

**Inland Wetlands and Watercourses Commission
Town of Wallingford
Regular Meeting
Wednesday, June 1, 2011**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, June 1, 2011, in Council Chambers, the Municipal Building, Wallingford, Connecticut.

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

Absent:

Chairman Vitali called the meeting to order at 7:05 p.m.

CONSIDERATION OF MINUTES:

May 4, 2011 - Regular Meeting

Chairman Vitali noted a correction to be made to Page 4 of the Minutes - under “Reports & Communications”, Item 3 – the pond/detention basin discussed was approved by DEP, not the IWWC.

MS. DEUTSCH: MOTION TO APPROVE THE MAY 4, 2011 MINUTES AS AMENDED.

MR. PARENT: SECOND

VOTE: UNANIMOUS

OLD BUSINESS:

#A11-4.1 / 404, 408 & 412 MAIN STREET, YALESVILLE / QUINNIPIAC RIVER – Larry DeAntonio & DeAntonio Construction – redevelopment of existing residence (2 units) & new residential development (12 units)

Presenting the application was Applicant Larry DeAntonio and Robert Amantea, P.E., Design Development Group.

Mr. Amantea stated that there have been some changes made since the last meeting. The building plan has been changed. The units are smaller and have a different configuration. The buildings running parallel to the Quinnipiac River have been pulled away from the bank. These buildings would have either a patio at ground level or a porch at an upper level. The distance from the back of the building to the top of the slope varies on those buildings from 15 to 24 feet. To the north of these buildings would be where the storm drainage would be discharged after going through a series of catch basins and the infiltration systems.

The drainage report has been submitted and reviewed by the Town Engineer. The site was designed for a 100-year storm. The soils on site are very sandy gravels. Three additional test pits were done as requested by the Environmental Planner. The soil data is included in the plans. Well drained gravel material was found.

Mr. Amantea indicated that the goal is to stay away from the slope area. The area would be left as is except for the planting of arborvitaes along the top of the slope to deter people from going into that area.

Mr. Heilman expressed concern for children who might live in these units playing on that embankment. Mr. Amantea stated that these units would most likely not attract families with school age children. He discussed the fact that there is no active recreation area because of the huge liability that goes with it. The site is really not large enough for a passive recreation area.

Mr. Kern feels that the row of arborvitaes will deter anyone from venturing down that slope. Mr. Amantea stated that the Applicant has also agreed to add signage to the site to limit the activity in that area. There will also the silt fence installed and hay bales if necessary.

The Commission discussed patios vs. decks. The patio would be off of the living area and the deck would be off of a bedroom. The Commission decided that it would like to see patios rather than decks.

Ms. O'Hare discussed the Environmental Planner's Report dated May 27, 2011. She would recommend that the units along the Quinnipiac be moved further away from the bank. If the Commission is considering approving the submitted plan she would feel more comfortable if a parapet were installed at the base of the patios to limit possible future encroachment on the slope.

Ms. O'Hare indicated that she has other concerns with the project. Mr. Amantea stated that he has met with Ms. O'Hare several times since the last meeting and has made several revisions to the plans based on her comments and concerns. He indicated that the plans were revised again and submitted to her this morning. He doesn't believe there should be any significant issues outstanding at this point. Ms. O'Hare brought up the issue of debris on the slope that was discussed at the last meeting. Mr. Amantea stated that the plan submitted leaves the slope undisturbed. Commissioner Kern visited the site and there is not as much debris there as he originally thought. He believes that the site has been cleaned up since the last time the Commission saw it.

Ms. O'Hare stated that she is still waiting for a Stormwater Management Maintenance Plan. Mr. Amantea stated that he submitted a Stormwater Management Plan to Ms. O'Hare on Tuesday. Ms. O'Hare would like to see more details as far as the maintenance schedule of the drywells and such. She had previously given Mr. Amantea a sample for him to follow. Mr. Amantea stated that it would be hard to put details in the maintenance plan because he doesn't know if it is going to be owned by an Association or a property owner. He feels that the schedule would depend on how the site is handled and that schedule would be determined once the site is active.

Ms. O'Hare pointed out that the building location depicted on Sheet 6 doesn't match the other sheets. After some discussion Ms. O'Hare stated that if the Commission were to approve this application it should be stated in the motion that Sheet 6, dated May 31, 2011, be approved for the building location. For the Erosion Controls, Sheet 5, dated May 31, 2011, should be referenced in the approval.

Ms. O'Hare discussed a mound of dirt that was deposited within the last few years at the top of the slope. She stated that the last plan submitted does not show the dirt that runs all along the slope. Ms. O'Hare indicated that the Applicant is planning on removing that dirt. She wants to be sure that erosion controls are in place before it is moved. Commissioner Kern stated that there should be no

activity on site before S&E measures are in place and inspected by the Environmental Planner. Mr. Amantea stated that it looks like some topsoil was pushed along that bank and it would be removed as a part of the construction.

