

Wallingford Inland Wetlands & Watercourses Commission

Wednesday, June 5, 2019 – 7:00 p.m.

Robert F. Parisi Council Chambers, Town Hall

45 South Main Street

Wallingford, CT

MINUTES

PRESENT: Chair James Vitali; Vice-Chair David Parent; Secretary Nick Kern; Commissioners Deborah Phillips; Aili McKeen & Robert Simon, Alternates; Erin O’Hare, Environmental Planner.

NOT PRESENT: Commissioners Daryll Porto, Alternate, and Michael Caruso.

Chair Vitali called the Meeting to order at 7:01 p.m. and the Pledge of Allegiance was recited.

CONSIDERATION OF MINUTES

1. Regular Meeting, May 1, 2019, 7:00 p.m.

MR. PARENT: MOTION TO APPROVE THE REGULAR MEETING MINUTES OF May 1, 2019

AS PRESENTED

MS. PHILLIPS: SECOND

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

2. Special Meeting, May 9, 2019, 5:00 p.m.

MR. PARENT: MOTION TO APPROVE THE SPECIAL MEETING MINUTES OF MAY 9, 2019

AS PRESENTED

MS. PHILLIPS: SECOND

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

OLD BUSINESS

1. **#A14-7.2/195 Chimney Hill Road** – Sunwood Development Corporation – Request for bond release.

Ms. O'Hare said the bond is ready for release.

**MR. PARENT: MOTION THAT #A14-7.2/195 CHIMNEY HILL RD – SUNWOOD DEVELOPMENT CORP.
REQUEST FOR BOND RELEASE BE GRANTED**

MS. PHILLIPS: SECOND

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

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

Appearing in front of the IWWC was Atty. Dennis Ceneviva, Ceneviva Law Firm; David Palumbo, Benchmark Land Development, LLC; David Lord, Soil Scientist, and Marcus Puttock, Engineer, Godfrey & Hoffman.

Atty. Ceneviva noted that since the May 9th site walk, there was changes that involved relocating some of the wetland creation area based upon conversations which took place during the site walk. Atty. Ceneviva said that since the site walk, he received a letter from Tilcon CT indicating authorization consent to perform the work on the neighboring parcel. He said there is also a letter in the file from the neighboring railroad, indicating support for this application.

Atty. Ceneviva said he spoke with the Town Engineer/Public Works Director who indicated upon approval, certain spot grades be placed on the final plans to ensure the water flows in the correct direction. Atty. Ceneviva said the proposed work which relates to remediation of the violation will take place immediately and is unrelated to the overall site plan if this is approved. Chair Vitali asked the difference. Atty. Ceneviva said he understood there is a concern with the Commission that with approval, the permit is valid for five years and the key is not to wait for any length of time to do the work to remediate the issues. He stressed he wanted to provide certainty to the Commission that the action necessary to remediate is part of the owner's response to the Notice of Violation. Chair Vitali thought the rule changed on the State level on the five-year term.

Atty. Ceneviva believed this could be extended for a longer period of time by request. Chair Vitali said he didn't believe a request was needed. Ms. O'Hare said the length of period is the same period of the Planning & Zoning Commission's approval should this particular application need or require PZC approval, or five years, whichever is more. She said then one is allowed to apply for an extension. Ms. O'Hare said in this case, the PZC would be five years with an extension to 10 years.

Mr. Lord explained some of the changes made since the site walk. He said the restoration/compensation measures will be moved from the northern side of the existing wetland to the southern side. He said the numbers have changed as far as square footage. Mr. Lord said there is still a 2:1 compensation ratio for the wetland that is proposed to retain the fill. He said there is also a proposal to restore to native vegetation, 2,960 sq. ft. of upland review area. He said this area which is presently excavated and

seeded, will be planted to a mixture of trees and shrubs to provide upland habitat and a visual buffer and screening along the outer eastern and southern edges of the restoration area. Mr. Lord said the other components of the plan are similar, noting the numbers have been slightly changed because the sq. footage has been changed from the wetland creation, and the number of plant species to be put in this area has been adjusted accordingly. Chair Vitali asked about the 2:1 sq. ft. ratio and how this affected the sq. footage of the Tilcon property and was this included in the calculations. He noted if there is a violation on the Tilcon property, it goes to Tilcon. Mr. Lord said the majority of the existing fill which is proposed to be retained, is located on the Tilcon property. He noted the area proposed to retain in place amounts to 522 sq. ft. and is on the Benchmark property. Mr. Lord said all of the wetland creation is on the Benchmark property.

Mr. Lord said there is also a proposal primarily on the Tilcon property, to restore 100 s.f. of wetlands which extends both on the Tilcon property and on Mr. Palumbo's property. He said this flagged out as true wetlands and not upland review area. Commissioner Kern noted Tilcon had a violation and asked how many sq. ft. of land was tied to their violation. Mr. Lord showed the area of the Tilcon violation on the site plan and noted this was associated with the catch basin and inlet. Commissioner Kern asked if there were to be a violation with Tilcon that had to be addressed, would this influence this project. Mr. Lord said all of sq. footage of wetland impact be it on the Tilcon property or the Benchmark property, is incorporated into his restoration compensation plan. He said all of the impacts are dealt with in his plan.

Ms. O'Hare spoke about the May 9th Special Meeting site walk, noting it was helpful that the engineer spray painted on the gravel the property line between the Tilcon and Benchmark properties which is one grade and all gravel. She said the temporary drainage ditch was shown and the beginning of the restoration work was also shown. Ms. O'Hare referred to her May 31, 2019 Environmental Planner's Report. She said the Commission will have to address tonight, the violation on the Tilcon side of the property. Ms. O'Hare said the wetland filling was approximately 5 ft. by 10 ft. and the pipe was changed and filling in the upland review area. She said the two properties are tied so if the Commission approves the Benchmark application, it would be prudent to address the Tilcon property at the same time. She recommended several items be changed, added, or modified slightly.

Chair Vitali said he wasn't happy about going through this tonight and asked Ms. O'Hare why she didn't go through this with Benchmark. Ms. O'Hare noted the plan came in May 30th and she wrote this report on May 31st. Atty. Ceneviva said he had this current report and is in agreement with her report and the Conditions of Approval. He noted Mr. Lord wanted to address the concern regarding the type of plantings. Chair Vitali said he didn't recommend Eastern Red Cedar because they are being eaten by aphids. Atty. Ceneviva noted that under Condition of Approval on page 5, Item #5, "wetland plantings" it was in Mr. Lord's plan was to have arborvitae. Commissioner McKeen said this particular arborvitae is native and is northern white cedar. Mr. Lord noted the selection of the arborvitae was to create at the outer edge of the restoration area, a tall dense green visual buffer and screening between the operation side of the sight and the restoration areas to the north. He said this is in an upland environment of disturbed soils that are historical disturbed. He said the purpose of this arborvitae is to provide a quick

fill-in. He said this is not listed in any way as an invasive species but is more of a native species and its use has migrated to a more landscaping, ornamental use. Mr. Lord said he didn't believe this was inappropriate for this use. Chair Vitali pointed out his issue with this was between the aphids and deer, this arborvitae would last one year. Mr. Lord suggested coming up with a few alternative plantings and submit them to Ms. O'Hare's office. Mr. Lord said this arborvitae will be used as a buffer visual screen between the operations portion of the site where the trucks and gravel surface is and the restoration area which is all greenery and totally vegetative to the north. Commissioner McKeen said this will also benefit the wildlife.

Ms. O'Hare said on the particular planting item she believed this was a natural area before and would like to see this remain. Mr. Lord said there is no proposal to maintain this arborvitae with sheering. Chair Vitali asked what variety of arborvitae would be planted. Mr. Lord said the 15 to 20 ft. height arborvitae would be installed. Atty. Ceneviva in answer to Chair Vitali's question said all of Ms. O'Hare's Condition of Approval was acceptable. Chair Vitali asked about Ms. O'Hare's page 2 and page 3, request on certain items, and would they be satisfied by the owner. Atty. Ceneviva affirmed they would be satisfied and noted these plans are available today. Chair Vitali said a \$5,000 bond will be posted to cover not only the work in the field but will cover all the plans up to Ms. O'Hare's list of request. Chair Vitali asked about the Tilcon violation. He said the extent of the wetlands seem to be in front of the pipe they connected to and the 50 ft. upland review area, which mostly had railroad track on it. He said this turns out to be the section of wetlands in front of the pipe that is Tilcon. Commissioner Kern said he didn't see any reason to disturb this and suggested leaving it the way it was. The Commission agreed. Chair Vitali pointed out some wetlands were lost, but noted there is not a pile of trash dumped on it.

Ms. O'Hare said she met with the Law Dept. today (Wednesday), and noted it was important to get consent from Tilcon, which was obtained. She said the other item was to reiterate it was our position the IWWC does have jurisdiction, and Tilcon is not subject to Federal jurisdiction. She said the Law Dept. suggested upon approval, it should be stated this approval does incorporate the filling and the wetlands filling on Tilcon property which can remain. Commissioner Kern asked if the flow on the storm drain was acceptable. Atty. Ceneviva said he spoke with the Town Engineer who said he would work with Mr. Puttock regarding the depth. Commissioner Kern noted the flows on the storm drains on East Center Street may be at three or four feet and by the time one goes across the parking lot to get the drainage to shift out that way, if it is five or six feet down with the catch basins or drainage pipe, how will the water run uphill. He said the flow elevation is important to him.

Atty. Ceneviva said this issue was raised by Ms. O'Hare after the site walk with the Town Engineer. Chair Vitali asked about the snow plowing, noting that fly ash or soda ash was pushed into the wetland area and how would this be prevented. Mr. Palumbo said he was talking with Commissioner Kern at the site walk about going to the bank side with the snow or possibly take the snow off site.

Chair Vitali entertained a motion to determine Significant Activity.

MR. PARENT: MOTION THAT APPLICATION #A19-3.7/988 EAST CENTER STREET – BENCHMARK

**LAND DEVELOPMENT, LLC – (INDUSTRIAL DEVELOPMENT & WETLAND RESTORATION
BE DEEMED NOT TO BE A SIGNIFICANT ACTIVITY**

MS. PHILLIPS: SECOND

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

Chair Vitali entertained a motion to approve or deny this application

MR. PARENT: MOTION THAT APPLICATION #A19-3.7/988 EAST CENTER STREET – BENCHMARK LAND DEVELOPMENT, LLC – (INDUSTRIAL DEVELOPMENT & WETLAND RESTORATION) BE APPROVED SUBJECT TO THE CONDITIONS OF APPROVAL SET FORTH IN THE ENVIRONMENTAL PLANNER’S REPORT DATED MAY 31, 2019 AND WITH THE UNDERSTANDING THAT THE FILL AT THE TILCON PROPERTY REMAIN IN PLACE AND CONDITION #1 PROVIDES FOR NO POSTING OF A BOND. THE OTHER CONDITIONS ARE AS FOLLOWS:

- 1. SUBMIT AN AS-BUILT SURVEY TO CONFIRM THAT APPROVED DEVELOPMENT IMPROVEMENTS WAS CONSTRUCTED AS PERMITTED**
- 2. FILL MATERIAL IS TO BE REMOVED DOWN TO ORIGINAL GRADE AROUND THE ROOT SYSTEM OF THE ESTIMATED 100-YEAR-OLD OAK LOCATED ON TILCON PROPERTY GROWING A FEW FEET FROM THE BENCHMARK PROPERTY TO INSURE BENEFICIAL CONDITIONS FOR THE OAK**
- 3. FILL MATERIAL TO REMAIN ON TILCON PROPERTY WITH THE EXCEPTION OF THE ABOVE RESTORATION REQUIRED REGARDING OAK TREE ROOT AREA.**
- 4. CATCH BASIN TO BE INSTALLED ON TILCON PROPERTY.**
- 5. WETLAND PLANTINGS IN WETLAND RE-CREATION AREA AND WETLAND RESTORATION AREA TO USE ONLY NATIVE SPECIES, E.G. EASTERN RED CEDAR, NORTHERN BAYBERRY, GREY-DOGWOOD, FLOWERING DOGWOOD, SHADBUSH. NO “COLUMNAR ARBORVITAE” SHALL BE INSTALLED IN THE UPLAND REVIEW RESTORATION AREA AS THIS IS A RESTORATION AREA WHICH IMPLIES RESTORATION OF NATURAL VEGETATIVE GROWTH**
- 6. DAVID LORD TO BE RETAINED BY THE PERMITTEE TO OVERSEE THE SUCCESS OF THE MITIGATION PLAN FOR A THREE-YEAR PERIOD INTERMITTENTLY AS NEEDED AND TO SUBMIT WRITTEN REPORTS ANNUALLY ON OCT. 1 OF EACH YEAR IN THE THREE YEAR PERIOD**
- 7. BOND (\$5,000) TO BE POSTED TO INSURE THE SUCCESSFUL OUTCOME OF THE PLANTING PLAN FOR THE WETLAND RE-CREATION AREA AND WETLAND RESTORATION AREA OVER A THREE-YEAR PERIOD AFTER INITIAL PLANTING PLAN INSTALLATION**
- 8. ENVIRONMENTAL PLANNER TO BE CONTACTED TO INSPECT EROSION CONTROL MEASURES FOR THEIR PROPER INSTALLATION PRIOR TO ANY FURTHER WORK BEING CONDUCTED ON THE SITE BEYOND THAT WORK WHICH HAD ALREADY BEEN COMPLETED WITHOUT A PERMIT PRIOR TO THE ISSUANCE OF THIS PERMIT**
- 9. ALL CONDITIONS OF APPROVAL PER WATER DIVISION MEMORANDUM COMMENTS DATED APRIL 24, 2019, MUST BE MET**

- 10. IWWC PLACARDS TO BE INSTALLED AT 50 FOOT-INTERVALS ALONG THE LIMIT OF FINAL GRAVELED AREA WITHIN THE UPLAND REVIEW AREA ON THE 988 E. CENTER STREET PROPERTY AND ON THE TILCON PROPERTY**
- 11. FINAL REVISED PLAN TO INCLUDE A STATEMENT THAT ANY FUTURE ACTIVITIES PROPOSED WITHIN THE ORIGINAL UPLAND REVIEW AREA WOULD NEED TO BE REVIEWED BY THE ENVIRONMENTAL PLANNER BEFORE COMMENCEMENT OF SAID ACTIVITY TO DETERMINE IF FURTHER IWWC PERMITTING WOULD BE NECESSARY FOR THAT ACTIVITY. THIS STATEMENT WOULD APPLY TO THE 988 E. CENTER STREET PROPERTY AND THE TILCON PROPERTY AND NEEDS TO BE CALLED-OUT ON THE PLAN AS SUCH**

MS. PHILLIPS: SECOND

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

Vice-Chair Parent commented that there are not a lot of people in attendance and the only way people know what is happening is to watch this on television. He said the people who watched could see that this was something that could have been handled with a lot less engineering, and a Soil Scientist. Vice-Chair Parent noted that when a person goes in for a building permit, to ask if there are any wetland implications. Vice-Chair Parent said another item overlooked, was that Mr. Palumbo has done something remarkable by restoring rail freight operations to Wallingford which the Town hasn't had in nearly 50 years. He said Mr. Palumbo is taking 50 trucks off the road by shipping by rail. Vice-Chair Parent noted rail service is also being restored from Hartford to Middletown and believed Mr. Palumbo made a smart move. Mr. Palumbo thanked the IWWC for their time and help.

3. #A19-4.1/3 Technology Drive – Klaschools – (expansion)

Representing the Applicant was Christopher Juliano, Licensed Engineer and Land Surveyor, Juliano Associates. He said the Applicant is proposing an expansion at the existing day care facility. He said the property is located along Research Parkway which is on the west side of the property and Technology Drive which is on the north side and is also a cul-de-sac so there is no through traffic. Mr. Juliano said there is a single driveway coming in, parking in front, an existing daycare facility and a large playground area with a basketball court and a small shed. Mr. Juliano noted on the Site Plan there are a large amount of wetlands on the property and an upland review area which takes up a large amount of the property. Mr. Juliano said a front yard setback reduction was recently approved by the Zoning Board of Appeals so expansion could occur outwardly towards Technology Drive and not have to go east-west and impact the wetlands more than what was necessary.

Mr. Juliano spoke about the uniqueness of the site pointing out all the drainage is collected in three catch basins, routed through an existing oil/water separator which runs into an existing sand filter and into an existing detention basin and is discharged to the north of the existing wetlands. Mr. Juliano said the existing building has all of its roof drainage connected to underground galley system which also goes out to the wetlands.

Mr. Juliano said the proposal is to add a new wing off the westerly side of the building, approximately 6,500 sq. ft., doubling the size of the daycare facility. He said the driveway entrance will be shifted slightly to the east, expand the parking lot and create a loop circulation through the parking lot with one-way traffic. He said this will meet some of the zoning requirements, emphasizing the Applicant will not be expanding west with the parking lot and there will be approximately an 18 ft. expansion to the east which is outside the upland review area. He said grades will be maintained so all of the parking lot runoff flows east to west and the three catch basins will continue to be utilized to collect storm water runoff which will run through the existing oil/water separator, through the sand filter and detention basin and discharged outside the upland review area.

Regarding the roof drainage, Mr. Juliano said the existing underground system will be removed and a new system will be installed behind the dumpster. He pointed out the location on the Site Plan. He said the existing building will be approximately 37.3 ft. off the newly delineated wetlands. Mr. Juliano said when he met with Ms. O'Hare, she requested a new wetland delineation in two specific areas where she had concerns. He said George Logan of Rema Ecological Services was brought to the site and those wetlands are depicted on the latest set of plans in the IWWC's packets. He also pointed out the location of the wetland flags. Mr. Juliano spoke about the major changes after the meeting and the originally submitted plans, was to remove the grading off the southwest corner of the building. He said a wall will be installed and noted six feet of fill had to be made up because of the slope. He said the wall will be installed on the western side of the building and egress out of the building out of each classroom will be out to a concrete pad and a step down. He said between the surface between the surface and the wall will be filled with either stone or mulch.

Mr. Juliano said the doors on the western side of the building will not be used, noting the children will go to the playground through a door from the existing building or a door that directly access the playground area. Mr. Juliano said out of the wall area, originally with the grading, he was looking to do some type of grass or plantings, but because of the closeness to the wetland area and wanting to maintain it, it was agreed to plant native shrubs in the area, i.e., high bush blueberry. Mr. Juliano noted that during the Special Meeting, Commissioner Kern was looking at the detention basin area. Mr. Juliano said he originally believed the basin was undersized, but after analysis it was discovered the basin can function all storms up to a 100-year storm. He said the basin can stay as is, the same as the sand filter. He said the only thing necessary is the basin and sand filter has been used for the dumping of grass clippings and brush. He said maintenance needs to be done and the sand filter has to be cleaned out. Mr. Juliano said this will involve removing the top foot of sand to be removed and replaced with a new foot of sand.

Mr. Juliano said because the sand filter and basin is adequately sized, the front lawn area didn't have to be used as a swale. He also noted the basketball court was installed without a permit in 2005/2006 and is close to the existing wetland line which was recently flagged. Mr. Juliano said there was some discussion as whether this was going to be a Notice of Violation or leave it as an unpermitted feature on the site. He said Ms. O'Hare noted this in her Environmental Planner's Report. He said he agreed to all of

Ms. O'Hare's eight comments. He mentioned Ms. O'Hare's first comment, where she recommends the storm basin and sand filter restoration work completed prior to commencement and within a three-month timeframe. Mr. Juliano requested this be modified to state that no building permit will be issued until this work is done. He said this will ensure the work will be done in a timely fashion. Mr. Juliano said the water calculations take care of what the Water and Sewer Divisions were concerned about.

Ms. O'Hare said she didn't see any reason to leave all the branches and yard waste in the storm basin and sand filter over the winter. She said just a few people could take the branches and grass clippings out of the basin and wouldn't take more than a day or half a day. Mr. Juliano said he agreed with Ms. O'Hare, but was looking at this from the business viewpoint. He said he didn't believe he needed PZC approval to clean this basin out, this is a maintenance issue. Commissioner Kern noted Mr. Juliano stated with approval, this would be the first issue addressed. He wondered if a protective fence could be installed so the children couldn't go to that sand filter drainage area. Mr. Juliano said the basin technically should have a fence around it because of the depth. He said the maintenance will be put back onto schedule.

Ms. O'Hare said she stood by her Conditions of Approval on page 5. Chair Vitali said he would like to add a bond number to satisfy the conditions of approval. Ms. O'Hare said there are minor items missing. Commissioner Kern said he would like to see a bond that covers the entire project. He asked for a construction bond. Ms. O'Hare said the real concern is erosion getting into the wooded swamp over the one to two-year construction period. She noted this would be an erosion control bond. Chair Vitali said this is fair as long as everyone does what they are supposed to do. Commissioner Kern said he had no problem with the addition, but just wanted to protect the IWWC's interests.

Chair Vitali said the final set of plans should have been done prior to getting here. Mr. Juliano agreed noting that if he had gotten the comments earlier and had enough time they could have been put in. He said this is why he tabled this application in May. Chair Vitali said the only way he would totally feel comfortable this would get done would be with a bond. He stated that half of these conditions should have been done two weeks ago. Commissioner Kern asked why they weren't done. Ms. O'Hare said Mr. Juliano could have done this over the weekend. Chair Vitali when Ms. O'Hare got the plans to review. He asked if it took two weeks to generate the Environmental Planner's Report. Chair Vitali said the big issue is when the basin will be cleaned. Mr. Juliano suggested this being done prior to a building permit or by Nov. 15, 2019 whichever comes first.

Chair Vitali entertained a motion on Significant Activity.

MR. PARENT: MOTION THAT APPLICATION #A19-4.1/3 TECHNOLOGY DRIVE – KLASCHOOLS – (EXPANSION), BE DEEMED NOT A SIGNIFICANT ACTIVITY

MS. PHILLIPS: SECOND

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

Chair Vitali entertained a motion on the application

**MR. PARENT: MOTION THAT APPLICATION #A19-4.1/3 TECHNOLOGY DRIVE – KLASCHOOLS –
(EXPANSION) BE APPROVED SUBJECT TO THE CONDITIONS LAID OUT IN THE
ENVIRONMENTAL PLANNER’S REPORT OF MAY 29, 2019 AMENDED AS FOLLOWS:**

1. **WORK TO RESTORE THE STORM BASIN AND SAND FILTER TO BE COMPLETED NO LATER THAN JUNE 1, 2020.**
2. **SILT FENCING BE INSTALLED RELATIVE TO THE INSTALLATION OF THE ROOF FLOW INFILTRATOR UNIT OVERFLOW DISCHARGE PIPE WAS OMITTED. SILT FENCING FOR THIS WORK TO BE INSTALLED AT THE TIME OF INSTALLATION OF REMAINDER OF SILT FENCING PER PLAN**
3. **EROSION CONTROL MEASURES TO BE INSTALLED AND INSPECTED BY THE ENVIRONMENTAL PLANNER PRIOR TO ANY FURTHER WORK RELATIVE TO THE EXPANSION PROJECT BEING COMMENCED ON THE PROPERTY**
4. **NATIVE SHRUB PLANTINGS TO BE INSTALLED IN AREA PROPOSED TO BE DISTURBED BY DEVELOPMENT ACTIVITIES LOCATED WEST OF PROPOSED RETAINING WALL BETWEEN UNDISTURBED WOODED AREA AND THE RETAINING WALL**
5. **REVISED STORMWATER MAINTENANCE MANAGEMENT PLAN TO BE SUBMITTED WITH RESPONSIBLE PARTY NAME AND CONTACT NUMBER, AND SECTION FOR MAINTENANCE OF THE PROPOSED ROOF FLOW INFILTRATOR UNIT AND OVERFLOW OUTLET DISCHARGE AREA**
6. **FINAL PLAN SET TO REFLECT THESE ITEMS:**
 - A. **REMOVAL OF ERRANT GRADING LINE FROM PLAN AS THERE SHOULD BE NO PROPOSED GRADING IN VICINITY TO NORTH/NORTHEAST OF SAND FILTER**
 - B. **DEPICT OUTLINES OF STORM BASIN AND SAND FILTER BASIN CONFIGURATION**
 - C. **NATIVE SHRUB PLANTINGS ALONG DISTURBED AREA TO WEST OF RETAINING WALL BETWEEN UNDISTURBED AREA AND RETAINING WALL**
 - D. **SILT FENCING RELATIVE TO INSTALLATION OF OVERFLOW DISCHARGE PIPE FOR INSTALLATION OF THE ROOF FLOW INFILTRATOR UNIT**
 - E. **LOCATION OF PROPOSED INSTALLATION OF IWWC PLACARDS**
 - F. **UNDER LISTING OF SURVEYOR’S NOTES, ADD NOTE REGARDING WETLANDS INFORMATION WITH NUMBERED WETLAND FLAGGING COMPLETED FOR CERTAIN AREAS BY GEORGE LOGAN, REMA ECOLOGICAL SERVICES**
 - G. **UNDER LISTING OF SURVEYOR’S NOTES, ADD NOTE THAT WETLANDS INFORMATION AS DEPICTED MAY NOT BE COMPLETE**
7. **COMPLIANCE WITH WATER DIVISION COMMENTS DATED 4/24/19**
8. **INSTALLATION OF IWWC PLACARDS AT EDGE OF DISTURBANCE LIMIT NEAR WETLANDS AT INTERVALS OF 50 FEET**
9. **AN ENVIRONMENTAL BOND OF \$5,000 THAT TIES TOGETHER ALL ENVIRONMENTAL PLANNER’S REQUEST AS STATED IN HER MAY 29, 2019 REPORT**

MS. PHILLIPS: SECOND

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

4. **#A19-4.2/155 John Street** – Town of Wallingford Sewer Division – Water Pollution Control Facility Phosphorous Reduction Project – (modification to IWWC **#A18-11.1**) – approved administratively 5/28/19.

Chair Vitali said he and Ms. O’Hare went through this and there were just some minor readjustment of issues and there were no wetlands involvement, so it was granted administrative approval.

5. **#A19-4.3/153 Chimney Hill Road** – Lauren Young – (several yard improvements)

Appearing in front of the Commission was Lauren Young, property owner, who explained what she wanted to do on her property. She noted in the Commission’s packets there were several maps outlining different options. She said the highest priority is constructing a berm in the far right back of her property where the wetlands are located to redirect rainwater which comes down the hill through the swamp to the man-made pond. She said this will prevent the three streams that are created when there is heavy rain nine months out of the year which creates fog and stagnant water on her property all the way up to her front door. She said she would need a weir and forebay built into the pond to control overflow when it rains. Ms. Young said there is a man-made stream off to the left side of the property which exits out to the road and down into another pond. She said the stream dries out and needs to be re-dug. Ms. Young said she would like to install water-resistant tarp and re-rock the area. She said she would also like to refurbish the pond itself because of the amount of debris from years of neglect.

Ms. Young said the pond needs to be emptied out, re-lined and an aerator installed. She noted there is an electrical line to the pond, but no aeration system. Ms. Young said she would like to install a skimmer system and install local plant life back into the area. Ms. Young spoke about her back-up plan for her yard noting this probably wouldn’t repair her water issue with stagnant puddles. She said she lost her pool and deck because of rot and rust and needs to install drainage systems. Ms. Young said this drainage system would probably be installed throughout the property between the pond and the back of the house which would hopefully re-direct water into the waterway so there would be less damage to her home. She noted she has a finished basement and two sump pumps which are running 24/7.

Ms. Young said a total of 28 trees which are rotting, dead and leaning towards the house, need to be removed. She said some of them are not 50 ft. within the wetlands property. Ms. Young said it was suggested she keep one dead tree because it houses wildlife. Ms. Young said she wants to construct deer fencing across the back of her property and vinyl fencing on the front side and remove the existing stone wall. She said this will protect her gardening in her backyard. Ms. Young noted that because she can only work in the dry months of summer and fall, she was hoping for a five-year permit to do in installments. She said she has a Contractor in mind.

Ms. O’Hare said she met with Ms. Young several times and suggested she contact Roman Mrozinski, Southwest Conservation District for advice which she has done, and noted his report was sent in the IWWC packets. Ms. O’Hare said she went to the site and walked around and noted this was probably a

property that never should have been turned into a homesite. She referenced her May 30, 2019 Environmental Planner's Report. Ms. O'Hare said she digested all the ideas and tried to put them in order. She said Ms. Young is trying to protect her home and basement and has to do what she has to do to protect her home.

Chair Vitali noted the key to Ms. Young's success and the key to wetlands protection is the Contractor. He believed anyone who is a Contractor knows wetland regulations.

Chair Vitali entertained a motion on Significant Activity.

MR. PARENT: MOTION THAT APPLICATION #A19-4.3/153 CHIMNEY HILL ROAD – LAUREN YOUNG (SEVERAL YARD IMPROVEMENTS) BE DEEMED NOT A SIGNIFICANT ACTIVITY

MS. PHILLIPS: SECOND

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

Chair Vitali entertained a motion on the application.

MR. PARENT: MOTION THAT APPLICATION #A19-4.3/153 CHIMNEY HILL ROAD – LAUREN YOUNG (SEVERAL YARD IMPROVEMENTS) BE APPROVED SUBJECT TO THE CONDITIONS OF APPROVAL AS SET FORTH IN THE ENVIRONMENTAL PLANNER'S REPORT DATED MAY 30, 2019 AS FOLLOWS:

- 1. WORK TO BE CONDUCTED DURING FORECASTED DRY PERIODS**
- 2. EROSION CONTROL MEASURES TO BE INSTALLED FOR EACH AND EVERY PHASE OF IMPROVEMENT PROJECT WORK AS DETAILED IN THE ENVIRONMENTAL PLANNER'S REPORT DATED 5/30/19**
- 3. ENVIRONMENTAL PLANNER TO BE NOTIFIED PRIOR TO START OF ANY WORK ON SITE TO INSPECT AND APPROVE THE INSTALLATION OF THE REQUIRED EROSION CONTROL MEASURES FOR EACH AND ANY PHASE OF THE PROJECT**
- 4. AN EXTENSION FOR THIS PERMIT WOULD NEED TO BE REQUESTED FROM THE IWWC SHOULD THE PERMITTED WORK ACTIVITIES NOT BE COMPLETED WITHIN THE TERM OF THE PERMIT WHICH IS FIVE YEARS**

MS. PHILLIPS: SECOND

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

NEW BUSINESS – NONE

RECEIPT OF NEW APPLICATIONS

1. **#A19-6.1/12 Grieb Trail & Spring Lake** – Carin Mikos – (dock installation) - received by Chair Vitali.
2. **#A19-6.2/4 Miles Drive** – Wallingford Lodging Partners, LLC – (hotel development) – received by Chair Vitali.

