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INLAND WETLANDS COMMISSION (IWC)
SPECIAL MEETING
OCTOBER 26, 2010, 5:00 P.M.
THIRD FLOOR
MEMORIAL BUILDING, TOWN HALL
14 PARK PLACE
ROCKVILLE/VERNON, CT.

MEMBERS PRESENT: Steve Peterson, John Kopec, Frank Galat, Jeffrey Pescosolido,
and Lynda Morhardt (alternate for Mark Kalina)

STAFF PRESENT: Craig Perry, Wetlands Enforcement Officer,
Leonard Tundermann, Town Planner

1. Call to Order & Roll Call

The meeting was called to order at 5:01 P.M. by Steve Peterson

2. Review of Modified Cease and Desist Order Issued

2.1 Cease and Desist Order issued for 199 Tunnel Road

Dorian Famiglietti, attorney for Philip Michaud, suggested there was a misunderstanding about the intent of the motion regarding modification of the cease and desist order approved by the IWC on 9/21/2010. She read the letter she sent to Len Tundermann on October 7, 2010, addressing her position that fill was to be removed to the "squiggly line" hand-drawn by George Logan on his Plan A during the hearing on 9/21.

John Kopec said he was in agreement with attorney Famiglietti's interpretation. Lynda Morhardt expressed her recollection that all of the fill in zones C and B on Plan A were to be removed.

Jeff Pescosolido recalled an intent that all fill in zones C and B be removed but could not recall the volume of fill affected in zone B.

George Logan explained how the fill came to be deposited over the years. He distributed his Post-Remediation Report dated October 26, 2010, and described the sequence of photographs in it showing the progression of the remediation work. He described Plan A revised through 10/15/2010 to show the new river bank after remediation, the toe of slope proposed to the commission on 9/21/2010, the actual toe of slope on 10/15/2010, and cross-section B1; he confirmed that the area of the river cross-section was increased from 25 sf to 36 sf as intended. He called attention to and read item 5 of the findings in the report.

Steve Peterson asked Craig Perry for his comments. Craig Perry noted that the remediation work was started and completed without his prior knowledge. He said he inspected it afterwards, took no measurements, but observed that the remediation looked to be what had been represented to the IWC on 9/21/2010.

Lynda Morhardt questioned whether the reported increase in the river cross-section area included the higher elevation of the water surface because of increased flow. George Logan replied that it did not. She commented that the remediation work reflected her intention that the cross-section of the river be consistent through the area and not be constricted.

Steve Peterson moved, and Frank Galat seconded, a motion that Plan A and Cross-section B1 of the Post-Remediation Report of 10/26/2010 substantially represents the remediation intended by the Commission, provided that (1) George Logan and Craig Perry will monitor the effects of the remediation on that section of the river through a complete hydrologic cycle, and (2) the cease and correct order shall remain in effect.

Attorney Famiglietti remarked that a stipulated judgment to be presented to the Superior Court would resolve the legal issues but could conflict with having a cease and desist order open.

Steve Peterson and Frank Galat offered an amendment to the motion that the cease and desist order remain open unless the Town Attorney determines that a stipulated judgment requires otherwise.

The amended motion was approved by unanimous voice vote.

3. Administrative Actions

3.1 Communications received not related to Agenda Items

- Announcement of CACIWC 33rd Annual Meeting and Environmental Conference Saturday, November 13, 2010

Len Tundermann called attention to the CACIWC annual meeting and asked that any commissioner interested in attending let him know.

4. Adjournment

John Kopec moved, and Frank Galat seconded, a motion to adjourn the meeting at 6:03 P.M. The motion was approved unanimously.

Respectfully submitted,



Leonard Tundermann, Recording Secretary pro tem