MOTION THAT APPLICATION #A19-11.2, 425 SOUTH CHERRY STREET, BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.**

**MR. CARUSO: SECOND**  
**VOTE: MR. KERN – YES; MS. PHILLIPS – YES; MR. CARUSO – YES;**  
**MR. SIMON – YES; CHAIR VITALI – YES**

Chair Vitali asked for consideration of approval of this application.

**MS. PHILLIPS: MOTION THAT APPLICATION #A19-11.2, 425 SOUTH CHERRY STREET, BE APPROVED WITH THE CONDITIONS SET FORTH IN THE ENVIRONMENTAL PLANNER'S REPORT OF JANUARY 10, 2020, NUMBERS 1 THROUGH 10.**

**MR. CARUSO: SECOND**

**VOTE: MR. KERN – YES; MS. PHILLIPS – YES; MR. CARUSO – YES;**  
**MR. SIMON – YES; CHAIR VITALI – YES**

Chair Vitali thanked Mr. Dewey for the modification to the infiltration system.

#### **E. NEW BUSINESS**

There was no New Business.

#### **F. RECEIPT OF NEW APPLICATIONS**

- 1. #A20-1.1 / 12 Old Colony Road – Old North Colony Properties, LLC – (modification to IWWC #A19-9.2 – after-the-fact application for installation of drainage swale along eastern edge of upper and lower stockpile operations) – Request for administrative approval**

Ms. O'Hare said this Applicant has received Administrative Approval. Chair Vitali had indicated that it was a good candidate for administrative approval. The report went to the Commisisoners in their packets. It is a minor encroachment on the edge of the drainage swales that went over into IWWC jurisdiction.

Chair Vitali indicated this Administrative Approval was granted.

#### **G. REPORTS & COMMUNICATIONS**

- 1. Copy of Eversource Energy email to Mayor Dickinson re: CT Siting Council approval of Petition for 1355 Line Rebuild Project – Construction to start Jan. 2020; dated 12/19/19; IWWC copy received 12/24/19**

Ms. O'Hare said that this pertains to Eversource replacing the old towers in the northern part of town by the airport.

#### **H. 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 noted that the Planning and Zoning Commission approved an application by Benchmark Land Development this week. This IWWC Notice of Violation remains concerning the plantings to be done in the spring. It will be taken up later.

**2. Notice of Violation - #A16-2.1 / 530 Church Street – Joseph Mineri, Timberwood Homes, LLC (erosion & noncompliance issues)**

Ms. O'Hare said this Notice of Violation stays as the Developer must install the wetlands placards.

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

Ms. O'Hare said the owner is still working on this matter with staff.

Chair Vitali indicated this Notice remains in effect.

**4. Notice of Violation – 1245 Old Colony Road & Quinnipiac River – Jerzy Pytel – (unpermitted clearing & filling near river)**

Ms. O'Hare said the Project Engineer's office will pick up the wetlands flags to put on plans. The engineer should deliver the completed drawing next Tuesday.

Chair Vitali indicated this Notice remains in effect.

**5. Notice of Violation – 1103 Old Colony Road – NRWA, LLC – (unpermitted clearing, regrading, and deposition of material in wetlands onsite & in pond & wetlands on 1127 Old Colony Road)**

Ms. O'Hare is working with Corporation Counsel Janis Small to put this Notice of Violation on the Land Records. The property was sold to Country Mart, being the same people as before but a different business entity.

Chair Vitali indicated this Notice of Violation remains in effect.

**6. Notice of Violation – IWWC #A18-12.2 / 320 Barnes Road & 340 Barnes Road – Rowland Technologies – (industrial addition) – several permit violations – issued 12/30/19**

Ms. O'Hare said this was an issue in late November, and she issued this Notice of Violation on December 30, 2019. The Commissioners' information is in their packets.

Appearing were Project Engineer John Gabel, Connecticut Consulting Engineers, along with Site Superintendent Greg Mastriano and Frank Ferraiolo, President, Milestone Construction Services.

Mr. Gabel reviewed the new plans submitted to the Commission which are the existing conditions as of December 31<sup>st</sup> and what we're proposing based on the original plan from February.

Ms. O'Hare said we want them to correct all the violations. It's noncompliance with the permit. They have been working the last month to correct these violations to comply with the terms and conditions on the existing permit. Technically, they should have come to IWWC in October for a modification to permit as the correct procedure. What does the Commission want - to have them come in with an application for modification to plan, or to go ahead? The problem is now there's a third driveway; also, violations created erosion of sediment into the wetlands and the stream, which are now under control. Chair Vitali asked, if they have it under control, did they address the conditions of the original permit? Basically, they have a new plan out there.

Ms. O'Hare said maybe 30 percent is new.

Chair Vitali said you're taking an existing plan, and we have this violation and we have to change the plan?

Mr. Gabel said he is not saying this is a minor change. The existing driveway to the site was kept open for a construction entrance to the third phase. The entrance that was put in was not part of the original plan, but we needed a construction entrance for the third phase. This entrance here and this one here are for employees to enter the site. So we want to modify the original approval to include the construction entrance. And this pile we moved from here to here.

Chair Vitali asked if it is only a question of the temporary third entrance driveway.

Mr. Gabel said, also, they would like to request for this portion here, which is stabilized, to remove some silt fencing so people could see the Rowland Technologies sign. There was an erosion blanket down there already.

Chair Vitali asked, did you leave the silt fence there or take it down?

Ms. O'Hare said, actually, they can take it down. It's fine, I have no issue. The biggest thing is they were moving very quickly with the Phase II addition without adding any storm erosion controls on the western side of the property. That's when I issued the violation. Maybe they can explain. We had approved steps and a sequence of construction to be followed. On the eastern side, there was an enormous stockpile, some of which was in the Town Right Of Way. But I saw it's all gone—I saw it tonight as I went by. They have hay mulch, erosion control blanket and silt fence. Is the oil/grit separator in yet?

Mr. Gabel said Yes; after this, it is 95% completed.

Ms. O'Hare said, if it's 95%, what's not done?

Mr. Gabel said the part to add to the stone. It's pretty much stabilized already. We met with Milestone yesterday to implement the control measures.

Mr. Mastriano said that's correct. The structure is in place. It's 75% or 80% done. There's a bit of stone to be directed to the completed basin. It's a custom-made item through United. It'll be done by noon tomorrow.

Mr. Gabel said we have done slight modifications to keep the employees' entrance open, to enter without obstruction from the construction equipment.

Chair Vitali asked what is the end result? Is that driveway to stay?

Mr. Gabel said No. Once we're completed, this driveway will be curbed and these basins will be covered with manholes on top.

Chair Vitali said it's a field change for construction work.

Mr. Gabel said he felt that it was a transition from Phase II to Phase III.

Commissioner Kern asked Ms. O'Hare why she is just questioning this now, nine months later.

Ms. O'Hare said she was going to a meeting at the Parks and Recreation Department and saw that this project was in Phase II. They had not notified her of their progress in the summer. They did not post their \$20,000 bond. At 340 Barnes Road, that house was already gone and the pine trees were gone. But they posted their bond. They did a really good job in Phase II with the parking lot. Then she had been very surprised to drive up and see the enormous pile of fill by the road. She asked why this appeared.

Mr. Gabel said the large pile was on the plan, but he did not think it was so close to the road. It was supposed to be back over here.

Ms. O'Hare said you found that that soil was no good where the building addition was supposed to go.

Mr. Ferraiolo said the stockpile of soil was to be used for the new addition to bring the grade up. When we were ready to use the soil, we had tests done and found that it was unstable for structural use, and we got rid of it. When Ms. O'Hare did voice her concerns with the pile, we said it would be used in two weeks. There was a storm and some site issues. So I decided to just get rid of it. With the permitting, back in July, in Phase I my site contractor took out a demolition permit on July 30 to take down the house. On July 31 we demolished the house and the barn. We put silt fencing. We contacted Water and Sewer on August 26<sup>th</sup> to see if they wanted to inspect what had been done, and they did not. But they asked us to contact Planning and Zoning, which we did on August 26<sup>th</sup> and August 28<sup>th</sup>. We had a site visit on August 30<sup>th</sup> by Erin O'Hare, and everything was fine, with no concerns. On September 3<sup>rd</sup> we needed to post a \$14,000 bond with Planning and Zoning, and Rowland posted a \$10,000 bond with Water and Sewer. Erosion control on the Phase II western part we did not start because we had to switch parking lots. We turned over the Phase I parking lot to Rowland on November 15<sup>th</sup>. So we started erosion controls November 18<sup>th</sup> to 22<sup>nd</sup> for the silt fence perimeter, and constructed a fence, and excavating started on December 12<sup>th</sup>. And we had a meeting with Erin O'Hare to discuss the sedimentation basin, which we did not do at the beginning. There were some issues for mulch and the stockpile. Now the second phase is complete, 100%. We do daily monitoring of silt fence, sump basins and sediment traps for cleanout.

Ms. O'Hare said she did not think sediment basins went in until later, like Dec. 10<sup>th</sup>. Why was the basin not put in as approved?

Mr. Ferraiolo said to prepare the site, there was a till layer of unuseable soil. So we had to get rid of that and the infiltration work took a back seat. There were no erosion issues on the Phase II site, to be clear. The erosion control issues were based on the stockpile, which has long been removed. Erosion control is very important to us. We've been working with the Town of Wallingford. You need to see it.

Ms. O'Hare said it's up to the Commission if you want to have them apply for an after-the-fact modification to a permit or just decide if they need one. The appreciable difference would be the third driveway. But it's going to go away.

Mr. Ferraiolo said by the middle of summer we wanted to get the new parking lot area in and then remove that driveway.

Commissioner Kern asked if the construction site is done with a construction pad.

Mr. Mastriano said we didn't create that driveway. It was there. Rowland Technologies would not allow us to have our construction traffic through their own driveway. This third drive was already existing and we installed the tracking pad.

Mr. Ferraiolo said it's to separate construction from public access.

Chair Vitali said, having this explained to us, this third driveway is in the middle; it's not in the wetland or upland or affecting retention or sedimentation control. I think it can be classified as a field change on the job rather than a modification to the plan if everything you're doing is satisfactory to Erin O'Hare.

Ms. O'Hare said she is looking at the Notice of Violation that was issued and the 15 items that they were directed to do. She wanted to highlight that the sign for emergency spill would be installed.

Mr. Ferraiolo said they have a DEP sign on the job trailer. It's been there. He said the wood sign is being taken care of by Rowland in the new parking lot. There's an infiltration unit that was going to be vacuumed out. It was vacuumed out one to two weeks ago to make sure the it doesn't bind up.

Ms. O'Hare said it's okay. to release the violation as they've met all the directives. The Commission has to decide if they should apply and to release the violation.

Chair Vitali said we're going to vote on closing the violation. Second, if we're going to give them approval to remove the fence around the Rowland sign and to remove the silt fence around the sign in the Right-Of-Way.

Ms. O'Hare said Yes, to release the violation; it's been satisfied.

Mr. Ferraiolo said, based on our meeting with the Town, we decided the violation list is of very small significance.

Chair Vitali said to the Commission, based Ms. O'Hare's comments, do these satisfy the violations that were in Ms. O'Hare's notes? If so, we'd instruct you to take off the Notice of Violation.

**MS. PHILLIPS: MOTION THAT THE NOTICE OF VIOLATION ON APPLICATION IWWC #A18-12.2 IS RELEASED.**

**MR. CARUSO: SECOND**

**VOTE: MR. KERN – YES; MS. PHILLIPS – YES; MR. CARUSO -YES; MR. SIMON - YES; CHAIR VITALI - YES**

Commissioner Kern asked if Ms. O'Hare if the Town had other concerns about this third driveway. Why did the Notice of Violation go out? I don't see why they're here tonight.

Ms. O'Hare said the letter went out because sedimentation-laden flows were flowing into the catch basins from the giant stockpile on Barnes Road. Second, on the west side, untreated flows were going directly into the Town storm system. There were no controls there. It took I don't know how many



weeks to get everything to this point. I was pushing, and Planning and Zoning was pushing, too. They had this huge stockpile that took them a while to deal with. In time, those controls were installed.

**I. ADJOURNMENT**

**MS. PHILLIPS: MOTION TO ADJOURN THE MEETING.**

**MR. CARUSO: SECOND**

**VOTE: UNANIMOUS TO ADJOURN**

The meeting was adjourned at 7:55 p.m.

**J. NEXT MEETING** – Will be on Wednesday, February 5, 2020.

Respectfully submitted,

Kathleen L. Burns  
Recording Secretary