

**Inland Wetlands and Watercourses Commission  
Town of Wallingford**

**Special Meeting**

**Wednesday, May 13, 2009, 4:30 p.m.**

A Special Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, May 13, 2009, in the field for the purpose of conducting a site investigation on two properties that are the subject of violations.

**Present:** Chairman James Vitali, Vice Chairman, Ellen Deutsch, Secretary, Nick Kern, Jeff Kohan, and Alternate Jim Heilman, and Erin O'Hare, Environmental Planner.

Chairman Vitali convened the Special Meeting at 4:32 p.m. at the first property, 1120 South Broad Street. Erin O'Hare acted as Recording Secretary.

Representing the property owner was Bill Sacks, member, Old North Colony Properties, LLC, and Joan Molloy, Esq.

Chairman Vitali asked Ms. O'Hare to review the purpose of the meeting. Ms. O'Hare indicated that the IWWC is here to observe site conditions relative to the subject Notice of Violation (NOV) regarding two swales installed for drainage purposes within the regulated area that discharge into the stream on the 12 Old Colony Road property, relative to the letter of violation regarding use of an area for storage and parking within the regulated area on the 1120 South Broad Street property, and relative to the failure of the erosion controls for the stockpile area along South Broad Street.

The IWWC walked through the 1120 South Broad Street property to the 12 Old Colony Road property. The IWWC viewed the two swales with their respective haybales dams and check dams installed as directed in the NOV and the straw mulch that had been spread as directed. Unauthorized stone was observed to have been subsequently placed in the length of the swales. Ponded flows and evidence of previous ponding and drainage to the west of the swales was observed.

Ms. Molloy and Mr. Sacks indicated they had no knowledge relative to who had installed the swales and indicated the swales may have been installed prior to the stockpile application and may not be new. They indicated they were unaware of a site drainage issue and were willing to remove the stone in the swales, or, alternatively, to remove the swales entirely and regrade and stabilize the area as had been suggested by Ms. O'Hare. Ms. Molloy indicated that there was a provision for stormwater control in the Permanent fill activity approved recently by the PZC, for this site, however, a condition of that approval was that the Temporary fill permit work be completed prior to commencement of work on the 12 Old Colony property.

Ms. O'Hare stated that Mike Heard, an employee working on the site at the time of the site investigated conducted April 6, had indicated that the ponding was the result of very compacted soils. Chairman Vitali wondered if the stream had been relocated in years past resulting in the compacted fill soils in this vicinity.

After some discussion, the consensus of the Commission was that the swales and the stone could remain as it was serving a purpose to remove sediment from the sedimented flows heading into the regulated area. Ms. O'Hare stated that as installation of swales and discharge of flows to a stream constituted a regulated activity, a regular wetlands application was required, or, at minimum, an administrative approval was required.

The IWWC viewed the southern border of the property, the remains of an old dam, and the culvert under the railroad which was observed to be in need of maintenance.

Ms. O'Hare suggested the sediment in the flows could be alleviated by seeding the stockpiles. Mr. Sacks indicated the stockpiles were active and, therefore, were not seeded. Jim Heilman had pointed out the rilling on the sides of the two rear stockpiles which indicated they had been there awhile. Nick Kern felt the stockpiles did not need to be seeded.

Excavation was observed in the middle of the stockpile area located on 1120 South Broad Street that routed the stormflows ponded here towards the east to the 12 Old Colony Road property and towards the swales. Chairman Vitali concluded that it was evident that no provision had been made for stormwater drainage and erosion control for the permitted temporary stockpile activity on 1120 South Broad Street, and, consequently, flows from that site have resulted in issues on the 12 Old Colony Road property. A stormwater plan should have been designed previously he said. Given the current conditions onsite, he felt a permit was required and the permit could be handled administratively. The IWWC agreed. Jeff Kohan felt that after storm events the various erosion control measures needed to be monitored and repaired as may be necessary.

Ellen Deutsch made a motion to approve the installation of the two swales, the lining of the swales with stone, and the discharge of site storm flows to the stream via the swales by an administrative approval with the condition of approval that, after storm events, the existing erosion control measures shall be monitored and repaired as may be necessary. Jeff Kohan seconded the motion. It was approved unanimously.

Chairman Vitali asked Ms. O'Hare if site conditions had been rectified relative to respecting the 50-foot distance from the stream on the 1120 South Broad Street property. Ms. O'Hare indicated the vehicle parking and storage area has been satisfactorily relocated out of the regulated area as requested by her office. Chairman Vitali asked Ms. O'Hare if she felt erosion controls were currently in good shape near South Broad Street at the location of the previous erosion control failure that had resulted in mud in South Broad Street. Ms. O'Hare indicated affirmatively.

Chairman Vitali adjourned the meeting at 5:20 p.m.

Respectfully submitted,

Erin O'Hare  
Acting Recording Secretary