

WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION

Wednesday, February 6, 2019

7:00 p.m.

Robert F. Parisi Council Chambers, Town Hall

45 South Main Street, Wallingford, CT

MINUTES

PRESENT: Chair James Vitali; Vice-Chair David Parent; Secretary Nick Kern; Commissioners Deborah Phillips; Michael Caruso; Aili McKeen, Alternate; Robert Simon, Alternate; Erin O'Hare, Environmental Planner.

NOT PRESENT: Daryll Porto, Alternate

Chair Vitali called the Meeting to order at 7:02 p.m. and the Pledge of Allegiance was recited.

CONSIDERATION OF MINUTES

1. Regular Meeting, Dec. 5, 2018

MR. PARENT: MOTION TO APPROVE THE DECEMBER 5, 2018 IWWC MEETING MINUTES AS PRESENTED

MS. PHILLIPS: SECOND

VOTE: MCKEEN – YES; PARENT – YES; PHILLIPS – YES; KERN – YES; CHAIR VITALI – YES

OLD BUSINESS

1. **#A18-12.2/320 Barnes Road & 340 Barnes Road** – Rowland Technologies - (industrial addition)

Appearing in front of the IWWC was Atty. Dennis Ceneviva, Ceneviva Law Firm, representing the Owner/Applicant; John Gabel, Project Engineer from CT Consulting Engineers and Robert Day, Project Architect.

Atty. Ceneviva explained this application involves two properties: 320 Barnes Road and 340 Barnes Road. He pointed out that 320 Barnes Road is developed with the operation of Rowland Technologies and is approximately 8 ½ acres. Atty. Ceneviva said his client had come before the IWWC when the site was expanded in 2015. He said the current plan is to expand again, adding approximately 34,000 sq. ft. He said in order to do this; the Applicant has acquired the rights to purchase 340 Barnes Road immediately to the east. He noted there is a house on 340 Barnes Road which will be razed by the Applicant. Atty. Ceneviva said 340 Barnes Road will be incorporated into the site plan.

Atty. Ceneviva said the Applicant is in front of the IWWC because of the amount of a new impervious area that is proposed under this plan. Atty. Ceneviva noted the Applicant is going to purchase the house and a plan has been submitted to Planning & Zoning. Mr. Gabel provided information on the storm water management plan. He said the proposal calls for two drainage systems for this development. Mr. Gabel said the first system is a modification of the existing drainage system located in the western part of the site. He explained the system will collect drainage from the existing parking lot where the addition will come over. Mr. Gabel noted there is currently no treatment for this drainage system which discharges to the city system.

Mr. Gabel said the proposal is to install two new catch basins at the new entrance, close up the old entrance and convert those catch basins to manholes which will be routed to a new oil/water separator to treat the runoff. Mr. Gabel said the second system consists of catch basins, and a storm tech infiltration system which will collect water from the main aisle including roof runoff which will be conveyed to the storm tech infiltrators and treated and discharged into on-site soils adjacent to the wetlands. Mr. Gabel said existing roof leaders are also connected to a storm infiltration trench which discharges into the wetlands. He said treatment will be added that doesn't exist and the drainage system will also be enhanced.

Atty. Ceneviva noted there is no activity within the wetlands or in the upland review area, other than the discharge of the storm water into the wetlands. He pointed out that currently the storm water discharges into the Town's system without any treatment. Atty. Ceneviva also said because of the new proposed parking area for 340 Barnes Road, this site is also being treated with the infiltrators, taking the roof water so it can infiltrate into the ground. He said other than the discharge into the wetlands; there is no other activity within the wetlands or the upland review area.

Chair Vital noted a lot of maps and information was presented to the Commission tonight. He asked what was different from the information that was previously presented. Atty. Ceneviva said the only difference is was providing definition i.e, clarification of the previously submitted plans. He noted Ms. O'Hare had legitimate concerns regarding the plan details. He said he believed the plans are not complicated; noting the parking area was reduced after the ZBA approved a variance to allow reduction of required parking spaces.

