

**Inland Wetlands & Watercourses Commission
(Remote) Special Meeting
Tuesday, November 10, 2020, 7:00 p.m.
Robert F. Parisi Council Chambers, 2nd Floor, Town Hall
45 South Main Street, Wallingford, CT**

MINUTES

Chair James Vitali called this (Remote) Special Meeting of the Wallingford Inland Wetlands & Watercourses Commission to order at 7:04 p.m.

1. ROLL CALL & PLEDGE OF ALLEGIANCE

ROLL CALL

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

ABSENT: Commissioner Michael Caruso and Alternate Jennifer Passaretti

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was recited.

2. PUBLIC HEARING:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Commissioner Kern said No.

Commissioner McKeen said No comments.

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

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

Commissioner Phillips had no questions.

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

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

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

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

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

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

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

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

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

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

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

Chair Vitali asked what Peer Review are you suggesting?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ms. O'Hare said Yes.

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

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

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

Ms. O'Hare said Yes.

Chair Vitali asked, Do you want a Motion?

Ms. O'Hare said Yes.

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

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

MR. SIMON: **SECOND**

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

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

Chair Vitali called for a new Motion.

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

There was no second.

Chair Vitali asked, Does this satisfy your request?

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

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

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

Ms. Phillips withdrew her Motion above and proceeded.

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

Chair Vitali asked for a second.

MR. SIMON : **SECOND**

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

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

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

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

No Motion was made at this time by a Commissioner.

However, Chair Vitali called for a second.

MR. SIMON: SECOND

Someone in the audience said there is no Motion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attorney Cody agreed.

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

3. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN THE MEETING.

MR. SIMON: SECOND

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

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

Respectfully submitted,

Kathleen L. Burns
Recording Secretary