

**MINUTES OF THE SPECIAL IWWC MEETING via ZOOM  
MAY 12, 2021**

**Present:** Vice Chairman Dwayne Xenelis, Mike Engels, Vincent Neri, Howard Benisvy and IWW Enforcement Officer Heidi Wallace.

**1. CALL TO ORDER:**

The meeting was called to order at 5:07 p.m. by IWWC Enforcement Officer Heidi Wallace.

Ms. Wallace stated the following: We are holding this special meeting this evening because I discovered the day after the regular meeting of May 4<sup>th</sup> that the agenda had not posted to the Town website. It was available in the Town Clerk's office three days prior to the meeting, and the recording of the meeting was available on our Town website the day following the meeting. All application materials were available on the Town website at three business days prior to the meeting. Upon information and belief, no members of the public attended the May 4<sup>th</sup> virtual meeting; no members of the public submitted comments or otherwise contacted my office regarding either of the two applications discussed and voted upon at the May 4<sup>th</sup> meeting. Given the inadvertent technical difficulties with uploading the agenda to the Town's website in advance of the meeting, we will ratify the votes of that meeting this evening.

The members who were present to vote on the applications at the May 4<sup>th</sup> meeting are here this evening including Dwayne Xenelis, Mike Engels, Vincent Neri, and Howard Benisvy.

The first item on the agenda is:

1. **716 Toby Hill Road, Assessor ID 134/011, application number 331– application for addition and associated grading in upland review area.** Architect Whitney Huber presented the application. The addition will have a shallow foundation and there will be minimal excavation for the project. The Commission was satisfied that the project would not impact the wetlands and voted to approve this project.

**At the May 4<sup>th</sup> meeting, the motion to approve was made by Mike Engels and seconded by Vincent Neri and was unanimously approved.**

Motion to ratify the vote of the application for 716 Toby Hill Road by Mike Engels, Seconded by Dwayne Xenelis. The motion to ratify was approved unanimously.

2. **Kirtland Street and north side of Boston Post Road, Assessor ID 177/122, 181/001, 181/002, 181/003, 181/006, 182/003, 181/188 – Dattilo Village – Amendment to Permit No. 316-** for 38 one-bedroom rental apartments in four buildings including the construction of buildings, parking, fitness trail, sanitary system and drainage system partially located in the upland review area. Attorney Andrea Gomes and Engineer Al Wolfgram were present for the applicant on May 4<sup>th</sup>. The Commission made a finding at the April 6, 2021 meeting that the application revision was not a significant activity. However, because a question was raised by the Commission at that meeting regarding potential contamination of one of the subject properties, a Phase I environmental assessment was done and submitted to the Commission by the applicant on April 29<sup>th</sup>, wherein a few areas of concern were noted. If any remediation is needed to address the potential contamination on-site, the applicant will need to come before the IWWC to amend the application.

**At the May 4<sup>th</sup> meeting, the motion to approve this application with the following conditions was made by Vincent Neri and seconded by Mike Engels with the following conditions:**

*Voted: To approve the amended application #316, to incorporate the previous 21 stipulations of the original approval with the exception of condition #18, which will now read "No site work can be done without the approved CT DEEP General Stormwater Permit. The approval of this application is based upon the following additional conditions:*

1. The applicants shall submit to the Westbrook town staff a Phase I Environmental Assessment Report, in accordance with ASTM and Connecticut DEEP standards, with respect to the parcel located at 32 Kirtland Street, Westbrook, CT.
2. The applicants shall submit to Westbrook town staff a Phase II Environmental Assessment Report, in accordance with ASTM and Connecticut DEEP standards, with respect to the areas of concern and interest noted by ALTA Environmental Corporation in its Phase I summary report for 32 Kirtland Street, Westbrook, CT.
3. If contamination is discovered at any of the areas of concern or interest noted by ALTA Environmental Corporation in its Phase I summary for 32 Kirtland Street, Westbrook, CT, the applicants shall remediate areas in accordance with CT DEEP standards, to the satisfaction of Westbrook town staff.
4. If contamination is discovered and remediation of said contamination potentially may impact a nearby regulated area, the applicants shall seek a further amendment to regulated activities permit No. 316.

Motion to ratify the vote of the application to amend permit #316 was made by Vincent Neri and seconded by Mike Engels. The motion to ratify was unanimously approved.

**ADJOURNMENT:**

Upon a motion to by Vincent Neri, seconded by Dwayne Xenelis, it was:

**VOTED:** Unanimously to adjourn the meeting at 5:16 pm.

Respectfully submitted:

---

Kathleen H. Kelemen, Secretary

As taken by IWW Enforcement Officer Heidi Wallace