

MINUTES OF THE REGULAR IWWC MEETING
NOVEMBER 3, 2010

PRESENT: Chairman David Stein, Carole Ketelsen, Mike Engels, Samantha Crowley, Chris Ehlert, Al Quarti and IWWC Enforcement Officer Heidi Wallace

1. Call To Order:

Chairman David Stein called the meeting to order at 7:0 p.m. and introduced the Commission Members.

2. Public Comment Period:

None.

3. OLD BUSINESS:

At this time, Chairman Stein recused himself from the meeting and appointed Carole Ketelsen as acting Chairman. Chris Ehlert also recused himself from the meeting.

1. 1604 Boston Post Road, Map 181, Lot 8, construction of two tennis courts and stormwater detention basin in regulated area.

Engineer Al Wolfgram, stated that the applicant has been communicating back and forth with Woodard & Curran and they feel that they have met all the peak flow requirements. Woodard & Curran has stated that they are concerned about the volume of water that will be released from the detention basin. Mr. Wolfgram stated that, at the most, the amount would raise the pond approximately 1/2" for the 100 year storm. In order to eliminate this, the applicant would have to raise the detention basin and outlet. Enforcement Officer Heidi Wallace stated her concern regarding property located east of this property, which already has increased water on their property because of developments on the Boston Post Road.

Mr. Wolfgram stated that the old tennis courts will be removed. They cannot put an overhead cage to stop tennis balls from entering the wetlands. They will be placing 2 waste receptacle on the property to help prevent littering. The fence will be 10' high. They are not providing any new parking, but they will install stop blocks. They have provided a maintenance plan for the detention basin as requested. They provided plans with all the parking spaces indicated from 1995 and they will install anti-tracking pads at the entrance.

Upon a motion by Al Quarti, seconded by Mike Engels, it was:

VOTED: Unanimously that the Westbrook Inland Wetland and Watercourses Commission, after considering the facts and circumstances set forth in SWubsection 10.2 of the Regulations concerning Inland Wetlands and Watercourses for the Town of Westbrook, hereby approves the proposed activity known as Water's Edge Tennis courts on 1604 Boston Post Road, subject to the following conditions:

1. The permittee shall provide the funds in escrow to the Town of Westbrook to hire a Professional Engineer to serve as the Town's representative responsible for on-call inspections of the property. The escrow account shall be maintained for a year after issuance of the certificate of occupancy. If, in the opinion of the Inland Wetland Agent, operation or maintenance of the stormwater management features

at the development warrant an additional period of inspection by the Town's representative Professional Engineer, the escrow account shall be maintained for another year. The period of inspection and maintenance of the escrow account may be extended annually for a period of up to five years after issuance of the certificate of occupancy.

2. Excavation of the stormwater basin shall be completed in accordance with the design plans to minimize compaction of the underlying soils. Excavation and construction of underground stormwater drainage infrastructure shall be completed during dry weather. Stockpiling shall only occur at locations designated on the design plans.
3. The installation of the stormwater basin shall be supervised by the permittee's Professional Engineer. Upon completion of construction and prior to the issuance of the certificate of occupancy, the Engineer shall submit certification that the stormwater basin was constructed in conformance with the design drawings, as the same may have been amended by the Commission as provided herein.
4. The permittee shall retain excess runoff onsite. Design calculations shall indicate that there will be no increase in the volume, or peak rate, of runoff from the site following development.
5. The stormwater basin shall be inspected and maintained in accordance with the design plans with particular attention to the viability of the vegetation and integrity of the inlet and outlet structures. Annual monitoring reports and photographs shall be submitted by the permittee to the Inland Wetland Agent for two years after issuance of the certificate of occupancy.
6. During construction, the permittee's Professional Engineer will be responsible for ensuring that erosion is minimized and sediment controlled as per the sediment and erosion control measures described on the design plans or otherwise needed to prevent transport of sediment from the project site. The permittee's Professional Engineer will also be responsible for ensuring the stormwater management measures are properly constructed and maintained during construction. The permittee shall maintain records of inspection and maintenance of these measures, which shall be made available for inspection by the Inland Wetland Agent upon request.
7. Long-term stormwater management and erosion and sedimentation control measures shall be inspected in accordance with the design plans. Litter shall be controlled around the site. The permittee shall maintain records of inspections and maintenance of these measures.
8. Any proposed deviation to the approved plans, schedule, or sequence shall be submitted to the Inland Wetland Agent for review, and if deemed significant by the Inland Wetland Agent shall be submitted to the Inland Wetland Commission for review and approval.
9. Any deviation to the approved plans, schedule or sequence without review and approval as stated in Condition No. 8 shall be subject to a cease and desist order at the discretion of the Inland Wetland Agent.
10. The permittee shall prepare and as-built of the stormwater management features constructed at the site. The as-built shall be submitted to the Inland Wetland Agent for review prior to issuance of the certificate of occupancy.
11. A bond shall be provided for maintenance and repair of the stormwater basin during the two year monitoring period outlined in Condition No. 5. If, during the monitoring period, the stormwater basin requires substantial repair, the bond may be held beyond the monitoring period for a duration of time not to exceed five years.
12. Prior to issuance of the building permit for construction, the applicant shall provide satisfactory documentation to show that there will be no increase in the volume of runoff to the downstream pond.

At this time, Chairman David Stein and Commission Member Samantha Crowley returned to the meeting.

2. Notice of Violation for 171 Willard Avenue, Assessor's Map 36, Lot W12

Heidi Wallace stated that the property owner has picked up the appropriate paperwork to file an application and they have had discussions with Heidi and ZEO Nancy Rudek regarding the best place to move the shed. Heidi

Wallace was asked to contact the property owner and ask them to attend the December Meeting and to come prepare for a resolution of the violation.

3. Notice of Violation for 207 Pettipaug Road, Assessor's Map 58, Lot W7

Heidi Wallace passed around pictures of the property that were taken during the site walk. David Stein stated that he may have a potential conflict with the because his son worked for the property owner a few years ago. Also the property owner's assistant (Angela Cole) has asked him to do some work for her. Mr. Stein asked the Commission members if they would like him to recuse himself from this matter. Al Quarti stated that he does not feel that there is a conflict. Carole Ketelsen stated that she does not feel there is a conflict as long as Mr. Stein does not do any work for Ms. Cole. Chris Ehlert stated that he feels that it is really up to Mr. Stein himself to decide if he should recuse himself. Heidi Wallace stated that she will not be part of the process because she does have a conflict with the property owner. Attorney Bates will advise the commission of the next steps to be taken regarding this violation. There has not been no official application for this property. It was further stated that even if an application is applied for, the property owner owes back taxes and cannot be granted a permit per Town Ordinance. Heidi Wallace stated that per the aerial photos, substantial changes have been made to the property. At one time, the wetland crossing that was done was reviewed by Doane/Collins Engineering and it was supposed to be lowered. At this time, it was decided to get a recommendation from Attorney Bates on how to proceed including possible conflicts with members of the Commission and the IWWC Agent.

4. NEW BUSINESS:

1. Bond reduction request from Lee Company for Building 56 (11) on Pequot Park Road \$65,000.00 (with interest \$66,080.14) and refund of remaining 150% consulting fee of \$2,098.08.

Heidi Wallace stated that she needs to review this again with our Town Engineer. Upon a motion by Al Quarti, seconded by Samantha Crowley, it was:

VOTED: Unanimously to table this request until the December Meeting.

5. REGULAR BUSINESS:

A. Minutes of the previous meeting: Regular Meeting 10/5/10 and Site Walk 10/10/10

Upon a motion by Carole Ketelsen, seconded by Mike Engels, it was:

VOTED: Unanimously to approve the minutes of the 10/5/10 as amended.

Upon a motion by Carole Ketelsen, seconded by Mike Engels, it was:

VOTED: Unanimously to approve the minutes of 10/10/10, as amended.

B. Chairman's Comments:

None.

C. Correspondence:

1. Copy of Habitat.

D. Staff Report:

The Staff Report was distributed and discussed.

E. Commission Member Reports:

None.

F. Approval of Bills:

Upon a motion by Al Quarti, seconded by Carole Ketelsen, it was:

VOTED: Unanimously to add the following bills to the agenda for approval: \$36.68 – Hartford Courant and \$1,420.00 to Woodard & Curran for Water’s Edge Tennis Court Review (out of 150% Account)

Upon a motion by Chris Ehlert, seconded by Carole Ketelsen, it was:

VOTED: Unanimously to approve payment of the following bills out of the regular 2010/2011 budget: \$ 38.42 to Kathleen Kelemen for Secretarial duties, \$50000 to CAIWC for Annual Membership and \$36.68 to the Harford Courant.

Upon a motion by Chris Ehlert, seconded by Al Quarti, it was:

VOTED: Unanimously to approve the payment of \$1,420.00 to Woodard & Curran for the review of the Water’s Edge Tennis Court, to be paid out of the 150% Account.

G. Vote on Meeting Dates for 2011

Upon a motion by Carole Ketelsen, seconded by Samantha Crowley, it was:

VOTED: Unanimously to approve the meeting dates for 2011 as presented.

H. 2011-2012 Budget

To be handled by Chairman Stein and Heidi Wallace.

I. Adjournment:

Upon a motion by Carole Ketelsen, seconded by Al Quarti, it was:

VOTED: Unanimously to adjourn at 8:23 p.m.

Respectfully submitted:

Kathleen H. Kelemen, Secretary