

**Inland Wetlands and Watercourses Commission
Town of Wallingford**

**REGULAR MEETING
Wednesday, February 3, 2010**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, February 3, 2010, in Council Chambers, the Municipal Building, Wallingford, Connecticut.

Seated Commissioners were Jim Vitali – Chairman, Ellen Deutsch – Vice Chairperson, Nick Kern – Secretary, Jeff Kohan, David Parent - alternate, Jim Heilman – alternate, James Kovach – alternate, and Environmental Planner Erin O’Hare.

Chairman Vitali called the meeting to order at 7:02 p.m.

CONSIDERATION OF MINUTES:

January 6, 2009- Regular Meeting

Commissioner Deutsch made a motion to approve the January 6, 2009 – Regular Meeting Minutes as submitted. The motion was seconded by Commissioner Kohan and passed unanimously.

January 27, 2010 – Special Meeting

Ms. O'Hare made a correction to Page 3 (“4.1.b” should be “4.1.a”). Commissioner Deutsch made a motion to approve the January 27, 2010 – Special Meeting Minutes as corrected. The motion was seconded by Commissioner Kohan and passed unanimously.

OLD BUSINESS:

#A02 – 6.12 / 63 GRIEB ROAD – Fieldstone Farm – Baker Residential LLC
– (release of bond)

Ms. O’Hare indicated that no report has been received from the Engineering Department so it is still on hold. Chairman Vitali tabled the bond release request.

#A09-12.1 / 1189 SOUTH BROAD STREET – Stephen Barberino –
(commercial development)

Presenting the application was Ken Hrica, Hrica Associates, LLC.

Mr. Hrica indicated that there have been some revisions made to the site plan. The size of the filter strip has been reduced in order to gain a larger buffer to the brook and wetland area on the west side of the property. The filter strip has been reduce down to approximately five feet which allowed them to relocate the bio-filtration basin further away from the wetland. They are a minimum of 25 feet away from the wetlands with any activity. The existing wooded area would remain. There is an old foundation that is on the bank of the river that will remain. On the prior plan they were disturbing 68.3% of the 50-foot upland review area. On the current plan they would only be disturbing 33.4% of the 50-foot upland review area. There would be no wetlands or watercourses disturbed with the current plan. The stormwater will be captured and cleaned in that bio-filtration basin before it reaches the brook. By utilizing those bio-filtration basins they will be reducing peak flows coming off the site post development. Two snow storage areas have been provided on the plan.

Mr. Hrica indicated that some remediation that could occur on the site would be trying to work with some eroded portions of the brook. There is only about a 20-foot section of the brook that comes into this property. The brook flows from northeast to southwest adjacent to the property. Mr. Hrica feels that the only thing to do would be to install some riprap along that 20-foot section of the property. In order to do that they would have to excavate a small amount of material out so it could be replaced with stone. The channel in that area is steep and narrow. Mr. Hrica estimated that it would take approximately 13-15 cubic yards of riprap to do the 20 feet along the brook. A small piece of equipment would be needed to do the work. Mr. Hrica stated that he can repair the bank on his side but that would not alleviate the erosion on the other side of the bank which is not on his property. He indicated that there are two or three trees that would have to be cut along the top of the bank to get the equipment in to do the work. The bank will have to be pulled back to a stable slope to install the riprap. The Commission unanimously agreed that the embankment on this property should be repaired. The riprap on the stream bank is not included on the plan that was submitted because Mr. Hrica has not calculated the necessary size of the riprap yet. Ms. O'Hare stated that a condition of approval could be that the Applicant submits a plan for fortification of the stream bank section to meet the satisfaction of the Environmental Planner. Chairman Vitali feels that a \$5,000 bond would be in order on this project. Ms. O'Hare stated that a favorable report came in today from the Engineering Department on the revised calculations.

MS. DEUTSCH: **MOTION THAT APPLICATION #A09-12.1 / 1189 SOUTH BROAD STREET BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. KOHAN: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A09-12.1 / 1189 SOUTH BROAD STREET BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. IWWC PLACARDS TO BE INSTALLED EVERY 50 FEET AT THE EDGE OF DEVELOPMENT ACTIVITY AREA.**

2. **SUBMIT A PLAN FOR FORTIFICATION OF ERODED STREAMBANK TO MEET THE APPROVAL OF THE ENVIRONMENTAL PLANNER.**
3. **STANDARD PERMIT TERMS TO APPLY.**
4. **A \$5,000 BOND BE POSTED.**

MR. KOHAN: **SECOND**

There was discussion about the condition of approval “Standard permit terms to apply”. The Commission wanted to be sure that the Applicants are aware of what is included in the “standard permit terms”.

VOTE: **UNANIMOUS**

#A09-12.4 / 2A RESEARCH PARKWAY – Practical Energy Solutions, LLC – (parking area improvement)

Presenting the application was Attorney Steve Carlton and Engineer Bill Walters, John Paul Garcia Assoc.

Mr. Carlson stated that the Applicant is in the process of building a 25,000 sq.ft. building on Research Parkway. Planning & Zoning has already approved this project. They are appearing in front of the IWWC because they are over the 20,000 sq.ft. of impervious surface now that they want to pave the gravel loading area.

Mr. Walters reviewed the plan. They are in front of the IWWC because they plan on making the entire parking area impervious surface. Roof drainage goes into an underground galley system.

Ms. O'Hare referred to her Environmental Planner's Report dated January 26, 2010. She stated that she has visited the site now under construction and has no issues with the application.

MS. DEUTSCH: **MOTION THAT APPLICATION #A09-12.4 / 2A RESEARCH PARKWAY BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. KOHAN: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A09-12.4 / 2A RESEARCH PARKWAY BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

1. **STANDARD PERMIT TERMS APPLY**

MR. KOHAN: **SECOND**

VOTE:

UNANIMOUS

**#A10-1.1 / 2 FAIRFIELD BOULEVARD – Verna Home Builders, Inc. –
(office/warehouse development)**

Presenting the application was George Cotter, OCC Group, and the Applicant Gerald Verna, Verna Home Builders, Inc.

Mr. Cotter indicated that this plan was permitted in 2006 as Lot 1, Centract Business Park, 2 Fairfield Boulevard. This is a 5.8 acre site that previously had a permit for 128,000 sq.ft. of impervious surface and building coverage. The coverage amount will remain the same. The paved area has been reduced to 78,500 sq.ft. from the 2006 approval. The building will now be 49,000 sq.ft. Mr. Cotter indicated that the only change is that the building size has increased, but the impervious surface amount has not changed. Ms. O'Hare indicated that this would not be considered a modification to permit because the use is changing from medical offices, which require lots of parking to office/warehouse, which does not. Commissioner Heilman pointed out that the footprint is not the same as the previous application. Mr. Cotter indicated that the building is now over 40,000 sq.ft. but the paved surface area has been reduced by 30%. This lot does not contain any wetlands. The stormwater runoff will go to the detention basin across the street. The E&S has been upgraded from 2006. Mr. Cotter indicated that he would provide the E&S plan as requested by the Environmental Planner. An updated analysis on the detention basin has been provided to the Commission (for the previous permit). Mr. Cotter stated that he has received a letter from the Engineering Department stating that it does not feel that there is any further need for storm water analysis.

Ms. O'Hare reviewed her Environmental Planner's Report dated January 29, 2010. Her concern is that there is not adequate attention to holding back the sediments during construction. The Applicant should provide sizing calculations per the 2002 CT E&S Guidelines and detail the dimensions of the basins. Mr. Cotter indicated that he would install erosion blankets for stabilization of the slope and he is fine with making that a condition of approval.

Ms. O'Hare reviewed items a. through f. on the Environmental Planner's Report dated January 29, 2010. Mr. Cotter indicated that many of them have already been included on a revised plan that he will get to Ms. O'Hare. He does not agree with item e. on the Report to relocate the silt fencing. The silt fencing is at the property line in the areas that they will be disturbing. After some discussion the Commission agreed that the silt fence should be placed on the property line.

MS. DEUTSCH:

**MOTION THAT APPLICATION #A10 – 1.1 / 2 FAIRFIELD
BOULEVARD BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. KOHAN:

SECOND

VOTE:

UNANIMOUS

MS. DEUTSCH: **MOTION THAT APPLICATION #A10-1.1 / 2 FAIRFIELD BOULEVARD BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

1. **PROVIDE PROPOSED DEPTH DIMENSIONS FOR THE TWO PROPOSED "CATCH BASIN SEDIMENT TRAPS". GIVEN THAT THE PROJECT ENGINEER HAD INDICATED TO THIS OFFICE THAT THEY ARE SHALLOW (1 FT.?), IT IS NOT CLEAR HOW ADEQUATE THEY WILL BE. ALSO, THE DRAWING SEEMS TO DEMARCATATE SILT FENCING AROUND THEM BUT THIS MAY NOT BE THE INTENTION.**
2. **EXTEND A ROW OF HAY BALES TO THE NORTH ALONG BARNES ROAD AT THE BASE OF THE SLOPE ON THE NORTHEASTERLY SIDE OF THE PROPOSED STONE SWALE IN THIS VICINITY.**
3. **ANTI-TRACKING PAD CONSTRUCTION ENTRANCE SHOULD BE RELOCATED TO THE NORTH AWAY FROM "CATCH BASIN EROSION SEDIMENT FILTER" LOCATED INSIDE THE PAD.**
4. **STRAW MULCH TO BE INSTALLED WHEN REGRADING OF SLOPES IS COMPLETED.**
5. **CLARIFY WHERE "OUTFALL ENERGY DISSIPATOR" DEPICTED ON DETAIL SHEET IS PROPOSED TO BE INSTALLED.**
6. **THE STORMWATER MANAGEMENT MAINTENANCE PLAN (CURRENTLY ON THE PLAN) TO BE SUBMITTED AS A FREESTANDING DOCUMENT FOR THE FILE.**
7. **DRAINAGE EASEMENTS IN FAVOR OF THE TOWN TO BE DEPICTED.**
8. **STANDARD PERMIT CONDITIONS AND TERMS**
9. **EROSIONS CONTROL BLANKETS ARE TO BE INSTALLED TO STABILIZE THE SLOPE.**
10. **THE SIZING CALCULATIONS FOR THE SEDIMENT BASINS ARE TO BE PROVIDED AND MEET THE APPROVAL OF THE ENVIRONMENTAL PLANNER.**

MR. KOHAN: **SECOND**

VOTE: **UNANIMOUS**

NEW BUSINESS:

475 WILLIAMS ROAD – Patricia Schlosser, owner, Art and Rita Pires, tenant – (request for residential use exemption)

475 WILLIAMS ROAD – Patricia Schlosser, owner, Art and Rita Pires, tenant – (request for agricultural exemption)

Mr. Art Pires was present.

Chairman Vitali pointed out that this application ties into the item under violations. Ms. O'Hare stated, that in terms of the violation, no material has been removed and the tenants were unable to obtain the owner's signature to submit an application. She stated that Mr. Pires has contacted Attorney Janet Brooks who was unable to attend this meeting. Attorney Brooks advised her clients to submit a request for residential use exemption and agricultural exemption and they have done so.

Mr. Pires stated that he has not filled in any wetlands. Ms. O'Hare stated that Tom Pietras had flagged the site in August. She explained that the sketch that Mr. Pietras made was on the plan for the original approved site of the house. The house and the driveway were not built in that configuration so the sketch has to be overlaid onto the current plan (which was handed out). Ms. O'Hare indicated that she has visited the site and there is a wetland violation on the property. There has been filling at the edge of the wetlands and there is a container that is partially in the wetlands. Ms. O'Hare stated that a site visit would clarify what she is talking about.

Mr. Pires indicated that Mr. Pietras flagged the wetlands and there is no fill in the wetlands. Ms. O'Hare stated that the wetland flagging map just came in yesterday and she has not had an opportunity to discuss it with Mr. Pietras. She needs to talk to him to get some clarification.

Chairman Vitali indicated that everything would be left as is and the Commission would take some time to review all of the information that has been submitted. Mr. Pires indicated that his attorney would be present at the next meeting.

RECEIPT OF NEW APPLICATIONS:

#A10-2.1 / 70 TYLER MILL ROAD – Town of Wallingford – Water
Division – (water facility improvements)

Ms. O'Hare explained that the Water Division came to her yesterday requesting administrative approval for some maintenance work to be done on the lines. She had them officially apply just in case the Commission felt that administrative approval would not be acceptable. The activity would be on the border of the stream. There would be 5,100 sq.ft. of clearing and 1,4000 sq.ft. of temporary excavation. Ms. O'Hare stated that this area has been disturbed several times by the Water Division. After the work is completed, the area would be graded and seeded.

The IWWC determined an application would be required here. Chairman Vitali suggested to Ms. O'Hare that she visit the site to reconsider the use of silt fence or hay bales.

VIOLATIONS:

1. 216 Northford Road – Lynne Cooke Andrews – (cease & desist)

Ms. O'Hare indicated that she has not received permission to go on to the property to check required erosion controls and current conditions. She asked the Law Department for some input. Ms. O'Hare stated that the phone number has been disconnected so she wanted to know what could be done. Ms. O'Hare referred to the Environmental Planner's Report, dated January 29, 2010, which included the comments she had received from the Law Department. From the Town of Wallingford property, Ms. O'Hare could not see any hay bales that may have been installed. Ms. O'Hare has tried to contact the owner by phone but has not written a letter recently to try and gain access. Chairman Vitali directed Ms. O'Hare to send out a certified letter setting up a meeting place and time as suggested by the Law Department. Commissioner Kern suggested getting Jeff Andrews cell phone and trying to call him to set up a meeting on the property. Ms. O'Hare pointed out that in the original order the Commission did not specify a commencement date for the remediation work but the Commission could act to do so. Commissioner Kern would like to see the work begin before the spring growth starts. Chairman Vitali feels that the letter should go out and if there is no response then the Commission should order that the commencement of the remediation should begin at a certain date to be finished by the previously ordered completion date, June 1, 2010. After further discussion it was decided that Ms. O'Hare would reach out with a letter to see if she could get any response.

2. 475 Williams Road – Patricia Schlosser, owner, Art and Rita Pires, tenant – (cease & desist)

Discussed earlier.

REPORTS & COMMUNICATIONS:

1. Minutes – corrections

There was discussion about how corrections to the Minutes should be handled. It was decided that the corrections would be inserted into the actual months Minutes as well as stated in the motion for the following month.

2. DEP training forum for IWWC staff, Berlin, February 26

Ms. O'Hare indicated that this is just for staff. What will be discussed is the EPA and Army Corp. federal wetlands law and staff questions. It was decided that staff would not attend.

3. CT Association of Wetlands Scientists, “Wetlands: Impaired to Pristine”; Mountainridge, February 23

Ms. O'Hare stated that biology of wetland plants and special wetlands of CT would be discussed. It was decided that staff would not attend.

4. CT Farm Bureau Assoc., “Farming and Inland Wetlands Forum”, South Windsor - March 4

Ms. O'Hare that this would focus on how the Wetlands Act applies to farming operations and how farms should work with their municipal Wetlands Commission. Chairman Vitali and Commissioner Kern would attend and Ms. O'Hare will register them.

5. Northford Road – Field 7A

Ms. O'Hare was hoping that the Engineering Department would have a proposed drawing ready for tonight for the Commission to review relative to a remediation plan to address the erosion occurring in the woods impacting the Muddy River. Mr. William Dellacamera was present representing Cecarelli Farm who is interested in leasing the front portion of Field 7A. Chairman Vitali stated that there has been an ongoing erosion problem in Field 7A that the IWWC was never made aware of. He stated that this has only surfaced since a letter from the Conservation Commission was received, which says the IWWC should do something about the erosion. Chairman Vitali feels that something should have been done about this erosion a long time ago but the Commissioner never knew about it. Ms. O'Hare stated that this erosion has been going on for many years. There was some discussion on the history of the field. Mr. Dellacamera stated that he is interested in farming the front of Field 7A and helping the Town repair the erosion in the rear of the field and planting whatever the Town requests. There was discussion about the fact that the erosion ruts would have to be leveled out before any seeding could take place. That leveling would require some type of equipment such as a bulldozer. There was discussion about what would be planted in the rear of that field. Ms. O'Hare stated that the NRCS has suggested that buckwheat or soybeans be planted. Chairman Vitali feels that a perennial should be planted in that area rather than an annual that needs to be planted every year.

Commissioner Heilman asked that Ms. O'Hare provide for the Commission a mapping of the Town's leased farm fields.

Ms. O'Hare gave some background on this issue stating that the lease for this field was terminated in spring 2008 due to bad management practices. At that time she talked to several contractors about seeding the field. The cost was prohibitive. In summer of 2008 she applied for a Federal WHIP grant. The grant was rejected because there was pipe installed in the wetlands that was unpermitted and unauthorized. Ms. O'Hare feels that this plan is a win/win situation for the Town. The farmer gets to farm the front of the lot and the Town gets the back half seeded as a trade. The Town doesn't actually have to put money out to have the back of the field seeded. Ms. O'Hare stated that, in 2008, Public Works installed two stone sediment basins by Northford Road. The plan that came in from Roman Mrozinski back in 2008 was fine but the Town didn't have \$10,000 to carry it out.

Chairman Vitali had issues with the fact that the Commission was not made aware of this erosion issue before now. Ms. O'Hare pointed out that she does not bring erosion issues on Town property to the IWWC. She stated that if that were what the Commission wants from now on she would make them aware of all of the erosion issues that she is dealing with on Town property. Commissioner Deutsch felt that the Commission should have been made aware of this erosion back in 2008.

Ms. O'Hare clarified that the plan that is going to come before the IWWC is going to be an erosion control plan in the woods put together by the Engineering Department. What happens on this field is determined by the Conservation Commission who has been working with NRCS and the Southwest Conservation District but that does not fall within the jurisdiction of the IWWC. The wetland issues are in the woods and that is what is going to come before this Commission. Commissioner Kern stated that the people who make these decisions on the rear of Field 7A should be qualified to do so. Ms. O'Hare stated that is why the NRCS and the Southwest Conservation District are involved.

6. CL&P letter Re: herbicide application in electric R.O.W.s

Ms. O'Hare referred to a letter received January 25, 2010 from Northeast Utilities. CL & P is going to be doing scheduled maintenance of the electric ROW all throughout town. They will be removing some vegetation and treating some vegetation. Tall-growing species and invasive species are the targets.

7. CCM, "Making the Best Land Use Decisions", Glastonbury, February 17

Chairman Vitali indicated that neither staff nor Commissioners would be attending.

8. Budget proposal FY 10-11 – discussion

Ms. O'Hare stated that she would be meeting with the Mayor on March 1st regarding the budget. Chairman Vitali doesn't feel that the Commission could cut back on the budget anymore and he doesn't expect that it would be expanded either. Ms. O'Hare stated that she would have to go to the Council for a budget transfer for this fiscal year. She needs to move money within the budget from one column to another. She stated that the Commission is running out of money in the "Office Supply" section. Money from "Office Supply" is used to publish the legal notices and postage and other items. Ms. O'Hare wants to transfer \$250 from "Transportation Reimbursement" to "Office Supply".

Chairman Vitali reported that the Conservation Commission is requesting a footbridge across a small stream on the Galgo property. Ms. O'Hare stated that the reason the application was not in front of the Commission was because the Mayor did not sign it before the application deadline. The Mayor has since signed the application. Ms. O'Hare asked the Commission for input as to if it would qualify for administrative approval or if they would like to review the application as a Commission. Chairman Vitali stated that he received a diagram of a footbridge that is 3 feet wide and 10 feet long to be placed over the stream. This is a Girl Scout project. Chairman Vitali didn't see anything about digging or putting in piers. He feels that administrative approval would be appropriate in this case. Commissioner Kern agreed with the administrative approval. The Commission unanimously felt that administrative approval would be fine.

REGULATIONS REVISION:

1. Discussion of draft proposed revisions

2. Acceptance of proposed amendments

Instead of working on the regulation revisions now, the Commission discussed holding another workshop meeting. Ms. O'Hare handed out a revised document that incorporates everything that

was discussed at the past workshop. Commissioner Heilman handed out a revised slope provision. The workshop was tentatively scheduled for February 24th at 6:00 p.m. in Room 205.

ADJOURNMENT:

Commissioner Deutsch made a motion to adjourn. The motion was seconded by Commissioner Kohan and passed. The meeting adjourned at 9:55 p.m.

Sonja Vining
Recording Secretary
Town of Wallingford
Inland Wetlands and Watercourses Commission
February 3, 2010