

**Inland Wetlands & Watercourses Commission
Regular Meeting
Wednesday, September 7, 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 at 7:05 p.m. in the Robert F. Parisi Council Chambers, Second Floor of Town Hall, 45 South Main Street, Wallingford, CT.

PRESENT: Chair Vitali, Vice Chair Deborah Phillips, Commissioners Jeffrey Necio and Michael Caruso, Alternates James Heilman and Aili McKeen, and Environmental Planner Erin O'Hare.

ABSENT: Secretary Nick Kern.

There were 26 persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL – As above.

C. CONSIDERATION OF MINUTES

Regular Meeting, July 27, 2022

MS. PHILLIPS: MOTION TO ACCEPT THE MINUTES OF THE REGULAR MEETING OF JULY 27, 2022.

MR. NECIO: SECOND.

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

Chair Vitali said the voting Members tonight would be Debbie, Jeff, Jim, myself, and Aili.

E. OLD BUSINESS

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

Appearing were Director of Parks and Recreation Kenny Michaels and Mr. Ken Roe and Dr. Joe Robles.

Ms. O'Hare noted that since this footbridge is going through wetlands, they need a Wetlands Permit.

Mr. Michaels said, This represents the 120 feet of the footbridge along the Green Trail in Tyler Mill. The

bridge was put in in 2011, and it's starting to rot. We're looking to replace it for recreational users on the Green Trail. The bridge will be constructed using existing cedar that has come down in Tyler Mill. That will be cut to 32 inches wide all the way through, to replace the existing bridge. The two sections of 24-foot bridge there currently will be moved out to the Woodhouse soccer fields for use there. The work is being done by volunteers and the Conservation Commission.

Chair Vitali asked, Is it to be red cedar trees that are down?

Mr. Roe said, All these red cedar trees that are blown down. Only what's already come down.

Alternate Member Mrs. Caroline Raynis entered the meeting at 7:11 p.m.

Chair Vitali called for a Motion on Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A22-7.1 / 549 WOODHOUSE AVENUE, TYLER MILL PRESERVE – WALLINGFORD PARKS & RECREATION DEPARTMENT – (REPLACEMENT FOOTBRIDGE INSTALLATIONS ON GREEN TRAIL & GOLD TRAIL) BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. NECIO: **SECOND.**

VOTE: **MS. MCKEEN – YES; MS. PHILLIPS – YES; MR. NECIO – YES; MR. HEILMAN – YES; CHAIR VITALI – YES.**

Chair Vitali called for a Motion on the Application.

MS. PHILLIPS: **MOTION THAT APPLICATION #A22-7.1 / 549 WOODHOUSE AVENUE, TYLER MILL PRESERVE – WALLINGFORD PARKS & RECREATION DEPARTMENT – (REPLACEMENT FOOTBRIDGE INSTALLATIONS ON GREEN TRAIL & GOLD TRAIL) BE APPROVED WITH THE TWO CONDITIONS IN THE ENVIRONMENTAL PLANNER'S REPORT OF SEPTEMBER 2ND, 2022.**

MR. NECIO: **SECOND.**

There was no discussion on the Motion.

VOTE: **MS. MCKEEN – 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) – Significant Impact Activity

Appearing were Attorney Dennis Ceneviva of Meriden representing the Owner/Applicant, Mr. Chris Gagnon, P.E., Project Manager, and Mr. Jeff Dewey, P.E., Senior Engineer, both from BL Companies, Meriden, and Mr. Matt Davison of Davison Environmental.

Chair Vitali said, This is the continuation of a Public Hearing on the application for 5 Research Parkway. The Applicant is 5 Research Parkway, Wallingford, LLC. I'm going to handle this a little bit differently.

To the Commissioners: Based on the information, do you feel comfortable acting on this tonight, meaning having reviewed all of the correspondence and on either video or television? Commissioners McKeen, Phillips, Necio, and Heilman responded “Yes.”

The Recording Secretary asked if the speaker system could be boosted. Wallingford AV-TV staff increased the transmission volume.

Chair Vitali said, This is a public hearing for a project on 5 Research Parkway. It’s focusing on wetlands. There’s no discussions for traffic—that’s a Planning and Zoning issue. This has to stay focused on inland wetlands issues. The public hearing opened at 7:15 for the record.

Chair Vitali said, Erin, according to the memos and information in the packet from Water & Sewer, they raised Conditions of Approval, which are attached. Does the Applicant have those?

Ms. O’Hare said, Yes. If they meet all the Conditions the Water Division specifies, then they will be satisfied.

Chair Vitali said, Also, similar, from the Engineer’s? Now you have a list of Suggested Conditions of Approval from Inland Wetlands. Have you reviewed them?

Attorney Ceneviva said, We have. An August 10 list was provided, which I do have; and two additional conditions were added this afternoon. And they’re acceptable.

Chair Vitali said, So we can proceed.

Attorney Ceneviva said, We are representing the Owner and Applicant. With me are Jeff Dewey, P.E., and Chris Gagnon, P.E., both of BL Companies, Meriden; also Mr. Matt Davison, Professional Soils Scientist and Wetlands Scientist of Davison Environmental. And there are representatives in the audience to answer questions. I did read the report from your Environmental Planner. I realize, once you close the public hearing, you have 35 days to render a decision and there’s no information that can be brought. It’s compilation of existing records.

Attorney Ceneviva described the series of meetings and communications with Town staff from May until the present. There was a meeting in May to start the process; we came June 15th to give comprehensive descriptions and talk about activities. We said at the first meeting and again that there’s an overall decrease in stormwater runoff. We discussed the regulated activities. On June 15 there was a question about how the flows exceeded 15% and there was a first discussion about the use of flok logs. Town staff has been communicating with us between then and July 26. Then on July 27 we got direction and discussed what those regulated activities are. Mr. Davison did a Wetlands assessment report for how those regulated activities may or may not impact wetlands. There was a discussion about flok logs and Mr. Davison agreed with the Commission that those should be incorporated into the regular Stormwater Management Plan, which is there. We talked about the construction phase and the area around Spring Lake, the highway, and the way that Bristol Myers was developed that you told us to pay attention to in construction. We’re making sure that all our controls are represented. We also talked about construction debris and that all our controls were proper. Mr. Heilman said we have to “avoid drainage going into that pit.”

Attorney Ceneviva continued, On August 8, we met with Erin O'Hare on her Wetlands report. And on August 10 we provided additional revised plans. On August 18 we met to discuss revised plans and requirements for Water, Sewer, and Engineering with Town staff. On August 25 Ms. O'Hare sent us questions about our submission and her Suggested Conditions of Approval. Then on Aug. 29 we met for 4½ hours with Ms. O'Hare, the Town Planner, the Town Engineer and went through those Proposed Conditions of Approval. We also responded to Ms. O'Hare's 8/25 correspondence. Final Conditions of Approval were proposed August 31 by Water & Sewer, which were fine. On September 1, Matt Davison responded, including some additional information that Ms. O'Hare sought. We agree with the Suggested Conditions of Approval from the Environmental Planner, Town Engineer, and Water & Sewer Department Senior Engineer. I'd refer to Mr. Chris Gagnon about building debris and the contingency plan and in case of an Independent Site Monitor, which the Applicant was amenable to. There's additional input from DEEP on this activity. So I believe that the Commission has everything.

Mr. Gagnon showed slides on the screen. He said, This is starting with the current site conditions, and the question I believe was about material out on site and the potential flow of water through it. And then the impact and the environmental with Mr. Davison. This depicts the site conditions today. There's the funky-shaped piece was the old footprint of the building, which was demolished as per regulations, and most of the material was removed from the site as required, appropriately landfilled or recycled. The remaining material is left as clean fill of broken-up concrete and bricks; and we stockpiled it in this location. We placed it here because there was a concrete foundation wall and essentially a walk-out structure here. And we left the material in this location as a safety measure as opposed to having an exposed foundation wall. It's material that's processed and ready to be used as clean structural fill.

Mr. Gagnon continued, We discussed with the Water Department and indicated to them where we could use this material on site, as a base for foundation or roads. And the Water Department indicated that they are comfortable with the use of that. Also, we prepared this exhibit depicting where the previous demolished building is located with respect to the proposed development. Because there was some concern that we would possibly be introducing runoff and things like that into this demolished area of the structure. As you can see, the majority of the previous building footprint is encompassed by either proposed building or parking lot. We are not infiltrating roof runoff to the back. So the majority of the building will not be receiving direct runoff. Rain will be falling on the roof and will be in our piping system and infiltrate in this location here. So the map is of the site of the previous building and where the proposed building and proposed parking lot are.

Mr. Gagnon continued, As the Chairman indicated, this is the Wetlands Commission, which needs to be focused on regulated activities that are occurring on the site. For this project we have two types of regulated activities: temporary construction and permanent post-construction regulated activities. The Environmental Planner requested that we post a summary of impacts: 1) Two Types of Regulated Activities; then 2) Temporary impacts; and 3) Permanent impacts. Temporary impacts are discharge from this sediment basin here and this second basin here in this pictorial exhibit. And the final piece is a summary provided by Davison Environmental in which they gave their comments on the temporary impacts and their opinion related to the temporary impacts.

Mr. Matt Davison, Professional Soils Scientist and Certified Professional Wetlands Scientist, Davison Environmental, said, I'd discuss the temporary impacts and then we'll go over the four regulated activities. This summary was requested by Ms. O'Hare.

Mr. Matt Davison said, I'll start with Temporary impacts in the letter submitted today. These are construction-phase impacts that are all on the plan. These are two discharge points from construction: from four sediment traps which discharge to the small pond and also the larger basin for stormwater treatment during and after construction, the larger basin. I am a wetlands scientist, but I have reviewed these and I do stormwater inspection as part of my license for permit and compliance. I have never seen this many structures in a train as this plan has. It has diversion swales lined and with checkdams with flocculant products; then dispersed to sediment traps that are outfitted with skimmers that capture the water at the highest portion of the water column, which is least turbid; and then that discharges to another diversion which goes to a final settling basin with a skimmer and a raised outlet control structure, and then going to the small pond, which then outlets to the larger pond and to the Muddy River corridor. As a final contingency, we discussed being able to draw down that pond in case of emergency. That pond outlets to the larger pond, which is a part of the Muddy River corridor.

Mr. Davison continued: The other discharge from the temporary construction is a larger basin, again with similar diversion, flocculant products, checkdams, skimmer, and final outlet over 100 feet from the wetland. I do not have any concerns for discharge from the basin. It's important to not the importance of the Stormwater General Permit. So the Connecticut General Permit is a function of the US EPA Clean Water Act-mandated permit. In Connecticut, you have to get a Stormwater General Permit. There is another level of protection in this. There are weekly inspections and electronic reporting to the State. Violations can be fined per day. I have seen those. So there's another level of protection. And there's also a third-party monitor in addition to the regular monitor. The site will be maintained and there will be a lot of oversight.

Mr. Davison continued, As to the four regulated activities that were identified: URA permit to start regulated activity and discharge from the sand filter. It's about 100 feet away from the small pond. Sand filters are the stormwater treatment measure here are very robust. We have primary treatment of stormwater by the 2004 manual, the best treatment for water quality. There's a number of secondary treatments being used ahead of the primary treatment: vortech units, catch basins; then the primary and secondary treatment measures in a train. The discharge is 100 feet from the small pond, as on the previous site development. Having stormwater treatment closer now, I'm O.K. with that.

Mr. Davison continued: Regulated Activity #2 is activities within the existing road for utility connections. The utility connection was previously located at a crossing of the Muddy River. It has been relocated at the road between the two ponds, in an area that's already paved and disturbed. Regulated Activity #3 is from the Stormwater Management Area to the URA: That's from the large basin with a primary treatment practice, which is a sand filter; and into a secondary treatment practice which is a stormwater management basin, which then discharges to a level spreader over 100 feet from the wetland. This is perfectly acceptable for stormwater treatment. The level spreader will disperse over vegetated uplands with less velocity will be carried to the downgradient wetland and infiltrate at some point within that 100 feet. So I have no concerns.

Mr. Davison continued: Last was the concern about the additional impervious cover on the site. All developments result in an increase in impervious cover on the site. And the Stormwater Management Plan is to address peak flows from stormwater discharge and the water quality of the discharge. All these treatments #1 and #2 are robust. One of the concerns that was brought up from the downstream neighbors was the flooding downstream. This plan actually reduces the peak runoff and volume from

this site. This is property in the upper watershed of the Muddy River, where decreases in runoff are very valuable, as opposed to the bottom of the watershed. Staff had also raised a concern about altering the hydrology of the wetland area that's below the major part of the development, below this wetland here. Staff had expressed concern about what this development would do to the hydrology of that wetland. We did evaluate. Pre-development drainage area for that wetland is 19.64 acres, and the post-development drainage area is 17.95 acres. That reduction is actually the water basin already shaded by the existing development. I'm not concerned about the loss of that area altering the hydrology of that wetland. We did evaluate those pre- and post- areas. It does not seem to be a factor in the stormwater. I don't have concerns about altering the hydrology of that area. That covers the four regulated areas that were identified.

Chair Vitali asked, Any questions?

Commissioner Mrs. Raynis said, No.

Commissioner McKeen said, No.

Commissioner Phillips said, No.

Commissioner Necio said, No.

Commissioner Caruso said, No questions.

Commissioner Heilman asked, Are you going to be getting into the EH-7 document that you provided? The presentation was excellent. You identified an extremely powerful defense against erosion concerns. This document that shows the amount of cut and fill and movement of material, which is monumental. If the storm we had 24 hours ago—7½ inches of rain in less than 24 hours is severe. Can you explain that document? I think that addresses the concern I had for this upper eastward section of this activity.

Mr. Gagnon said, We'd be happy to discuss that. It's in the document that demonstrates the cut and fill on the site. Because we need to move earth around, we separate the multi-phase of the Erosion Control Plan and the cuts and fills to demonstrate where that would be moved to and where the infiltration and runoff would be flowing into and around that demolished foundation as well. I'll look for that—it's a multipurpose document.

Mr. Jeff Dewey said, As we noted in the past without going into the numbers, that permanent detention basin is greatly oversized and has minimal outflows for many storm events including a 100-year storm event. So the temporary sediment trap is basically the temporary version of the permanent detention basin. The temporary has not as much stormwater detention, but materials would settle out and it would also detain the stormwaters. Looking at the stormwater report: The NOAA rain, and how much we've designed the basin for a 100-year storm, 8.2 inches. For a 100-year storm with 265 cfs coming into that basin, we only have 21 cfs coming out of it. So that's for an 8-inch rainfall. So it's storing a large portion of these rain events. So over the course of 24 hours, the initial part of the storm—the peak, it can vary—that basin basically has the ability to store, detain and let suspended sediments settle out prior to a dispersion, for up to an 8-plus-inch storm event.

Mr. Gagnon said, At two days ago, I do not know how much rainfall had fallen. Seven inches?

Commissioner Heilman said, I heard.

Chair Vitali said, Yes, we got 7 inches. Water Department had 7.5. The news said we had 7.05.

Mr. Gagnon said, So that is a fairly standard storm in terms of the stormwater analysis that we performed. Two-year storm events are 3 inches, pretty significant. And that 7 inches that we had in 24 hours is between a 25-year and a 100-year storm event. Based on Jeff's recent testimony when we get a 100-year storm event, like we just had, that large basin we're proposing on this side stores the majority of the runoff from that site and releases it at a very slow, managed rate of 20 cfs when there's actually 264 cfs flowing into it. So that speaks to how we're mitigating the impervious runoff on the site. The other aspect of this plan shows the cuts and fills. The green shows where we have to raise the grade, and the red shows where we have to lower the grade. So to move the dirt around, that's why we prepared the robust erosion control measures. As the site is being worked, we're designing it in five-acre plots as the Erosion Control Regulations require. Each area has diversion swales with flocculants, checkdams, and to another swale and to another settling basin. So we are moving this around and mitigating the construction phase with a robust Erosion Control Plan, and we are mitigating the permanent phase of the impervious area with this large stormwater basin by slowly releasing it compared to the rainfall amounts.

Chair Vitali asked, Does that need a dam permit for that size detention pond?

Mr. Gagnon said, No, because this is an excavated pond. The pond itself is entirely in a cut. If it had a berm, we would definitely talk to the State about it.

Ms. O'Hare said, But there's a low berm around the edge?

Mr. Dewey said, Yes. In some areas there's a small berm. And DEEP criteria is a 6-foot-high berm—above that, it's considered a dam and below that, it's a berm.

Chair Vitali said, Questions, Erin?

Ms. O'Hare said, Thank you for the explanation of how this giant 1.5-acre hole in the ground will hold a 100-year storm, both during and after it's all built. I get that. What I don't get is on the other side, where you go during your construction phase, what's going into that small pond? In recent conversations with you, existing flows to that small pond compared to the final built-out flows to that small pond are about 1% plus or minus, the same. Storm flows go into that small pond from the driveway area and from around the building. So about 20% of this development area's flows today go into the small pond and in the future will go into the small pond, and during construction will go into the small pond.

Mr. Dewey said, Erin, no, that's incorrect. Actually post-construction, most of the site will go to that larger pond (*refers to large basin*) that Chris pointed out. Currently, all the existing parking and all the roof area for the Bristol Myers Squibb facility all go to the small pond. So we're taking a large portion of impervious areas and directing it into the basin and away from the small pond.

Ms. O'Hare said, OK, so yesterday I was misinformed? So during the construction phase, how much of construction flows are going to the four sediment areas to the small pond, and how much to the basin—I think 80% to the basin and 20% to the small pond.

Mr. Dewey said, The actual numbers are in one of my response letters—that sounds about right.

Ms. O'Hare said, Because it's 5 acres, 5 acres, 5 acres, and 5 acres, versus 29 on the top.

Mr. Dewey said, So, correct, during construction it's almost 50% of the site. I apologize.

Ms. O'Hare said, How during a rainstorm like yesterday, how do these four sediment traps go to the small settling basin and then to the small pond—how would they deal with that? In your August 19 memo, you talk about how sedimented water goes over the weir in a 1- to 2-year storm. Now we're experiencing up to 5- and 10-year storms; and it's going to be over those weirs and going down that hill—how does that system not get overwhelmed in the construction phase?

Mr. Gagnon said, We need to be careful with the analysis in post-construction stormwater management and the analysis for erosion control. For erosion control, you have to design for handling the 90% of the rainfall which is an inch or less. So it's not a direct analysis. If during construction you have large storm events, that's why we have the Independent Site Monitor and the Contingency Plan. And we revised the Contingency Plan to also include the drawdown of the small pond to give more volume of storage to hold runoff back during construction. And the large pond (*reference is to large basin*) is large enough to hold runoff from 80% of the site, which is essentially impervious, will be available during construction. So we have a lot of storage in the large pond/large basin itself. And we also have four sediment traps sized, per regulations, for the area contributing to them. So it's not appropriate to discuss what storm event erosion controls would fail at. If we had a 7-inch rainfall event during construction, the Independent Site Monitor and we all know that that rain was coming, and we have plans to draw down the small pond as required. So we have these contingency plans.

Ms. O'Hare asked, So Matt and Chris both said the sand filter is located 100 feet from the small pond, per Planning and Zoning?

Mr. Dewey said, Yes, true. It's 100 feet and piped directly to the small pond, and you'd have an overland flow only if the small pond is filled to capacity. And it does not diminish its effectiveness as to water quality. There's also a vortech prior to that sand filter. There's extra-deep sumps in the catch basin with hoods, a vortech, and a sand filter, so we're basically cleaning that water three times.

Mr. Davison said, And it's discharging to the small pond, which was constructed to handle stormwater currently in the development. But back to the Contingency Plan, the ability to draw down that small pond is really a fail-safe—your recommendation, Erin. The resource area that needs to be protected is the large pond which goes to the Muddy River. So in advance of a large storm we'd draw that small pond down ahead of time to give it additional capacity so it wouldn't discharge into the resource areas we're trying to protect, which is important in the Stormwater Management Plan.

Commissioner Heilman asked, How long would it take to draw down?

Mr. Dewey said, It's dependent on the number and size of pumps; there is also the outlet control structure which is controlled with a slide gate.

Commissioner Heilman asked, What are you planning for—one, two, three days—your plan for the time

to pump that down? If you have a 12-hour or 24-hour warning?

Mr. Dewey said, It depends on the amount of warning. If we have 3 days, we could adjust the outlet structure if we have more time. If we need to do it within 24 hours, we could employ both the outlet structure and pump into dirt bags so no sediment gets into the larger pond and do it in multiple levels in order to draw it down.

Commissioner Heilman said, That could work. I want to see your EH-7.

Chair Vitali asked, Erin, are you all set?

Ms. O'Hare said, Yes. Can Jeff talk about the new design for the basin that came in on Friday?

Chair Vitali said, OK, you go ahead, Jim.

Commissioner Heilman said, I want to see what you need to take out of the southeast corner and move as far as the northwest corner. The transfer of filters, it's very substantial. On the legend I notice a lot of light red in the southwest corner, which is the cut; and the fill goes to the northwest. And we're talking about 40 feet to 50 feet being cut out of there and replacing 40 to 50 feet on the other side. That's a lot of material being moved. Originally, you were having perforated pipe in there, but that's taken out, and bedrock was there. So is there a reason you do not want to have that pond drawn down when you start cutting that slope open? Is there an environmental concern there with having it drawn down?

Mr. Gagnon said, In terms of pond drawdown, it was our intent to present you an application that did not have any activities within your regulated activities; and we looked at the pond drawdown as being within your regulated area. So we were trying to be sensitive to that. So we did not propose the drawdown as a permanent feature, but it's here as a part of the Contingency Plan. If the Commission is comfortable with that activity, then we are comfortable doing that. But we did not want to propose that direct activity within wetlands—just as part of the O & M Plan.

Commissioner Heilman said, That's fine. But the history there and what could potentially happen, and Mr. Bradley's comments from last time—there's concerns with increasing storms. I would draw that down before you cut that slope, due to timing issues. Could you take that step? It's important.

Ms. O'Hare asked, Chris, would that be part of your proposal?

Mr. Gagnon said, It's up to you guys to handle the issue. The Applicant would be comfortable it.

Mr. Davison said, I would not suggest a complete drawdown without completely relocating aquatic wildlife. So if you're going to draw down, make sure the aquatic species are able to survive without relocating.

Chair Vitali said, That can be solved by you with Erin O'Hare.

Ms. O'Hare said, On Friday there was a three-page document for you from Jeff Dewey on an under-drain system for the basin because they realized the soils were not going to infiltrate as well as they thought.

Mr. Dewey said, The drainage design does not include infiltration. So our flow calcs, reduction in peak flow, reductions in peak flow and volume/discharge leaving the site does not include any infiltration. So adding the underdrain does not affect our flows. The Town Engineer asked me to take a look at how long it takes that big basin to drain. Based on the soil test, the infiltration rates are slow. Connecticut DEEP has a design recommendation that a basin needs to drain out in 72 hours prior to a next storm. So in speaking with Town Engineer Alison Kapushinski, the solution is to add an underdrain system with the large basin, tied to the outlet control structure and tied to the infiltration drainage level spreader.

Chair Vitali asked, Any more presentation?

Mr. Gagnon said, Because this is a Significant Activity, I think we needed to cover the alternatives.

Ms. O'Hare asked, Mr. Chairman, first I have a question on the basin. So Jeff spoke at the July 27 public hearing or on June 15, you responded to Mr. Bradley's concerns that all development increases volume downstream and his concerns for flooding; and you were explaining how the basin infiltration will decrease the volume coming off site. Now that it's not expected to infiltrate much at all, how much volume is coming off that site?

Mr. Dewey said, It's an engineering thing over time, tied to discharge rate and the volume leaving the site. So we assess. Suppose the peak of storm hits your drainage system and if there's no detention, you have an increase in peak rate and an increase in volume. When you add detention, it holds up the volume and less leaves the site. So the basin will provide infiltration and we have infiltration from half the roof area and the sand filter systems on the side of the trench will also infiltrate, and we don't take credit for that. There's storage in the sand and the piping. So the reduction in volume is based on the kind of storm event.

Chair Vitali said, It's in engineering terms, not layman's terms.

Mr. Gagnon said, I think it's important to add that our calculations submitted to the Town Engineer are done conservatively that does not take into account the infiltration we will have out there. So, even with this underdrain system, it does not change what we provided to Alison and it would not change that we will be reducing the peak rate or peak volume. We have been discussing underdrains with her.

Chair Vitali said, Erin, what do you have?

Ms. O'Hare said, I think it would be all right to go into the Significant Impact.

Chair Vitali said, Could you save Significant Activity discussion for the end?

Ms. O'Hare said, Do you want to go over the Conditions of Approval that I brought tonight?

Chair Vitali said, They're agreeing to the Conditions of Approval, but if there's to be a long discussion about it, it's not necessary, not productive. Can you highlight your conditions—if they agree; if not, we'll move on.

Ms. O'Hare said, It's pretty much the same Conditions of Approval that the Commission approved for the prior site. And we added some. I'd talk about #3, bonding. We don't need a figure until the night of the decision. The Town Engineer is reviewing the bond estimate that came in today. The biggest thing about this site, the #1, is the Independent Erosion Control Monitor that the Applicant agrees to someone out there looking at the site and what could or might happen and working with the Applicant, Public Works, Water, Engineering, and my office. And the scope of that firm's work is attached for you tonight. This will have to be advertised, put out for bids, for a certified Erosion Control professional. It goes out to bid. It will take two months, at least, to get someone on board. Number 4 is a change in flocculant use in drainage swales. Number 5 is box turtles protection. Number 6 is weekly reporting and SWWP Permit from the DEEP, and the Town of Wallingford gets a copy of that report. Number 7 is that dewatering areas checked. Number 8 is a minor plan problem.

Chair Vitali asked for questions from the Commissioners regarding Ms. O'Hare's topics.

There were no questions from the Commissioners.

Mr. Gagnon continued with the "Alternatives Discussion": We have temporary and permanent activities, but we do not have any direct impacts to the wetland or URAs as a result of this Application. So we'd demonstrate to you that the activities before you are the best-case scenario. We had numerous discussions with this Commission in the past application that had greater impacts than this one. 1) Previously, the approval was for 101,000 square feet of dual warehouse application--shown in this table as the changes in impacts, previously and our proposal here. 2) All road improvements and maintenance is in between the two ponds. We have no URA impacts other than in the roadway. 3) Activities in the Muddy River area are zero. 4) Increase in impervious area: It's less. There's a 70% improvement here. 5) In between the ponds, we eliminated all the work between the ponds. It's strictly maintenance of the road. 6) We had worked within 50 feet of the URA next to the small pond, and the Water Department asked us to move that 100 feet away. So we removed all the work within that buffer. And 7) Utilities proposed before in the Muddy River corridor are now removed.

Chair Vitali said, The alternative versus the previous application—anything else?

Ms. O'Hare said, Commissioner Heilman, are you concerned about the fill and demolition material?

Commissioner Heilman said, They gave a very good explanation of the material. The back wall is concrete, a carbonate—I have no concerns. The interior building materials, masonry, which wouldn't be crushed up. The majority will be capped; and no infiltration from the piping on the east side. That's important. So, if it gets under road surfaces and the building, my concern is diminished. My concern is their activity. It's a huge activity, to be crushing a mountain and with an extremely robust system to protect it. How long do you think it will take to do that kind of movement?

Mr. Jeff Checkaway, Calare Properties, said, The cut-and-fill process typically starts in the spring and work up to 90 to 120 days for all the cuts and fills, perhaps in July. But you wouldn't be cutting the

entire site at once and filling. You'd take portions from the higher peaks. With the DEEP regulations, they'd open an open area and stabilize it within 14 days if it's not to be continued to be handled. So stabilizing the upper, then the lower and putting crushed material on top to stabilize.

Commissioner Heilman asked, Can that be written out?

Mr. Checkaway said, It's over time with the contractor.

Commissioner Heilman said, Can you say what would be done for the entire summer—with no significant storms? Can you document a sequence for us, please.

Ms. O'Hare said, And for the record. How would they handle that?

Commissioner Heilman said: A general operating procedure to describe what they would do to where and what they would do next.

Chair Vitali said, Ms. O'Hare is asking if we are going to require that as a Condition of Approval.

Mr. Checkaway said, We could provide it by the contractor of record.

Commissioner Heilman said, Maybe it won't be able to be absolutely followed, but some indication of your broad intention?

Mr. Checkaway said, The Erosion Control Plan does include a construction sequence. I think that construction sequence part could be modified as to the construction phase per Mr. Heilman's request.

Ms. O'Hare said, I made a note of that. Actually, there's something about the Cut-and-Fill Stabilization Plan: You're going to install reinforced turf mat and erosion controls as you go along.

Mr. Gagnon said, The General Permit does require that any area that's not being cut for 14 days be stabilized—you can't leave any part of the site open at all times. So the goal is to stabilize and we'd apply the erosion control blanket. They will be getting their environmental treatment.

Chair Vitali asked, Questions from the Commissioners?

There were none.

Chair Vitali asked, Have you done your presentation?

Mr. Gagnon said, Yes.

Chair Vitali said, This is a public hearing. I'd open it for comments to the public with name and address for the record and to go to wetlands issues.

Mrs. Adelheid Koepfer, 35 Whiffletree Lane, said, With the phasing, will the entire site be open at the same time? Will you go in phases? How does phasing work? I don't see phases.

Chair Vitali said, The phasing isn't tied to Sediment Control #1, 2, 3, 4. The Sediment Control is tied together as one system. The phasing is cut and then fill phases.

Mrs. Koepfer said, Is that plan that the Commission has an opportunity to discuss?

Chair Vitali said, The Stormwater & Erosion Control Plan has phasing in it. And the Site Monitor will be the one to control the opening and the phasing of the site and the cuts and fills.

Mrs. Koepfer said, Second, the temporary sediment traps will discharge between 1- and 2-year storms. Are temporary sediment traps designed differently than permanent ones? It seems that only one- or two-year storms are being criteria for these traps. As in the last decade, storms might be coming. With the small pond drawdown, someone brought up an issue with the previous application and the implementation has not been done for the last seven years. Are the mechanisms still working? Also, if you're talking about 1-, 2-, or 100-year storms, I cited an article from UConn ". . . that those whatever size storms might happen four times as often in the not too far future." We all know rain goes off more easily. On the infiltration time that would be for the permanent sediment basin, I understand that the underdrain can actually bring down the drain time from 25 days to 72 hours?

Chair Vitali said, I believe the answer is "Yes." It's taking your comments, not a question-and-answer with the public. We're taking your comments into consideration for our vote.

Mrs. Koepfer asked, So is there any way that the neighbors around with wells or the neighbors downstream affected will know the amount of infiltration in the Muddy River or in the wells? In a reply to the Water Division, it says 440 warehouse parking spots required; originally were 356, and in the reply to the Water Division it's 527. So that's confusing. I think they said there's no tenant yet. Does it have to be that big? I find this application is not complete—there's still incongruencies. Some are part of the Conditions of Approval. Between plans and reports and responses, I think that's not in a state that should be approved. The previous application covered the entire site, that's comparing apples to pears because this development is to be only on the southern half. But it still doubles the impervious cover. I think a 60% or 80% improvement on not infringing on the wetlands is a result of not touching the lower half, because there's much more wetland there. It's not a true alternative discussion. Alternatives would be a smaller footprint, less impervious cover, having more space for infiltration. The roof, there's no perforated pipes in the back, so I'd guess their roof drainage goes to the permanent retention basin, --not only the parking lots and the majority of the roof, because there's not enough room to infiltrate. I believe there's considerable risk for the wells around and downstream. I ask the Commission to not approve this permit tonight but to have them come up with a smaller footprint. I would ask that you clarify the construction phases in the sequence plan, that you can actually view it before it happens. I would also ask that the discharge from the site is monitored and measured for hydrocarbons, both from possible spills from the parking lot, and I think that the number of trucks does matter and does affect the water quality. If there's some risk for in the Muddy River and possibly McKenzie Reservoir gets affected, who pays for that remediation? Can it even be done? How long would it take? It's still not there yet. Thank you.

Mr. Scott Gray, 14 Oxford Trail, said, I was out of state, but I would have been here before. The applicant stated in the discussion that they're looking for best-case scenarios. They also stated that their catching or containing of rain water in their calculations of runoff were designed to the contingency

plan, looking at a 1" or 2" rainstorm in 24 hours. Yesterday we had a storm that approximated a 100-year storm, we received over 7 inches of rain, almost 2½ times what their plan was designed for. I'd also note that we had a 100-year storm 14 months ago. So that's two in 14 months. Additionally, we are in a rapidly changing environment due to climate change. I believe what's set out as 100-year, 20-year storms are really not accurate. Those two storms had drought in between. So it takes more looking at the higher end of these storms as the best-case scenario. My questions:

1) How much of a rainfall event can that small pond contain? I didn't hear the answer.

2) Commissioner Heilman spoke about the cut and fill. It was described as also exposing bedrock, which I believe that bedrock will increase rainfall erosional activity. It's going to run off that bedrock a lot faster than if it was not tampered with. Was that considered? I live on Spring Lake. We had development in the past that was assured would not affect the waterway. Docks that were sitting in 3 feet of water now sit in 1 foot of water with 2 feet of sediment, thanks to development on Research Parkway at this site. We have dealt with this before and a lot town people in these neighborhoods say this is just a big fat "No." This is a significant project right at the headwaters of the Muddy River which supplies our town with drinking water and lots of communities along the way. That fact alone should deem this project unacceptable. There should not be a major development here at this location. The Town has seen it many times before. It's the same demon in a different costume.

Ms. Juliet Bucilli, 39 Cliffside Drive, said, Just to say I own there and have my children there. I work with women who are sick with many types of cancer in a hospital. And there are children with leukemia. It troubles me to think that we can feel comfortable moving forward with something that can affect what we ingest in our water. We want to make the water safe. One wrong choice could affect someone's life in a very negative way.

Mr. Ed Bradley, 2 Hampton Trail: I do have 49 years of on-site experience with the Muddy River, Bristol Myers, and the environment, all the way up to the headwaters just north of Carpenter Lane. You should have my letters from June 12 and June 25. Our concerns are the increased water volume due to the increased size of the impervious area, soil erosion of the Muddy River that are very filled with clean soils, the same that occurred through construction of the Bristol Myers site. I gave an article to Erin last week—you should all have a copy: "When It Rains, Climate Models May Underestimate Future Floods." Briefly, "Climate models may be significantly underestimating how extreme precipitation will become in response to a rise in greenhouse gases in the atmosphere," a new Yale-led study finds. We've heard in the news of a 1,000-year storm in the Midwest. We see the devastation there. We also see in the mid-Southwest 100-year storms, any month. And, as has occurred many times, the Muddy River can become a raging river; and wherever it will go should never, never be underestimated, and will overwhelm any engineered structures. Elevation according to the USGS topographic map at the head of the river at the upper end of Carpenter Lane the elevation is 542 feet. Spring Lake is elevation 262 feet, a drop of 280 feet. A rainfall of just 4 to 6 inches turns the Muddy River in that area into a raging river, let alone what an 8- or 12-inch storm can cause. Also, the Muddy River flows through the WPA, Watershed Protection Area, into Spring Lake and is classified as a AA stream/river. That was in 2013. Also, that serves, as others have stated, 94% of the Town's drinking water through Mackenzie Reservoir. In our area south of Spring Lake, there are approximately over 114 private wells, and I and others have seen chloride levels rise in our wells—mine in 1984 was 67; now it's over 100. I wasn't aware of the construction debris on the Bristol Myers site until it was presented this evening. And chlorides are in construction debris, especially cement. I've continued to write to the Town, Public

Works, Town Engineer of the issues. Letter after letter, I get no response. I even asked the Town Engineer when she started to come out and walk the area with me. Totally ignored. As a side note, I heard 7 inches and 5 inches of rain reported on the news; the rain gauge at Meriden Markham Airport measured 2.8 inches at 3:37 p.m. yesterday. The concern I have with the amount of rain, the culverts that are under Hampton Trail, with this storm were at about 75% of capacity. I'm pretty sure because of the dry summer we had, it didn't overflow the dams. If we had 7 inches of rain, it would have been in my garage. In conclusion, water will become a valuable commodity in years to come, as modern analysts have stated. Now is the time to go above and beyond to protect our water resources. In my opinion, this application should be denied due to the Town not addressing downstream flooding and also water quality. And a moratorium should be placed on this parcel of land as well as the land in the WPD, the Watershed Protection District, to further protect the Town's drinking water supply. Thank you.

Ms. Sonja Wolfe, 14 Oxford Trail: There's been a lot of meetings regarding this site. I can appreciate the applicants purchased this property and are looking for a way to solve it. However, I think that the location at headwaters of any river that feeds drinking water, that's just not the place for a development like this. That absolutely has to be protected. I want to go on record to change that. I also am developing an autoimmune issue with high levels of chloride and sodium in my system. I haven't had my well tested, but I will. It's increasing climate change. When downstream is affected, this spot needs to be preserved.

Mr. Bob DiMeo, Marie Lane: I think this property—the buyer, very fairly, has bought it and wants to develop. I understand this Commission approved it before. My question is on process: They're proposing one building now. If you were to approve this, what's the process if in a year or two they come back and want to subdivide? Can you say, "This is it—no more expansion or building on the other side of the property"? Or eliminate development?

Chair Vitali said, Basically, it would be that they would come back and do the process again.

Commissioner Heilman said, Having been on this Commission, there are things you like and don't like. But we work with the regulations. We cannot as a Commission get into arguments about what we work by. We have to find ways to build that into our language. Planning and Zoning has regulations. We have to focus on what they do and how it could affect our wetlands. But we have to look at changing our regulations, outside of a public hearing.

Mrs. Laurie Manderole, 16 Martin Trail: I live on Spring Lake. My concern is you're basing your information on the least scenario rather than on the worst scenario, to withstand 100-year floods. I live downstream. It's all going to come down my way.

Mrs. Adelaide Koepfer: The total time frame for construction is 12 to 18 months until final grading-- even if it's only one summer, it's hurricane season. The Water Department said the temporary sediment diversion swales, they have to be flexible, adjusted as the grading changes. So the temporary sediment traps, the four basins—if you build a 44-foot wall and fill that northwest corner with what you cut from the other end, are those temporary sediment traps also flexible and moving with the grading? Consider that to find the most prudent solution for our drinking water.

Mrs. Kathy Hunter, 435 North Orchard Street: I have a P.E. in electrical. A warehouse development on

this site, in terms of environment, would be a lower impact than manufacturing or other facility there. That should be taken into consideration, that it is probably more appropriate there. I hear from townspeople a deep concern for changing environment. Maybe the baseline codes that control, like the 100-year storm frequency is maybe inadequate. Maybe that has to be taken up with the State.

Chair Vitali said, Any other comments? None. From the group? None. To talk about future development on this site: I'd like to instruct Erin to develop a report that would say what other development could be done on the site if they came in with another building. What about wetlands, impervious surface, etc.?

Ms. O'Hare said, Yes, all they have to do is increase by 10,000 square feet of impervious, and it trips another Wetlands process. Yes, they could subdivide.

Chair Vitali said, If you could generate a small report, a paragraph or something to see what they can do or what they're able to do.

Ms. O'Hare said, I'd do it, but it's the close of the public hearing, and that would be new information.

Chair Vitali said, But that isn't new information. That's information for the Commissioners to make a decision. That's why I'm asking you to do it now as part of the decision-making process.

Ms. O'Hare said, O.K. What I was told today about the introduction of new information, because the bond estimate is not, per se, considered new information. I'd be happy to do it if I'm allowed to do it. When would you like it to the Commission, at the next meeting?

Chair Vitali said, Next meeting.

Commissioner Heilman said, I don't think there's any legal precedent for that. If someone came with a lot of property and they want to do something over here and they come to Wetlands, I think we have no right to say, "Well, you have a lot of land. What are you going to do?"

Chair Vitali said, I disagree. Because they're making application specially on this half. If they come back with an application on the other half, then that fills the square footage. Anything they'd build on the north side of the property, it would trip the regulations we have.

Commissioner Heilman said, I just think we can't hold them to anything they're not applying for.

Ms. O'Hare said, That would trip another Wetland permit. Yes, they are allowed to subdivide.

Attorney Ceneviva said, I know there's a prospect of closing the public hearing tonight. And you're expecting information from staff prior to the close and compiling the information you have already in your record. I'd like the opportunity to respond if I think I see errors.

Chair Vitali said, I don't have a problem with that. The other thing is the staging, which is a good idea. You feel it's in your Soil & Erosion Control Plan—with modification, without modification?

Mr. Gagnon said, The S&E Control Plan has a construction sequence. Earlier, I commented that that would be an appropriate spot to add about the phasing to the construction sequence. I don't know procedurally how that would happen with respect to the closing of the hearing.

Attorney Ceneviva said, Erin and I did the calendar count. You have until September 23rd to close the public hearing. You can vote to close the public hearing at some date from today, say September 14th, so as to not run into any legal issues.

Chair Vitali said, I'm careful not to close the hearing on September 21st and then have the meeting on October 7th. The time frame gets to be too thin, if Ms. O'Hare thinks she needs to make comment. So is this Commission acceptable to closing the public hearing and voting next month? Today's the 7th.

Mr. Heilman said, I don't see anything significant that would change.

Chair Vitali said, Is one week enough to get items straightened out, Erin?

Ms. O'Hare said, I'd like Attorney Ceneviva to speak on this. I've never heard about a public hearing being closed without a Commission sitting there.

Chair Vitali said, If they have the right to the 23rd, maybe we don't have to be sitting here to close the public hearing.

Attorney Ceneviva said: It's designed to permit additional documents requested this evening to be submitted. It can't be new information. That information that the Commission has requested can be submitted legally for Erin's report and for the applicant to provide clarity on the phasing of the fill. You could close it as of September 14th, a week from today.

Chair Vitali said, Then I say closing it a week from today.

Ms. O'Hare said, Attorney Ceneviva, couldn't the Commission direct me to provide some information, and I'd provide that on October 5th and that could be considered?

Attorney Ceneviva said, Not new information.

Commissioner McKeen said, What we're asking for is not new information but for an interpretation of our existing regulations.

Commissioner Mrs. Raynis said, And I think they would want to respond to the new information.

Ms. O'Hare said, Right. Meaning that the Attorney would want to keep it open so they could respond to something received.

Attorney Ceneviva said, You may get letters from the public during that week until the public hearing is closed, before the statutory end date of September 23. There are two memorandums, August 29 and August 31, from the Senior Engineer of the Water & Sewer Division with Conditions of Approval. This is going to impact the quality of the water. We took that as very important. And the Town Engineer has

also offered her opinion. Your regulations are very clear: “Is there an alternative that would cause less or no environmental impact.?” With an Independent Site Monitor and DEEP out there, we’re looking to allow a prudent and feasible proposal as the least impactful.

Chair Vitali said, I’ll comment that the project, completed a year from now, reduces any potential negative impact. I’ll entertain a Motion to close the public hearing on Wednesday, September 14th at 5:00 p.m.

MS. PHILLIPS: **MOTION THAT THE PUBLIC HEARING FOR APPLICATION #A22-5.1 / 5 RESEARCH PARKWAY, WALLINGFORD, LLC – (WAREHOUSE DEVELOPMENT) - BE CLOSED ON SEPTEMBER 14, 2022, AT 5:00 P.M.**

MR. NECIO: **SECOND.**

VOTE: **MS. MCKEEN – YES; MS. PHILLIPS – YES; MR. NECIO – YES; MR. HEILMAN – YES; CHAIR VITALI – YES.**

Ms. O’Hare said, I’d mention the letters you have that came for tonight’s hearing since July 27 from the public: from Jack Arrigoni, which you have in your packet; and the letter from Ed Bradley, and the letter from Adelheid Koepfer, and the letter from her received last Friday which you received tonight; and all the comments from all the departments and my comments and my Environmental Planner’s Report entered into the record and the new material from the Applicant that came in the last week, certainly, as received for the record. Also, I’m instructed to say that the proposed bond estimate that the Applicant submitted today, that that would be part of the record. It’s not finalized, but they did get it in as part of the record.

Note: Consideration of a decision regarding this Item #A22-5.1 / 5 Research Parkway – 5 Research Parkway, Wallingford, LLC – (warehouse development) – Significant Impact Activity - will be on the October 5 agenda.

F. NEW BUSINESS

- 1. #A18-1.2 / 801 North Colony Road / Padens Brook – lamthewalrus,LLC – Spring 2022 River Restoration Corridor report; submitted 8/31/22**

Ms. O’Hare said, This report came in. But I would like some time to review it. Could it be deferred to next month?

Chair Vitali agreed, and this Item was moved to the October 5 agenda.

G. RECEIPT OF NEW APPLICATIONS

- 1. #A22-8.1 / 158 Mansion Road – Wayne & Paulette Rydzy – (detached garage & retaining wall) - Was received by the Commission.**
- 2. #A22-8.1 / 1730 Tuttle Avenue – James Learned – (pond dredging & vegetation removal) - Was received by the Commission.**

H. ELECTIONS – This item was deferred to the next Meeting.

I. REPORTS & COMMUNICATIONS

1. **Discussion of proposal to adopt fines for violations** – Not discussed.
2. **Farm Hill Road Detention Basin – status** – Not discussed.
3. **Hazard Mitigation Plan Update – South Central Regional Council of Governments (SCRCOG) – Survey & Notice of virtual public meetings to be held 9/2022 & 1/2023, dates/time tbd** – Announced.

J. VIOLATIONS

1. **Notice of Violation Remains – 1245 Old Colony Road & Quinnipiac River – Jerzy Pytel – (unpermitted clearing & filling near river)** – Noted.
2. **Notice of Violation Remains – 950 South Colony Road – 1NRSJ, LLC – (filling)** – Noted.
3. **350 & 346 Quinnipiac Street – Southern CT Pallets – (possible violation)**
Ms. O’Hare will confer with the Law Department on this matter.

4. **Notice of Violation – South Turnpike Road – South Turnpike II, LLC – (deposition of pallet mulch)**

Ms. O’Hare described this Violation briefly. The property owner was directed to remove all the pallet mulch deposited and to appear tonight. He is not here. Some of the mulch piles have been removed, but there remains mulch 2-3 feet thick spread across the lot to near the river.

K. ADJOURNMENT

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

The Meeting was adjourned at 9:55 p.m.

L. NEXT SCHEDULED REGULAR MEETING: Oct. 5, 2022

Respectfully submitted,

Kathleen L. Burns, Recording Secretary