

**Inland Wetlands & Watercourses Commission
Regular Meeting
Wednesday, July 14, 2021, 7:00 p.m.
Robert F. Parisi Council Chambers
Second Floor, Town Hall
45 South Main Street, Wallingford, CT**

MINUTES

Chair James Vitali called the Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission to order at 7:00 p.m. in the Robert F. Parisi Council Chambers, Second Floor or Town Hall, 45 South Main Street, Wallingford, CT. [A recording was produced and posted on YouTube by Wallingford Government Media.]

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL

PRESENT: Chair James Vitali, Vice Chair Deborah Phillips, Secretary Nick Kern, Commissioners Michael Caruso and Jennifer Passaretti, and Alternate Aili McKeen.

There were several persons in the audience; those who spoke are named below.

C. CONSIDERATION OF MINUTES

1. Regular Meeting (Remote), June 2, 2021

MS. PHILLIPS: MOTION THAT THE MINUTES OF THE REGULAR MEETING OF JUNE 2, 2021 BE ACCEPTED AS SUBMITTED.

MR. KERN: SECOND.

VOTE: MS. PHILLIPS – YES; MR. KERN – YES; MR. CARUSO – YES; MS. PASSARETTI – YES; CHAIR VITALI – YES.

Chair Vitali directed that the five Regular Members would be voting tonight.

D. OLD BUSINESS –

1. #A21-6.1 / 356 Christian Street & 104 Rosemary Lane – Choate Rosemary Hall – (sports field complex)

Ms. O'Hare indicated that the Applicant submitted a letter requesting to Table consideration of this Application until the September 1 Regular Meeting.

2. #A21-6.2 / 45 Hillhouse Avenue – Choate Rosemary Hall – (faculty housing – 8 residences)

Appearing were Attorney Dennis Ceneviva of Meriden, Ms. Megan Raymond, M.S., Registered Soils Scientist and Professional Wetlands Scientist with SLR (formerly Milone & MacBroom), and Mr. Darin Overton, P.E., SLR, representing the Owner/Applicant Choate Rosemary Hall.

Attorney Ceneviva said, This is about 5.1 acres located on the north side of Hillhouse Way, owned by Choate Rosemary Hall. It has been developed with a house and several garage structures, some of which will be relocated. The wetlands were flagged in March of 2021, by SLR. The development would be seven new residential homes and the one faculty house to be renovated, which exists. We're here because of several thresholds: There's regrading where some garages were there before, 1450 square feet within the URA, but no activity in the wetland. No structures are to be in the regrading area. Structures are to be built with driveways. The road exists. The new drive exceeds 20,000 square feet, and we exceed the 10,000 square-foot threshold when there's already 20,000 square feet of area. There's no other activities, other than the discharge of stormwater.

Mr. Darin Overton, P.E., presented drawings of existing and proposed conditions on the site and abutting land.

Chair Vitali asked, Where is the bottom boundary line relative to the watercourse?

Mr. Overton said, There's a parcel here owned by Choate that abuts Hillhouse Avenue. He showed that the existing northern and eastern grades are sloping from east to west, and there's a valley that goes and crosses over Hillhouse Avenue, and there's a ridge. And to the west, it goes to the stream corridor. We laid this plan out according to the existing watershed. Our proposed conditions: There's seven new homes shown here on a new driveway 500 feet long. The existing home will remain. There's an added garage on that home. We have an existing sanitary sewer system going up to serve all the new homes and water service. The driveway comes up the ridge, and the cul-de-sac comes down along the western slope. That watershed is on the east to the existing valley to the crossover that trails to the west. But we remain using this dividing line to maintain the ridge to have the driveway at the high point of the site. So the line does fit because of the cul-de-sac and drainage to the stormwater basin. And the front yards of the homes will drain to the road and to the street and hence to the basin. We're proposing dry wells from the runoff leaders from the three and four homes putting discharge out to the ground. Groundwater moves from the high part to the low part, generally moving towards that stream.

Mr. Overton then explained the proposed Erosion Control Plan and the stormwater management plan, which is being reviewed by the Town Engineer. We also responded to the comments of the Town Engineer and your staff person.

Chair Vitali asked for Commissioners' questions.

