

**Wallingford Inland Wetlands & Watercourses Commission**

**Wednesday, December 7, 2016**

**Robert F. Parisi Council Chambers**

**Town Hall – 45 South Main Street**

**7:00 p.m.**

**MINUTES**

**PRESENT:** Chairman James Vitali; David Parent, Vice-Chairman; Nick Kern, Secretary; Deborah Phillips; Michael Caruso; Daryll Porto and James Heilman, Alternates; Erin O'Hare, Environmental Planner.

Chairman Vitali called the Meeting to order at 7:00 p.m. and the Pledge of Allegiance was recited.

**CONSIDERATION OF MINUTES**

1. Regular Meeting, November 2, 2016

**Mr. Parent: Motion to approve the November 2, 2016 Regular Meeting Minutes as presented**

**Ms. Phillips: Second**

**Vote: Heilman-yes; Kern-yes; Parent-yes; Phillips-yes; Vitali-yes**

2. Special Meeting, November 10, 2016

**Mr. Parent: Motion to approve the Special Meeting Minutes of November 10, 2016 as presented**

**Ms. Phillips: Second**

**Vote: Heilman-abstain; Kern-yes; Parent-abstain; Phillips-yes; Caruso-abstain; Porto-yes; Vitali-yes**

**OLD BUSINESS**

1. **#A16-9.2/1460 Tuttle Avenue** – David and Christine White – (two driveway extensions for emergency vehicles, new horse area with fencing on south side, paving of gravel driveway, retaining wall, deck stairway, walkway, paddock and after-the-fact driveway gate and fencing installation)

Appearing in front of the Commission was David White, owner/Applicant. Ms. O'Hare referenced her Dec. 1, 2016 Environmental Planner's Report and noted she was disappointed with the lack of progress on the driveway. Mr. White said the proposal for the driveway was submitted by the engineer that he will retain, who said there was concerned with build-up and the stability of the driveway. Mr. White said the engineer would be consulting with Geo Tech Engineers because at first he was unsure whether the driveway, the way it was built, would hold up to the weight of the fire apparatus and now he has indicated the driveway will be fine. Mr. White said another issue was not including the wetlands mapping or impact assessments. He said the mapping was done but impact assessment is still needed. Ms. O'Hare said she requested impact figures.

Mr. White said he was told the topographical survey must be done. Ms. O'Hare said Mr. White is still under the Cease & Desist but everything else is status quo. She said progress has been made removing some of the logs. Mr. White said most of the logs have been removed, there are just a few logs remaining.

Chairman Vitali said Ms. O'Hare should inspect once she has the plans. Chairman Vitali said Ms. O'Hare should go out to the site before she receives the map. He noted this is an application on the driveway and asked about the timeframe. Ms. O'Hare said this application was received at the October meeting, and at the IWWC Nov. 5, meeting, the Commission requested an extension which the Applicant granted and then tabled. She noted that was the first 30-day extension, with one additional extension remaining.

Chairman Vitali requested a second extension. Mr. White agreed to another 30-day extension. Ms. O'Hare said the Applicant has 65 days total.

**TABLED TO THE JANUARY 4, 2017 Meeting.**

Chairman Vitali entertained a motion on the Cease & Desist.

**MR. PARENT: MOTION THAT THE CEASE & DESIST ORDER FOR 1460 TUTTLE AVENUE, DAVID & CHRISTINE WHITE - CLEAR CUTTING & FILLING, REMAIN IN EFFECT**

**MS. PHILLIPS: SECOND**

**VOTE: HEILMAN-YES; KERN-YES; PARENT-YES; PHILLIPS-YES;**

## VITALI-YES

2. **#A16-9.6/North Turnpike Road** – Joseph Richello – (apartment complex & facilities building).

Appearing in front of the Commission was Christopher Juliano, licensed land surveyor, P.E., Juliano Associates and owner/Applicant Joseph Richello.

Mr. Juliano noted that this application was tabled at the last meeting over concerns by Town Engineer Rob Baltramaitis, with the datum map which was utilized by the original surveyors, OCC Group. Mr. Juliano said that since that time, his office did a new topographical survey of the property and adjustments were made to the existing and proposed grades. He explained the changes on the site plan and addressed Ms. O'Hare's Environmental Planner's Report and his letter which he said he submitted on Monday.

Mr. Juliano said the new topographical survey was done based on the latest national datum known as NAVD, (North American Vertical Datum) of 1988. He said based on this new datum, existing grades and elevation numbers went down approximately one foot through the developed area. He noted the current datum coincides to the current FEMA map. Mr. Juliano went over the site development plan and noted the same thing has happened to the proposed grades; pointing out the finished floor of the building was 48 and is now at 47. He said minor tweaks have been made to the grading to tie contours back into the right places, and have double checked the slopes on the front parking lot and the rear driveway. Mr. Juliano said the layout of the plan has stayed the same and the slopes have been tightened up with a lot more spot grades. He said the front swale shape and depth have stayed the same. He said a slight modification was made to the rear swale based upon comments from the Water & Sewer Division. He said the flood storage area is only 2 ft. deep from 2 ½ deep. He said overall this is the same plan.

Mr. Juliano said the parking lot remains in the front with the majority of the parking spaces and the one-way traffic around the back. He said the facilities and storage maintenance finished floor also came down 1 ft. Mr. Juliano spoke about erosion control, noting it has stayed the same but added an additional silt fence in a few areas as requested by Ms. O'Hare. He said the major difference is the change in the datum which resulted in the lowering of the site to match the datum.

Chairman Vitali asked if the 100 - year floodline changed because of all the new numbers. Mr. Juliano said since this is based on an elevation, the physical location moved. He said it was supposed to be at elevation 45, and is still there, but the physical location of the contour line moved based on this new datum. Mr. Juliano went over Ms. O'Hare's EPR of December 1. He said he responded to these in his Dec. 5, 2016 letter. Mr. Juliano said Ms. O'Hare also provided

additional comments in regard to regulated activities. He said his comments back to her was that if she wanted the regulated activities specified on the drawings, he would accommodate. He said he had a difference of opinion with Ms. O'Hare over how to report things and what certain activities are impacts. Mr. Juliano said Ms. O'Hare requested the stormwater maintenance plan be updated to add a second oil/water separator at the request of the Water & Sewer Division. He said the emergency spillway was removed from the flood storage area to the watercourse. He said this updated information was provided on Dec. 5, along with his letter. Mr. Juliano said Ms. O'Hare provided 9 recommendations which were addressed. Mr. Juliano said the regulated figures didn't change and there are no additional URA impact or no wetlands are impacted. He said he continues to have the existing impact for the sewer line which was already permitted. He said he will go down through the clearing, so no additional trees will be cut. Mr. Juliano said the temporary sediment basins during construction will be seeded prior to usage. He said additional silt fencing in two locations will be depicted on the final plans. He noted the silt fences are already on the map.

Mr. Juliano said he provided Ms. O'Hare with the revised stormwater maintenance management plan and the four items taken care of. Mr. Juliano said the Applicant agreed to cordon off the stream side buffer plantings during construction; the erosion control measures will be in place prior to any on-site work; placards will be installed; the wetland plantings and streamside buffer plantings will be reviewed for viability for two years post installation. Mr. Juliano said he disagrees with having to provide a copy of the FEMA LOMA, (Letter of Map Amendment), approval letter prior to the start of work because at this point the next step would be to obtain a LOMA based upon the proposed fill being installed. He said once he gets this document and builds, he would have to get a third LOMA an as-built. He said he believes this is the proper document to submit to the IWWC so one knows what is out there. He said a proposed LOMA is an interim step. Mr. Juliano said he spoke with Kacie Costello, Town Planner and Mr. Baltramaitis regarding this issue. He requested the IWWC modify this recommendation.

Mr. Juliano said Ms. O'Hare had a number of questions to Mr. Baltramaitis regarding the plans (referring to memorandum). He said Mr. Baltramaitis addressed her questions in his December 1, 2016 letter. Mr. Juliano said he went through and responded to both Ms. O'Hare's questions and Mr. Baltramaitis' responses. He said Ms. O'Hare proposed a question to Mr. Baltramaitis regarding the draining calculations. He said his statement to Ms. O'Hare that although existing and proposed grades were lowered, there were no changes to the stormwater calculations and this is why they were not resubmitted.

Mr. Juliano said Mr. Baltramaitis told Ms. O'Hare he would deal with the stormwater calculations at the Planning & Zoning level. He said there are very low flows and no measurable differences between the two plans. Mr. Juliano said Mr. Baltramaitis commented on checking the volume calculations. He said Mr. Baltramaitis mentioned that part of the Planning & Zoning process would involve doing cross sections and average end areas. Mr. Juliano said he will ask Mr. Baltramaitis whether this is a more accurate method or his method which is a comparison of

surfaces. He said he didn't believe there won't be more than a difference of 1% or 2% difference. He said he noted the typographical errors. Mr. Juliano said Mr. Baltramaitis had no comment regarding elevation and the emergency spillway. He said Ms. O'Hare asked him about the stormwater flows off the roof in the flood storage area and how they interact in a 100-year storm and how the water enters during a 100-year storm. He said Mr. Baltramaitis told Ms. O'Hare that the required on-site storm drain design is based on a 25-year storm and the 100-year storm only comes into play with a detention basin because of the worry over possible property damage and loss of life. He said Mr. Baltramaitis noted these should be looked at separately noting the flood control and on-site drainage features are designed correctly and are mutually exclusive.

Mr. Juliano said Mr. Baltramaitis noted the infiltration rate of 3 inches per hour should be for the first 12 inches to two feet. He said this would be 0.6 inches per hour to two inches per hour. He said he rechecked the calculations using these rates and noted this doesn't have a major impact to his stormwater calculations. Mr. Juliano said he would be happy to use any infiltration rates Mr. Baltramaitis requests. He said everything is just where it was last month, take ½ an inch. Mr. Juliano said that Mr. Baltramaitis told Ms. O'Hare it is not his job to size the oil/water separators. Mr. Juliano said the Water & Sewer Division has specific criteria. He said he had a 1,000 oil/water separator on the front, and noted this unit during a 15-year design storm can pass 3.7 cfs worth of water and treat it. He said anything above this requires a bypass system. He noted his flows for a 100-year storm are approximately a 1.4 cfs, noting he can pass a larger storm with less flow through it so a bypass system is not required for the front and rear swales and the old and new oil/water separators.

Mr. Juliano said Ms. O'Hare asked Mr. Baltramaitis about the edge of the front swale in the detention area and peak flow rates. Mr. Juliano said Mr. Baltramaitis didn't comment on this but noted water doesn't flow beyond the swale. He said the wetlands on Town property was also questioned. Mr. Juliano said his office went out on Dec. 2 and did a topo survey on the front Town of Wallingford property because the property dips down and rises up to meet the Applicant's property which doesn't show on the map. Mr. Juliano discussed comments by Erik Krueger of Water & Sewer Division regarding the front drainage area which he said was larger than the drainage area. Mr. Juliano said a 1,250 gallon oil/water separator design will adhere to their technical standards. He said the flows are small and a bypass system will not be required. He said Mr. Krueger had comments about the elevations of the oil/water separator which will be discussed with him and should not affect the wetlands.

Chairman Vitali asked if the oil/water separators were above the 100-year floodplain. Mr. Juliano said the top of the front oil/water separator is above the 100-year floodplain, but the oil/water separator in the rear is not because of the depth of the swale and the footing drains for the facility maintenance building. Mr. Juliano said he didn't understand why an oil/water separator on a driveway in the rear was requested by Mr. Krueger. He said cars won't be parked there.

Commissioner Heilman said this is not a pristine site and there has been a lot of activity over the last century. He said he didn't expect to find uniformity. He said he thought the plans were well looked at and there has been serious engineering put into this project. He said at this point he had no concerns over what has been done.

Commissioner Kern said the application was very confusing, with a lot of "ifs", "ands", or "buts".

Commissioner Parent asked Mr. Juliano to confirm for the record that under the proposed plan, during the 100-year storm, the roadways will be such that emergency vehicles can access and pick up people and take them out. Mr. Juliano said the driveways are above the 100-year floodplain.

Ms. O'Hare stated that she had asked if the front swale will be used as a temporary sediment basin. She said she also asked about the riser pipe and was told the oil/grit separator unit will function during the construction phase to filter out the sand and gravel. She asked Mr. Juliano to explain how this would work.

Mr. Juliano said the front swale will be used as a temporary sediment basin but is not labeled. He said he is using the oil/water separator for control of any sediment which get into the front swale. He said after a storm event, Mr. Richello may have to open the unit and remove sediment if they are more than what is allowed per unit.

Ms. O'Hare noted Mr. Baltramaitis said that perhaps the use of a sediment basin would be warranted given the sensitivity to adjacent to wetlands and a watercourse. She said she read it that Mr. Baltramaitis would rather have a sediment basin. Mr. Juliano disagreed, stating that the early installation of an oil/grit unit is a good approach, but should be cleaned periodically during construction and when the site is stabilized and in lieu of a unit, a sediment basin would be a "belt and suspenders" approach on a relatively small site but perhaps warranted given its location near sensitive watercourses. Mr. Juliano noted that either way, this will work. He said he is using the front swale as a sediment basin. He said he believes he has what exactly is needed and what Mr. Baltramaitis is talking about; a sediment basin which empties into an oil/water grit chamber.

Ms. O'Hare asked Mr. Juliano to speak about Tom Pietras' report.

Mr. Juliano said the test pit was dug prior to last month's meeting and was noted at the meeting. He said this confirms the soil test data for the site and that there is nothing unusual. Mr. Juliano said worst case, ground water at some point will rise up and there will only be 14 inches to store flood waters with. He said this is still enough for his purpose. Commissioner Kern asked if the flood storage area is a wetlands. Mr. Juliano said this area is an upland review. He said this area is straight in on the left of the property, behind the building. He said during a storm event, the water comes off the apartment buildings roofs, and the footing drains from the maintenance building empties into this. He said during a 100-year event, the water

from the Quinnipiac River would rise and flow into this from all sides. Commissioner Kern asked about a pipe. Mr. Juliano said if groundwater were a concern, the answer would be to install a perforated standpipe with the discharge going into the stream so groundwater could be moved out.

Commissioner Kern asked about the elevation of the brook which runs alongside the property and the Little Italy property. Mr. Juliano said topo wasn't done all the way down the small brook, but noted the elevation of 41 keeps dropping.

Commissioner Kern asked about the pump house across the street from the site. He asked where the purged water ends up. Mr. Juliano said when the hydrant is open, the water is discharged into the grass and then into the ground. He said any other water would flow to the wetlands to the north, and from there it goes under Main Street and to the brook. He said he doesn't know how many times this hydrant is opened. Chairman Vitali asked what map showed elevation 39. Mr. Juliano said he was looking at the survey. Commissioner Kern said this is confusing because if someone goes to the lot to the north on the other side of Little Italy that OCC worked on, the elevations are different.

Commissioner Kern asked if there was money in the budget for a third party review. Ms. O'Hare said money for this is set aside every year. He asked Ms. O'Hare if it would be wise to have a third party review of this application. Chairman Vitali said there is Mr. Juliano's explanation of everything and Mr. Baltramaitis' concern but yet he is not here to justify his position. Chairman Vitali said he was confused over the entire project and believes the concept of a third-party review has a lot of merit so this can be pulled all together.

Commissioner Kern asked about the ground breaking. He said if this won't happen until the spring, there is time for a third-party review. Mr. Juliano said the IWWC has a solid print of what will happen on this site. He said he revised the drawings and got them to Ms. O'Hare on Nov. 22, 2016. He asked if the Applicant has to pay for a third-party review.

Ms. O'Hare noted that in the past, the Developers have picked up the fee. Chairman Vitali said he believed it was both ways. Mr. Juliano asked what the third party would be tasked with reviewing. He said he understood a prior application on this property had a third-party review of the wetlands and soils. Commissioner Kern said he believed that third-party review picked the spots they wanted to do the deep hole testing. He said the IWWC went out to the site and looked at their holes, they weren't where the IWWC picked, and they were at random areas on the site.

Mr. Juliano asked if the IWWC was looking at a third-party review of the wetlands or the engineering. He asked what the criteria would be for the third-party request. Commissioner Kern said it would be all the loose ends he has heard over the past two meetings on this application. He said the third-party reviewer would convince him that everything was done on the site to make this application work.

Mr. Juliano said he didn't believe there were a lot of loose ends and noted the concept or perception of loose ends is because he has tried to address concerns that Ms. O'Hare had over telephone conversations. He said he has addressed her written comments, along with Mr. Baltramaitis and Mr. Krueger has been addressed. He said the loose ends pertain to this possibility there may be ground water at a certain depth. He said he has answered this and that the possible groundwater has no effect on his flood storage.

Commissioner Kern asked Mr. Juliano if he had or had not put in his application to FEMA for the adjustment that there was no fill on the site when the application was applied for.

Mr. Juliano said on his application, he told FEMA there had been fill placed on this site in the past. He said it was his understanding this site was filled in the past. Ms. O'Hare said she didn't have a copy of the FEMA application. Commissioner Kern requested she contact FEMA to ask about the application noting it has been a month since the IWWC requested it. Mr. Juliano asked Ms. O'Hare if this pertained to the LOMA. He noted he submitted the LOMA he received originally and has not resubmitted a new LOMA application. He said the application he submitted and received back from FEMA, it notes there was fill historically on this property. He said FEMA is aware this site was filled. Ms. O'Hare said the IWWC didn't receive a copy of the application. Mr. Juliano said this wasn't true. Ms. O'Hare said she has a copy of the letter, not a copy of the application to FEMA to approve the letter. Mr. Juliano said this has never been requested and is not a problem getting a copy of what was submitted to FEMA.

In answer to Ms. O'Hare's question, Mr. Juliano said drainage infrastructure is designed to a 25 year storm in Wallingford, noting that other towns are 10. He said when it comes to detention basins or flood storage areas, we look at it for the 100-year storms and noted they are two different elements. He said he looks at detention basins or culverts under roads for 50 or 100-year design storms, to ensure there will be no damage to property or loss of life and that the roads will be passible. Chairman Vitali said he didn't believe this was the answer Ms. O'Hare was looking for.

Commissioner Heilman noted that normally these structures are built to control and meter the water going out, but under the conditions being described here, that has no meaning whatsoever, because the water has to be able to be drained to an elevation below where one is which means the water level is below the structure. He pointed out that during a flood, the water levels go above the structure and has no outflow, no place for the water to go, no water will flow out. Ms. O'Hare wanted to know why this is acceptable. Commissioner Heilman said because there is no choice, no options and this is what a flood is all about. He said one has to wait for the water to recede and then the drainage system will take effect. He said most of the times we don't live under those extreme flood conditions, so we have to engineer for the circumstances we live under 99.9% of the time.

Chairman Vitali said this application is the prime example of an application where the URA is going to be changed and noted the IWWC is in the minority in Connecticut in keeping a 50 ft. URA. He said the Applicant has used up most of this on the back side of the property. Chairman Vitali said the URA used to be the buffer but the fact that it is 50 ft. and if there is a problem, there will be a Commission that says it will go to 100 ft. because of this type of application; the high density, the high concentration of the area being developed and the use of the URA which eliminates the buffering effect to the area. He said he can't get behind this application because there are too many confusing pieces.

Chairman Vitali said Mr. Juliano answered Mr. Baltramaitis letter, but noted that Mr. Baltramaitis is not here to justify whether this is the answer he accepts. He said if there was a third-party review, someone who could bring this all together and tell him this will work, he could probably vote for this.

Mr. Juliano said Mr. Baltramaitis' letter was answering questions Ms. O'Hare posed to him. He said his comments were to agree or disagree and pointed out that he has addressed all comments. Mr. Juliano said Mr. Baltramaitis' comments to him was that the IWWC has his comments in totality and has the ability to vote on this project. Mr. Juliano said this has been ongoing for many months and have tried to answer questions to the best of his ability and button all this up. He noted that when he resubmitted, Mr. Parent said these are the final comments. He said a Town Engineer has reviewed this and his latest response to Ms. O'Hare states he doesn't have a problem with this.

Chairman Vitali said he didn't read into this letter this way. He said he read Mr. Baltramaitis' letter as he has concerns. Chairman Vitali said he can't accept Mr. Juliano's statement that he has satisfied Mr. Baltramaitis' concerns.

Commissioner Parent said this is imaginative engineering and to get this project into a plot as this, takes skill and ability which he believes Mr. Juliano possesses. He said if one looks at this from the IWWC perspective, we hear Mr. O'Hare's comments and Mr. Juliano's rejoinder, it is like opposing arguments and briefs. He said what this comes down to is that the IWWC can't determine from what is heard, whether the IWWC can make a decision that can justify approval or disapproval. Commissioner Parent said if there was the third-party review, his charge would be to address these concerns and say "yes this plan will work; no it won't work." He said the IWWC doesn't have the information which can tell us this will or won't work.

Commissioner Kern mentioned feasible and alternative use. He said someone's son or daughter or whomever in harm's way if this area floods. He said we will approve something and have to worry about public safety and Fire Dept. rescue to remove people with a boat. Mr. Juliano vehemently denied this and denied ever saying there would be a chance the lot would flood and people would have to be evacuated by boat. Commissioner Kern said this area was approved as a strip mall to go into this area which is commercial and if the water started to flood, people

would get out and not be in harm's way before the event took place and peaked out. He said he has seen the road under water and the Fire Dept. removing people from trailers upstream.

Mr. Juliano said he has seen the trailer park areas to the north, which are at a lower elevation, flood. He said he told Mr. Parent when asked, that emergency vehicles would be able to get on and off the site during a 100-year storm event because all the parking lots and buildings are above the 100-year flood plain. He said there won't have to be a boat to remove anyone from this site and has not put anyone in harm's way. Mr. Juliano said the first floor has dropped from elevation 48 to 47, the main floor is two feet above flood plain and by code, and this only has to be one foot in residential. He said this residential use has less environmental impact than the strip mall so is better use of the property. He said this will also be an affordable housing project and is a higher use as recognized by the State.

Mr. Juliano said the questions and issues that seem to be perplexing this Commission from making a decision has to do with flood and erosion control matters, i.e., the flood storage and calculations. Mr. Juliano said the reason Mr. Baltramaitis is talking about dealing with this with Planning & Zoning is because the FEMA flood line and flood and control matters are under the purview of Planning & Zoning and are not necessarily an IWWC issue. Mr. Juliano said he has tried to make fewer impacts. Commissioner Phillips said the third party review is appropriate because this is a complex issue. Ms. O'Hare said if there is going to be a third party review, the Applicant will have to grant an extension and the Commission will have to narrow this down because there are limited funds for this. She asked if the Commission wanted an Engineer.

Chairman Vitali told Ms. O'Hare that she is the IWWC's staff person and has been dealing with this for several months. He asked if she believes there should be a review. Ms. O'Hare said she was waiting for the green light from Mr. Baltramaitis but hasn't received this as of yet. She said the IWWC decides how this project impacts the wetlands and streams. Chairman Vitali said this is her job to give the IWWC this information as staff person. She said there will be an impact to the stream.

Commissioner Heilman said the issue making it most difficult to the Commission is that the Applicant has taken what we offer and this is our comfort. He said if there were families with children going into this project, he would be rattled. He said he weighs every application that comes before him on multiple grounds. Commissioner Heilman said what the Applicant has done which is so disturbing to the IWWC is to maximize the utilization of this property totally within the Regulations. He said they have fulfilled their obligation. He said there are a lot of things that grate the IWWC with this application and that is the IWWC's fault. Commissioner Heilman noted that 80% of the Towns in CT have a 100 ft. setback which gives a lot of room to work with. He said this Commission chose to ease back which he was against. He said now we are facing ourselves and stating we don't like what we have here. He said the engineering has been looked at carefully and is very well laid out. He said it is irrelevant what he likes but what

is important is what our Regulations allow and what the Applicant has looked to do and they come together.

Commissioner Kern said he bucked Commissioner Heilman on the 50 ft. buffer and said this is the first time in the 32 years on this Commission, he has had to take 37,000 sq. ft. of URA and give it away to put in a development that is so congested, every inch of space has been used. He said he would vote for a 100 ft. URA setback. Commissioner Heilman said the Commission shouldn't wait five to 10 years to do a revision. He said he has no objection to the third party review but doesn't believe it will change anything. He said whoever reviews this application has to work within the Regulations. Commissioner Heilman said it isn't a requirement to use the URA, it is discretionary. He said it is our obligation to protect the wetlands, and noted the elderly won't be out wrecking it (referring to the wetlands). He said we have to live within our Regulations.

Commissioner Kern suggested doing a joint venture with a third party review so this will go away. He suggested Ms. O'Hare speak to the Town Planner to hire a third party consultant. Ms. O'Hare said Planning & Zoning don't yet have an application on this project. Chairman Vitali said the third party review should look into is it affordable to give up the URA, and will it adversely affect the wetlands. Chairman Vitali said the third party consultant should speak with Mr. Baltramaitis.

Mr. Juliano said Ms. O'Hare brought this up and was looking for a letter from Mr. Baltramaitis that with respect to wetland issues, he does or doesn't have a concern about this project. He said if the IWWC got a letter that said one way or the other, the Commission would be satisfied. He recommended if this is what the IWWC is looking for, he will press Mr. Baltramaitis to write a letter on whether he has concerns with the wetlands or he doesn't. He said if Mr. Baltramaitis has issues with the wetlands, a third party review would be warranted and will match the \$2,500 and pay for half of this third party review himself. He said he believes Mr. Baltramaitis doesn't have a problem with the wetlands. Chairman Vitali said this is almost a double edged sword because Mr. Baltramaitis doesn't have expertise in wetlands. Chairman Vitali said he can wait another 30 days. Ms. O'Hare said most applications don't have the flooding issue, but noted in Mr. Baltramaitis' first sentence, he says he will undertake a detailed review of stormwater calculations at the Planning & Zoning level. He said they are tied and the IWWC is asking him to untie them. Mr. Juliano said Mr. Baltramaitis can look at his drainage calculations and see if they work from an engineering point of view. He said if Mr. Baltramaitis gives a positive review, the IWWC can move forward. Chairman Vitali said the IWWC would be better off getting a third party review and leaving Mr. Baltramaitis out of this.

Chairman Vitali entertained a motion at this time.

**MR. PARENT:           MOTION THAT A THIRD PARTY REVIEW BE UNDERTAKEN**  
**WITH REGARD TO THIS PROJECT WITH THE SOLE PURPOSE**

**OF DETERMINING WHETHER OR NOT THIS PROJECT AS  
PROPOSED WILL NOT ADVERSELY AFFECT THE INLAND  
WETLANDS**

Ms. O'Hare suggested wording this "as to how it will affect" She said this will affect the wetlands, she wants to know how badly it will affect this. She said the wording should be "the purpose to determine in what way this project will impact wetlands and watercourses and will it function."

Chairman Vitali suggested wording "is this project an unacceptable negative impact" stating that a comment can be made and there still won't be an answer. Ms. O'Hare said we are focusing on the stormwater management system. Chairman Vitali said it is about the application.

Commissioner Heilman suggested asking for a wetlands impact assessment. Ms. O'Hare said an engineer won't do this. Commissioner Heilman said engineers do one thing and they try to work to satisfy concerns of a wetlands commission. He asked does one go to an engineer or an environmental specialist. He said the application has no immediate wetland involvement; there is a lot of upland review. Commissioner Kern read paragraph one of Mr. Baltramaitis' letter which he interpreted to say that everything should come together to make it go forward. Mr. Juliano said many times projects are run through Wetlands and then Planning & Zoning. He said we just wait for IWWC to approve which runs the risk of having Planning & Zoning wanting something else to be approved which then disrupts the project.

Chairman Vitali asked if the third party review has to go out to bid. Ms. O'Hare said if the cost is under \$4,000, she is instructed to obtain three quotes. Chairman Vitali said if this is approved, conversations can be had with several persons to determine the direction of the project. Ms. O'Hare asked if the issue with this project is that it simply won't work or is there too much upland review area being used. She said she wasn't clear what was holding the IWWC back. Chairman Vitali said there is too much upland review area being used but do the regulations state this can't be done. Ms. O'Hare said no. Commissioner Heilman said what needs to be asked of this person is the amount of upland review area being used is detrimental to the wetlands.

Ms. O'Hare asked if this weren't a FEMA issue, would this have made it easier. Chairman Vitali said the entire project sits in the center of a wetlands with no buffer and no URA. He said Ms. O'Hare is supposed to be telling the IWWC what they should be looking at.

**Chairman Vitali reworded the motion:**

**MOTION TO INSTRUCT MS. O'HARE TO INTERVIEW THREE POTENTIAL APPLICANTS  
AND RETAIN ONE PROVIDING IT IS WITHIN THE BUDGET, TO DO A THIRD PARTY**

**REVIEW OF THIS APPLICATION AND IF IT HAS ANY NEGATIVE IMPACT TO WETLANDS BASED ON THE ENTIRE APPLICATION**

**MS. PHILLIPS: SECOND**

**VOTE: HEILMAN-ABSTAIN; KERN-YES; PARENT-YES; PHILLIPS-YES; VITALI-YES**

Commissioner Kern asked if affordable housing had different requirements and restrictions. Mr. Juliano said he has written a regulation which is in front of Planning & Zoning. He said he wrote an overlay regulation which can be used in certain zones in certain places in Town. He said he approached Ms. Costello and together they wrote a new regulation which will be put in front of Planning & Zoning at their December meeting which is to increase setbacks and less parking requirements. He said on the financial side, 15% of the apartments have to meet the 80% of the median income for the area and another 15% have to meet 60% median income. He noted this is deed restricted for 50 years.

Mr. Juliano said for the record he would grant the 35 day extension on the above application.

**3. #A16-5.4/320 Barnes Road – Rowland Technologies – (request for bond release)**

Ms. O'Hare said this is a \$20,000 bond. She said she went on-site mid-October and found issues. She said a contractor cleaned up the problem. Ms. O'Hare said the one storm basin on-site had steep slopes but the slope was regraded with erosion control blankets and seed in early November. She said she wants to see how this work weathers the winter. She said the Commission could reduce the bond to \$10,000. Chairman Vitali asked how the steep slopes would be maintained. Ms. O'Hare said she asked the owner who said they were not planning to mow the steep slopes. She said trees would have to be hand-removed removed. Commissioner Kern asked if this management plan was in writing. Ms. O'Hare noted there is an existing stormwater management plan which includes grooming. Commissioner Kern suggested giving half the bond (\$15,000) back now and the other half (\$5,000) in the spring when everything is stabilized.

Chairman Vitali entertained a motion on bond release request.

**MR. PARENT: MOTION THAT #A13-5.4/320 BARNES ROAD –ROWLAND TECHNOLOGIES – (REQUEST FOR BOND RELEASE) THAT A PARTIAL BOND RELEASE OF \$15,000 BE GRANTED**

**MS. PHILLIPS: SECOND**

**VOTE: HEILMAN-YES; KERN-YES; PARENT-YES; PHILLIPS-YES; VITALI-YES**

Chairman Vitali asked Ms. O'Hare to check the management plan to ensure it includes the steep slopes.

NEW BUSINESS – NONE

RECEIPT OF NEW APPLICATIONS

1. **#A16-11.1/14 Rosick Road** – (Jason Cabral – (in-ground pool, patio surround, fencing, gazebo) – administrative approval required – granted by Chairman Vitali in November administratively.

REPORTS & COMMUNICATIONS

1. CACIWC Environmental Conference, Rocky Hill, CT., Nov. 12 – reports.
2. CACIWC Newsletter, *The Habitat*, Fall 2016.

VIOLATIONS

1. **252 Main Street, Yalesville – Brothers Pool, L&J Partnership, LLC – violations**

Ms. O'Hare said there was nothing new to report.

2. Cease & Desist – **1460 Tuttle Avenue** – David & Christine White – (clear cutting, filling) – Taken up above
3. Cease & Desist – **8 & 10 Atwater Place** – Howard and Gail Lohmann

Ms. O'Hare said she wanted the Commission to reaffirm this by a vote. She said she was disappointed there was not quicker movement on this and that there was no plan. She said Rosalind Page of Winterbourne Land Services was sent out to do surveying and Tom Pietras was sent to do the wetland flagging. She said she expected a plan to see how far they transgressed into the area without permitting, but she does not have this as of yet. Ms. O'Hare said she received a letter Wednesday from Ceneviva Law Firm requesting a continuance of the hearing scheduled for tonight to the January 4, 2017 IWWC meeting to address the Cease & Desist and explain the work being conducted by his clients.

Chairman Vitali entertained a motion on the Cease & Desist

**MR. PARENT:            MOTION THAT THE CEASE & DESIST WILL STILL  
BE IN EFFECT FOR 8 & 10 ATWATER PLACE, HOWARD SR.  
AND GAIL LOHMANN**

**MS. PHILLIPS:        SECOND**

**VOTE:                    HEILMAN-YES; KERN-YES; PARENT-YES; PHILLIPS-YES;**

**VITALI-YES**

Ms. O'Hare noted she visited the site on Monday at 4 p.m. She said the clients are using the site for truck storage but didn't see any further filling.

**ADJOURNMENT**

Mr. Parent made a motion to adjourn the meeting at 9:08 p.m. Ms. Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary