

Wallingford Inland Wetlands & Watercourses Commission

REGULAR MEETING

Wednesday, May 3, 2017

Robert F. Parisi Council Chambers, Second Floor, Town Hall

45 South Main Street

Wallingford, CT

MINUTES

PRESENT: Chairman Jim Vitali; Nick Kern, Secretary; Commissioners Michael Caruso; Deborah Phillips; Alternates Daryll Porto, Robert Parisi and Aili McKeen (arrived at 7:05 p.m.); Erin O'Hare Environmental Planner.

NOT PRESENT: Vice-Chair David Parent.

Chairman Vitali called the Meeting to order at 7:01 p.m. and the Pledge of Allegiance was recited. Chairman Vitali noted the voting members for tonight's meeting would be Commissioners Kern, Vitali, Phillips; Caruso and Porto.

CONSIDERATION OF MINUTES

1. Regular Meeting, April 5, 2017 – 7:00 p.m.

Ms. O'Hare noted that on page 3, the Motion, states the "Special Meeting at both 6:05 p.m. and 4:30 p.m." It should read "Special Meeting 4:30 p.m."

**MS. PHILLIPS: MOTION TO APPROVE THE REGULAR MEETING MINUTES OF
APRIL 5, 2017 AS AMENDED**

MR. KERN: SECOND

**VOTE: PORTO-YES; KERN –YES; VITALI-ABSTAIN-PHILLIPS-YES;
CARUSO-YES**

2. Special Meeting, April 17, 2017 – 4:30 p.m.

Chairman Vitali noted the Minutes were handed out at tonight's meeting. The Chairman decided to table the Minutes to the June 7, 2017 Meeting.

Chairman Vitali welcomed two new Commissioners, Aili McKeen and Robert Parisi.

OLD BUSINESS

1. #A17-2.1/605 North Elm Street – Pasquale DiNatale – (residential subdivision – 5 lots).

Appearing in front of the Commission was Norm Bolduc, LRC Group, Cromwell CT, representing Pat DiNatale, who was also present, and Tom Pietras, Soil Scientist. Mr. Bolduc said this is a proposed five-lot subdivision on 10.34 acres of land at 605 N. Elm Street. He noted the property has 365.5 feet of frontage on the east side of N. Elm Street and 25 ft. of frontage on west side of Briarwood Lane, and is part of the 1978 Beaumont Farms subdivision development. He said the property currently has a one-story brick house, outbuildings and driveways, and is served by Town water, sewer and gas. He said there is an existing 0.9 acre pond surrounded by inland wetlands which were flagged by Mr. Pietras and a man-made drainage swale which exits off the west side of the pond which runs down after filling with water, to the North Elm Street drainage system.

Mr. Bolduc said there is also a small pocket of wetlands in the northeast corner of the site. He said the property is in the R-18 zone which has a minimum lot size of 18,000 sq. ft. or 0.41 acres. He said the client is proposing five lots on 10 acres ranging in size from 0.44 acres to 3 acres to 5.8 acres and are all served by water, sewer and gas.

He said an outlet control structure will be provided in the existing drainage channel outside of the flagged wetlands. Mr. Bolduc said from the outlet control structure, the water will be piped through series of catch basins and piping through Lot #4, ultimately connecting to the N. Elm Street drainage system. He noted the system has been redesigned from the original submission to address comments from the Engineering Dept. He said no flagged wetlands will be disturbed and only minor disturbances will be conducted in the upland review area in Lots # 4 and 5. He said the disturbance will be approximately 1,200 sq. ft. on Lot#5 related to grading at the rear of the proposed house on Lot #4, and 3,550 sq. ft. related to the installation of storm drainage and demolition of the existing house. Mr. Bolduc said erosion control is proposed adjacent to all regulated areas including a double row of silt fencing, hay bales and erosion control of large cuts adjacent to the road. He said temporary sediment basins during construction will be provide to protect the areas adjacent to N. Elm Street to protect the drainage system.

Mr. Bolduc said a letter of responses to Ms. O'Hare's Environmental Planner's Report was submitted today (May 3, 2017) and also an addendum to the original Engineering Report which was submitted this morning (May 3, 2017).

Chairman Vitali asked how the water elevation was determined in the pond; the day and time. Mr. Bolduc said the water elevation was determined at the date of the Existing Condition Survey. Chairman Vitali noted this could be higher than that in the peak time and asked how

Mr. Bolduc knew the elevation of the outlet structure. Mr. Bolduc said the elevation is six-inches higher than what the water elevation was at the time. He noted the survey was done in drought conditions, so the outlet structure was raised six inches above the elevation of the current pond. He said this would act the same way as it does now. Chairman Vitali noted the drainage swale is at 237.5 ft. currently and asked if this was on the print. Mr. Bolduc said this was on the site development plan. Chairman Vitali said the major part of this project is the pond and maintaining the integrity, flow and volume of the pond, pointing out that if one were to go up to the site today, the height would be more than 237.5 ft. Mr. Bolduc said the outlet channel will be maintained and keeps flowing until it is lower than the drainage channel.

Commissioner Kern asked about the deep hole test and ledge. Mr. Bolduc said a deep hole test wasn't performed, but acknowledged the presence of ledge or rock on Lot #5. Commissioner Kern said there was a lot of red rock on the site and was concerned that if that rock were cracked, it would cause the pond to drain. He asked if there would be any guarantee this wouldn't occur. Mr. DiNatale said he didn't believe there would be blasting, just a fill operation in the back.

Commissioner Kern asked about the front houses. Mr. DiNatale said he didn't know what was underneath the houses and didn't know if there would be cellars. He said nothing would be done there for 20 years.

Commissioner Kern asked about alterations which could cause surrounding dry-ups. He said he and Chairman Vitali are concerned about the pond and the water and want to keep the integrity where it is. Mr. DiNatali said he is also concerned about the pond and noted the rear lot will be mostly a fill operation off Briarwood Lane. He said approximately 4 ft. of material will be used to fill in and cover in the demolition. He said there won't be any house construction in the front lots for many years. Mr. Bolduc said the homes to be constructed will be raised ranches.

Chairman Vitali asked how peak flow was measured, noting there was no inlet and one outlet. Mr. Bolduc said peak flow is based upon what currently runs off the property versus what will run off after development. Chairman Vitali said in his opinion, this subdivision would add very little increase to what is already there noting that, depending on the fill, Lot #5 may not even get to the pond because of the ridge and said it was all surface runoff and if the ground is frozen and it rains, the runoff may get to the pond.

Chairman Vitali pointed out that a pipe was found in the swale area which might have been accepting some of the runoff. Mr. Bolduc said he believes this was a crossing for whomever owned the property in the past. He said the outlet was never found. Chairman Vitali said he could count the number of times water ran overground down onto N. Elm Street probably when the ground was frozen. Mr. Bolduc said when N. Elm Street was rebuilt, the Town installed a perforated underdrain system off the road because of the overland flow.

Ms. O'Hare noted a revised plan was submitted tonight (May 3, 2017) and came in at 4:40 p.m. She said the Environmental Planner's Report came out last week. Chairman Vitali noted it took Ms. O'Hare 11 days to put out a response to the Applicant since the site investigation on April 17. He said her letter was received by the Applicant dated April 28. Ms. O'Hare noted her EPR is always done the day of the packet.

Chairman Vitali asked how the Applicant could answer the questions. Ms. O'Hare said she did an EPR on March 31 that was 8 pages long and an EPR on April 5 that was two pages long. She said this is a moving target and have been back and forth with Mr. Bolduc. Chairman Vitali asked Ms. O'Hare what the Applicant hasn't satisfied from her reports. Ms. O'Hare said she didn't know until she looked at what was brought in today. She pointed out she met with Mr. Bolduc for two hours on May 3 and went over many items and noted he would change some items.

Mr. Bolduc said the only item not addressed was the relocation of the outlet structure again but noted it was moved outside the wetland area from the first report and it was mentioned this morning to possibly move it further down the channel. He said once the drainage was revised, it was discussed with Rob Baltramaitis, Town Engineer, who Mr. Bolduc said, felt comfortable with the revision. Chairman Vitali said in the plan, it is better if the outlet structure is as close to the pond as possible.

Chairman Vitali asked if the drainage piping will be on Lot #1 or will it all be on Lot #4. Mr. Bolduc said from the outlet structure out to N. Elm Street, 90% of it will be on Lot #4, noting this was one of the conditions requested by Mr. Baltramaitis. He said the only place it crosses is the front of Lot #3 and Lot #2 to get to the existing storm drainage on N. Elm Street. Chairman Vitali asked what is being used for the width of the road. Mr. Bolduc said he created the designated street line as required by Planning, so the Applicant is conveying a strip of land to the Town to make the Right-Of-Way wider. Chairman Vitali asked if a catch basin would be installed on the corner of Lot #1.

Mr. Bolduc said there is a catch basin on the end of the driveway to Lot #4, and a manhole and a catch basin on Lot #2 which ties into the existing basin on N. Elm Street. Mr. Bolduc said the storm drainage system will have easements across Lots #3 and #2. He said there will be easements between Lots #1 and #2 for the slope trench drain where it will tie into the system.

Ms. O'Hare asked where the large detention pipe would be located near N. Elm Street which would hold back the water to meet the peak flow. Mr. Bolduc said the pipe will run parallel to N. Elm Street in front of Lots #2 and #3. He said the pipe will be 24 inches, upsized from a 15 inch pipe. Ms. O'Hare said Mr. Baltramaitis indicated the pipe would be perforated. Mr. Bolduc said he was trying to avoid a perforated pipe because he didn't want the area to be wetter than it already is. He said a trench drain will be installed at the base of the slope behind Lots #1, #2 and #3 to intercept the water. Mr. Bolduc said there will be another review by the Town

Engineer at the Planning and Zoning stage. Commissioner Kern asked Ms. O'Hare how many times she has gone over this application. He asked Mr. Bolduc how many letters he received from Ms. O'Hare.

Mr. Bolduc said he had one meeting with Ms. O'Hare and Mr. Baltramaitis and received two different reports. Ms. O'Hare said Mr. Bolduc received the Environmental Planner's Reports, the same as what the IWWC receives. Commissioner Kern asked Ms. O'Hare about her procedure with an application. Ms. O'Hare said sometimes she sits down with the Applicant in person and she writes something up and sometimes she sends out a follow-up letter. Commissioner Kern asked if the Applicant gets the EPR in time to answer questions.

Ms. O'Hare said there has been a lot of work on this site which she said has presented a lot of constraints. She said the number one issue is erosion control off the site and how to control the site with Lots #1, #2 and #3 what it is opened up. She said there is no room for a storm basin on this site, and why the perforated pipe is being installed. She said at 4:30 p.m. today, (May 3), Mr. Baltramaitis said the pipe should be perforated. She said she doesn't want sedimented flows leaving the site and getting into the storm sewer and entering the swamp. She said she worked with Mr. Bolduc and gave him erosion control measures today to implement into the plan. Mr. Bolduc said the revised plans address the erosion control measures and also included a sediment basin designed with the erosion control guidelines to accept any sediment that may come off the cut of the three lots.

Commissioner Kern said if this was such a concern, it should have been addressed two meetings ago instead of waiting until 4:30 p.m. today. Mr. Bolduc said some of the S&E controls were addressed before today and was one of the reasons the oversized pipe was added. He said he believes everything he was requested to do have been done. Ms. O'Hare said the Applicant is applying for several regulated activities, one coming under the surfaced area provision. Mr. Bolduc said for the back Lot #5, he is outletting the roof water to the pond in the back of the house to achieve getting water flowing to the pond. He said he is trying to balance out the flows going to the pond. Ms. O'Hare pointed out the ridge. Mr. Bolduc said the ridge is being graded. Chairman Vitali said he had a feeling the application was going nowhere tonight. He said having a house on a four acre lot is an ideal situation that isn't seen often.

Ms. O'Hare said she didn't believe this application was going to be approved tonight. She said she wanted the IWWC to decide Significant Activity. She said she wanted the IWWC to decide if the pond overflow swale is an intermittent watercourse. Chairman Vitali noted the only part of the swale seen is the first 15 feet.

Commissioner Kern said he is concerned about the pond drying up and Ms. O'Hare is concerned about hiding the water underground. He said he personally didn't think this would work and wanted everything to stay the way it is. Ms. O'Hare said today, the water flows to the east and the Applicant is requesting to send the roof water to the west on Lot #5 and she doesn't agree

with this. She said she doesn't want the water to run down the steep slope. Mr. DiNatale said the leaders can go anyway the IWWC wants them to go. Chairman Vitali said it should stay in the flow it is going noting the pond has been disturbed. He said the issue Ms. O'Hare was having was with erosion control in the three front lots.

Chairman Vitali said it was his opinion that the violation described by Ms. O'Hare was not as severe as it could have been. He asked what the properties would end up being. Mr. DiNatale said some fruit trees will be planted and will also have some farm animals. Commissioner Kern said he has probably spent more time on the parcel than Ms. O'Hare. He said he knew the former owner and has dredged the pond and is familiar with the lot. He said he believes Lots #1, 2, and 3 will be a down the road development. He said he believes the Applicant has taken every measure possible and Ms. O'Hare has asked the Applicant to go beyond that. He said the Applicant is willing to do more S&E control if needed.

Ms. O'Hare said he asked the Applicant to put in a contingency plan if a spring is hit. Mr. Bolduc said there would be materials on-site, crushed stone and PVC pipe. He said if a spring was hit, a trench would be dug, 2 ft. wide and 4 ft. deep with crushed stone and perforated pipe and outletted to a vegetated area or connected to the storm drainage system. Chairman Vitali said the IWWC believes Lots #4 and #5 are trouble-free lots, and to let the water flow in its natural course, one to the east and one to the west. Regarding the overflow from the pond, Chairman Vitali said the pipe can act as a drain for the system and act as additional protection for downhill.

Chairman Vitali entertained discussion to determine if the present system was an intermittent watercourse.

Mr. Pietras said in his reports, he described this area as developed as an old glacial pond and over 1,000 years filled in with muck, glacial materials. He said this was also a bog at one time. He said historically, it was dug out and the center and western portions became a pond. He said the eastern portion of the wetlands still retains a bog like situation with woody vegetation. He said he believes there is ledge to the east and west and the bottom of the pond is sealed either with silted clays or organics and this is why it retains water for much of the year. Chairman Vitali said there is a sizable layer of clay under the pond. Mr. Pietras noted the watershed for this pond is very small and is a sizeable pond for the location being on top of a hill. He said there was no true outlet to the wetland area and, over time, someone dug a channel which is 3 ft. to 3 ½ feet deep. He noted there is some outflow from the pond.

Chairman Vitali asked Mr. Pietras if it would be fair to say that he would classify an intermittent watercourse that could run every time it rains. Mr. Pietras said the channel that is out there is contained within the wetlands and is the portion that retains wetness. He said during the wettest time of the year, there could be flow beyond the delineated wetlands. He said it is a

flashy condition which is understandable being on top of a hill with a small watershed. He said conditions are currently wet but could recede quickly.

Chairman Vitali asked why this wasn't an intermittent watercourse. Mr. Pietras said it was very fluctuation, not like a true stream where one can go out for several months and find flowing water. Commissioner Kern said if the contractor who created the original trough or swale to drain the pond to muck it, if it had been filled back in, there would be no discharge to the site. Mr. Pietras agreed. Commissioner Kern said the person who created that swale never filled it back in.

Chairman Vitali entertained a motion on intermittent watercourse.

**MR. KERN: MOTION THAT THE SWALE DISCHARGE POINT AT 605 N. ELM STREET
BE DEEMED NOT AN INTERMITTENT WATERCOURSE**

MS. PHILLIPS: SECOND

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

Chairman Vitali asked Mr. Bolduc to address Ms. O'Hare's concern regarding erosion control. Mr. Bolduc said this was addressed in a few stages and designed a sediment basin with a sediment trap and diversion swales. Chairman Vitali asked when the French drain would be installed. Mr. Bolduc said this would be done after the slope is excavated and when Lots #1, 2 and 3 are cut out. Mr. Bolduc confirmed that the piping from the outlet of the pipe will be done now and Lots #1, 2 and 3 will be on hold. Mr. Bolduc said this is up to the developer. Mr. DiNatale said he would like to leave those lots on hold for as long as possible. Mr. Bolduc said it was the intention to use the entrance from N. Elm Street for Lot #4 as a primary entrance. He said because it is too steep to meet Town regulations for a driveway, excavation will have to be done at the top of the hill to bring it down to permitted driveway slope. He said that will be the primary driveway for Lot #4.

Chairman Vitali asked about the soil and erosion control for the three lots. Ms. O'Hare said she met with Mr. Bolduc this morning and assumed they are on the plan. She said she spoke to Mr. Baltramaitis today and he indicated the large detention pipe goes in at the beginning of the project. She said down the road, the drainage from Lots #1, 2, and 3 will be added to the pipe. Mr. Bolduc said the pipe would act as additional storage until Lots #1, 2 and 3 are constructed.

Ms. O'Hare said the reason for the Applicant's submittal delay is that Mr. Bolduc wanted to wait for the Engineering Dept. comments and once they were obtained, the plans could be revised. Chairman Vitali said it is one thing to plan during construction, but another thing to get involved in a what if, but noted that was not the reason for the application.

The IWWC felt they could act on the application tonight. Chairman Vitali entertained a motion on Significant Activity.

**MR. KERN: MOTION THAT APPLICATION #A17-2.1/605 NORTH ELM STREET
PASQUALE DINATALE – (RESIDENTIAL SUBDIVISION – 5 LOTS)
BE DEEMED NOT A SIGNIFICANT ACTIVITY**

MS. PHILLIPS: SECOND

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

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

**MR. KERN: MOTION TO APPROVE APPLICATION #A17-21./605 NORTH ELM
STREET - PASQUALE DINATALE – (RESIDENTIAL SUBDIVISION –
5 LOTS) WITH THE FOLLOWING CONDITIONS:**

- 1. IWWC PLACARDS TO BE INSTALLED AT 50-FOOT INTERVALS ALONG THE
UPLAND REVIEW AREA BOUNDARY LINES (OR ALONG THE APPROVED
ENCROACHMENT INTO THE UPLAND REVIEW AREA, AS APPLIES) ON LOT
#4 AND LOT #5, PRIOR TO THE GRADING COMMENCING ON THE
RESPECTIVE LOT**

Commissioner Kern said he preferred to have the placards to be installed after the completion of the work so the placards don't disappear.

- 2. EROSION CONTROL MEASURES ARE IN PLACE MEETING THE APPROVAL OF
THE ENVIRONMENTAL PLANNER PRIOR TO ANY FURTHER WORK BEING
CONDUCTED ONSITE. ENVIRONMENTAL PLANNER TO BE GIVEN ONE WEEK'S
NOTICE RELATIVE TO THE SCHEDULING OF THE INSTALLATION INSPECTION**

MS. PHILLIPS: SECOND

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

**2.#A17-2.3/1460 Tuttle Avenue – David and Christine White – (several yard
improvements & paddock)**

Appearing was David White, 1460 Tuttle Avenue. Ms. O'Hare said this is a multi-pronged application regarding property improvements. She said the driving force is the driveway improvement plan because of fire safety concerns. She said that portion was approved by the

IWWC last month. Ms. O'Hare said she presumed this hasn't been installed because she is supposed to be informed when it begins. She said she wants to know the plans. Mr. White said funds will have to be accumulated and other contractors interviewed. Ms. O'Hare said she wants more information on the paddock which is larger than the original paddock and goes into the wetlands area. She said she feels comfortable with Mr. White installing the electric fence in the rear of his home, the installation of another fence in the horse area and the installation of the stone terrace steps. She said she is not comfortable with moving ahead with the paddock.

Commissioner Kern said he is not comfortable doing anything until he gets a commitment from Mr. White on when the driveway will be completed. He said a date is needed because this application has been dragging out for a few years. Mr. White said he wasn't aware of a date being needed and said he will try to come up with a date. Commissioner Kern asked about the cost of constructing a paddock. Mr. White said he wasn't planning on constructing the paddock immediately but was just putting it in the application to get future approval. He said he would like to get the driveway done first. Commissioner Kern agreed.

Chairman Vitali said he wasn't totally against installing two pieces of electric fence because it won't have an impact to the wetlands. Ms. O'Hare said she was also comfortable with Mr. White extending the electric tape fencing around the southeastern corner of the barn. She said Mr. White could come back at a later date with the paddock and the terrace. Commissioner Porto said the driveway should be the essential part of the application because of safety reasons and getting a date would be the right thing. Commissioners Phillips, Caruso and Parisi concurred.

Chairman Vitali entertained a motion to allow Mr. White to install the electric fence, wood fence and retroactively approve the gate at the front entrance.

MR. KERN: MOTION THAT ON APPLICATION #A17-2.3/1460 TUTTLE AVENUE – DAVID AND CHRISTINE WHITE – (SEVERAL YARD IMPROVEMENTS & Paddock) THE WHITES BE GIVEN PERMISSION TO INSTALL THE ELECTRIC FENCING, THE DRIVEWAY GATE AND THE WOOD FENCING FROM THE HOUSE TO THE EXISTING BARN WITH THE CONDITION THAT A DATE BE GIVEN WITHIN THE NEXT 15 DAYS TO HAVE THE DRIVEWAY INSTALLED THAT MEETS THE SPECIFICATIONS OF THE IWWC

MS. PHILLIPS: SECOND

Chairman Vitali noted that this permit following the permit number, was only half a permit. He said to Ms. O'Hare there has to be an "A" or "B" associated with this. Ms. O'Hare concurred and will do.

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

Chairman Vitali took the agenda in the following order:

VIOLATIONS

3. Cease & Desist – 8 & 10 Atwater Place – Howard, Sr., and Gail Lohmann – (filling).

Appearing in front of the IWWC was George Cotter, Project Engineer, OCC Group and Atty. Dennis Ceneviva, representing Howard Sr. and Gail Lohmann. Atty. Ceneviva said they are here regarding the Cease & Desist order given last November. He noted last month, a plan was presented and determined the amount of fill placed on the site between 2003 and 2004, right after there was an approval granted to do work next door at 9 Atwater Place. He said Mr. Cotter explained those submitted plans, and noted new plans were submitted today, (May 3, 2017). Mr. Cotter went through the presented plans. He said he met with Erin on April 17 and went through the plans. He said Rosalind Page's existing conditions were updated after a site walk back in January. Mr. Cotter said there is an existing condition plan, a restoration plan and an S&E control plan.

Mr. Cotter said what is being proposed is to slope the areas of the fill limit, bring it back to 3:1 and 4:1 and expose the existing storm pipe that drains Atwater Place near the rear of the property and that would be a 2:1 slope. He said the areas within the 50 ft. setback will be loamed and seeded and the 100-ft. greenbelt area also. He said proposed placards will be put up at 100 ft. intervals even though this is not on the plans to delineate where the limits of the restored areas are and where the remaining areas of the property were filled. Mr. Cotter said there is no present plan for development. He said the area where the exposed pipe will be is a 2:1 slope which will be excavated back and rip-rap installed at the bottom. He said erosion blankets will also be installed in the area. He said there is 230 yards of excavation.

Mr. Cotter said the floodwaters are controlled by the Oak Street bridge. He said floodplain limit lines, Floodway lines, and wetlands were added to the plan. He said he believes the plan is the answer to the Cease & Desist and doesn't impact the URA. He said he walked the site this afternoon with Ms. O'Hare and noted there is a portion on the south edge of the property where the neighbor appears to have pushed fill on 8 & 10 Atwater property which has been shown proposed to be removed back to our property line and out of the Floodway area.

Ms. O'Hare said the plan is confusing. She said the Applicant is not going to decrease the encroachment toward the wetland but flatten out the fill. She said material will be removed from the slope and installed elsewhere but this will not decrease the distance from the wetlands. She said she was told the reason was because the encroachment was not the new activity and nothing new was filled. She said what was new was grading that drops off in the URA towards the wetlands which is steeper, because the top plateau area was graded and a much sharper drop off was created. She said the slope will be flattened out with topsoil and seeded. She said the IWWC has to agree that it is permissible to do this.

She said this was done without a permit and asked if the IWWC wanted to permit this improvement of this property. She said it would be easier if the owners knew what the ultimate use of this property would be. Mr. Cotter said when the property is developed, there are two parcels and this can be two separate developments or one and a separate application will be taken out. He said the IWWC has them on a Cease & Desist now. Atty. Ceneviva noted that 95% of the activity took place between 2003 and 2004, when the fill was placed inappropriately. He said 9 Atwater was developed with P&Z approval and Logan Steel used these two lots for outside storage. He said to bring it back prior to 2003 doesn't make sense. He said for the wetlands, it is important that the proper slope is created and the placards are installed so this doesn't happen again.

Chairman Vitali said he found it interesting that when the Applicants come back for the development of the property the IWWC has another shot at them. He said the owners have a permit to leave the material where it is and noted that eliminating the Cease & Desist doesn't grant them a permit that everything is fine. Mr. Cotter said the property was filled back in 2003 and 2004 when the regulations were different for filling in a floodplain. He said these two building lots were approved in 1988 by P&Z and the IWWC. He said there won't be any additional impacts to the wetlands. He said no more fill has been added. Mr. Cotter said activities have been limited in the 50 ft. control area. He said he wants to get the property in the areas the IWWC regulates so there will be no impacts to the wetland areas. Commissioner Kern said if the application in 2002 which was granted was finished, there would be no problems. He said this issue generated from bringing in fill and raising the elevation. He said the owners never asked for an application to finish. Commissioner Kern asked why three inches of fill was taken off Lot #8 as proposed. Mr. Cotter said topsoil has to be brought in to provide growth for grass within the green area and the greenbelt. He said the same number of cubic yards will be removed so the current regulations of filling within a floodplain will be met. He said the area is being used as outside storage but none of the activities will be in the URA. He said no additional fill can be taken from the site without removing something from the floodplain.

Mr. Cotter said a proper slope will be provided from the 50 ft. buffer line down to ground grade of the URA. Commissioner Kern said by releasing the Cease & Desist it will put the owners back on line to what they need to generate in that area. Mr. Cotter noted the only area being grassed is the green area on the border and this will not restrict the area the owners have now.

Ms. O'Hare said in 2009 the Applicants came in for a wetland application for storage units. She said the IWWC tabled this and the application was dropped. Chairman Vitali recommended the remediation be granted and the Cease & Desist eliminated after the remediation is done.

Chairman Vitali entertained a motion to grant the remediation plan.

MR. KERN: MOTION THAT VIOLATION CEASE & DESIST FOR 8 & 10 ATWATER

PLACE – HOWARD, SR. AND GAIL LOHMANN – (FILLING),
REMEDICATION PLAN TO BE APPROVED AS SUBMITTED AND THE
CEASE & DESIST STAY IN PLACE UNTIL THE PLAN IS SUCCESSFUL

MS. PHILLIPS: SECOND

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

OLD BUSINESS

3.#A17-3.1/6 & 8 Northrup Industrial Park Road West – 1070 North Farms Road, LLC – (industrial lot merger, parking expansion, stormwater basin expansion)

Appearing was Atty. Dennis Ceneviva, Ceneviva Law Firm who requested a continuance to the June 7, 2017 IWWC meeting. He said this was generated by a prospective tenant and the plan was to expand the parking. He said this will probably be withdrawn at the next meeting. He said as to the violation, Ms. O'Hare will perform a site visit on Thursday, May 4, 2017.

APPLICATION TABLED

4. **#A17-4.1/14 Grieb Trail** – Daryll DeMarco – (two fence installation) – approved administratively by Chairman Vitali on 4/17/17
5. **#A17-4.2/25 Laurelwood Drive** – Kurt Mather – (fencing, etc., for in-ground pool installation) – approved administratively by Chairman Vitali on 4/17/17
6. **#A17-4.3/37 Harrison Road** – Nafis & Young – (driveway repaving & demolition and reconstruction of structure) – approved administratively by Chairman Vitali on 4/17/17
7. **IWWC #A16-2.1B/530 Church Street** – Timberwood Homes, LLC – (modification to permit basin inlet and forebay)

Chairman Vitali said this was discussed at the Special Meeting. He said the outlet to the retention pond got moved upstream on the site. He said in doing this, there was supposed to be a berm so to ensure the water that came into the retention pond, and settled the retention pond before it flowed out. Chairman Vitali said he didn't care for this because he believed the force of the water would wash out the storm berm. He pointed out that if the inlet was moved down in the retention pond, it would almost eliminate the need for the berm. Chairman Vitali said Ms. O'Hare indicated that it was a necessity to grant a partial approval to move the outlet structure on April 17, 2017 because of impending rain. He said one of the conditions of the approval was to come back to address moving the inlet structure to the pond.

Ms. O'Hare added that one of the conditions of approval was that the owner appear tonight to present. She noted the engineer was here. Commissioner Kern said the engineer walked out.

Ms. O'Hare said it was important to approve this tonight because the entire site is open up and there is no storm basin. Chairman Vitali said that Ms. O'Hare noted at the Special Meeting on April 17, that the IWWC had to approve this because they needed the storm basin and now it is being said they don't have the storm basin.

Ms. O'Hare said she went out to the site on May 3, at 4 p.m. and was shocked to see the level spreader wasn't installed after meeting on site last Friday with the Town Engineer present. She said the level spreader was supposed to be installed this past Monday. Commissioner Kern asked Ms. O'Hare to take a ride out to the site on Thursday, May 4. Chairman Vitali noted the Applicant had the permit for the hole, but not a permit to move the inlet structure. Chairman Vitali said he didn't believe the forebay was needed when the outlet structure was moved. Commissioner Parisi asked if this was approved a while back. Chairman Vitali said the IWWC approved a sub-division with a retention pond and everything. He said there were typical field changes i.e., the outlet to the retention pond had to be moved upstream, but when the outlet to the retention pond was redesigned, it came close to the inlet of the retention pond. He said the owners wanted to put in an earth berm in the center of the retention pond, but he felt it would just add dirt to the bottom of the pond. Chairman Vitali said they had permission to move the outlet pipe, and they needed to come in with a new plan that discussed where the inlet was coming from.

Chairman Vitali said nothing was done. Ms. O'Hare said the contractor came in with a new plan. Commissioner Parisi asked why this is being discussed if this hasn't been done. Ms. O'Hare said the April 25 plan shows the basin and the filter berm and the inlet was moved back to where it was six months ago. She said she liked the plan and said there was a \$20,000 bond. She said she would like to see this approved. Chairman Vitali said he would only entertain approving this tonight because of the sake of the wetlands and the stormwater and the downstream property owners but not because of the benefit to the contractor. Commissioner Kern concurred.

MR. KERN: MOTION THAT IWWC #A16-2.1B 530 CHURCH STREET – TIMBERWOOD HOMES LLC, - (MODIFICATION TO PERMIT BASIN INLET AND FOREBAY) THE APPLICANT BE GIVEN PERMISSION TO ADJUST THE INLET AND OUTLET AS PER PLANS SUBMITTED TO MS. O'HARE

MS. PHILLIPS: SECOND

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

NEW BUSINESS

1. **#A11-11.1/6 Rosick Road** – Wallingford Land Trust – (waiver requested)

Ms. O'Hare said an extension was granted at the April IWWC meeting to construct the boardwalk by the Eagle Scouts. She said she forgot to request a waiver. She said they had a check in for \$50 for the extension.

**MR. KERN: MOTION TO WAIVE THE EXTENSION COSTS FOR THE PERMIT WAIVER
FOR THE LAND TRUST**

Chairman Vitali asked why they needed the extension. Ms. O'Hare the first section was constructed but had to wait for another Eagle Scout to construct the second section.

MS. PHILLIPS: SECOND

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

RECEIPT OF NEW APPLICATIONS – NONE

G. ELECTION OF OFFICERS - TABLED

H. REPORTS & COMMUNICATIONS

1. Letter to IWWC from Eric Anderson, Project Manager, Wallingford to Middletown Resiliency Project, Eversource Energy, dated 5/1/17 re: natural gas line extension – received by the IWWC.

Ms. O'Hare said Eversource is extending a natural gas line along Rt. 68 and that some wetlands are being impacted. She said approval is granted by the State not the IWWC.

VIOLATIONS

- 4 – **605 No. Elm Street** –Pasquale DiNatale – (unpermitted tree & vegetation clearing).

Chairman Vitali said he didn't believe the number of unpermitted tree and vegetation clearing was that large, compared to the 10-acre site. He said a large amount of fruit trees will be replanted.

CHAIRMAN VITALI – MOTION THAT THE MATTER OF THE UNPERMITTED TREE & VEGETATION CLEARING HAS BEEN ADDRESSED AND THE NOTICE OF VIOLATION IS NO LONGER IN EFFECT.

COMMISSIONER KERN: SECOND

VOTE: KERN-YES; PORTO-YES; CARUSO-YES; PHILLIPS – YES; VITALI – YES

1. **252 Main Street, Yalesville – Brother's Pool L&J Partnership, LLC – violations**
– Not discussed.

2. **Cease & Desist – 1460 Tuttle Avenue** – David & Christine White – (clear cutting, filling) – Not discussed
3. **Cease & Desist - 8 & 10 Atwater Place** – Howard and Gail Lohmann – (filling) – Discussed above

5.8 Northrup Industrial Park Road West (aka Lot 1E) – 1070 North Farms Road, LLC – (deposition of sediment in wetland swamp) – Taken up above (under Old Business).

ADJOURNMENT

Commissioner Phillips made a motion to adjourn the Meeting at 9:08 p.m. Commissioner Kern seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary