



# *Town of Wallingford, Connecticut*

INLAND WETLANDS & WATERCOURSES COMMISSION

JAMES E. VITALI  
CHAIRMAN

ERIN O'HARE  
ENVIRONMENTAL AND NATURAL RESOURCES PLANNER

WALLINGFORD TOWN HALL  
45 SOUTH MAIN STREET  
WALLINGFORD, CT 06492  
TELEPHONE (203) 294-2093  
FAX (203) 294-2095

## **REGULAR MEETING**

### **Wallingford Inland Wetlands & Watercourses Commission (Remote)**

**Wednesday, December 2, 2020, 7:00 p.m.**

**The IWWC Meeting of Dec. 2, 2020 will take place REMOTELY ONLY.**

**The Meeting can be accessed through:**

**<https://global.gotomeeting.com/join/199418445>**

**You can also dial in using your phone:**

**United States (Toll Free): 1 877 309 2073**

**United States: +1 (646) 749-3129**

**Access Code: 199-418-445**

**Live stream of the Meeting will also be available on the Town of Wallingford You Tube Channel: <https://www.youtube.com/c/wallingfordgovernmenttelevision>**

**Materials for this Meeting will be posted on the Town's website (as time allows):  
[www.town.wallingford.ct.us](http://www.town.wallingford.ct.us)**

Upon entering the Meeting, please wait for instructions from the Chairman as to how the Meeting will proceed. To all participants: Please MUTE your microphone until called on to speak, then UNMUTE. Please wait for instructions from the Chairman before speaking.

Application plans and documents are available for view at the Environmental Planning Office, Basement Level, Town Hall, and are also available on the Town website, [www.town.wallingford.ct.us](http://www.town.wallingford.ct.us), under 'Upcoming Events & Meetings', IWWC Regular Meeting, Dec. 2, 2020, 7:00 p.m.

## **AGENDA**

- A. PLEDGE OF ALLEGIANCE
- B. ROLL CALL
- C. CONSIDERATION OF MINUTES
  - 1. Regular Meeting, Nov. 4, 2020
  - 2. Special Meeting (Remote), Nov. 10, 2020
- D. CONTINUATION OF PUBLIC HEARING
  - 1. #A20-10.3 - Significant Impact / 5 Research Parkway / Muddy River – Montante Construction, LLC - (industrial redevelopment) – *(No presentation) – Scheduling of continuation of public hearing as a (Remote) Special Meeting in January 2021*

E. OLD BUSINESS

1. #A18-1.2 / 801 North Colony Road & 6 Beaumont Road / Padens Brook - NERP Holding & Acquisitions Company, LLC - (commercial development) - Request for bond release
2. #A20-7.1 / 5 & 21 Toelles Road & Wharton Brook – Pfizer Inc. – (soil remediation project) – *Request Applicant grant IWWC extension (No presentation)* -
3. #A20-9.2 / 2 Northrup Industrial Park Road East & 1117 Northrup Road – 1070 North Farms Road, LLC – (industrial development)
4. #A20-10.1 / 131 Pond Hill Road - Church of the Resurrection - (building addition, fire lane, stormwater facilities, drainage restoration, & fill removal)
5. #A20-10.2 / 1033 North Colony Road / Meetinghouse Brook - 7-Eleven, Inc. - (convenience store/gas station)

F. NEW BUSINESS

G. RECEIPT OF NEW APPLICATIONS

1. Receipt of applications filed by close of day, Dec. 1, 2020

H. REPORTS & COMMUNICATIONS

1. Discussion of proposal to adopt fines for violations
2. Farm Hill Road Detention Basin –report
3. Proposed zoning regulation amendments - Watershed Protection District – report
4. CACIWC Environmental Conference (Virtual - online), Sat. Dec. 5, 2020

I. VIOLATIONS

1. Notice of Violation - 1245 Old Colony Road & Quinnipiac River –Jerzy Pytel - (unpermitted clearing & filling near river)
2. Notice of Violation – 950 South Colony Road – 1NRSJ, LLC – carwash facility – (filling)
3. #A20-2.1 / 12 & 16 Northfield Road – (over-clearing in floodplain wetlands & URA issue)

J. ADJOURNMENT

K. NEXT MEETING: Jan. 6, 2021

*Individuals in need of auxiliary aids for the effective communication in programs and services of the Town of Wallingford are invited to make their needs and preferences known to the ADA Compliance Coordinator at 203-294-2070 five days prior.*

**Inland Wetlands & Watercourses Commission  
Regular Meeting  
Wednesday, November 4, 2020, 7:00 p.m.  
Robert F. Parisi Council Chambers, 2<sup>nd</sup> Floor, Town Hall  
(MOVED TO ROOM 315 OF TOWN HALL)  
45 South Main Street  
Wallingford, CT 06492**

**MINUTES**

Chair James Vitali called this Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission to order at 7:00 p.m. Note: The posted location of this meeting was changed on November 4<sup>th</sup> from Council Chambers, which was in use, to Room 315 and room change notices were posted throughout the building.

**A. PLEDGE OF ALLEGIANCE** - The Pledge of Allegiance was recited.

**B. ROLL CALL**

**PRESENT:** Chair James Vitali, Secretary Nick Kern, Commissioner Deborah Phillips, Alternates Aili McKeen and Robert Simon, and Environmental Planner Erin O'Hare

**ABSENT:** Commissioner Michael Caruso and Alternate Jennifer Passaretti

**C. CONSIDERATION OF MINUTES**

**1. Regular Meeting, Oct. 7, 2020**

**MS. PHILLIPS:** MOTION THAT THE MINUTES OF THE OCTOBER 7, 2020, REGULAR MEETING BE ACCEPTED AS SUBMITTED.

**MR. SIMON:** SECOND

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

**D. OLD BUSINESS**

**1. #A18-1.2 / 801 North Colony Road & 6 Beaumont Road / Padens Brook – NERP Holding & Acquisitions Company, LLC – (commercial development) – Request for bond release**

Ms. O'Hare said the Permittee is not ready for release of the bond.

**3. #A20-9.2 / 2 Northrup Industrial Park Road East & 1117 Northrup Road – 1070 North Farms Road, LLC – (industrial development)**

Ms. O'Hare said the Applicant has asked for this item to be tabled until the December Regular Meeting.

**4. #A20-10.1 / 131 Pond Hill Road – Church of the Resurrection – (building addition, fire lane, stormwater facilities)**

Ms. O'Hare said the Applicant has asked for this item to be tabled until December.

**5. #A20-10.2 / 1033 North Colony Road / Meetinghouse Brook – 7-Eleven, Inc. – (convenience store/gas station)**

Ms. O'Hare said the Applicant has asked for this item to be tabled until December.

## **2. #A20-7.1 / 5 & 21 Toelles Road & Wharton Brook – Pfizer Inc. – (soil remediation project)**

Appearing was Project Engineer Lucas Hellerich of Woodard and Curran from Middletown.

Ms. O'Hare said that her Environmental Planner's Report of October 30, 2020, had gone out to the Applicant and the Commissioners with attached copies of: letter to the IWWC dated October 7<sup>th</sup> and received late in the IWWC meeting from Ms. Mary Mushinsky for River Advocates; Ms. O'Hare's October 9, 2020, memorandum to Janis Small, Corporation Counsel; and an e-mail letter from Ms. Adelheid Koepfer to Ms. O'Hare dated 10-26-2020 regarding phytoremediation. Peer Reviewer Milone & MacBroom had sent an initial letter to Ms. O'Hare. Ms. O'Hare handed out additional materials from Mr. Hellerich to the Commissioners tonight, being the documents cited below.

Ms. O'Hare stated the Peer Review work began around October 22<sup>nd</sup> and went they out in the field with the Applicant's representative this week. Ms. O'Hare's EPR said that she sent maps about flooding to the Army Corps of Engineers and EPA representatives. There is still time to act, as Governor Lamont's Executive Order #71 grants an extra 90 days to the decision time frame.

Mr. Hellerich summarized project activities since the October 7 meeting. Milone & MacBroom has been engaged for the Peer Review. He accompanied Mr. Matthew Sanford on a two-hour site walk on November 2<sup>nd</sup> through the eastern edge of the wetlands on Ametek land and up to Wharton Brook. We then walked back through the central portion through the floodplain, and then the central portion of the wetland where the invasive species are, and then the western wetland—toward Wharton Brook and beyond the project, west of it as well, to the Ulbrich crossing; then we came back toward the main facility and out of the wetlands. Earlier, we submitted a number of documents (cited below) to the Town e-mail address, which we also e-mailed to Mr. Sanford at Milone & MacBroom. These documents were in response to the Environmental Planner's Report of October 30 and the comments letter from Ms. O'Hare of November 2 to Mr. Hellerich.

