

**Inland Wetlands and Watercourses Commission
Town of Wallingford
Regular Meeting
Wednesday, February 1, 2012**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, February 1, 2012, in Council Chambers, 2nd Floor, Town Hall, 45 South Main Street, Wallingford, Connecticut.

Seated Commissioners were Jim Vitali – Chairman, Ellen Deutsch – Vice Chairperson, Nick Kern - Secretary, Dave Parent, Deborah Phillips – alternate, Jim Heilman – alternate and Environmental Planner Erin O’Hare.

Absent: Dennis Murphy

Chairman Vitali called the meeting to order at 7:04 p.m.

CONSIDERATION OF MINUTES:

January 4, 2012 - Regular Meeting

MS. DEUTSCH: MOTION TO APPROVE THE MINUTES OF THE JANUARY 4, 2012 MEETING AS SUBMITTED.

MS. PHILLIPS: SECOND

VOTE: UNANIMOUS

CONSIDERATION OF PUBLIC HEARING ITEM: continued

SIGNIFICANT IMPACT ACTIVITY - #A11-8.1 / 135 FAWN DRIVE – Fawn Drive Associates, LLC – (residence)

Present was Robert Anastasio, Fawn Drive Assoc., LLC.

Ms. O’Hare stated that the status of the application has not changed. She reviewed the Environmental Planner's Report dated January 27, 2012. There has been no final decision on the rear of the property as far as if it is going to be split off. Neither the conservation easement document nor a conservation easement map has been submitted. Ms. O’Hare recommends approval with the condition that those two documents come in at a later time but no activity would commence until they have been submitted and approved. She indicated that she slightly revised the conditions of approval from the last Environmental Planner's Report. Mr. Anastasio was given the report and time to review the changes. He agreed to all of the conditions included in the January 27th Environmental Planner's Report.

There was some discussion about the rear portion of the property being split off. Mr. Anastasio indicated that he is looking into selling a portion of the property or the entire property to the Wallingford Land Trust. He recently got back the numbers on what the property value is but has not had an opportunity to talk to the Land Trust about those specific numbers. The other thing that Mr. Anastasio is looking into is the possibility of selling the rear portion of the property to one of the abutting neighbors.

He indicated that as things stand now he is not willing to give the property up for free but he is willing to sell the property if someone is interested.

- MS. DEUTSCH:** **MOTION TO APPROVE APPLICATION #A11-8.1 / 135 FAWN DRIVE WITH THE FOLLOWING CONDITIONS OF APPROVAL:**
1. **A \$15,000 S&E BOND TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ACTIVITY ON THE PROPERTY.**
 2. **INSTALLATION OF IWWC PLACARDS PRIOR TO OTHER ACTIVITIES ON SITE. TO BE INSTALLED AT THE CONSERVATION EASEMENT BOUNDARY (WHICH IS THE UPLAND REVIEW AREA BOUNDARY FOR THE MAJORITY OF THE CONSERVATION EASEMENT AREA BOUNDARY) AND AT THE LIMIT OF CLEARING LINE WITHIN THE UPLAND REVIEW AREA IN THE VICINITY OF THE HOUSE FOR THE REMAINDER. TO BE INSTALLED 20 FEET APART IN ALL LOCATIONS.**
 3. **REVISED PLAN TO BE SUBMITTED DEPICTING EROSION CONTROL PROTECTION ABOVE THE WETLANDS SHOULD BE A SILT FENCING/HAYBALE/SILT-FENCING “SANDWICH” INSTALLATION FOR ADDITIONAL PROTECTION DURING THE CONSTRUCTION PHASE.**
 4. **REVISED PROPOSED CONSERVATION EASEMENT DOCUMENT AS AGREED UPON, TO BE SUBMITTED TO THE ENVIRONMENTAL PLANNER’S SATISFACTION AND TO LAW DEPARTMENT’S SATISFACTION, AT MINIMUM, TWO WEEKS PRIOR TO ANY ACTIVITY COMMENCING ON THE PROPERTY.**
 5. **CONSERVATION EASEMENT AREA MAP (DEPICTING METES AND BOUNDS) TO BE SUBMITTED TO THE ENVIRONMENTAL PLANNER’S SATISFACTION, AT MINIMUM, TWO WEEKS PRIOR TO ANY ACTIVITY COMMENCING ON THE PROPERTY.**
 6. **COPY OF THE RECORDED CONSERVATION EASEMENT AREA DOCUMENT WITH ASSOCIATED MAP TO BE SUBMITTED TO ENVIRONMENTAL PLANNING OFFICE, AT MINIMUM, TWO WEEKS PRIOR TO COMMENCEMENT OF ANY ACTIVITIES ON THE PROPERTY.**
 7. **ALL PROJECT ECOLOGIST’S (CARYA ECOLOGICAL SERVICES, LLC) RECOMMENDATIONS AS DISCUSSED IN THE PUBLIC HEARING AND AS PER DOCUMENT ENTITLED, “CARYA RECOMMENDATIONS THAT FAWN DRIVE ASSOCIATES IS WILLING TO IMPLEMENT”, PREPARED BY FAWN DRIVE ASSOCIATES, LLC, DATED 12/5/11, AS SUBMITTED 12/5/11, TO BE IMPLEMENTED. EACH RECOMMENDATION TO BE IMPLEMENTED AT THE APPROPRIATE TIME DURING DEVELOPMENT – TIMING OF IMPLEMENTATION AS SPECIFIED IN THE ECOLOGIST’S DOCUMENTS SUBMITTED.**

MS. PHILLIPS: **SECOND**

VOTE: **HEILMAN – YES, KERN – NO, PHILLIPS – YES, DEUTSCH – YES, VITALI – YES.**

OLD BUSINESS:

#A11-12.3 / 216 NORTHFORD ROAD – Jeff & Lynn Andrews – (residential subdivision)

Presenting the application was Jeff Andrews.

Ms. O'Hare reviewed the Environmental Planner's Report dated January 27, 2012. She stated that Mr. Andrews submitted a letter to the Law Department and also to her office on January 24, 2012. Mr. Andrews stated in his letter that he feels that his original wetland permit from 2003 might still be viable. The Commissioners got a copy of the letter. Attorney Small responded with a letter stating that wetland permits are good for five years and the permit previously granted to Mr. Andrews is expired. In that letter, Mr. Andrews also indicated that he would like to withdraw his application and get his money back. Mr. Andrews indicated that he would like to move forward with the current application and not withdraw it.

Ms. O'Hare stated that she visited the site on January 26th and walked the property with Mr. Andrews. She indicated that the wetlands were flagged but the flags were not numbered, some were tied to loose branches, and some didn't seem to conform to the map that she had with her. Ms. O'Hare stated that a lot of work has been done in the area. The land has been cut but not stumped or graded. After consulting with the Corporation Counsel she issued a Cease and Desist order on January 27th. Ms. O'Hare reported that during her site walk she found a lot of groundwater seeps that could cause problems when they start developing the site. The areas may be regulated as "watercourses".

Ms. O'Hare stated that there are several pieces of information that were requested that have not been received yet. The list of outstanding items is included in the Environmental Planner's Report dated January 27, 2012. Ms. O'Hare feels that there are some wetlands on the site that were not included in the plans. Mr. Andrews indicated that the Soil Scientist would not be visiting the site again to look at those areas in question.

Mr. Andrews provided a copy of a letter from David Lord, Soil Scientist dated November 4, 2003 submitted relative to the 2003 application. He submitted a set of plans which he stated included all of the items that Ms. O'Hare had requested. Mr. Andrews stated that there are no activities planned in the wetlands for this subdivision. He stated that he is continually foresting and farming the land. Mr. Andrews stated again that there is no activity in the wetlands but he will have the flags numbered as requested by Commissioner Kern and Ms. O'Hare.

Ms. O'Hare stated that the Commission could act tonight and deny the application based on all of the missing information that just came in this evening or the Commission could ask the Applicant for an extension. Chairman Vitali asked Mr. Andrews for an extension so the Commission could have time to review all of the information that he just submitted. Mr. Andrews granted the Commission a 35-day extension.

Ms. Deutsch suggested that the Commission do a site walk. Chairman Vitali set a Special Meeting to conduct a site walk scheduled for Saturday, February 18th at 9:00 a.m. Ms. O'Hare pointed out to the Applicant that the flags on the plans as well as the flags in the field should be numbered before the site walk.

VIOLATION: 216 Northford Road – Cease & Desist – (clear-cutting, vegetation removal, deposition)

Mr. Andrews's position is that he has an ongoing forestry and farming operation. He doesn't see why the Cease & Desist was sent out at all. He understands that he can appeal the Cease & Desist if the Commission chooses to keep it in place. Mr. Andrews stated that he is going to continue his farming and forestry operation.

The Commission unanimously agreed to keep the Cease & Desist in place.

NEW BUSINESS:

None

RECEIPT OF NEW APPLICATIONS:

None

REPORTS & COMMUNICATIONS:

1. Staff report, dated 1/27/12

Ms. O'Hare stated that she visited the Workstage site with Mr. Heilman today. Mr. Heilman stated that the site is stable even though the erosion control improvements have not yet been completed.

Ms. O'Hare visited the site of ThermoSpas and she didn't find anything in the wetlands. Everything is within their gated area. The DEEP and the Health Department are now looking at the site.

Ms. O'Hare received a complaint about the work being done on the fishway. She made it clear that the project is not under the jurisdiction of the Wallingford IWWC but under DEEP.

VIOLATIONS:

1. 216 Northford Road – Cease & Desist – (clear-cutting, vegetation removal, deposition)

Discussed above.

2. #A10-7.2 / 206 Main Street – Albert Dichello – (permit activities exceeded)

Ms. O'Hare has visited the site several times and discussed it with Mr. Dichello. He has been asked several times to apply for a modification to the permit. Mr. Dichello missed the deadline for this meeting but did apply today for a modification to the permit. The application will be received at the March 7th meeting.

ADJOURNMENT:

Commissioner Deutsch made a motion to adjourn. The motion was seconded by Commissioner Phillips and passed. The meeting adjourned at 8:00 p.m.

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