

**Inland Wetlands and Watercourses Commission
Town of Wallingford**

**SPECIAL MEETING
Wednesday, August 5, 2009**

The Special Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, August 5, 2009, in Council Chambers, the Municipal Building, Wallingford, Connecticut.

Seated from the Commission were Jim Vitali – Chairman, Ellen Deutsch – Vice Chairperson, Nick Kern – Secretary, Jeff Kohan, Jim Heilman – alternate, James Kovach – alternate, David Parent – alternate (arrived during the meeting) and Environmental Planner Erin O’Hare.

Chairman Vitali called the meeting to order at 7:03 p.m.

CONSIDERATION OF MINUTES:

July 1, 2009 - Regular Meeting

Ms. O'Hare handed out to the Members a copy of page 8 from the July Minutes showing a corrected printing error. Ms. Deutsch made a motion to approve the July 1, 2009 – Regular Meeting Minutes as corrected. The motion was seconded by Mr. Kohan and passed.

REPORTS & COMMUNICATIONS:

1. Choate Rosemary Hall – environmental education center – Headmaster Edward Shanahan

Mr. Shanahan reviewed a map showing the layout of the campus, the area for the proposed Environmental Center and the area to be studied by the students. The plan is to have fifteen students live on that land 24/7. They will not be going back to the main campus for any reason. Other students at Choate will be taking at least two environmentally oriented courses before they graduate. Mr. Shanahan feels that this is a great opportunity to educate every student in this town as to the importance of open space, woodlands, wetlands, vegetation and wildlife. He expects that the local high schools will have access to parcels of the land for their own study. Mr. Shanahan would like to see the Center opened in Spring/Summer 2011. It has been suggested to Choate that it engage in geographic information systems that allow it to map the land, topography, soils, trails, roads and landmarks. This information would provide the Town with a record of informed systems inventory to see how systems change over time. The Choate students will be able to study the biology and the cultural history of the land and how changing policies, changing uses of the land, zoning, ownership, land

development, land cover and agricultural uses effect the land over time. They want to study and document how the forests on the land evolve. They will study the hydrology, meteorology, bird and wildlife habitat and species on the land and how they change. The land is a living laboratory for invasive species. They will study what types of things are compromising the land. Their hope is to have zones established on the land - a zone that would be a 25 acre-preserve area where the land would not be touched, a zone for research where there would be invasion by those who are studying it, and a third zone where they would study the development of the land.

Mr. Shanahan stated that he has spoken to the principals of the high schools and they plan to put together a committee to look into having sections of the land for exclusive use and collaboration between the facility on course planning. Ideally, he would like to see Choate students working with public high school students on common research projects.

Ms. Kathleen Wallace, Choate, discussed the curriculum that will be taught in the Environmental Center. The focus will be science but environmental studies will play a roll in each of the courses that is offered in this Center. The basics such as English, history, social sciences, math, economics, and art will all be taught with the environment as the backbone for each course.

Mr. Shanahan indicated that the building that is being proposed would be a LEED Platinum building - an energy neutral building.

Mr. Kohan is very excited about this plan and he hopes that the politics can be worked out. He feels it is an outstanding opportunity for both the students at Choate and the students of Wallingford.

Mr. Shanahan hopes that, down the road, the Center will be a place where there will be displays about the ecosystems in the Town of Wallingford. He would like there to be nature trails where small children could walk and explore. Mr. Shanahan feels it would be a resource for the Town of Wallingford.

Mr. Heilman feels it is a marvelous opportunity to build a curriculum around a concept such as the environment. He believes it is a great idea.

Mr. Kern thinks the idea is a great one. He isn't sure how it will work integrating the public schools into this plan. Mr. Shanahan made it clear that this is predominantly a Choate Rosemary Hall program for the education of those students who attend the school. The question is whether there is capacity in the land and in the Center to allow others to use it for their purposes. Mr. Shanahan hopes to have the kids and faculty do things together on the land. He is confident that public high school kids and private high school kids have far more in common then is measured by the economics of their families. Mr. Shanahan looks forward to working with the public high schools to come up with a plan to incorporate all high school children into this program in one way or another.

Ms. Deutsch asked if they plan on doing any adult education programs. Mr. Schanahan indicated that at this time they have not planned any adult education programs.

Mr. Kovach feels that the plan will benefit both Choate and the Town of Wallingford and he is looking forward to seeing it progress.

Chairman Vitali stated that it seems like a great program he is especially excited about the nature trails and the concept of taking classes and studies outdoors.

Mr. Shanahan stated that the Board of Trustees would be willing to place the eastern portion of the property into a legally binding covenant that the land will never be developed and remain open space forever.

Chairman Vitali thanked Mr. Shanahan and Ms. Wallace for the presentation. The Commission found the plan to be very interesting and exciting.

OLD BUSINESS:

#A04-8.4 / 1425 TUTTLE AVENUE – W&W Properties (aka Gaylord Farms Road – Cheshire Crossing – Pulte Homes) – (release of bond)

Ms. O'Hare reported that the bond is not ready to be released. She indicated that she has not met with the Permittee because the Permittee was not ready. The request was tabled.

#A07-8.4 / 890 NORTH COLONY ROAD – 890 North Colony Road, LLC (modification to permit)

Presenting the application was Attorney Dennis Ceneviva and Tim Onderko, Langan Engineers.

Attorney Ceneviva gave some brief history on the application. He indicated that after the last meeting, the engineers went back to modify the plan. They are trying to treat the water prior to it recharging into the ground or entering any of the systems. They have diverted much of the water to the easterly existing detention basin. The existing basin has been expanded to accommodate the additional water. With the proposal of new rain gardens and some biofiltration systems they are confident that 100% of the water that enters into the stormwater system will be treated prior to entering that underground piping.

Mr. Onderko reviewed briefly the plan that was presented at the last meeting. He pointed out the changes that have been made. They will retrofit the existing catch basin that is out at the northwest corner of the existing building. They will abandon the old pipe that takes it to the existing above ground basin and will direct it to the east to an expansion of the large basin that currently exists. The existing basin that is oblong shaped will be turned into an "L" shape. By expanding the basin they can accommodate the water and provide surface treatment eliminating the water from going to the

underground detention system. The remainder of the watershed will flow and infiltrate through the use of rain gardens. There are two existing islands that will be converted to rain gardens. The catch basins that abut the islands will have the tops removed and replaced with a manhole. They will then excavate and convert the existing end islands into rain gardens. The rain garden will consist of a number of plants along with a soil/sand mixture that would encourage infiltration. There will be an overflow in the islands but the focus is to allow infiltration through the roots. There are two end islands in the expanded parking field that would be created as rain gardens also. The redirection of the flows and the rain gardens allows for the shrinkage of the underground detention system. It will be a backup system for water that may exceed the capacity of the rain gardens. The underground system has been reduced to approximately 50% in size from the previous plan. The Vortecnic unit will remain in place. With this modified plan they will be able to use biofiltration for 100% of the runoff generated on site. On the eastern side of the building they will be replacing the roof leader with an oversized perforated pipe. Mr. Onderko provided the Commission with photos of a functioning rain garden on a different site. Mr. Onderko explained that the catch basin top would be removed. The concrete around it would be cut. The water would flow through the curb opening into the landscaped island. The island is depressed below the pavement level. There is approximately 18 inches between the pavement elevation and the top surface of the rain garden. There is an overflow to take any water should it exceed the capacity of the rain garden during a heavy storm.

Chairman Vitali is concerned about the plan for snow plowing and maintaining these rain gardens during the winter. It was explained that there is a discharge point within the rain garden where the flows go to the underground system.

Mr. Heilman stated that the rain gardens provide filtration and purification on the majority of typical storms. Mr. Kohan asked if there was any periodic maintenance that is required for these gardens. Mr. Onderko indicated that there is not much maintenance required. The island is a sand mixture with river stone on top. Visible trash is caught on the top layer of stone so it can easily be removed. If sediment clogs the sand filter below the stone, it would become clear and it could easily be replaced and replanted.

Mr. Onderko reviewed photos of a rain garden that was designed and created in New York. He recommends installing shrubs rather than grass so there is no need to go in and mow and maintain the islands.

Mr. Kern feels that the detention basin on the North Main Street side is currently an eyesore. He would like to know what is going to be done in that area. Attorney Ceneviva indicated that once it is finished it would be more pleasant to look at. Mr. Onderko indicated that he has been working with Ms. O'Hare on the seed mixture that will be used in that basin. What is there now is not the final seeding. They will be using a meadow mix with wild flowers for the final seeding. Mr. Kern is concerned with the maintenance of that detention basin. Ms. O'Hare indicated that in 2007 the plan showed an upland grass mix and the new mix has many different species of grasses along with wildflowers.

Chairman Vitali indicated that on the Environmental Planner's Report, dated July 29, 2009, there are ten conditions of approval. Attorney Ceneviva stated that all ten conditions of approval would be acceptable. Chairman Vitali feels that all of these conditions should have already been included on the plan. Attorney Ceneviva indicated that rather than go back and forth with each change recommended by the Commission they want to get all the changes that the Commission and Ms. O'Hare would like to see and make all those changes at once to the plan.

There was discussion about the capacity of the detention pond and the rain gardens in comparison to the previous plan that had the above ground detention.

The Members discussed if they wanted to approve applications with several conditions as in this case, or would they like to see items put on the plan and then return for approval. Chairman Vitali indicated that some of the conditions actually have to be done after the plan is approved. In this case he feels it is acceptable to approve with the conditions suggested by Ms. O'Hare. It was agreed that before the permit is issued the plan needs to be updated with all of the conditions attached.

Chairman Vitali suggested that perhaps there be a \$10,000 bond on this application. Mr. Heilman stated that when the detention basin was first carved out and shaped the walls were steeper then they are now. There has been some serious erosion in that basin and he believes the bottom of that basin has come up a little.

Mr. Heilman advised the Applicant to take some measurements to be sure the basin is still conforming to the specs.

MS. DEUTSCH: MOTION THAT APPLICATION #A07-8.4 / 890 NORTH COLONY ROAD BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:

1. **ANY CONCERNS OF THE ENGINEERING DEPT. RELATIVE TO THE STORMWATER MANAGEMENT PLAN ARE TO BE MET.**
2. **PLANTING PLAN FOR THE LARGE BASIN, SUBMITTED JULY 24, IS TO BE SUBSTITUTED FOR THE NEW ENGLAND GRASS MIX PREVIOUSLY APPROVED UNDER IWWC #A07-8.4.**
3. **PLANTING PLAN IS TO BE INSTALLED AS SOON AS POSSIBLE TO BE ESTABLISHED IN 2009 GROWING SEASON. SHOULD THE CONSTRUCTION OF THE ADDITION OR COMMENCEMENT OF ANY OF THE REVISIONS UNDER THIS PERMIT BE DELAYED FOR ANY REASON, INSTALLATION OF PLANTINGS IN THE LARGE BASIN (EXISTING CONFIGURATION) MUST BE INSTALLED IN THE 2009 GROWING SEASON.**
4. **NOTE TO PLAN SET TO BE REVISED TO CLARIFY THAT MOWING OF BASIN AND BASIN TRANSITION AREA IS TO BE CONDUCTED ANNUALLY.**
5. **E&S CONTROLS ARE TO BE ADDED TO THE REVISED PLAN IN AREAS OF SITE THAT WERE REVISED IN THE PLANS SUBMITTED JULY 27.**
6. **E&S CONTROLS MEASURES ARE TO BE INSTALLED TO THE SATISFACTION OF THE ENVIRONMENTAL PLANNER PRIOR TO ANY FURTHER ACTIVITY.**

7. **STORMWATER MANAGEMENT SYSTEM MAINTENANCE PLAN IS TO BE REVISED TO REFLECT REVISED PLAN SUBMITTED JULY 27.**
8. **SUBSURFACE FACILITY TO BE INSTALLED WITH DRY FORECAST.**
9. **REVISED PLAN TO BE SUBMITTED WITHIN 2-MONTHS' TIME WITH NOTICE OF DECISION LETTER SCANNED INTO THE PLAN**
10. **NO COMMENCEMENT OF ACTIVITIES UNTIL REVISED PLAN HAS BEEN SIGNED BY IWWC CHAIRMAN.**
11. **A \$10,000 BOND BE POSTED FOR GENERAL WETLAND CONDITIONS AND ACTIVITIES.**
12. **THE EXISTING BASIN IS TO BE CHECKED TO BE SURE THAT THE MEASUREMENTS ARE TO SPECS.**

MR. KOHAN: **SECOND**

Ms. O'Hare asked specifically what the bond money was for. Chairman Vitali indicated that it would be for general wetland conditions and activities. They want to be sure that the rain gardens are installed as designed, the detention is expanded according to plan, the existing basin bottom is checked, the Vortec unit will be in place and all of the other wetland issues that are a concern to this Commission.

VOTE: **UNANMOUS**

#A09-6.3 / 134 GROVE STREET EXTENSION – Edward Beauvais –
(residential lot)

Ms. O'Hare stated that the Applicant has called her office and he is not quiet ready to go forward yet. She pointed out to the Commission that there are some details included in her Environmental Planner's Report dated July 31, 2009. The Cease and Desist will remain in place.

#A09-6.5 / 1070 NORTH FARMS ROAD – John Orsini – (industrial
development)

Presenting the application was Emile Pierides, BL Companies.

Mr. Pierides submitted drainage calculations since the last meeting. He also provided the Commission with an operations and maintenance plan for the site and detention pond. Mr. Pierides added some erosion controls as recommended by Ms. O'Hare. The maintenance plan specifies the time of cleanings and also that the detention pond should be mowed twice a year. Mr. Pierides indicated that the Environmental Planner recommended that the mowing be done quarterly. Some additional diversion swales were added to help the flow to the temporary sediment traps. Another row of silt fence was added above the proposed septic fields. Hay bale check dams have been added in the existing swale. Another row of silt fence has been added along the front of the property. Mr. Pierides indicated that he has addressed all of the comments from the Health Department.

Mr. Kern asked about the maintenance of the detention pond that is shared by everyone. Mr. Pierides stated that the maintenance responsibility of the pond lies with the owners of Lots 1D and 1E. Chairman Vitali doesn't feel it is necessary to mow the pond four times a year. He believes that it should be fine mowing once a year. Mr. Pierides recommended mowing it once or twice a year and inspecting it quarterly. Ms. O'Hare indicated she had actually said inspections were to be quarterly and mowing annually.

Ms. O'Hare indicated that she has gotten no comments back from the Meriden Inland Wetlands Commission.

Ms. O'Hare indicated that the comments from the Health Department came back today and they were favorable. Mr. Pierides indicated that he has received the comments from the Water & Sewer Divisions and they had nothing to do with wetland protection.

MS. DEUTSCH: **MOTION THAT APPLICATION #A09-6.5 / LOT 1C , 1070 NORTH FARMS ROAD BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. KOHAN: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A09-6.5 / LOT 1C, 1070 NORTH FARMS ROAD BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

1. **OWNER'S STATEMENT OF COMMITMENT TO REGULAR QUARTERLY MAINTENANCE OF THE SUBDIVISION DEVELOPMENT'S LARGE STORMWATER BASIN (LOCATED ON LOT 1D AND LOT 1E) AND COMMITMENT TO TRANSFER THE RESPONSIBILITY FOR MAINTENANCE IN THE DEED AT THE TIME OWNERSHIP OF LOT 1D AND/OR LOT 1E IS TRANSFERRED.**
2. **REVISED "STORMWATER QUALITY OPERATIONS AND MANAGEMENT PLAN" FOR LOT 1C TO BE SUBMITTED TO THE SATISFACTION OF THE ENVIRONMENTAL PLANNER.**
3. **AFFIRMATION OF RECORDING ON LAND RECORDS FOR THE "EASEMENT MAP"(PREVIOUSLY SUBMITTED).**
4. **REVISED PLAN TO DEPICT RELOCATION OF THE SNOW DEPOSIT AREA AWAY FROM SEPTIC SYSTEM AND A SIGN SHALL BE INSTALLED IN VICINITY OF SEPTIC SYSTEM TO INSURE AREA WILL CONTINUE TO BE AVOIDED AS DEPOSITION AREA IN THE FUTURE.**
5. **EROSION CONTROL MEASURES ARE TO BE INSTALLED TO THE SATISFACTION OF THE ENVIRONMENTAL PLANNER PRIOR TO COMMENCEMENT OF ANY FURTHER ACTIVITY.**

- 6. NOTICE OF DECISION LETTER TO BE SCANNED ONTO THE REVISED PLANS TO BE SUBMITTED.**
- 7. NO COMMENCEMENT OF ACTIVITIES UNTIL REVISED PLAN TO BE SUBMITTED HAS BEEN SIGNED BY IWWC CHAIRMAN.**

MR. KOHAN: **SECOND**

VOTE: **UNANIMOUS**

#A02-6.12 / 63 GRIEB ROAD – Fieldstone Farm – Baker Residential
LLC – (release of bond)

Ms. O'Hare stated that Baker Residential is asking for the release of the balance of the bond money. There is \$7,000 left that covers the open space plan. Ms. O'Hare stated that there were bat boxes and birdhouses that have been relocated. However, Ms. O'Hare has been contacted by a neighbor who has been repeatedly complaining about excessive flooding of his property. His property is located at the outlet of the project. Ms. O'Hare referred to her Environmental Planner's Report dated July 31, 2009. She is waiting to get a report back from the Engineering Department where they are reviewing the drainage calculations.

Chairman Vitali tabled this issue to the next meeting.

#A09-6.6 / 3 FAIRFIELD BOULEVARD – Bear Industries, LLC –
Peter Gavin – (modification to permit)

Presenting the application was George Cotter, OCC Group, and Rachael Gavin representing the Applicant.

Mr. Cotter stated that this Commission granted a reduction in the bond back in September. There were three conditions of approval. Two of which have been completed and the third is why they are appearing before the Commission tonight. They are proposing to modify the landscaping plan. Mr. Cotter has submitted photos of the existing site. He gave some brief history on the site and the building of the detention basin. The detention basin that was built is responsible for all of the storm water management for the entire Fairfield Boulevard subdivision. It is now the responsibility of this lot owner. The basin has been greatly improved and maintained. Mr. Cotter reviewed the map of the site. There are three wetland areas on the site. There is the detention basin, a stream corridor that enters to the east of this property, and a drainage swale to the north with a small wetland. The outlet swale has been constructed and is being maintained as a mowed area on the property. The area around the detention basin has been mowed and all vegetation has been established. When everything was said and done with this plan there was no disturbance of the actual wetland areas on the property. The actual location of the trees to remain has been modified. The location of the placards has been shown on the plans. He does not feel that there is a need to identify the wetlands

location in the stormwater management basin. It is well established and well defined. The natural bottom of the basin identifies itself and is being maintained in a natural state. The areas of the upland review are being maintained as grass areas that are mowed on a regular basis. This does not have any adverse impact on the wetland itself or the function of the wetlands.

Chairman Vitali indicated that he would like to go through the recommended conditions of approval from the Environmental Planner's Report dated July 31st. Regarding the placards Mr. Cotter indicated again that he doesn't feel it necessary to put up placards around the detention basin. He doesn't believe that there needs to be placards placed along an intermittent drainage swale that transfers water from one wetland to another wetland.

Mr. Kern pointed out in the pictures that Mr. Cotter provided that there is some overgrowth over the swale. He asked if there was a maintenance plan to address the issue. Mr. Cotter stated that as part of his proposal he intends to remove everything above three feet by hand. He doesn't want to end up with a canopy that kills all of the vegetation underneath that helps in the filtration of the basin. Mr. Kern doesn't feel the need to place placards around the area that is obviously a detention pond. There was discussion about what should be removed when it grows over three feet.

Mr. Kohan doesn't think it is asking a lot that a few placards be placed around the basin. It may be obvious to the Applicant and to the Commission where the wetlands are, but it will not be obvious to everyone who might be in there doing maintenance. Mr. Kohan is concerned about many years from now when there is a tree growing in the basin and someone wants to cut it down. He would like there to be placards to make people aware that before they do anything they have to come to the IWWC for permission. Mr. Cotter stated that if the Commission feels strongly about the placards he would do his best to place a few around the basin.

The Commission went back to discuss the issue of cutting vegetation over three feet. Mr. Heilman feels they should identify it, as undesirable shrubs growing in the wetlands should be removed. He believes the stipulation should be invasive species removal. Mr. Cotter feels that it should be any canopy type of growth.

Chairman Vitali clarified that the Applicant was in front of the Commission for a modification to the permit. He believes that the Applicant is asking to eliminate some of the things that were originally agreed to but they are also asking for things that they did not have in the plan before, such as the removal or maintenance of undesirable trees and shrubs. Chairman Vitali doesn't believe that the Applicant has the correct language for that. Mr. Cotter indicated that the language that he would agree to would be invasive species. He indicated that he would provide a note on the plan to satisfy the Commission and the Environmental Planner.

Mr. Cotter indicated that the Applicant agrees to replace any dead trees that are on the site. Any tree that has died will be replaced by October 4, 2011.

There was discussion about the mowing around the basin. Mr. Cotter pointed out that mowing was allowed by the last permit from this Commission. As far as the upland review area, he indicated that it would be mowed on a regular basis, which is what the Commission permitted. Mr. Cotter does not

want to see any trees growing in the bottom of the basin. He stated that currently there are three shrubs in the bottom of the basin that his client would like permission to remove. Mr. Kern likes the way the basin currently is being maintained. Mr. Heilman generally does not like to see manicured lawn right up against a wetland. He has no issues with them going into the basin and removing those three trees. Mr. Heilman would like to see the fringes of the wetlands protected. He would like to see some plantings and trees rather than just manicured lawn up against the wetland.

Mr. Kohan has no objection to the regular mowing of the detention basin area. He also feels it would be fine to go in and remove those trees. The point is that the Applicant came before the Commission and asked for permission to go into that area. Mr. Kohan feels that placing placards in that area would serve as a reminder to anyone that permission is needed to go into that area. Mr. Cotter agreed to place placards around the basin.

There was discussion of mowing the rear stormwater facility (upper swale). Mr. Cotter pointed out that this area is there just to allow for the water to transfer from the upper portion to the north to the wetland to the south. By mowing it on a regular basis the owner has maintained the cover and is intensifying the amount of cover that is going to be in the area. It has not had any adverse impact on the ability to transform water. Mr. Cotter doesn't see any reason that it should not be allowed to be maintained the way it has been.

Mr. Heilman stated that during a site visit the issue of shading and buffering the fringes of the wetlands was discussed. The mitigation for completing clearing all of the vegetation in the area was that there was going to be some new plantings. Mr. Heilman said that the area is very pretty but there is nothing to protect the moisture edges of the wetlands and there is nothing there to provide any habitat. Mr. Kohan agreed with Mr. Heilman. Mr. Cotter stated that what was originally there was a very narrow wetland corridor. The Applicant widened it out to 200 feet and it was cut into red rock and that is how they got the basin in there. He is not sure that there is enough cover in the area for plantings. Mr. Cotter stated that there are no adverse physical effects on the wetland basin from this upland review area. The basin is functioning as designed. There was some discussion about the number of trees and where they were originally removed. Mr. Heilman agreed with the functions of the detention basin, but he stated that shade would help the fringes of this wetland. Mr. Cotter indicated that what was originally on the plan were not any canopy trees but just shrubs or bushes. Mr. Heilman feels that the Commission has lost the mitigation that was originally agreed upon for the protection of the wetlands. Mr. Cotter feels that the mitigation has already been given to the Commission in the way the plan goes together.

Ms. Gavin stated that this is in no way a monetary issue. She feels very strongly on this issue. In the southeast corner there is a bay of pines that provide shade to the property. She stated that there is an excessive amount of trash that finds its way onto the property. Mr. Gavin feels that putting shrubs and small trees would create a collection area for all of the trash to keep coming. She has concerns with all of this trash making its way into the detention basin. Mr. Heilman did not understand the argument made by Ms. Gavin.

Ms. Gavin feels that instead of dwelling on issues in the past this Commission needs to move forward.

Chairman Vitali stated that there have been some issues that have been taken care of and resolved but there still are some issues that need to be addressed. He recommended to the Applicant that they go back and take some more time to address the outstanding issues, one of them being the plantings. Ms. O'Hare stated that originally there were 263 plantings approved on the plan that are not in there today. She suggested that the Commission do a site investigation. Chairman Vitali doesn't feel a site investigation in order yet. Mr. Parent feels that a site visit is a good idea. Chairman Vitali pointed out that the original permit was given based on the mitigation plan, which was never done. He would like to see some of these issues cleaned up between now and the next meeting. Mr. Cotter made it clear that the 263 plantings were for the entire site and a large majority of them had nothing to do with wetlands. He feels that what it boils down to is: Is it required to put some plantings back around the basin for it to function as it is intended? Ms. Gavin stated that the way the detention basin sits today is thriving and it has been without trees around it for over 1 ½ years. She stated that, at the time of the original plan, perhaps all of those trees were necessary, but now that the site is complete and functioning, they are not necessary.

This application was tabled to the September meeting.

The Chairman announced a 5-minute recess.

NEW BUSINESS:

#A09-8.1 / 112, 114, & 118 DIBBLE EDGE ROAD – Shweky Developers, LLC – (residential lots)

Ms. O'Hare indicated that she handed out an Environmental Planner's Report dated August 5, 2009 at the beginning of the meeting.

Presenting the application was Chris Juliano, Juliano Associates.

Mr. Juliano stated that, in 2003, this project, which at the time was a four-lot subdivision, was submitted and approved by this Commission. In 2004 there were some changes made to the plan after which they received PZC approval. The changes that were made were that the road was made to Town standards with a standard cul-de-sac and, because of that change, there was a dam created at the low point between this property and the abutting property to the south. The Engineering Department stated that they wanted a very small detention area to mimic the existing natural conditions and this basin will be on 116 Dibble Edge Road. Neither of those two changes has a direct impact on the on site wetlands. Once the Applicant began to cut trees, the Environmental Planner issued a Cease & Desist. There was a meeting with the Environmental Planner where she added some extra conditions that needed to be applied to the project. There was no further activity on the site and the permit expired last October. The plan before the Commission is the same as the previous plan except that it is now a three-lot subdivision because the existing house has been sold off to a third party.

There are three approved building lots on this site that need to have their wetlands permits reapproved. There have been no changes to the plan as approved by PZC. At that low point in the road, the Engineering Department asked them to put in two catch basins and a small detention area to allow it to flow through a pipe and discharge back onto the abutting property where it flows now. Chairman Vitali would like the area where the catch basins are to be installed to be reviewed by Ms. O'Hare before the next meeting.

MR. KERN: **MOTION THAT APPLICATION #A09-8.1 / 112, 114 & 118 DIBBLE
EDGE ROAD BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MS. DEUTSCH: **SECOND**

VOTE: **UNANIMOUS**

Ms. O'Hare was directed to contact the existing property owner to see if there are any issues with the property. Ms. O'Hare indicated that she received a letter from the owner of 114 Dibble Edge Road authorizing the application, as required. She asked for clarification as to the reason why an IWWC permit was required. She was not employed with the Town when this application was originally approved. Mr. Juliano mentioned that the septic and the house on one of the lots was asked to be reconfigured by the IWWC. Back when the original application was filed, that house was approximately 55 feet from the wetlands and now it is 86 feet away. Chairman Vitali asked Ms. O'Hare to do some research without getting too involved.

At this time, Chairman skipped to item #4, under "Reports & communications.

REPORTS & COMMUNICATIONS:

4. #A05-10.2 / 110 Leigus Road – Workstage-Connecticut, LLC – (maintenance)

Chairman Vitali stated that it is obvious that Workstage is not in a position to do the maintenance that is required on this site. He does not believe there has been any attempt to do any of the work since the last meeting. Ms. O'Hare indicated that she has contacted Attorney Joan Molloy twice and Attorney Molloy has not been able to get any response from Workstage. Chairman Vitali stated that, at this time, the Commission should exercise its option to pull the bond and instruct Ms. O'Hare to do what is necessary to start the process. He also pointed out that Attorney Molloy was not present at this meeting.

Ms. O'Hare indicated that she has had some correspondence with Town Attorney, Janis Small regarding this issue. She referred to her Environmental Planner's Report dated July 24, 2009. Chairman Vitali is unclear on how this entire process works. The Commission would like to see the abutting property owner have his concerns addressed as soon as possible.

Mr. Heilman feels that the Commission should move along with the process of pulling the bond. Ms. O'Hare indicated that a Notice of Violation has to be issued before anything else. There was discussion about what the Notice of Violation would include. Ms. O'Hare referred to the memo

from Attorney Janis Small, dated July 22, 2009 wherein Attorney Small stated that the time to complete the work has not expired and if there is a violation, Ms. O'Hare should proceed as she normally would do. Because of the comments from Attorney Small, Ms. O'Hare feels that the next step for the Commission is to issue a Notice of Violation. She indicated that there has to be some detail as far as what the violation is for. Chairman Vitali directed Ms. O'Hare to figure out exactly what the next step is and do it. Ms. O'Hare stated that she would issue a Notice of Violation as the first step toward calling the bond and that Notice of Violation would specify exactly what is in violation at this time. She will work with the Town Attorney on the details of the Notice of Violation. Chairman Vitali indicated that there are issues with dewatering, with the detention pond, opening up 40 acres at one time, nothing is working as designed and nothing is being maintained. Mr. Heilman recommends that Attorney Molloy and the Permittee be notified directly of the intentions of the Commission. Chairman Vitali agreed.

NEW BUSINESS:

#A09-7.2 / 31, 33, & 35 ELMHILL DRIVE – Rocco and Frank Totino – (extend yard)

Chairman Vitali stated that this application began as a filling violation but has now been filed as an application. He indicated that Applicant wants to leave around half of the material there when he is finished. Chairman Vitali doesn't want to look at the application before the half that is in violation is removed. He would like to see the violation stay in effect until half of the material has been removed and then the Commission would look at the application.

Ms. O'Hare will send the Applicant a letter directing him to remove the referenced material.

Chairman Vitali received the application.

VIOLATIONS:

- 1. 134 Grove Street Extension – Edward J. & Doreen Beauvais – (cease & desist – filling)**
The Chairman indicated the Cease & Desist remains in effect.

REPORTS & COMMUNICATIONS:

2. Public Act 09-181

Ms. O'Hare explained that the Act was approved this June but applies to permits granted back to July 1, 2006 through July 1, 2009. Permits that were granted in that time period would be good for six years instead of five years.

3. DEP IWWC Training Workshop, May 27 – staff report & handouts

Ms. O'Hare indicated that she would like to present at the next meeting.

**5. #A07-11.3 / East Center Street / MacKenzie Reservoir – Town of Wallingford –
(dredging project)**

Ms. O'Hare reported that the contractor has been having a very difficult time with all of the rain. The DEP has been notified as is required under its permit. Chairman Vitali directed Ms. O'Hare to look into the timeframe for the project in the IWWC permit and notify the Water & Sewer Division accordingly.

REGULATIONS REVISION:

- 1. Discussion of draft proposed revisions**
- 2. Acceptance of draft proposed revisions for adoption**

Chairman Vitali would rather schedule a Special Meeting to review the draft Regulations rather than discuss them at this late hour. A Special Meeting was scheduled for August 12th at 7:00 pm. to review the Regulations.

ADJOURNMENT:

Ms. Deutsch made a motion to adjourn the meeting. The motion was seconded by Mr. Kohan and passed. The Chairman adjourned the meeting at 10:55 p.m.

Sonja Vining
Recording Secretary
Town of Wallingford
Inland Wetlands and Watercourses Commission
August 5, 2009