

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

**REGULAR MEETING  
Wednesday, January 6, 2010**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, January 6, 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 7:04 p.m.

**CONSIDERATION OF MINUTES:**

December 2, 2009- Regular Meeting

Commissioner Deutsch made a correction to Page 2. Commissioner Heilman noted that Mr. Kohan should be listed as a Commissioner not as an alternate on Page 1. Commissioner Deutsch made a motion to approve the December 2, 2009 – Regular Meeting Minutes as corrected. The motion was seconded by Commissioner Kohan and passed. Commissioner Kohan abstained from voting.

**PUBLIC HEARING:**

**Proposed Regulation amendments: Section 2, Definitions; Section 3, Inventory of Regulated Areas; Section 18, Effective Date of Regulations (re-number as Section 19); and the Fee Schedule, new Section 18**

Chairman Vitali opened the Public Hearing at 7:07 p.m.

Chairman Vitali indicated that information was sent out regarding the Public Hearing scheduled for this meeting. The Commission received some comments back from the legal community as well as the engineering community. Chairman Vitali asked if anyone in the public was present to comment on the proposed regulation amendments. There were no members of the public present to discuss the proposed amendments. Chairman Vitali suggested that the Commission hold a workshop to discuss the suggestions that came in from the engineering and legal communities.

After asking for comments and receiving none, Chairman Vitali closed the Public Hearing at 7:10 p.m.

The Commission discussed scheduling a date for the workshop. The Commission decided on January 27<sup>th</sup> at 6:00 p.m. at Town Hall.

## **CONSIDERATION OF PUBLIC HEARING ITEM:**

**Proposed Regulation amendments: Section 2, Definitions; Section 3, Inventory of Regulated Areas; Section 18, Effective Date of Regulations (re-number as Section 19); and the Fee Schedule, new Section 18**

Not taken up.

## **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 application.

**#A09-10.1 / 103 NORTH TURNPIKE ROAD – Quinnipiac River** –  
Yalesville Properties, LLC – (commercial development)

Presenting the application was Mr. George Cotter, OCC Group.

Mr. Cotter indicated that he has addressed both comments from Erin O'Hare, Environmental Planner, and Mr. Ed Pawlak, Connecticut Ecosystems, LLC, in the plans. Concerns seem to focus around the size of the detention basin and the swales on the east and west side of the building to carry the water to the detention basin through the oil/water separator with the point of discharge being to the southeast. All of the water from the parking area will be directed to the stormwater basin where the oil/grit separator would be located. Mr. Cotter has enlarged the swale to the front as requested by Mr. Pawlak to 10 feet in width and the swale in the rear to 5 feet in width. All water has been directed for the rear of the building and the paved area to the detention basin. The detention basin was enlarged by approximately 50%. Mr. Cotter indicated that he looked at the amount of storage there would be for one inch of rainfall from the paved surface and that has now been contained within the detention basin and the swales. The roof runoff has been directed to the flood storage area with a discharge point.

The utilities have been added to the plan. There have been revisions to the plantings. There will be 150 bushes/plants on site, locations of which would be approved by Ms. O'Hare. Documentation has

been provided from the CT DEP Stormwater Manual as far as to what vegetation should be provided in a water quality swale. They intend on mowing the water quality swale and keeping it 3-5 inches high for cleaning and maintenance.

Revisions were provided for the hydrology report that shows the enlargement of the basin. The landscape plan has been revised to show the area of enlargement of the flood storage area. The request was made previously by the Engineering Department and Mr. Pawlak that the elevation be raised for excavation. They agreed upon elevation 43 so there needed to be a little larger area for the footprint.

Mr. Cotter believes that he has incorporated all of the requests made. What is proposed is a 13,500 sq.ft. commercial building. It would be built on an upland area that was filled in approximately 1960. The stormwater runoff goes through a grassed swale to a detention basin with an oil/water separator for discharge back into the wetlands that flow toward the Quinnipiac River. Mr. Cotter submitted a letter he sent to DEP on the National Diversity Database for species of concern in this area. All were located significantly to the south of this site. He indicated that a biologist from Milone & MacBroom completed a review of the site and the report has been submitted. The report indicated that there were two species identified neither of which would be negatively impacted by this development.