MS. DEUTSCH: **MOTION THAT APPLICATION #A11-4.1/404, 408 & 412 MAIN STREET YALESVILLE BE DEEMED NOT SIGNIFICANT ACTIVITY.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A11-4.1/404, 408 & 412 MAIN STREET BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. POST-CONSTRUCTION, SIGNAGE TO BE INSTALLED ON TOP OF SLOPE INDICATING, "NO ENCROACHMENT ALLOWED WITH IMPROVEMENTS, NO CLEARING OF VEGETATION, NO REMOVAL OF ARBORVITAES PLANTED"**
- 2. SUBMIT THE STORMWATER MANAGEMENT MAINTENANCE PLAN USING THE STATE MODEL TO MS. O'HARE.**
- 3. S&E CONTROLS BE INSTALLED AND INSPECTED BY THE ENVIRONMENTAL PLANNER PRIOR TO ANY ACTIVITY ON SITE INCLUDING REMOVAL OF DIRT AT THE TOP OF THE SLOPE.**
- 4. NO DECKS TO BE INSTALLED. PATIOS TO BE INSTALLED WITH PARAPET.**
- 5. PLACARDS TO BE INSTALLED AS DIRECTED BY THE ENVIRONMENTAL PLANNER.**
- 6. SHEET 6, DATED MAY 31, 2011, SHOWS THE APPROVED BUILDING LOCATIONS.**
- 7. SHEET 5, DATED MAY 31, 2011, SHOWS THE APPROVED EROSION CONTROLS.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

#A11-4.3 / 488 SOUTH ELM STREET – Charles Guzik – (yard activities)

Presenting the application was Charles Guzik.

Mr. Guzik is proposing to spread woodchips, install a fence, install shrubs and trees, and install a swale and silt fence.

Ms. O'Hare reviewed the Environmental Planner's Report dated May 27, 2011. She stated that this is an "after-the-fact" application. The activity was brought to her attention by a neighbor. Ms. O'Hare indicated that Mr. Guzik would like to raise the level of his backyard. There are no wetlands on site. The property falls very sharply down to Wharton Brook. Mr. Guzik would like to install an

8-foot fence. Ms. O'Hare suggested that the Applicant install a swale to keep water from running on to the neighbor's property. She stated that there is a 25-foot greenbelt that has to be respected so that is why the fencing proposed has to be 25 feet back from the bank of the river.

Ms. O'Hare stated that she found out today that there is a sewer easement that runs through the rear yard. She spoke with the Water & Sewer Department and they do have some restrictions as to what can and cannot be done over a sewer easement. The W&S Division would like to review the plan before approval. Ms. O'Hare stated that a neighbor was in her office today and submitted a letter along with the sewer map from the land records and a copy of the deed pertaining to that easement. She summarized the neighbor's letter for the Commission.

Ms. O'Hare indicated that the Commission could approve the Application with the condition that the W&S Division approve the plan. She feels the plan is good as presented. She would like to see the size of the stone specified.

Mr. Guzik feels that with the swale proposed the water flow should be very good. The swale will be maintained as stone.

John McNabb, 467 South Elm Street, reviewed his concerns expressed in his letter dated May 27, 2011. He stated that the Applicant's property has already been raised by two feet in the past. The woodchips there are 3-4 feet deep. Mr. McNabb indicated that since Mr. Guzik changed the grade in his backyard he has been having standing water on his property. Mr. McNabb wants to be sure that the proposed swale is going to work and relieve the water from his site.

Mr. Guzik indicated that the proposed swale will be three feet off of the property line. The bottom of the swale would be one foot lower than Mr. McNabb's property.

Mr. McNabb stated that there has been a building constructed in the flood plain, since the application was filed, with no permit. Mr. Guzik stated that the building is not within 50 feet of the river. The building is a temporary structure and is not within the sewer easement.

MS. DEUTSCH: **MOTION THAT APPLICATION #A11-4.3 / 488 SOUTH ELM STREET BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLCIATION #A11-4.3 / 488 SOUTH ELM STREET BE APPROVED WITH THE FOLLOWING CONDITIONS:**

- 1. THE IWWC APPROVAL DOES NOT OVERRIDE THE WATER & SEWER REQUIREMENTS (WITH REGARD TO THE SEWER EASEMENT AREA).**
- 2. THE BOTTOM OF THE SWALE IS TO BE ONE FOOT LOWER THAN THE NEIGHBOR'S PROPERTY.**
- 3. THE SWALE BE INSTALLED BY SEPTEMBER 30TH, 2011**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

(The Commission took a 5-minute recess)

**#A11-5.1 / 549 WOODHOUSE AVENUE – Town of Wallingford – Tyler
Mill/Muddy River Conservation/Recreation Area Trails System
Enhancement Program – (trail crossings)**

Presenting the application was Jeffrey Borne, Chairman, Conservation Commission and Vice
Chairperson Mary Heffernon.

Mr. Borne stated that the Conservation Commission is applying for five additional wetland crossings
of the same style that was approved before. Ms. Heffernon indicated that since the spring was so
wet these additional areas were realized. Mr. Borne believes these will be the last of the crossings.

MS. DEUTSCH: **MOTION THAT APPLICATION #A11-5.1 / 549 WOODHOUSE
AVENUE BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #A11-5.1 / 549 WOODHOUSE
AVENUE BE APPROVED WITH THE CONDITIONS OF APPROVAL
INCLUDED IN THE ENVIRONMENTAL PLANNER’S REPORT
DATED MAY 27, 2011. THE ENVIRONMENTAL PLANNER WOULD
OVERSEE AND INSPECT ALL WORK DONE WITHIN THE
WETLANDS.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

Chairman Vitali entertained violations at this point in the meeting.

VIOLATIONS:

7 OLD GATE ROAD – Mark Fenney – (filling)

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Mr. Fenney was present.

Ms. O’Hare stated that she doesn’t have anything new to report on this site. Commissioner Kern
stated that he has spoken to the soil scientist that did the flagging on the property and he is
comfortable with the placement of the flags. Commissioner Kern is concerned with the drain that
was installed in that concrete slab on the site. He would like to see that drain filled or capped. Mr.
Fenney agreed to close off that drain.

Commissioner Kern stated that he would like to leave the boulders that rolled down the slope into the wetlands on the neighbor's property where they are and just have them come back to the natural state. He does not want to see that bank disturbed anymore. Ms. O'Hare isn't sure how the neighbor currently feels about the unpermitted fill on her property.

Ms. O'Hare stated that in this case the Commission could order remediation or ask for an "after-the-fact" permit to be submitted. Chairman Vitali asked the Applicant to file an "after-the-fact" permit for the filling activity. Ms. O'Hare recommended that the neighbor come in as a co-applicant since most of the fill is on her property. Mr. Fenney agreed to file an application and cap that pipe. Chairman Vitali indicated that the fill will not be allowed to stay if the neighbor does not want it to.

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NEW BUSINESS:

None

RECEIPT OF NEW APPLICATIONS:

#A11-5.2 / 14 RIVERSIDE DRIVE – Dan & Janice Page – (deposition for ice rink)

Chairman Vitali received the application, which is an "after-the-fact" application.

#A11 – 5.3 / 171 NORTH PLAINS INDUSTRIAL ROAD – Polish National Alliance #513 – (clearing)

Chairman Vitali received the application, which is an "after-the-fact" application.

#A11 – 5.4 / 135 FAWN DRIVE – Fawn Drive Associates, LLC – (proposed residence)

Chairman Vitali received the application and stated that the application is to move the proposed location of the house on the site.

Ms. O'Hare stated that there was a plan handed in on Tuesday and a plan handed in today as an alternative. The first plan puts the house within 8 feet of the flagged wetland with 90% of the house

in the upland review area. In the second plan, the house is approximately 20% in the upland review area and about 24 feet from the flagged wetlands. Ms. O'Hare pointed out that this plan is a completely different design from the permit that was originally granted.

Pete Pascale, 15 Fawn Drive, gave some history on this parcel. He asked how close to Fawn Drive the house is proposed to be built. Chairman Vitali explained that the Applicant already has a permit to locate the house approximately 600 – 700 feet back from Fawn Drive. Now they are proposing to locate the house on to the front of the property. Mr. Pascale was given a set a plans to review.

Mr. Pascale stated that there currently is a land discrepancy. He indicated that there is a split rail fence that is on the property. Both the Applicant and Mr. Pascale agreed not to go into the fenced-in area. The matter is being handled by lawyers at this point. He stated that the fenced-in area is his property not the Applicant's. He doesn't understand how this application could be voted on with a current land discrepancy going on. Mr. Pascale presented some photos of the fenced-in area for the Commission to look at.

Chairman Vitali pointed out that this Commission's duty is to protect the wetlands. He feels that Mr. Pascale has a legal issue with the Applicant.

Ms. O'Hare stated that without that fenced-in area the Applicant may not have the required frontage on Fawn Drive.

Chairman Vitali directed Ms. O'Hare to contact the Law Department to see if the Commission can process an application on property that has an active law suit on it. The Commission would hear the application at the next meeting.

REPORTS & COMMUNICATIONS:

1. Proposed Revised Application Form (Draft II) & Application Supplemental Information Form, (Draft I)

MS. DEUTSCH: **MOTION TO APPROVE THE REVISED APPLICATION AS SUBMITTED BY THE ENVIRONMENTAL PLANNER.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

2. Staff Report, dated 5/27/11

Ms. O'Hare briefly discussed several items included in the Staff Report. Commissioner Heilman reported on a wetland violation observed during a site investigation he conducted with Ms. O'Hare behind 639 Williams Road.

2. DEP Section 401 Water Quality Certification – Save the Sound, A Program of the Connecticut Fund for the Environment – Installation of a denil fishway at Wallace Dam, Quinnipiac River

Ms. O'Hare stated that the project received its final approval from the State but has not started yet.

ADJOURNMENT:

Commissioner Deutsch made a motion to adjourn. The motion was seconded by Commissioner Parent and passed. The meeting adjourned at 9:23 p.m.

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