Commissioner Kern asked, Is the driveway to meet standards for emergency vehicles?

Mr. Overton said, I believe it does. That's part of the layout. We put a vehicle turnaround at the end/top.

Commissioner Phillips asked, Is there snow storage?

Mr. Overton said, It's at the end of the cul-de-sac. It will be put to the side and for residences to their driveways. At the cul-de-sac, it will be put to the low side, to run through the existing vegetation.

Ms. O'Hare asked about the emergency spillway on the basin design.

Mr. Overton said, The berm is level, and we put a weir below that. The outlet structure has a fail-safe in it. On the water control, you will see our calculations. The Town Engineer is aware. If the weir gets clogged, there's a grate on the top. So, if it fails, then the water will spill out over the length of the berm. It should never happen, but.

Ms. O'Hare said, We don't have final comments from the Engineering Department on the revised plans for this, but my position is it can be handled when it goes to Planning and Zoning. Comments from the Engineering Department and all this material went out in your packets Friday night along with the Environmental Planner's Report.

Ms. O'Hare asked, The alternative within the URA is minor--removal of existing trees and structures and so on. In the EPR I have Conditions of Approval. But I'd point out about "Proposed introduction of sedimented flow off site to 231 North Elm Street, the bottom property downgradient to the construction via this project. I'd underscore that now, because it is not on this property. So all the focus is what's occurring on the site. And I don't want anyone to forget the discharge point, which is on another property. So my EPR Condition says that the proposed site manager has to go over and check that discharge point after storms.

Chair Vitali asked, So the ridge is protection for the flow to that small stream.

Mr. Overton said, As part of the proposed conditions, this project is not going to increase flow going to that stream.

Chair Vitali: Did you investigate that watercourse at all?

Attorney Ceneviva said, No. Our Soils Scientist did.

Ms. Megan Raymond said, There's a narrow channel about two feet wide by an 18-inch bank. It sits on the bank and drains to the west. I was over there in March after the spring melt, and saw no network of increased flooding, just a regular flowing stream at the time.

Chair Vitali continued the discussion on water issues for North Elm Street property owners, the history, and posited if dredging that stream would result in improved conditions and whether Choate would be interested in that stream work.

Discussion then turned to the location and adequacy of proposed sewer service and water service and water pressure.

Ms. O'Hare said, The proposed sewer line installation located on 231 North Elm Street for the new development will need erosion control, and we can add that as a Condition of Approval.

Chair Vitali asked, Mr. Ceneviva, are you in agreement, including this one that pertains to the and Erosion Controls and the sewer line?

Attorney Ceneviva said, Yes.

Chair Vitali said, I'll ask the five Members to vote. At this time I'll entertain a Motion regarding Significant Activity.

MS. PHILLIPS: MOTION THAT APPLICATION #A21-6.2 / 45 HILLHOUSE AVENUE – CHOATE ROSEMARY HALL – (FACULTY HOUSING – 8 RESIDENCES) BE DECLARED NOT A SIGNIFICANT ACTIVITY.

MR. CARUSO: SECOND.

There was no discussion on the Motion.

VOTE: MS. PASSARETTI – YES; MR. CARUSO – YES; MS. PHILLIPS – YES; MR. KERN – YES; CHAIR VITALI – YES.

Ms. O'Hare said, And tonight I handed out the Project Engineer's response and their Final Plans to make all these minor revisions, which I suggest should be wrapped up in Condition #2.

Chair Vitali said, They've agreed to all those Conditions?

Ms. O'Hare said, Yes, and with the one more Condition tonight.

Chair Vitali asked for a Motion to Approve or Deny.

MS. PHILLIPS: MOTION THAT APPLICATION #A21-6.2 / 45 HILLHOUSE AVENUE – CHOATE ROSEMARY HALL – (FACULTY HOUSING – 8 RESIDENCES) BE APPROVED WITH THE CONDITIONS IN THE ENVIRONMENTAL PLANNER'S REPORT OF 7/09/21, #1-5, AND TO INCLUDE A #6 THAT SOIL AND EROSION CONTROL FOR THE SEWER LINE INSTALLATION WOULD BE DEPICTED ON THE FINAL PLAN.

MR. CARUSO: SECOND.

VOTE: MR. KERN – YES; MS. PHILLIPS – YES; MR. CARUSO – YES; MS. PASSARETTI – YES; CHAIR VITALI – YES.

Ms. O'Hare said, We have someone in the audience who would like to speak.

Chair Vitali said, Yes. Attorney Ceneviva, could you have a moment?

Attorney Ceneviva said, Certainly.

Appearing was Mr. Mike Votto, 337 North Elm Street.

Mr. Votto said, I am not an engineer. I'm going to be affected by this. I have a few comments. First, nobody let us know that a vote was happening tonight on this. We had not gotten letters. We had people working over there, looking over our properties. You mentioned something about a ridge in the center of the project that you are proposing to North Elm? Did I hear that?

Chair Vitali said, I'm sorry, but this Application is over. That's why I spent so much time talking about that (reference to the ridge and water flow).

Mr. Votto said, I thought it's actually a public hearing and we could get some answers. I'm happy to speak--and get some answers. I and my wife want to know what's going on during the excavation? What are the proper processes now?

Chair Vitali said, All the information will go to Planning and Zoning and then they will decide.

Mr. Votto said, First, it's not a stream. It's a very active brook and it's totally eroded. I don't think you should approve this, knowing what I'm going through and all the other property owners. Trees are going to be taken down. I haven't heard how many trees are going to go between the back yards on North Elm and this new project. Choate is not a friendly neighbor, did not let anybody know they're doing this.

Chair Vitali said, There's some knowledge about the Farm Hill detention pond nearby. (*Refer to Item G.2. later on this agenda.*) There's a policy for public comment on an item that's been approved.

(Mr. Votto remained present for that later agenda item.)

Chair Vitali next took up Agenda F. Receipt of New Applications, Item 5.

F. RECEIPT OF NEW APPLICATIONS

Item #5 was taken up first.

5. #A21-7.3 / 19 Terrell Farms Way – Wholesome Pools - (aboveground pool & grading for pool)

Ms. O'Hare said, This came in yesterday before 5:00 p.m., and they would like Administrative Approval for an aboveground pool in the side yard, but I'm bringing it to the Commission. It's before you tonight. I did go out there today to double-check the measurements.

Chair Vitali said, It's got to be 10 feet off the building, and it's 24 feet in diameter?

Ms. O'Hare said, Yes.

Chair Vitali said, And the edge of the pool is at 14 feet to wetlands. The issue is, what are they going to find when they start excavating?

Ms. O'Hare said, I wouldn't be concerned unless there was ledge. It's all about whether there is ledge.

Chair Vitali said, There's to be 14 feet between the pool and the wetland, and you're O.K. with that?

Ms. O'Hare said, Yes, because it's not a floodplain.

Chair Vitali asked, So they're requesting Administrative Approval? The pool and the fill are to be no closer than 14 feet? And the far edge of the pool can't be more than 34 feet away from the deck?

Ms. O'Hare said, Correct. And the fill does not go to the wetland line.

Chair Vitali asked, Does the Commission understand about this?

Commissioner Kern suggested that Ms. O'Hare ought to post wetland plaques at the URA and to have hay bales or silt fence in place before construction begins.

Ms. O'Hare said they are asking for Administrative Approval.

Chair Vitali agreed and authorized Administrative Approval for this Application only with stipulated distances.

Note: If the administrative action discussed above does not occur, then this Item #5 would be received for the September 1st agenda.

Chair Vitali moved to the other items under Agenda F.

F. RECEIPT OF NEW APPLICATIONS

1. #A21-6.3 – 1468 Tuttle Avenue – Dan Petrosky & Jessica Boudreau – (in-ground pool installation & 'after-the-fact' tree removal and fence installation)

(Reference is made to Item H.5., the Notice of Violation at this address which was not taken up tonight.)

Appearing were Owners Dan Petrosky and Jessica Boudreau.

Ms. O'Hare indicated that this matter appears under New Receipts and under Violations on the agenda. She said, This started as a pool application with the Building Department, who referred it her office. The property abuts Fresh Meadows Swamp on the west side of Town. I went out there in June and sent a Violation letter, which the Commission affirmed. In the letter, the family was directed to do many things and to apply for the pool and for the 'after-the-fact' activities. I have pictures. They cut down a number of trees in the fence area and deposited them in the swampy area. Then they erected a vinyl fence six feet high and 80 to 100 feet long. Part of it is standing in the wetland, and part is not. So they had to get a Wetlands Scientist out there, David Lord, who flagged the wetland and wrote a report. It addresses the line between the fill and the wetlands. And there's some discrepancy about when the fill went in. These folks bought the home in October 2018. From aerial imaging, the filling seems to have been done in 2018, but we're not sure if it went in before they sold the property. So the fence needs a permit. You only need a building permit if the fence is over 7 feet right now. I'm making a drawing to go with a drawing of their pool to scale, which I showed to them tonight. They do not have an as-built because the house was built in the fifties. They want the pool with a surround that will be 45' x 25'. The house is 50 feet long. This lot is very wet, even though it is being mowed. It's poorly drained soil. I told them to take one third of the fence line out and to put it on a diagonal because it's so wet and to put boulders along that line instead. It's swampy soil. So I'd want

the tree parts/big logs to be removed entirely from the swamp, or the Commission may wish to replace trees in the swamp.

Chair Vitali asked, Owners, you have a pool contractor? Was there any indication that that would fill up with water?

Commissioner Kern asked, Does it have a tub or a liner?

Mr. Petrosky said, It's a prefabricated mold.

Ms. Boudreau said, The Contractor had said, "If we find water, we'll charge you extra to deal with it."

Pool location and tree removal was discussed.

Chair Vitali said, Erin, you mentioned two parts to this discussion. What's your recommendation with the pool?

Ms. O'Hare said, I think a pool could be permitted. We permit them not in a wetland, but certainly within 20 to 15 feet from the wetland.

Commissioner McKeen said, I think it would be good to see an actual map with wetland flags of where this pool is to go.

Mr. Petrosky said, I sketched (listen? /cleared?) it the best I could on Monday with the dimensions of the lot and the line of the fence. I don't know how we're going to be more specific than what we provided.

Commissioner Kern said, He'll talk to the engineer to decide for you what will go in, and talk to the pool guy and punch a hole in the back yard where you want it to go. You may find out if you reach it at 3-4 feet below.

Ms. O'Hare said, I see lots of pool applications with no engineering involved. But I understand his drawing looks different from mine. Because Mr. Lord's drawing was not to scale, I directed him to measure. But his scale is all off. So you're looking to get a hole. I don't know if we need an engineering drawing. It would add cost. Maybe he could measure with a tape from David Lord's line to the house and to the pool. Or do we really want an engineering drawing? I'm with Commissioner Kern's idea to punch a hole.

Commissioner Kern said, Maybe a neighbor has a backhoe can come and see where the groundwater?? is and where the pool is compatible. We're not going to design your pool and tell you where to put it.

Commissioner McKeen said, If they run into the water table?

Commissioner Kern said, The \$1,000 deposit comes with a 2" or 4" pump to put down in the hole. It's called dewatering.

Mr. Petrosky said, The pool was to be 24' x 45'; so if it's 18' x 36'? But there's another part we could move it to.

Chair Vitali said, Per Erin, this is a two-part application—a violation and an application for a pool. The application for a pool was 5 to 6 days late from the June 1 deadline. This could get approved for this part of the property, and then treat the violation.

Ms. O'Hare said, The family got David Lord's written report, which was late. As to the pool, if there were no violation on the property, I would go forward with deciding on the pool. I think Commissioner Kern's suggestion is appropriate, to check what 's down there.

Chair Vitali said, Does that digging change anybody's opinion about whether to vote? I understand the hydrology. Does a high water table mean anything to us?

Ms. O'Hare said, The whole neighborhood was filled years ago.

Commissioner Kern asked, Are we going to take up Mr. Lord's report on the violation (agenda H.5.) tonight?

Chair Vitali said, That will be on the meeting in September.

Ms. O'Hare said, Does the Commission want to do a site walk?

Chair Vitali said, Maybe for the violation part. It's something that's to be discussed together, to move the fence and that they should put boulders on there.