Mr. Cotter reviewed the recommendations made by Erin O'Hare, Environmental Planner, in her December 31, 2009 Environmental Planner's Report and addressed them one by one. Mr. Cotter is agreeable to the suggested Conditions of Approval Item 1 listed on the Environmental Planner's Report. Ms. O'Hare pointed out that she has not yet received a report from the Engineering Department or the Water & Sewer Divisions. Mr. Cotter indicated that he did receive a report last month and if there were any further changes requested by those departments they would be addressed in the revised plans later on.

Mr. Cotter discussed Item 2 of the Environmental Planner's Report. Water from that flood storage area would get out in one of two ways. Either they would get an agreement from the adjoining property owner for a right to grade within the 3-4 feet along his property line or the wetland area to the southeast would be the discharge point out of that flood storage area. Mr. Cotter stated that either option is available and he does not believe it should be a condition of approval. After some discussion it was decided that the condition would be included as stating that either a letter from the abutting property owner or the southeast discharge point would be acceptable. Ms. O'Hare stated that there has to be some definitive time where she knows that the Applicant is not trying to get that letter from the abutter anymore. Mr. Cotter stated that prior to any construction he would work out the resolution with Ms. O'Hare.

In regards to Item 3, a revised Stormwater Management Maintenance Plan has been submitted.

Mr. Cotter was in agreement with Item 4.

In regards with Item 5, Mr. Cotter indicated that item has now been noted on the plan.

Mr. Cotter indicated that the snow storage area would be the north and south end of the parking lots and it would be added to the plans. Therefore, Item 6 would remain as a condition of approval.

In regards to Item 7, Mr. Cotter indicated that he requested that the plant species be more of a field location and layout but if the Commission is more comfortable with this Item as stated in the Environmental Planner's Report then he would provide it. Mr. Cotter agreed that Ken Stevens' office would review and agree with the Environmental Planner on the layout and species of the 150 plants to be located on site. It would be noted on a sketch form to be provided by Soil Science and Environmental Services and would be located with Ms. O'Hare in the field for final agreement.

In regards to Item 8, Mr. Cotter has submitted the DEP Stormwater Manual recommendations on water quality swales. The grasses recommended are a mix that would be used in these swales. Ms. O'Hare indicated that in the Stormwater Manual it talks about dry swales and wet swales. The biggest difference that she could see is that the dry swales have a perforated pipe underneath and the wet swales do not. Mr. Cotter indicated that these swales will have no pipes. Ms. O'Hare indicated that the Manual says to mow dry swales whenever you want but the wet swales should be mowed once a month or biannually. Mr. Cotter indicated that he specified Item #2, in the Manual, as the seed mix that would be used and stone check dams would also be installed. Ms. O'Hare stated that it is up to the Commission how often these swales should be mowed. The general consensus of the Commission was that mowing should take place as needed.

Mr. Cotter was in agreement with Items 9, 10, and 11.

**MS. DEUTSCH:**      **MOTION THAT APPLICATION #A09-10.1 / 103 NORTH TURNPIKE ROAD BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

**MR. PARENT:**      **SECOND**

**VOTE:**              **UNANIMOUS**

**MS. DEUTSCH:**      **MOTION THAT APPLICATION #A09-10.1 / 103 NORTH TURNPIKE ROAD BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. FORTHCOMING RECOMMENDATIONS, IF ANY, FROM ENGINEERING DEPT. AND SEWER AND WATER DIVISIONS.**
- 2. PLAN A – THE APPLICANT IS TO SUBMIT A LETTER FROM THE ABUTTING PROPERTY OWNER GRANTING GRADING RIGHTS AND DRAINAGE EASEMENT OR, PLAN B – THE APPLICANT WOULD DISCHARGE THE FLOOD STORAGE AREA TO THE WETLAND IN THE SOUTHEAST. THIS ITEM WOULD BE DISCUSSED AND APPROVED BY THE ENVIRONMENTAL PLANNER PRIOR TO CONSTRUCTION.**
- 3. SUBMIT COPY OF STREAM ENCROACHMENT LINE PERMIT APPROVAL TO ENVIRONMENTAL PLANNING OFFICE UPON RECIEPT.**

4. **REVISED SHEET INDICATING DESIGNATED DEPOSITION AREA FOR SNOW REMOVAL, AS PREVIOUSLY REQUESTED, SHALL BE SUBMITTED WITHIN ONE MONTH OF APPROVAL.**
5. **CHECK DAMS (INSTALLED EVERY 100 FEET) IN SWALES DURING CONSTRUCTION AND LATER AS PERMANENT INSTALLATIONS IN FINISHED SWALES.**
6. **PERMITTEE TO FOLLOW UP ON POSSIBLE FORTHCOMING DEP RECOMMENDATIONS REGARDING POSSIBLE SPECIES OF SIGNIFICANCE IDENTIFIED IN THE NATURAL DIVERSITY DATABASE.**
7. **EROSION CONTROL BLANKETS TO BE INSTALLED IN SWALES TO ALLOW STABILIZATION OF SEED MIX.**

**MR. KOHAN:**

**SECOND**

**VOTE:**

**UNANIMOUS**

**#A09-11.4 / 333 CHRISTIAN STREET** – Choate Rosemary Hall – (ponds restoration project)

Presenting the application were David Terrell, Interim Director for Facilities, Engineer Jeanine Gouin and Matt Sanford from Milone & MacBroom.

This project encompasses two existing ponds and a dam. Milone & MacBroom was hired for the engineering. Ms. Gouin reviewed the plan. She stated that the upper pond was construction in the late 1980's and the lower pond was construction in the early 1900's. Both of the ponds are fed by a small brook that comes from the north and flows into the upper pond that then cascades into the lower pond. The lower pond discharges into a very short segment of brook and then goes underground for about 1000 feet and finds its way to Wharton Brook. Both ponds have become filled with road sands and salt. The purpose of this project is to achieve four different goals. The first goal is to remove the sediment that has accumulated in the ponds over the last number of decades and to improve the water quality. The second goal is to create a sustainable pond ecosystem. They will be constructing an underwater forebay in the upper pond so there is a concentrated area where the sediment can be trapped and maintained. There will be a number of ecological habitat improvements made during the project. The third goal of the project is to bring the lower dam into compliance with current state standards. The final goal would be to stabilize the steep bank that is adjacent to the lower pond. They would like to stabilize that bank with native plants as well as to approve the esthetics of the area.

The proposal includes the excavation of 1,300 cubic yards of sediment from the upper pond and 2,300 cubic yards from the lower pond. All work in both ponds will be conducted within their original footprints. The plan would be to do the work after school closes for the year and before it opens for the next school year. They anticipate that each of the ponds would be draw down for less than one month during that time. The excavated sediment would be trucked to another portion of

Choate property where it would be graded and stabilized. Ms. Gouin indicated that she believes she has addressed all of the questions and concerns that Ms. O'Hare had raised.

Mr. Sanford, Milone & MacBroom, reviewed the plan. The upper pond has a shelf along the western edge that has wetland vegetation. There is a sediment delta that is vegetated. There are some outlets to that sediment delta that are clogged. There is a man-made channel that connects the two ponds. The lower pond is the larger of the two ponds at approximately a half-acre in size. Both ponds provide fish habitat and habitat for amphibians.

Impacts have been classified into two categories. There are permanent impacts and temporary impacts. The temporary impacts include the dewatering of the ponds so they could be excavated. The temporary impact totals approximately 0.82 acres. They are estimating one-month construction for each pond. The permanent impact totals approximately 820 sq.ft. of wetland impact. The permanent impact is for the forebay.

There are also mitigation or enhancement opportunities within the ponds themselves. Each pond would be deepened to improve water quality by improving water temperatures. The proposal includes the installation of fish habitat structures within each pond. The planting plan calls for the relocation of some of the vegetation that is growing on the sediment delta, which would be relocated to the western shelf. There would be supplemental planting between the existing vegetation. Another mitigation opportunity would be along the west bank on the lower pond. That area would be planted with native, natural plantings to help with stabilization and wildlife habitat. Each pond would be lowered separately. The existing fish would be put in the other pond as a holding area. Once both ponds are completed, supplemental fish stocking would occur if necessary.

