

WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION

WEDNESDAY, MARCH 3, 2016

ROBERT F. PARISI COUNCIL CHAMBERS

45 SOUTH MAIN STREET, WALLINGFORD, CT

MINUTES

The Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission was held on Wednesday, March 3, 2016 at 7 p.m. in the Robert F. Parisi Council Chambers, Town Hall, 45 South Main Street, Wallingford, CT.

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

Not present: Commissioner Dennis Murphy.

Voting members were: Commissioners Kern, Parent, Phillips, Porto and Vitali.

Chairman Vitali called the Meeting to order at 7:03 p.m. and took the agenda in the following order:

OLD BUSINESS

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

Appearing in front of the Commission and on behalf of her father, Henry Woronick, was Jennifer Woronick. Ms. O'Hare said this issue was tabled until Roman Mrozinski, Executive Director of the Southwest Conservation District, could prepare a report. Ms. O'Hare said the report was prepared and was included in the Commissioner's packet along with her Feb. 25, 2016 Environmental Planner's Report and a copy of the Water Division's second memorandum.

She noted their first memorandum in January requested an Engineering Report because of the concern of this project to the water quality of Spring Brook which is a public drinking water supply. She said the Applicant is willing to grant another one-month extension to the Commission or the Commission can decide to approve this application without an engineering report. Ms. O'Hare said an Army Corps of Engineer permit may be required. She said when contacted, the Army Corps stated if the Applicant is filling, a permit may be required, but if there will be dredging, no permit is required. Ms. O'Hare noted the Army Corps of Engineering stated that if a forebay or rip-rap is being installed anywhere, a permit is required.

Ms. O'Hare said the design could be changed; a sediment forebay would not be needed, it was suggested by Mr. Mrozinski because he thought it might be a good idea. She said moving forward, the owners would just dredge out the small forebay, not the entire pond.

Chairman Vitali said there is nothing simple in this solution; nothing resolved, and nobody knows what is going on and what direction it is going. He pointed out that that what Mr. Mrozinski designed, the Army Corps doesn't want. Ms. O'Hare said there has never been a dredging project, outside of MacKenzie Reservoir, as big as this project. She noted most dredging projects are farm ponds which are contained. She said this is like an out pocketing of a river, noting that Spring Brook flows through this pond. Chairman Vitali asked what the Commission would be approving. Commissioner Heilman spoke about the report by the Southwest Conservation District, where the excavating of 1,400 yards is discussed and the next section 600 yards. He pointed out the section titled "Opinion" noting that Mr. Mrozinski states "it is imperative that you secure a reputable contractor that is familiar with all levels of permitting from beginning to end, and includes permitting, engineered drawings if required by the Town, to establish exactly the pond's final configuration and provide detail erosion control, water".

Commissioner Heilman said looking at this without something specific in front of the Commission, an engineered drawing of some type, he said it is imperative the Commission assume this to be a significant activity because it has the potential of doing harm to the reservoir system. Commissioner Heilman stated that once this falls into the category of significant activity, he believes the regulations decree this have an engineered stamped review on it. He said the Commission might want to consider this, based upon this proposal.

Commissioner Kern said if an Army Corps of Engineer permit is required, they supersede what the Commission can do here. Ms. O'Hare said she did not send Mr. Mrozinski's plan to the Army Corps. She said the Commission can approve this project, but pointed out the owner is obligated to get word from the Army Corps they approve or don't approve and if approved, the dredging can commence. Commissioner Kern said he appreciated Mr. Mrozinski's input, but believed it was the Applicant's duty to contact the Army Corps and receive a "yay" or "nay" letter from them as far as their involvement and suggested this item be tabled until a report or letter from the Army Corps is received stating this can be done with our blessing or the Army Corps needs to be involved. He said Jennifer Woronick shouldn't be here tonight, it is premature.

Ms. O'Hare said the Commission has approved pond dredging which is simply dredging, not filling which wouldn't need an Army Corps permit. She noted this project involves diverting the river and making an embankment to keep the river in a straight line. She said because of the pond's size, it will take time to remove all of the material. Commissioner Kern said he didn't see where there were best construction practices here and noted Mr. Mrozinski didn't speak about anything that is important to the IWWC. He said he wasn't comfortable to have the Applicant begin the project and it isn't the IWWC's responsibility to tell the Applicant to get a reputable contractor. He said that responsibility should go to the engineer on the site or to the Army Corps of Engineers.

Ms. O'Hare said Mr. Mrozinski strongly suggested obtaining an experienced contractor and noted he also stated if the project were approved, he would oversee it. Chairman Vitali said if the project was designed to Mr. Mrozinski's standards, the Army Corps would have to be involved because he has stated a forebay pond and the Army Corps said this requires a permit. Ms. O'Hare said the forebay is optional and she would vote against that option because the area is a wooded swamp and many trees would have to be cut down. She said one difference between Mr. Mrozinski's plan and an engineered plan would be dimensions. She noted the current plan has no dimensions and doesn't explain how big of a turbidity curtain would be

needed; how long and wide the diversion channel would be or how high the berm would be on the diversion channel. She said she believed the IWWC would be more comfortable seeing those numbers.

Ms. Woronick said before the river got changed, the river came straight across, there was no pond or nothing when her family acquired the land. She said when two homes were built on 1303 and 1309 Durham Road approximately 50 to 60 years ago by her grandfather, she noted the reason the pond was created originally was for a fire pond. She said originally when constructed and diverted and a secondary driveway installed, the river was just lengthened. She said if a channel was dug, it would be 26 ft. long and would be as straight as it was over 50 years ago and everything that was created would not be fed anymore, it would just drain out.

Commissioner Parent said it would be hard to approve a plan which doesn't exist. He said he agrees that this presentation is premature. Chairman Vitali said the Applicant should contact a licensed engineer before contacting the Army Corps of Engineers.

Ms. Woronick noted that part of the reason this is being done is because of a small dam holding the water and sediment keeping it all from going downstream. She said if there are five or six large storms, the dam will let go and everything in the pond we are trying to take out, will go downstream. She said if an engineered plan is required, she said her father would just let nature take its course because of the cost. Commissioner Kern said if this is an existing pond filled with sediment, a qualified engineer could make recommendations either by going to the Army Corps or cleaning up the sediment in the pond.

Chairman Vitali explained if the item is classified as maintenance, this is something the IWWC looks at it as something that should be done, because one would be maintaining what they have. He said what has come before the Commission now, has come in at too many directions. He said he doesn't believe the IWWC has come before an application regarding the dredging of a farm pond which tied to Water & Sewer as this one is. He said the going back to nature is almost a good thing because the pond doesn't give us as much wetland area as one thinks, only the little area around the perimeter of the pond where the water meets the soil is what the Commission is concerned with.

Ms. O'Hare pointed out the Applicant only has 30 more days on the extension. Chairman Vitali said this item will be tabled until the next meeting.

Commissioner Heilman said he believed many things dealing with the Army Corps have to do with size and volume and suggested breaking this project into segments which an engineer could help the Applicant with. Ms. Woronick said once this area is diverted it cannot be done in sections. She said her father will not want to hire an engineer. Commissioner Kern said the cheapest part of this project would be dealing with an engineer. Ms. Woronick pointed out this would not be an expensive project for them because they have the equipment to do the work, but would be expensive if an engineer had to be hired. Commissioner Kern needs to see a designed plan. He said if this application doesn't require significant activity, the Applicant can design their own plan, but if the Commission determines there may be harm to the environment downstream, this forces the Commission to review this and declare it a significant activity which requires a licensed stamp on the print. He said the IWWC needs to be convinced that this project is simple and doesn't require professional intervention.

Ms. O'Hare asked at what point the Applicant should go to the Army Corps. Chairman Vitali said if there was an engineer on the job, he would contact the Army Corps or have their manual. He said he hasn't been convinced the Applicant needs an Army Corps permit; noting the only way this permit would be needed is if there was a forebay pond. Chairman Vitali noted he would be more concerned with what Water & Sewer thought than the Army Corps. Commissioner Kern said he is disappointed with Mr. Mrozinski stating the way he designed this proposal makes it a full-fledged application. He said he must have not understood the Applicant's point of view. He said this is a major project and said he didn't feel comfortable with Mr. Mrozinski's report and said he wouldn't use it. He said he would start over with the Army Corps and said the Applicant should write something up and send it to the Corps. Ms. Woronick said they would have no problem doing that.

Chairman Vitali asked and the Applicant agreed to a new extension.

ITEM TABLED TO THE APRIL 6 IWWC MEETING

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

Ms. O'Hare said she received a letter from Dennis Ceneviva, Project Attorney, granting an extension in advance. Chairman Vitali said an extension should be granted because the Applicant was not in attendance at tonight's meeting. Ms. O'Hare said she hasn't received anything new to review. The Commission agreed to request the extension.

TABLED TO THE APRIL 6, IWWC MEETING

3. **#A16-2.1/530 Church Street** – TWLC, LLC – (residential subdivision development – 7 lots)

Appearing in front of the Commission was Matthew D. Ducsay, P.E., of Milone & MacBroom and William Root, Certified Soil Scientist with Milone & MacBroom.

Mr. Ducsay distributed photos, a site plan and half scales of the presentation board to the Commission.

Mr. Ducsay said the site is located on the north side of Church Street (Route 68) between Edgewood Drive and Bertini Lane. He said the property is approximately 8.2 acres in size and is an estate. He said this is a re-subdivision application in front of Planning & Zoning, noting the property was originally subdivided in 2004 and noted the subdivision to the east, Bertini Lane, was part of the overall property prior to 2004. He said the property is located in an R-18 zoning district, which is approximately a ½ acre zone. He said a portion of the property is located within the Wallingford Aquifer Protection Zone which is the Oak St. aquifer and pointed out that notification was sent to the Dept. of Public Health and the Wallingford Water & Sewer Divisions.

Mr. Ducsay said this is a conventional R-18 subdivision, 7 lots which are all frontage lots. He noted there is an existing home and outbuilding on the property which will be removed. He said all the lots will be served by a new 400 ft. cul-de-sac as shown on the plans. He said this cul-de-sac originates from Rt. 68 or Church Street. He said the origination of the cul-de-sac is consistent with the curb cut of the existing home to maximize the site lines. He said all the homes will be served by public sewer and water. He said Mr. Root

did a site visit in 2015 regarding the wetlands and a subsequent site visit in February 2016 and noted the property contains 2.2 acres of wetlands and said it is a wetlands corridor which flows mainly along the western side of the property. He said internal to the wetlands corridor is a pond which falls in between lots 3 and 4 as well as intermittent watercourses which feed the pond and one which bypasses the pond.

He said the application doesn't call for any direct disturbance to the wetlands, but said there is less than 1/10 of an acre of upland review area disturbance which he said is attributable to the discharge point of the storm water management basin which is located on the northeast corner of the plan. He said this basin is designed to mitigate any peak rates of runoff for all storms 2 through 100, in accordance with Town Engineering Dept. standards. Mr. Ducsay said the basin utilizes a series of inlets connected by pipe in order to convey surface runoff to the storm water management area. He said the storm water basin is designed to have a wet bottom in accordance with DEEP design in order to provide for storm water renovation as well as water quality which is one inch of runoff over impervious surfaces on site. He spoke about sediment and erosion controls, noting there is a number of standard S&E controls in accordance with the 2002 CT Sediment and Erosion Control guidelines which include a construction entrance pad at the site entrance to prevent tracking onto Route 68, as well as a silt fence around the environmentally sensitive areas. He said the proposed storm water management basin is intended to be used as a temporary sediment trap during construction. He said there will also be diversion berms around the site during construction.

Mr. Root spoke about the characteristics of the wetlands. He said he flagged the wetlands in September 2015 and prepared the report and took photographs which were submitted tonight. He said the wetlands were forested located on the western half of the property which continues off-site. He said the main source of the hydrology is a culvert under Route 68 under Church Street which is in the southwest corner of the site where the wetlands flagging begins. Commissioner Heilman asked if there was pocketing water near the proposed housing area. Mr. Root said this pocketing is not found on the eastern side of the slope which he said was sloped and the soil dry. He said this pocketing was located on the western side of the property which drops down on the other side of the pond. Commissioner Heilman asked about elevation differences between the eastern and western sides of the property. Mr. Root said it was a 10 ft. drop.

Commissioner Kern noted that to the west, there is still open space to be built upon. He asked what could be done to preserve what would happen upstream in the future to avoid major erosion problems. He said he has friends downstream who are worried about the future upstream development and what is being done here.

Mr. Ducsay said there is a detention basin which mitigates peak rates of runoff and the storm water management basin is designed to mimic existing conditions so any runoff from this development would be contained in the basin and slowly released. Commissioner Kern said he was concerned about down the road conditions. He asked if Mr. Ducsay was comfortable with a 100 year storm drainage noting the intense storms over the past few years. Mr. Ducsay said the plan is designed within Town standards which is the 100 year storm event. He said this plan can't take into consideration any potential future upstream development. He said his knowledge of the property upstream is that most of it is wetlands. Commissioner Kern said in order to give more protection to the downstream people must he go to the Town and tell them to increase their standards. Mr. Ducsay said if the IWWC felt it was necessary in order to design to a

higher standard per our storm water management model to throttle back some of this flow, he could attempt to do so.

Commissioner Parent asked about the upstream, noting when looking at the plan, the water seemed to be going to the northwest portion of the property. Commissioner Kern asked if all the water from this site comes off of Church Street. Mr. Root went to the site map and said the property in the northwest corner looked as if that portion was landlocked and wet. Commissioner Kern asked if there is a 200 year storm with 100 year storm retention, what happens to the other 100 years' worth of rain that comes barreling down through there. He said too many times the IWWC has approved a project, then a year or two down the road, the downstream people are either wiped out or losing land and this has to be readdressed. He asked why everyone always goes to the minimum of what the Town requires to make a project work. Commissioner Kern said this is pre-existing conditions and the entire contour of the hill will be changed by constructing seven houses. Commissioner Heilman said there are certain requirements the Town establishes that must be followed. He said he believes what the Applicant is looking for, goes beyond what you are being asked to do. He said Commissioner Kern would like to have a requirement of not a 200 year storm but a 1,000 year storm and said the best thing may be to have the IWWC go before the Town and request they start doing this. Mr. Root pointed out these requirements is also State standards not just Town standards.

Chairman Vitali asked what it would take to increase the pond volume or the outlet structure. He said this is the only thing the Applicant has on the plan they can control downstream. Commissioner Kern said he is looking at Hanover Street, Grove Street and Grove St. Extension and over the past 40 years, these people have had no problems, and now they have a brook going across their property. He said how can we make sure we don't have a problem down the road. Mr. Ducsay said there are no guarantees, but noted that if the IWWC feels higher standards should be in place, to inform the Applicant of what the standard should be. He said the plan is designed according to Town standards and pointed out they have yet to receive feedback from the Engineering Dept. regarding this design, but said if they feel this should be a requirement they will attempt to comply.

Mr. Root said he believed the problems Commissioner Kern was concerned about which may be affecting properties downstream, may not be coming from this site which is only a few acres with the developed portion not being that large.

Commissioner Kern asked about sewer diking and if there a high ground water movement. Mr. Root said where the grades are located; there is no high ground water table. Mr. Ducsay said the sewers run six feet deep which is standard. Commissioner Kern asked if material would be leaving the site or be reworked. Mr. Ducsay said they have accomplished nearly a balanced site with this plan and said there will be a small excess of material, a net cut, which could be feathered into the grading and remain on-site. Commissioner Parent recommended another look be taken at the dam and see if there is a cost effective way of making it bigger or better. Ms. O'Hare referenced her Environmental Planner's Report of February 25, 2016, and noted two comment letters which she forwarded to the project engineer on Feb. 16 and Feb. 18. She said she hasn't received responses from both letters and noted the Applicant handed out new plans at tonight's meeting and noted she hadn't received copies. She said one way to address Commissioner Kern's concerns were to better replicate the hydrograph. She said she requested in the comments if the plan

could be revised. She also suggested one way would be to recharge the roof leaders and not pipe water into the storm basin.

Chairman Vitali told Ms. O'Hare it doesn't appear as if the Applicant is ready for approval. He said the Applicant is supposed to come together with a complete package. Ms. O'Hare asked about soil borings. Mr. Ducsay said this has been coordinated with the Applicant who has of yet not been able to get a machine on-site, which is much of the reason why most of the revised comments and revised plans have not been submitted. He said the Applicant understood there would not be a decision tonight noting they were still waiting on outstanding memos from the Engineering Dept. Chairman Vitali said the IWWC's time was wasted. Mr. Ducsay said he believed it was prudent to bring the IWWC up to speed on the application, but if the IWWC doesn't want to hear any more of the presentation, it could be stopped.

Commissioner Heilman noted a potential benefit of tonight's meeting is the request that the Applicant look at the engineering of the retention area which is near the top of the watershed and a good place to hold things up and if the property permits this, it could be increased which he said would show a benefit and a gain. He said he would appreciate this being looked into.

TABLED TO THE APRIL 6, 2016 MEETING

1. CONSIDERATION OF MINUTES

1. Regular Meeting, February 3, 2016

Commissioner Parent said the Minutes state the Commission was talking about putting liens on the deeds regarding Powers Road-Notice of Violation, but noted the lien goes on the Town Land Records. He requested this change be made. Ms. O'Hare said she did say "deed" which was said on the record.

Chairman Vitali entertained a motion to approve.

MR. PARENT: MOTION TO APPROVE THE REGULAR MEETING MINUTES OF FEBRUARY 3, 2016 BE APPROVED.

MS. PHILLIPS: SECOND

VOTE: KERN-YES; PARENT-YES; PHILLIPS- YES; PORTO-YES; VITALI-YES

2. Regular Meeting of January 6, 2016

Chairman Vitali said these Minutes were tabled regarding the Cariati application and the number of oil/water separators which he said has been corrected in the copy of the Minutes handed out tonight. He entertained a motion on the Minutes.

MR. PARENT: MOTION TO APPROVE TO REGULAR MEETING MINUTES OF BE APPROVED AS AMENDED

MS. PHILLIPS: SECOND

VOTE: KERN-YES; PARENT-YES; PHILLIPS-ABSTAIN; PORTO-YES
VITALI-YES

4. #A16-2.2/ 5 Northfield Road -5 Northfield Road, LLC – (replace fencing & striping of parking spaces) – administrative approval request

Chairman Vitali said this came out as an administrative approval request but got into some heavy issues which he said he wasn't going to sort out without listening to Ms. O'Hare. He asked Ms. O'Hare for an explanation.

Ms. O'Hare said this application is in front of Planning & Zoning for two different properties: 3 Northfield Road and 5 Northfield Road. She said only the 5 Northfield Road is being considered by IWWC because Wharton Brook flows through the edge of the property which was developed in the 1970's, and if one goes up 50 ft. it cuts off the developed portion of the property. She said the URA includes the side of the building and clips the corner of the bituminous parking area. Ms. O'Hare said the new owners are rehabilitating the property and wish to install new fencing to replace the old fence. She said this is a regulated activity.

Ms. O'Hare said the new owners also want to re-stripe the existing parking lot. She noted that upon visiting the site, she noticed a yard drain in the back which catches the runoff from the parking lot which goes down a pipe and dumps out to the slope. Ms. O'Hare said on the face, this would be a simple approval, but she said she tried to get the fence pushed back, but is problematic because it is on the edge of the slope. Ms. O'Hare said there also has been no pre-treatment on the site which is heavy industrial which also includes a fueling area. She said there are questions if there is enough pre-treatment. She suggested an oil/water separator but learned today the Applicant may need an Industrial Storm Water State permit. She said the State would check and she recommended the IWWC wait on this application. Ms. O'Hare said the Applicant had a violation in 2012 for washing equipment on-site.

NEW BUSINESS

1. **#A14-5.3/59 & 65 North Plains Highway** – Wallingford Group, LLC – request re: pending Order

Chairman Vitali noted this was the United Concrete property which was released by the Army Corps of Engineers regarding their activity where more rip-rap was installed then was called for and the box culvert was higher than it should have been. He said a letter was brought in to Ms. O'Hare who checked with the Army Corps who indicated they were fine. Ms. O'Hare said she believed the permit approval date was March 2. Chairman Vitali said Ms. O'Hare found out that the plan the IWWC approved allowed the Applicant to rip-rap a major portion of the stream which wasn't done because of the Cease & Desist Order.

Chairman Vitali said the Army Corps said the Applicant can rip-rap what the IWWC approved them for, but not all the way down to the bottom of the brook, only to start at the high water mark and go up.

Ms. O'Hare said the Army Corp did not know the Applicant wanted to install more rip-rap in that area, it was just a generic statement basically stating that the Army Corps doesn't care what they do, as long as they don't do anything below the high water mark. Chairman Vitali said he believes the request tonight is to release the Cease & Desist Order.

Commissioner Heilman asked if the Applicant installed rip-rap in the box culvert to slow down the velocity or there would be a horrible plunge pool at the end Ms. O'Hare said the Applicant installed a plunge pool at the end as the Army Corps requested, but wasn't sure if rip-rap was put inside the box culvert. She said she would check. Commissioner Kern said he had a problem with the high water mark because of the type of material present on-site, (sandy peanut gravel). He said there will be an erosion problem. Commissioner Heilman said if rock is installed on top it will undermine quickly. He recommended the amount of rock be tripled on the sidewalls and if it becomes undermined, it will fall into a natural level.

The Commission had no objections to remove the Cease & Desist. Ms. O'Hare said the Applicant can use the land. Chairman Vitali said the Cease & Desist stopped everything. Ms. O'Hare explained the IWWC issued the Cease & Desist because the Applicant was doing extra work on the property. She said the Applicant then submitted an after-the-fact modification plan which the IWWC approved and that is how the Cease & Desist was taken care of. She said the Cease & Desist was left hanging because the IWWC wanted to make sure the Army Corps wasn't going to make the Applicant rip everything out. She said the Applicant received Army Corps approval. She noted the rip-rap to be installed on Town property, which the Applicant purchased 95%, the IWWC approved the rip-rap installation and noted the Army Corps only stated over the phone they didn't care what the Applicant did as long as it didn't go below the ordinary high water mark. Chairman Vitali requested Ms. O'Hare to get this in writing or by email.

Ms. O'Hare spoke about the three recharge galleys which were approved to control storm water runoff which were never built. She said the Applicant requested over a year ago to have them taken off the plan which the IWWC denied stating they wanted to see how the areas weathered the winter. Ms. O'Hare said she will contact the Applicant for an on-site visit.

Chairman Vitali entertained a motion to lift the Cease & Desist.

**MR. PARENT: MOTION THAT APPLICATION #A14-5.3/59 & 65 NORTH PLAINS
HIGHWAY – WALLINGFORD GROUP,LLC – REQUEST RE: PENDING
ORDER CEASE & DESIST ORDER BE REMOVED**

MS. PHILLIPS: SECOND

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

RECEIPT OF NEW APPLICATIONS – None.

REGULATIONS REVISION

1. Draft proposed Revisions to Regulations, Sections 7-20 – workshop discussion continued.

Ms. O'Hare said Atty. Janis Small's response to the IWWC's new changes went out in the Commissioner's packets along with her revisions. She said because of the discussion last month and a review of the Minutes, she met with Atty. Small. Ms. O'Hare noted some of the changes can't be made because of statutory requirements, i.e. # 3, #4 and #2.

Chairman Vitali said the public hearing can take place at the regular IWWC meeting. Ms. O'Hare said this has to take place in May because 35 days is needed to send these changes to Hartford. Commissioner Parent noted on page 5 of the regulations regarding "licensed surveyor" and "professional engineer" being crossed out. He said he believed the "licensed" part of surveyor should be stay in because that is a title.

PUBLIC HEARING WILL BE SCHEDULED AT THE MAY 4th IWWC REGULAR MEETING

ELECTION OF OFFICERS – TABLED –ALL FIVE SITTING COMMISSIONERS NOT PRESENT

BUDGET FY 16-17

1. Meeting with Mayor, March 2, 2016, 3:00 p.m.
2. Town Council Public Hearing, April 7, 2016, 6:00 p.m.
3. Town Council Budget Workshop re: IWWC, April 18, 2016, 6:30 p.m.

Chairman Vitali noted that nothing has been changed in the budget which he and Ms. O'Hare reviewed. He said he found it interesting there is one less pay period this coming year so everybody's budget came down by one week.

Ms. O'Hare said her meeting with the Mayor was productive.

REPORTS & COMMUNICATIONS

1. DEEP – Permit Application for the Use of Pesticides in State Waters – Solitude Lake Management – North Elm Street – Choate School Ponds; received 2/9/16
2. DEEP - Permit Application for the Use of Pesticides in State Waters – Solitude Lake Management – Cheshire Road – Ashlar Village Pond; received 2/9/16
3. DEEP Permit Application for the Use of Pesticides in State Waters – Stahl Holdings, LLC (dba The Pond Connection) – 181 Maltby Lane – Levine Pond; received 2/16/16
4. DEEP - Notice of Tentative Decision – Intent To Modify A National Pollutant Discharge Elimination System (NPDES) Permit For the Following Discharges Into the Waters of the State of CT: 528. South Cherry Street – Allnex, USA, Inc. – Quinnipiac River (continuous discharge of wastewater discharges associated with specialty chemical manufacturing operations) and a tributary of the Quinnipiac River (intermittent non-process wastewater discharges); received 2/24/16
5. CACIWC – newsletter – "The Habitat", Winter 2016

VIOLATIONS

1. **3 Powers Road** – Notice of Violation – Dave Woronick – Greene, D.H. Woronick- unpermitted, unauthorized clearing in upland review area.

Chairman Vitali said last month the IWWC asked Ms. O'Hare regarding Notice of Violations being put on the Land Records (not on the deeds). Ms. O'Hare said the memo, which went out in the packet, stated the IWWC had to first vote on the Notice of Violation and then vote to place it on the deed. She said the owner has to be notified by Certified Mail this is taking place, so the vote will take place at the April meeting. Commissioner Parent asked if placing Notices of Violations could be done retroactively. Commissioner Heilman said he believed if the violation did not disappear, it would still be a violation.

Ms. O'Hare read Atty. Small's memo stating the first step is that the IWWC has to vote that it is a violation. She said the IWWC then may vote to file a Certificate of the Order on the Land Records. She said this would then be sent to the Law Dept. Chairman Vitali said a procedure must be established and create an outline of what will take place. Commissioner Phillips said a time schedule is needed; how much time to give the violator to respond. Commissioner Parent said when the notice is sent out wording could be put into the letter that failure to appear shall or may cause a Notice of Violation to be put on their Land Records so another notice doesn't have to be sent.

Commissioner Kern asked about the Quinnipiac Linear Trail and the pictures. Ms. O'Hare said she received this at 4 p.m. today. Commissioner Kern said regarding Phase 3 of the Linear Trail, a few storage ponds were installed so when it rains they fill up and become mosquito traps. He said he doesn't believe they are functioning the intended way. He said he asked Ms. O'Hare to speak to the Town Engineer who went out and looked and verified they are not functioning in the intended way. Commissioner Kern said the engineering firm overseeing the project was contacted. He said there are 12 inches of topsoil in the basin which is preventing the water from weeping into the sand and gravel. He said there should be a solution.

ADJOURNMENT

Commissioner Parent made a motion to adjourn the Meeting at 8:43 p.m. Commissioner Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary