

**Inland Wetlands and Watercourses Commission  
Town of Wallingford  
Regular Meeting  
Wednesday, October 6, 2010**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, October 6, 2010, in Council Chambers, the Municipal Building, Wallingford, Connecticut.

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

Vice Chairman Ellen Deutsch, serving as Acting Chairperson, called the meeting to order at 7:01 p.m.

**CONSIDERATION OF MINUTES:**

September 1, 2010 - Regular Meeting

**MR. HEILMAN:**            **MOTION TO APPROVE THE SEPTEMBER 1, 2010 – REGULAR MEETING MINUTES AS SUBMITTED.**

**MR. KERN:**                **SECOND**

**VOTE:**                      **MR. HEILMAN – YES AND MS. DEUTSCH -YES**

Mr. Kern and Mr. Kovach abstained from voting.

**OLD BUSINESS:**

**#A03-11.2 / 950 NORTH MAIN STREET EXTENSION** – Maplewood Construction Co. – (bond release)

Ms. O’Hare indicated that the bond is not ready to be released. The matter was tabled.

**#A03-12.5 / 346 EAST MAIN STREET** – Vincent Perretta – (bond release)

Ms. O’Hare indicated that the bond is not ready to be released. The matter was tabled.

**#A10-7.2 / 206 MAIN STREET** – Albert DiChello – (paving)

Presenting the application was Attorney Jim Strub.

Ms. O’Hare reviewed the Environmental Planner's Report dated September 30, 2010. The Applicant has submitted one plan with an oil/grit separator and one plan without.

Attorney Strub stated that, at this time, the plan with the oil/grit separator would be the one that the Applicant would move forward with and is looking for approval on.

Ms. O'Hare briefly reviewed the report from the Engineering Department dated October 5, 2010. She stated that with both plans that were presented the water is discharged right at the property line. The water then flows 15-20 feet across somebody else's property before it enters the stream.

Attorney Strub indicated that he spoke to the abutting property owner who is willing to put an easement in place depending on what is necessary. Attorney Strub indicated that the Applicant's engineer was unable to attend this meeting but is confident that he can address and supply all of the information requested by Ms. O'Hare and the Engineering Department.

Commissioner Kern believes that there may already be a State of CT easement in place for that flow of water. Attorney Strub will look into it.

Ms. O'Hare informed the Commission that if they wanted to continue this hearing to next month they would have to ask the Applicant for an extension. Acting Chairperson Deutsch asked for an extension and Attorney Strub granted it and submitted a letter to that effect.

Commissioner Kern stated that at the next meeting he would like to see a maintenance plan for the oil/grit separator. Ms. O'Hare would work with the Applicant to complete a maintenance plan.

After some discussion, the Commission unanimously agreed that the plan that they should concentrate on would be the plan with the oil/grit separator. Acting Chairperson Deutsch clarified that the Applicant would have the drainage easement issue finalized for the next meeting, the comments from the Engineering Department would have been addressed, and a maintenance plan would be provided to the Commission.

The matter was tabled to the November meeting.

**#A10-8.2 / 211 EAST MAIN STREET & 868 DURHAM ROAD** – Choate  
Rosemary Hall Foundation, Inc. – (environmental center, pedestrian bridge)

Presenting the application was David Terrell, Choate Rosemary Hall, and Mike Bartos, Senior Associate, Land-Tech Consultants, Inc.

Mr. Bartos reviewed the plan. The site is 145 acres. All of the wetlands have been flagged and put on the plan. What is proposed is a 30,000 sq.ft. building with a driveway access from Old Durham Road. The other access area would be off East Main Street. The regulated activities are minor with the exception of the bridge. The stream on the property has cut a valley through an area east to west down to bedrock. The slopes along the stream on the north side are steep and actively eroding. There is a 15-foot drop from the hayfield to the stream channel. What is proposed is a 180-foot bridge that would be 18 feet above the stream channel. The disturbance to the stream would be minimal. Some of the solar panels proposed, a portion of the parking lot, driveway and walking trail would extend within the 50-foot review area. The details of those activities are included in the report submitted by Land-Tech.

There is some mitigation proposed in the area of the proposed bridge. There would be a robust planting plan on both banks of the stream. Shrubs, ferns, and trees would be installed.

Mr. Bartos stated that he has been talking to the Applicant to come up with a plan to stabilize the north bank of the streambed that is severely eroded. After a site walk with Choate, Commissioner Heilman, and Ms. O'Hare, it has been decided that the best approach would be to place large rocks directly on the steep eroded bank.

There are three rain gardens proposed. The rain gardens have underdrains that will be piped down the slope to an existing catch basin. That catch basin drains across the street to Wharton Brook. On the south side, there would be a small detention area with a low berm on the down side so the water would sheet flow.

Erosion control is primarily by silt fences throughout the project. There are two sediment traps around the building along with diversion channels to direct the water.

Commissioner Heilman visited the site and stated to the Commission that he does not feel that this would be considered a significant activity.

Ms. O'Hare reviewed the Environmental Planner's Report dated September 30, 2010. She indicated that she has not received any formal comments from the Engineering Department.

The Commission discussed the erosion plan. It unanimously agreed that the large rocks to be placed in the eroded areas along the stream is a good idea rather than using riprap.

**MR. HEILMAN:**        **MOTION THAT APPLICATION A10-8.2 / 211 EAST MAIN STREET & 868 DURHAM ROAD BE DEEMED NOT A SIGNIFICANT IMPACT.**

**MR. KERN:**            **SECOND**

**VOTE:**                **UNANIMOUS**

**MR. KERN:**            **MOTION TO APPROVE APPLICATION #A10-8.2 / 211 EAST MAIN STREET & 868 DURHAM ROAD WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. IWWC PLACARDS TO BE INSTALLED IN LOCATIONS TO BE APPROVED BY THE ENVIRONMENTAL PLANNER.**
- 2. PROPOSAL PLAN TO ADDRESS ERODED STREAMBANK TO BE SUBMITTED TO THE SATISFACTION OF THE ENVIRONMENTAL PLANNER AND THE ENGINEERING DEPARTMENT AND REVISED PLAN FOR THIS AREA TO BE SUBMITTED ACCORDINGLY.**
- 3. ANY COMMENTS FROM THE ENGINEERING DEPARTMENT TO BE ADDRESSED AND INCORPORATED INTO THE REVISED PLAN TO BE SUBMITTED.**
- 4. STANDARD S&E CONTROLS TO BE IN PLACE AND MEET THE APPROVAL OF THE ENVIRONMENTAL PLANNER.**

**MR. KOVACH:**        **SECOND**



Commissioner Kern would like to see the new asphalt in the driveway tied into the release of the cease and desist. Ms. O'Hare stated that the application that was just submitted couldn't be acted upon at this meeting as it is scheduled to be received at the November 3<sup>rd</sup> meeting.

Ms. Pires stated that the only reason the additional asphalt was placed in the driveway was because she had trouble turning into the driveway without hitting the curb. She wants to have this issue settled because it has been going on for too long.

Commissioner Kern is fine with the additional asphalt as long as it is for their personal vehicle or possibly agricultural equipment. He doesn't feel that an additional application should be required for that small area of asphalt.

Ms. O'Hare notified the Commission that she received a letter from Diane Pascale, an abutting property owner, expressing her concerns that, among other things, the property is going to be used for something other than residential use.

The Commission discussed the issue of the new asphalt in the driveway. Commissioner Heilman doesn't have any issues with that asphalt staying in place. Commissioner Kern feels that the asphalt should stay where it was installed. He believes that the driveway should be tied into the lifting of the cease and desist.

Mr. Pires explained to the Commission that the area that he paved was already processed. All he did was put asphalt over it so his wife can make the turn into the driveway safely.

**MR. KERN:**                    **MOTION THAT THE PIRES WITHDRAW THEIR APPLICATION FOR THE DRIVEWAY APRON AND THAT THE COMMISSION ALLOW THE PAVED APRON TO REMAIN FOR SAFETY AND DUE TO THE FACT THAT IT HAS NO IMMEDIATE IMPACT ON THE SURROUNDING WETLAND AREAS.**

The Pires' agreed to withdraw their application for the driveway apron.

Commissioner Heilman would like to see all of the local fees refunded to Mr. Pires. Ms. O'Hare stated that the application has not even been processed yet. Commissioner Kern stated that all of the checks should be returned to Mr. Pires since nothing has been processed yet.

**MR. HEILMAN:**            **SECOND**

**VOTE:**                        **UNANIMOUS**

The Commission unanimously agreed that the Cease & Desist should be lifted off of this property.

Acting Chairperson Deutsch stated that the Cease & Desist would be removed from the property.

**2. 216 Northford Road – Lynn Cooke Andrews – (cease & desist – eastern side of property)**  
No one was present to represent the owner. Ms. O'Hare reviewed the Environmental Planner's Report dated September 30, 2010 and stated that the Town Attorney will report to the Commission in an Executive Session. Acting Chairperson Deutsch indicated that the Cease & Desist would remain in place.

**3. 252 Main Street, Yalesville / Quinnipiac River – L&J Partnership, LLC – (cease & desist – request to remove)**

Ms. O'Hare stated that the Assistant Town Engineer visited the site and forwarded her a memorandum on it. She reported that gravel has been placed where originally approved which would help with the erosion issue. Ms. O'Hare presented photos of the area. On the southern end, the swale now has riprap place in it. Ms. O'Hare recommended that the Cease & Desist be lifted. Acting Chairperson Deutsch indicated that the Cease & Desist would b be lifted.

Acting Chairperson Deutsch asked if Ms. O'Hare has worked on amending the application for farming exemptions. Ms. O'Hare stated that she has not done it yet but there have not been any requests. Acting Chairperson Deutsch would like to see the amended application in the packet for the next meeting.

Acting Chairperson Deutsch asked Commissioner Heilman if he felt further work should be done on revising the Regulations at this time. Commissioner Heilman indicated that he doesn't have any significant revisions to be addressed at this time. He stated that according to the State the term "significant activity" should actually be "significant impact" but that change could be made in the regulations when the next set of revisions are done.

Commissioner Kern directed Ms. O'Hare to add an Executive Session to the November agenda. He would get more details to Ms. O'Hare throughout the month.

Acting Chairperson Deutsch asked if Ms. O'Hare has researched with other towns how they handle violations. Ms. O'Hare stated that she has not done that yet. Acting Chairperson Deutsch would like to that research done for next month.

**ADJOURNMENT:**

Commissioner Kern made a motion to adjourn. The motion was seconded by Commissioner Kovach and passed. The meeting adjourned at 8:55 p.m.

Sonja Vining  
Recording Secretary  
Town of Wallingford  
Inland Wetlands and Watercourses Commission