

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

**REGULAR MEETING
Wednesday, March 4, 2009**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, March 4, 2009, 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, and Environmental Planner Erin O’Hare.

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

CONSIDERATION OF MINUTES:

February 4, 2009 - Regular Meeting

Ms. Deutsch made a motion to approve the Minutes of the February 4, 2009 – Regular Meeting. The motion was seconded by Mr. Kohan 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.

#A07-6.6 / 760 NORTH FARMS ROAD – VW Homes, LLC – vegetative
cover and uses within regulated area in rear yards

Presenting the application was Attorney Joan Molloy and Gerald Verna, VW Homes, LLC.

The Commission watched segments of the videotaped September 5, 2007 IWWC meeting pertaining to this application. After viewing the videotapes, the Commission discussed the issue of the shrub line and what activity would be allowed behind that non-disturbance line. Attorney Molloy discussed an area where Ms. O’Hare allowed Mr. Verna, to pull out some shrubs. After removing

the shrubs, Mr. Verna had graded the area and seeded it so the area would be stabilized. Attorney Molloy believes that is the only area where there has been an issue. Ms. O'Hare indicated Chairman Vitali had authorized removal of those shrubs. Ms. O'Hare stated that the surveys that have been given to the Building Department do not have the 50-foot setback line or the shrub line shown. Attorney Molloy explained the process that occurs when someone enters into a contract with VW Homes, LLC. She stressed that a statement is signed by the purchaser stating that they have been provided with copies of the subdivision map and site development plan for their lot and that they have been shown the location of any wetlands, upland review areas, non-disturbance areas, required plantings, drainage swales, drainage easements, access easements, site line easements, and grading easements that are located within the lot.

There was discussion about how to best solve the problem, so the buyers are well aware of what they are allowed to do and what they are not allowed to do. There was some question about what the Building Department would be willing to accept on an "As Built". Mr. Heilman felt that there should be some communication with the Building Department regarding this issue.

The Commission completed watching the videotape.

Mr. Heilman pointed out that there was not one word about not doing anything in a wetland. He feels that it is understood just as it is understood that the intent of an upland review area is to allow it to remain in its natural condition for the protection of the wetland. Mr. Heilman would like to view this instance as a mistake and not have it done again. He would like to see these upland review areas left alone to go back to their natural state.

Ms. O'Hare brought up the issue of how homeowners are supposed to treat a hayfield that they may have in their restricted area. Should they be allowed to mow it like they do the rest of their lawn? Ms. Deutsch feels that if it is beyond the delineation line they should not touch it. Mr. Heilman agreed that it should be left to grow natural. There was discussion about if the word "maintenance" should be used in this case. Ms. Deutsch felt that it would be clearer to state that there should be no activity in that area unless the homeowner applies to the IWWC.

Attorney Molloy will work on adding information to the "As Built". If she comes across any problems she will notify the Commission or Ms. O'Hare. Attorney Molloy will work on the best resolution, whether it is a signed acknowledgement to be attached to the "As Built" or simply putting more information on the "As Built". It was made clear that there should be no activity behind the required shrub line on these properties.

Attorney Molloy discussed specifically Lots 14 and 15, which are the only two lots that have actual wetlands on them. She was in agreement with Ms. O'Hare on where those two lots would be allowed to have lawn area but wondered if the residences could have "bump outs" and decks. The Commission agreed they could upon review by the Environmental Planner. Attorney Molloy will provide Ms. O'Hare, for her review, a plan for those two lots ahead of time to be sure there are no problems with the actual footprint of the proposed building.

NEW BUSINESS:

#A09-2.1 / off COOK HILL ROAD – Oakdale Woods Homeowners Association – (roadway improvement)

Presenting the application were Jim Kragen, Aldo Machio, and Phil Morgo, from the Oakdale Woods Homeowners Association.

The brook on this property is coming right up to the gravel road approaching the recreation area. The Association is proposing to install 40-80 tons of riprap to protect that area. The riprap will be placed up against the concrete blocks in the area. There will also be some riprap placed under the blocks where it has been eroded over the years.

Mr. Kern believes that if a smaller size riprap, rather than the 10-18 inch that is proposed, is used it would stabilize the area better. He stated that if the larger riprap is used it will just kick the water over further away from the wall rather than compact and stabilize that wall and surrounding area. Mr. Kern also pointed out that the leaning tree that is shown in the pictures should be removed. The Association Members indicated that tree would most likely be removed during this project. Chairman Vitali recommended that the Applicant contact the Southwest Conservation District to see what size riprap they would recommend for this application.

Mr. Heilman had some concern about the point right beyond where the Applicant is proposing to put the riprap. He suspects that in the future the Applicant would be in front of the Commission again to extend that retaining wall. Mr. Kohan had the same concerns as Mr. Heilman. He would also like to see that leaning tree removed. The Association Members indicated that tree would be removed when this work is done.

#A04-8.4 / 1425 TUTTLE AVE. – W & W Properties (aka Gaylord Farms Road – Cheshire Crossing – Pulte Homes) – (release of bond)

Ms. O'Hare stated that the bond is not ready to be released.

#A08-2.1 / 826 NORTH FARMS ROAD – Sunwood Development Corp. – (extension of permit commencement date)

Presenting the application was Attorney Joan Molloy. She indicated that the work that was authorized by the permit has not been started yet. The Applicant is asking for a one-year extension to begin the work.

MS. DEUTSCH: **MOTION THAT #A08-2.1 / 826 NORTH FARMS ROAD HAVE THE COMMENCEMENT DATE OF THE PERMIT EXTENDED ONE YEAR.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

**#A07-11.3 / EAST CENTER STREET / MacKenzie Reservoir –
Wallingford Water Division (extension of permit commencement date)**

Ms. O'Hare suggested that an extension be granted. She stated that the approval date was January 2, 2008 and the one-year commencement date was January 2, 2009. Commencement has been delayed. Ms. O'Hare reviewed her Environmental Planner's Report dated March 4, 2009 and indicated that she received a memo from Roger Dann, General Manager, Water & Sewer Divisions, requesting an extension. She noted that they will not be conducting the regulated activities on Farmland Lease Fields 7E & 7F. Ms. O'Hare was asked to discuss the stockpiling issue with Roger Dann to see where they plan to put the stockpiles.

MS. DEUTSCH: **MOTION THAT #A07-11.3 / EAST CENTER STREET HAVE THE COMMENCEMENT DATE OF THE PERMIT EXTENDED TO JANUARY 2, 2010.**

MR. KOHAN: **SECOND**

VOTE: **UNANIMOUS**

VIOLATIONS:

91 North Turnpike Road – Public Works Dept. storage yard

Present was Henry McCully, Department of Public Works. Chairman Vitali stated that the Department of Public Works is working on a map and a remediation plan to remove approximately 8,500 cubic feet of material from the site. Mr. McCully indicated that was the amount that the EPA had determined for the encroachment since 1993. Mr. McCully is working with Ms. O'Hare to be sure that all of the requirements are on the plan before it is presented to the Commission at the next meeting. Mr. McCully indicated that the Engineering Department has begun work on a plan with a sequence of operations to be presented to the Commission at next months meeting. Mr. McCully believes that the fill that is removed would be brought to the Town site on South Cherry Street.

Mr. Kohan asked if this site would continue to be used by the Town. Mr. McCully indicated that it would be. Mr. Kohan would like to see some sort of silt fencing or cement blocks installed to

stabilize the area. Chairman Vitali requested a silt fence at the bottom of the slope, drainage has to be addressed, and blocks along the edge would prevent expansion.

REPORTS & COMMUNICATIONS:

1. PZC Special Permit #424-09 – Old North Colony Properties, LLC – 12 Old Colony Road – discussion

Attorney Joan Molloy was present to discuss the application involving 1120 South Broad Street and 12 Old Colony Road. She stated that there is a drainage way that crosses between these parcels along with a significant grade change. Attorney Molloy has gotten permission from PZC to stockpile some material on one parcel. She asked to discuss these two parcels in front of the IWWC to get an idea of how it would feel about the possibility of capping and developing these two parcels.

Attorney Molloy stated that this site was an old junkyard and the soils are contaminated. She stated that there are remediation standards and that is what is followed. One of the acceptable ways to handle contamination is to cap it off with clean fill. The basic idea for the site is to have two separate commercial buildings but there would need to be an interconnection between the two parcels. Attorney Molloy anticipates that a future plan would include the filling of everything to the west and south of the drainage way so that the contaminated soils would be capped off.

There was discussion about how much fill would be brought on the site and the existing and proposed elevations on either side of the stream. Mr. Kern suggested the possibility of piping the storm water coming through the site so there would be no possibility of further contamination. Mr. Heilman needs to visit the site before he can give an opinion. There was further discussion about capping the site and piping the water.

It was decided that Commissioners would visit the site at their convenience and not have a Special Meeting. Attorney Molloy agreed to make any arrangements requested for site visits.

2. DEP Inland Water Resources Division – investigation request – Public Works storage yard – 91 North Turnpike Road

Ms. O'Hare has been in contact with the State and it has been notified that the IWWC is in the process of investigating the site.

3. Wallingford Adult and Continuing Education class – “All About Wetlands”, March 25 – staff report

Chairman Vitali stated this item would be tabled to the next meeting.

4. DEP “Municipal Inland Wetlands Staff Only Forum”, February 25 – staff report

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Sonja Vining
Recording Secretary
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