Mr. Hellerich continued: There are recent documents that you have. First is a Response to Comments document, where we responded to all of the comments from October 2 and October 7—and the other documents addressed a lot of those. One of the comments relates to the backfill about bank-run gravel. In this Response to Comments we provided a specification for that material, calling it a fine sandy loam or silt material, to address the comment from before. We're using a mixture of 1" size and minus.

Chair Vitali said "gravel" usually is a stone of some size. The 1"-minus size could be called sand.

Mr. Hellerich said, also, we specified to -2 mm size. That should contain a certain array of commercial sands. Also, we specified a size at 0.5 mm of 50% of that material, all according to USDA classifications of fine sandy loam. The differences in classifications and percentages relate to sand and silt. But these materials are in conversation with Mr. Snarsky, Soils Scientist, of New England Environmental Services, and are to be used in the central section at 1' to 2' below ground surface, similar to what's there now. There will be organic rich topsoil as the 12" in the central portion of the 2-foot excavation; and at the sides it's to be 6" for topsoil.

Chair Vitali asked if they are looking for field topsoil or bank-run topsoil.

Mr. Hellerich said more of a field topsoil.



Chair Vitali said topsoil is going to be a manufactured product or not?

Mr. Hellerich thought that that material is found in borrow pits in the vicinity.

Ms. O'Hare said the soils are on p. 21. At your answer for question 81 is what goes into the specification for the -2 mm. So what percentage is anything? I see the sizes, but I don't know how many big pebbles are in that mix—1% or more?

Mr. Hellerich said they have been provided in ranges in the bulleted list below that. At -2mm, the minimum would be 40% of the total amount; the -2.5 mm would be at 50%. So the maximum amount of those pebbles would be 10%.

Ms. O'Hare asked if there would be any far below that?

Mr. Hellerich said about 50%. This was a percentage given to me by a geotechnical engineer.

Ms. O'Hare said, so it would be only 10% of the large pebbles?

Mr. Hellerich said, at the max.

Ms. O'Hare asked if they are specifying both?

Mr. Hellerich said, they would use fine sandy loam or a silty loam or a combination. It's likely they would find one or the other that would match. They're similar to one another. He continued: The second item is a single 11" by 17" sheet, the Soils Sourcing Location Plan. The IDs for the locations were hard to read, so we revised it to make the IDs larger and easier to read. The third document is our Revised Project Plans to revise the number of additional notes/callouts as was requested in the comments. Those are calling out different features on the plans. We added soil types, for example. Also, we updated the flood mapping to the 2017 map. Sheet C-000 shows 2017 mapping, plus we color-coded it for the 100-year, 500-year, and 1,000-year as well and provided some additional E-1 and sedimentation controls. Two examples are some additional rows of staked straw bales that are downslope of the temporary outfall. And additional rows of staked straw bales that are downgradient of the existing outfall as well.

Ms. O'Hare said, You were using the 2010 flood date, and now it's 2017?

Mr. Hellerich said, Yes, 2017. The Floodway is similar. The 2017 map showed the 100-year line from the parking lot into the wetland, which makes sense. I think the wetland line is higher, maybe 1 foot higher, perhaps.

Ms. O'Hare asked, Is that the 100-year line?

Mr. Hellerich said because the Floodway is perhaps on the 100-year Flood line. The Floodway is a regulated no-build flood zone.

Ms. O'Hare said that she thinks of a Floodway as the river flow going in one direction and the Floodplain as going more sideways.

Mr. Hellerich said I don't interpret it that way. I think of the Floodway as a regulated no-build zone. The reason for the flood study was to determine that you could not construct where there was adverse capacity in the Floodplain.

Ms. O'Hare asked, would the 100-year Floodplain have impact if you built in the Floodplain?

Mr. Hellerich said I don't know if you would have as much impact as if you built in the Floodway. It's according to the designation. On Sheet C-003 we added a series of orange lines. These represent dividing the project into excavation cells, and we added some notes at the bottom of C-003. The six east and west parts were divided into 13 Excavation Areas, and the central portion was divided into 10 Excavation Areas—to show how the project would be performed. We tried to come up with methods for each of these cells that could be done in a fixed approach: excavation, backfilling, and not having exposed area open for a long time.

He continued: Sheet C-005 is the Wetland Restoration Plan. There were comments related to the addition of skunk cabbage and vines, and we added those species to the Restoration Plan.

Ms. O'Hare asked to look at C-005: What are the arrows in the excavation areas in the middle?

Mr. Hellerich said the levels show stormwater flows from proposed temporary and existing outfalls. Those flow arrows were added in September to show where the flows would likely go, given the elevation contours existing at the site.

He continued: Per C-202 (detail sheet), the level change arrows were put there from comments and questions on details for the Erosion Control Plan. They are not meant to be in the Wharton Brook stream. So we eliminated that, and this is standard Erosion Control breakout information.

Chair Vitali asked, where is the material going that you're taking out?

Mr. Hellerich said it has to be disposed of at a licensed disposal facility, probably a landfill in Massachusetts or New York.

Commissioner Kern asked, Could you cook the soil and take the nickel out?

Mr. Hellerich said it would probably take extremely high temperatures--maybe if it was packed in organic matter.

Commissioner Kern said so it's to be relocated and not disposed of. You can't use it for landfill cover?

Mr. Hellerich said that's possible; there are landfills that would take it and place it under a cap.

Ms. O'Hare asked if there is a typo as the Rippowam is upland and paved on C-000? That is why NRCS Soils information should not be used.

She then asked, Can you show the Commission exactly what work will occur below the Ordinary High Water Mark?

Mr. Hellerich summarized the River Contingency Plan of areas showing normal E-7 Sedimentation Controls. So we divided the plan into two sections: one, "Erosion and Sedimentation Control

Measures" and two, "Erosion and Flood Contingency Response Measures". From the comments provided earlier, we were required to do Flood Contingency measures, and we had a certain process. We started by summarizing the rainfall data for the Wallingford area, which is attached, for the last 20 years, Attachment D in our submission. And one of the findings says that as those rainfall events increased, the frequency of the higher rainfall events increases quite a bit. For a 1½" daily rainfall event, about 2% of the events fall in that category. As you get to ½", the percentage drops below .03%. So on average 1/10 of storms that in a year had that much rain. We tried to put it into statistical terms. In Attachment B, we incorporated the FEMA 2017 boundaries for a 100-year flood and outlined the profiles for Wharton Brook. Attachment B has the Flood Insurance Rate Map for 2017; then there's the inset for this project area. Attachment C is the Flood Erosion Study Channel for Wharton Brook, showing flood profiles for different-sized storms. Then, in the Flood Contingency Response Measures section we developed two tables. See page 3-2 where we looked at different flood events and tried to develop responses to those different flood events. So we divided those between the Construction Phase and then the Restoration Phase. In the construction phase, we're most concerned because of the openness. We start with the map, then 1-year, 2-year, 5-year, and 10-year flood events.

He continued: Using the tables and the FEMA mapping, we tried to relate the response back to the different elevations in the project area. For a one-year storm, on page 3-2, what are our response measures? We're using a 4-tiered approach based on the weather that's coming: Going back to the rainfall data (Attachment D), it has a table of Wallingford, CT rainfall data, taken from the Rainfall Atlas of the U.S. With our storm duration and the time period across the top, then we look at the forecast to see what we're expecting for an amount. And we can then go to the table and see that it's a one-year, 5-year storm, etc. So at one week ahead, we look at the one-year storm and discuss the weather forecast; then we discuss it at 5 days before the event and say, "Do not do excavation." At 3 days before the storm we have completion of backfill for there; and we install straw wattles and bales around elevation 23. So we did this for forecasted storms.

He continued: And at the bottom of page 3-3 is what happens after the event. The project area gets reviewed, and then we have Response actions to take. Areas that were eroded will be re-covered; for washout of seeded area, the erosion needs to be replaced and installation of new seedlings. So it's an approach to restore based on the impact on the site taking account of flood controls, impacts and responses. These Contingency Plans are to address the comments of October 2 and October 7.

