

**Inland Wetlands & Watercourses Commission
(Remote) Regular Meeting
Wednesday, June 2, 2021, 7:00 p.m.
Town Hall, 45 South Main Street
Wallingford, CT**

MINUTES

Chair James Vitali called this (Remote) Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission to order at 7:00 p.m. This Meeting was publicly noticed and held entirely remotely. [A YouTube recording was produced and posted on the Wallingford Town Website by Government Access Television.]

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL

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

There were 17 callers in the remote audience including the Commissioners, staff, the speakers below and unnamed callers.

Chair Vitali indicated that the Commissioners voting tonight would be Regular Members Ms. Phillips, Mr. Kern, Mr. Caruso, Ms. Passaretti and himself.

C. CONSIDERATION OF MINUTES

1. Regular Meeting (Remote), May 5, 2021

MS. PHILLIPS: MOTION THAT THE MINUTES OF THE REGULAR MEETING OF MAY 5, 2021, BE ACCEPTED AS SUBMITTED.

MR. CARUSO: SECOND.

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

2. Special Meeting of May 10, 2021, 5:30 p.m., convened at 475 Williams Road

Ms. O'Hare brought up a point of order. She had e-mailed the draft Minutes of this Special Meeting Site Walk to the Commissioners and web-posted this item on tonight's Agenda Addendum. Several Commissioners attended, and Ms. O'Hare requested that those draft Minutes would be considered tonight.

MS. PHILLIPS: MOTION THAT THE MINUTES OF THE SPECIAL MEETING AT 475 WILLIAMS ROAD ON MAY 10, 2021, BE APPROVED AS SUBMITTED.

MR. CARUSO: SECOND.

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

D. OLD BUSINESS

1. #A21-3.3 / 475 Williams Road – Scott & Sandy Cavallaro – (installation of in-ground pool, low wall, patio-surround & compensatory flood storage area/rain garden)

Appearing were Owners Scott and Sandy Cavallaro along with Mr. David Carson, Principal, of OCC Group.

Mr. Carson said, Per the previous meeting and the Site Walk, we revised the plans to pull the pool further away from the wetland, as the low wall was staked out in the field. And we showed you the proposed rain garden. Subsequently, the Town Engineer asked for specifics on the loss of flood storage and the compensatory flood storage provided by the proposed rain garden. But we had failed to revise those numbers when we relocated the pool. So the actual flood storage boundary decreased from 46 to 36 cubic yards for slightly less storage. We were able to reposition it, and that reduced the grading in the back. We forwarded the corrected information to Erin yesterday.

Chair Vitali asked for Commissioner comments. There were none.

Ms. O'Hare said, The revised numbers were forwarded to me and I posted those on the Town website for this meeting. My Environmental Planner's Report went out on Friday in your packets along with Health Department comments and the Special Meeting Minutes we just approved. I think this is a straightforward Application. And the Health Department thinks this can be met in terms of distances from the compensatory flood storage to the septic field and the well to the pool.

Mr. Carson said, I am looking to see the Health Department requirements.

Ms. O'Hare said, It went out in the packet..

Chair Vitali said, I see that the Health Department comments were reviewed by your office, with "current distances to be reviewed by this office and by the project engineer."

Mr. Carson said, I don't see any specific distances mentioned other than the distances provided.

Ms. O'Hare said, Now you're putting the storage smaller and you're putting it even further away?

Mr. Carson said, Yes.

Chair Vitali asked, Mr. Carson, are you O.K. with the suggested Conditions of Approval?

Mr. Carson said, Yes.

Chair Vitali asked for a Motion on the Application.

MS. PHILLIPS: MOTION THAT APPLICATION #A21-3.3 / 475 WILLIAMS ROAD – SCOTT & SANDY CAVALLARO – (INSTALLATION OF IN-GROUND POOL) BE APPROVED WITH THE CONDITIONS OF APPROVAL NOTED IN THE PLANNER'S REPORT OF MAY 28, 2021.

MR. KERN: SECOND.