Construction would take place during low flow conditions and the water would be in a pipe being pumped around the pond. There should not be any sediment leaving the ponds.

Commissioner Kohan feels this would be a great science project for the students at Choate if this construction could be done during the school year. He asked if the forebay could be placed anywhere else on the site. Ms. Gouin stated that the most logical place for a forebay is where the sediment comes in and drops out. There is no way to put the forebay further south because it must be in place where the deposition occurs.

**MS. DEUTSCH:**            **MOTION THAT APPLICATION #A09-11.4 / 333 CHRISTIAN STREET BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

**MR. KOHAN:**            **SECOND**

**VOTE:**                    **UNANIMOUS**

**MS. DEUTSCH:**            **MOTION THAT APPLICATION #A09-11.4 / 333 CHRISTIAN STREET BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

1. **THAT ANY CONCERNS OF THE ENGINEERING DEPARTMENT BE MET.**
2. **IWWC PLACARDS ARE INSTALLED IN LOCATIONS SATISFACTORY TO THE ENVIRONMENTAL PLANNER**
3. **STANDARD PERMIT CONDITIONS.**

**MR. KOHAN:**                      **SECOND**

**VOTE:**                                **UNANIMOUS**

**#A09-11.3 / 1033 NORTH COLONY ROAD – MEETINGHOUSE BROOK – MESITE FAMILY LIMITED PARTNERSHIP – (commercial development)**

Presenting the application was Attorney Ceneviva, Applicant Robert Mesite, and Engineer John Mancini, BL Companies.

Attorney Ceneviva indicated that revised plans were submitted on December 23<sup>rd</sup>. Since that time they have met with Town Staff. What is being proposed in this application are three buildings. Furthest to the north would be the Sonic Drive-in Restaurant, which is approximately 1,780 sq.ft. There is no indoor seating in the Sonic Restaurant. The center building that is currently proposed retail is approximately 5,700 sq.ft. The southern most building is a proposed two-story 17,000 sq.ft. office/medical office building.

Attorney Ceneviva stated that since December 23<sup>rd</sup> there has been another revised set of plans. Mr. Mancini handed out the revised plans to the Commissioners.

Mr. Mancini reviewed the plan pointing out the most current revisions. He stated that the proposed impervious surface has stayed at, or better, than the existing paved limit that is in the upland review area today. Mr. Mancini pointed out that one of the changes from the last plan is that all of the roof drainage will be infiltrated. Another change made was that the outlet to the north would discharge with a riprap landing before it gets down into the brook. There would be no discharge occurring over the slope where there was concern with the existing sanitary main. Mr. Mancini pointed out another change was that the location of the dumpster pad was moved to outside the upland review area. There was a change made to the southern discharge point as well. Currently there is no storm drainage system on this site. To make sure that the slope does not get overly inundated with runoff there is an outlet discharge along with a leaky stone berm. Cable matting will be installed in the bottom of the stream in the area near that sanitary sewer line.

Mr. Mancini indicated that they would require an Encroachment Permit to complete this project. If an Encroachment Permit is not granted they will have to come back before the Commission or go to Ms. O'Hare and tell her that this plan would just tie into the pipe that leaves the state system.

There are two detention ponds on this site. All of the water flow is either flowing into the ponds or it is direct recharge into the ground. Mr. Mancini indicated that the Sewer Division was able to find

sewer laterals that were installed but never used. Therefore there is no need to run a new main through the system. They will be tying into the existing laterals.

Commissioner Kohan inquired about the southern discharge point and the installation of the cable matting. Mr. Mancini described how the cable matting is installed. The concern in that area is that the sewer pipe is running right through the middle of the stream. They plan to install the cable matting from the top of the slope. The cable matting would be 31 feet across.

Ms. O'Hare asked if Mr. Mancini had the wetland impact figure or the upland review area impact figure counting the two discharges and the sewer lateral going down the side of the slope. Mr. Mancini stated that within the upland review area the impervious area is 0.19 acres (8300 sq.ft.). The riprap impact in the upland review area is 411 sq.ft. and the riprap discharge pads and the cable matting would total 710 sq.ft. Ms. O'Hare indicated that those numbers would have to be broken down into watercourse impact because it is in the stream.