Ms. O'Hare suggested a site walk around August 1-5, and then the pool could be approved administratively if we have a positive report. .

Chair Vitali asked, Mr. Petroskiy, are you willing to get someone with a backhoe?

Mr. Petrosky said, We will try to do it as quickly as we can. We have kids five and nine years old.

Chair Vitali asked, What did the pool people give you for a timetable?

Ms. Boudreau said, If we're cleared, then a permit, then we could dig and put it there by the end of July. Maybe in September we can deal with the violation. I don't know anyone with a backhoe.

Chair Vitali asked, Do you have water in the basement?

Ms. Boudreau said, No, bone dry. It 's only a question for the pool area.

Chair Vitali said, Maybe the pool guy could do it.

Commissioner Caruso asked, Did you put down money?

Ms. Petrosky said, Yes, \$1,000 toward it.

Commissioner Passaretti said, It seems if you run into water problems, it would be taken care of.

Commissioner Phillips said, I have no problem with the pool, but I think it would be wise to dig a hole and see what's there before you do it.

Commissioner Kern said, I have no qualms about the pool. Punch a hole and see what you have before you go any further. Maybe your contractor will do it. And the Commission will say it's good, and you can work.

Chair Vitali agreed and said, Maybe if they stay within the number of feet recommended by David Lord, then you're good to go. So this request for the pool could be granted with Administrative Approval tonight?

Commissioner Kern said, Not tonight, but going forward. We're uncomfortable making a decision now. I think they've got a contractor who should be able to come out and see, six to eight feet down.

Ms. O'Hare asked, Mr. Petrosky, did he tell you how deep the pool is? Is any gravel to go in?

Mr. Petrosky said, It will be three feet in the shallow end and no deeper than six feet.

Chair Vitali said, He has to be careful of where to put the spoils.

Ms. Boudreau said, We had a building permit and we only needed Erin's approval back in April or May. I found out we had to reapply for the pool permit.

Ms. O'Hare said she has never heard of the building application expiring. The Building Department requests her approval first. Going forward, the hole is dug and then it would be addressed. But I'd ask for a drawing. They could use my drawing to show where the pool will go and where the contractor's vehicles are to go, on that drawing.

Chair Vitali said, Have your pool guy come out and see where. Erin and I could be there.

Commissioner Kern said, I'm concerned that he'd be four feet down and on solid ledge.

Chair Vitali said, Maybe a site investigation two weeks from now, the first week in August.

Chair Vitali set a Special Meeting for the purposes of a Site Walk to observe the violations on site for Tuesday, August 3, at 5:30 p.m., raindate Wednesday, August 4, at 5:30.

Ms. O'Hare clarified that the pool is separate from the violation, and will be approved administratively if water is not found in the hole. Erosion controls, a dewatering area will be needed with spoils taken offsite. If the hole is OK, you'll have to get a Building Permit the next day. But the building permit application needs my acknowledgment on it.

2. #A21-6.4 / 11 Cassella Drive – Gina Dowling – (drainage improvements) – Administrative Approval granted 6/23/21.

3. #A21-7.1 / 90 Mansion Road – Ron Hansen, Jr. & Courtney Hansen – ('after-the-fact' drainage improvements)

Ms. O'Hare said, The Owner is present. This started as a violation complaint that someone was using a backhoe in a stream, so it's an 'after-the-fact' drainage improvement. It hasn't changed since that time. The Owner 's current address was an issue, and he finally came in and received the June letter. The activity was he planted habitat for American chestnut trees. He regraded the area next to the ditch. I went out on June 18 and saw Mr. and Mrs. Hansen. The work is done, and I checked it. There's only a bit of erosion that I'm concerned about. The water flow is directed to a several-acre farm pond. So I'd like this to be approved after-the-fact. Separately, he's going to be coming in to do other things to bring back the old farm pond. Last week after Storm Elsa, he lost his dam. So he needs to deal with that as a DEEP- certified dam. I discussed the property with the Southwest Conservation District and the NRCS regarding farm ponds, chickens, orchards and will schedule a joint agency visit.

Chair Vitali said, Do we need to approve what he did?

Ms. O'Hare said, Yes.

MS. PHILLIPS: MOTION TO APPROVE #A21-7.1 / 90 MANSION ROAD – RON HANSEN, JR. & COURTNEY HANSEN ('AFTER-THE-FACT' DRAINAGE IMPROVEMENTS) AND IT BE DEEMED NOT A SIGNIFICANT ACTIVITY.

MR. CARUSO: SECOND.

VOTE: MS. PASSARETTI – YES; MR. CARUSO – YES; MS. PHILLIPS – YES; MR. KERN – YES; CHAIR VITALI – YES.

Chair Vitali directed Ms. O'Hare to keep the Commissioners informed on the site. The Owner will be coming in with additional applications.

4. #A21-7.2 / 400 South Orchard Street – Executive Auto Group dba Executive Fiat – (removal of portion of parking lot)

Ms. O'Hare indicated that a stream on abutting land triggered need for a permit, but the matter was such that it could be approved administratively. This Application was Approved Administratively on July 12.

E. NEW BUSINESS – None.

G. REPORTS & COMMUNICATIONS

1. Discussion of proposal to adopt fines for violations – Not discussed.

2. Farm Hill Road Detention Basin – report

Ms. O'Hare said, There was a recent meeting about this. She had contacted the Mayor's office and several departments on it. Director of Public Works Rob Baltramaitis was directed to write a memo on the history of the project and the condition of the dam and the Town's responsibility

to maintain the basin. Information will be made available to the neighbors and Town departments.

Chair Vitali said, These activities were without a permit?

Ms. O'Hare said, Maybe two to five properties are affected.

Mr. Michael Votto, 377 North Elm Street, spoke: That was all swamp all the way across for years.

Chair Vitali said, That was a farm swamp back across North Elm Street. The farmer blew through it with dynamite. So that's something that was to drain behind those houses. Water comes from Maplewood to Mapleview Avenue and to East Main Street, then on the road that runs across the hill. I believe homes on East Main Street altered that stream in their back yards.

Ms. O'Hare said, Mr. Chairman, that would be a violation if they piped it, but it's still the same amount of water.

Chair Vitali said, I'm guessing that it's been piped, so that it's not all wetland. I'm sure they would love to have their brook behind them.

Ms. O'Hare said, So it would be less flood storage if they filled it in there years ago.

Chair Vitali said, Someone ought to go out and see because that could be filled in. I think you'll find Pimentel back in the 60s or 70s converted the water from going across to go North Elm Street and down to the Community Pool and behind a house there. That area was done in the 60s, but the water does start at Farm Hill, in Farm Hill Manor right up in the back.

Mr. Votto said, What does Public Works have to do with this?

Ms. O'Hare said, Mr. Baltramaitis is drafting a memo as to history of this whole area—where we are, the condition of water quality, and the water on surrounding property--and the responsibility the Town has and plans for maintenance.

Mr. Votto said, So if you see that they recognize that it should be fixed, has he known the history?

Ms. O'Hare said, He knows.

Mr. Votto said, And will the Public Works Director's report include the resulting condition of the properties downstream?

Ms. O'Hare said, No.

Mr. Votto said, So are we talking about the properties around the pond? I'd like him to talk about that.

Ms. O'Hare said, I don't know if that was included in his assignment. That's what started all this.

Mr. Votto said, So we have to wait for this plan? I'm getting the idea that something would be done, with an easement or something, to have the pond dredged. The four of us (owners) had a lake in our back yards. When will he have this report done?

Ms. O'Hare said soon.

Mr. Votto said, But he did comment that those properties preferably will be addressed as a result of that report?

Ms. O'Hare said, Yes.

Mr. Votto said, I hope so. My yard is going away, little by little.

Chair Vitali asked for others' comments.

Mr. Michael Mancino, 14 Sunset Drive, said, The concern would be the water, also. It's just standing there. So the water backs up. The future is that the land is not going to be absorbing any more water downhill from us, and that's going to create more concern. It's in the process of being dredged by the neighbors. Is the Choate project going to affect us?

Chair Vitali said, No. But I get the feeling that if they dredge that stream, it would help the wet conditions, provided they did not damage any of the properties. That's a possibility.

Mr. Votto said, What is the ridge at the Choate application?

Chair Vitali said, It's terrain. So they have two watersheds, half on one side of the ridge and half on the other.

Ms. O'Hare said, Could I ask the neighbor? In your years there, did you ever see this stream dry up?

Mr. Votto said, When we moved there in 1973, it was dry all summer long until the Farm Hill Subdivision went up in the 1980s.

Ms. O'Hare said, Because the Wetlands Scientist that was here before called it "intermittent."

Chair Vitali said, Because we have water coming out of the pond.

Commissioner McKeen said, I was out there in March when there were rains. But it probably was intermittent until that pond was built.

Mr. Votto said, It's never intermittent.

Commissioner Kern asked, Do you believe that, if they fixed the retention pond, that it will come down as formerly?

Mr. Votto said, There's an easement from North Elm to go in there.

Ms. O'Hare said, Recently, Public Works did some clearing of brush in there.

Mr. Votto said, They (referring to owners) did block the pipe that runs out of the pond—and it's destroying our property; my yard is getting destroyed. It's a danger to children—they could fall in.

Mr. Mancino said, Today we received a letter from the lady who was looking at the pond.

G. REPORTS & COMMUNICATIONS (continued)

- 3. Pesticide Notification of Treatment – Spring Lake – Pond & Lake Connection; received 6/18/21 – Noted.**
- 4. Pesticide Notification of Treatment – Murgo – 179 Maltby Lane – Pond & Lake Connection; received 7/1/21 – Noted.**
- 5. Pesticide Notification of Treatment – The Farms Country Club – 180 Cheshire Road - Pond & Lake Connection; received 7/1/21 – Noted.**

Ms. O'Hare indicated an Addendum to the Agenda was posted yesterday, which was handed out tonight.

ADDENDUM TO AGENDA:

6. IWWC #A20-7.1 / 5 & 21 Toelles Road & Wharton Brook – Pfizer Inc. – (soil remediation project) – report post-Tropical Storm Elsa

Ms. O'Hare called the Permittee for the report. They told her that the storm damage to the remediation was not severe, due in large part to the fact that all erosion controls were in but no excavation had commenced.

H. VIOLATIONS

1. Notice of Violation – 1245 Old Colony Road & Quinnipiac River – Jerzy Pytel – (unpermitted clearing & filling near river)

Ms. O'Hare said the Owner responded to this Notice of Violation a while ago and has brought in a plan, which will need to be considered by the new Town Planner.

2. Notice of Violation – 950 South Colony Road – 1NRSJ, LLC – carwash facility – (filling)

Ms. O'Hare said the IWWC approved that most of the fill could remain; but, as the Violator filled the FEMA floodplain, the Violator must get a Flood Permit. If Planning and Zoning does not give them that permit, then the Violator will have to take the fill out.

3. #A20-2.1 / 12 & 16 Northfield Road – (over-clearing in floodplain wetlands & URA Issue)

Ms. O'Hare drove by yesterday. She had expected to see damage from Tropical Storm Elsa, but she did not. Activity has halted.

4. Notice of Violation – 11 Trumbull Drive – Jill Kobrin – (unpermitted grading, deposition, and structures within URA, rerouting of flows & alteration of drainage-way/stream on Town land)

Ms. O'Hare said the Violator had to stabilize the area and grade on Town land and do a lot of work on the property. Work is underway.

5. Notice of Violation – 1468 Tuttle Ave. – Dan Petrosky & Jessica Boudreau – (unpermitted forest clearing & fence installation in wetlands)

This Notice of Violation was not discussed, pending the resolution of Agenda F.1., which was received tonight.

6. 90 Mansion Road – Ron Hansen, Jr. & Courtney Hansen (possible violation)

This was not discussed, pending the resolution of Agenda F.3., which was received tonight.

I. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN THE MEETING.

MS. MCKEEN: SECOND.

VOTE: THE MOTION WAS APPROVED UNANIMOUSLY IN A VOICE VOTE.

The meeting was adjourned at 9:10 p.m.

J. NEXT SCHEDULED REGULAR MEETING: Sept. 1, 2021

Respectfully submitted,

**Kathleen L. Burns
Recording Secretary**