Commissioner Kern asked whether there should be a vote on the question of Significant Activity.

Chair Vitali asked to table the vote on the Motion just made and seconded in order to take up a Motion on Significance of the Activity. Ms. Phillips and Mr. Kern agreed.

MS. PHILLIPS: MOTION THAT APPLICATION #A21-3.3 / 475 WILLIAMS ROAD BY SCOTT & SANDY CAVALLARO, INSTALLATION OF AN IN-GROUND POOL, BE DEEMED NOT A SIGNIFICANT ACTIVITY.

MR. KERN: SECOND.

There was no discussion on the Motion.

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

There was no additional discussion on the original Motion, and that vote proceeded as follows:

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

2. #A21-4.2 / 4A Research Parkway – Six Research , LLC – (industrial development – automotive storage)

Appearing for the Owner/Applicant were Attorney Dennis Ceneviva of Meriden and Mr. Michael Ott, L.P.E. and L.S., with Summerhill Engineers in Madison.

Attorney Ceneviva said, This 3.2-acre parcel of land abuts 6 Research Parkway--we were here in 2018 for that approval. Now we are asking for this site to be joined to it and approved by you and Planning and Zoning. The Environmental Planner's report on April 30 described your jurisdiction based on the fact that we have new impervious area that exceeds the threshold. The most direct watercourse is the vernal pool across Research Parkway at #5, so we're not within any URAs. This project expands the automobile storage taking place at 6 Research Parkway. This 6,000 square-foot building is to be without water and sewer. There's no fueling, repairs, or maintenance, just storage. Water & Sewer comments we received today, and we're fine with those. As to Ms. O'Hare's Environmental Planner's Report on Erosion, Sedimentation & Erosion Control measures, we're fine with that.

Mr. Ott showed the plan on screen and said, I'd show you revisions we made at Ms. O'Hare's request. On the left side of the site, we labeled "Snow Storage Area", which Ms. O'Hare asked us to do. It's 50' by 50' on a lawn on the opposite west side near Thorpe Avenue—away from the stormwater management basin, the stormwater sand filter and the drainage outlet from the site. She also asked us to show a temporary soil stockpile area just below this snow storage area. Third, we plan to use the permanent Stormwater Management Basin as a temporary sediment basin, which is common. We showed red arrows for temporary diversion ditches for runoff during the construction period to the temporary sediment trap. I'm switching sheets to show the Temporary Sediment Basin outlet detail added to the plan.

Chair Vitali said, We can see that.

Mr. Ott said, We're constructing a temporary riser outlet, according to typical Connecticut S&E Sediment Control Guidelines; and we propose to use a manufactured skimmer, which rises and falls with the temporary water surface in the temporary sediment basin. It draws in water from the top of the water surface into the temporary riser outlet and out through the basin outlet structure. So we added

that temporary sediment basin and temporary diversion ditches to handle stormwater runoff during construction to that basin. Ms. O'Hare asked us to add to the Site Operation and Maintenance Plan the name, address and phone number of the site owner, which are on here. These revised documents were submitted today and were posted on the website. We'd bring record copies to Erin O'Hare tomorrow. Also, Erin asked us to make sure that there is an emergency spillway for the permanent stormwater management basin.

Mr. Ott continued: There is an emergency spillway. The way I do it, whenever I have an embankment basin constructed with fill (here on the righthand side)--I personally do not like to have stone riprap lines to overflow emergency spillways in the fill section. So I incorporate the emergency spillway into the outlet control structure. In talking with Erin O'Hare today, I think the Town Engineer will speak to that in the Planning and Zoning review. Erin, the things you asked us to do are added to the plans and the Operation and Maintenance Plan.

Ms. O'Hare said, This hasn't been handed in yet. I'm seeing it for the first time. I think when it's before Planning and Zoning, the Town Engineer and the Water Division will be looking at it. It's in the drinking water supply watershed. I have a question: I've never seen a temporary sediment basin that has an outlet control facility already in there, which would be permanent. But you're putting it in right away to take care of the temporary sediment basin?

Mr. Ott said, It's common. Back in 2018 in the first phase, and Bristol-Myers was before you at the same time. I think you saw the same basin methodology then. So they excavate and form the embankment of the permanent Stormwater Management Basin, put the permanent outlet control structure in and block off all the ports and to make one connection from the skimmer to the outlet control structure. And when all the construction is done and stabilized and there's no need for a temporary sediment basin--especially once it's paved—and this temporary outlet structure and this skimmer are removed, and the permanent ports are opened back up. They are just pieces of plywood, sealed, which are removed and the permanent structure is already in place. I think the Town Engineer has seen this prior, so I believe we addressed all of her comments and will before Planning and Zoning.

Ms. O'Hare said, But if you get a big storm, how does it work with the skimmer?

Mr. Ott said, The skimmer stays. This is a standard temporary sediment basin riser outlet that you'd see in the Connecticut Storm Erosion Guidelines. In a big storm the water goes underneath this hood and down into the riser pipe and out.

Ms. O'Hare said, So it goes into the riser pipe, goes into the outlet control structure, and then the water hits the silt fence wrapping the property?

Mr. Ott said, It would come out of this pipe to the riprap outlet protection apron and will be discharged, just like when the project is done and a rainfall happens.

Ms. O'Hare said, I wonder about the velocity when it comes down and hits that silt fence.

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Mr. Ott said, The 24-inch pipe is set at a half percent slope, and it's designed to take the velocity out of the flow, slow it down. Just as when the project is done and we have a rainfall event. The contractor is required to monitor during construction, during and after significant rain, and the silt fence is backed up by straw bales.

Ms. O'Hare asked, On the whole site or just here?

Mr. Ott said, On the whole site—all geosynthetic fence backed up by straw bales.

Chair Vitali asked for questions from the Commission.

Commissioner Kern said, I think he's got it fenced well for the water to dissipate. I don't believe he'll have a washout.

There were no additional questions from Commissioners.

Chair Vitali said, I have a concern. I don't know if this site will act the same as the Bristol-Myers site. But we're aware of the red sediment that doesn't drop out of the water if there's torrential rain. Their deep excavation may have generated that. This excavation will not be the same. The Bristol-Myers site was to have flok logs ready to mitigate the red sediment. I don't think it's fair not to consider this--Mr. Ott?

Mr. Ott said, I remember that in the 2018 application. I don't see why we could not do the same. It would just be to have the flok logs on hand with the contractor, if needed, with his S&E Control materials and for Erin to inspect that. We could do that in the plans.

Chair Vitali said, I think Water & Sewer did not want an abundance of them. It can't go into the drinking water supply. So, Erin, I think that should be documented with Planning and Zoning in this unusual application.

Ms. O'Hare said, Also, the Water Division did submit their two pages of comments on June 1, which we posted on the Town website. They're asking for those conditions to be made Conditions of Approval. They did not list flok logs.

Mr. Ott said, Yes, I saw those, and I spoke to Scott Shipman at the Water & Sewer Divisions.

Ms. O'Hare said, Yes. They could be in stock in a Condition of Approval at Planning and Zoning, if you do not choose to do it tonight.

Chair Vitali said, I think Planning and Zoning will have to put those conditions on. Any other comments? Hearing none, I'll ask for a Motion regarding Significant Activity.

MS. PHILLIPS: MOTION THAT APPLICATION #A21-4.2 / 4A RESEARCH PARKWAY – SIX RESEARCH, LLC – (INDUSTRIAL DEVELOPMENT) BE DEEMED NOT A SIGNIFICANT ACTIVITY.

MR. CARUSO: SECOND.

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

Chair Vitali asked, So you're in agreement with all the Conditions of Approval that Erin O'Hare has in her reports?

Mr. Ott said, I am, Mr. Chairman.

Chair Vitali asked for a Motion to Approve or Deny this Application.

MS. PHILLIPS: MOTION THAT APPLICATION #A21-4.2 / 4A RESEARCH PARKWAY – SIX RESEARCH, LLC – (INDUSTRIAL DEVELOPMENT) BE APPROVED WITH THE CONDITIONS OF APPROVAL THAT ARE IN THE PLANNER’S REPORT OF MAY 28, 2021.

MR. CARUSO: SECOND.

There was no discussion on the Motion.

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

Ms. O’Hare said, Mr. Ott, we need three copies of everything you submitted tonight for the file.

Mr. Ott said, O.K.

E. NEW BUSINESS – None.

F. RECEIPT OF NEW APPLICATIONS – (Applications filed May 31 or June 1.)

Ms. O’Hare said, There are two new Applications which the Commission should formally receive tonight, per statute.

- 1. #A21-6.1 / 356 Christian Street – Choate Rosemary Hall – (sports field complex).** Received.
- 2. #A21-6.2 / 45 Hillhouse Avenue – Choate Rosemary Hall – (faculty housing – 8 residences).** Received.

Chair Vitali asked, Will we be in Town Hall for the July meeting?

Ms. O’Hare said, That is likely, and it will be noticed on the next agenda.

G. REPORTS & COMMUNICATIONS

1. Discussion of proposal to adopt fines for violations – Not discussed.
2. Farm Hill Road Detention Basin
Ms. O’Hare will find out the status of this issue.
3. Pesticide Application Notification – Farms Country Club, 180 Cheshire Rd. – Pond & Lake Connection received 5/19/21 – Noted.
4. Society of Soil Scientists Of Southern New England – 2021 Official Registry: Notice re: online access only; received 5/27/21 – Noted.

H. VIOLATIONS

- 1. Notice of Violation – 1245 Old Colony Road & Quinnipiac River – Jerzy Pytel – (unpermitted clearing & filling near river)**
Ms. O’Hare had no new information on this NOV.

- 2. Notice of Violation – 950 South Colony Road – 1NRSJ, LLC – carwash facility – (filling)**
Ms. O’Hare said the Applicant was asked to do some minor work on the slope and to save 15 trees. Next, the Applicant has to go to Planning and Zoning for a Flood Permit.

3. #A20-2.1 / 12 & 16 Northfield Road – (over-clearing in floodplain wetlands & URA issue)

The Commission has not yet required any plantings to go back in the floodplain. Ms. O'Hare will go out to see whether it has naturally revegetated.

4. Notice of Violation – 11 Trumbull Drive – Jill Kobrin – (unpermitted grading, deposition, and structures within URA, rerouting of flows & alteration of drainageway/stream on Town land)

Ms. O'Hare had talked with both Ms. Kobrin and the contractor today. Owner Ms. Jill Kobrin was in the audience and stated that she is willing to get the needed excavation permit from the Engineering Department and to bring in the contractor. This item will be on the next agenda.

5. Notice of Violation – 1468 Tuttle Ave. – Dan & Courtney Petrosky – (unpermitted forest clearing & fence installation in wetlands)

Ms. O'Hare said this property is on the boundary of Fresh Meadows Swamp, and it includes some of the swamp. The Owners have to flag the wetlands, and then I will go out and see it.

Next, Ms. O'Hare asked the Commissioners for a Motion to Affirm that Items #1-#5 above are existing Violations.

MS. PHILLIPS: MOTION TO AFFIRM THAT NOTICE OF VIOLATION #1-#5 ON THE AGENDA TODAY REMAIN IN EFFECT.

MR. CARUSO: SECOND.

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

6. 90 Mansion Road – Ron Hansen, Jr. & Courtney Hansen – possible violation

This possible violation was noted. Ms. O'Hare wrote to notify the Owners already, and the Owner came into the office for discussion. Chair Vitali asked Ms. O'Hare to report back after she makes another site visit.

I. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN THE MEETING.

MR. KERN: SECOND.

VOTE: THE MOTION WAS APPROVED UNANIMOUSLY IN A VOICE VOTE.

The Meeting was adjourned at 7:50 p.m.

J. NEXT SCHEDULED REGULAR MEETING: July 14, 2021

Respectfully submitted,

Kathleen L. Burns
Recording Secretary