

MINUTES OF THE REGULAR IWWC MEETING
JULY 6, 2010

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

1. Call To Order:

Chairman David Stein called the meeting to order at 7:06 p.m. and introduced the Commission Members.

2. Public Comment Period:

None.

3. OLD BUSINESS:

1. South side of Boston Post Road, East of Cedar Lane, Map 28, Lot S116, grading, parking area, retaining wall, reserve sanitary system, storm-water bio-filter and plantings in regulated area:

Wendy Coffin of Woodard & Curran stated that she feels that the applicant has met all recommendations and concerned.

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

VOTED: To approve the application 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 biofilter shall be completed in accordance with the design plans to minimize compaction of the underlying soils. The depth to groundwater and mottling shall be recorded during excavation of the biofilter. The design of the biofilter shall be amended in the event groundwater depths during dry weather are greater than those used for the approved design of the biofilter. Excavation and construction of underground stormwater drainage infrastructure shall be completed during dry weather. Stockpiling shall only occur at locations designated by the design plans.
3. The installation of the biofilter 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 biofilter was constructed in conformance with the design drawings, as the same may have been amended by the Commission as provided herein.
4. The biofilter 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. As indicated on the design plans, 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.
5. 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 storm water management measures are

properly constructed and maintained during construction. The permittee shall maintain records of inspections and maintenance of these measures, which shall be made available for inspection by the Inland Wetland Agent upon request.

6. Long-term stormwater management and erosion and sedimentation control measures shall be inspected in accordance with the design plans. The permittee shall maintain records of inspections and maintenance of these measures.
7. 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.
8. Any deviation to the approved plans, schedule or sequence without review and approval as stated in Condition No. 7 shall be subject to a cease and desist order at the discretion of the Inland Wetland Agent.
9. The permittee shall prepare an 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.
10. A bond shall be provided for maintenance and repair of the biofilter during the two year monitoring period outlined in condition No. 4. If during the monitoring period the biofilter requires substantial repair, the bond may be held beyond the monitoring period duration of time not to exceed five years.

Commission Member Chris Ehlert abstained from the vote.

4. NEW BUSINESS:

1. Horse Hill Road, located approximately 1,500 ft north of Kenrose Terrace and 1,400 ft south of Old Horse Hill Road, Assessor Map 62, Lots 51,61A & 70 for roadway construction for a proposed 12-lot Conservation Subdivision, J.J. Russo & Son Construction Inc. – resubmission of application and consideration of waiving fees.

This application has been withdrawn.

At this time, Chairman David Stein recused himself from the meeting and appointed Chris Ehlert as Acting Chairman.

2. 1604 Boston Post Road, Map 181, Lot 8, construction of two tennis courts and stormwater detention basin in regulated area.

Civil Engineer Al Wolfgram, Soil Scientist Bob Russo, Construction Manager Rob Scott and Claudio Marasco of Water's Edge were all present. Mr. Wolfgram stated that in 2002, they needed extra parking for the retail stores and applied for 66 parking spaces on this lot. The application was denied by this Commission. They then went to ZBA to apply for a variance for tennis courts on the north portion of the land. The variance was approved and granted by ZBA. They are now filing an application with IWWC for the tennis courts that were approved by the ZBA. They are proposing 2 courts and they also have to put in a detention basin. The wetlands were delineated years ago, but have been reviewed again recently and there have been no changes. The area was previously cleared, but now has aggressive plants growing. They did not see any signs of vernal pools on the property and there is no permanent water on site. The basin will be planted with the appropriate species and will renovate storm water. There will be no disturbance to the wetlands, but the courts are in the regulated area. They are proposing the courts to be 102'W and 116'L, which is smaller than standard for the purpose of not affecting the wetlands. All run-off will go to an underground pipe collection to the detention basin. Chris Ehlert asked if they could be clay courts instead of impervious surface. Mr. Wolfgram stated that the clay itself could run-off into the wetlands and they would be much harder to maintain. It was stated that the current site of the tennis courts will be made into parking. All drainage calculations have been submitted. The applicant will also have to go to the Zoning Commission for approval.

A motion was made by Al Quarti and seconded by Carole Ketelsen, to:

Accept the application.

Discussion: There was discussion whether this application should be deemed "Significant Activity". Carole Ketelsen stated that she feels that this is significant activity because all of the activity is proposed within the review area and that it is also located in a very sensitive area. Al Quarti stated that he felt it was not significant activity, but would be OK with Woodard and Curren reviewing the drainage calculations. The applicant was asked if they were willing to pay the cost for the Town Engineer to review the drainage calculations. The applicant stated that they would pay the cost for the Town Engineer to review.

Carole Ketelsen made a motion to declare the application "Significant Activity". There was no second to the motion. Carole Ketelsen stated that she would like to reserve the right to change the application to "Significant Activity" if the applicant does not pay for the Town Engineering cost for review.

The original motion passed unanimously (To accept the application).

At this time, Chairman David Stein returned to the meeting.

5. REGULAR BUSINESS:

A. Minutes of the previous meetings: Regular Meeting 5/4/10, Public Hearing 5/4/10, Regular Meeting 6/1/10, Public Hearing 6/1/10:

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

VOTED: Unanimously to approve the minutes of the Regular Meeting of May 4, 2010, as corrected, to approve the minutes of the Public Hearing of May 4, 2010, as submitted, to approve the minutes of the Regular Meeting of June 1, 2010, as corrected and to approve the minutes of the Public Hearing of June 1, 2010, as submitted.

B. Chairman's Comments:

* Chairman Stein stated that he met with Ed Binder regarding the pipe under the Pulcini driveway and they have found it. He and Heidi will find out where the problem is downstream and where the outlet is clogged.

C. Correspondence:

None.

D. Staff Report:

The Staff Report was tabled until Heidi Wallace was present.

E. Commission Member Reports:

* Planning Commission – Carole Ketelsen stated that the Planning Commission, Zoning Commission and ZBA all attended a meeting in Clinton regarding DEP Long Island Sound Programs and the difference between the responsibilities of IWWC and Long Island Sound. Sometimes there is an overlap of authority. It was a very interesting program.

F. Approval of Bills:

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

VOTED: Unanimously to approve payment of the following bills out of the regular budget: \$72.32 and \$56.48 to the Hartford Courant, \$109.00 to Heidi Wallace for May and June mileage reimbursement, \$64.65 and \$73.88 to Kathleen Kelemen for Secretarial duties.

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

VOTED: Unanimously to pay \$3,040.75 to Woodard & Curran out of the 150% account for the Scranton Application for their consulting engineering review of the application.

H. Adjournment:

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

VOTED: Unanimously to adjourn at 8:09 p.m.

Respectfully submitted: