

Wallingford Inland Wetlands & Watercourses Commission

Wednesday, July 19, 2017 - 7:00 p.m.

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

45 South Main Street, Wallingford, CT

MINUTES

PRESENT: Chairman Jim Vitali; Secretary Nick Kern; Commissioners Deborah Phillips; Daryll Porto; Aili McKeen, Alternate; Erin O'Hare, Environmental Planner.

NOT PRESENT: Vice-Chair David Parent; Commissioner Mike Caruso; Alternate Bob Parisi.

Chairman Vitali called the Meeting to order at 7:05 p.m. and the Pledge of Allegiance was recited.

CONSIDERATION OF MINUTES

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

MS. MCKEEN : MOTION TO APPROVE THE SPECIAL MEETING, APRIL 17, 2017

AS PRESENTED

MS. MCKEEN: SECOND

VOTE: KERN-YES; PHILLIPS-YES; MCKEEN-YES; PORTO-ABSTAIN;

VITALI-YES

2. Regular Meeting, May 3, 2017 – 7:00 p.m.

MS. PHILLIPS: MOTION TO APPROVE THE MAY 3, 2017 REGULAR MEETING

MINUTES AS PRESENTED

MR. KERN: SECOND

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

OLD BUSINESS

1. **#A17-5.2/104 Harrison Road** – Bernadette Bennet – (modification to **#A15-10.4** – addition of deck – request for administrative approval – granted 5/31/17

Chairman Vitali said this application came to the IWWC the end of May, and noted this Applicant moved their house out of the Upland Review Area but wanted to install a deck up on piers. He said he and Ms. O'Hare agreed this was satisfactory, so administrative approval was granted.

2. **#A-17-6.1/9 and 11 First Street & First Street (paper street)** – John Gargano Limited Partnership – (construction of car parking area on 9 and 11 First Street & construction of access & infiltration chamber within easement on First Street).

Appearing in front of the IWWC was Atty. Bridget Gallagher; Michael Lambert, P.E. Harry E. Cole & Sons and John Gargano, Owner/Applicant, Wallingford Auto Park. Atty. Gallagher said Mr. Gargano purchased the two lots which were on a paper street a few years ago which are approximately 20,000 sq. ft. in total. Atty. Gallagher said First Street is relevant because that is the access street which she noted is currently undeveloped, but will be paved and improved to provide access out to North Street.

Atty. Gallagher said there are no wetland soils, no watercourse and no Upland Review Area. She noted that according to the regulations, her client has to appear in front of the IWWC because he is creating an impervious surface over 20,000 sq. ft. in size. Atty. Gallagher said the parking area Mr. Gargano intends to use for storage on these two lots will be processed stone; the First Street access way will be paved with curbs.

Michael Lambert, Project Engineer, said the total amount of drivable space is over the 20,000 sq. ft. He said the roadway/pavement area is just under 8,000 sq. ft. He said the 13,000 sq. ft. was the previous number through the initial design, and is more of the sq. footage First Street is than for the easement. He noted that entire area will not be paved, just a 24-ft. swathe through First Street. Mr. Lambert said the gravel area where the parking is located, is approximately 16,000 sq. ft. which leaves 24,000 sq. ft. of driveable area.

Mr. Lambert went over the storm system. He said the design is to have the parking lot and a large portion of the driveway storm water diverted into two catch basins that will pipe the storm flows or drainage into the underground filtration systems which will provide storage and satisfy zero increase of runoff from the site. He said there will be a high-level overflow into the catch basin on North Street. Mr. Lambert said he hadn't heard back from the Town Engineer, but was in contact with Ms. O'Hare. He provided a revised maintenance schedule as requested by Ms. O'Hare, (submitted at the meeting).

Atty. Gallagher said her client responded to Ms. O'Hare's comments a few days ago with updated plans. She said she received supplemental notes this Wednesday afternoon and are

willing to incorporate these notes on the plan and make conditions and has no issues with them.

Chairman Vitali said it was interesting that this item was on the June agenda and the meeting canceled and now it is the end of the July with still no complete approved plan, noting there are still recommendations on conditions of approval. Atty. Gallagher said she believed her client was only on the agenda for acceptance of the application in June because her client filed the day before that June meeting. She said it was the intention to go forward with the actual application at the July meeting.

Chairman Vitali said there has been a lot of paperwork between Ms. O'Hare, Atty. Gallagher and Mr. Lambert, the engineer. He said there was quite a list of requirements that Ms. O'Hare pointed out and then she handed out the Environmental Planner's Report, Item #2, tonight. Atty. Gallagher said her client was prepared to accept all the conditions. She noted condition #2, which stated a "Stormwater Maintenance Management Plan Schedule to be revised and submitted within one month's time to indicate name of individual responsible and to add the 9 First Street property and the 11 First Street property to list of areas covered under the Schedule" was satisfied.

Mr. Kern asked Ms. O'Hare why it took so long to provide Atty. Gallagher with the second list. He said he was confused and asked Ms. O'Hare if she had correspondence in June and then on July 12. Ms. O'Hare said she received the final plans two days ago and there were just minor tweaks and she presented this tonight (Wednesday) in her report. Ms. O'Hare pointed out this application was seen about one year ago and was withdrawn because an easement issue had to be straightened out which subsequently was resolved. She said a copy of the judgment was in the Commissioner's packets. Ms. O'Hare noted she contacted Corporation Counsel Janis Small who said it was permissible to go forward if the IWWC chose to approve the storm water infiltration chamber which she said Atty. Small said was legal.

Mr. Kern asked where was the void in the complete list of items from June 28 to July 12 that Atty. Gallagher wanted to see. He said he didn't understand why Atty. Gallagher would agree to something she just received tonight (Wednesday). Ms. O'Hare said her comments were issued on June 28 and received a response on July 17. Mr. Kern said Atty. Gallagher should have received the list in early July so she would have had time to digest the comments and wanted to know why there was a 14 day void. Atty. Gallagher said Ms. O'Hare provided a memo on June 28 that had some comments and gave supplemental comments on July 12. She said Mr. Lambert did turn in supplemental plans and noted that Ms. O'Hare didn't have a lot of time to respond to them. Atty. Gallagher said Ms. O'Hare contacted Mr. Lambert regarding the comments this afternoon (Wednesday). She said none of the comments are of a major concern to the Applicant.

Mr. Kern said his concern was where the provoking came from the first list to the second list. He asked why weren't all these conditions from the second list on the first list. He said Atty. Gallagher should have had a copy of this the first time when Ms. O'Hare reviewed it. He said it seems as if we went to page one and a list given to Ms. O'Hare and then she went to page two and gave another list.

Ms. O'Hare said the July 12 correspondence was her Environmental Planner's Report. She said her comments went out on June 28 and noted the Applicant responded to most of the comments. She said condition of approval # 2 was satisfied and the Applicant is now down to four conditions of approval, and the conditions represent oversights on the Engineer's part.

Chairman Vitali asked if there were oil/water separators in the galley system. Mr. Lambert said they weren't initially proposed, believing they weren't warranted, but said the Applicant is willing to install hooded outlets on the catch basins and add them to the plans. Chairman Vitali asked Mr. Lambert how the environment would be protected from the first flush, noting this is a heavily contaminated area. Mr. Lambert said he didn't see this as a possible contamination site, but stated a water quality structure could add a water quality structure in between the catch basin and infiltration system. He said any of the water that goes into the catch basins would have to go through the oil/water separator, water quality unit before it gets into the infiltration chamber.

Chairman Vitali noted that the IWWC is looking at water quality and water recharge and wanted to know why the Engineering Dept. would have to comment on an oil/water separator. Ms. O'Hare said she looks to Rob Baltramaitis, Town Engineer, for that type of technology. Chairman Vitali asked if Ms. O'Hare wanted this type of technology and this type of system. Ms. O'Hare said she did. She noted some of the flow from this site will go into the Wallingford Auto Park site on Colony Road and it is an old site with yard drains and processed stone with no pretreatment in the car park area which she said she didn't like. Ms. O'Hare said she discussed this with Mr. Lambert on Wednesday who acknowledged some water would go into that site, but that it would be less water because the water will go to the undeveloped land of 9 First Street and 11 First Street. She said absent Engineering Department's comments, this issue will be handled at the Planning & Zoning level.

Atty. Gallagher said on the existing lots, there will be a certain amount of surface water. She said there is also a steep grade so there will be a lot of runoff. She said the drainage will be reduced into Wallingford Auto Park. Mr. Lambert pointed out that currently, the water does flow from the east side of the Applicant's properties, across the properties and into Wallingford Auto Park. He said by developing the site and having the catch basins and the grades they are placed at, the majority of the water will be flowing off and going to Wallingford Auto Park. He said this amount won't be the amount and volume it was before. Mr. Gargano noted there was a 2,000 gallon oil/water separator that was installed on-site approximately five years ago that handles the on-site drainage system before it gets discharged off-site.

Mr. Kern asked if this was a maintenance free oil/water separator and if there were maintenance records. He asked how often the oil/water separator was pumped out. Mr. Gargano said this is a 1,000 gallon system and purposely double-sized it and ended up installing 2,000 gallons in case down the road there would be a car wash. He said this oil/water separator is maintained and is a newer system. He said this gets pumped out. Mr. Kern asked where this oil/water separator was located in relationship to the snow shelf with the new parking area.

Mr. Lambert said the current oil/water separator is in front of the building and is no where near the development. Mr. Kern asked where the snow shelf would be located in the new design area. Mr. Gargano said he has a local contractor come in with a payloader and takes the snow off-site. He said the snow will also be removed at the proposed site.

Ms. O'Hare referenced Atty. Small's memo which stated that even though the June 7th meeting was canceled, it is still considered the receipt date. She noted this application was officially received on June 7, 2017, and this is why the IWWC can act on this tonight and if not, the IWWC will have to ask the Applicant for an extension. She said she will ensure the P&Z will handle the oil/water separator situation.

Chairman Vitali entertained a motion on Significant Activity.

MS. PHILLIPS: MOTION THAT APPLICATION #A17-6.1/9 AND 11 FIRST STREET AND FIRST STREET (PAPER STREET) – JOHN GARGANO LIMITED PARTNERSHIP – (CONSTRUCTION OF CAR PARKING AREA ON 9 AND 11 FIRST STREET & CONSTRUCTION OF ACCESS & INFILTRATION CHAMBER WITHIN EASEMENT ON FIRST STREET BE DEEMED NOT A SIGNIFICANT ACTIVITY

MR. KERN: SECOND

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

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

MS. PHILLIPS: MOTION THAT APPLICATION #A17-6.1/9 AND 11 FIRST STREET AND FIRST STREET (PAPER STREET) – JOHN GARGANO LIMITED PARTNERSHIP – (CONSTRUCTION OF CAR PARKING AREA ON 9 AND 11 FIRST STREET & CONSTRUCTION OF ACCESS & INFILTRATION CHAMBER WITHIN EASEMENT BE APPROVED WITH THE

**CONDITIONS IN MS. O'HARE'S ENVIRONMENTAL PLANNER'S
REPORT:**

- 1. REVISED "PROPERTY SURVEY MAP" TO BE SUBMITTED DEPICTING EASEMENT AREA LOCATED IN A PORTION OF FIRST STREET AND REFERENCING EASEMENT IN A NOTE**
- 3. REVISED "SOIL EROSION AND SEDIMENTATION CONTROL PLAN" TO BE SUBMITTED DEPICTING SILT FENCE INSTALLATION TO BE EXTENDED IN THE NORTHERN AREA TO INCLUDE THE GRADING TO BE CONDUCTED ON THE ADJACENT PROPERTY IN THAT VICINITY, 485 SOUTH COLONY ROAD**
- 4. SITE CONTRACTOR TO BE ADVISED THAT SEDIMENTED FLOWS FROM THE TEMPORARY SEDIMENT TRAP PROVIDED ARE NOT TO TRAVEL INTO THE UNPROTECTED YARD DRAINS LOCATED ON THE ADJANCE 485 NORTH COLONY ROAD**
- 5. EROSION CONTROL MEASURES ARE TO BE INSTALLED MEETING THE APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR TO ANY FURTHER WORK BEING CONDUCTED ON-SITE**

MR. KERN: SECOND

Mr. Kern asked Mr. Lambert if he understood on condition #4 regarding the contractor and sedimented flows. Mr. Lambert said this was one of the comments he spoke about with Ms. O'Hare who was concerned the temporary sediment trap becoming overfilled from rainstorms. He said the sediment trap was designed off the 2002 erosion control plans and is properly sized, but stated a note can be made on the plans that the contractor understands there can be no overflow onto the adjacent property.

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

3.#A17-6.2/16 Shire Drive – Sharon and Charles Kent III (shed)

Appearing in front of the IWWC was Sharon and Charles Kent III of 16 Shire Drive who said are seeking approval for a shed in the wetlands area. Ms. O'Hare said the proposed shed is not in the Upland Review Area which then would qualify for Administrative Approval. She said the Applicants are here because the shed is in the wetlands. She referenced her July 13, 2017 Environmental Planner's Report which contains a map on the back page which is the original sub-division map for Shire Drive. Ms. O'Hare said the lot is at the end of the cul-de-sac and the wetlands are at the top which is the west side of the Kent's property. Ms. O'Hare said the plan doesn't show the Town's 30 ft. wide drainage easement. She said this is no longer wetlands and noted she didn't request the Kent's hire a soil scientist. She said it is dry out there and this is

the best location for the shed because it is near their pool and the wetlands are filled because the Town altered it for the drain pipe which takes all the flow off the road and deposits the water into the woods in the back.

She said the Engineering Dept. told her it is permissible to install a shed inside a drainage easement as long as the shed is temporary. She said the shed sits on a gravel bed and is not installed.

Chairman Vitali said he didn't read the map as showing the shed in the wetlands. Ms. O'Hare said the shed will be right next to the house and added she failed to draw the shed in on the map. Ms. Kent showed the Commission another map that she attached to the application. She showed the location of the house, the easement, the wooded area, and the fenceline and noted the area is dry.

Chairman Vitali noted this was a former active wetland that became drained by a drainage easement system and the shed can be in the Town easement with no problem. Mr. Kern told the Applicants that if the Town has to come through for some reason, the shed will have to be relocated. He said the IWWC is allowing this application because the wetlands have already been destroyed by the Town when they filled in the easement.

Chairman Vitali entertained a motion on Significant Activity.

MS. PHILLIPS: MOTION THAT APPLICATION #A17-6.2./16 SHIRE DRIVE – SHARON AND CHARLES KENT III - (SHED) BE DEEMED NOT A SIGNIFICANT ACTIVITY

MR. KERN: SECOND

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

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

MS. PHILLIPS: MOTION THAT APPLICATION #A17-6.2/16 SHIRE DRIVE – SHARON AND CHARLES KENT III - (SHED) APPROVED AS SUBMITTED

MR. KERN: SECOND

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

NEW BUSINESS – None

RECEIPT OF NEW APPLICATIONS

1. **#A17-6.3 – off Washington Avenue & Oak Street** – Town of Wallingford, Connecticut – (trail construction, drainage improvements). Ms. O'Hare indicated this application is scheduled for the Sept. 6, 2017 IWWC meeting.

ELECTION OF OFFICERS – Tabled

REPORTS & COMMUNICATIONS

1. DEEP Notice of Diversion Permit Application Approval – Tilcon, CT., Inc., 1605 Durham Road, Wallingford, CT., in accordance with application filed July 2, 2003.
2. CACIWC newsletter, *The Habitat*, Spring 2017
3. Eversource Energy – notice: sub-petition to CT Siting Council regarding transmission line support structure replacement work, dated 6/29/17; received 7/10/17
4. Copy of letter forwarded to Mayor from James Benway, Environmental Health & Safety Manager Management, True Blue Environmental Services, re: Notice of Registration for the General Permit for Contaminated Soil and/or Sediment at 249 Dudley Avenue, dated 7/6/17.

I. VIOLATIONS

1. Cease & Desist – **8 & 10 Atwater Place** – Howard & Gail Lohmann - filling

Ms. O'Hare said there has been no movement on the remediation. Chairman Vitali asked why it was on the agenda. Ms. O'Hare indicated that the Cease & Desist Order was to continue until the site was remediated.

2. Discussion: **#A16-9.4 – 103 North Turnpike** – Joe Richello -wetland clearing

Appearing in front of the IWWC was Joe Richello, 103 North Turnpike Road, Yalesville.

Ms. O'Hare said she and Mr. Kern visited the site a month ago to do a periodic site check. She said this project was approved in April. She said when she checked, the clearing was beyond in her interpretation what was approved. Ms. O'Hare said she, Mr. Kern and Mr. Richello met on the site to look at everything. She said Mr. Kern believed he was in the right and gave his interpretation. Ms. O'Hare said she was concerned where the wetlands were cleared. She said she wants plans to be followed to the letter and said these days, the filling of wetlands isn't approved. She said she would like to see plantings put back in the wetlands and she presented a sketch map.

Mr. Richello said he was on vacation in Maine and said Ms. O'Hare requested he appear at this meeting. Mr. Kern said this was an issue that could have been addressed with a verbal agreement and asked Ms. O'Hare if she recalled the conversation she had with him regarding not having Mr. Richello appear in front of the IWWC.

Ms. O'Hare said she instructed Mr. Richello not to come knowing he was in Maine. She said Mr. Richello said he felt strongly about his property and was willing to drive down from Maine. Mr. Kern said Ms. O'Hare was book smart but field dumb. He explained that when a contractor goes out and does what Mr. Richello has done to this property to protect the wetlands surrounding it, it is a very fragile piece of property.

Mr. Kern said it was explained to Ms. O'Hare what was happening and said he didn't believe how the contractor would get the sewer line in where the trunk line is without doing more wetland disturbance. He said Ms. O'Hare has to understand sometimes there are field condition changes which can be administratively approved or agreed upon and run by the Commission. He said the reason he didn't want Mr. Richello to appear tonight is because these were small footprint errors and Mr. Richello agreed to put wetland plantings in this area after the construction is finished.

Mr. Richello said Ms. O'Hare mentioned plantings, but said it was vague to him where the plantings were to be installed. He noted he has a fortune invested in engineering and everything he has done. He said it was better to come here and resolve this. Mr. Kern said it was agreed at the site visit what had transpired and what needed to be done. Mr. Kern said he wants Ms. O'Hare to understand she needs to have flexibility on this area, and if the contractor has a wider machine than what was specked out of, Ms. O'Hare will have to bend a little. Mr. Kern said he would be concerned if this was unspoiled pristine wetlands. He said this we are looking at a lot that has been tampered with and filled. He asked Ms. O'Hare that if Mr. Richello has to go over the sed fence line, to make sure the S&E controls are there but to be flexible with what needs to be done.

Ms. O'Hare said she was directed to put this item on the agenda by Chairman Vitali. Chairman Vitali said the original conversation was involved with throwing the book at Mr. Richello. He said before anything is done, there should be a discussion. Chairman Vitali said Mr. Richello has agreed to provide plantings in the wetlands at the end of the project. Mr. Kern said there is fencing along the entire lot to protect disturbance.

Mr. Kern asked Ms. O'Hare if she checked the site after last Thursday's rain. Ms. O'Hare said she hadn't gone to the site. Mr. Richello gave an overview and said the site is working properly and water is being contained. He said all the major site work is done with no more fill and excavation to take place.

Chairman Vitali entertained a motion to waive Article One, Section One of the Charter to add an agenda item: under VIOLATIONS – 1092 Clintonville Road – Raffone.

MS. PHILLIPS: MOTION TO WAIVE ARTICLE ONE SECTION ONE OF THE CHARTER TO ADD 1092 CLINTONVILLE ROAD – RAFFONE – TO THE AGENDA.

MR. KERN: SECOND

VOTE: UNANIMOUS

VIOLATIONS

3. 1092 Clintonville Road – Raffone –deposition in Upland Review Area, wetlands and stream.

Appearing in front of the IWWC was Justin Raffone, 22 Simpson Avenue, Wallingford, owner of 1092 Clintonville Road.

Ms. O'Hare said she received a phone call from the North Haven Zoning Enforcement Officer and Wetlands Agent informing her of a wetland violation at 1092 Clintonville Road. Ms. O'Hare said this is one of the lots that is half in Wallingford and half in North Haven. Ms. O'Hare said the North Haven ZEO went to a property next door to the Raffone's and noticed sediment entering the neighbor's pond in North Haven off Pond Hill Road. She said the North Haven ZEO followed the sediment back to 1092 Clintonville Road. Ms. O'Hare said she and the North Haven ZEO went to the site together. Ms. O'Hare showed photos she took this morning that did show some erosion control measures put in place since Monday including silt fencing. Mr. Raffone said he also included photos.

Ms. O'Hare said this property is Lot #3 in a 3-lot subdivision of the Capiella property approved by the Planning & Zoning Commission in 2012. She said this did not come in front of the IWWC but a version came through IWWC four years ago for a four-lot subdivision that was to go through the wetlands, but was withdrawn. She said the final plan went through with three-lots. Ms. O'Hare said the entire lot has been opened up, with a big sloping front yard and big sloping back yard that slopes down to the wetlands. Ms. O'Hare said the big rainstorm last Thursday night that blew the sediment into the woods. She said the photos show a path of mud and pointed out that in the woods the mud is everywhere. Ms. O'Hare said water comes down the hill and crashes into a footing drain which reamed out the soil. She said the soil went down about 200 ft. through the woods until it hits a stream, takes a right turn to North Haven and dumps into a pond.

Ms. O'Hare said there is some other runoff that comes into the woods historically from the Capiella vegetable farm. She said this erosion has taken place for years and adds to this, but the Raffone erosion is the real problem.

Ms. O'Hare said the temporary solution is to install silt fencing which Mr. Raffone has installed around the large plateau of fill in the back woods Tuesday. She said she asked Mr. Raffone to continue the silt fencing to the north side to block off the agricultural runoff and wrap it around the backyard and install haybales in the woods. She said a plunge pool should also be installed at the end of the footing drain and to attempt to slow down the water inside the footing drain. Ms. O'Hare said she wants Mr. Raffone to hand-shovel the sediment out of the deepest part of

the woods. She said she wants to explore with the Town of North Haven regarding the pond. She said leaving the pond alone may be the best solution.

Mr. Kern said out of good faith, we need to stabilize our part to ensure nothing else is sent over to the North Haven part of the property. Ms. O'Hare referenced the Notice of Violation, which states what should be done this week. Mr. Kern said it would be better to get complete control and stabilize the area instead of doing a band-aid approach and speak to the owner to see what his intentions are. He said we should look at the long-term impact.

Chairman Vitali asked if the situation was under control. Ms. O'Hare said this was the first step. She said there were also some zoning violations on the site. She said she would like to see the red soil out of the woods and the haybales installed and the shoveling done. She said she doesn't want to put any more sediment of the pond noting the pond owner was upset.

Mr. Raffone said he acted quickly and had the mud mat put in and 16 haybales delivered and installed about 1,000 ft. of silt fencing. Mr. Raffone said he had a long-term plan for the back noting there will be a barn installed over the next six to eight months and a lot of vegetation and flower beds lining the edge of the property before getting into the wetlands. He said this was cultivated top soil with a tremendous amount of runoff. He said he admits he added to it and said last Thursday's rain also didn't help. He said the property will be developed properly and the area will be under more control than it ever has been. He said he will be as proactive as he can to get this resolved.

Mr. Kern said he believes Ms. O'Hare and Mr. Raffone have a working relationship. He asked Ms. O'Hare to provide Mr. Raffone with something that will be there for the duration of the construction cycle. Ms. O'Hare said 150 ft. by 300 ft. of silt entered the wetlands and is less than six inches deep. She said the major concern is the pond not the wetlands.

Chairman Vitali said the red rock soil is suspended in the water and is almost impossible to remove and this silt doesn't drop to the bottom so a backhoe going in there won't make a difference. Ms. McKeen suggested if a series of silt fences or barriers are put up to keep it from flowing again to the property line, this may help keep the soil back in where it is now. Ms. O'Hare suggested digging a sediment basin in the Raffone's back yard. She said grass won't grow now but must be vegetated until October. Mr. Raffone said he considered installing a pond in the backyard to act as a basin. Ms. O'Hare said this pond didn't have to be permanent.

Mr. Kern said the most important thing is to stabilize the soils, noting the IWWC has no jurisdiction over the pond. He said Mr. Raffone and Ms. O'Hare can be created with this. Mr. Kern suggested Ms. O'Hare provide a progress report to the IWWC. Chairman Vitali said if the report is favorable, Mr. Raffone will not have to appear again before the IWWC.

Chairman Vitali entertained a motion to adjourn.

Adjournment

Ms. Phillips made a motion to adjourn the meeting at 8:20 p.m. Ms. McKeen seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary