

## **SPECIAL MEETING**

### **WALLINGFORD INLAND WETLANDS AND WATERCOURSES COMMISSION**

**Monday, April 17, 2017, 4:30 p.m.  
605 North Elm Street, Wallingford, CT**

Chairman Vitali convened the Special Meeting at Monday, April 17, 2017 4:32 p.m. at 605 North Elm Street and took the Roll Call.

**Present:** Jim Vitlai, Chairman, David Parent, Vice Chair, Mike Caruso, Bob Parisi, Aili McKeen. Also present were: Erin O'Hare, Environmental Planner, Pasquale DiNatale, Katie DiNatale, Steve Gale, Matt Zabierek and Dave Zagac, with the Record Journal, Norm Bolduc, LRC Group, Inc., Tony Rackie, and Velma Rackie.

**Not present:** Commissioners Nick Kern, Deborah Phillips, Daryll Porto

Chairman Vitali indicated the purposes of the Special Meeting which was first, to conduct a site investigation of the 605 North Elm Street property concerning the violation matter pending before the Commission relative to unpermitted, unauthorized clearing of vegetation within the jurisdictional area and, secondly, to consider for possible approval a proposed modification to permit IWWC #A16-2.1 regarding the property known as 530 Church Street. He took the agenda in that order as there were several members of the public who were interested in the 605 North Elm Street matter present. Ms. O'Hare acted as Recording Secretary.

#### **605 North Elm Street / Pasquale DiNatale – Notice of Violation – unpermitted, unauthorized clearing of vegetation within the jurisdictional area**

Ms. O'Hare indicated the IWWC was here to observe the site conditions in those specific areas within the IWWC jurisdiction where trees and all vegetation had been removed recently without a permit. Some of the removal activity went beyond those areas proposed for clearing in the pending subdivision application. The IWWC walked the site beginning at the north side where the pond outlets. As requested in the Notice of Violation issued April 7, the owner had installed stakes with orange flagging on the 50-foot upland review area boundary so that the jurisdictional area would be clear in the field and these were observed. Norm Bolduc submitted copies of the survey to Ms. O'Hare as requested by the IWWC that depicted areas of unpermitted clearing and locations of silt fencing, etc.

Chairman Vitali pointed out the very large diameter Beech tree stump recently cut at the north edge of the pond's overflow swale (aka drainage ditch) which indicated the age of this water conveyance feature. An old pipe was noted that also conveyed flows in this vicinity. All the vegetation had been recently removed on both sides of the swale right to the channel's bottom and to the wetlands flagging on the pond's west side at the outflow. A single stump of a large tree that had been removed in the lawn area between the pond and the existing residence was observed. Commissioner Parisi left the site walk portion of the Meeting at this time and rejoined the Meeting for the second matter on the agenda later.

The IWWC walked on towards the rear portion of the property by passing through a treed area that supported a rough lawn. Ms. O'Hare pointed out that this low area was inundated with pond water during her last site visit there during a significant storm event.

The IWWC walked upgrade to observe unpermitted tree clearing and removal of all vegetation on the upper portion of a steep slope located upgradient from a swathe of wetlands there. Cutting had occurred to within 35 feet of the wetland flagging on this very steep slope. The Owner had staked out the jurisdictional limit as requested so IWWC could observe the dimensions involved in the unpermitted removal activities. Ms. O'Hare observed that the silt fencing in several places onsite was now trenched-in, as requested, however on this slope it appeared to be installed in a different place from her last site investigation. Norm Bolduc, LRC Group, responded that it was in a different place as the contractor had removed the previous silt fencing and installed new silt fencing further away from the unpermitted tree removal limit. Stumps were observed on both sides if the silt fencing all along the slope where unpermitted activity had taken place. Owner Pasquale DiNatale told the IWWC that originally when he paced out 50-feet from the wetland flagging to mark it for the tree contractor he made a misjudgment in the distance and maybe that was because he was pacing it out going up the very steep slope. He indicated that the pink bows observed tied around some of the trees he had tied to indicate the tree was not to be removed. As requested in the Notice of Violation, the owner had installed stakes with orange flagging on the 50-foot upland review area boundary to orient the IWWC. Chairman Vitali indicated that there may be bedrock at the top of the ridge in this vicinity where the Owner wants to grade.

The IWWC did not proceed down to the lower northeastern corner of the site where there are wetlands but observed the area from the vantage point of the top of the ridge. Ms. O'Hare inquired where the true property line and wetland boundary were located in the northeast corner as she was unable to locate them when she took photos of the silt fencing installed in one-foot of water on April 3 in that vicinity. Mr. DiNatale explained that was because the clearing did not extend anywhere close to the property line or the wetlands line as they are located way back in the woods and there is an old box wire fence which is the property line. The reason the water was ponded there is that it historically ponds there, he said. It was noted that low spot was filled in years past and trees had not been cleared from it as it never supported trees. Ms. O'Hare noted that it was mud so it was clear that whatever vegetation had been growing there had been removed during the recent tree clearing activities. Norm Bolduc indicated that the silt fencing in the low area was now trenched in.

Chairman Vitali asked for questions from the IWWC. There were none. He then asked for questions from the public. There were none. He directed Norm Bolduc, LRC Group, to work with the Environmental Planner on a remediation plan. The IWWC returned to where the vehicles were parked and Commissioner Parisi joined the IWWC.

**IWWC #A16-2.1 / 530 Church Street – Timberwood Homes, LLC – (7-lot residential subdivision) - modification to stormwater basin discharge outfall facility design and location**

Chairman Vitali asked Ms. O'Hare to review the matter concerning a modification of the permit plan regarding a relocation of the discharge area for the stormwater basin previously approved. He indicated that while work was underway, the approved location presented constraints in terms of rock outcropping and a new design was necessary. Ms. O'Hare presented a copy of the submitted proposed revised design, prepared by Milone & MacBroom, dated rev. 4/17/17, and several suggested conditions of approval as stated in the Environmental Planner's Report, dated April 17, 2017. Chairman Vitali did not like the new design of the forebay location which would result in the discharge flows into the basin at a point located too close to the outlet control

structure to allow for adequate settling and indicated this part of the proposal would need to be revised. The IWWC agreed. He called for a motion.

**MOTION:** Commissioner Parent – To approve IWWC #A16-2.1 / 530 Church Street – Timberwood Homes, LLC – (7-lot residential subdivision) - modification to stormwater basin discharge outfall facility design and location with the Conditions of Approval as recommended by the Environmental Planner in document, dated April 17, 2017 with the addition of a new condition. The Conditions of Approval are to be as follows:

1. IWWC placards to be installed every 50 feet along the limit of development boundary depicted on site plan for Lots # 1 - #5 as revised for the subject area.
2. Lot line for Lots #4 and Lot #5 to be revised such that level spreader area is located entirely on Lot #5 a.
3. Maintenance access to level spreader area is provided for on the revised Lot 5.
4. Revise: Language be incorporated in the deed of Lot #5 to indicate the sole responsibility for the maintenance of the stormwater basin facilities located on Lot 5 lies with the owner and that regular monitoring of the stormwater basin facility elements are to be conducted especially after major storm events, and that biannual maintenance reports are to be filed with the Environmental Planning Office twice yearly to record regular ongoing maintenance to insure proper functioning of the system.
5. Draft language relative to Condition #2 is to be submitted to the Environmental Planner for review and approval prior to the recording of the deed for Lot #5.
6. Erosion control measures are in place and meet the approval of the Environmental Planner onsite prior to any further work being conducted onsite.
7. (New Condition added) Approval does not include basin inlet location and forebay design as proposed in revised plan submitted 4/17/17. Redesign of basin inlet location and forebay design are to be submitted to Environmental Planning Office as soon as possible to allow time for staff review prior to the IWWC Regular Meeting on May 3, 2017. Permittee, or representative, is required to present proposed redesign to IWWC for its consideration for approval at the May 3 Meeting.

**SECOND:** Commissioner Caruso

**VOTE:** Unanimous

Chairman Vitali adjourned the Special Meeting at 5:45 p.m.

Erin O'Hare, Environmental Planner, Acting Recording Secretary.