

Inland Wetlands & Watercourses Commission
Regular Meeting
Wednesday, February 1, 2023, 7:00 p.m.
Robert F. Parisi Council Chambers
Second Floor, Town Hall
45 South Main Street
Wallingford, CT

MINUTES

Chair James Vitali called this Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission to order on Wednesday, February 1, 2023, at 7:05 p.m. in the Robert F. Parisi Council Chambers, Second Floor of Town Hall, 45 South Main Street, Wallingford, CT. [A recording was produced and posted on YouTube by Wallingford Government Media.]

PRESENT: Chair Vitali, Vice Chair Deborah Phillips, Secretary Nick Kern, Commissioners Jeffrey Necio and Michael Caruso, Alternate Commissioner Aili McKeen, Alternate Commissioner Mrs. Caroline Raynis (entered the meeting at 7:10 p.m.) and Environmental Planner Erin O'Hare. Alternate Commissioner Mrs. Caroline Raynis entered the meeting at 7:10 p.m.

ABSENT: Alternate Commissioner James Heilman.

There were 42 persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL – As above.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, Jan. 4, 2023

Chair Vitali stated that the January 4th Minutes would be considered in March. He requested the Recording Secretary review where a certain statement had been omitted and to add it.

D. PUBLIC HEARING

1. #A22-10.1 / 59 North Elm Street – Choate Rosemary Hall – (building construction)

Chair Vitali recused himself from participating on this Application. Vice Chair Deborah Phillips recused herself from this Application as well. Then Chair Vitali and Vice Chair Phillips stepped down from the dais.

Secretary Mr. Kern, as Acting Chair, read this Public Hearing heading from the agenda. He said that public comments will be after the presentation.

Ms. O'Hare said. All the proper notification was done by the Applicant. The notice was published in the Record-Journal as required. And it's all in the record: any letters received from the public, all documents received from the Applicant, which the Commissioners have, and all written reports by myself and received from others, comments from Town staff, reports from agencies, and anything handed in from the public. All of these are entered into the Public Hearing record.

Acting Chair Kern said, The five voting Members tonight will be Mr. Caruso, Mr. Necio, Ms. McKeen, Mrs. Raynis, and myself.

Attorney Dennis Ceneviva of Meriden said, Thank you, Mr. Chairman. I represent the Owner and Applicant. With me tonight is Mr. Patrick Durbin, Chief Financial Officer of Choate Rosemary Hall, in the first row. Up at the easel is Brian Kaye from SLR and then Tom Daly from SLR to my left and Megan Raymond from SLR, Soils Scientist/Professional Wetlands Scientist.

Attorney Ceneviva continued: It's an odd-shaped piece of property, a little over 96 acres in size. It goes from the corner of North Elm Street and Christian to an area behind the condominiums on Constitution Street. The project itself is about 6½ of those 96 acres. The proposal is to construct a new Admissions building about 14,000 square feet in size, to be located above an underground parking garage of about 70 spaces, which will be under the Admissions building and partially under a green roof, which I will explain. So about 55 or 60 surface parking spaces closer to Gunpowder Creek will be removed, and that will be restored to grass. In the environmental reports to Ms. O'Hare, we are expanding the surface area in excess of the 10,000 square feet that's in your jurisdiction. It's about 11,695 square feet of net new impervious area on the 96-acre parcel, which is over a million square feet. Also, construction flows and discharge from temporary sediment traps to Gunpowder Creek are going to be part of our presentation. No work is proposed in the wetlands, in the water-course, or within Upland Review Area. The closest activity to any water body, Gunpowder Creek, is the removal of existing parking spaces to replace with grass. That's 160 feet away from Gunpowder Creek, or over three times the distance of your Upland Review Area, which is 50 feet. And the proposed building is located 613 feet away from the creek.

Mr. Brian Kaye, Licensed Landscape Architect with SLR, said: This is a two-story building above an underground parking area, which will support 70 spaces with a green roof on top of that. The green roof may not be the typical green roof you know, the thin tray system that sits on top of many roofs. The profile here is a 12" to 38" section of organic material which is going to grow lawn and plants. It's a pretty substantial green roof.

Mr. Kaye continued: I'd like to start with the area that's closest to the wetlands—186 feet away—we're taking away 55 surface parking spaces. It's a removal of about 9,300 square feet of untreated impervious surface directly next to the wetland. That parking is getting relocated in the underground parking garage where our new impervious surface is about 11,000 square feet. We tried to match the existing flow patterns. So primarily the new proposed surface area is going to be all clean water from the roof. That water is going to get filtered down here into a basin out front of the building, which then has an overflow structure which takes water to our larger basin. And the same with the green roof. The green roof has underdrains under the surface of the lawn, so there's room to infiltrate there and eventually overflow into the basin. I'd point out that the building itself is to be a LEED Platinum Building. It's basically the most widely used green building rating system. It creates a framework for basically sustainable-built buildings and awards points for site development aspects such as storm-water management, use of native plants, and sediment and erosion controls. Going for the platinum rating showcases our level of care and approach to this construction project. I'd like to also highlight here the impervious surface diagram to show what we're taking away and what we're proposing. In green is what we're taking away, a walkway to the intersection of North Elm and Christian Street. And the green is showing parking being removed. We have a couple of new walkways. We have the driveway entrance to the parking garage off Christian Street and the roof area and patio out back. I'd also highlight the watershed maps. We tried to match the existing flow patterns as greatly as possible. Highlighted here is the existing. So as it exists in this lawn area where the football field is and where our proposed building is, all flows overland, goes to the parking lot, and comes to the

creek. There's a small watershed along Christian Street, which currently grades this way now and makes its way into the road. Shown here are how our Proposed Condition looks. You can see everything on the north side of our building and the football field still drains to Point B here. The rest of the site still goes over the grass and to Gunpowder Creek as it does now. Eventually, all of this water goes to Gunpowder Creek, but there's slight divide in the site as it exists. What's high-lighted here is our two stormwater basins. I'll hand it over to Tom to talk about the more detailed design.

Mr. Tom Daly, P.E., of SLR Consulting, said, We worked with Brian Kay in our office on landscaping. My focus is stormwater management and erosion controls. The site is at the corner of North Elm and Christian. It's high at this end of the project and slopes down gently to here. Gunpowder Creek is located off to the left. From a storm drainage aspect, there's a drainage system coming off North Elm including Christian, picks up a lot of the Town drainage system, pipes down through the roadway here. Off plan, there's a culvert and a pond. Feeding that pond is a large watershed. So this is a low valley, and that's why this drainage system goes through here. At Christian, at the low point, is a 30-inch RCP pipe through the project property and outlets on the other side of the athletic field. That's what we're calling Gunpowder Creek. That's what we look at first, hydraulics from a stormwater standpoint. We're at a high point in the watershed, and we look first at existing conditions. So we look at published data on rainfall, soil, watershed areas, and ground cover—standards through the state and federal government. It tells how much water is coming off this area under existing conditions. Brian showed all this area drains toward Gunpowder Creek, except for a slight subdivide in the peach area that sheet-flows to the roadway. That's a representation of the watershed we did in our analysis.

Mr. Daly continued: We work as a design team for best practices. The architect presented the green roof to us. We're looking at points for doing a "LEED Platinum Building" and we're working on best management practices: 1) We're eliminating 59 parking spaces, which generate a lot of runoff. 2) On the site the architects presented to us about doing the green roof: Actually, they tend to be a small tray system on the roof. They do a great job. This is a full soil profile that we believe give greater benefits. It gets more vegetated uptake, more storage in that soil profile. The garage itself is a best management practice. It's making the footprint small instead of a parking lot with drive aisles. 3) At the front of the building we have a bioswale, a small depression area to allow roof leader water to infiltrate. It's here with a high-level overflow, and it comes to a small water basin on the lefthand corner. The stormwater basin is designed for water quality and quantity. It's a vegetated basin with enhanced plantings to have more vegetative uptake, and the basin is designed to mitigate increase in runoff. We did the proposed post-construction hydraulic analysis. Using state and federal resources, our analyses saw that in both these watersheds we're showing no increase in peak runoff rate for the 2- to the 100-year storms. We're using the new NOAA data, basically what you see on a daily basis. So we're balancing watersheds. For existing and proposed conditions, the two are respectful of each other. So we did Analysis B to make sure we're not overloading the Town drainage system, and we did Analysis A, of each one. We are looking at quality and quantity. All these green infrastructure practices are going to promote infiltration of the water. The vegetated basin is going to promote infiltration. It does have an underdrain at the bottom, so we don't have standing water in there for long. It will get infiltration along with the bioswale. Also, we expect limited vegetative uptake water, or storage, in that green roof. There is a high-level overflow for storms.

Mr. Daly continued: In addition, we have a Stormwater Erosion Control Plan: We understand this site. We are building this building at the high point, allowing us to really manage the site well. So we're in a good position to handle rain. We don't have to divert all this water around. We understand Gunpowder Creek is an important resource, we have to protect it. So we have erosion control. First, sediment traps, depressions, are proposed built during construction to allow construction water to get in, settle and stay on site. Ultimately, those basins have overflow that goes to a diversion swale with

check dams. Third, sediment traps are in series: from one sediment trap, through a diversion berm, into another. At the edge of that, we have a double row of hay bales and silt fence. And at the bottom of the hill we're putting a final row, a straw wattle—essentially a sock with hay in it. So we tried to put in a plan that's easily maintained. The students might see it.

Ms. Megan Raymond, Professional Wetlands Scientist, Registered Soils Scientist, and Certified Floodplain Manager: With SLR, I am a Principal Scientist and Wetlands/Waterways Lead. I did submit a letter last week that's in your packet on the Choate Admissions Building project as a wetlands project. I'll review existing conditions. The site impervious area is greater than 10,000 square feet in area—11,000+ square feet proposed. That's very small. The distance to regulated resources is much larger than you all see. Our distance is 186 feet to Gunpowder Creek, a locally known drainage corridor that runs to the Choate campus. Gunpowder Creek is a subwatershed within Wharton Brook. It occupies 234 acres of land in the larger Wharton Brook watershed, which is a little over 3,000 acres. So Gunpowder Creek is about 7% of the Wharton Brook watershed. Gunpowder Creek originates in a residential area a third of a mile north of the project area. It flows south at the rear of some homes. It's been impounded on the Choate campus in two surface water ponds. The outlet of that, of those ponds, is piped underneath the ground and terminates on the Choate campus just in the athletic complex. And that is our closest point of wetland activity, that is the 186-foot distance which I'm going to show you. We're talking about this point here, the terminus of a 36-inch RCP outfall, and that is the origination of Gunpowder Creek within our project vicinity. The project area is in total about 6 acres of land on the 96-acre site, a relatively small percentage of the overall work. And the proposed impervious also is quite small, 11,000 square feet of impervious cover in the Gunpowder Creek watershed, not even the Wharton Brook watershed. So we're looking at very small numbers. We're in an existing campus area that's comprised of lawn, asphalt walkway, two frontage roads. The nature of that project area, the extent of the proposed activity, a relatively small building, a consolidated footprint utilizing every measurable or every tool possible to minimize the work area and maximize resilience and sustainability with subsurface parking, energy usage, stormwater management—running through all the attributes of building design as well as the distance to regulated resources that the proposed project will not have any impact or effect of the physical characteristics of Gunpowder Creek—nor will it affect or result in a diminution of that watercourse function.

Ms. Raymond continued: And, as a wetlands scientist, I'm asked to analyze impacts. We start with, "Are there any direct wetland impacts, watercourse impacts?" The answer in this case is "No." We're not working within a wetland or watercourse. Then we look at potential for indirect impacts. And we dissect those potential indirect impacts into two categories: short-term impacts, impacts to areas that may result from construction; and then long-term impacts relative to effects of hydrology or water quality, those types of avenues. Because we have a site plan that has been thoroughly considered to address both short-term impacts related to sedimentation and erosion control and long-term impacts with the robust stormwater management, we are not anticipating any indirect impacts to this watercourse. I'd leave you with the consideration of the subsurface parking, the removal of those surface parking in that close position, that close nexus to the Gunpowder Creek outlet cannot be overlooked as a strong improvement to existing site conditions. Choate could have proposed a surface parking area around this building, and we'd be looking at a much different set of analyses. The fact that we're consolidating this building footprint, removing those parking spaces and allowing for underground storage and greening of areas in proximity to the watercourse, that's a great improvement and will benefit the overall project area. I think it would benefit the citizens in town. So I'm pleased to answer any questions as we move on.

Attorney Ceneviva said, Mr. Chairman, in listening to the presentation, I'm pleased with it. I wanted to make sure that this Commission has a little more information about this green roof. To me,

underground parking area was kind of new. Also it's important that we've identified that the building will sit on top of this parking lot, but a parking garage, but not all of it. So there's an area that would otherwise have a metal or concrete roof. Instead, this concept of a green roof came up. And SLR can explain why it provides an additional benefit. You'll see green.

Mr. Brian Kaye, Licensed Landscape Architect with SLR, said, So it's much more substantial than a typical green roof you might have seen or not about. Because of its uniqueness, I'd highlight it here. We're talking about 12 inches of topsoil with primarily lawn on top of that and the red, the next up to 22 inches is just on-site material; below that we have a thin sand layer which is going to house our flat drain—the flat drain is specifically a one-inch tall by a 12-inch wide drainage system—so, as water infiltrates this profile, it'll get to those drains in a slow manner. As it rains, it will trickle down, eventually get to those pipes, and then to our storm basin. Below that is the roof slab top of the garage.

Attorney Ceneviva said, That's our presentation, Mr. Chairman, members of the Commission. We're certainly prepared to answer any questions from you or the public.

Acting Chair Kern said, O.K., thank you. Does the Commission have any questions?

Commissioner McKeen said, So Gunpowder Creek actually does originate to the north. The 36-inch culvert takes it underground from the other side of Christian Street and does not go in a straight line? It's—it's not noted on any of your plans where that underground--.

Mr. Daly said, Yes. For the record, Tom Daly. It's not a perfect straight line, but it's pretty straight. So on the plan the survey taps out. Ultimately, that does head right towards Christian. So it is generally a straight line as the crow flies.

Commissioner McKeen said, O.K.

Mr. Daly said, As we sit here today, there's a low point in Christian, and it just kind of shoots straight across.

Commissioner McKeen said, So it's underneath the existing parking lot right now. And then it kinks up to the pond, just to the west of?

Mr. Daly said, So I looked at mapping (shown on the easel), and what happens is there's really a confluence of drainage at Christian. We have Town drainage coming in this direction; and Town drainage that comes down North Elm, picks up all this intersection, comes down here—that connects there. And, as Megan indicated, you can see the pond off here. So then you have a third connection, this is just a natural low point. So a lot of the water is coming from Town roadway systems, and then it all comes here. But because it's a low point, it has to go somewhere, and it heads south.

Commissioner McKeen said, O.K., and it heads south into Gunpowder Creek.

Mr. Daly said, Right.

Commissioner McKeen said, It does not connect into the Town storm drains at all?

Mr. Daly said, The Town storm drainage connects to the 30-inch pipe at Christian, and then they all hang out together, and then they shoot out.

Commissioner McKeen said, O.K.

Mr. Daly said, So it's really receiving water from Town drainage, upgraded watershed, the ponds, and then we just have natural sheet flow coming off campus. It's a pretty extensive system to up here. It's a fairly decent watershed through this pond system down through here. Does that answer?

Commissioner McKeen said, Yes.

Commissioner Raynis said, I have one question. You did speak a lot about the various tiers and layers of your drainage system, but I keep reading ultimately discharging to Gunpowder Creek. So is it ultimately discharging into the creek?

Mr. Daly said, We are actually connecting to a pipe. Everything in this area goes ultimately to Gunpowder Creek, every drop of water.

Commissioner Raynis said, O.K.

Mr. Daly said, So we are not discharging, we are connecting—maybe it's better to show you on here. Can you see? There's a dark line that comes down through here right through the field.

Commissioner Raynis said, Yes.

Mr. Daly said, That's our connection to the 30-inch pipe. The outlet of the pipe is another several hundred feet away. So we do not pipe directly to Gunpowder Brook. It goes to the 30-inch pipe and then ultimately to Gunpowder, which goes to Wharton Brook. Everything kind of rolls downhill.

Commissioner Raynis said, O.K.

Mr. Daly said, But we are not hard-piping anything to the brook, correct. We're utilizing the infrastructure that exists down below.

Acting Chair Kern asked, Mike, do you have any questions?

Commissioner Caruso said, No.

Commissioner Necio, So you're considering the building impervious, right? For the garage as a proportion, is there runoff from the green roof compared to like a standard roof?

Mr. Daly said, Absolutely, yes. So everything is runoff, right? So grass, woods—so when you look at published data based on the soil type, everything has a threshold. So these are round numbers, but typically pavement or roof gets about 98% runoff, right? Grass is more in the range of 30%. So that green roof here is contributing. It is included in our calculations. So there is always runoff—maybe your own lawn? Big enough storm, you do get runoff. You probably won't get a lot of runoff there on those small frequent storms. The roof itself, yes, we did model that as a full basically impervious surface, correct.

Commissioner Necio said, So with regards to a regular lawn versus the green roof, do they kind of act the same way? Is it more?

Mr. Daly said, It's very similar. When we do the other tray systems, we do model those slightly

different because there's no storage capacity below those. Because this does have this 24 inches of storage capacity. And most soil data is—they're only looking at the soil profile, that first 24 inches. So it will have runoff, but we did model it closer to lawn than it would be if it was a paved surface.

Acting Chair Kern said, O.K., The soil types, were they usable for drainage, for percolation?

Mr. Kaye said, What we did in our calculations is we did not account for any infiltration—understanding that there would be. We did worst-case scenario estimations on how to treat and manage storm-water. We know there will be infiltration in our basins; there will be the infiltration in all of those water-quality swales that we talk about and the green roof itself. So, in terms of calculations, we didn't take infiltration into consideration, just planning worst-case.

Mr. Daly said, But we tried to replicate existing conditions. So every soil has some level of infiltration. Even soils with poor porosity can still provide some water quality in terms of infiltration. What you're trying to do is mimic what's existing out there today. So we put elements into the plan that promote infiltration. The green roof promotes vegetated uptake and soil capacity, that bioswale. So we believe there is a definite opportunity for infiltration, and we included it. And we included in the plans high-level overflows because we don't want water standing there for a long period of time and the grass doesn't look good. So Brian is saying, from a conservative standpoint, we didn't put it into the calculations. But the reality is the plan is specifically drawn up to promote infiltration. The bioswale in the front, designed exactly for that. The basin is going to have a flat bottom with an under-drain, but with good vegetation. And the green profile is more. There is an opportunity to store water and have vegetated uptake. I believe the area is mapped as Udorthent, meaning it was previously developed. It doesn't mean it doesn't have a good—still have a good opportunity to infiltrate.

Acting Chair Kern said, Concerns and questions from the Commission? There were none.

Acting Chair Kern said, We're going to open this up to the general public for comments on Wetlands issues only. Come up to the microphone, give your name and address and state your wetlands concerns. It won't be a question-and-answer. The Applicant will have time to answer at the end of the format. This is for Wetlands questions only.

Mrs. Jennifer Coyne, Curtis Avenue, asked, What is the square footage of the parking garage?

Mr. Daly said, It's an architectural element. We don't know.

Mrs. Coyne said, You don't know?

Mrs. Lois Schock, 319 North Elm Street, I listened very closely to all the data that was presented. I'm not an engineer. I'm very worried about anything that happens with our wetlands in back of my property. I came to these meetings and listened to engineers talk about there would be no problems with drainage with the new homes that were built, the Choate new homes up in back of my property. Since they were built, and all the engineers guaranteed there would be no water runoff any more than normal. I now have a skating rink in my back yard. I pay taxes on a half an acre; I can use one quarter of an acre because you would sink up to your thighs if you walked in my backyard. This is new this year. So I'm very concerned. I don't know about wetlands. I do know that I've been given a lot of information from our Wetlands people saying you can't do this, you can't do that. You have to protect. Well, I don't think these kinds of projects are protecting our environment.

Mr. Jared Liu, Curtis Avenue, said, Can the Applicants talk more about the impervious surfaces? As I

was looking at the map, I saw that the parking spaces below are going away but the driveway is staying; could you confirm that? But it sounds like these 70 spots are underneath into the lower, that underground parking—and then you're taking all of the event parking there, you're taking all the event parking. Where the new building is going as well, I mean 100 cars go on that grass area. And so my concern is sort of the larger impervious question of are there other parking lots that are being constructed just off to the side by the athletic center? What is the impervious plan there? The map looks great, I see a lot of green, but I wonder if there are other impervious surfaces that we're not seeing?

Mr. Phil Youker, Curtis Avenue, said, The first question I have is with regard to the peach watershed, Watershed 20. I believe there was a point made that the two were designed to keep them the same size. But when you look at the plans, Watershed 20 is reduced by about one third of its area--that's fairly significant. It was mentioned that that's in the end zone of the football field there. So I don't understand why the new proposed drainage for Watershed 20 is based on only two thirds of its current acreage, without seeing anything being done to recontour or redirect water in that area. Along in the same area, it looks like there's about a 100-meter-long sidewalk being put in running adjacent and parallel to a Town sidewalk, and it seems to be unnecessary impervious being added. It's students walking on one side of the fence and residents walking on the other side. So is that sidewalk really necessary? One other thing: The drainage pipe for the basin in this diagram runs in front of the building on the lower left, the old empty Student Activity Center. But I've seen other plans where that drainage pipe is redirected behind the SAC and connects into current drainage pipe used to drain runoff from new dormitories that were built in 2007. So I'm hoping for an answer which way those drain-off pipes will go; and, if it is going into the current drain-off for the dormitories, what sort of drain-off do those dormitories currently produce, and we're just going to be adding more drain-off runoff to those? Second, I heard a lot about the semi-pervious cover for the green roof--something between grass and pavement—but then I also heard it being calculated as grass. The curve number used in the analysis is 74, which is identical to grass. But I heard that every type of surface was taken into account to do the engineering calculations for the runoff. So I'm wondering what the actual impact of that semi-pervious surface would be if we didn't count it as grass? Finally, as to the removal of parking spaces along on Powder Creek Road. I just did a quick look at the parking layout in the garage underneath. So the green roof, only about 50% of the green roof is being used to replace the parking spaces along the road. The other 50% of the green roof is just replacing grass, which is currently there. So I'm wondering how putting a green roof where paving used to be is offset partially by putting a green roof over what is currently grass.

Dr. Tom Fikslin said, I'm a water quality scientist retired. Looking at some information submitted, one concern is the size of the stormwater basin. It is designed for a 100-year storm, but it's actually designed for a 10-year storm, is what I thought I heard. I think that ignores our changing climate, the fact that our predictions for rainfall and runoff are all based upon past data—and that's all changing. As we can see in California, they're getting a lot more water than they ever got in any one time. So, looking at something higher and making sure this basin is sufficient to hold some severe events, I think, should be looked at. Thank you.

State Representative Mary Mushinsky, 188 South Cherry Street, Wallingford, said, I work as a watershed advocate in my civilian job. I have been called in sometimes for flooding issues in my other job. Like the previous speaker said, I'd ask whether 10-year storm protection is enough. I have been by Choate School when we had an occasional heavy rain event that filled up the entire low point of Gunpowder Brook from the pond—which is north of Christian Street—south all the way to Choate rink; and, during a major storm event like that, the bottom of the trough is not passable and police cars are there to direct you to not try to cross it. I agree with the previous speaker that we are experiencing more heavy precipitation events, and planning for a 10-year storm is probably not going

to be protected. Those events when the roadway goes under water are probably 100-year events—Erin might know. But a 10-year event is, if I heard correctly, is probably not enough. My other question is, Did the project design for no net increase in flooding of Wharton Brook? I have had constituent complaints about the flooding of apartments where Wharton Brook flows under Center Street. And so my concern is if the project will hold onto water during heavy rain events or infiltration? If it does send it downstream, I anticipate that the apartments that have been hit twice already might be hit a third time. Hopefully, the infiltration is sufficient that those apartments will not get hit again. They're partly in the floodplain. They shouldn't be there. But they've been there since the 1970s; and the passageway where Wharton Brook passes under Center Street has, I think, more fill in near the gas station that wasn't there before, which has narrowed that passageway a little bit. That happened during construction—the gas station expanded their fill and put additional parking in. So I believe it has constricted that passageway. I'm hoping you'll consider those questions and reassure people that the project will not increase flooding, or will be or will not be insufficient to handle a heavy rain event. Thank you.

Acting Chair Kern said, Thank you.

Ms. Jessica Mantzaris, Academy Street, said, My concern is about the inside of the parking garage. I'm wondering if it's to be cleaned, where that water would be drained to, and where the drains are inside of the parking garage, and where they're going to.

Mr. Vinny Iannuzzi, of Vinny's Deli, said, I'm really concerned about any water that would go into Wharton Brook. I don't know much about that green roof, but does it work as well in the winter as it does in the summer? So when everything's frozen, if we have a rainstorm right after that—which happened, I don't know, maybe six/eight years ago, we had one of the worst water heights in the brook. So does that green roof work that well when it's frozen? So, if it's frozen and you get a week of 17-degree weather, and then the weather turns and you have heavy rain, it doesn't work as well?

Mr. Jon Walworth, Actually, I live at the headwaters of Wharton Brook and became interested in this project because of that stream. When you look at it, there's four square miles of tributary area that flow into Wharton Brook. It starts very steep at the top of Durham Road and flows down at quite an angle until it gets down near the center of Town. It appears to me as a past civil engineer that one of the problems is the maintenance of Wharton Brook itself. It seems to be a backwater issue. In the years that I've been doing this, I note the same thing, where there's sometimes there's an upstream issue, and a lot of times there's a downstream issue that's not being addressed and is responsible for the concerns of these citizens. I had an opportunity as a co-founder of The Wallingford Invitational Soccer Tournament to trek across this campus a number of times, including Hurricane Bob in 1991. Choate hosted TWIST for 30 years, and during that time I found them to be an excellent matron of that property, and I believe that will continue. I've looked at the hydraulic report, and I find that it's not only thorough but it addressed a number of the concerns that are being addressed now tonight. Thank you.

Mr. Dan Kroeber, 391 South Main Street, said, Thank you all for your time. My name is Dan Kroeber. I'm a professional engineer, spent about 20 years doing what these guys are doing. I'm here representing clients on site development projects like this, so I have a lot of experience in the design of hydraulic models and hydrology models. I still am a practicing civil engineer. I happen to have also gone to Choate and very proud that we have Choate here as a phenomenal anchor to our Town. They are is an environmental steward of this Town, of this state. Choate is at the forefront of environmental sustainability. These projects need to be LEED Platinum as the most sustainable thing you could do. It has lots of stormwater quality. In Wallingford, maybe we haven't seen that. But this is something

new, sustainable. Instead, Choate could have built a parking lot, surface parking lot like we have all around Town. Doing a green roof is a very, very good thing. It's going to treat water quality better. It's going to reduce stormwater runoff. So I'm providing comments here on the application. I've got three pages of notes. I've reviewed every detail, every report in thorough detail. The Choate's site is 7% of the overall watershed. This particular site is 100 acres. The broader Choate campus almost 400 acres. Choate's impervious coverage in that area is probably about 10%, compared with homes in the area that are 50, 60% impervious coverage. Choate is doing this watershed a favor by having a small amount of impervious surface. I reviewed the wetland activities. Our closest activity is 186 feet away from the wetland in the Upland Review. There's actually a reduction in the stormwater that's running off this site as a result of the project. A result of two-year storm to the 100-year storm, there's storm modeling that it's actually reducing the amount of stormwater flow in this watershed. The S&E Control plans are completely in compliance and showing a decrease in runoff. What that means for downstream properties is that there's not going to be more running off on a peak flow rate perspective. Choate's area is low-lying so it's helping the downstream properties because that's not developed. At that new bridge, if water's backing up, it's actually going to flood onto Choate's site. Because there's no fill proposed in the floodplain, there's no impact associated with that. To the Commission, thank you for all you do, and thanks for listening to me.

Mr. Stephen Lazarus, 63 Curtis Avenue, said, A couple of things: It's a wonderful idea to get rid of surface parking along Gunpowder Creek. All those cars will be able to park in the parking garage. Green roofs are new to us here. Parking garages are new in Wallingford. And when someone is driving to Choate, I'm hoping that Choate will assure us that there will be active signage to that parking garage. Second, I think you're underplaying the amount of absorption that you're going to get from that green roof. That parking garage roof will probably be dead-level, or close to it, and will probably have an impervious perimeter around it, so I really think you can think more of that as a retention pond than as a lawn. It may be better than grass. I encourage you to look at that.

Acting Chair Kern said, Thank you. Okay, is there anybody else who would like to come forward?

Mr. Rob Blanchard, Curtis Avenue, said, I have a picture I'd like to hand you (given to Acting Chair Kern). So the picture is from standing somewhere on the pipe where Gunpowder Creek is underground. If you look across there, this was some rain we had last week, and you can see it's puddling up there. So there's not a lot of infiltration, and I don't think last week even a two-year event. I would have some concern that those storm drains there that feed into that pipe—that there's not enough capacity because it's settling on those fields over there. And a couple of people were asking about what kind of year-event would cause overflow in some of these retention ponds and the bioswales, etc. How many inches of rain are going to saturate the grass roof, and how many inches to saturate retention ponds, and how many inches to saturate the bioswale? Because then it's just overflowing. And that water is going to head down into Gunpowder Creek. And when that grass roof is saturated: one, it's going to be heavy; and two, it's just going to be draining out the bottom. In a worst-case scenario when all of these things are happening, this is when it's going to be pumping the most water out into the creek. So that's a pretty big concern. A comment on the development: It was interesting to hear tonight that, whatever they bring in that area, they have to come to Wetlands on. That says that there's already significant amount of water runoff there that they have to come here as a Significant Impact issue and have it evaluated. That's a concern. I'd like to know a little bit more about the drainage for the dorms that were put in. As a neighbor on Curtis Avenue, my understanding is that all the water runoff from those dorms goes directly into the creek because they didn't want to have any infiltration in the ball fields there. So I'd like to know a little bit more about that. I'd also like to know if the engineering firm actually walked the creek because they had a report that said that it was piped underground between Farm Hill Road and Hill House Avenue, and this young lady over

here said her yard's flooding and it's open—it's not. I think it's appropriate to look back at the last 15 years of development all along this watershed and look at the cumulative amount of additional water that's been going into the system because we know it's significant, historically and for the future. They might add on to the athletic building. They're looking at doing something with the old student admissions center—student activity center, etc. The Town has to be able to deal with it effectively. And you're going to have more flooding in Wharton Brook. I have a quote from a memo that went along with the approval—and I think Miss O'Hare was there, of the dorms, dated 4/5/06. Mr. Thompson was the Town Engineer. What he said was, "Future projects present the Town a better opportunity to mitigate the overall runoff volume from Choate campus." I do not think that's been done. I am not an engineer, and I have concern about models. Models are only as good as the inputs. So I'd be wary of the assumptions that are being put made and then whether or not the models are even accurate. And just to question, is that the entire neighborhood that dumps into the creek? Well, Choate is 90% of that neighborhood. So you can't point the finger at the residents like myself who live on Curtis Avenue. I would suggest a more comprehensive look at how they're impacting the watershed in that area. Thank you.

Acting Chair Kern said, Thank you. Earlier, we talked about upstream and downstream effects. They have to come in front of Wetlands for any future development that they plan. But we are watching and taking this into consideration because we know there've been problems. Meetinghouse Brook and a couple of others started out small and are now raceways when it rains. That's going to be addressed further. And we look towards the future. They're allowed to develop their land in whatever way they want as long as they follow rules and regulations. In the brooks, they're blowing themselves out wider, and it's causing erosion to people that are downstream. So we are watching that and we are addressing it right.

Mr. Blanchard said, I was concerned specifically with the development they've done over the past 15 years. If you count this building, is approaching nine acres of hardscape that they're putting in. Your concerns are broader for the whole town; but in the short run while we're talking here, this is an issue with the school and how they've developed and continue to overdevelop that watershed.

Ms. Jennifer Coyne said, I have more of an observation than a question. I live on Curtis Avenue. I'd like to remind this Commission that in 2015 they built the Lamphier Center, the new math building, where a historic home used to be. Within a year of building that project just further up the street, the copper beech that was in front of it died. That copper beech was certainly a benefit to everybody in this Town to look at, to enjoy. So you can put in all the environmental practices, you can boast about green infrastructure, but the copper beech is gone. Obviously, they couldn't foresee that. But development in a residential area, does it really benefit everybody? What is that environmental impact?

Acting Chair Kern said, Please stay by the microphone. Do you have an answer for her first question?

Mr. Daly answered, It's 26,000 square feet.

Ms. Coyne said, So the parking garage is 26,000 square feet, and the building you quoted as, was it 8 or 14?

Mr. Daly said, Fourteen.

Ms. Coyne said, So the building is 14, the parking garage is 26,000. So the parking garage is significantly larger than the building? I kind of feel like we should flip the narrative on this. It sounds like a parking garage with a building. As a person in that neighborhood, you're removing the parking and

you put the 70 or the 60, 50 spots, and you're putting in another approximately the same number of spots. But that green space, that lawn is used several times a year. People park on it for, let's say, grandparents' weekend or Deerfield days or graduation, and there's hundreds of cars on there. Taking out 70, you're putting in 70. And the need for the other 150, where are they going to go--on Academy, on Curtis, where? So are we going to add more hardscape? What's the next plan, another parking garage? It think it's something to really strongly consider.

Acting Chair Kern said, Thank you. Okay, is there anybody else that would like to come up and speak? If not, the questions you had brought up are going to be addressed now. Then we'll close the public hearing. So Tom, speak through the mic, please.

Mr. Daly said, So we'll probably answer by committee if that's okay. So we answered the question about the square footage of the parking garage. The question was, Will the drive aisle where we're removing the spaces, will the drive aisle will stay? Yes, the drive aisle will stay. Is there any parking lot that are off the plan? No, this is the plan that we're presenting to you. There's not anything else outside the project limits. There was a discussion about the peach-colored watershed and its reduction. The area slightly changed, but we calculated the flow or water runoff. I think his second comment asked about the sidewalk. The sidewalk itself results in some additional flow, so we balanced the flow by slightly adjusting the watershed. So the flow itself—while the watershed area changed slightly, the analysis point at Christian resulted in no change in runoffs. And the two sidewalks, that's really in relation to safety issues on campus. In the past, Choate has tried to promote students walking within its campus limits. That also lends itself to why the parking spaces get removed. We're trying to limit kids walking next to cars.

Mr. Daly said, There was a question about is the green roof being modeled as grass. As engineers we have certain categories that we put into the model. We have woods, pavement, building, gravel, plowed earth—categories that are put in. Based upon the category, it then gives you a runoff number. It's functioning, it's grass. So when this Commission walks out there, it's grass. It has a grass surface that's functioning as grass, the surface material. About storm events, detention basins are designed for the 100-year storm. I think we're mixing conversations about the biodepression, and we'll call that a rain garden at the front. That's not designed for the 100-year storm. That's probably designed for the first flush or the one-inch rainstorm, a traditional thing we do in water quality. But the basin itself is designed for the 100-year storm. Piping connecting all these systems is typically designed for the 10-year storm, so the conveyance system is typically to the 10. Water quality is usually for the first flush, that one inch; but the basin itself is for a 100-year storm. Somebody made a very good point about seeing greater rainfalls, and we agree. So we as a company were one of the first firms to adopt the new NOAA rainfall events. This is modern, real-time data. You go on the computer and plug in your address, and it generates a rainfall data. We're using modern, accurate, up-to-date rainfall data. There was another question about what a 100-year storm looks like. If you plug in the NOAA data, it's 8½ inches of rainfall over 24 hours, is what the 100-year event equates to for this particular event. Probably in the old data it was only 5 or 7 inches, so you're seeing NOAA's changes in our design.

Mr. Daly continued, There was discussion about how the green roof will function in the winter. It'll function identical to as lawn. It will generate some runoff. Traditionally, we don't find those heavy rainstorms that we're seeing during the summer months occur during frozen conditions. As I indicated, if you look at the hydraulic modeling, they assume all water, all soil when you're modeling it is fully saturated in the winter conditions. They want you to see the worst case. They don't want to assume everything's dry. And that water will get directed into there. There was discussion about who's reviewing it. You have a Town Engineer that has a copy of our engineer report, and that's being reviewed by your town staff. We appreciate the comment about the flat green roof probably

getting more infiltration than we're budgeting; but, once again, we're modeling that as grass, as it is representing. In terms of the pipe and puddling up, it's this low point where there's water. Based upon mapping, I don't believe there's a lot of drainage inlets that are going along the fields. So yes, as with natural fields, there are times where water puddled, games get canceled. But that's infiltration—that water eventually infiltrates into the ground and goes on its way. If we do have puddling there, games can't be played on the sports fields. That's something Choate has managed for many years.

Mr. Daly continued, So there's a question about cleaning the garage. Maybe some cars come in off the roads with some sand that they picked up on their tires. That simply gets swept up. But there is the benefit of we don't have to sand it, we don't have to ice it because it's all under cover. So garages are fairly simple. Sometimes sand and grit gets tracked into the thing, but that'll be swept up and disposed of off site.

Mr. Kaye said, About the use of the garage: So the use as I understand it is going to be primarily for the staff there and day students. There will be no gates, there will be no block of it. It's open to the public and people, like it is now. It also may make the lot there to the right of Christian Street more available, so there is something visible as a parking spot for maybe somebody who doesn't know. Most of the users of that garage will recognize it over time.

Acting Chair Kern said, I think you need to make a notation that the gentleman who talked about signage. Choate definitely needs to improve their signage because when they have soccer events or some of the larger events, they have staffing out there to direct people. An older couple, they want to get as close as they can to see their grandchild graduate or play soccer. Signage is something that's going to come up again. It's not a wetlands issue, but I think you should make notations.

Mr. Daly said, Yes. Some college websites are really good at directing you. If you're going to visit for admissions, it tells you exactly where to park. So Choate would probably embrace that as a website link to direct you to appropriate parking. But they do have staff that will manage that.

Acting Chair Kern said, Okay. Have you answered all the audience's questions?

Mr. Kaye said, I think that is it. So, in terms of saturation, we're designing the basins for the 100-year storm, so it can handle an 8.3-inch of rainfall over 24 hours.

Mr. Blanchard asked, How many inches over what period of time is going to saturate all of those pieces? And how that works in the winter? When those are all frozen and there's no infiltration and you get a major rainstorm, and that happens, that's going to all flow right into the creek, right?

Mr. Daly said, So a couple things there. One, as I said, is the drainage modeling, as published through the Soil Conservation Service, assumes a fully saturated condition. They want you to consider the worst-case scenario. So 8.3 inches is assuming fully saturated, so additional saturation of the soil will not have any negative impact because it's already built into the model. I think NRCS assumes if you can make things work at that time—it's dry soil, it'd be even less return. The green roof might be new to Wallingford and new to this Commission. We've done several of them, and they continue to function very well in the winter. We have not experienced any change in the time or in the amount of runoff, and I think that frozen condition is still represented quite well in the fully saturated soil. Basically, it's assuming you're getting a lot of runoff.

Acting Chair Kern asked, So all your design work is all done with saturated soils?

Mr. Daly said, In NRCS, if you look at the bold print or the fine print, they want you to consider worst-case scenario. Yes, when water—when soil, and then when soil just can't take more. Potentially, you're going to get more runoff, and that's what they want you to consider. Any times during the summer where we have drier soil, you ultimately will have less runoff and promote infiltration. But maybe it's the nature of engineers and Soil Conservation Service to be conservative.

Acting Chair Kern said, All right. We have two more—I want them to come up to the mic please.

Mr. Phil Youker, Curtis Avenue, said, I apologize. I did have a lot of questions before, so—I appreciate you did answer the question about the peach watershed 20. But if I interpreted that correctly, you took away about one acre to accommodate for the sidewalk to make the runoff less—that, if that one acre was included, the runoff from Watershed 20 would probably be greater in this development. The question that wasn't answered was about the direction of the drainage pipe going in front of the Student Activity Center, versus other plans that have it going behind and tying into the drainage for the dormitories?

Mr. Kaye said, So on the drainage alignment, it will continue as shown, and it will no longer go behind the Student Center. That was the original plan and, like Erin said, we're working through various iterations. This is where we've landed on the alignment.

Acting Chair Kern asked, Does that answer your question, Sir?

Mr. Youker said, OK.

Mr. Kaye said, So the peach area under existing conditions is only 0.7 acres and under proposed conditions it's 0.5. So we did not remove an acre of that area.

Mr. Youker returned, I had just one follow-up question for the Commission. And the team didn't answer the question if they actually walked the site, so they can maybe answer that. But the question for the Commission was, Can any approval be set with a condition of approval that that future development requires disclosure of future plans for development on that area? Thanks.

Ms. O'Hare said, What was the question?

Acting Chair Kern said, He asked if anything further future development will have to come in front of Wetlands before it's approved?

Ms. O'Hare said, For that, under the regulation that we call the Surface Area provision.

Mr. Youker said, My question was that future development would include a master plan of all future development that they're planning for that site.

Attorney Ceneviva asked, Do you want to answer that, Mr. Chairman?

Acting Chair Kern said, It's common sense. Choate doesn't know what they're going to do from year to year, no more than we do. So I think the answer is sufficient that they put the new regulation in to review any further activity. We go from there.

Mr. Daly said, To respond: We have walked the site. I've been working on the campus for quite some time. I've been out there many a time over the last decade. So we're very familiar with that, and

we've worked on other projects at Wallingford, so we understand the watershed itself, too.

Acting Chair Kern said, I know personally—I've been out numerous times, between the children being on teams and just being out there; and the ground is saturated—takes a long time for it to dry.

Commissioner McKeen said, One of the major concerns that a lot of people have is downstream flooding because the water is entering so quickly. But I live up, east of the campus, I drive through Christian Street just to get into town. But the edge of Gunpowder Creek, as far as I can tell—it's not really planted, it's exposed. Perhaps planting, coming up with a plan for a riparian buffer, would help uptake somehow that water and slow down any future flooding that we may have as our rainfall increase, because I know that the whole thing has been updated for the 100-year plan being 8.5 inches. We on the Commission discussed just to kind of leave that language out because it's deceiving and just talks about the rainfall. So at 8.5 inches per day, I think last year we had a storm that dropped 10--.

Mr. Daly said, Not over 24 hours. It's, so it's measured over 20. Maybe it was 10 over several days.

Commissioner McKeen said, It was a short storm that caused severe flooding in Town. It may have been, you lose track of time, two, three years ago. Within the last five years we had a major storm, but that's we just kind of like to look to now, to talk about that number. But I think that if you're able to develop a plan, you do have control. Choate, does own a huge portion of the waterway for Wharton Brook, Gunpowder Creek being a tributary of—to manage that. One of the persons pointed out to manage that better—upstream, downstream, to take up that flow wherever you can to slow it down as it goes all the way to the Quinnipiac. I hope that's acceptable and something to consider in the future.

Ms. O'Hare said, Commissioner McKeen, do you mean in the future, meaning by next month?

Commissioner McKeen said, No. I think it's something to consider, though, because it's a major concern of everybody who lives in this particular area of the watershed, is how fast that water gets to Wharton Brook and how high that water gets later on—both upstream and downstream, actually, of Wharton Brook. Because the people, you know, who are near Hillhouse on North Elm Street have problems with flooding, which we have to consider as a separate issue from this application.

Ms. O'Hare said, Chairman, I've got to do some housekeeping here if I may. First, the Wetlands Commission would need to request—am I correct, Attorney Ceneviva, an extension to get us to March 4th public hearing, for the public hearing to be continued to March 4th?

Attorney Ceneviva said, I have no idea.

Ms. O'Hare said, You granted an extension to get us from January 4th to here.

Attorney Ceneviva said, Well, they could act tonight, that's correct.

Ms. O'Hare said, And in your letter your count was 29 days, so—

Attorney Ceneviva said, Right.

Ms. O'Hare said, So you've got plenty of days. They have 65 days extension by statutory language, so they've used 29, and it will take another whatever it is 35 to get to March 4th. So the Commission

requests, that's how it works—the Commission will request an extension from the Applicant.

Acting Chair Kern said, This would have been nice if, after the fact, that I wanted to close the public hearing and then address to the Applicant what the next process would be. Now they're aware of it.

Ms. O'Hare said, Yes, and I have other things, if I may.

Acting Chair Kern said, Erin, I'd like to close the public hearing at 9:34.

Ms. O'Hare said, O.K., I just have a few more things. As Environmental Planner I'm asking if, for the next time, for the next public hearing, if the Applicant could respond to all these letters that came in. They've gotten copies of them; there's about 10 letters that have come into the file before tonight—the most soonest was yesterday, a letter came in. So to respond in some fashion to those letters, and then to respond to my comments in my Environmental Planner's Report of January 27th, perhaps that haven't been directly answered tonight, and to respond to a few other comments that came in on January 27th. In your Stormwater Management Plan, I have a few tweaks to that—we don't have to take time tonight. I can meet with the Applicants in the interim, and we can get that all cleaned up. And then tonight really it would be appropriate, if you're so disposed, to deal with the question of Significant Impact Activity. We haven't done that yet in the process. The Commission does that with every application, so to vote on that if it's deemed a Significant Activity or not. Just let me say, if you do decide it's a Significant Impact Activity—which I'm not suggesting, I do not recommend that, I would say No, I don't think it is; but, should you decide it is, it's not another public hearing. It's folded into this ongoing public hearing.

Acting Chair Kern said, My thought was to close the public hearing if nobody else has any more questions, and then to continue our meeting with the Applicant and ourselves with Significant Activity and to address all the things you just brought up—the 20 things or 15 things that you say haven't been addressed yet. The Applicant will either answer them or he'll get back to you in the next 30 days. We need to ask for an extension which was part of my presentation after the fact. So is it all right if I close the public hearing so these people can go home at a decent hour?

Ms. O'Hare said, No, it's called "continue"—so you would continue the public hearing to March 4th. That's the terminology.

Acting Chair Kern said, I'm going to continue the public hearing to March 4th?

Ms. O'Hare said, Yes.

Acting Chair Kern said, But there won't be any public input. Once we close the public hearing, this is the last—this ends the public input side of the hearing.

Attorney Ceneviva said, May I, Mr. Chairman?

Acting Chair Kern said, Yes.

Attorney Ceneviva said, Thank you. If the public hearing is closed, then the Applicant cannot provide new information to this Commission. So you have to get it during the course of the public hearing. The question really is, is whether or not there's a need for additional information. If this Commission thinks that it has enough information in the papers and reports that have been submitted to you, the couple-hour, two-and-a-half-hour hearing tonight, the information that's been presented to you that

you feel, if you as a Commission feel that you have sufficient information, then you can close the public hearing, and you can decide tonight. Or if you think that you need time to go over the information, think about it, maybe review some of the reports that are already part of the record, you can do that. If you believe there's a need for additional information, then the public hearing has to stay open.

Acting Chair Kern said, I don't believe there's any new information that's going to be requested. I believe there's information that needs to be answered, so the Environmental Planner understands what that information is.

Attorney Ceneviva said, We can have communications with your Planner, with your Environmental Planner. That's not an issue.

Acting Chair Kern said, O.K., are you all set, Erin?

Mr. Ceneviva said, No new information.

Acting Chair Kern said, We gave everybody a chance to come out tonight as residents, what your concerns are. All your concerns should have been answered. That's why we did—everybody, they wrote them down, and they answered afterwards. So anybody else that has any, any questions can talk to Erin about it. The next meeting we have is going to be to fine-tune what we've already got here. Significant Activity is one and then whether or not this thing is going to go forward or it's going to be denied. So I don't believe the public—you don't need to have another public hearing and have you people come with another flock of questions because I think we've answered them all tonight. But you know, if somebody disagrees then you need to contact Erin, and she'll take the question and we'll address it at the next meeting. Does that sound feasible?

Ms. O'Hare said, And any little changes I have could be handled as conditions of approval. I'm just pointing that out. It doesn't have to be a whole long thing. That's another way to address little things.

Acting Chair Kern said, Well the little things that you have are things that are pending. They're not something new. You've already done your 11th-hour, what you need to have addressed, right?

Ms. O'Hare said, I'm talking about things that came in on Friday that—I don't know, maybe I could do it right now if you, if I have some time, I maybe could do it right this second if you want me to?

Acting Chair Kern said, No, save them for next month. All right, thank you, audience. Residents, thank you for coming out tonight. And we're going to have the meeting on March 2nd?

Ms., O'Hare said, Continued to March 4th, yes.

Acting Chair Kern said, March 4th, the next meeting will be March 4th.

Recording Secretary, Is the public hearing continued or not?

Ms. O'Hare said, The public hearing is continued to March 4th, yes.

Commissioner McKeen addressed to Commissioner Raynis: We're—we have to continue in order to process the information. People can send in letters, but at the next meeting there won't be comments.

Someone from the public asked if it's to be March 1st.

Ms. O'Hare agreed. I apologize, March 1st.

Acting Chair Kern said, Sorry. Erin, so we can put this to bed tonight, this application? I want to continue this to be done, so we could move on with the other applications tonight?

Ms. O'Hare said, Oh yes. I was under the impression you've ended this hearing tonight and you've continued it to March 1st? Or are we going to vote on Significant Impact? We can do that on March 1st.

Acting Chair Kern said, No. We're going to do Significant Impact tonight.

Acting Chair Kern asked Attorney Ceneviva, Before we do the Significant Impact, would you give us a letter of extension? We need a letter of extension.

Attorney Ceneviva said, Anything the Chairman requests, we'd be happy to comply with.

Acting Chair Kern said, Thank you. Now are the members of the Commission ready to vote Significant Activity tonight?

In a poll, all Members on the dais replied "Yes."

Acting Chair Kern said, Then I'm going to have one of you make a Motion. Read the application number.

MR. CARUSO: **MOTION THAT APPLICATION #A22-10.1 / 59 NORTH ELM STREET – CHOATE ROSEMARY HALL – (BUILDING CONSTRUCTION) BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. NECIO: **SECOND.**

Ms. O'Hare said, O.K. You can discuss whether you think it should be a Significant Impact a little bit, or not. You can just call for a vote, Nick.

Acting Chair Kern asked, Are there any questions before the vote?

Commissioner McKeen said, No.

Commissioner Mrs. Raynis said, No.

Commissioner Caruso said, No.

Commissioner Necio said, All set.

They proceeded with the vote.

VOTE: **MRS. RAYNIS – YES; MS. MCKEEN – YES; MR. NECIO – YES; MR. CARUSO – YES; MR. KERN – YES.**

Acting Chair Kern stated, We'll see you on March 1st.

E. CONSIDERATION OF PUBLIC HEARING ITEM

1. #A22-10.1 / 59 North Elm Street – Choate Rosemary Hall – (building construction)

This item was not taken up tonight.

Chair Vitali and Commissioner Phillips returned to the dais at this time, and the meeting proceeded.

F. OLD BUSINESS

- 1. #A18-12.2 / 32 Barnes Road** – Request for release of bond
Ms. O'Hare said this item is not ready for action.

- 2. #A22-12.2 / 1299 South Broad Street – Hutton Street 21 LLC (Nicholas Plummer) – (carwash facility)**

Appearing were Attorney Carl Andolina representing the Applicant and Ms. Sarah Costagliola, P.E., BL Companies.

Attorney Andolina said, I represent the Applicant. Sarah Costagliola is here. We met with Ms. O'Hare to address comments. And Mr. Sagan Simko, also from BL Engineering. I'd go through the plans. Our team has been cooperating with Ms. O'Hare, and we're hoping for approval tonight. This was received at your meeting in December. It was discussed at your meeting on January 4th.

Ms. Costagliola, BL Companies, Licensed Professional Engineer, said, We have met with Ms. O'Hare to address her comments, and we provided a response to comments letter incorporating everything that she asked for. Notable changes to this plan from before are the additional plantings located along the Upland Review Area adjacent the wetland which is towards the west of the site as well as modifying the previously proposed riprap apron to be a level spreader, which will dissipate the flows more balanced. I'd be happy to go through the plans.

Chair Vitali said, If you go through the plan, quickly. Please bring that easel out and turn it.

Ms. Costagliola showed the plan. It's 577 South Broad Street in Meriden and 1299 South Broad Street in Wallingford. The town line is right through the middle of the site. We're doing permitting with the City of Meriden concurrently. This is our demolition plan. The site is currently developed with a banquet hall. We will be completely removing the parking lot and all impervious area on the Wallingford side of the lot and restoring it with a conservation seed mix, lawn seed mix, and additional plantings. The entirety of the development will be on the City of Meriden side. It is a carwash building. It's a one-lane conveyor system and then a series of vacuum stalls located in front of the building. We are proposing five rain gardens, one of which will infiltrate to convey the stormwater discharge from the site. It will be treated with a hydrodynamic separator as well as the rain gardens themselves, and eventually outlet to the west to the wetlands as they do today.

Chair Vitali asked, Where is the dividing line?

Ms. Costagliola showed it and continued, To the west of the line is conservation seed mix and grasses. This lighter-colored hatch is lawn seed mix and this striped hatch is conservation seed mix, closest to the wetlands. Then we have a variety of trees and shrub plantings along the Upland Review Area.

Chair Vitali asked, Is this where the retention ponds are, the five areas?

Ms. Costagliola pointed out the five rain gardens. They all have underdrains that then convey them to a pipe system which will discharge to a level spreader located right here.

Chair Vitali asked, What will these rain gardens handle for year storms, 25, 30?

Ms. Costagliola said, They're all designed to handle a 100-year storm.

Chair Vitali said, Or they overflow?

Ms. Costagliola said, Correct. So all the peak flows as well as peak runoff volumes discharged from the site are reduced for all storm events. Last, I have the Erosion and Sedimentation Control Plan, which was designed with guidance from the 2002 Connecticut Guidelines for Soil Erosion Sediment Control. There's a variety of silt sacks at catch basins, a stone construction entrance. And then we have silt fence around the site as well as hay bales adjacent to the wetlands for additional protection and a temporary sediment trap.

Commissioner Kern asked, Where is the snow shelf going?

Ms. Costagliola said, Proposed snow storage is in this area (shown), which this is sloped into the parking lot. So any melt from the snow stockpile will enter the catch basins and will be treated with the hydrodynamic separator. I can go back if you have questions.

Commissioner Kern said, The soil's been tested out there?

Ms. Costagliola said, Yes, we had our Wetlands Scientist out there. He did inspections in the wetlands areas; as well, we have a Geotechnical Report.

Commissioner Kern said, And what was the outcome with the bubbling red water that's coming out of the ground?

Mr. Sagan Simko said, I'm the Soils Scientist/Wetlands Scientist. The red/ orange bubbling is just an oxidizing bacteria situation, a normal situation.

Commissioner Kern asked, It's normal to be removed, or it's normal it's going to stay there?

Mr. Simko said, It's normal to be there. It normally happens if there's a high rainfall event. You'll normally see that leach out into the surface water.

Commissioner Kern asked, Has any testing been done out there, as far as what's buried under there? Because I don't believe it's natural fill. We've had some questions that there may be some debris that's been buried there on the site.

Mr. Simko said, If there was fill there—I don't know what the geotechnical report says, though.

Commissioner Kern said, So you're not sure if there's an environmental cleanup or not with this red bubbly water that's coming out of the ground?

Mr. Simko said, I mean, again, that's naturally occurring oxidizing bacteria, iron oxidizing bacteria, it's naturally occurring. It wouldn't have anything to do with buried fill causing it. It's something that you can find anywhere naturally, whether there's buried fill or, you know, in a farm field.

Commissioner Kern said, It would be nice if it is a part of a cleanup to remove it.

Commissioner McKeen said, It's bacteria. You can't clean it up. You'd have to basically bleach it.

Commissioner Kern said, It's a car, or a truck, or a big piece of steel under there that's causing this.

Commissioner McKeen said, So I'm very familiar with iron bacteria. When I lived on Ridgeland Road, we had a wetland right behind my apartment. And our apartments were set up as like a fourplex. So I had, you know, basement, upstairs, downstairs was all mine. And I had a sump continually running in my basement. And we had iron bacteria in the groundwater, which would clog up our pipes in the sump. Then it would flow into the wetland behind us where there was a large area of it. It was literally impossible to get rid of.

Chair Vitali asked, But was it orange?

Commissioner McKeen said, It was orange. So it's a bacteria. It eats iron that was in the groundwater, and then it just poops this orange slime. It basically pooped slimy rust.

Mr. Simko said, As I understand, it's naturally occurring.

Commissioner McKeen said, It is naturally occurring and it just—you really just can't get rid of it. I would actually treat our sump with Iron Out, but that would control it for a period of time. I mean, it's a bacteria. You'd have to sterilize everything to get rid of it. And it doesn't—it responds to even small amounts of iron that, you know, may exist naturally in the water. So I don't know what kind of disturbances were really under our house. I think there was a spring, actually. I think that that wetland was spring fed. You know, it's the wetland between Ridgeland Road and Apple Lane, and it just is there.

Chair Vitali said, That's interesting. I find it interesting because, being on this Commission 35 years or so, the only other location we saw anything like this was coming out of the old Wallingford dump where they dumped everything and burned it back in the 50s and 60s. That was the only other source I've ever come across.

Ms. O'Hare said, Mr. Chairman, could I interject or add something on the Environmental Planner's Report that I sent out? In the EPR that I sent out previously on this site I had the color photographs of the orange, you know, iron-eating bacteria. And it is. You find it in nature, it's naturally occurring. But I think the question that Commissioner Kern has is, What's under there that is feeding this that's iron-rich? What kind of iron-rich rock or something is under there? And when they regrade it and put in the rain gardens, etc., are they going to unearth some of this stuff? So, that's a good question. But as far as like Commissioner McKeen said, you know, it's very hard to get rid of. I did attach an EPA document to my Environmental Planner's Report, a one-page thing on this kind of bacteria—very hard to get rid of it. It is a problem down south in Southern United States, where it'll foul pipes.

Commissioner McKeen said, But one of the things that we have in our soil and in our water is basalt. And basalt is an iron rock.

Ms. O'Hare said, Right, iron-rich rock. Right.

Commissioner McKeen said, That's just part of our geology and that's what we're kind of stuck with in certain areas here.

Ms. O'Hare said, Right. Now I wanted to say to Commissioner Kern's question: This is the geotechnical report that they submitted on Friday. And it does talk about what they found in there. There was in the fill in the area of the rain gardens: "fragments of asphalt, brick and polystyrene and a two- to

six-foot layer of organic matter at certain borings”—not all over. So there’s probably more interesting things down there. They only did six borings. They didn’t do the whole site. So I think how we could address this is in the condition of approval say something like, “Care should be taken regarding removal of certain material” or whatever, however you want to say that, or reporting to us what is found under there or something like that.

Chair Vitali said, Well, you don’t have any recommendations of Conditions of Approval?

Ms. O’Hare said, I worked with Sarah tonight from 6 to 6:30, and I have eight Conditions of Approval. If you want to move forward with this, I could read them very quickly. I didn’t have time to type them up for you. They have a revised site plan, which you got Friday. I have one question for Sarah. One of your answers to my questions was that the highest groundwater found was 238 feet elevation beneath the bottom of this temporary sediment trap, but the actual bottom that trap is proposed to be the same, 238. Can you explain?

Ms. Costagliola said, The way a temporary sediment trap works is that half of the storage is considered wet storage and half is considered dry storage. Those storage amounts are based on the lot area of what is draining to the temporary sediment trap. It’s in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control. So the wet storage stays at the bottom, and allows the clean water to rise and pass out. There is a stone weir allows water to pass out and dry storage above that is for larger storm events.

Ms. O’Hare said, I think we could move forward tonight. But I would like the Town Engineer to review that because the borings were done in September when we had a severe drought. So the groundwater table might be higher today. Planning and Zoning is next, so I think we want to move forward with a wording on that.

Chair Vitali said, Erin, they’ve done everything you wanted them to do?

Ms. O’Hare said, In the new plan that came in on Friday, I am asking them as a condition of approval to add a sign where there’s lawn and where there’s meadow mix, which is supposed to stay high at 2-3 feet. So I want them to add a sign “Natural Meadow Area. Do Not Mow.” And at the end of your Stormwater Maintenance Management Plan dated January 27th, to add a responsible party’s name, and you forgot the level spreader, so to add those two things. Mowing it once every three years is what’s recommended. As to the temporary sediment basin, “To install a basin meeting the approval of the Town Engineer” with regard to the level of groundwater. Two, “To extend the plantings to wrap around the southwestern corner of the property within this Upland Review Area.” And to provide a cross-section to the Town Engineer so she could see that. She had a different definition of wet storage, so a minor tweak to that.

Ms. Costagliola said, Yes, there it is on in the 2002 Connecticut Guidelines, so I can provide that.

Commissioner Kern asked, Where are the letters requested from the DOT of the State Highway Department about the stormwater?

Ms. O’Hare said, That letter came in. Sarah, do you want to address that? It’s a one-page letter that talks about five permits you’ll need from the State of Connecticut.

Commissioner Kern asked, Who’s the owner of the property?

Ms. Costagliola said, It's Colella LLC.

Commissioner Kern said, You've put this together to show the Owner is going to be responsible for everything that happens. Are they aware they're going to be responsible for the mowing, etc.?

Ms. Costagliola said, The current owner will be selling the property. We have our Applicant here tonight, Hutton Street 21 LLC, and they will become the new property owner.

Commissioner Kern asked, Are they aware that they're going to be responsible for everything that's down in your packet here?

Ms. Costagliola said, Yes, and they can hear any conditions of approval that you put on tonight.

Ms. O'Hare said, I have those five conditions of approval, but other than that, I'm good.

Chair Vitali asked, Has the DOT got anything about stormwater management?

Ms. O'Hare said, This is the DOT letter.

Ms. Costagliola said, I actually know what this letter is. This was comments. Due to being on the State route, we have to go for an encroachment permit from DOT, and those were their comments on the application as a whole, which we've already addressed and included in this plan set.

Chair Vitali said, So there's nothing in there on stormwater management.

Ms. Costagliola said, No, it was mainly signage, striping, things like that.

Chair Vitali said, Erin, you want us to have conditions of approval that you wrote down. You should have handed them out.

Ms. O'Hare said, I can read them.

Chair Vitali said, O.K., you read them slowly into the record, and we'll vote those are the conditions of approval.

Ms. O'Hare read: 1) Install a sign at the beginning of the Meadow area that says "Natural Meadow – Mow Once Every Three Years." 2) Submit a revised Stormwater Management Plan to include the responsible party identity and contact number. And 3) To include the level spreader.

Chair Vitali said, The person responsible and contact is for what?

Ms. O'Hare said, On every Stormwater Management Maintenance Plan, the person responsible to implement the Plan, a quarterly log, etc. They handed in a Plan, they just forgot to put the responsible party and the contact number, and the level spreader. So that's a Condition of Approval. And to add a note to the Plan that "Four inches of topsoil is to be installed in the Meadow Area." Sarah said it's in there, but I couldn't find it. And to, "Extend the plantings in the Upland Review Area to wrap the southern corner of the URA." And the last one is, "For the final design of the Temporary Sediment Trap to be approved by the Town Engineer", which will happen under the Planning and Zoning Regulation application.

Chair Vitali said, Commissioners, are there any other Conditions of Approval?

None were suggested.

Commissioner Kern said, I'm still waiting to see what the State will say on stormwater.

Ms. O'Hare said, I talked to the Public Works Director on that. He said that is a State of Connecticut problem. This proposal is not going to make it worse. I can tell the Town Engineer.

Commissioner Kern said, I don't care if it's four permits or whatever. I want to make sure the State is aware of what's going on out there. The last storm we had, they had two guys out there with rakes and shovels cleaning the catch basins off so the water could go in the catch basin, because it was going right down Route 5.

Ms. O'Hare said, I understand. I called and they referred me to another person. But the State has to do that.

Ms. Costagliola said, Regarding this Application, the stormwater from the site, in both existing and proposed, drains to the west and away from the State route. There's no additional flow toward that.

Mr. Necio said, I don't know if it's included, but I noticed on the bank there's a lot of buckets and garbage from the restaurant.

Ms. O'Hare said, Thank you, it's in my comments. Could Sarah address that? There's a blue couch, several buckets, trash, and I wanted to put that in my conditions. It's where your white fence meets the wetlands.

Ms. Costagliola said, Our Operations and Maintenance Plan does address trash removal.

Ms. O'Hare said, We could add a condition of approval about if they dig up something that's iron-rich that's under there.

Commissioner Kern said, There's two issues. Water running down Broad Street, Route 5, that comes by them. I wanted to see documentation that the State is going to address the water problem. And the building front is pitched down to the street, isn't water getting down into the road?

Ms. Castagliola said, No, it is currently pitched to the west, presently and in our proposed condition.

Appearing was Mr. Nicholas Plummer, Hutton Street 21 LLC.

Mr. Nicholas Plummer said, I'm buying it, and I don't think I need to touch anything that's not on the property that I'm buying. I don't control the wetlands, they're not part of the property I'm buying. I'm improving the Wallingford side at no benefit to me but cost. I feel like I'm being asked to do above and beyond. It's a parking lot now, and I'm putting grass and trees, and now you're telling me I have to put a sign, when I don't have to improve that side at all.

Chair Vitali said, You don't have to improve that side?

Mr. Plummer said, No, I don't. I could tear it down. My development has nothing to do with the Wallingford side.

Chair Vitali said, Of course it does.

Mr. Plummer said, It does not, sir.

Chair Vitali said, You're taking out fill; you're putting in grass.

Mr. Plummer said, No, I'm putting in fill because that's what I want to make it better. It's not needed for my development on the Meriden side.

Chair Vitali said, There is a rule: You talk, I listen. I talk, you listen.

Mr. Plummer said, Correct. Yes, sir.

Chair Vitali said, All your stormwater is coming down to Wallingford, 100 percent. It's going through the rain gardens and it's coming down here. We have to try to protect Wallingford.

Mr. Plummer said, Correct.

Chair Vitali said, We're asking you to assist us in protecting Wallingford. To say you aren't doing anything, you are doing something. You're running your stormwater in. And putting fill in the area and topsoil, that's great. But this should have been done two weeks ago so we don't have this argument tonight. All these issues should have been resolved, not 6:00 tonight.

Mr. Plummer said, You're right, sir.

Chair Vitali said, So do you want to continue? You have your attorney there.

Mr. Plummer said, I do have one question as far as her conditions of approval, you agree with them?

Chair Vitali said, If we vote conditions of approval, you're stuck with them.

Mr. Plummer said, O.K.

Commissioner Kern said, I'd want to table this to March 1st. And then everything's got to come to us in our packets, so, the night of the meeting, we'd either approve it or deny it.

MR. KERN: MOTION TO TABLE THIS APPLICATION TO MARCH 1ST.

MS. PHILLIPS: SECOND.

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

Attorney Andolina said, We'd have to contact your Environmental Planner. I don't understand what additional information you're seeking. You just want the Conditions of Approval in written form, everything covered?

Chair Vitali said, Yes.

G. NEW BUSINESS - None.

H. RECEIPT OF NEW APPLICATIONS - None.

I. ELECTIONS – Not held.

J. REPORTS & COMMUNICATIONS

1. **Discussion of proposal to adopt fines for violations – Not discussed.**
2. **Farm Hill Road Detention Basin – status – Not discussed.**
3. **CT Bar Association, ‘CT Land Use Law For Municipal Land Use Agencies, Boards, and Commissions’, VIRTUAL Seminar, Sat., March 11, 2023, 9 a.m.-4:30 p.m. – Register online**

K. VIOLATIONS

1. **Notice of Violation Remains – 1245 Old Colony Road & Quinnipiac River – Jerzy Pytel - (unpermitted clearing & filling near river) – Not discussed. This remains.**
2. **340 & 346 Quinnipiac Street – Southern CT Pallets – (possible violation) – Not discussed.**
3. **Notice of Violation – South Turnpike Road – South Turnpike II, LLC – (deposition of pallet mulch) – staff update – (Released – see below.)**
4. **Notice of Violation – South Turnpike Road – Karl Kieslich, Little K’s Landscaping, LLC, - (deposition of pallet mulch) – (Released – see below.)**

MS. PHILLIPS: MOTION TO RELEASE THE NOTICES OF VIOLATION AGENDA ITEM #3 AND AGENDA ITEM 4 ON SOUTH TURNPIKE ROAD.

MR. NECIO: SECOND.

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

5. **Notice of Violation - 67 Schoolhouse Road – Michelle Millican & Michael Gerace – (forest removal and filling of wetlands and Upland Review Area)**
6. **Notice of Violation – 67 Schoolhouse Road – Karl Kieslich, Little K’s Landscaping, LLC, contractor – (forest removal and filling of wetlands and Upland Review Area)**
7. **Notice of Violation – 69 Schoolhouse Road – Matthew Luis – (forest removal and filling of wetlands and Upland Review Area)**
8. **69 Schoolhouse Road – Karl Kieslich, Little K’s Landscaping, LLC, contractor – (deposition in Upland Review Area)**

Regarding Item #5 and Item #6, appearing were Mr. Michael Gerace and Mrs. Michelle Gerace for 67 Schoolhouse Road. Regarding Item #7 and Item #8, appearing were Mr. Matthew Luis and Ms. Gabrielle Verrelli.

As to Item #5 and Item #6:

Chair Vitali said, Why would you be better off leaving the fill there than taking it out? I’m in favor of taking it out.

Mr. Gerace said, Basically it was natural material. Ms. Gadwa told us it might do more damage to take it out. We need wood chips put in. When our house was built, the lot was filled.

Chair Vitali said, Why is it worse taking the material out than leaving it there? I am not in favor of leaving this there. It’s still having an effect on the area.

Commissioner Mrs. Raynis said, I think it’s a problem with the hole, but the material should be taken out.

Mrs. Gerace said, It's already confirmed that it's not bad material. And all the bricks are eventually going to dissolve and help the soil. It's not all wetland, either. There's parts of our yard that are not wetland. We have to go to Planning and Zoning.

Commissioner Kern said, Nothing's been done since last time? If you put wood chips in, it's going to be buggy there with little children running around.

Commissioner Phillips said, I think it should be removed and restored also to what it was.

Commissioner Caruso said, I feel the homeowners were misguided. I would say to leave it because this never should have happened in the first place.

Commissioner Necio said, I was there today in your back yard. I stood on top of the brick, and my feet were wet. I think you should remove it.

Ms. O'Hare said, I'm on board. I thought the Commission wanted it removed. When I went out last week, trenches were filled in but there was a little spillage, like 9 feet of bricks was over onto the property to the north. I told them to bring it back. They came in and talked with Planning and Zoning as discussed last month. They'll have to have a Fill and Excavation Permit and an engineer to state that nothing will go over to the neighbor's (reference to drainage). They haven't applied yet to P&Z. Both families brought in their reports Friday afternoon, and you have those. Back in 1978, the DEP put a conservation easement on the wetland, which involves the State.

Commissioner McKeen said, You need an engineer to tell you where the drainage water is going to flow, which will save you with your neighbors when it rains. Next year, it could be more money if you don't do it right.

Commissioner Mrs. Raynis said, Did you fill the wetlands? You can't convert the wetland to be different. I would want the same thing for my children, but it's wet..

For #69 Schoolhouse Road, Mr. Luis said, we got the bricks out because we wanted to remove the swale between our yards. The swale is now created because they added fill, not originally. So I want to remove the swale, or I want to use it and put topsoil on it.

MS. PHILLIPS: **MOTION TO REAFFIRM THE NOTICES OF VIOLATION ON 67 AND 69 SCHOOLHOUSE ROAD (ITEMS 5, 6, 7, 8).**

MR. NECIO: **SECOND.**

VOTE: **APPROVED UNANIMOUSLY IN A VOICE VOTE.**

Chair Vitali tabled these matters to next month.

L. ADJOURNMENT

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

MR. NECIO: **SECOND.**

VOTE: **APPROVED UNANIMOUSLY IN A VOICE VOTE.**

The Meeting was adjourned at 10:44 p.m. - Next Scheduled Regular Meeting: March 1, 2023.

Respectfully submitted,
Kathleen L. Burns, Recording Secretary