Chair Vitali noted this application involves property on the west side of I-91.

REPORTS & COMMUNICATIONS

1. Training session re: FOI & Code of Ethics, Council Chambers, Town Hall, June 6, 2019.

Chair Vitali noted that all Commissioners are required to attend this training session.

VIOLATIONS

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

Ms. O’Hare said this violation isn’t satisfied until the wetlands are restored. Chair Vitali said this Notice of Violation stays in effect until the wetlands are recreated. Commissioner Kern said the Permittee has been given permission to leave materials on the site. Chair Vitali said this will remain open.

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

Ms. O’Hare said Mr. Mineri was sent a letter to finish this by June 15 and if not done, the IWWC could begin the process to pull the bond. Ms. O’Hare said Mr. Mineri sent a crew out to the site Tuesday and grass seed and hay mulch was applied. She said she took photos. Ms. O’Hare said the Law Dept. suggested the Commission consider if the June 15th deadline will hold or is more time needed. She said if the Commission is determined to hold the June 15th deadline, the Law Dept. should be asked to call the bond which involves contacting the entity which holds the Letter of Credit.

Chair Vitali asked how far along Mr. Mineri has gone to satisfy the conditions. Ms. O’Hare said there are erosion issues over the site and noted the south side of the basin was never completed, and is very steep. Ms. O’Hare said Mr. Mineri executes poorly. Chair Vitali noted if this is the case, the bond will be pulled on June 15th. Chair Vitali pointed out that if Mr. Mineri has 75% or 80% of the items completed and needs another week or two, he would accommodate this. He said he can’t be given until the next meeting which is July 17th. Ms. O’Hare said she believes 85% of the issues have been resolved, but have been done poorly.

Chair Vitali asked what this meant that the work was done poorly. Commissioner McKeen said if it is not functioning then it is not done. Commissioner Kern said Mr. Mineri has been “yessing” the Commission to death since last November. He suggested Ms. O’Hare either contact the Legal Dept. or send Mr. Mineri a letter stating that if the work isn’t completed by June 15, the bond will be pulled.

The Commissioners unanimously agreed that if the work wasn't done by June 15, the bond will be pulled and that the violation will stay in effect.

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

Ms. O'Hare said the Quinnipiac River Watershed Association went out and got plants and contributed \$800 worth of native plant materials. She said they are at the site and being watered until they can get planted. She also noted most of the cut trees have been taken out of the river so the work is continuing. She said Mr. Mrozinski and the owner will do the plantings and Mr. Mrozinski is also monitoring the site. Chair Vitali noted the Notice of Violation was still in effect.

4. Notice of Violation – 12 Old Colony Road – Old North Colony Road Properties, LLC – (unpermitted stockpile deposition, uncontrolled erosion & deposition wetlands and stream and upland review area).

Ms. O'Hare said she hadn't gone to the site because the report came in on May 30. She said the big sandpile was taken out of the river, but work has been hampered by rains but progress has been made. Chair Vitali said the Notice of Violation will stay in effect.

5. **#A18-1.2/801 North Colony Road & 6 Beaumont Road/** Padens Brook – NERP Holding & Acquisitions Company, LLC – (riparian buffer plan issues)

Ms. O'Hare said she didn't issue a violation, but noted a lot of people were expressing concerns including Planning & Zoning Commissioners, various people in Town and a few Wetland Commissioners asking what had happened to the river corridor. She said the corridor looks different than she envisioned and reached out to the person who designed the river plan. She said this looks more like a desert than anticipated. Ms. O'Hare said she went to the site with Sigrun Gadwa and George Logan who explained how this was implemented differently. She said many people believed the area had been treated with chemicals, but they weren't used. Ms. O'Hare said the Japanese Knotweed was cut several times. She said more trees than what was anticipated were taken down. She said there is a planting plan but she wants a revised plan for the files.

Chair Vitali said most people didn't realize what was there and were shocked when they found there was a roadway in there. He noted Beaumont Road never came out to Rt. 5, it came out to Old Colony Rd. Chair Vitali said there were berms of material between the brook and Rt. 5 and had tons of Japanese knotweed. He said he was shocked with the water coming out of WalMart when it rains heavily and when the area was opened up. Chair Vitali said he is pleased we suggested the rip-rap baskets be put in the elbow or bend in the brook. He said he believed there might have to be a few more rip-rap baskets placed in there.

Appearing before the Commission was Sigrun Gadwa representing REMA Ecological Services. She said she initially designed the restoration but wasn't involved last year. She said she went back to the site

this spring. Ms. Gadwa said there was a tremendous amount of Japanese Knotweed and was the lion's share of the green people saw. She said the knotweed was cut repeatedly to weaken it. Ms. Gadwa said she spoke with the landscaper and on Oct. 7, there was spot treatment of remaining spots of Japanese Knotweed with herbicide. Ms. Gadwa said the main reason there are fewer trees than expected, is that there was a lot of bittersweet and grapevine growing up the young box elders and young black cherries. She envisioned they would stay and be allowed to recover and grow back. She said the landscapers made the decision the trees were so impaired and twisted because of the vines, they were cut down. Ms. Gadwa said the trees were perfectly healthy and shouldn't have been cut down.

Ms. Gadwa said the plan breaks the site down into multiple areas and lists of how many trees and shrubs of different types are to go in different areas. She said she would like to add approximately 15 trees to the list to make up for the saplings that were cut down. Ms. Gadwa said invasive Norway maples, approximately 6 or 7, were cut down along with half a dozen ash trees. Ms. Gadwa said the schedule for this year involves limiting the planting this June. She went over the photos showing the erosion control blanket and a number of trees preserved in the far north end and a big cottonwood preserved in the middle of the property.

Ms. Gadwa noted that underneath the Japanese knotweed, there were extensive areas of native spring ephemerals and bloodroot. She said they were all located on the east bank. She said the west bank is lower quality and didn't have the rhizomes of the native flowers. Ms. Gadwa showed the photo of a terrace around the cottonwood. She said this had a lot of spicebush, silky dogwood and sweet pepperbush which is in the planting plan and will be planting in June.

Ms. Gadwa said similar shrubs will be planted on the nearly level terrace on the west side. She noted this wasn't in the planting plan. Ms. Gadwa said the lion's share of the woody plantings will take place this September which includes shadbush, pin oak, sugar maple and sycamore which are trees which can grow higher on the bank. She said these trees will also provide a good visual screen and noted this is a six-year program. Ms. Gadwa said the mechanical cutting of the knotweed will continue through this period. She said the follow-up herbicide treatment will take place this year. Ms. Gadwa said she wants to put the New England Roadside Matrix Mix on the steep west bank.

Ms. Gadwa said during year six, woodland herbs like Christmas fern and potted plants will be installed once the Japanese Knotweed is under control. She said there is one erosion gully which needs to be repaired and noted some woody debris should be left in the stream because this is part of the natural habitat. Ms. Gadwa said a good job was done with the erosion controls and the blanket was well installed along with the wire mesh containers. Ms. Gadwa said one evergreen which tipped over will need to be replaced. Ms. O'Hare said she would like a REMA Ecological Services to submit a report to update her file.

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

Appearing in front of the Commission was Greg Grabarczyk, General Manager of J&D Auto Sales, LLC. Ms. O'Hare said she received a phone call from Chair Vitali on Wednesday, and on Thursday, she visited the site with Town Planner Kacie Hand. Ms. O'Hare said there is a tremendous amount of fill. She distributed photos. She said this is industrial property and has been manipulated over the years and noted this wasn't a pristine area, but they have gone further back towards the river than previous years. Ms. O'Hare said the owner, Jerzy Pytel, has made a lot of new land at the elevation of Old Colony Rd.

Ms. O'Hare said most of the fill material is upland and there is a lot of fill material in the IWWC's jurisdiction, but the majority is outside the IWWC's jurisdiction. Ms. O'Hare said the Notice of Violation went out Tuesday, June 4 and requested all activities Cease & Desist which was done. Ms. O'Hare said the owner had someone go out and get silt fence and was installed close to the river. She said the owner appears to be cooperating. Ms. O'Hare distributed photos of the land to show how the Quinnipiac River wraps around three sides of the property and is very skinny. Chair Vitali said a site walk wouldn't be necessary until a map is obtained. He noted a lot of the material was outside the upland review area. Ms. O'Hare said she gave a directive for the owner to hire an engineering firm to do a survey to show the extent of the fill.

Ms. O'Hare said there is a tremendous amount of violations in the IWWC's jurisdiction noting there is filling 10 ft. of the river. She said she directed that haybales be placed in that area. Ms. O'Hare said a lot of raw earth is in the floodplain area and directed the owner to put the floodway line on the map. She said the owner was also given a Cease & Desist by the Planning Dept. and there were other violations one of them being running a junkyard without proper permits and bringing in fill.

Mr. Grabarczyk said this wasn't a big mess and pointed out the owner was updating the property. He said he didn't know he had to apply for a permit. He said the fill will be brought to Meriden where the owner is building houses and stated the owner will get the permit on Thursday. Mr. Grabarczyk said the junk cars are on the lot because the owner owns a junkyard in Meriden. He said the cars will be removed. Mr. Grabarczyk said the owner wants to ensure the property is nice. Chair Vitali said this is not good for the wetlands and the river. Mr. Grabarczyk said this was clean fill. Chair Vitali noted the violation will stay in effect and the owner will work with Ms. O'Hare to correct the violations. The Commission suggested the map be submitted by July 10th to the Environmental Planner. Ms. O'Hare said there was confusion with the owner with the south side property line. She said the Commission should also direct the owner to execute all the directives in the Notice of Violation.

Chair Vitali said he didn't know what could be done until the map is obtained. He said he wasn't sure the survey work could be done in several weeks.

The Commission voted unanimously to affirm the Notice of Violation and give a timeline of July 10 for the maps to get the directives done and for the owner to be present at the July 17th IWWC meeting.

Ms. O'Hare told the Commission the demolition started three weeks ago at 5 Research Parkway and she has been getting the reports weekly.

ADJOURNMENT

Vice-Chair Parent made a motion to adjourn the Meeting at 9:25 p.m. Commissioner Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary