

WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION

WEDNESDAY, JANUARY 6, 2016,

ROBERT F. PARISI COUNCIL CHAMBERS

45 SOUTH MAIN STREET, WALLINGFORD, CT

7:00 p.m.

MINUTES

The Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission was held on Wednesday, January 6, 2016 in Council Chambers, Town Hall, 45 South Main Street, Wallingford, CT.

Seated Commissioners were: Chairman Jim Vitali; Vice-Chair David Parent; Nick Kern, Secretary, Dennis Murphy; Alternates Jim Heilman, Daryll Porto and Michael Caruso; Erin O'Hare, Environmental and Natural Resources Planner.

Not Present: Commissioner Deborah Phillips.

Chairman Vitali called the Meeting to order at 7:01 p.m.

Voting members were: Kern, Parent; Murphy; Caruso; Vitali.

CONSIDERATION OF MINUTES

1. Regular Meeting, Dec. 2, 2015, 7:00 p.m.

**MR. PARENT: MOTION TO APPROVE THE REGULAR MEETING MINUTES OF
DECEMBER 2, 2015 AS SUBMITTED**

MR. MURPHY: SECOND

VOTE: KERN-YES; PARENT-YES; MURPHY-YES; CARUSO-YES; VITALI-YES

2. Special Meeting, Dec. 9, 2015, 1:30 p.m.

**MR. PARENT: MOTION TO APPROVE THE SPECIAL MEETING MINUTES OF
DECEMBER 9, 2015 AS SUBMITTED**

MR. CARUSO: SECOND

VOTE: HEILMAN – YES; KERN-YES; PARENT – YES; MURPHY-ABSTAIN;

CARUSO – YES; PORTO-YES

OLD BUSINESS

1. **#A15-11.1/102 Harrison Road** – James Iannini – (revision to permit to allow additional fill & modification of condition of permit approval re: shrub installation)

Appearing in front of the Commission was James Iannini who told the Commission he came before them last year requesting permission to cut down trees near his house under construction. He noted there was a concern that some of the trees would fall into the 50 ft. upland review area. He said he hired David Lord, Soil Scientist, and an Engineer and it was determined the ponding of water was seasonal and the area was not a wetland. He said when the lot was staked, there were no trees in the area he originally believed to have contained trees and because of this, he agreed to move the silt fence location to the other side of the ponding area so this area would not be disturbed. He said this is why he is making the request to modify the plans to install shrubs in this area. He said this area was not disturbed and left naturally so there was no need to plant shrubs.

He went over his letter and mentioned the meeting between himself, David Lord, his Soil Scientist, Commissioner Heilman, Town officials and IWWC staff. He said it was determined the ponded area was not a wetland and the storm water sheetflow off the road onto the neighboring property was not a watercourse.

Mr. Iannini said Ms. O'Hare requested a permit be obtained to place soil and rocks onto the western side of the property away from the 50 ft. upland review area. He said he put this request into his letter, but noted that after speaking with his soil scientist and engineer, they disagreed with Ms. O'Hare's determination that the sheetwater flow off the road is a watercourse and where the soil was deposited was in the watercourse under IWWC jurisdiction. He mentioned that the soil Ms. O'Hare requested to be removed has already been hydroseeded. Mr. Iannini distributed photos which he said shows the present condition of the property.

Chairman Vitali said the IWWC has photos of the fill and wondered why the it was dumped in that area which he said was surprising noting that Mr. Iannini is a developer.

Mr. Iannini went over the photos with the IWWC which showed the location of the silt fence and the area of disturbance. He said he dumped the 12 cubic yards of soil in this particular area, because it was the furthest distance from the upland review area. He said he plans on letting this area overgrow. In answer to his question, Mr. Iannini showed Mr. Kern the location of the wetlands and the exact area of disturbance.

Chairman Vitali pointed out that Mr. Iannini was describing a lot of wetland conditions in this area.

Commissioner Heilman compared this area to the top of Chimney Hill Road which appears as a valid wetland area two or three weeks out of the year, when wet, but then drains out. He said Mr. Iannini's area is similar.

Chairman Vitali said there must be an issue if there is a culvert.

Mr. Iannini showed a photo of the road and explained the catch basin coming towards his property is about 40 ft. from his property line and there is no curb on the side of the catch basin, so it serves no purpose. He said the area was designed to catch the water further up from his property to go onto the golf course and then go into the wetlands. He said he asked Public Works to put the curbing back into place but was denied. He said he will plant the shrubs if he has to, but has no intention of maintaining this area. He said he wants to leave the area overgrown because of the ponding of water.

Commissioner Kern recommended put in the shrubs as promised, possibly closer to the silt fence and to install wetland placards. Mr. Iannini said no one is going into the area including himself and pointed out he installed talings outside of the 50 ft. buffer area by the street on his property.

Chairman Vitali asked Ms. O'Hare about the original area Mr. Iannini was going to clear cut and asked if any trees were removed.

Ms. O'Hare said Mr. Iannini filled out an application for the removal of trees. Mr. Iannini said if one looks at his photo, which shows the stakes, this was where the silt fence was to be installed. He said he never went into that area.

Chairman Vitali noted that Mr. Iannini stated that he didn't need to cut any trees. Ms. O'Hare said the silt fence was moved because it was too wet to install in that area. Mr. Iannini said he was trying to get the house built and if there were trees in the area and water, he still would have wanted to install the silt fence in that area and installed it. He said when he agreed to move the silt fence closer to the location of the house, there were no trees in that area and the photos show this. He emphasized he never took down trees in that area, but did take down a large number of trees, approximately 100, on the other side of the silt fence.

Ms. O'Hare showed a photo of two trees which were taken down in the open area near the silt fence. She said Mr. Iannini is correct in stating he didn't have to remove any trees in that area, because there were no trees and she believes this is a vernal ponding area which doesn't support trees. She said his property line was never surveyed in the field with flags and when the snow melted, he realized his property line was in another place.

Chairman Vitali said Mr. Iannini wanted to create a semi-circle around the corner of his home going into the upland review area and to remove trees in that area. Chairman Vitali said Mr. Iannini has now indicated the tree removal wasn't necessary so it wasn't done.

Ms. O'Hare said there was disturbance in the area which doesn't look natural. Commissioner. Kern noted that when Mr. Iannini was given permission to do this project, it was the entire area, trees were cut down in the URA and said the night Mr. Iannini came to the IWWC, it was requested that he install shrubs to replace what was removed in the URA. He said he didn't believe anything should change.

Ms. O'Hare said with the tree removal, Mr. Iannini has opened up this area to a tremendous amount of sunlight and it is not protected and invasives will grow. Chairman Vitali asked about the fill and the validity to the argument that this fill is not in the URA or wetland. Ms. O'Hare said she has photos of two feet of water in this area. Chairman Vitali noted that both Mr. Lord and Commissioner Heilman believe this area is

in an URA and stated he was not in favor of the fill going there because to him, it looks as Ms. O'Hare describes but added that Commissioner Heilman believes this is a false reading.

Mr. Iannini pointed out the URA in the photos and emphasized he was 70 ft. away. Ms. O'Hare said she is maintaining there is water there and that Mr. Iannini didn't fill in the wetlands, but filled within 50 ft. of the ponding which is sporadic. Commissioner Heilman asked how long the ponding persists. Mr. Iannini said a month after he began construction in the middle of April, the ponding was just around mid-May. He said the ponding occurs primarily in the winter months.

Commissioner Kern said his concern was the lack of vegetation which is a telltale sign of the constant presence of water which inhibits growth. Commissioner Heilman said this is a place like Chimney Hill which gets inundated with water and then dries out. He said he believes a lot of the water flow may have to do with the golf course which may be inhibiting the natural surface flows. He said he agreed with the report of Mr. Lord which reported there was no mottling. He said the ponding gives a strong indication of a wetlands

Mr. Porto said if Mr. Iannini plans to let the area grow over, he didn't see the need to plant the shrubs. Chairman Vitali said the shrubs would prevent the growth of invasives.

Commissioner Heilman said what is growing in there doesn't seem to be the horrible invasives that are seen in the area. He noted this is not wetlands, and asked why the IWWC would be concerned about the area drying up.

Chairman Vitali entertained a motion at this time.

MR. KERN: MOTION THAT APPLICATION #A15-11.1/102 HARRISON ROAD – JAMES IANNINI – (REVISION TO PERMIT TO ALLOW ADDITIONAL FILL & MODIFICATION OF CONDITION OF PERMIT APPROVAL RE: SHRUB INSTALLATION TO HAVE THE APPLICANT PROVIDE THE SHRUBS AS NOTED IN THE ORIGINAL APPLICATION AND TO PLACE WETLAND PLACARDS EVERY 50 FT. ALONG THE UPLAND REVIEW AREA AND NOT ALLOW THE APPLICANT TO REMOVE EXISTING FILL IN THE FRONT PROPERTY AREA AND NOT TO ADD ADDITIONAL FILL

MR. PARENT: SECOND

VOTE: KERN-YES; PARENT-YES; MURPHY-YES; CARUSO-YES; VITALI-YES

Mr. Iannini asked about the placement of the placards. Mr. Kern suggested he meet with Ms. O'Hare to determine the placard placement. Chairman Vitali said he believed the 50 ft. placement was too close.

Chairman Vitali called for a five-minute recess at 7:49 p.m.

Commissioner Porto left the Meeting at 7:50 p.m. Chairman Vitali called the Meeting back to order at 7:56 p.m.

2.#A15-11.3/1303 Durham Road – Henry Woronick – (pond dredging, tree removal & yard grading).

TABLED TO THE FEBRUARY MEETING.

3.#A15-12.1/70 North Plains Industrial Road – Cariati Developers - (additional surface area – parking)

Appearing in front of the Commission was Atty. Dennis Ceneviva, Ceneviva Law Firm LLC., representing Cariati Properties, Don Cariati of Cariati Developers, and John Gable, CT Consulting Engineers, project engineer.

Atty. Ceneviva explained the development was created in 1972 and is a 3.9 acre site and developed with a 26,000 sq. ft. building. He said there were additions to the building in 1975, 1980 and 1998 and noted there was significant environmental historical data for this site. Atty. Ceneviva said currently, this site sits with a recorded environmental land use restriction which precludes this property being used for residential purposes. He said this was negotiated with DEEP in 2011.

Commissioner Porto came back to the Meeting at this time (8 p.m.)

Atty. Ceneviva said the former owners operated a business which produced some on-site contaminants. He said the business was sold in 2008 and there was a requirement that the new owner file with DEEP. He said the entire property was analyzed. He said in 2011, DEEP filed a letter stating the analysis performed on the property was done properly and there a close-out was performed. Atty. Ceneviva noted there was some extractable petroleum found on the site were not at concentrations which required removal and did not require remediation under commercial or industrial criteria, and an environmental land-use restriction was placed. He said this has been a point of interest of Planning & Zoning.

Atty. Ceneviva noted the Cariati's purchased the property in April 2015. He said a form to transfer was filed with DEEP along with a second Phase-1 Environmental Site Assessment in September 2015 that noted there were no additional releases or changes in environmental conditions since the 2008 business transfer. Atty. Ceneviva said the proposal is to add approximately 15 parking spaces which will increase the impervious area from 2.3 acres to 2.8 acres with ½ acre of additional impervious area. He noted there is also located on the property, a 2,000 gallon diesel fueling double-walled tank to fuel trucks which has to be approved by the Fire Marshal and Planning & Zoning. He said this was the same tank used by Mr. Cariati at his Meriden location.

Chairman Vitali noted there was a major release near the building, but said reference was made that the entire property was tested.

Atty. Ceneviva noted a report from Woodard & Curran dated Sept. 2014 which noted the entire property was tested.

Mr. Gable went over the site plan and map showing the new parking area and the new catch basin which will discharge into the existing system and be treated by a 1500 gallon oil separator which will discharge into the existing system. He said an additional row of piping will be added. He said the Engineering Dept. was satisfied with the calculations.

Chairman Vitali asked about the overall existing system, not just the addition. He asked about the overflow for the spill of the diesel tank and the leaking hydraulic cylinders of all the dump trucks. He noted the Applicant has a permit for truck repair work and noted this was not a clean operating sitting in the yard. He said he was interested in the overall package.

Mr. Gable said the Applicant is waiting for comments from the Fire Marshal's office. Chairman Vitali wanted to know what would happen to the oil running off the existing parking lot. Mr. Gable said this would be treated through a series of catch basins. He showed the location of the basins on the map. Chairman Vitali asked why the oil wouldn't go directly into the existing Town system. Mr. Gable said the Engineering Dept. didn't offer this alternative.

Chairman Vitali said he never had an application come in as "backwards" as this. He said it may be because this is an addition to the parking lot and noted usually before Planning & Zoning makes an approval, they have IWWC input to review. He said he didn't believe this type of operation (a commercial garage facility), would not have potential problems. Mr. Gable said there are procedures in place in the event of a spill.

Chairman Vitali said the perforated pipe concerns him because if there is a major spill a 1,500 oil/water separator will not handle this. Atty. Ceneviva noted the fuel tank is double-walled and meets the required qualifications and is located above-ground. He said the repairs will be done inside.

Chairman Vitali said the trucks will be parked outside and noted the trucks leak and there will be a problem. He said the refueling tank is only a piece of this issue, this is a much bigger issue than Engineering or the Fire Marshal sees because they have their own specialty items. He said the concern is the storm water management of the entire site and how it will be handled.

Commissioner Kern spoke about the change of use and said this should have gone to the DEEP because the storm water drainage systems currently in place are inadequate for what the Applicant wants to do with his fleet of trucks. He asked about the location of the wash bay to wash the trucks and noting the shiny trucks the present outdoor fuel tank which shows signs of drippage or spillage on the side. He said he was concerned there was no containment. He said the Applicant was here early because this is change of use of the property.

Atty. Ceneviva said Planning & Zoning approval has already been obtained to begin the operation under the first phase of the application. He said the 15 new parking spaces is what is prompting an appearance to IWWC.

Ms. O'Hare said the Applicant applied to P&Z and this triggered the surface area requirement which is a regulated activity. She said the surface area is increasing by half an acre and noted it is not just the 15 front parking spaces, it is new millings installed over the past few months which increase this to the one half acre of new surfaced area. Ms. O'Hare said she saw the new millings when she did a site visit which is

noted on the revised site plan. She said when there is an existing paved area of over 20,000 sq. ft., just 10,000 sq. ft. more will push it over the threshold and it can be cumulative and this is why they applied for a permit.

Ms. O'Hare addressed the motor vehicle repair aspect of the application by noting the Sewer Division was concerned and performed dye testing. She said they required a separator unit be installed for the floor drain in order to handle anything coming out of the building. Ms. O'Hare asked if this separator unit was installed noting the business is already operational.

Atty. Ceneviva said he didn't recall stating this was a motor vehicle repair use, but noted the license was for a used motor vehicle dealer. Chairman Vitali noted that the Water & Sewer requirement isn't based on a truck repairer facility, but is this what is occurring now. He said Water & Sewer comments are supporting IWWC's position.

Ms. O'Hare said there are two oil/water separators currently on the property which handle the flows from the parking and storage areas and are in need of maintenance noting that one of them had grass growing over the manhole cover. She recommended having the Applicant provide proof of maintenance if the application is approved. Ms. O'Hare asked about the contaminated soil and asked about moving soil and installing pipes and asked if there was a need for a soil management plan.

Atty. Ceneviva said the environmental land use restrictions have one restriction that the property not be used for residential. He noted there is no requirement for monitoring and no limitations on commercial or industrial use.

Chairman Vitali reiterated that DEEP stated there was contamination but not significant enough to do anything as long as the property remains commercial or industrial.

Atty. Ceneviva addressed the location of the fueling tanks. He said there were two locations submitted to the Planning & Zoning which was approved: the first one approved by the Fire Marshal and the second location in which Mr. Cariati is seeking a waiver from the State Fire Marshal.

Chairman Vitali said he can't see this system being allowed to be recharged to the ground. Ms. O'Hare said it comes down to the maintenance of the current oil separators and how they will be serviced on a regular basis.

Commissioner Kern said he requested at last month's meeting, the maintenance schedule for the oil/water separator and said he now learned a floor-drain system will be installed which will enter into the sewer system and a maintenance schedule has to be shown. He said he believes what exists there now is inadequate for this change of use on the property. He said something has been missed.

Chairman Vitali requested Ms. O'Hare ask the Engineering Dept. to review the oil/water perforated pipe system. Mr. Heilman said considering the neglect of these filtration systems over the years, it would be beneficial to have certification they perform properly. Atty. Ceneviva said in many communities there is a requirement that maintenance reports be filed with the municipality.

Chairman Vitali asked if it had been checked whether the oil/water separators were solid and not cracked. Mr. Gable said there was a little water in them. Chairman Vitali said there may be a crack because oil/water separators should be full.

Tabled to the February Meeting.

4.#A15-12.2/29 Research Parkway – Amazon.COM.DEDC – (additional surface area – parking & outdoor storage)

Appearing in front of the Commission was Atty. Dennis Ceneviva representing the Applicant and John Plante, P.E., Managing Principal/Executive Vice-President, Langan Engineering. Atty. Ceneviva said the site is approximately 20 acres in size with approximately 3.8 acres located in Meriden. He said the parcel is developed with a 173,000 sq. ft. building and is zoned IX in Wallingford and M4 Industrial in Meriden.

He said there is a proposal to add some impervious area to the 20 acre site which will accommodate parking. A handout and drawing which showed the three-tiered storm management system was then distributed to the Commission. He said the Applicant wishes to modify the outlet control structure.

Mr. Plante said the proposal is the second phase of the project with an addition of one half acre of impervious surface and the activity within the wetland resource area. He said there will be minor widening of the existing facility to provide appropriate operations which are changing because of the user. He said along the back, the spaces were originally for cars, but because of Amazon's activities, they will need more space to park trucks. He said the area will be pushed out five-feet to allow for safe truck turning and to come back around the building and exit separately from the cars.

Mr. Plante said a few parking spots for cars will be added to the front parking area. He said there will also be an increase in the rate of site runoff and are proposing by modifying the existing 38 degree weir keeping the bottom level the same. He said the plan includes a table which shows the increase in the change and how it will be managed. Mr. Plante said the plan illustrates how the combined for both lots, storm management system performs. He said 29 and 25 Research Parkway share this system and runoff will be collected from both sites and brought to a diversion structure so all the low flows get collected through the first dry basin and outletted to the second quality basin which is normally wet and down to the detention pond to a rip-rap swale and out to a 72-inch culvert to Research Parkway.

Commissioner Kern asked about the location of the snow shelf. Mr. Plante said he didn't know what the normal operation of this facility would be but noted an underdrain will be added and only widened the area as much as necessary and didn't go into the hill.

Chairman Vitali spoke about the modification of the weir which is needed due to the increase in the impervious surface. He said because the weir will be made narrower, there will be more water in the retention pond at all times. Mr. Plante said the base elevation of where the weir starts will remain so the low flow static level will stay the same. Commissioner Heilman said the total volume will increase slightly, but the force of exit has been diminished.

Chairman Vitali entertained a motion on significant activity.

MR. PARENT: **MOTION THAT #A15-12.2/29 RESEARCH PARKWAY – AMAZON.COM
DEDIC – (ADDITIONAL SURFACE AREA – PARKING & OUTDOOR
STORAGE) BE DEEMED NOT A SIGNIFICANT ACTIVITY**

MR. MURPHY: **SECOND**

VOTE: **KERN-YES; PARENT-YES; MURPHY –YES; CARUSO-YES; VITALI-YES**

Ms. O'Hare said she spoke with the lead engineer on this project regarding maintenance of the stormwater basin. She said it was agreed it is in need of maintenance and will be cleaned up and will be maintained in cooperation with the other owned which should also be a condition of approval. She noted page 3, condition #1 of her EPR of December 31, 2015, which the Law Dept. suggested be changed to proof of notice of this approval be forward to the owner of 25 Research Parkway by certified mail within one week of receipt of approval with a copy to the Environmental Planner. She said the reason for this is because the actual detention basin is owned by 25 Research Parkway.

Chairman Vitali asked if 25 Research Parkway is in violation of the permit for non-maintenance of the retention basin. He said the letter should say the maintenance is also 29 Research Parkway's responsibility. Atty. Ceneviva said there is an easement agreement to discharge and drain into the basin, so there is a question of whether 29 needs consent from 25 Research Parkway to work on the weir. He said he sought an opinion from the Corporation Counsel but thought it prudent to notify 25 Research Parkway which will be done with 30 days of P & Z approval.

Chairman Vitali entertained a motion to approve or deny this application.

MR. PARENT: **MOTION THAT #A15-12.2/29 RESEARCH PARKWAY – AMAZON.COM
DEDIC – (ADDITIONAL SURFACE AREA – PARKING & OUTDOOR
STORAGE) BE APPROVED WITH THE FOLLOWING CONDITIONS**

OF APPROVAL:

1. **THE APPLICANT WILL PROVIDE A STORMWATER MANAGEMENT MAINTENANCE PLAN**
2. **THE APPLICANT WILL PERFORM MAINTENANCE OF THE EXISTING FACILITY WITHIN SIX MONTHS**
3. **THE APPLICANT WILL PROVIDE A NOTICE OF APPROVAL OF THIS APPLICATION TO THE OWNER OF 25 RESEARCH PARKWAY BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED WITH A COPY TO THE ENVIRONMENTAL PLANNER**

4. THE APPLICANT WILL PROVIDE STANDARD EROSION CONTROLS TO BE APPROVED BY THE ENVIRONMENTAL PLANNER BEFORE WORK COMMENCES.

MR. MURPHY: SECOND

VOTE: KERN-YES; MURPHY-YES; PARENT-YES; CARUSO-YES; VITALI-YES

5. #A15-12.3/14 Fairfield Blvd (aka 3 Tower Drive) – Davenport Associates - (industrial development)

Appearing in front of the Commission was Dan Kroeber, P.E. and Chris Hulk, Civil Engineer, of Milone & MacBroom, on behalf of Davenport Associates. Mr. Kroeber said Davenport Associates will be relocating to 14 Fairfield Blvd and 3 Tower Drive. He said in 2007 a permit was granted for a project entitled CD Universe. He said work commenced on this project, most of the trees cleared and the stormwater basin was constructed per the original plan and the site was graded for a 35,000 sq. ft. warehouse and office but the project was discontinued. He went over the site plan and noted to the east of the site there is an open farm field and a water storage tank which is Town-owned.

Mr. Kroeber said there are no wetlands located directly on the property, but noted there are two wetlands located close to the property to the east in the farm field which was identified in 2007. He said there are 45 acres of watershed which drains into the farm field. He said on the other side of the site, off the property, there is a pocket wetland. Mr. Kroeber said this drains to Tower Drive, to an off-site watercourse into Meetinghouse Brook. He said there are fairly moderate slopes on top and a steep slopes in the middle of the site.

Mr. Hulk provided an overview of the plan. He said the new 60,000 sq. ft. warehouse will be centrally located on-site with access off of Fairfield Blvd. He said a gravel access path will allow fire access to 100% of the property. Mr. Kroeber said the existing detention basin for the original 35,000 sq. ft. building was already constructed along with an outlet structure and an emergency spillway. He said the space will double in size as well as the amount of impervious surface, so there is a need to increase the stormwater basin. He said the detention basin will be pulled back to the south, doubling the size of the storage in the basin. He said the basin will mitigate any increase in peak runoff rates from 2 to 100 year storm events. He said there will be a 7,500 gallon sediment chamber and particle separator which will be used to collect sediment before it discharges into the basin. Mr. Kroeber said the same 15-inch previously installed pipe will work and there will be the same amount of flow as was previously approved.

Chairman Vitali asked if the retention pond will be able to allow a mowing machine to be used on the bank. Mr. Kroeber said the same side slopes 3:1, will be matched which will allow for mowing. Chairman Vitali asked about roof drain recharge. Mr. Kroeber said the drainage from the roof will be routed separately and not go through the water quality treatment system but will be directed to the volume. Chairman Vitali suggested a perforated pipe be used.

Mr. Kroeber said the erosion controls have been designed with DEEP guidelines in mind and will have haybales and tracking pads. He said there are no direct wetland impacts and the first regulated activity is 300 sq. ft. is within 50 ft. of the wetland off Fairfield Blvd. He said there will be minor clearing and a shoulder will be constructed along the side of the road. Mr. Kroeber said there will be over 200,000 sq. ft. of impervious coverage on this site. He said he believes this project has no negative impacts on the wetlands and the runoff has been dealt with effectively.

Commissioner Kern asked about the soil types and asked if they were compatible for any type of drainage in the detention basin. Mr. Kroeber said the bottom of the basin is fairly dry and noted the soil is tight and silty but believes there will be some infiltration.

Ms. O'Hare referenced her EPR report dated December 31, 2015. She asked about the accessway to maintain the basin and requested an accessway for maintenance be added off Tower Drive. Mr. Hulk said there will be a small chained gate for maintenance access off Tower Drive. Ms. O'Hare asked about the wet meadow to the east and the post construction drainage pattern, noting that approximately 22% to 25% of this site doesn't go down towards the drainage basin but to the east. She asked that the natural hydrograph be maintained. Chairman Vitali said from the wet meadow the ground is saturated and didn't believe that property would miss the hydrograph. He said there is an enormous amount of water.

Ms. O'Hare asked about the rear outside storage area and the surface area. Mr. Kroeber said that the surface will be paved and was counted in.

Chairman Vitali entertained a motion on significant activity.

**MR. PARENT: MOTION THAT #A15-12.3/14 FAIRFIELD BLVD (AKA 3 TOWER DRIVE)
DAVENPORT ASSOCIATES – (INDUSTRIAL DEVELOPMENT) BE DEEMED
NOT A SIGNIFICANT ACTIVITY**

MR. MURPHY: SECOND

VOTE: KERN-YES; PARENT-YES; MURPHY-YES; CARUSO-YES; VITALI-YES

Chairman Vitali entertained a motion on the approval or denying of this application.

**MR. PARENT: MOTION THAT #A15-12.3/14 FAIRFIELD BLVD (AKA) 3 TOWER DRIVE)
BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. THE STANDARD CONDITIONS REGARDING EROSION CONTROL BE INCLUDED.**
- 2. ANY ROOF DRAIN WILL FLOW THROUGH PERFORATED PIPES**
- 3. THE APPLICANT WILL SHOW THE ACCESSWAY FOR MAINTENANCE OF THE POND**

MR. MURPHY: SECOND

VOTE: KERN-YES; MURPHY-YES; PARENT-YES; CARUSO-YES; VITALI-YES

Chairman Vitali took the agenda in the following order:

VIOLATIONS

2. **610 Rear South Elm Street** – Notice of Violation – Joaquim Goncalves – (several)

Chairman Vitali said there were issues on the property but noted what he found interesting is they all had Town Building Dept. permits. He said if the Building Dept. had told Mr. Goncalves to speak with Ms. O'Hare, he wouldn't be here tonight.

Ms. O'Hare said most of the Commission attended the site visit. She suggested an after-the-fact permit for the small kennel, the shed and the pool with the wrap around deck. Commissioner Kern said he agreed with Ms. O'Hare and noted the day he was at the site visit, and told Mr. Goncalves that any activity on his property in the future must have a permit. Mr. Goncalves asked if he needed a wetlands permit.

Chairman Vitali told Mr. Goncalves that when he applied for the building permits received, he should have been told to speak with Ms. O'Hare and at that time, he would have come before the IWWC with a simple wetlands permit and the issue would have been discussed. Chairman Vitali said in this case, Mr. Goncalves did everything he believed to be correct, and noted this was one of the few times an after-the-fact permit is appropriate. Chairman Vitali said if more of the activities were to take place within 50 ft. of the URA along the edge of the brook, then he would have to speak with Ms. O'Hare.

Chairman Vitali entertained a motion for an after-the-fact permit.

**MR. PARENT: MOTION THAT THE VIOLATION AT 610 REAR SOUTH ELM STREET
BE RESOLVED BY GRANTING THE APPLICANT AN AFTER-THE-FACT
PERMIT FOR ACTIVITIES CONDUCTED WHICH INCLUDE INSTALLATION
OF A SMALL SHED, INSTALLATION OF A SMALL KENNEL WITH CONCRETE
FLOOR, INSTALLATION OF A 28 FT. ABOVE-GROUND POOL WITH
WRAP AROUND DECK.**

Ms. O'Hare noted the Applicant previously had received administrative approval for the driveway expansion.

MR. MURPHY: SECOND

VOTE: KERN-YES; MURPHY-YES; PARENT-YES; CARUSO-YES; VITALI-YES

1. **3 Powers Road** – Notice of Violation – Dave Woronick, Greene D.H. Woronick-unpermitted, unauthorized clearing in upland review area – not taken up.

3. **640 South Elm Street** – Notice of Violation – Michael Crocker- (removal of vegetation and soil from wetlands, stream channelizing, deposition of soil, stone and materials in stream, wetlands and upland review area) –

Ms. O'Hare said most of the Commission attended this site visit. She said she was directed to contact Roman Mrozinski of the Southwest Conservation District for his assistance. She said Mr. Mrozinski did perform a site visit and will have his report for the February IWWC Meeting. Ms. O'Hare said Mr. Mrozinski directed Mr. Crocker to edge a bed of straw mulch for the winter. Ms. O'Hare said Public Works fortified the badly eroded pipe on the edge of Wharton Brook. She said a 10 inch size rip-rap was installed around the pipe and continued 40 ft. down along the river's edge.

NEW BUSINESS

1. **#A08-4.2 – 930 South Colony Road** – Docker Drive – subdivision development – Request for bond release for Lot #4, 20 Docker Drive, Ron DeGennero – (foundation)

Ms. O'Hare said this was one of the foundation bonds required for several lots. She said she checked the lot site and everything is in order.

Chairman Vitali entertained a motion to release the bond.

**MR. PARENT: MOTION THAT #A08-4.2 – 930 SOUTH COLONY ROAD-DOCKER DRIVE
SUBDIVISION DEVELOPMENT – REQUEST FOR BOND RELEASE FOR LOT
#4, 20 DOCKER DRIVE, RON DEGENNARO – (FOUNDATION) BE APPROVED**

MR. MURPHY: SECOND

VOTE: KERN-YES; MURPHY-YES; PARENT-YES; CARUSO-YES; VITALI-YES

2. **#A14-7.2/195 CHIMNEY HILL ROAD-** Sunwood Development – (request for bond reduction).

Ms. O'Hare said she hadn't had time to look at this request. No action taken.

RECEIPT OF NEW APPLICATIONS – None.

REGULATION REVISION

1. (Draft) Proposed Revisions to Regulations, Sections 7-30.

Ms. O'Hare distributed her report along with her EPR dated January 6, 2016. Chairman Vitali asked if the Commission wanted to conduct a Special Meeting with Atty. Joan Molloy and other interested parties who have worked on the Regulations. The Commission decided it would conduct the Special Meeting at their February 3, 2016 Meeting if the agenda were not too heavy to do so. Ms. O'Hare will notify members accordingly and forward documents to interested parties.

REPORTS & COMMUNICATIONS

1. Notice of DEEP Permit Application SPDES Permit Renewal – CT Hypodermics, Inc., 518 Main Street, Yalesville, treated metal finishing wastewater to sanitary sewer, dated 12/14/15; received 12/29/15
– Received by Commission

ADJOURNMENT

Chairman Vitali entertained a motion to adjourn the Meeting.

Vice-Chair Parent made a motion to adjourn the Meeting at 9:37 p.m. CommissionerMurphy seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary

