

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

**REGULAR MEETING  
Wednesday, November 5, 2008**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, November 5, 2008, in Council Chambers, the Municipal Building, Wallingford, Connecticut.

Seated from the Commission were Jim Vitali – Chairman, Ellen Deutsch – Vice Chair, Nick Kern – Secretary, Jeff Kohan, Jim Heilman – alternate, Dave Parent – alternate, James Kovach - alternate and Environmental Planner Erin O’Hare.

Chairman Vitali called the meeting to order at 7:00 p.m.

**CONSIDERATION OF MINUTES:**

October 1, 2008 - Regular Meeting

Ms. Deutsch made a motion to approve the Minutes of the October 1, 2008 – Regular Meeting. The motion was seconded by Mr. Kohan and passed.

October 16, 2008 – Special Meeting

Ms. Deutsch made a motion to approve the Minutes of the October 16, 2008 – Special Meeting. The motion was seconded by Mr. Heilman and passed.

**OLD BUSINESS:**

**#A07-1.4 / 82 & 124 CONSTITUTION STREET** – BJB Construction –  
(release of bond)

Ms. O’Hare indicated that the bond is not ready to be released. There was some discussion about cleaning out the brook area along Walnut Lane. Ms. O’Hare will look into the clean out issue and report back to the Commission along with issues regarding the conservation easement.

**#A05-8.3 / 168 NORTH PLAINS INDUSTRIAL ROAD** – Rogers Realty,  
LLC – (release of bond)

Ms. O'Hare indicated that the bond is not ready to be released. More stone was placed around the outlet of the basin. There have not been enough trees planted on the site.

**#A08-9.3 / 95 CHIMNEY HILL ROAD** – Scott A. Lupkas – (creation of  
second lot)

Presenting the application was Attorney Joan Molloy, Ken Stevens, Soil Science and Environmental Services, Inc., and Engineer Gary Wassmer.

Attorney Molloy explained that the property owner is seeking to subdivide a 3.6 acre parcel into two lots. The front lot has an existing house, which has been renovated. They propose to build a new house on the rear lot. There are two wetland pockets on the property.

Mr. Stevens flagged the wetlands on this property on November 6, 2006. He gave a brief report on the wetlands on site. There was an in-ground pool on site that was not maintained. The pool has had the liner removed and Mr. Stevens indicated that it has reverted into a small wetland with cattails in it. Mr. Stevens submitted and reviewed a sketch of the site where there was some additional wetlands area.

Attorney Molloy pointed out on the plan the activities that are proposed. There is a portion of the new driveway, an outlet structure and a portion of the infiltration basin that will be in the regulated area. The existing garage will be removed. The existing pool will be treated as a water body now and the intent is to fill the area in so it will no longer hold water and will no longer be a pool. The Environmental Planner has asked the Applicant to extend the area of the split rail fence and Attorney Molloy agreed to extend the fence as requested by the Environmental Planner. Attorney Molloy briefly reviewed some changes that were made on a revised plan that has not yet been submitted to the Commission.

Mr. Wassmer stated that he does not anticipate any increase of runoff to the properties to the south. Mr. Heilman feels that it is important to realize that much of this activity would be under the buffer review. He indicated that in this case he does not see negative effect of the buffer being altered; there is no change in the conditions by the activity.

Mr. Kern suggested that the footing drains and the leaders be fed to the wetland area. Mr. Wassmer stated that the roof drains are designed to flow into a little infiltration basin at the southeast corner of the garage. Mr. Kern would like to see the drywell discontinued and run the roof drains in the same trench with the footing drains over to the wetland area. Mr. Wassmer indicated that change would be made to the plans.

Chairman Vitali suggested having a bond in place to ensure the correct placement of the foundation. Attorney Molloy indicated a \$5,000 or \$10,000 bond would be acceptable for the placement of the foundation.

Ms. Deutsch indicated the size of the pool was to be provided. Attorney Molloy stated that 700 sq. ft. is the size of the existing pool. Ms. Deutsch pointed out that since that pool is being considered a water body and it is being filled she indicated that she would like to have no net loss of wetlands on this site. Mr. Stevens stated that there could be some wetland creation to make up that 700 sq.ft. Mr. Heilman suggested that this could be done between wetland flags 5, 4 & 3. He recommended that they get rid of flag 4 and connect flag 5 to 3 and use that area to mitigate the difference in that pool area.

Chairman Vitali questioned why there were 24 items to be revised at this late date. Ms. O'Hare stated that the revised plan came into her office on Friday a.m. She quickly reviewed the plan and put together her Environmental Planner's Report dated October 31, 2008. Ms. O'Hare reviewed some of her suggested revisions to the plans and further information requested from her Environmental Planner's Report. Chairman Vitali indicated the requested revisions could be addressed with conditions of approval so that the application would not be held up another month.

**DEUTSCH: MOTION THAT APPLICATION #A08-9.3 / 95 CHIMNEY HILL ROAD BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

**KOHAN: SECOND**

**VOTE: UNANIMOUS**

**DEUTSCH: MOTION THAT APPLICATION #A08-9.3 / 95 CHIMNEY HILL ROAD BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. THE APPLICANT IS TO COMPLETE TO THE SATISFACTION OF THE ENVIRONMENTAL PLANNER THE 24 ITEMS LISTED IN THE OCTOBER 31, 2008 ENVIRONMENTAL PLANNER'S REPORT WITH THE EXCEPTION OF #12 THEREIN. THESE CHANGES ARE TO BE PLACED ON A REVISED PLAN AND PRESENTED TO THE ENVIRONMENTAL PLANNER FOR APPROVAL.**
- 2. REVISIONS DISCUSSED AT THE MEETING TO BE SUBMITTED - (ADD WETLAND NEAR CHIMNEY HILL ROAD; CROSS-SECTION FOR BASIN; DIMENSIONS FOR BASIN, REMOVE PLUNGE POOL, REMOVE RECHARGE BASIN BY HOUSE, EXTEND FENCING).**
- 3. IWWC PLACARDS ARE TO BE PLACED WHERE SPECIFIED BY THE ENVIRONMENTAL PLANNER.**
- 4. THE EXCAVATED MATERIAL FROM THE FOUNDATION IS NOT TO BE PUSHED OVER ACROSS WETLANDS AREA TO FILL THE POOL AREA.**

5. LANGUAGE REGARDING RESTRICTIONS IN THE REGULATED AREA IS TO BE PLACED ON THE DEED TO THE SATISFACTION OF THE ENVIRONMENTAL PLANNER.
6. A \$10,000 BOND SHALL BE POSTED TO ENSURE THE PROPER LOCATION OF THE FOUNDATION.
7. WETLAND AREA IS TO BE RESTORED IN THE AREA OF WETLAND FLAGS 3, 4, AND 5 AS A MITIGATION ACTIVITY.
8. PRIOR TO CONSTRUCTION OR FILLING OF FORMER POOL AREA, ORANGE CONSTRUCTION FENCE IS TO BE INSTALLED IN THE AREA OF WETLAND FLAGS 1 THROUGH 15.
9. ALL SEDIMENT AND EROSION CONTROLS ARE TO BE INSTALLED AND APPROVED BY THE ENVIRONMENTAL PLANNER PRIOR TO ANY ACTIVITY ON THE SITE.

KOHAN:        SECOND

VOTE:         UNANIMOUS

**#A08-9.4 / 13 OXFORD TRAIL – Mary Beth Trautman – (fill yard)**

Presenting the application was Mary Beth Trautman.

Ms. O'Hare referred to her Environmental Planner's Report dated October 31, 2008. She had advised the Applicant to submit a formal application midway through their project to make everything right. She reviewed the building code requirements that had to be met. They should have submitted an application before they began any work as most of the house and yard are within the regulated area. They have installed a silt fence by the lake. They are not looking for an approval of a rear deck at this time.

KERN:         MOTION THAT APPLICATION #A08-9.4 / 13 OXFORD TRAIL BE DEEMED NOT SIGNIFICANT ACTIVITY.

DEUTSCH:    SECOND

VOTE:         UNANIMOUS

KERN:         MOTION THAT APPLICATION #A08-9.4 / 13 OXFORD TRAIL BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:  
1. STRAW MULCH AND HAY BALES ARE TO BE APPLIED IN THE REAR YARD AND EROSION CONTROLS ARE TO BE MONITORED AFTER EVERY STORM AND MAINTAINED OVER THE WINTER TO THE SATISFACTION OF THE ENVIRONMENTAL PLANNER.

**DEUTSCH: SECOND**

**VOTE: UNANIMOUS**

**NEW BUSINESS:**

**#A08-11.1 / 1460 TUTTLE AVE.** – David & Christine White – (addition-  
renovate)

Presenting the application was Architect Dana Warren and the Applicant Christine White.

Ms. Warren gave a brief overview of the plan reviewing the existing conditions as well as the proposed additions. The house was built in 1987 but the existing barn was built prior to that. The parcel is approximately 14 acres with a majority of it being wetlands. This is a phased project. Phase I is the garage and Phase II is the living quarters. Phase I is mostly outside the wetland buffer. In Phase II there is a portion of the addition that is in the buffer area. Renovations to the barn are also intended; barn is located on wetlands boundary line.

After some discussion the Commission decided to schedule a Special Meeting site walk on Saturday, November 22<sup>nd</sup> at 7:45 a.m. The Applicant will stake out the proposed additions prior to the Commission's visit.

Ms. Warren will be spending some time with Ms. O'Hare before the next meeting to clear up any questions that she may have.

**VIOLATIONS:**

None were discussed.

**REPORTS & COMMUNICATIONS:**

1. 2009 Schedule of Meetings  
Schedule was accepted by the Commission and signed by the Chairman.
2. #A05-10.2 / 110 Leigus Road – Workstage Connecticut, LLC  
Ms. O'Hare reported that 80% of the field along Leigus Road has been cut.
3. 252 Main Street / L & J Partnership, LLC

Ms. O’Hare reported that the State is still in the process of reviewing the application.

4. Regulation Revision

The Commission discussed the provisions Section 2.1.v.2 and 2.1.v.3 pertaining to 20,000 sq.ft. and 40,000 sq.ft. that would trigger the need to apply for a Wetlands permit. Ms. O’Hare presented to the Commission a breakdown of the existing regulation and the proposed regulation that she drafted. The Members discussed the regulation and suggested some changes to the one drafted by Ms. O’Hare. She indicated that she would work on the suggested changes and present them at the next meeting. Mr. Heilman suggested that in the future the Commission look into defining where the edge of a stream should be measured from, the bank or the actual edge of the water.

5. DEP Wetland Workshop, October series - Not taken up.
6. DEP DVD “Jordan Cove – Urban Watershed Project” – Low Impact Development Initiative – (to circulate)
7. DEP DVD “Training for IWWC” – (to circulate)
8. DEP DVD “Life Stories of CT’s Amphibians”

**ADJOURNMENT:**

**DEUTSCH:**

**MOTION TO ADJOURN.**

**KOHAN:**

**SECOND**

**VOTE:**

**UNANIMOUS**

Meeting adjourned at approximately 9:18 p.m.

Sonja Vining  
Recording Secretary  
Town of Wallingford  
Inland Wetlands and Watercourses Commission  
November 5, 2008