

Inland Wetlands & Watercourses Commission
Regular Meeting
Wednesday, July 27, 2022, 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, July 27, 2022, at 7:08 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 James Vitali, Vice Chair Debbie Phillips, Commissioner Jeffrey Necio, and Environmental Planner Erin O'Hare. Alternate Commissioners Mrs. Caroline Raynis arrived at 7:11 p.m. and Mr. James Heilman arrived at 7:12 p.m.

ABSENT: Secretary Nick Kern, Commissioner Michael Caruso, and Alternate Aili McKeen.

There were 17 persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL – As above.

E. OLD BUSINESS

1. **#A16-4.3 / 103 North Turnpike Road – Joseph Richello – (apartment complex) – Request for release of bond – No action.**

3. **#A22-5.5 / 100 Barnes Road – Town of Wallingford Police Department – (police station development)**

Appearing were Mr. Andrew Whitehouse of Jacunski Humes Architects, LLC, and Mr. Chris Juliano, L.L.S., P.E., of Juliano Associates in Yalesville.

Chair Vitali noted that the Applicant on the agenda should be Jacunski Humes Architects, LLC.

Mr. Juliano said, This is for the future home of the Police Department. We have three plans: Existing Conditions, the Site Plan layout, and the Site Grading plan. Barnes Road is on the left (south) side of the map. This wetlands corridor is probably 10 acres on the northern property line. This stream flows from Barnes Industrial Park on the back of our property and into a detention basin and to North Main Street Extension under the road. Basically, that's on Route 5 under the railroad tracks and down to the Quinnipiac River. There's history at the west of flooding conditions, and our design will help remedy some of those conditions. There are two existing entrances, east and west, with loop circulation for parking. The building was built in 1978 and then a rear addition was made afterward. The Town purchased it a few years ago. This will allow the police to relocate to a better facility.

Mr. Juliano continued, As to the layout, the existing building is going to get an addition on the rear for a

“sally port” secure entrance. There are to be the west entrance for police, and the east entrance and parking for the public. Part of the building is for maintenance and storage. On the southwest of the building is for vehicles and a building for vehicles, and a building to be used as a training center, and an indoor training range. This lot is for towed vehicles and storage. The south side will be open to the public. There are two public vehicle charging stations and also two spots for internet sales parking for seller and buyer.

Mr. Juliano described the wetlands issues. We are outside the 50-foot URA. There is a storage basin, changing staff parking, sally port, and to the existing north parking lot. It’s designed to hold a 100-year storm, and runoff is all infiltrated. There’s a weir in the event of overflow. And the basin will be over-designed here. There’s a couple of issues with the Environmental Planner:

Chair Vitali asked, What did you do regarding the oak tree? (Referring to Ms. O’Hare’s concern in the Environmental Planner’s Report.)

Mr. Juliano said, We plan to relocate the basin to the east 12 feet. It makes a minor change to our drainage as in Ms. O’Hare’s 7/22 letter and in her Conditions of Approval. We can do it with no detriment.

Mr. Juliano then described all the drainage, existing and proposed, on the site.

Ms. O’Hare said, My comments of 7/14 went out in your packet. The slope there is near the giant oak tree that was mentioned. So the team responded with a memorandum on the ravine basin last Friday. Town Engineer’s comments came in, and responses to environmental comments separately. And then a revised Wetland report came in from REMA on last Friday in your packet and my Environmental Planner’s Report. Tonight I typed a second Environmental Planner’s Report with a set of Conditions of Approval, which I gave out tonight. Does everyone have it? On p. 2, there are five Conditions of Approval.

Chair Vitali asked, But there’s no oak tree on the most recent Environmental Report in the Suggested Conditions of Approval.

Ms. O’Hare said, My July 14 comments included the oak tree concerns with a photo, and my 7/22 EPR report had Suggested Conditions of Approval.

Chair Vitali asked, So you have more pictures tonight of the oak tree and suggestions for the oak tree?

Ms. O’Hare said, Yes. Chris Juliano just said he will relocate the disturbance and move it 12 feet to the northeast. That would help.

Chair Vitali said, But if we’re going to vote on Conditions of Approval, it’s going to be on the 7/27 EPR?

Ms. O’Hare said, Yes.

Chair Vitali asked, Are there questions from the Commissioners regarding the activity?

There were none.

MS. PHILLIPS: MOTION THAT APPLICATION #A22-5.5 / 100 BARNES ROAD – TOWN OF

WALLINGFORD POLICE DEPARTMENT – (POLICE STATION DEVELOPMENT) BE DEEMED NOT A SIGNIFICANT ACTIVITY.

MR. NECIO:
VOTE:

SECOND.
MRS. RAYNIS – YES; MR. HEILMAN – YES; MR. NECIO – YES; MS. PHILLIPS – YES; CHAIR VITALI – YES.

Ms. O'Hare asked for clarification on which Alternate Commissioner is sitting for which absent Commissioner. Chair Vitali stated that Alternate Mrs. Raynis is participating in place of Commissioner Kern and that Alternate Heilman is participating in place of Alternate McKeen.

MS. PHILLIPS: **MOTION THAT APPLICATION #A22-5.5 /100 BARNES ROAD – TOWN OF WALLINGFORD POLICE DEPARTMENT – (POLICE STATION DEVELOPMENT) BE APPROVED WITH THE CONDITIONS IN THE JULY 27, 2022 ENVIRONMENTAL PLANNER'S REPORT, INCLUDING THAT THE DISTURBANCE WILL BEGIN AN ADDITIONAL 12 FEET AWAY FROM THE OAK TREE.**

MR. NECIO:
VOTE:

SECOND.
MRS. RAYNIS – YES; MR. HEILMAN – YES; MR. NECIO – YES; MRS. PHILLIPS – YES; CHAIR VITALI – YES.

E. OLD BUSINESS

1. **#A16-4.3 /103 North Turnpike Road – Joseph Richello – (apartment complex) – Request for release of bond**
No action was taken tonight.

Note: **E. OLD BUSINESS #2.** and **J. VIOLATIONS #3.** were considered and acted on together.

E. OLD BUSINESS

2. **#A22-4.3 / 12 Mansion Road – Laura Cirillo – (after-the-fact fence installation & proposed yard edge filling and installation of fencing & shrubs)**

J. VIOLATIONS

3. **Notice of Violation Remains – 12 Mansion Road - Laura Cirillo – (unpermitted filling)**

As to these two agenda items, Ms. O'Hare stated that the Violation is gone and that she is recommending to lift the Violation and to approve this Application above.

MS. PHILLIPS: **MOTION THAT AT ITEM J. VIOLATIONS 3. NOTICE OF VIOLATION – 12 MANSION ROAD – LAURA CIRILLO – (UNPERMITTED FILLING) – THAT THE VIOLATION BE LIFTED, AND THAT APPLICATION #A22-4.3 / 12 MANSION ROAD – LAURA CIRILLO – (AFTER-THE-FACT FENCE INSTALLATION & PROPOSED YARD EDGE FILLING AND INSTALLATION OF FENCING & SHRUBS) BE APPROVED.**

MR. NECIO:
VOTE:

SECOND.
MRS. RAYNIS – YES; MS. PHILLIPS – YES; MR. NECIO – YES; MR. HEILMAN – YES; CHAIR VITALI – YES.

D. PUBLIC HEARING – Continuation

1. **#A22-5.1 / 5 Research Parkway – 5 Research Parkway, Wallingford, LLC – (warehouse development)**
Appearing were Attorney Dennis Ceneviva of Meriden representing the Owner/Applicant, Mr.

Chris Gagnon, P.E., Project Manager, and Mr. Jeff Dewey, Senior Engineer, from BL Companies, 355 Research Parkway, Meriden, and Mr. Matt Davison of Davison Environmental.

Chair Vitali said this is the continuation of the Public Hearing on Application #A22-5.1 - 5 Research Parkway begun on June 15th. We already identified the voting Members tonight on this Application. For housekeeping, I would ask all voting Members here tonight to specify that they have reviewed all the materials, even if they were not here last month, as far as all materials from the Minutes of last month, correspondence from the Wetlands office, and possibly watching YouTube, so that they are familiar with this Application as far as it has been presented. Caroline, you were here.

Mrs. Raynis: Yes, that's correct.

Ms. Phillips: No, I wasn't here for the last meeting. Yes, I have reviewed all the materials that were presented and the testimonials, I have viewed the meeting on YouTube.

Mr. Necio: I was present at the last meeting and I reviewed all the materials.

Mr. Heilman: Yes, I was at the last meeting, and I have reviewed all the materials in detail.

Chair Vitali: I have, also. I was at the last meeting. Last meeting, you gave a presentation, and you didn't have the Environmental Planner's Report. I hope you include it in your presentation tonight. And we're not going to have a lot of issues at the public hearing. If issues come up, you'll have you sort them out with Erin in the office. These are the ground rules. This is a Wetlands hearing, and we'd want to focus on Wetlands.

Attorney Ceneviva said, With me tonight are Chris Gagnon and Jeff Dewey from BL Companies for the presentation tonight. To my right Mr. Matt Davison who will be presenting the Wetlands Impact Assessment. We appreciated the time on June 15th. We want to present in more detail from last month and reflecting the comments from the Commission, staff and the public. The last six weeks have been spent with the Environmental Planner, Water & Sewer, and Engineering. We do not have new plans tonight. The next weeks will be spent preparing revised plans with the Environmental Planner's and others' comments.

Chair Vitali said, We do not have an August meeting. So the next meeting will be in September.

Mr. Gagnon said, I'd outline the Regulated Activities in PowerPoint and feedback we have gotten. We have two types: Construction and Post-Construction. We do not have any filling of wetlands or work in wetlands—only minor work in the Upland Review Area related to maintenance of the access road. The construction activities all relate to the temporary sediment traps and stormwater discharge. Those are designed per E&S guidelines and have less than five acres of disturbed area going to them. Our large sediment basin will act as a sediment trap. The four sediment traps will discharge into a channel and be scrubbed at a final sediment trap here. This large sediment trap is for the parking and refueling areas here--and there is no work in the URA and no work in the wetlands—all being stormwater related.

Mr. Gagnon continued: Post-construction, the discharges are from the permanent stormwater basins and for maintenance to the existing road. One activity is from the sand filter, then over upland and discharging to this existing pond. The second post-construction impact is from maintaining and installing some utilities in this green area on the existing road, which is our only URA impact and was previously disturbed. Finally, is the post-construction stormwater management discharge in this area, and URA

impact. The last impact is impervious area we propose, 11.8 acres, which is mitigated by the stormwater treatment and treatment train just discussed.

Mr. Matt Davison, Professional Soils Scientist, Certified Professional Wetlands Scientist, and Connecticut Forester. My brother, Eric Davison, could not be here tonight. He delineated the wetlands on the site in 2018 and 2020. I reviewed that and did a site visit, and I saw the video of the last meeting. I look at the site for potential long- and short-term wetland impacts and the stormwater. On short-term stormwater impacts during construction, I have reviewed the Erosion Control Plan and found it to be very robust with skimmers, etc. This site will be subject to a Stormwater Permit, requiring weekly inspections from a qualified inspector on site. I think a third-party inspector would be good, due to the fine soils. Having two inspectors on site is beneficial, with weekly reports that are copied to the Town. In the long term, I was impressed by the Stormwater Treatment plan here, with primary treatment of infiltration practices and detention basins. It's actually doubled up here for most stormwater runoff in a train: hydrodynamic separators, catch basins, and sand filters. Our report had two recommendations: 1) for native revegetation around the pond edges, which is going on now. I did see some Autumn olive, for which I would suggest mechanical removal annually. And, 2) a Box Turtle Protection Plan, appended to the report for during construction and afterward.

Chair Vitali said, This site generates sediment that gets in the soil and the water and doesn't drop out. The only thing that seems to work is flok logs which you say you would put in "in case you need them." I would suggest putting them in by the time the water and sediment would go to the retention ponds. If you have a flash flood and the retention ponds can't handle it, possibly water and the red sediment is possibly going downstream and into the drinking water supply. The next thing is you talk about the building site, 10 acres. But what is happening to the parking lot that is there, if the water is running off it? It may be no impact, low impact, but you haven't addressed it. Commissioner questions?

Mrs. Raynis said, You said "refuel," what did you mean?

Mr. Gagnon said, It's just a parking area. Because it's in an area we're demolishing and would be disturbed and adjacent to wetlands, we are proposing a sediment trap adjacent to it. It's typical that parking and refueling are together—but that is not what is proposed here.

Chair Vitali asked, But you're doing it somewhere? It would have to be a designated area.

Mr. Gagnon said, They need to do it somewhere. It will be an existing paved area, one of the many paved areas that we are not demolishing. We intend not to disturb on the Muddy River side of the site, the northern side. That would introduce disturbance

There were no questions from the other Commissioners.

Ms. O'Hare said, I'd like to meet with their Wetlands Scientist in the office. Their Wetland report came in on Friday the 14th, and I reviewed and referred to in my July 18th letter. I'd also like to review BL's activities.

Mr. Davison said, I agree that the use of flocculants would be excellent on this site, especially where the diversion swales are a confined area with water running over. It's also important to match the soil type with the flocculant.

Chair Vitali asked, Erin, your concerns?

Ms. O'Hare requested they address the turbidity curtain proposal in Muddy River for the storm discharges.

Mr. Jeff Dewey said, The large detention basin will also be used as a sediment basin, with an area of 67,000 square feet.

Ms. O'Hare said, Over an acre and a half. This is large. In the 2018 proposal, the large pond was going to be used as a large sediment basin from the upper part. Now, there is no development from the northern half of the site. So here I'm looking for a comfort level for the sediment basin to be dug in the construction phase. Your brother's report did not mention sediment flows that are discharged from this basin. They travel 80 feet, passing 40 feet of wetlands after the URA, and then enter the river. Can you discuss how it would affect the river?

Mr. Davison said, I discussed that comment with the design team. My understanding is that basin is oversized. So I think that would be highly unlikely to discharge. But there are controls leading up to that. The stormwater is going through diversion swales which may have flocculant added; then into the basin with stone check dams; then there's a raised outlet structure at the end of the basin and a skimmer. We talked ourselves about adding filter fabric to the stone berms, which raised concern it may clog. But with the raised outlet and the skimmer and discharge to uplands, I'm not sure what else you could do. I think the flocculant along the diversion swales and attaching to coir logs would work. It drops out along the way.

Chair Vitali asked Ms. O'Hare for more issues. We can't resolve them all tonight. Can you go over it with Erin?

Mr. Davison said, Yes. About dewatering the large wetland area? Right now, all the stormwater above that is directed away from that wetland toward the storm basin—I don't have concerns there. The water is infiltrating to the basin. There is no upgradient infiltration there now.

Ms. O'Hare said, But it's weeds and bushes today, and you're adding 11 acres of impervious. Are you saying that the edge of the giant parking lot there today acts as a barrier?

Mr. Davison said, Yes. But the impervious area above the wetland doesn't drain there now, either.

Ms. O'Hare said, Correct. I could look at the 2018 proposal, where they directed some water to those wetlands. And I'd ask you about the discharge of sedimented flows during construction to the small pond.

Mr. Davison said, That sediment trap #5, #5 closest to the pond, discharges sideways into the erosion control barriers there now. By the time it discharges, it's already gone through the swale. I talked to the design engineer. And that trap #5 is the only one that discharges to the small pond, and it is way oversized.

Ms. O'Hare asked if the other traps conjoin.

Mr. Gagnon said the four temporary sediment traps south of the Muddy River Corridor—they receive only less than five acres towards them—the regulations would allow us to discharge out of these into the vegetated area and the river corridor. But we have taken an extra step by a final scrubbing by introducing them to a swale and then to a final basin and then to a small manmade stormwater pond. So this gets double scrubbing. And you've talked about adding additional VMP's to the swale as flocculant.

Chair Vitali asked that the Applicant's representatives would discuss further with Ms. O'Hare in the office. Then he asked for comments from the public.

Mr. Ed Bradley, 2 Hampton Trail, said he talked with Mr. Jeff Dewey from the Applicant's team, and we understand each other. You all have a copy of my June 12 correspondence. At the back there was a picture of Miller's Pond, and I sent one to Erin July 25th. My concern is increased volume and discharge, and also the impact of the increase in discharge into the WPD, the Wallingford Protection District, which is south of Route 68 and down through Hampton Trail where the Muddy River discharges. We've lived there 49 years and have concerns. A history of Spring Lake is in this book from 1938 through 1977. There is never any mention of downstream impact from runoff as far as flooding. It all started when they started cutting in Research Parkway. That's when we started seeing more runoff coming down. At that time the corner of Route 68, before it was straightened out, it used to flood there. In the picture on my June 12th memo shows the ridge over the dam broken away. I was home that day. DOT was there with sledgehammers, breaking that off to alleviate the flooding on Route 68. Subsequently, the dam did collapse. Everything from there downstream, the pond bottom, 3½ inches of muck, on my front lawn. Mayor Vumbaco recognized the issue of the Muddy River coming up into Hampton Trail. He had installed another 36" culvert next to a 42", which helped some. But in today's environment, it does nothing. Then in 1985, Bristol-Myers came in with "best engineering" for control of water, for sedimentation. We all know what happened. It ruined Spring Lake. The silt, sand, oils that came down was just tons of it. After that, they built new homes in Cedar Glen off Grieb Trail. The contractor ran his heavy equipment through the wetlands, now the WPD District, to Williams Road. It changed the course of the river. And those pictures that you see in my latest memo is what happens, not only on the east side but on the west side. I have a couple questions. The Stormwater permit that was mentioned, who is that acquired through?

Ms. O'Hare said, DEEP.

Mr. Bradley asked, And the Town gets reports as well as DEEP?

Mr. Davison said the Town would not get a copy as a State requirement, but my recommendation would be that the Town would get a copy.

Ms. O'Hare said, Should this application be approved—and in 2018 when there was the application approved by this Commission before, they approved an Independent Site Control Monitor out there all the time, chosen by the Town, should be hired and paid by the Applicant and be out there all the time, reporting to the various departments in the Town.

Mr. Bradley said, The reports should go to the Water Division, since it affects the Muddy River, which goes down to Mackenzie Reservoir?

Ms. O'Hare: Yes, the Engineering Department, my department, and the Water Division. That is the team looking at this closely.

Mr. Bradley said, In conclusion, you are the Inland Wetlands and Watercourses Commission, charged with protecting the same. In 1977 and 1988 I sat up there on the Town Council. I was instrumental in establishing this Commission, which the Mayor and the Town Planner fought. But I had one ally, DEEP-- and now the Commission. And I appointed Jim Heilman to this Commission, and he's here tonight. I thank him. Year after year, the Town continues to improve development in these areas, ignoring our

concerns with no action taken to correct the downstream issues. I encourage the Commission to deny this application. It would be nice if the Town and Engineering, which I have notified numerous times, would look at the downstream issues.

Mrs. Raynis asked, May I say I called the library and they do not have that book. I'd like to see it.

Mr. Bradley said, You're more than welcome to look at it while I'm there. Eventually it will go to the Historical Society.

Mrs. Raynis said that she would like to look at it.

Chair Vitali asked Mr. Bradley about the dam by Miller's Store called Miller's Pond. I believe this Commission voted to keep the pond in effect to act as a sediment control structure in that area. And the next storm, the State blew it up.

Mr. Bradley said, Yes, they had a hand in it. There used to be a big culvert there where the discharge was. Where they broke the top, this whole thing went right over.

Chair Vitali called for anyone else.

Mrs. Adelheid Koepfer, 35 Whiffletree Road: I am a Town water customer. Anyone else here? Am I the only one? OK. I think you know that the Water Division serves almost 40,000 people and businesses in Town. I submitted comments at the last meeting, and I have written another letter in between. I have questions and a comment. The fueling pad that was in maybe a previous version of the plans is not anymore, correct?

Chair Vital said, I asked that. The fueling pad is going to be on a previous paved parking area that is on the north side of the construction project. That's what they indicated. I'm sure they'll have it on the next map.

Mrs. Koepfer said, I thought the north side is not being touched. I'd quote, with some omissions, from Section 1, Title and Authority, of the Inland Wetlands and Watercourses Commission Regulations: "It is therefore the purpose of these regulations to protect the citizens of the State by minimizing disturbance and pollution, maintaining and improving water quality, and protecting the State's potable fresh water supplies from the dangers of drought, overdraught, pollution and to balance the need for economic growth of the State and the use of its land with the need to protect its environment and ecology." So protecting drinking water is clearly a task of this Commission, if I understand that correctly. Would you agree?

Chair Vitali said, It's not only drinking water, all watercourses.

Mrs. Koepfer said, I have seen, and I quote from the Water Division's memo of July 20th, for this Application: "The development will create the potential for adverse impacts to the Muddy River, Mackenzie Reservoir, and subsequently the potable drinking water supply for the residents, businesses, and visitors of Wallingford." And "Stormwater treatment systems are imposed for the runoff from impervious areas associated with parking areas and traveled ways. However, there may still be a negative impact to the water quality of the runoff leaving the site." And "If sediment-laden runoff from the site is discharged downstream, it could potentially affect the water quality entering Mackenzie Reservoir to the point at which this water supply source would need to be taken out of service." You've mentioned

the specific soil and the science and how this could travel really far. So the Commission has a couple of options with this project. We could try and minimize the risk, which I know that Erin's doing a wonderful job and the applicant is trying hard to comply. But Erin as well as the Water Division and the Town Engineer still have quite a few concerns on some possible errors or incongruencies, I for one—and more people should be here—have really deep concerns about the water quality of our drinking water source. We heard from the Police Station application before, and they plan their stormwater basin to hold a 100-year storm. From what I've seen on the plans, I don't know if that's the case here because the storms are going to be more frequent, more heavy downpours up to, I don't know, how many inches within 24 hours. So can this one centralized basin for such a huge impervious area really handle all that's coming down? The project will double the impervious cover and concentrate everything in one single spot, or almost everything. I still haven't seen how many trips per day are expected from this site, and how many cars, how many trucks will travel. It's not only the fuel and oil that could go from the ground to the river but also the exhaust, particulate matter specifically from these trucks, that will affect the water of the Muddy River, and so far I haven't heard anything about that traffic aspect. Neither have I heard what will be warehoused and how that will be taken care of. Overall, there may still be a negative effect to the water quality of the runoff. Instead of trying to minimize the effect, we could try to eliminate the risk and simply not approve the project in its current form. I think it should be way smaller, leaving more room for green infrastructure, for infiltration besides that one big basin. When you decide, I respectfully ask the Commissioners to consider the criteria in Section 10.2, b., c., d. Ask for an alternative design, smaller, or maybe an alternative use. The Commission is asked to secure the long-term productivity of our water-courses, specifically our drinking water, and to prevent the irreversible or irretrievable loss of the wetland and watercourses resources for the Town. After all, this is our drinking water. Please don't jeopardize it.