Ms. O'Hare passed out photographs to the Commission of the western slope, southern discharge area, and the northern discharge area. There are many mature trees in this stream corridor. The trees on the northern side will not be impacted. The western slope has mature trees that may have to be removed to accomplish the plan presented tonight. The slope is very steep and the river is at the bottom. Mr. Mancini stated that his goal is to minimize the amount of grubbing that needs to be done. The slope will have a trench box installed for the proposed activity. The sanitary laterals are very shallow and only have about three feet of cover on them. Because of that they will not have to be very deep on that slope. The deeper part of the invert will occur up on the flat area. On the storm drainage connection they will do the same thing. They will grub the area, trench it, and replace it and restore that slope. If necessary, they will use temporary erosion control blankets if the vegetation doesn't take right away. The work in the brook will be done from the top. It will most likely be done with a grade-all. The cable matting will have to be lowered down into that area and they may have to have a smaller piece of equipment that is lowered down to install it.

Ms. O'Hare indicated that there are miscellaneous material/debris on that slope that should be cleaned up when they are working in the area. Mr. Mancini agreed that in the area that they would be working they would be willing to clean out any type of debris that does not belong there. Ms. O'Hare made it clear that she has not yet received comments from the Engineering Department on the previous plan or on the plan that was submitted tonight. Comments did come in from the Water & Sewer Divisions that were favorable.

Commissioner Deutsch questioned the fact that the Environmental Planner's Report dated December 31, 2009 did not include any suggested conditions of approval from Ms. O'Hare. Ms. O'Hare stated that there were no conditions of approval because she knew there was a massive redesign coming. The new plan just came in this evening. Ms. O'Hare indicated that she would recommend approving the new plan with the conditions of approval being: 1. Any concerns of the Engineering Department are met. 2. The Applicant may have to come back to the IWWC if he doesn't get the Encroachment Permit that he desires from the DOT. 3. A satisfactory Erosion Control Plan must be submitted for the new design. 4. Any miscellaneous material/debris that is encountered during the approved activities be removed.



Commissioner Kern feels that every month the Commission is waiting on the Engineering Department and the Water & Sewer comments. He doesn't understand why everything is held up until the last minute. These issues should have been addressed and resolved since the last meeting so the Commission would have a complete set of plans where all of the concerns have been met and it would be clear that the Commission could approve it. There should not have to be a long list of conditions of approval because corrections were made at the last minute. Ms. O'Hare stated that the cut off for this meeting was December 29<sup>th</sup>. She indicated that, in this case, the hold up was from the Sewer Division. Commissioner Kern and Commissioner Deutsch feel that regardless of the fact that Engineering or Water & Sewer had not submitted comments, Ms. O'Hare should have included in her Environmental Planner's Report recommended conditions of approval and a recommendation for what action should be taken. Commissioner Heilman agreed that the Commission should move an application forward regardless of whether or not Water & Sewer have submitted a report. There was further discussion about waiting on comments from the Engineering Department because they actually review the calculations submitted by the Applicants. Commissioner Kern questioned the fact that every application needs to have the calculations reviewed by the Engineering Department. Ms. O'Hare stated that her recommendation would have been to table this application. Commissioner Deutsch would like to have Ms. O'Hare make recommendations and suggested conditions of approval on applications even if she has not received comments from Engineering and Water & Sewer Divisions.

**MS. DEUTSCH:**      **MOTION THAT APPLICATION #A09-11.3 / 1033 NORTH COLONY ROAD BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

**MR. KOHAN:**      **SECOND**

**VOTE:**              **UNANIMOUS**

Commissioner Kohan asked how long the cable matting would take to get in place. Mr. Mancini would expect that it would only take one day but perhaps it could take two depending on the staging of equipment. Commissioner Kern described how the matting is laid in the brook.

**MS. DEUTSCH:**      **MOTION THAT APPLICATION #A09-11.3 / 1033 NORTH COLONY ROAD BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. THE APPLICANT MUST SUBMIT AN EROSION CONTROL PLAN THAT MEETS WITH THE APPROVAL OF THE ENVIRONMENTAL PLANNER BEFORE THE PERMIT WILL BE ISSUED.**
- 2. IN THE AREA THAT THE APPLICANT WOULD BE WORKING, ANY MISCELLANEOUS DEBRIS WOULD BE REMOVED.**
- 3. IF THE ENGINEERING DEPARTMENT COMES BACK WITH ANY RECOMMENDATIONS FOR CHANGES, THEY WILL BE INCLUDED IN THE PLAN AND MEET THE APPROVAL OF THE ENVIRONMENTAL PLANNER.**

**4. IF THE ENCROACHMENT PERMIT IS NOT GRANTED, THE APPLICANT MUST COME BACK BEFORE THE IWWC FOR A MODIFICATION TO THE PERMIT.**

**MR. KOHAN:**                      **SECOND**

**VOTE:**                                **UNANIMOUS**

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

Presenting the application was Engineer Kenneth Hrica, Hrica Associates, LLC.

Mr. Hrica has been working with the Environmental Planner who recommended that this application be tabled. He asked that he be allowed to make a brief presentation of the plans. Chairman Vitali stated that would be fine.

Mr. Hrica stated the site is 1.3 acres. They are proposing 12,400 sq.ft. of self-storage units which is a low intensity use. There is a paved surface area of 17,886 sq.ft. for 12 parking spaces and mainly the isles between the units. There would be an entrance off of Stephen Barberino Way. The site is recently wooded and there is no naturally occurring soil on this site. There are existing utilities that come into the property none of which are in a regulated area. There is a brook that passes to the northwest. There is a short section of about 30 feet of the brook that comes on to this site along with associated wetlands. The 50-foot upland review area has been mapped. There are no impervious surfaces in the regulated area. They are proposing to create a retention basin for the stormwater runoff. The entire site will sheet flow toward the northwestern property line and be trapped in a biofiltration basin. The basin is completely level on the bottom so the water does not flow in one direction. There would be plantings and under that would be a sand filter and under that would be an 8-inch perforated pipe encased in 1 ½ inch stone. The basin was designed to capture the flow from a 100-year storm. There would be a grass filter strip between the paved area and the biofiltration basin. In the basin there would be three riser pipes and one catch basin set at the same elevation which is ½ foot lower than the embankment. The basin will never overflow its banks.

Mr. Hrica indicated that as the site lies within the Aquifer Protection District, he has had some discussion with Vincent Mascia, Water & Sewer Divisions, about pavement versus gravel parking area. Mr. Mascia recommended that the parking lot not be gravel because it is a commercial establishment and you tend to get more silt off of a gravel surface in a rainstorm. Mr. Hrica also discussed the use of a Vortec unit on this site. Mr. Mascia indicated that he would recommend a sand filter over the Vortec unit. Mr. Hrica discussed the grass type being proposed for the basin and in the filter strip.

Mr. Hrica stated that the site generates about 1.5 cfs in a 100-year storm. The impervious area is approximately ¾ acre total. The rate of flows coming off the site would be significantly reduced. A Sediment and Erosion Control Plan has been submitted. Ms. O'Hare expressed concern that proposed alterations are within 8 feet of the wetland. There are a couple of old foundations that

would be removed. Mr. Hrica believes he would be able to pull back the silt fence and the chain link fence further than the plan shows. They would be planting winterberry bushes along the brook.

Commissioner Kern asked where the snow would be piled during plowing. Mr. Hrica stated that there would be no curbing so there would be opportunity to put some snow in the grassed area around the site. He believes that most snow would be pushed to the grass filter strip. He doesn't believe it would hurt the wildflower grass mix in that area. Commissioner Kern doesn't see a lot a room allowed for plowing. Mr. Hrica would look into pulling back the tree line to allow for more snow storage.

Commissioner Heilman asked what percentage of the upland review area would be altered in the development of this property. Mr. Hrica would get that information for the next meeting. Ms. O'Hare believes that it would be 100%. Commissioner Heilman would also like to know what type of changes there might be in the alterations being proposed versus what the area is doing now.

Ms. O'Hare pointed out that there was a mistake in the soil scientist's report. In the report it states that there are no wetlands on the property and Ms. O'Hare stated that there is. Ms. O'Hare indicated that the river enters the property and it has associated wetlands. She would like to see greater protection of that stream corridor on the development side. Mr. Hrica stated that he could move the biofiltration basin closer to the units but it would lessen the amount of grass filter strip that the water will be running through. He will prepare a revised plan for the next meeting.

## **NEW BUSINESS:**

### **RECEIPT OF NEW APPLICATIONS:**

**#A09 – 12.3 / 110 NORTHFORD ROAD** – Dean Hall – (driveway & driveway crossing)

Presenting the application was Mr. & Mrs. Dean Hall.

Mr. Hall stated that he owns a 34-acre farm lot at this site and it has been actively farmed for 150 years. They desire to make restorations to the existing farm lane. Mr. Hall's understanding is that typically a farm lane restoration would not require a permit. There is an existing 20-foot section of pipe traversing the lane that is cracked and needs to be replaced. Over the past years the lane has become rough and rutted. The repair of this lane is essential to the farming operation. Mr. Hall submitted photos to the Commission of the existing lane. The existing pipe would be replaced with a 20-foot x 24-inch ADS endwall pipe. There would be minimal excavation to install the pipe. The plan is to keep the water flowing in the same direction it currently flows. The road will be widened by a small margin. The plan is to put gravel 15 feet wide on the lane.

Commissioner Kern is familiar with the site and stated that the pipe replacement is definitely needed.

Chairman Vitali questioned the fact that this activity needs a permit. Ms. O'Hare stated that at the time of the site visit that the repair of the lane might not require a permit. She stated that that was prior to her understanding that Mr. Hall wanted to replace the culvert. At that time, what was being discussed was approximately 3 inches of gravel 12 feet wide. Once she understood that Mr. Hall wanted to make a more substantial improvement to the lane, Ms. O'Hare recommended that Mr. Hall submit an application. Ms. O'Hare stated that two neighbors have come into her office to discuss this application. She told those neighbors that the application would probably not be heard at the January 6<sup>th</sup> meeting. Ms. O'Hare is sure they would be at the next meeting. The neighbor to the north is concerned with drainage issues.

Commissioner Kern feels that this is a maintenance issue. He believes that if anything the neighbors would benefit from the replacement of this pipe. Chairman Vitali agreed that this would be a maintenance issue.

Commissioner Deutsch feels that it needs to be determined if an application is even needed in this case. Commissioner Heilman feels that if the Applicant was just going in and repairing the ruts and maintaining the lane there might not be a need for an application, but when a new pipe is being installed perhaps there should be an application filed. Commissioner Kern would like to see it repaired now, before spring, but he agreed to go along with the other Commissioners. Commissioner Deutsch doesn't have a problem with Mr. Hall repairing the ruts and doing some maintenance to the road. She questioned if the pipe could be replaced at this time of the year. Mr. Hall has spoken to a contractor who stated that the pipe could be replaced at this time of year. He stressed that this is the only access way to that piece of property. This property is actively farmed and there needs to be access come spring. Commissioner Deutsch feels that Mr. Hall should be allowed to repair the road and she would go along with the other Commissioners on the replacement of the pipe.

Ms. O'Hare reviewed the concerns that the neighbors have expressed. She reviewed the regulations in reference to a farming exemption and indicated a request for determination of farm exemption would be needed.

There was discussion about if the application should be withdrawn or the Commission should act on the proposed activity under a farming exemption. Mr. Hall wrote out a request for farm exemption for the IWWC.

**MS. DEUTSCH:**            **MOTION THAT THE REQUEST FROM DEAN HALL FOR THE DRIVEWAY AND DRIVEWAY CROSSING AT 110 NORTHFORD ROAD TO BE GRANTED A FARM EXEMPTION.**

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

**VOTE:**                        **UNANIMOUS**

Mr. Hall withdrew his application and requested that his Town application fee be refunded. The Commission unanimously agreed that the Town fee would be refunded to Mr. Hall.

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

Chairman Vitali received the application.

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

Chairman Vitali received the application.

## **VIOLATIONS:**

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

Ms. O'Hare reported that there were no hay bales placed around the spoil piles as the Applicant was directed to do. She received a letter January 6, 2010 from Lynne Cooke Andrews indicating that she had received the Environmental Planner's Report and had then immediately installed hay bales as they were directed to do. Ms. O'Hare did not have the opportunity to visit the site today to see if that was the case. Chairman Vitali read the letter from Lynne Cooke Andrews dated January 2, 2010. Ms. O'Hare will check to see if the hay bales have been installed. Chairman Vitali read into the record a memorandum from Town Attorney Janis Small dated December 31, 2009. The property owner has not filed an application as of this meeting so action should be taken. Chairman Vitali indicated that the action to be taken would be that the Cease & Desist stay in effect. He reviewed the recommendations included in the Environmental Planner's Report dated December 30, 2009. Chairman Vitali feels that the Applicant should be ordered to remove the spoils and possibly recreate the conditions that were present before the pond was dug. Commissioner Kern is concerned about more damage occurring by having the Applicant remove the spoils. He feels that the land should be put back to where it was and put the spoils back in the pond.

**MS. DEUTSCH: MOTION THAT AT 216 NORTHFORD ROAD THERE BE REMEDIATION TO RETURN THE LAND BACK TO THE WAY IT WAS BEFORE THE FARM POND WAS EXCAVATED. THIS IS TO INCLUDE REFILLING THE POND AND RELOCATING THE BROOKS BACK TO WHERE THEY WERE ORIGINALLY. THIS WORK IS TO BE COMPLETED BY JUNE 1<sup>ST</sup>, 2010.**

There was discussion about how the work is to be done if the Cease & Desist remains in place. Commissioner Kern feels that the property owner should contact the Environmental Planner when the work is to begin and the Cease & Desist would be lifted in order for the work to be done. Ms. O'Hare will contact the Town Attorney to be sure that would be the correct way to handle it.

**MR. KOHAN:**                    **SECOND**

**VOTE:**                                **UNANIMOUS**

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

Ms. O'Hare has called the Applicant several times advising them to get the application in. Ms. O'Hare got in touch with the property owner today and she had indicated that she would be willing to sign the application. Ms. O'Hare has not received a signed application. She indicated that the Commission could wait for another month or take action to require the deposition be removed. Chairman Vitali directed Ms. O'Hare to send out a letter requiring that the deposition that was placed on site without authorization be removed. The Cease & Desist would remain in effect with the exception of the directed restoration. The deposition of materials along with the container is to be removed, he stated.

**REPORTS & COMMUNICATIONS:**

**1. State of CT DEP – Level A Mapping for City of Meriden well fields**

Ms. O'Hare reported that a notice came and it affects the IWWC because if any application comes in within this recently finalized Level A Aquifer Protection District she has to refer it to the City of Meriden Water Company.

**2. Northford Road Field 7A**

Ms. O'Hare stated that the Conservation Commission wants the Town to restore the farmland lease property and they want to know if they would require a wetland permit to go in and put stone in that area to protect the Muddy River. The plan would be designed by the Engineering Department. The front of the property would be leased out as farmland and the rear they are looking to just restore the area and prevent erosion. Chairman Vitali doesn't feel a permit would be required. Commissioner Heilman would like to see the plan. Ms. O'Hare will bring the plan to the next meeting.

Ms. O'Hare reported that the DEP will hold a public forum on DEP Instream Flow Regulations on January 20, 2010 at the Wallingford Library from 7 p.m. – 9 p.m.

**REGULATIONS REVISION:**

**1. Discussion of next series of draft proposed revisions**

Chairman Vitali stated that this could be discussed at the scheduled workshop. Commissioner Deutsch would like to have Ms. O'Hare look at the next section and have her proposal prepared to review at that workshop.

**ADJOURNMENT:**

Commissioner Deutsch made a motion to adjourn. The motion was seconded by Commissioner Kohan and passed. The meeting adjourned at 10:30 p.m.

Sonja Vining  
Recording Secretary  
Town of Wallingford  
Inland Wetlands and Watercourses Commission  
January 6, 2010