

**INLAND WETLANDS AND WATERCOURSES COMMISSION
PLAINVILLE, CONNECTICUT
September 7, 2022
REGULAR MEETING
MINUTES**

REGULAR MEETING at 7:00 P.M.

**MUNICIPAL CENTER
ROOM 304 – COUNCIL CHAMBERS**

PRESENT: P. LeBeau, P. Martin, P. Kilby, S. Talbot, R. Carrier

ABSENT: D. Garewski, Excused

STAFF: M. Devoe, Town Planner

I. ROLL CALL

There was a quorum present

II. PUBLIC COMMENTS

None

III. PUBLIC HEARINGS:

**1. IW 05/22 #03 – Townline Trade Center Association – Commercial Activity
– 1 Town Line Road (Continued from 6/1/22)**

Chairperson P. Kilby pointed out that several items requested on June 1st have not yet been provided.

Attorney William Galske representing the applicant.

- The matter was continued by request of the applicant due to a lack of projected commission attendance.
- A brief history of development on the site was provided – initial site plan approval and later piping of a portion of the intermittent watercourse.
- Drainage on the site was discussed/characterized on the site and nearby properties, as well as description of the industrial nature of abutting properties.
- The soil and ecological study provided by Ian Cole, Certified Soil Scientist, was discussed. The watercourse was defined as an intermittent watercourse, which classifies it as a watercourse under the jurisdiction of the Commission.
- Neither the Commission nor the applicant refuted the voracity of Mr. Cole's Report.

- Attorney Galske went on to discuss the engineering aspect of the project. He conceded there was no formal engineered plan.

M. DeVoe stated that barring an alternate opinion from a credentialed Soil Scientist, the Commission should accept the report.

Dominic Moschini representing the applicant:

- Highlighted the importance of the work the State DOT did to clean the drainage pipe under Town Line Road and clean out the detention area straddling the property of the applicant and the State. This activity has done wonders to maintain flow during storm events and has reduced back-ups.
- Highlighted his many years of experience in road construction including associated drainage projects.
- He discussed the proposal in more detail and conceded that the Commission's concerns were warranted but insisted that the work will further reduce any chances of flooding.
- Asked by P. Kilby if he was a Professional Engineer, Mr. Moschini indicated that he was not, but has worked on drainage projects as part of his duties throughout his entire career.

Arnie DiPasquale, owner of the property and applicant:

- Mr. DiPasquale indicated that he was the Chairperson for the Burlington Wetlands Commission and is not oblivious to wetland issues. He feels that his proposal is a zero impact project.
- The original stream bed was moved during initial construction of the site.
- The water quality is always on the murky side and his proposal will do nothing to make it worse.
- This Commission approved a similar project on the same site in 2006 – the stream on the westerly side of the project was enclosed then.
- While it took him years to get DOT to provide the much-needed maintenance at Town Line Road, he will continue to monitor the culvert under Town Line Road and call for further maintenance if/when needed.
- Clarified that the proposed pipe is in fact a 24-inch concrete pipe, not the 18-inch size initially reported.

P. Kilby recounts the information that was requested by the Commission but not provided.

R. Carrier asked for clarification regarding the State clean-up at Town Line Road and confirmed that the proposed pipe (24-inch) was the same as the existing pipe.

P. Martin indicated that there may be a liability issue if the project were approved without appropriate engineering documentation.

P. Kilby clarified that the original intent of the project was for the safety of vehicles and pedestrians but there would still be a drop-off of up to one foot to the level of the fill and did not understand this logic.

Dominic Moschini indicated that he thought John Bossi (Plainville Town Engineer) was ok with the information they did provide.

Attorney William Galske also spoke to John Bossi about shortening the length of the streambed enclosure.

M. DeVoe indicated that he erred when calculating the timeframe and the drop-dead date for Commission action.

- He failed to use the correct date as the starting point for counting the statutory timeframes.
- Used the received date in lieu of the public hearing start date.
- He opined there was ample time to extend to October 5, 2022 and perhaps beyond.
- He opined that the statutes allow the applicant to consent to extensions and denial of that opportunity could be construed as interfering with the applicant's right to due process.

P. Martin indicated that even in his relative "newness" on the Commission, he is used to getting more information on which to base his decision. He needs to see a drawn plan.

Attorney William Galske requested a continuance to the October 5, 2022 IWWC meeting.

M. DeVoe recapped the timeframe and indicated that there was indeed more time in which to decide.

A Motion was made by: P. Martin to continue the public hearing for Application 05/22 #3 to 10/5/22.

Seconded by: P. LeBeau

All in favor 5 to 0: Passes unanimously

IV. UNFINISHED BUSINESS

1. **IW 05/22 #03 – Townline Trade Center Association – Commercial Activity – 1 Town Line Road – public hearing set for 9/7/22.**

Public hearing continued to 10/5/22.

V. NEW BUSINESS

None

VI. BILLS AND COMMUNICATIONS

None

VII. MINUTES

A motion was made by: P. Martin to approve the regular meeting minutes of August 3, 2022

Seconded by: P. LeBeau

All in Favor 5 to 0

Motion Passes, Minutes Accepted

VIII. PLANNER'S REPORT

1. White Oak – project update

2. Legislative Updates – We continue to wait on DEEP for updates that may require regulatory changes. We asked for another update on July 19, 2022 and our DEEP representative indicated that legislative changes for 2021 and 2022 will be received in one to two months. M. DeVoe will wait until the end of September and report back in October.

IX. ADJOURNMENT

A motion was made by: P. Martin to adjourn the meeting at 7:53 pm.

Seconded by: P. LeBeau

All in Favor 6 to 0

Motion Passes

Meeting adjourned at 7:31 pm.

Respectfully submitted,

Mark DeVoe

Town Planner