

**Inland Wetlands and Watercourses Commission
Town of Wallingford
Regular Meeting
Wednesday, April 4, 2012**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, April 4, 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, Dennis Murphy, Deborah Phillips – alternate, Jim Heilman – alternate and Environmental Planner Erin O’Hare.

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

CONSIDERATION OF MINUTES:

March 7, 2012 – Regular Meeting

MS. DEUTSCH: MOTION TO APPROVE THE MINUTES OF THE MARCH 7, 2012 MEETING AS SUBMITTED.

MR. MURPHY: SECOND

VOTE: UNANIMOUS

OLD BUSINESS:

#A12-3.3 / 181 SOUTH BRANFORD ROAD – Town of Wallingford Sewer Division – (sewer facility protection)

Presenting the application was Roger Dann, General Manager Water and Sewer Division.

This project consists of re-grading a section of a dirt roadway that is utilized both by a farmer as well as the Water Division. The road will be re-graded and rebuilt with a reinforced system which will allow the roadway to pass water without endangering the water mains that are currently installed underneath the roadway. The goal is to create a stabilized channel so the excess volume of water that does not pass through the culverts is able to safely pass over the top of the roadway without creating erosion. Mr. Dann explained the sequence of construction of the road. The area of roadway that is involved is approximately 180 feet long.

Erin O'Hare, Environmental Planner reviewed the Environmental Planner's Report dated March 29, 2012. There would be 4,600 sq.ft. of wetlands altered and 6,000 sq.ft. of upland review area altered, however this maintenance activity improves water quality long-term. Ms. O’Hare recommended that the application be approved with the three conditions of approval recommended on the Environmental Planner's Report.

MS. DEUTSCH: MOTION THAT APPLICATION #A12-3.3 / 181 SOUTH BRANFORD ROAD BE DEEMED NOT A SIGNIFICANT ACTIVITY.

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION #A12-3.3 / 181 SOUTH BRANFORD ROAD WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

1. **EROSION CONTROL MEASURES ARE IN PLACE AND MEET WITH THE INSPECTION OF THE ENVIRONMENTAL PLANNER PRIOR TO FURTHER WORK ONSITE.**
2. **ONCE WORK AREA IS STABILIZED, SILT FENCING IS TO BE REMOVED AND ITS IMPACT AREA IS TO BE COMPACTED, HAY MULCHED, AND SEEDED.**
3. **WETLAND PLANTINGS (NATIVE SHRUBS AND FORBS AS APPROVED BY THE ENVIRONMENTAL PLANNER) ARE TO BE INSTALLED BORDERING THE TWO STREAMS IN SOUTHERN WORK AREA AS MITIGATION FOR THOSE WETLAND PLANTS REMOVED FOR THE INSTALLATION OF THE PROPOSED ACTIVITIES.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

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

Presenting the application was Jeff Andrews.

Ms. O'Hare reviewed, in detail, the Environmental Planner's Report dated March 29, 2012 along with the attached sketch plan. There was a site visit on March 16, 2012. In attendance was Commissioner Deutsch, Commissioner Heilman, Ms. O'Hare, along with Soil Scientist Rod Dryfoos, Project Engineer Dave Nafis and Mr. Andrews. Ms. O'Hare indicated that the site investigation was specifically scheduled around the availability of Mr. Andrews's soil scientist. The purpose of this site visit, as discussed at the last meeting, was to walk the site with the soil scientist and review the various wetland areas delineated and other areas in question. At the site walk, the Soil Scientist and the Project Engineer were directed by Mr. Andrews to not accompany the Commissioners and Ms. O'Hare into the site. Ms. O'Hare noted that on the site visit there were numerous areas observed that the Commissioners felt could be additional wetlands. These areas have been noted on the sketch attached to the Environmental Planner's Report. Ms. O'Hare stated that it is possible that the wetland conditions have changed since the 2003 soils report was completed for Mr. Andrews. She suggested that the recent clearing of the land is also a factor as the surface of the land can be easily observed.

Commissioner Heilman stated that in all his time on the Commission he has never had such a difficult time dealing with an application. He fully anticipated having the opportunity to review the concerns the Commission had with the specifics of the wetlands. Commissioner Heilman feels that what is most critical at this point is that the site is totally open and exposed. At the time of the 2003 review, the brush in the area was very, very thick. Commissioner Heilman feels that now that the site is completely opened up it warrants another more detailed review. He believes it is possible that the wetlands are considerably more extensive than the original mapping. Commissioner Heilman expressed his concern

for the wetlands since before the Commission has even had a chance to protect them, they have been clear-cut. The integrity of the wetlands has already been violated by the fact that they have been cleared. Commissioner Heilman based his opinion on his personal and professional experiences and studies, which he stated for the record.

Commissioner Deutsch agreed with the comments and concerns expressed by Commissioner Heilman and Ms. O'Hare. She also feels that, based on the site walk, the wetlands could potentially be much more extensive than what was mapped in 2003.

Mr. Andrews read from a letter dated December 15, 2011 from Rod Dryfoos, Soil Scientist, which indicated he saw no impacts to the wetland soil and his 2003 determination stands. He also referred to the revised soils report prepared by Mr. Dryfoos. Mr. Andrews read from a report dated 2003 prepared by Soil Scientist David Lord. He stated that he did not send his Soil Scientist on the site walk because Mr. Dryfoos stated that the map is a generalization but his soil report is what determines the wetlands.

Ms. O'Hare stated that there are several outstanding documents that were requested in the March 2, 2012 Environmental Planner's Report. Nothing has come in from the Applicant since the March meeting. Ms. O'Hare indicated that she received a letter from the South Central Connecticut Regional Water Authority regarding this application. She recommended that the application be denied based on the fact that insufficient information has been submitted, foremost of which is incomplete wetlands information.

Commissioner Kern feels that insufficient information has been provided that would allow the Commission a level of comfort in moving this application forward. He doesn't feel that the Applicant has had a good working relationship with the Commission and has made it very difficult for the Commission to have any level of confidence. Commissioner Kern would vote that the application be denied based on the lack of information provided to the Commission.

Mr. Andrews stated that he has provided the Commission with all of the information it needs. He pointed out that it has been four months and the Commission has not determined if this is a significant activity. Mr. Andrews stated that if it were determined that this is not a significant activity the Commission has all of the information it needs and more according to the regulations. He stated that there is no activity in the wetlands. Commissioner Heilman stated that he would not be able to determine if it was a significant impact activity absent full wetlands information.

MR. KERN: **MOTION THAT APPLICATION #A11-12.3 / 216 NORTHFORD ROAD BE DENIED DUE TO INSUFFICIENT INFORMATION.**

MS. DEUTSCH: **SECOND**

Commissioner Deutsch read a statement into the record explaining her reasoning behind her vote.

VOTE: **UNANIMOUS.**

Chairman Vitali stated for the record that when this application was originally approved in 2003 the staff person at the time was a professional engineer temporary person filling in until a full time Environmental Planner was hired.

#A12-2.1 / 206 MAIN STREET – Alberto DiChello – (minor plan revisions within scope of original permit)

Presenting the application was Attorney James Strub.

Ms. O'Hare stated that she met with Mr. DiChello on site last week to discuss the placement of the shrubs.

Commissioner Kern feels that the pavement in question should be left in place and the Applicant could work with the Environmental Planner on the placement of trees or shrubs and trees would provide beneficial shade to the stream there.

MR. KERN: **MOTION TO APPROVE APPLICATION #A12-2.1 / 206 MAIN STREET SITE PLAN DATED JULY 26, 2010 REVISED TO DECEMBER 30, 2011, WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

1. **THE EXISTING PAVEMENT AND RIP RAP IS TO BE LEFT IN PLACE.**
2. **THE APPLICANT IS TO WORK WITH THE ENVIRONMENTAL PLANNER ON A PLANTING PLAN OF SHRUBS AND TREES.**
3. **THE STORAGE CONTAINER ON SITE WILL BE ALLOWED TO STAY IN ITS CURRENT LOCATION.**
4. **THE CURRENT VIOLATION IS TO REMAIN AND APPEAR ON THE AGENDA.**

MS. DEUTSCH: **SECOND**

VOTE: **UNANIMOUS**

#A12-3.1 / 45 EAST MAIN STREET – Matt Johnson – (garage)

Presenting the application was Matt Johnson.

Mr. Johnson is proposing to build a family room and garage onto his existing home. The addition would be within 23 feet of the wetlands on the property.

Ms. O'Hare stated that there has been past activity and violations on this site. She reviewed the Environmental Planner's Report dated March 28, 2012, which included several photos taken of the site at various times going back to a 2008 violation. Ms. O'Hare pointed out that this current plan must be approved by the ZBA before the Applicant can move forward. She stated that she would like to see the small sitting area removed since there is very wet ground all around that area and she believes it to be in wetlands. Mr. Johnson agreed to remove the sitting area as requested by Ms. O'Hare.

MS. DEUTSCH: **MOTION THAT APPLICATION #A12-3.1 / 45 EAST MAIN STREET BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION #A12-3.1 / 45 EAST MAIN STREET AS “OPTION A” WITH THE SIX CONDITIONS OF APPROVAL LISTED IN THE MARCH 28, 2012 ENVIRONMENTAL PLANNER’S REPORT.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

#A12-3.2 / 549 WOODHOUSE AVENUE – Town of Wallingford – Tyler Mill/Muddy River Conservation/Recreation Area Trails System Enhancement Program – (trail work, stream crossings)

#A11-2.1 & #A11-5.1 / 549 WOODHOUSE AVENUE – Town of Wallingford – Tyler Mill/Muddy River Conservation/Recreation Area Trails System Enhancement Program – (minor plan revisions within scope of original permit)

Ms. O’Hare stated that she would be representing the Conservation Commission on these applications as staff to the Conservation Commission.

#A11-2.1 & #A11-5.1 / 549 Woodhouse Avenue is a minor plan revision to what was approved last spring. This application is just to bring into conformance some slight variations that were made during the installation of some small footbridges and such. The work has already been done and inspected and approved by Ms. O’Hare.

#A12-3.2 / 549 Woodhouse Avenue is a new application. The Trails Committee is calling for several more trail improvements as included in the application.

MS. DEUTSCH: **MOTION THAT APPLICATION #A12-3.2 / 549 WOODHOUSE AVENUE BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION #A11-2.1 & #A11-5.1 / 549 WOODHOUSE AVENUE.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION #A12-3.2 / 549 WOODHOUSE AVENUE.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

NEW BUSINESS:

None

RECEIPT OF NEW APPLICATIONS:

#A12.4.3 / 7 LASER LANE – APS Technology – (industrial – addition)

Chairman Vitali received the above application.

REGULATION AMENDMENTS:

1. Proposed draft amended provision

Ms. O'Hare handed out the "Proposed amendment to Section 4: Permitted Uses As of Right & Non-regulated Uses". She indicated that this is the first piece of several amendments to come before the Commission for its review.

REPORTS & COMMUNICATIONS:

- 1. Staff report, dated 3/29/12**
- 2. CT Federation of Lakes – membership renewal**
- 3. IWWC Budget – Town Council Workshop April 16, Public Hearing, April 11**
- 4. DEEP Permit Application – Use of Pesticides in State Waters: pond, The Preserve, Summerhill Rd.**
- 5. DEEP Permit Application – Use of Pesticides in State Waters: pond, Ashlar Village**
- 6. Public Notice of Site Remedial Activities / 358 Hall Avenue – Times Microwave Systems**
- 7. DEEP Dam Construction Emergency Authorization / Staffordshire Commons Detention Basin Dam**

VIOLATIONS:

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

Not taken up.

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

Discussed earlier.

155 East Street – ThermoSpas – (storage of materials, stormwater facility maintenance)

Not taken up.

ADJOURNMENT:

Commissioner Deutsch made a motion to adjourn. The motion was seconded by Commissioner Parent and passed. The meeting adjourned at 8:48 p.m.

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