Commissioner Simon asked, We discussed the time of year and the risks for the plan. Wouldn't summertime be better than springtime to do this?

Mr. Hellerich said this is a good point. We know that rainfall and floods are highest in spring. If the Commission felt strongly about the time of year, we'd discuss that.

Commissioner Simon asked if you would limit how many areas would be open, or would you just work in between rainfall events?

Mr. Hellerich said we'd start operation in late spring, because the rainfall is less in summer, fall and winter. The idea would be to go back to the excavation cells and to make sure that we do not have too many open at the same time.

Commissioner Simon said O.K.

Ms. O'Hare asked, How often do we get a one-year storm?

Mr. Hellerich said that is on the second page to last in the Contingency Plan. Data for one-year storms is from the Atlas. If you had a 30-minute storm and 1" fell during that storm, that would be a one-year storm. If that rain gets distributed over a longer time period, you'd need more time to get a one-year storm.

Ms. O'Hare asked if we get a bunch of storms like that in the spring?

Ms. Hellerich said, Yes, in the spring you could have some storm events like this, but then you could have a hurricane that comes and could deposit a good amount of rain. So let's take 1" to 1 1/2" as a three-hour storm. That's a one-year storm. If we look at the small table at the bottom, what we did was take the daily data set in which there were 7,566 days. Then I took the top 30 rainfall events. And there was 2.2" of rain up to 4.28" of rain. That was the measured rainfall of a storm event in the historic record. So over the top 30 rain events I saw how much and how long the duration of the storm was; and I then took the amount of rain over that duration for those top 30 events. Over 20 years, we had four one-year storms, 11 two-year storms and two 10-year storms.

Ms. O'Hare said, I see that most of our storms are less than one-year storms.

Mr. Hellerich said Yes. At seven days before the event, we discuss it. At five days, we begin to plan. At three days before, we cease work; at two days we complete the excavation and install straw wattles; and the day before the storm we make outstanding repairs and secure erosion controls over the site. So we're taking all the storms seriously.

Ms. O'Hare said, I don't see unusual erosion control management practices.

Mr. Hellerich said, it ramps up for the size of the event.

Chair Vitali said, so that's how you're going to handle the storm events?

Mr. Hellerich said Yes.

Ms. O'Hare asked, what's proposed for the section at the Ordinary High Water event?

Mr. Hellerich referred to Sheet C-001 in the Erosion and Storm Control Plan. If you look all the way on the western side of the project, you see a clouded area and a dashed bolded line. It's the Ordinary High Water line, a designation by the Army Corps of Engineers. That's a line that our Soils Scientist had to designate and it shows physical signs of elevated water. So the question is: What are we doing above the area where the dashed bold line crosses into our excavation areas? We have a double row of silt fence, and outside of it we're talking about having flood mitigation measures. I talked to Matt Sanford, and mitigation measures would be proactively deployed. So we're doing this work at a time when the Wharton Brook is at the High Water line. But we deploy the measures when it's at the low point and tying to an elevation at the west and tying to an elevation in the east. So we have silt fences in place. If a storm is coming, we'll fortify the area, put up stabilization before the storm comes into the area, etc. So we provided a couple of examples: port-a-dams deployed before in the Connecticut River and other projects. We want our contractor to provide that device.

Ms. O'Hare said and you said you wouldn't be working at the Ordinary High Water mark—so you would be working there in the summer?



Mr. Hellerich said it could be June if we were in a time of less rain.

Ms. O'Hare said so you would have to move to other areas?

Mr. Hellerich said Yes, we could accommodate that.

Chair Vitali asked for questions from the Commissioners. There were none. Chair Vitali said he did not think much would be decided tonight, due to the Milone and MacBroom report not being here. So it will go to next month. We'll see you then.

This application was tabled to the December 2, 2020, Regular Meeting.

**E. NEW BUSINESS** - There was no New Business.

**F. RECEIPT OF NEW APPLICATIONS** – None.

### **G. PROPOSED 2021 REGULAR MEETING SCHEDULE**

In discussion, Chair Vitali suggested to have the July Regular Meeting on July 14.

**MS. PHILLIPS:** **MOTION TO APPROVE THE MEETING SCHEDULE FOR 2021 WITH THE CHANGE TO HAVE JULY 14 AS THE REGULAR MEETING DATE.**

**MR. SIMON:** **SECOND**

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

This schedule will be posted with the Town Clerk and made available on the Town website.

### **H. REPORTS & COMMUNICATIONS**

1. Discussion of proposal to adopt fines for violations – Not discussed.
2. Farm Hill Road Detention Basin – letter forwarded to IWWC, Mayor and staff from Mike Votto, 377 North Elm Street; regarding status & condition of basin

Chair Vitali said the pond there was changed from a detention basin to a pond. He thought that the three owners around the detention pond had changed it. When it rains, water flows down behind the people's houses. The Town looked at it; and perhaps they thought the "dam" at the pond was going to fail. It's an item of discussion again. Three of five people did not want to pay to dredge the pond. It would have helped. I think it should get back to being the detention pond that was approved by DEP prior to us becoming a commission. I think we need to direct Erin O'Hare to bring out the map and to tell us what DEP wanted there. It comes back to the day when the Town Planning and Zoning required these ponds, but there was no direction on maintaining them. So I think the Commission should take a position. They're all looking at us, as a problem with wetlands and why it's flooded.

Commissioner Simon said if it was a designated retention pond, what gave them the right to dam it up and make it a pond?

Chair Vitali said they used to have a set of stairs to get down into the pond. Now they have an aerator in it. It's their property.

Commissioner McKeen said she feels that it is a violation because it was supposed to be a retention pond. They turned something they had into something that's not functioning as it was supposed to anymore.

Chair Vitali directed Ms. O'Hare to pull out the file and see what was originally decided, and to bring it back for discussion.

## **I. VIOLATIONS**

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

No one appeared on this Violation. Ms. O'Hare said there has been no change to the site that she knows about.

### **2. Notice of Violation – 950 South Colony Road- 1NRSJ, LLC – carwash facility – (filling)**

No one appeared on this Violation. Ms. O'Hare said there has been no change.

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

No one appeared on this matter. Ms. O'Hare said there has been no change.

## **K. NEXT MEETING: (Remote) Special Meeting, Tues., Nov. 10, 2020, 7:00 p.m. – Public Hearing - Significant Activity #A20-10.3 / 5 Research Parkway / Muddy River – Montante Construction, LLC – (industrial development)**

Ms. O'Hare said the Commissioners have received this Special Meeting notice. This Notice is already posted on the Town website under Inland Wetlands and Watercourses Commission information. She handed out to the Commission the materials received to date. Also, she has been posting any items that are received on the Town website: the Agenda, her Environmental Planner's Report, plus other official comments and printed public comments.

**NEXT Regular Meeting**, Dec. 2, 2020, 7:00 p.m., with the venue to be determined.

## **J. ADJOURNMENT**

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

**MR. SIMON: SECOND**

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

The meeting was adjourned at 8:16 p.m.

Respectfully submitted,

Kathleen L. Burns, Recording Secretary



**Inland Wetlands & Watercourses Commission  
(Remote) Special Meeting  
Tuesday, November 10, 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 (Remote) Special Meeting of the Wallingford Inland Wetlands & Watercourses Commission to order at 7:04 p.m.

**1. ROLL CALL & PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**PRESENT:** Chair James Vitali, Secretary Nick Kern, Commissioner Deborah Phillips and Alternates Robert Simon and Aili McKeen, Environmental Planner Erin O'Hare

**ABSENT:** Commissioner Michael Caruso and Alternate Jennifer Passaretti

**PLEDGE OF ALLEGIANCE** – The Pledge of Allegiance was recited.

**2. PUBLIC HEARING:**

**Significant Impact #A20-10.3 / 5 Research Parkway / Muddy River – Montante Construction, LLC – (industrial development)**

Chair Vitali said this is an IWWC Public Hearing for Montante Construction. I would ask that discussion be focused on wetlands issues.

Appearing for the Applicant were: Attorney Tom Cody, Robinson & Cole, Hartford; Mr. Byron Duluc and Mr. Rob Peters representing Montante Construction; Mr. Michael Keleher, Senior Project Manager, and Mr. Brad Griggs, Senior Manager, Amazon; Mr. Chris Gagnon, P.E., and Mr. Jeffrey Dewey, P.E., BL Companies, Meriden; Mr. Michael Klein, Wetlands Scientist, Davison Environmental.

References were made to the documents received prior to this public hearing, posted on the Town of Wallingford website: BL Companies' Power Point Presentation tonight; Letter from Environmental Planner Erin O'Hare to Jeffrey Dewey, P.E., BL Companies, dated October 16, 2020; Letter from Mr. James Heilman re: Reason for Denial for the Wetland Application for 5 Research Parkway, dated November 6, 2020; Interoffice Memorandum from Erik Krueger, P.E., Senior Engineer, Water and Sewer Divisions, to Erin O'Hare, Environmental Planner, dated November 6, 2020; and documents from BL Companies.

During this Public Hearing the participants were: the Applicant's representatives named above; and from the public, 19 unidentified callers and 27 named callers, some of whom did not speak. Those who did speak are identified below.

Mr. Chris Gagnon, P.E., BL Companies gave a Power Point presentation of the site for one warehouse with parking and showed three aerial photographs.

Mr. Michael Klein, Professional Wetlands Soils Scientist, Davison Environmental, showed slides and gave his presentation.

Mr. Jeffrey Dewey, P.E., BL Companies, spoke about site design, area of proposed development, and impervious area along with stormwater management, drainage and hydrology, plus the Soil and Sediment Control Plan.

Chair Vitali asked Mr. Keleher to tell why a large parking lot is necessary for such a small building.

Mr. Keleher, Senior Program Manager for Amazon, asked Mr. Brad Griggs to speak.

Mr. Brad Griggs, Senior Manager with Amazon, said the relationship of the parking to the building is because this will operate as our "last-mile facility". He described how the parking rows will work. Van parking spaces are larger, 27' x 11'. Mr. Griggs said the trailer trucks come into this red area during the overnight. They are unloaded by staff into the warehouse and then they exit within 20 minutes from the loading docks. They will come and leave immediately.

Mr. Michael Klein, Wetlands Soils Scientist, Davison Environmental, said this plan has no direct wetland impacts. Phased Environmental and Sediment Stormwater Management plans exceed DEEP guidelines. Jeff Dewey said the detailed Erosion Control Plans exceed the DEEP guidelines. There will be triple hay bales and silt fence, and the temporary sediment traps have the Faircloth skimmer, taking the water off the top first. Some traps work by gravity. Also, the Sewer and Water Management Plans are designed to have no increase in peak flow storms. This is a part of the Public Water Supply Watershed. These plans exceed the requirements in the Stormwater Quality Manual. We anticipate no significant impact on water quality.

Mr. Klein continued: We did make some recommendations in reviewing the site plan:

1. Preserve and restore the wildlife habitat in the URA to meet the Zoning Regulations, with site improvements for invasive species.
2. Promote infiltration and sheet flow along the wetland edge.
3. Protect hydrology of the northern wetland at the northeast corner highest elevation.
4. Diversify buffer at the south property line—white pine to add to hemlocks.
5. Control invasives: to take out Trees of Heaven, autumn olive and multiflora rose; and cut down invasive vegetation and reintroduce native species.

Attorney Cody said we reviewed prior and newer staff comments from the Environmental Planner and the Water Division, which we'll respond to and modify the plans. We will answer Commission questions.

Chair Vitali asked Commissioners for any issues for the Soils Scientist that are not in the plan. Also, on the map, Ms. O'Hare and I discussed: When you talk about the stormwater coming off that property, we don't think you really understand that it is very important to get the real fine sediments that stay. You haven't addressed that letter from Erik Krueger of the Water & Sewer Divisions to take out that last sediment. Questions?

Commissioner Kern said No.

Commissioner McKeen said No comments.

Commissioner Simon asked, the flow rate—is that going to change going to the Muddy River during operation? Is it consistent snow, rain anytime of the year?

Mr. Dewey said he is not 100% clear on that and Mr. Krueger told him that we need to meet or reduce the flow rates to meet the design criteria, but also not to starve the wetlands as well.

Commissioner Phillips had no questions.

Chair Vitali said there are a lot of questions, but it's early in the process.

Ms. O'Hare said, first, the Applicant was required to submit the verifications of Certified letters to everyone surrounding the proposed Significant Activity, and they did. I have spoken with people who got the notification. Also, my Environmental Planner's Report was posted today on the Town website with all the other materials and the Virtual Meeting Notice and the things discussed at the last meeting that were posted. The Applicant will they need to turn in paper copies of the Power Point presentation to me for the record. We haven't gotten to some of the other issues. I thought this was an excellent visual presentation.

Ms. O'Hare continued: As in my EPR, we had a tremendous amount of information come in since the original submittal October 6, received at the IWWC's Oct. 7 meeting. Since then, we have had additional information come in: supplementary information, some in response to comments from my office or from Engineering or from the Water Division. The Water Division comments came in Friday. They're very lengthy and are on the Town of Wallingford main website under the Notice of this Special Meeting.

Ms. O'Hare continued: This area is in the headwaters of the Town's drinking water supply watershed. The Town does not want water quality to degrade—water quality and the health of wetlands systems are synonymous for our Commission too. To contrast the 2018 proposal and this one, there's greater surface area here in terms of parking. So, overall, there is a decrease of impervious surface area but there's much more parking area. So roof water is basically "clean" versus water that flows off parking lots during storms. The quality of the water coming off those are the Water Division's concern and mine—the quality of water coming off the parking area. We just got those comments last Friday. And they'll be working to improve the treatment train flows before it enters the wetlands and rivers. I want to refer to Jeff Dewey's presentation: I believe a lot of the material presented tonight was new, maybe 30 percent?

Mr. Dewey said, No, actually we did some colored exhibits tonight, but we provided you with all the exhibits and with links. We presented all the summary reports.

Ms. O'Hare said, so I have copies of every chart and every plan that was presented tonight?

Mr. Klein said Yes. I understand. I wrote a letter detailing my recommendations last week, and I believe it was submitted. In some cases there are graphics that combine some of the information that's in various places. But there's no new information.

Ms. O'Hare said Yes. Mr. Klein, we got your letter that was submitted Nov. 2. Most of the material you referred to tonight was from 2018, or have you done box turtle and amphibian surveys and current analyses of the wetlands?

Mr. Klein said, Yes, the background information is from 2018. But I have looked it over to verify that that information is still accurate. I walked the site over two days. At this time of the year, we couldn't do vernal pool or box turtles analyses, but there is no reason to believe that information is not still accurate.

Ms. O'Hare told Mr. Klein that the Commission is looking to receive a Wetland Impact Analysis from them: site-specific, as to where the wetlands or watercourses are impacted from inflow from sediment traps or from a finished storm basin or where there's to be grading in an area of forest—not just the direct impacts.

Mr. Klein said he understands, based on the detailed comments from Water and Sewer and you. You said you're recommending that the Commission consider a Peer Review, so we tried to be as thorough as we can in our submission. So we're holding off until the changes are made to submit final plans.

Chair Vitali asked what Peer Review are you suggesting?

Ms. O'Hare said, as in my report, the same Peer Review we had for the 2018 application—a Peer Review of the Erosion Control Plan. Normally, we can do it in-house, but it's an 180-acre property with a lot of wetlands and rivers and a large development project plan. So it would be better to have a review of the Erosion Control Plan, which would keep the wetlands and waters clean, and would satisfy the Water Division. Before we go tonight, I'd like the Commission to make a requirement that we would have a review for that done, paid for by the Applicant. I'd propose a second Peer Review being done by a professional hydrogeologist.

Chair Vitali asked if the Applicant is familiar with what you're requesting?

Ms. O'Hare had told Mr. Dewey about it last Friday. It would be just a study for the northeastern quadrant with concerns about dewatering of the central wetlands, such as was done by the Applicant in 2018 when concerns were raised about dewatering of the central system. As the biggest swamp system on the site then, they were going to cut down 76 feet of the eastern slope and removing that material getting down into the bedrock aquifer. Back then, that work would have gotten down into the bedrock; and, in doing that, the groundwater would be leaving the slope very quickly, and the initial thought was to pipe it off downgradient. But that would create a dewatering of the system, eventually drying up the groundwater now going to the soil reservoir down below that eventually ends up in the large swamp down below.

Chair Vitali asked if the last geology report was done by a licensed firm: Could they submit that report for this application? Was it by a licensed company?

Ms. O'Hare said, Yes, it's in the prior file. But, then, for this Application. They're not cutting down as much in this Application.

Chair Vitali asked Attorney Cody, Do you object to a Peer Review for the hydrology report?



Attorney Cody said, No, Mr. Chairman. We don't object to the Peer Review of the Erosion Control Plan. We are intending to submit the last Hydrology Report, which was done by Terraconn. I don't know if you had that report peer reviewed last time. They're licensed in this area of expertise. We would do that again, have them look at that again.

Chair Vitali asked Ms. O'Hare if the Commission needs them to hire a Peer Review for this.

Ms. O'Hare said, We could receive that prior report for review by the Town internally and determine if a Peer Review of it is needed.

Chair Vitali said that sounds like a plan. What else?

Ms. O'Hare said the Engineer has questions, and we have questions and concerns about cleaning up the site plan. Big-picture items include the hydrogeological, the erosion control and the impact to the wetlands, from my perspective.

Chair Vitali said, to move on, we have had questions from people in the chat room: 1) "What if there was a fuel oil spill from a van or tractor trailer?" That's the purpose of the oil/water separator system in almost all parking lots in applications that we approve. Or, 2) "How many trucks or vans?" Chair Vitali said that's not really pertinent—it's the square footage of the impervious surface. Or, 3) "Exhaust toxins impacting wetlands water quality?" I have never come across that that has a relationship to wetlands. Or, 4) "Impact of winter road and parking treatment for snow/ice conditions?" They haven't shown where their snow shelf is in their plans on the edge of the parking lot. But I think Water and Sewer controls that. Their recommendations (p. 7, 6a) say that "No parking lot containing more than ten parking spaces shall use sodium chloride for ice control. Only products or materials which do not contain sodium chloride shall be used for snow and ice control." The detention ponds—the purpose of the detention ponds is to keep the salt/sand mix there to be cleaned out. As to the oil/water separators or catch basins, they said they're going to have an active high-maintenance program, and we'll require one.

Chair Vitali continued: The next question: "Is it true that there's to be 14 acres of woodland, as compared to the prior approved plan?"

Mr. Klein said, I'm not sure I understand the question.

Chair Vitali paraphrased: "Is it true that this new plan produces 14+ acres of woodlands, as compared to the previous one?" Are you going to have the lawn that was mowed, and you're going to have it requested to be maintained for vegetation for natural habitat?

Mr. Klein said they have not computed that, and he will clarify how much additional habitat that they will be creating.

Chair Vitali said the snowmelt and removal was already addressed. Next: "Noxious sediments disposal/removal from the site from the temporary sediment traps?" Most sediment traps just capture the sand and runoff from the construction site. "Noxious sediment?" I don't see how that fits here. Another question: "On the snow removal plan?" Again, there'll be a snow shelf, they'll push it on, and control of the sand and the salt. There was a discussion about the posting of public hearings on the property. One question was about hearings, "Would a sign saying 'Public Hearing' on Research

Parkway be helpful?" I don't think we've ever come across that. I don't believe it's a requirement in State statute. Another question: "May the public who call in ask a question?" There's never been a public hearing on this application. There are more questions. Another statement: "Wallingford residents want this everything peer reviewed and DEEP directly involved." Mr. Cody, this has to go to DEEP?

Attorney Cody said, Yes, it will be reviewed by DEEP because a Pollution Prevention Plan will be required with our Stormwater General Permit filing.

Chair Vitali said we may not be required to post signs, but everyone who's in this has gotten notified through mail at the 100-foot boundary line. There was a question about "Any plan for monitoring water downstream during construction?" He said that was discussed before and an outside consultant was hired to review the soil and erosion control measures and then was to be on site during construction to monitor them, to see and fix with measures, to monitor preparation for an oncoming storm. I think there will be some control on that. "Monitoring water downstream?" I haven't gotten into that.

Chairman Vitali said, Now who would like to speak regarding wetlands. Please comment on that.

Mr. Ed Bradley of Wallingford said, I would give the Applicant background about the residents south of the site retention system on the site and also Spring Lake. During the construction of the Bristol-Myers site, we suffered irreparable damage to not only the Watershed Protection District area but also to Spring Lake. Spring Lake is a 7+-acre lake, and at the time when Bristol-Myers was building, it was under the purview of the Army Corps of Engineers. I know the regulations have changed since then, so I don't know if there is or isn't involvement with them. I have a question for the IWWC: Has the Commission reviewed the proposed text changes to the WPD District Regulations? Most notably, paragraph B, items 1) and 2). For 1), they strike out criteria for Class A drinking water supply. In I think it's 2), or a 1 is by it, they're changing the amount of the volume. They're striking out 0.5" generated and equal to the volume of 1". But have you seen them and reviewed them? I listened to their meeting.

Chair Vitali said I only heard about them today, that they maybe were formulating some new requirements. I have not heard. Wouldn't it be in our 8-page letter here?

Ms. O'Hare said this has been informational. I think we'll hear more about it.

Mr. Bradley recommended that the Commission would look at the additions and deletions.

Chair Vitali said, I don't think we can do anything about it tonight. But Erin O'Hare is in contact with the Water Division, so we'll have to see what information she can bring to us.

Mr. Bradley said, We residents are in R-18 and we abut R-40, which is just south of the IX zone, where the water from the Bristol-Myers site flows across Route 68 as the Muddy River and on down to my house and into Spring Lake. So we have a concern whenever there's upstream construction and the impact to the lake. I thought I heard that the Applicant has to apply for DEEP to be involved. What type of permits will they require?

Attorney Cody said the Applicant will be required to apply to Connecticut DEEP for a Stormwater General Permit. It's a registration form and includes a Stormwater Pollution Prevention Plan. It's a



detailed review of the Applicant's approach to stormwater management and pollution prevention. DEEP has to sign off on that before site work construction can start.

Mr. Bradley said the last time he recalled testing in his area, the water qualification by the State was AA. Who and will the water be tested on your site?

Attorney Cody said, speaking for the Applicant, we haven't considered a testing plan yet, but we'll look into that.

Ms. O'Hare said toward the end of the Water Division's 8-page commentary they wrote that they will require testing of the Muddy River on site; I think every four months throughout the development progress.

Attorney Cody said they will review it and give their response.

Mr. Bradley said I'm not going to comment on the Water/Sewer memo, but Mr. Krueger raises several concerns. Page 2, paragraph 2, where he did have a management-level concern of the Water Division. And on p. 4, paragraph 3, at Item 1) on Parking and impervious areas. But on p. 5, the percent increase of impervious area over the previous proposal is an increase of 19%.

Chair Vitali said I saw that. And I heard, "We are decreasing" from the engineer from BL. Is the 19% increase to pervious versus impervious surface? Or in respect to pervious versus roof area? I think they need to read the whole paragraph. There's quite a bit of difference between warehouse and proposed parking versus this new building and proposed parking. That's why I asked about the increase of the parking lot.

Mr. Bradley said, There is a gate valve on the dam. What is the plan to control that gate? And what is the current condition of the gate on the dam?

Mr. Dewey said, No, we have not looked at the gate valve and how it operates.

Chair Vitali said I understand that there's discussion on drawing down the pond during construction so the pond would have capacity to handle a 100-year storm if the water got out of control. Both BL and Water & Sewer will look into that. So I think it will be operational before the project starts.

Ms. O'Hare said, in the 2018 project, the gate valve was to be used in drawing down the pond before a storm event. It also was supposed to be used for drawing down during the construction phase. Maybe Mr. Dewey can speak to that.

Mr. Bradley said, One of the Applicants made a comment that "Flow Control would not impact the wetlands." How are they going to control that?

Attorney Cody said he believes that this may relate to ways we are looking at reducing the amount of activity within the Upland Review Area. One of the ways looked at is by increasing the slope, we can pull back the amount of activity within the URA. And there are techniques, well documented, that can control those slopes. Jeff or Michael Klein can address that.

Mr. Bradley asked, Are we talking more sedimentation ponds?

Chair Vitali said he thinks, if they have to generate less percentage of slope, the base of the slope will be out into the URA more. If the slope is steeper, the base of the slope will not be in the URA as much.

Mr. Klein said, You're absolutely right, Mr. Chairman. We believe there are methods that can produce a stable, non-erodible slope and still steepen those slopes so there's more URA retained for habitat for wetlands wildlife, for attenuation of treated stormwater discharge, etc. That's to be included in the revised set of plans.

Mr. Bradley said, So your control is landscaping the land, cutting back the slopes, to control the flow?

Mr. Klein said, It's not. I think the Chairman was asking about final slope stabilization methods and how close the slope will be to the wetland. So we have methods that can be used, short of the 10,000 feet of retaining walls that were in the application that the Commission approved previously. Those would allow us to pull the slopes back and allow for wildlife and will dissipate the stormwater management system flows and allow recharge of the groundwater.

Mr. Bradley said, The Muddy River, in the south, maybe as it exits the site--that river never, ever runs dry; even in this drought it continued to flow, but diminished, and our lake was lower. When we moved here, one farm lady in her 90s stated that that river never ran dry. I'd ask about your letter from Jim Heilman. I agree with him and I think the Town should hire an independent, qualified hydrogeologist to look at that whole area. He raises a good question on where the source water maintaining the wetland comes from. I can't tell you. I can tell you that Spring Lake is named that because the bottom is fed by springs. So I'd ask the Town to hire a hydrogeologist to do a study.

Chair Vitali said, Jim Heilman's letter is an excellent letter. He's asking about the recharge of that area. He discussed with Erin about recharge of that area and the site. If we get the geology report next time, we'll see if we need a Peer Review and if Engineering staff and Public Works can give comments.

Mr. Bradley said, Please take a look at the PZC Watershed Protection District regulation possible changes.

Ms. O'Hare said Yes.

Chair Vitali said, Yes, please put it on the next month's Regular Meeting agenda. Does anyone else on the line want to address the Commission? There don't seem to be any other issues or callers. Do any of the Commissioners have questions at this time? Erin, we're back to you. Would you like the Commission to determine that that's reasonable to specify a Soil and Erosion Peer Review and also to establish a Soil and Erosion Inspector for during the construction project?

Ms. O'Hare said, for the Commission to determine that's necessary, Yes.

Chair Vitali said, And it could be one person, or the same for both jobs?

Ms. O'Hare said Yes.

Chair Vitali asked, Do you want a Motion?

Ms. O'Hare said Yes.

Chair Vitali asked for a Motion regarding hiring a Soil and Erosion Control person and also a Soil and Erosion Inspector as the project comes under construction.

**MS. PHILLIPS: MOTION THAT WE LOOK INTO HIRING A SOIL AND EROSION PERSON TO OVERSEE THE CONSTRUCTION PHASE AND ANY OTHER PART OF THE PROJECT THAT WE NEED.**

**MR. SIMON: SECOND**

In discussion, Ms. O'Hare said the Motion was to look into having an Erosion and Sedimentation for construction phase and other parts of the project. We need a Peer Review for the proposed Application; and then, separate, if it goes to an approved permit, for that phase we'd need an Inspector, a Monitor, of the site for erosion control matters. So one is to review the proposal and the other is to inspect if it ever is approved. We should maybe wait on the second part of that.

Commissioner Simon withdrew his second. Commissioner Phillips withdrew her Motion.

Chair Vitali called for a new Motion.

**MS. PHILLIPS: MOTION THAT WE LOOK INTO HIRING A SOIL & EROSION CONTROL PERSON FOR THIS PROJECT AND A PEER REVIEW PERSON TO LOOK OVER THE PROPOSED APPLICATION.**

There was no second.

Chair Vitali asked, Does this satisfy your request?

Ms. O'Hare said, not exactly. We need a Peer Review of the Erosion Control Plan as presented; and then later on we need an Erosion & Sedimentation Control professional to do the inspections.

Commissioner McKeen suggested to make the Inspector part a second motion.

So Chair Vitali asked Ms. Phillips to make a new Motion to ask for the Peer Review first.

Ms. Phillips withdrew her Motion above and proceeded.

**MS. PHILLIPS: MOTION THAT WE HIRE A PEER REVIEW PERSON FOR SOIL & EROSION CONTROL FOR THIS APPLICATION.**

Chair Vitali asked for a second.

**MR. SIMON : SECOND**

There was no discussion, and Chair Vitali called for a vote.

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

Then Chair Vitali asked for a Motion that, after this application is approved, to have a Soil & Erosion Inspector working the site for the benefit of the Town for the benefit of the wetlands.

Ms. O'Hare wanted an Independent Soil & Erosion Monitor/Inspector. Last time, there was an Inspector who was to inspect for the Wetlands Commission, Planning and Zoning, and the Water & Sewer Divisions. Should this go to an approval, we might end up pooling it as we did before..

No Motion was made at this time by a Commissioner.

However, Chair Vitali called for a second.

**MR. SIMON: SECOND**

Someone in the audience said there is no Motion.

Chair Vitali asked for any discussion, and there was none. He called for a vote.

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

The Recording Secretary incorrectly assumed that a Motion was made to hire an Inspector. She asked for clarification of the Motion phraseology.

Chair Vitali summed up that it was a "MOTION THAT THE WETLANDS COMMISSION IS IN FAVOR OF HIRING A SOIL & EROSION INSPECTOR DURING CONSTRUCTION OF THIS PROJECT TO MONITOR THEIR SOIL AND EROSION CONTROLS FOR THE TOWN OF WALLINGFORD."

The Recording Secretary asked if it was made by Ms. Phillips and seconded by Mr. Simon, and she asked who the voters were.

Chair Vitali confirmed the mover and seconder. He named the voters.

The Recording Secretary asked if all were in favor? The Commissioners replied, "Yes."

Then Chair Vitali asked, Mr. Cody, do you have any other questions tonight?

Attorney Cody said, No, I think we covered what we wanted to cover and we understand the schedule.

Chair Vitali said, going forward, the issues will be technical, such as for oil/water separators information and concerning the Water & Sewer comments. So you need to spend time in Erin O'Hare's office in

order to get those comments resolved. Chair Vitali asked Ms. O'Hare when this Application should be heard again.

Ms. O'Hare advised that the December 2 agenda is full. Further, Ms. O'Hare asked for extra time to schedule site investigations for Commissioners if desired..

Attorney Cody suggested to have a Special Meeting later in December.

Chair Vitali directed Ms. O'Hare to set the next meeting date in conference with Attorney Cody and to make the notifications and do the postings.

Attorney Cody agreed.

Chair Vitali said so we are closing this public hearing and continuing it to a date to be determined.

### **3. ADJOURNMENT**

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

**MR. SIMON: SECOND**

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

This Special Meeting was adjourned at 9:33 p.m.

Respectfully submitted,

Kathleen L. Burns  
Recording Secretary

#A 20-7.1



November 13, 2020

RECEIVED  
NOV 16 2020  
WLFD. INLAND/WETLAND

Ms. Erin O'Hare, Environmental Planner  
Town of Wallingford  
45 South Main Street  
Wallingford, CT. 06492

**RE: 5 and 21 Toelles Road and Wharton Brook – Pfizer, Inc.  
Wallingford, Connecticut  
MMI #141.11585.00064.001X**

Dear Ms. O'Hare:

Per the request of the Inland Wetlands Commission in the Town of Wallingford, Connecticut (the "Town"), Milone & MacBroom, Inc. (MMI) has reviewed materials submitted in association with the wetland application for Pfizer, Inc. The proposed plan is to excavate and dispose of contaminated wetland soils to a maximum depth of 2 feet within 2.23 acres of wetlands, followed by a wetland restoration (backfill and planting) that will approximate existing conditions. As part of this effort, MMI has reviewed the following materials:

Plans entitled "21 Toelles Road Wallingford CT Soil Remediation Project," prepared by Woodard & Curran, dated August 27, 2020, and a revised version entitled "5 and 21 Toelles Road Wallingford CT Soil Remediation Project," dated November 2020, with the following attached drawings in each:

- o "Sheet 3, Soil Remediation Project," drawn at a scale of 1 inch = 1,000 feet
- o "Sheet 4, Existing Conditions Plan," drawn at a scale of 1 inch = 50 feet
- o "Sheet 5, Erosion and Sedimentation Controls," drawn at a scale of 1 inch = 40 feet
- o "Sheet 6, Site Preparation and Materials Management," drawn at a scale of 1 inch = 40 feet
- o "Sheet 7, Proposed Excavation Limits of Soil," drawn at a scale of 1 inch = 40 feet
- o "Sheet 8, Site Restoration Plan," drawn at a scale of 1 inch = 40 feet
- o "Sheet 9, Wetland Restoration Plan," drawn at a scale of 1 inch = 40 feet
- o "Sheet 10, Proposed Site Sequencing Plan," drawn at a scale of 1 inch = 40 feet
- "Reference Plan Depicting Site Features and Proposed Regulated Activities," drawn at a scale of 1 inch = 100 feet
- Inland Wetlands Commission – Wallingford, Connecticut Application for Inland Wetlands and Watercourses Permit, prepared for Pfizer, Inc., prepared by Woodard & Curran, dated June 25, 2020
- Inland Wetlands Commission – Wallingford, Connecticut Application for Inland Wetlands and Watercourses Permit Contingency Plan, prepared for Pfizer, Inc., prepared by Woodard & Curran, dated August 2020



- Copy of comment letter forwarded to the applicant from the Environmental Planner, dated August 6, 2020, and response letter from the applicant dated August 27, 2020
- Copy of comment letter forwarded to the applicant from the Environmental Planner, dated August 21, 2020, and response letter from the applicant dated August 27, 2020
- Copy of Connecticut Department of Energy & Environmental Protection (CTDEEP) email correspondence with Wetlands and Remediation Departments between August 14, 2020, and August 27, 2020
- Inland Wetlands Commission – Wallingford, Connecticut Application for Inland Wetlands and Watercourses Permit Soils Report, dated August 25, 2020, with one map sheet titled "Soil Boring Locations"
- Copy of Environmental Planner's Report, dated August 28, 2020
- Copy of 'Scope of Work' for Peer Review, MMI, dated September 15, 2020
- Copy of memorandum forwarded to Janis Small, Corporation Counsel, Law Department by Erin O'Hare, Environmental Planner, Re: Review of Environmental Protection Agency (EPA) document, dated September 29, 2020
- Copy of Environmental Planner's Report, dated October 2, 2020
- Photo Documentation – Floodplain Forest Remediation and Restoration in Southeastern Massachusetts, provided by Woodard & Curran, received by Wallingford IWWC on October 2, 2020
- Copy of comment letter forwarded to the applicant from the Environmental Planner, dated October 7, 2020, and response letter from the applicant dated November 3, 2020
- Copy of minutes from Wallingford Inland Wetlands and Watercourses Commission (IWWC) Regular Meeting of October 7, 2020
- Copy of memorandum forwarded to Janis Small, Corporation Counsel, Law Department by Erin O'Hare, Environmental Planner, Re: Documents for US Army Corps and EPA, dated October 9, 2020
- Inland Wetlands Commission – Wallingford, Connecticut Application for Inland Wetlands and Watercourses Permit Contingency Plan Revision 1, prepared for Pfizer, Inc., prepared by Woodard & Curran, dated November 2020
- Soils Report 5 and 21 Toelles Rd – Revised Soil Borings Locations Figure, dated November 3, 2020
- Copy of image of Wharton Brook Watershed – (site location indicated)

- Copy of Federal Emergency Management Agency (FEMA) 'Flood Hazard' mapping – (site location indicated)
- Copy of FEMA 'Flood Profile – Quinnipiac River' at Toelles Road crossing (1999)

This comment letter has been prepared following a site walk conducted on November 2, 2020, by Matthew Sanford, Professional Wetland Scientist, and Marlee Antill, Botanist, with MMI and accompanied by Senior Technical Practice Leader and Project Manager Lucas Hellerich of Woodard & Curran. Based on the site walk and our initial review of the permit application and supporting materials, MMI has the following comments regarding this permit application:

## REVIEW COMMENTS

### Wetlands and Watercourses

The wetlands and watercourses on site were visually assessed during our site walk. Palustrine forested floodplain wetlands run along either side of Wharton Brook, a perennial watercourse flowing southwest through the project site. There are small patches of palustrine emergent wetlands present within the restoration area. Varying soil conditions were observed within the floodplain wetland. In wetter areas, the soils had a thick organic layer that was intermixed with distinct layers of sand (deposited alluvium) while other areas consisted of fine sandy loam/loamy sands with less distinct sand layers. Overall, a combination of hydric and nonhydric alluvial soils were observed in the floodplain and depressional areas that border Wharton Brook. Further microtopographic features were noted, including hummocks, rills, mounds, berms, channels, and seasonal seeps.

The majority of the wetland area features a largely closed canopy of tall woody vegetation; however, some open areas exist without trees, mostly atop the drier man-made mounds north of Wharton Brook, which features more shrubs and herbaceous plants. The tree strata features trees ranging from approximately 3 to 22 inches diameter at breast height (DBH) and is dominated by American sycamore (*Platanus occidentalis*), red maple (*Acer rubrum*), yellow birch (*Betula alleghaniensis*), shagbark hickory (*Carya ovata*), and tuliptree (*Liriodendron tulipifera*), with individual black cherry (*Prunus serotina*) and northern red oak (*Quercus rubra*) more typical in the higher elevation alluvial edges. Common shrubs within the site include spice bush (*Lindera benzoin*), highbush blueberry (*Vaccinium corymbosum*), and sweet-pepperbush (*Clethra alnifolia*). Herbaceous species include bog hemp (*Boehmeria cylindrica*), blue-flag iris (*Iris versicolor*), greenbrier (*Smilax rotundifolia*), crested wood fern (*Dryopteris cristata*), and soft rush (*Juncus effusus*). Numerous invasive species were observed on site, including common reed (*Phragmites australis*), Japanese knotweed (*Fallopia japonica*), garlic mustard (*Alliaria petiolata*), reed canary grass (*Phalaris arundinaceae*), and common wormwood (*Artemisia vulgaris*), among others and range from several individuals to homogenous stands. The invasive plant species were noted in areas that had low to moderately dense overstory canopy.

This wetland has been disturbed in the past as evidenced by existing man-made fill piles and berms that are scattered sporadically through the wetland. A stormwater outfall with riprap plunge pool is located within the central portion of the wetland restoration area and discharges stormwater into the common-reed-dominated part of the wetland. The existing plunge pool may

be undersized for dissipating discharge velocities based on the formation of a gully/channel downstream of the outfall. On the bordering downstream property, an existing brook crossing consisting of twin 60-inch cast iron pipes (CIPs) and concrete headwalls control flooding elevations within the project restoration area. It was noted that one of the 60-inch CIPs was 80 percent clogged with organic debris. The other 60-inch CIP was approximately 10 percent clogged with debris.

### **Wetland Restoration**

#### ***Soils***

- C1. The plans and/or project reports are lacking a baseline soil chemistry analysis, including pH, total organic carbon (TOC), and macronutrients (such as available nitrogen and phosphorous) within the project's wetland soils to be excavated. These soil characteristics are extremely important to plant growth and survival. The chemical composition of the topsoil brought on site should reflect ratios of TOC, available macronutrients, and pH that is consistent with the conditions exhibited within the existing soils, which currently support a healthy native floodplain forest. The applicant should provide the targeted soil chemistry requirements for imported topsoil and subsoil for this wetland restoration project. Comments have been raised by the Town regarding the textural class of the existing soils on site versus topsoil and subsoil imports as proposed by the applicant. We recommend that the soil texture for both topsoil and subsoil meet a fine sandy loam to loamy sand textural class. While soil texture is important there are other parameters that are equal or more important for developing a successful restoration project, including maintaining/preserving the existing seasonal hydrologic regime and providing appropriate soils with the necessary chemistry for healthy plant growth. To that end, the proposed grading plan appears to restore the grades (i.e., elevations) to conditions that equal existing site elevations. This grading should promote the preservation of the site's existing hydrologic regime. More information is required to comment on the chemical requirements of the imported topsoil and subsoils for this project.
- C2. The applicant has provided representative photos of previous forested wetland remediation projects that preserved trees similar to the proposed restoration efforts for this project. We are encouraged by the photos that depict intact trees and dripline root system preservation during remediation practices. This approach will likely provide a level of success for preserving the larger trees within the remediation area.

#### ***Non-native Invasive Plant Species Management***

- C3. The non-native plant species management plan does not provide sufficient detail to assess the potential success or effectiveness of the restoration management goals and/or plan. The plan identifies existing and potentially occurring non-native species within the wetland restoration site but does not attempt to quantify in square feet the area of the project or wetlands currently occupied by these invaders. The non-native species management plan states a goal of "less than 20% (relative to native species)" cover of non-native species after the 10-year monitoring period, but it is unclear how that percentage compares to the current percentage of invasive species on site relative to native vegetation. A map depicting the areas of invasive species and quantification of the species coverage should be provided for review.

- C4. The non-native species management plan does not sufficiently describe the methods that will be implemented to remove invasive species on site. Specifically, a preconstruction invasive species management plan should be developed prior to finalization of the complete site plan. The preconstruction invasive species treatment plan should address the major areas of invasive species on site to be managed as well as species-specific approaches to be taken during project implementation. For instance, common reed (*Phragmites australis*) spreads through underground rhizomes that may grow beyond the soil excavation depth. Does the applicant plan to remove rhizomes that occur below this depth in both the 6-inch- and 2-foot-deep excavation zones? Will invasive species management extend into the adjacent wetlands and uplands that border the restoration area? The spread of invasive species from adjacent areas may be problematic once the site is disturbed. Japanese knotweed and common reed are found in immediately abutting areas. Failure to properly address non-native invasive plant species prior to and during construction can greatly impact the success of the restoration project. The applicant should provide a more refined invasive species management plan tailored to this specific site.

#### Planting plan

- C5. The planting plan includes a diverse palette of the native species occurring on site. While many of the shade-tolerant species currently growing on site are represented in this plan, one consideration is whether there will be sufficient numbers of shade-intolerant species planted to survive the first few years postexcavation when significant open canopy will leave many of the new plants exposed. Currently, the site features open patches atop subtle hummocks and other rises where there are only a few large trees. These spots may offer further insight into suitable plants to include in an amended planting list. The applicant is to review the planting plan and provide additional shade-intolerant species for areas that will suffer canopy loss.
- C6. The applicant should provide tree protection details for those 15-inch DBH trees that will remain within the wetland remediation area. Damage to tree trunks and roots must be minimized to the maximum extent practicable.
- C7. The project will preserve an undisturbed swath of riparian vegetation along Wharton Brook, which will help protect the brook during construction and serve as a buffer. It is not clear how the double row of silt fence will impact trees along this riparian zone. Did the applicant survey trees along the proposed silt fence line? If trees are present regardless of DBH they should be preserved and silt fence install modified to protect the tree and its root system.

#### Monitoring

- C8. The monitoring plots proposed (15-foot radius plots established at a density of approximately two plots per acre) are too small to adequately monitor a closed-canopy, topographically heterogeneous community as the one proposed to be restored. We would recommend increasing the number of monitoring plots to four plots per acre.

## **Plan Drawings**

### *Site topography*

- C9. The plan drawings do not cite the origins of the topographic contours presented on the plan drawings; however, it seems possible that they were derived from remote LiDAR or aerial data rather than ground survey. The applicant should perform a more detailed ground survey prior to finalization of the site plan in order to verify existing elevational gradients and capture the existing microtopography on site (including upland islands, rills, unnamed intermittent watercourse) that were observed during our site visit. This baseline information is important to assess the successful return of site conditions to their previous state. All data sources used in the mapping should be cited on the existing conditions plan.

### *Hydrology*

- C10. During the site visit, we reviewed conditions of an off-site brook crossing just west of the project boundary. This crossing consists of twin 60-inch CIPs conveying Wharton Brook west, away from the project site. It was noted that both pipes are significantly obstructed; the river left (facing downstream) culvert had several small dead trees laying in front of the opening while river right culvert was 80 percent clogged with organic debris. The applicant should contact the downstream property owner to coordinate the clearance of these obstructions prior to the commencement of restoration activities in order to reduce potential for backwater flooding of the active construction site upstream.

## **Erosion and Sediment Control Plan**

- C11. From our observations during the site walk, it was noted that the proposed cofferdam site was not exceptionally wide and currently hosts riparian trees and vegetation that would in all likelihood need to be removed in order to accommodate the width of even a modestly sized cofferdam as shown in the applicant's project support materials. In our extensive experience with working within and along watercourses, the best means of controlling water is through less invasive cofferdam alternatives than presented to date. We recommend that the applicant review alternatives such as supersac sandbags or some other similarly maneuverable water control that would preserve more of the bank and riparian buffer. The reestablishment of vegetation of this stature along the channel will take a significant amount of time, especially if the removal of existing trees increases the risk of bank or floodplain erosion.

## **National Flood Insurance Program (NFIP) Compliance**

- C12. The plans appear to propose grading (cut and fill) within a FEMA-regulated floodway. While proposed contours are depicted, no volumetric analysis is provided to ensure that there will be no net fill in the floodway. While the project narrative states the intention to match existing grades, the project plans (from which the project will be constructed) contain no such information. We recommend that a minimum of four cross sections are added to the plan set to depict the intended cut and fills in various locations throughout the floodplain/floodway and that cut/fill volumes be provided.



- C13. Any application that proposes grading within any FEMA regulatory floodway of any watercourse must be accompanied by a computational analysis, performed in accordance with standard engineering practice and procedures, and sufficient to certify that there will be 0.00 feet of change to the floodway water surface elevation. This analysis must be accompanied by a signed and sealed no-rise certification from a professional engineer licensed in the State of Connecticut. Please refer to the Town of Wallingford Zoning Regulations, Section 6.5.C-5 for more information.

## CONCLUSION

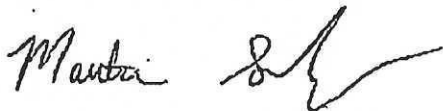
Based on MMI's review of the proposed restoration plan, it is our professional opinion that with certain updates, including the incorporation of soil nutrient and organic carbon levels in the restoration backfill equivalent to those found in existing soil conditions, and a more detailed and comprehensive invasive species management plan, the proposed soil remediation and wetland restoration plan will be successful in limiting net impacts to the existing floodplain forest and achieving ecological enhancements.

The current plan is lacking mention of existing wetland soil chemistry, results, or that of the proposed wetland restoration soil to be backfilled. The invasive species management plan is lacking a quantitative assessment of current invasive species cover and thus justification for the stated goal of "less than 20% (relative to native species)" cover of non-native species after the 10-year monitoring period. The plan also fails to mention how invasive species will be dealt with during the construction phase, which will be critical in later control of invasions. With that being said, we would request the applicant review our comments within this review letter and evaluate designs that would better serve the reestablishment of native vegetation resulting in a more successful restoration of the on-site wetland.

If you have any questions regarding the above, please feel free to contact either of the undersigned at (203) 271-1773.

Very truly yours,

MILONE & MACBROOM, INC.



Matthew J. Sanford, MS, PWS  
Manager of Natural Resources Planning



James Murac, PE  
Water Resources Engineer


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*Town of Wallingford, Connecticut*

INLAND WETLANDS &amp; WATERCOURSES COMMISSION

JAMES E. VITALI  
CHAIRMANERIN O'HARE  
ENVIRONMENTAL AND NATURAL RESOURCES PLANNERWALLINGFORD TOWN HALL  
43 SOUTH MAIN STREET  
WALLINGFORD, CT 06492  
TELEPHONE (203) 294-2083  
FAX (203) 294-2095**MEMORANDUM**

**To:** IWWC  
**From:** Erin O'Hare, Environmental Planner   
**Date:** Nov. 25, 2020

**Re:** IWWC #A20-7.1 / 5 & 21 Toelles Road & Wharton Brook – Pfizer Inc. – (soil remediation project)

**ENVIRONMENTAL PLANNER'S REPORT****Status**

- Oct. 30: EPR issued
- Nov. 4: IWWC heard & discussed revised presentation; tabled matter to Dec. 2 Meeting
- Nov. 13: Peer Review preliminary findings submitted by fax (and copy forwarded to Applicant next week) – *see copy in packet*
- This week: Phone conferences with Applicant about scheduling and clarification relative to extensions

**Recommendations***Update*

Applicant will complete revisions and provide revised documents and any omitted information in response to Peer Review preliminary findings document and submit to this office and to Peer Reviewer. As the Peer Review is Independent, this office will forward any comments about the preliminary findings – if any - to the Peer Reviewer in correspondence (with copy to Applicant).

Peer Reviewer will then complete report with conclusions and recommendations for the IWWC to consider. The findings will be forwarded in packet and presented by Peer Reviewer to the IWWC, whereupon any IWWC questions will be answered by Peer Reviewer and by Applicant.

*Action*

At the Dec. 2 Regular Meeting the IWWC will need to request an extension from the Applicant who has requested same and the Applicant will soon provide correspondence granting said extension in advance. (The Law Dept. has opined this may not be necessary due to Governor's Executive Order with its 90 day extension).

The IWWC should then table the matter to the Jan. 6 Meeting with no discussion or presentation.