Chair Vitali said, Thank you. Erin, where is Water & Sewer on this? Have they satisfied all their concerns?

Ms. O'Hare said, The Water & Sewer comments came in the 20th of July, 8 pages, and I imagine that BL is working on that.

Mr. Gagnon said, Yes, we received the comments about a week ago, and we're working through it. We met with Erin, Scott, and Allison yesterday, and we're working through that.

Ms. O'Hare said, Mr. Chairman, Eric Krueger is leaving this week. But Scott Shipman is attending the meetings in his stead now.

Chair Vitali said, The things that were discussed in the past about the problem of Spring Lake and the brooks and the Muddy River—it seems the majority of them were when there was some major issue, the opening of Research Parkway. You opened up the land, you change the whole terrain. It was 100% farm, and now you have the superhighway with construction. Then Bristol-Myers in the construction phase, and that was a real disaster. It did awful damage down through Muddy River. The point is, it seems to me the problems are during construction. After construction, we don't hear much about a problem, we don't hear much about flooding—the damage was already done. So it seems to me the concern, the effort here should be focused very heavily in the construction phase. Questions from the Commission?

Mrs. Raynis, Ms. Phillips, and Mr. Necio had no questions.

Mr. Heilman said, We heard a lot of concern about the amount of problems in the past in construction. Do you have a value for the amount of cubic yards that are to be dislocated, moved, and shifted around

on this project?

Mr. Jeff Dewey, BL Companies, said, No. We have cut and fill calcs, so we have ballpark cubic yardage. Is that what you're referring to?

Mr. Heilman said, Yes, pretty much. I don't need specific numbers. I think it highlights the concern of this Commission for significant activity as it applies to this, that you're doing everything needed for significant activity. Mr. Chairman, did we actually declare it?

Chair Vitali said, We haven't got to that point yet. I was kind of waiting for hearing their presentation.

Mr. Heilman said, With the testimony we've had, we need to look at that. The other point has to do with the overall site where you're putting the warehouse, which I think it's a good thing because you're covering the demolition that was done there. Anytime you break up something, you increase surface area exponentially. If you break up a piece of traprock from the quarries, you disrupt the crystal lattice of that feldspar, you liberate sodium at levels you could not even imagine. It has caused historically to shut down and notifications with the State with our reservoirs, with no explanation as to why they notified the public. This goes back, and I did the research and chemical analysis in graduate work for what happens when you take materials and crush them. You can take a wall with paint and there's no issues. Crush it up and pass water through it, it's like making coffee concentrate. So my concern in the development of this area I would try to avoid any water from the surrounding area getting in and underneath that paved area. That's like loading up the coffee filter with hot water. And how many people here are on public water? Just wells, all people surrounding. That's a serious concern. So you have to avoid drainage getting back into that pit. Normally with demolition materials, you'd put a clay cover on it. This is not a toxic site, so it's not being done. But I cannot imagine that any best practices would allow you to create a coffee filter situation and percolate. All surrounding that area are wells. That's a concern.

Chair Vitali asked, Are you ready to give that yardage?

Mr. Gagnon said, Not the yardage. But I did want to address the stockpile of material out there. Essentially, from when this building was demolished we have a stockpile there of what can be called clean fill from the HBMI assessment, Hazardous Building Material, out there. What is there is the rubble, the hardscape. It is our intent to, where appropriate structurally, to run it through a crusher or something to act as structural fill, road base material under the pavement and things like that. It will never be part of the metaphor with water for a coffee filter. It need to be moved and utilized structurally. It's essentially a stockpile of clean fill, the way I would classify it.

Mr. Heilman said, In the last application I wasn't here. I understood there was a great concern for infiltration of surface water and the reason for it. Nevertheless, if you have broken pipes, don't put them across the back. The gradients, the topography, identifies where it's going. But if you crush it, that changes the whole story. It has to do with the exponential expansion of surface area.

Ms. O'Hare said, Mr. Chairman, this might be the time to ask the team about Mr. Heilman's question about the Muddy River slope of the ravine, to make sure it's not exceeding 50% grade. I know they've done that.

Chair Vitali asked, Do you have that information?

Mr. Gagnon said, We do. We looked at it. We slightly adjusted where the technical Upland Review Area as depicted, but it does not encroach on our limit of disturbance. It does not change any regulated activities or areas of impact. We did perform a detailed analysis of the slopes adjacent to the Muddy River, and in my opinion it does not alter any of our activities.

Mrs. Koepfer said, You also show further west—There's no grading larger than 50% on the corner of the building, or is it the northwest corner?

Chair Vitali said, Wait. You're talking about the area right along the watercourse? We're not near the building. What is the question?

Ms. Koepfer said, Right—OK, the project, not the building. Now it seems where the corner of the project is where there is no Upland Review Area because it's another culvert?

Chair Vitali said, In the Upland Review Area, the base of the URA starts differently if the slope coming off of the wetland or brook is greater than 50%.

Mr. Gagnon said, Yes, we looked at it. The regulations require—I have an example here. If you have an edge of a stream and gentle slopes adjacent to the stream, you measure the URA from the edge of the stream. When you have a steep slope, you are required to analyze the existing conditions (not proposed) with respect to the steepness of the slope that is adjacent to the stream, and, where appropriate, you start your 50-foot URA at the top of the steep bank. The CAD program analyzed where the grades are steeper than the required grade, and we did it for the entire site. In the areas adjacent to the stream, we have just these couple areas that meet that criteria. Technically, this area doesn't meet the criteria here because we have a gentler slope adjacent to the stream. Nevertheless, we took the most conservative approach. Where there are steeper slopes elsewhere, they are not adjacent to a stream so there's no URA areas there. Does that answer it?

Mrs. Koepfer said, Almost. I was talking about the corner of the project on the picture, bottom left, northwest of the project, there. The URA disappears because that is the culvert?

Mr. Gagnon said, That is correct. There is no URA because it's gentler adjacent to the stream.

Ms. Koepfer asked, And when it leaves the culvert, how about there?

Mr. Gagnon said, Because it's not adjacent to a stream. It doesn't have the steep slopes.

Chair Vitali said, I think she indicates that you have no URA purple line along it.

Mr. Gagnon said, It's just this exhibit for this area. There is an URA. The entire project has that. The rest of the plan depicts it throughout the project. This was just an exhibit we prepared for this area here.

Mrs. Koepfer said, So there are no more steep slopes larger than 15% slopes in that part of the project?

Ms. Gagnon said, Right.

Chair Vitali said, OK. So you have a lot of issues to deal with Wetlands and Water & Sewer. So we're going to table this public hearing. Can I have a vote on Significant Activity first?

Ms. O'Hare said, Yes.

Mrs. Raynis said, I believe Mr. Bradley wants to speak.

Chair Vitali said, I'll entertain a Motion to determine whether this is a Significant Activity or not.

MS. PHILLIPS: MOTION THAT APPLICATION #A22-5.1 – 5 RESEARCH PARKWAY – 5 RESEARCH PARKWAY, WALLINFORD, LLC – (WAREHOUSE DEVELOPMENT), MUDDY RIVER, BE DEEMED A SIGNIFICANT IMPACT ACTIVITY.

MR. NECIO: SECOND.

Chair Vital said the Motion was made and seconded. I asked for any discussion on the Motion, and there was none, and some of it came out as a vote. I'd call for a vote if this is a Significant Activity.

VOTE: MRS. RAYNIS – YES; MS. PHILLIPS – YES; MR. NECIO – YES; MR. HEILMAN - YES; CHAIR VITALI – YES.

Chair Vitali asked Mr. Bradley to speak.

Mr. Ed Bradley, 2 Hampton Trail, I want to agree with the comments that the largest part of the damage that was done was during the construction phase. But I want to make sure, as it sits today, in those pictures you see there's significant flooding down there, both on the west side and on the east side of the Muddy River. When we get a storm of maybe 3", 4", that's what we get. The water used to just come over the edge on the northbound side and run down the wall, down the road. Now it comes into my garage, to where I have to block the wall to keep it from coming into my family room. I've talked with and sent memos to Engineering, that those culverts cause the Muddy River to back up. Maybe what they need to put in is a box culvert to let that water through. The volume coming down cannot get through to the lake; it comes over.

Chair Vitali asked what did they do in the Muddy River stream from Hampton Trail back up to 68?

Mr. Bradley said, Public Works put sandbags in there, and it was just blown right out.

Mr. Heilman asked, Mr. Chairman, in regard to this being at the top of a watershed, might this be a place to put retention and control metered out of this site at this location? Is that worth looking into?

Mr. Dewey said, We have significant decreases in both rate and volume. Early on, I have it. It gets lost in the numbers.

Mr. Heilman said, Maybe at the next presentation you could report that.

Chair Vitali said, Erin, you have a housekeeping issue?

Ms. O'Hare said, I'd want the Commission to know that we received a letter today from the project attorney to advise us that they grant a 65-day extension on this. Sixty-five days brings us to September 12. If action is not taken by September 7th the Application would go away. Also, I received a letter today received July 22nd from Mrs. Koepfer of her testimony, and you all got copies on Friday night in your packets. Also, I got a letter with pictures today dated July 25th from Mr. Ed Bradley, and you got a copy handed to you tonight. And I have June 15th commentary from Mrs. Adelheid Koepfer, which you

received in June. And the Applicant submitted just the Wetland and Biological Assessment, which came in on July 14th and went in your packet. Then we had comments from Town Engineer Alison Kapushinski on the project dated June 28th, 4 pages, in your packet. And comments, 8 pages, came in from Eric Krueger, Water Division Senior Engineer, dated July 20th, which went in your packet. And you have my July 22nd Environmental Planner's Report that went out in your packet with a chronology. On July 19th, Mr. Jeff Checkaway and Commissioner Caroline Raynis and I went out to the site for a site visit. The last thing for the record is my July 26th memo to you on Significant Impact, which you received by e-mail and got a printed copy of tonight. Significant Impact designation triggers a number of reports from the Applicant, which they are aware of. In early June they noticed the abutters within 100 feet for Significant Activity, so that notice is satisfied. Also, my comment letter to you went out, dated July 18th.

Chair Vitali said, We'll table this to the meeting on September 7th.

Ms. Burns, Recording Secretary, noted that this Application public hearing had been continued until tonight and that it should be continued as a public hearing to the next meeting.

Chair Vitali agreed, and it was continued.

C. CONSIDERATION OF MINUTES

1. Special Meeting, June 15, 2022

MS. PHILLIPS: MOTION THAT THE SPECIAL MEETING MINUTES OF JUNE 15, 2022, BE APPROVED AS SUBMITTED.

MR. NECIO: SECOND.

VOTE: MRS. RAYNIS – YES; MR. HEILMAN – YES; MR. NECIO – YES; CHAIR VITALI - YES.

ABSTAINED: MS. PHILLIPS.

F. NEW BUSINESS – None.

G. RECEIPT OF NEW APPLICATIONS

- 1. #A22-6.1 / 415 North Branford Road – Debbie Lyman – (after-the-fact deposition of fill, driveway removal, driveway installation, well drilling activities, vegetation removal) - Request for Administrative Approval – Administrative Approval granted 7/18/22**

Chair Vitali explained that he and Ms. O'Hare had discussed this request for Administrative Approval, and they agreed to issue Administrative Approval. Chair Vitali asked for Commissioners' input. Ms. O'Hare explained that the Owners demonstrated that the septic system for the new house is at least 200 feet away and from the reservoir, per the regulations, it is 350 feet away. She noted that a formal Motion is not needed. However, Chair Vitali asked the Commissioners for their agreement on granting this Administrative Approval on July 18th. Each Commissioner did approve this action verbally tonight.

- 2. #A22-7.1 / 549 Woodhouse Avenue, Tyler Mill Preserve - Wallingford Parks & Recreation Department – (replacement footbridge installations on Green Trail & Gold Trail)**

Ms. O'Hare said this Application came in today from the Parks & Recreation Department. It needs to be received tonight. These are to be replacement footbridges since the original footbridges were put in about 10 or more years ago. So it's a regulated activity because the workers will be standing in the wetland doing the work. The materials will be brought in by a Gator vehicle. Chair Vitali said it is like a

golf cart. **This Application was formally received tonight and will be heard at the September 7th meeting.**

Note: The remaining agenda items from tonight were carried forward to the September 7th, 2022 Regular Meeting agenda.

K. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN.
MR. NECIO: SECOND.
VOTE: UNANIMOUS TO ADJOURN.

The Meeting was adjourned at 9:07 p.m.

L. NEXT SCHEDULED REGULAR MEETING – September 7, 2022

Respectfully submitted,

Kathleen L. Burns, Recording Secretary