Atty. Ceneviva said this works well in minimizing impervious area. He said from the last time of submission to tonight, it was a question of getting anything Ms. O'Hare deemed appropriate on the plans. He pointed out an example, noting a detailed storm management plan. He said there was other missing information which was incorporated into the plan. Mr. Gabel said when the original plans were submitted, there was concern about phasing because of the activity on the site and trucks entering and exiting through the main entrance. He said he discussed with Ms. O'Hare how this site would be developed in phases. He said phase 1 will involve demolition of the house and septic system; the second phase involves the parking lot construction with the temporary sediment basin, drainage systems, temporary construction entrance and stockpile; the third phase involves the construction of the proposed addition, parking lot and drainage.

Ms. O'Hare referenced her two Environmental Planner's Reports. She said this is a busy, active site and recommended approval. She discussed her five Conditions of Approval. She noted didn't request a spill control plan because the Applicant was going ahead with one already.

Chair Vitali entertained a motion on Significant Activity.

MR. PARENT: MOTION THAT APPLICATION #A18-12.2/320 BARNES ROAD & 340 BARNES ROAD ROWLAND TECHNOLOGIES – (INDUSTRIAL ADDITION) BE DEEMED NOT A SIGNIFICANT ACTIVITY

MS. PHILLIPS: SECOND

VOTE: MCKEEN – YES; KERN – YES; PARENT – YES; PHILLIPS – YES; CHAIR VITALI –YES

Chair Vitali entertained a motion to approve or deny the application

MR. PARENT: MOTION THAT APPLICATION #A18-12.2/320 BARNES ROAD & 340 BARNES ROAD ROWLAND TECHNOLOGIES – (INDUSTRIAL ADDITION) BE APPROVED WITH THE FIVE CONDITIONS SET FORTH IN THE ENVIRONMENTAL PLANNER'S REPORT DATED FEB. 6, 2019:

- 1. A \$20,000 BOND BE POSTED;**
- 2. EROSION CONTROL MEASURES ARE IN PLACE AND MEET THE APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR TO ANY FURTHER WORK BEING CONDUCTED ONSITE UNDER EACH OF THE THREE PHASES;**
- 3. SPILL CONTROL PLAN TO BE SUBMITTED WITHIN 3-MONTHS OF APPROVAL;**
- 4. SIGNAGE TO BE INSTALLED ON BUILDING SOUTHERN FAÇADE INDICATING D.E.E.P EMERGENCY SPILL INCIDENT REPORTING CONTACT NUMBER;**
- 5. MODIFICATIONS TO PLAN DURING PZC APPROVAL PROCESS MAY NECESSITATE SUBMITTAL OF IWWC APPLICATION RELATIVE TO MODIFICATION OF ORIGINAL PERMIT**

MS. PHILLIPS: SECOND

VOTE: MCKEEN – YES; KERN – YES; PARENT – YES; PHILLIPS – YES; CHAIR VITALI – YES

Application Approved

NEW BUSINESS

- 1. #A14-7.2/195 Chimney Hill Road – Sunwood Development Corp. – Request for final bond release.**

Ms. O'Hare said this is not ready. She explained there is a stubborn little erosion control issue. Chair Vitali asked if any trees had been re-planted. Ms. O'Hare said no trees were planted. Chair Vitali asked if this was part of the request after trees had been cut down. Ms. O'Hare said this was considered that if two baby oak trees were planted, the deer would eat them. She said the other oak trees arch over and noted the oak trees on either side are full so that is how it was left. Ms. O'Hare said the Applicant said the trees they cut down were rotten but pointed out she didn't see them.

- 2. #A16-4.5/29 Toelles Road** – FedEx Ground Packaging Systems, Inc. – Request for final bond release.

Ms. O'Hare said this is a \$15,000 bond and recommended release. She said she has been out there at least six times with the Contractor who has completed work and requested the bond release. Ms. O'Hare noted that now this has been turned over to FedEx proper whom she has had discussions with and are ready to take this on. Ms. O'Hare said she will meet with them to do a tutorial on how to take care of the facilities in the woods. She said from this point forward, FedEx is supposed to report to her for the next five years and give her a report.

Chair Vitali asked for a motion to release the bond.

MR. PARENT: MOTION THAT APPLICATION #A-4.5/29 TOELLES ROAD – FEDEX GROUND PACKAGING SYSTEMS, INC. – REQUEST FOR FINAL BOND RELEASE BE APPROVED

MS. PHILLIPS: SECOND

Commissioner Kern asked if there were any plantings the IWWC needed to be aware of that need to be a one-year cycle. Ms. O'Hare said the plantings were put in around the pond a few years ago and all is good.

VOTE: MCKEEN – YES; KERN – YES; PARENT – YES; PHILLIPS - YES; CHAIR VITALI – YES

Bond Release Approved

RECEIPT OF NEW APPLICATIONS

- 1. #A19-1.1/15 Windswept Hill Road** – Paradise Vineyards & Winery – Richard Ruggiero – (driveway and parking improvements)

Chair Vitali noted this was just a receipt and there was no presentation scheduled.

Appearing in front of the Commission was Christopher Juliano, P.E. Licensed Land Surveyor, Juliano Associates representing the Applicant. Mr. Juliano gave a brief overview. He explained there was a site walk on this property performed last fall regarding potential or possible erosion control issues going on to the property to the north owned by Albert Ruggiero one of the co-owners. He said the plan is to expand the parking lot behind the winery to form up a more formal parking lot which currently is oddly

shaped. He said in doing this, it has been requested by Planning & Zoning to remove the parking on the neighboring property and do some expansion and some clarification of the driveway entrance from Windswept Hill Rd. to this property. Mr. Juliano said the Applicant is in front of the IWWC because he tripped the impervious surface requirement. He said he didn't believe Paradise Hills ever came before the IWWC over an impervious surface issue.

Mr. Juliano said the expansion will go from approximately 63,530 sq. ft. up to approximately 77,300 sq. ft. of semi-impervious surface. He noted that from the property line to where the work is taking place will be 154 ft. away from the wetlands from the property to the north. Mr. Juliano said Ms. O'Hare was concerned about runoff possibly causing erosion from the parcel to the north. He said the Applicant wants to install a row of boulders and cobbles at the edge of the parking lot along the property line which will take the sheet flow that started to concentrate into shallow flow, and disperse it, slow any velocity and change it back up into sheet flow so it will infiltrate into the ground.

Mr. Juliano said Ms. O'Hare was also concerned about the pre-treatment of runoff from the gravel parking lot. He said although the 154 ft. is quite a distance, according to the 2002 CT Guidelines for this type of soils to get a pre-treatment surface, it would have to be 174 ft. He said as part of the plan, there will be a grass line swale behind the cobbles to lengthen the water flow which will go through the woods before entering the wetlands. Commissioner Kern asked if the wall was on Albert Ruggiero's property or on the vineyard. Mr. Juliano said the cobbles will be on the vineyard property and the grass strip and swale will be located on Albert Ruggiero's property at 12 Windswept Hill Road. Commissioner Kern asked how this would be maintained. Mr. Juliano said this would be part of the maintenance plan and Ms. O'Hare will ask for documentation from the client's attorney regarding drainage rights from Albert Ruggiero.

Chair Vitali asked about the type of gravel to be used. Mr. Juliano said anything to be put down in the parking lot will be ¾ inch processed stone, true gravel. He clarified that his office had discussions with Water and Sewer Sr. Engineer Erik Krueger regarding clarification noting there was talk of paving and milling on the site which will not be done. Chair Vitali asked if the winery would be open 3, 6, or 12 months of the year. Mr. Juliano said the winery is open all year round. Ms. O'Hare said she will be preparing an Environmental Planner's Report for the March IWWC meeting.

NO ACTION TAKEN

- 2. #A19-1.2/320 Washington Street** – Town of Wallingford Public Works Dept. – (boathouse demolition) – Request for Administrative Approval – Granted 1/17/19

Chair Vitali said he and Ms. O'Hare discussed this and it was decided to grant Administrative Approval because Public Works and the Engineering Dept. are handling soil and erosion control on this project. The IWWC agreed to Administrative Approval.

- 3. #A19-1.3/5 Research Parkway** – 5 Research Parkway Wallingford, LLC – (demolition of buildings) – Request for Administrative Approval

Chair Vitali said this is an Administrative Approval request for the demolition of the Bristol-Myers Squibb building and the power house. He said Ms. O'Hare told him that both Planning & Zoning and the Water and Sewer Divisions have reviewed the demolition plans and have given them the go ahead along with bonding. He said he believed Ms. O'Hare has gone over the plans and discussed soil and erosion controls that she is concerned about. Chair Vitali said the owners have cooperated, but noted that Ms. O'Hare believed an additional bond by the IWWC wasn't necessary because Planning & Zoning already have a bond.

Ms. O'Hare pointed out the owners haven't applied for their building/demolition permit because she believed they were waiting for Administrative Approval from the IWWC and then they will go ahead. She said the Planning Dept. has thoroughly reviewed this plan as well as the Water Division and her comments. She said she received another plan which incorporates the most recent Planning and Zoning and Water Division comments. Ms. O'Hare noted that the PZC will require a \$17,000 bond and will not require an application. She said she believed the Water Division bond was \$15,000. Chair Vitali asked what the Planning and Zoning's bond covered. Ms. O'Hare said everyone is concerned about the water, noting that stone will be crushed on-site. She said the Water Division has required misting of the stone. She said Planning and Zoning is concerned about erosion control.

Commissioner McKeen said the Commission has gone through a lot to ensure none of this gets into the headwaters of the Muddy River and will be sustained the way it was planned previously. Ms. O'Hare pointed out the plan in front of the IWWC is not the same as the plan that was approved on Nov. 7. She noted this was a separate proposal because it was denied in Planning & Zoning so a new demolition scheme was presented which just focuses on the building. Ms. O'Hare emphasized the parking lot will not be ripped up. She said the previous plan had the parking lot being torn up. Ms. O'Hare said the grass area will also not be ripped up.

Commissioner Kern had concerns about the misting. He asked if the Commission should be concerned about the mud created either in stockpiling or as the building is being torn down as far as seepage going into the wetlands. Ms. O'Hare pointed out this is why an elaborate erosion control plan is being required. She said there will be approximately 26 catch basins each equipped with a filter sack; there will also be a double row of haybales and silt fencing around the outer rim. She said there will be protection where there will be fueling. She said the Water Division was very concerned. Commissioner Kern asked about an on-site liaison to oversee the project.

Ms. O'Hare said an Implementation Monitor is not part of this plan because this is a small piece of the bigger project which was approved in November. She said for that project, if it comes to fruition and went to a bigger development, the Town would at that time advertise for an Implementation Monitor. She said this project is on a much-reduced scale. Commissioner Kern asked Ms. O'Hare if she looked at where the 26 catch basins would be laced with the fabric, noting that when the fabric gets contaminated, the water will build up and move down to the next catch basin. Commissioner Kern wondered after the 26 catch basins are used, where will the water go. He also asked if the fabric in the catch basins will be replaced as it gets contaminated and can't be used for its purpose. Ms. O'Hare said

BL Companies is contracted to go out there and do a weekly erosion control report. She said the Water Division also has permission to go out to the site and check the erosion controls. Ms. O'Hare said she also has permission to visit the site at the onset and on request to check the erosion controls as the demolition proceeds. Vice-Chair Parent asked where the demolished building will be taken. Ms. O'Hare said the demolished building will be taken away. Commissioner Kern said his understanding was the building would be crushed and stockpiled. He also asked if the materials would be hauled off-site. Ms. O'Hare said she would get more information, but noted the materials would be temporarily stockpiled. She told Commissioner Kern that all water from the 26 catch basins and road runoff would end up in the small pond for the main building. She noted there are two demolition sites pointing out that for the gas plant, some of the runoff will go off into the Muddy River towards the Eversource border to the east.

The IWWC agreed to allow Chair Vitali to grant Administrative Approval for this project.

4. #A19-2.1/23 Wojtasik Drive – Joseph T. Wojtasik – (after-the-fact tree removal)

Chair Vitali said three major trees along the brook were clear cut and Ms. O'Hare is aware of this. Ms. O'Hare noted this is also under the "Violations" section as item #4. She said she included the Notice of Violation letter in the Commissioner's packets. Ms. O'Hare said the owner, who was not present at the meeting, came in for an after-the-fact application pertaining to the removal of the 75-ft. oak tree. Ms. O'Hare said the owner will also remove the leaf pile which has been accumulating for years at the edge of the stream corridor. She said pine trees are also being planted along the stream corridor. Ms. O'Hare also distributed a color image of the property to the Commission. Commissioner McKeen noted that it was mentioned the other side of the brook has a 75-ft. buffer of trees and asked if the owner has been gradually going into the upland review area to manicure his lawn.

Ms. O'Hare noted that when she went on-site, the 50 ft. goes to the chain link fence around the owner's pool, but pointed out that area is manicured and is a lawn. She said she sees this quite often.

The IWWC received the application but no action was taken and this was tabled to the March 6 IWWC meeting.

Chair Vitali went to the Violations section of the agenda at this time.

VIOLATIONS

1. Notice of Violation – 988 East Center Street – Benchmark Land Development, LLC & Providence and Worcester Railroad Company – (unpermitted filling & drainage alteration)

Ms. O'Hare said she received a letter on February 6, 2019 from Atty. Ceneviva. Atty. Ceneviva noted that back in December 2018, David Lord, Soil Scientist presented information regarding the quality of the wetlands behind the building which had been filled. He said the sense was to come up with a master plan. He said in the interim, he provided a copy to Ms. O'Hare of where the master plan was located. Atty. Ceneviva said since that time, Godfrey Hoffman, the engineer, has prepared a plan which would

entail removal of the existing building, remediating the filled wetlands, creating an additional wetlands and a vegetative buffer, moving the building to the front of the site which would be the southwest side of the property, moving the existing retaining wall further west to allow for truck turnarounds in the front of the building. He said the plan is just about completed, but one of the issues is this is a future watershed so it must be developed in a way that is consistent with the watershed requirements, i.e., sand filters. He said Godfrey Hoffman is having difficulty laying out the sand filters. Atty. Ceneviva added that he also has to meet with Town Planner Kacie Hand.

Atty. Ceneviva said he has also spoken with Water and Sewer regarding the proposed septic system to be installed in the front southwest corner of the property. He said he has spoken with the Health Dept. as well and stated his client would like to move forward with the master plan and will present an application. Atty. Ceneviva noted the 50 ft. upland review area will be returned. Atty. Ceneviva said he met with the engineer two weeks ago to figure out how to fit in the sand filters. He suggested the engineer sit down with Water and Sewer to work something else. Chair Vitali noted it was interesting to learn for the first time this area was a future water supply. He believed this drainage system ends up below the dam at the old MacKenzie Reservoir. Atty. Ceneviva said this has to be designed as if it is in the watershed.

Chair Vitali affirmed the above Notice of Violation was still in effect.

2. Notice of Violation – IWWC #A16-2.1/530 Church Street – Joseph Mineri, Timberwood Homes, LLC – (erosion & non-compliance issues) – staff report

Ms. O’Hare noted that Mr. Mineri, some of the lot owners and neighbors attended the December IWWC meeting where Mr. Mineri requested she go to the site with Town Engineer which occurred on Dec. 14. Ms. O’Hare said she anticipated corrections would be made immediately but did not occur for approximately one month. Ms. O’Hare said Mr. Mineri eventually did comply with the request for corrections to the site and noted approximately 70% of the work has been completed. Ms. O’Hare said work left to be done includes repairing the side of the basin which cannot be completed until the spring because of frozen conditions. Ms. O’Hare also noted straw mulch was not entirely installed on Lot #1 which faces the corner of Church Street, it was just put down on the corner.

Chair Vitali affirmed the above Notice of Violation was still in effect.

3. Notice of Violation – 52 Hanover Street/Quinnipiac River – Mary Jane Webster Legace, et al Frank Vitale – (forest removal)

Appearing in front of the Commission was Frank Vitale, 52 Hanover Street. Ms. O’Hare said she received a complaint from the President of the Quinnipiac River Watershed Association (QRWA), regarding significant tree cutting and tree removal at 52 Hanover Street which she noted abuts Pragemann Park. Ms. O’Hare noted that Mary Heffernon, Chair of the Conservation Commission, who was present at the meeting, also reported this incident. Ms. O’Hare said she alerted the Sewer Division which has a sewer easement which runs along the bank of the river. She said she and Ms. Heffernon went to the site and

took photos. She noted 34 trees were cut, the biggest being approximately 14 inches. Ms. O'Hare said most of the trees on the lower 50 ft. slope were cut. She said a few mature trees were left, but pointed out three trees cut had their "feet" in the river.

Ms. O'Hare also pointed out that not only were trees cut, but every piece of vegetation, every shrub, every seedling, every sapling, every leaf, was removed. Ms. O'Hare said she asked the owner how this occurred and he informed her he had used a leaf blower to get the leaves off the property. She noted that in most of the tree removal cases, most people don't remove the leaf bed which serves as a natural erosion blanket. Ms. O'Hare said the owner told her he did this because of the large amount of poison ivy near the river and because of people trespassing from Pragemann Park onto his property which he said was hard to see with all the vegetation.

Ms. O'Hare noted the cyclone fence between this property and Pragemann Park is also broken at that point. She said Public Works installed giant concrete blocks to keep ATV's from trespassing, but people can still get through. She said this is a big impact and violation. Ms. O'Hare said Mr. Vitale was given directives and was told to contact Roman Mrozinski of the Southwest Conservation District. She said Mr. Mrozinski working with her and Mr. Vitale, developed a verbal plan on-site. She said a Contractor was also hired. She noted the plan laid out in the Notice of Violation was slightly modified.

Ms. O'Hare noted there were two parts to the erosion control plan, firstly to get the temporary erosion controls in place now and then in the spring, begin installing the plantings. She said she also reached out to the Quinnipiac River Watershed Association to inform them of the significant nature of this violation Ms. O'Hare said the QRWA would be willing to perhaps donate towards restoration of this steep slope. She noted that the Town donates \$5,000 a year to the QRWA.

Mr. Frank Vitale told the Commission he just wanted to clear out the yard, noting the large amount of ticks, poison ivy and people coming from the park throwing garbage, hanging out and fishing. He said he began this project in the summer on the upper level and went all the way down to the river by the fall. He said he wasn't aware this was a violation. Mr. Vitale said he is working with a landscaper and Mr. Mrozinski. Ms. O'Hare described the plan going forward with the Contractor which involves a layer of hay mulch installed over the entire denuded area; the use of filter socks to be staked across the middle of the slope to slow the amount of flow with staked haybales on the top and on the bottom. Ms. O'Hare also noted a series of three or four foot high tree trunks shown on her photos. She said the plan is to remove the three cut trees in the river, install them at the top of the bank to be braced by the vertical trunks. She said brush will also be removed. Ms. O'Hare said in the spring she will work with Mr. Mrozinski on a planting plan. Ms. O'Hare said she would like the Parks Dept. to repair the fence and for the owner to put up a "Private Property – No Trespassing" sign.

Mary Heffernon, East Side Drive, said she was shocked when she saw this property, noting it looked like Mars. She said the big issue is that the people who reside along the rivers and streams are totally unaware of their obligations and things they cannot do. She wondered if there was some way to notify

abutters so they would know in the future. She said she was happy that Mr. Vitale was working with the Town and that the fence will be repaired so people will not walk onto his property.

Commissioner Kern asked about the next phase of the Linear Trail and wondered if it were close to this disturbed property. He said he is concerned there is a printout of the next phase of the Linear Trail and believed all the property owners donated their land to the Linear Trail people so they could put the trail along the sewer easement. Mr. Vitale said he didn't know if everyone gave permission. Commissioner Kern said he would hate to see trees planted only to have them removed when the Linear Trail is constructed. Ms. O'Hare and Ms. Heffernon said they knew nothing about this Linear Trail. Ms. O'Hare noted the President of the QRWA couldn't attend tonight's meeting but dropped off literature which she presented to Mr. Vitale, the property owner regarding the importance and care of this river corridor. Ms. O'Hare said she would like to see an article in the news media to inform people of the value of the corridor and inform them of the regulations. Chair Vitali said there should be an article from us to them rather than a paid advertisement. He said the owner is heading in the right direction.

Chair Vitali affirmed the above Notice of Violation was still in effect.

4. Notice of Violation – 23 Wojtasik Drive – Joseph Wojtasik – (tree removal)

Chair Vitali said this Notice of Violation would stay in with the above application noting there wouldn't be much of a difference.

Chair Vitali affirmed the above Notice of Violation was still in effect.

5. #A15-6.1/69 Cheshire Road – Luigi Del Buono – (single family residential development & remediation of unpermitted clearing and deposition) – staff report

Ms. O'Hare distributed a copy of the Notice of Violation letter at the meeting. She said this came to light because Mr. Del Buono was selling the property and went to the Building Dept. for a Certificate of Occupancy, otherwise she noted this would probably have waited until spring when she would have gone to check on the plantings that survived the winter. Ms. O'Hare said because Mr. Del Buono was transferring the property, this was important to note because the permit wasn't complete. Ms. O'Hare said Mr. Del Buono has a few years to finish his permit, but when he transferred the property, this could slip through the cracks. She said this is the reason the Notice of Violation was sent. Ms. O'Hare said Mr. Del Buono was informed that he had to inform the closing attorneys there was a pending piece to this permit which involved coming back on the site and doing the plantings. Ms. O'Hare said there is a \$5,000 bond for the plantings. She said some plantings were done a few years ago and some of the plantings died.

Chair Vitali noted the bond is being held, regardless of who owns the property and Mr. Del Buono has the responsibility of getting the plantings installed to get the bond released. Commissioner Kern pointed out the new property owners need to be notified that these shrubs are not to be removed after Mr. Del Buono installs them. Ms. O'Hare will send a letter to the new owners.

Christopher Juliano, Licensed Land Surveyor and Engineer, Juliano Associates, requested the Commission's input on an up and coming project noting he doesn't want the property owner to expend time and money if the IWWC sees a problem.

Chair Vitali invited Mr. Juliano to the podium to speak on this matter. Mr. Juliano said the property address is 32 Whiffletree Road, which is a Westfarms Estate sub-division off of Parkers Farms Road on the west side of town. He handed out a package which included photos to the Commissioners which highlighted the lot. Mr. Juliano said there is a wetlands towards the rear of the property and a retaining wall 20 ft. to 25 ft. off the back of the house with a fence on the westerly side. He said the wetlands and the watercourse is located on the other side of the fence.

Mr. Juliano said the homeowner wants to construct a new retaining wall about a foot off the fence on the easterly side away from the watercourse and fill the area between the new wall and the existing wall to have a more usable backyard. Mr. Juliano noted the third photo was significant because it showed the southerly side of the wall where it terminates into the ground. He said the slope in the photo is bare earth and unable to sustain grass growth. He said he didn't want to go through the time and expense of surveying the property and designing a wall if the Commission disagreed with his assessment. Mr. Juliano showed another photo of a culvert and said he believed at some time this wetland corridor may have been filled. He said the channel is defined and brush and trees which are down can be seen. He said no activity would occur from the fence to the west. He said he has spoken to the homeowner and potential Contractor about cutting the fence to grade. He said he would also install plantings at the westerly side of the fence.

Vice-Chair Parent asked about the material in the retaining wall. Mr. Juliano said the wall would consist of concrete blocks about 2 ft. tall, 2 ft. wide and 3 ft. long. Commissioner Kern asked if the pool water would be discharged into the wetlands. Mr. Juliano said he didn't know where the pool water would be discharged. He noted there is an above-ground pool on the property now. He said most of the time; the water is pumped out and pumped in. Commissioner Kern said he was referring to the water from the skimmer. Mr. Juliano said he would inquire as to whether the pool would be in-ground. He said there is an existing timber tied retaining wall and the top two or three layers will be removed and backfilled. Chair Vitali asked the type of material on the top of the wall. Mr. Juliano said it would be grass. He said the new grass area will be brought up to the new block wall. The Commissioners said they were fine with this project.

Chair Vitali noted that as much as he wants to protect the upland review area, in this case, if the grass will be installed on the top, he didn't see much difference than the grass on the bottom and as long as the grass is draining and being used as filtering mechanism going into the wetlands, he didn't see this project as a big issue. Commissioner Kern said he had no concern but if there is a pool to be installed, he would like to address where the waste water would go because of the product in the pool, i.e. chlorine. Mr. Juliano said he would inquire about this pool.

NO ACTION TAKEN – DISCUSSION ONLY

REPORTS & COMMUNICATIONS

1. Letter to IWWC from Eversource Energy re: Maintenance tree work and chemical application within wetlands, dated 1/11/19; received 1/18/19.
2. “Storm Basin Downspout” (Fabco Industries product) for roof flows - hand-out, staff report – not discussed.
3. “CT Land Use Law For Municipal Land Use Agencies, Boards & Commissions” Conference, CT Bar Association, Wesleyan University, Middletown, CT, Saturday, March 23, 2019 – distributed
4. DEEP Permit Application for the Use of Pesticides in State Waters, Traditions; received 1/10/19.

ADJOURNMENT

Vice-Chair Parent made a motion to adjourn the Meeting at 8:27 p.m. Ms. Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary