

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

**REGULAR MEETING
Wednesday, August 4, 2010**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, August 4, 2010, in Council Chambers, the Municipal Building, Wallingford, Connecticut.

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

Chairman Vitali called the meeting to order at 7:01 p.m.

CONSIDERATION OF MINUTES:

July 7, 2010 - Regular Meeting

Ms. O’Hare made a correction to Page 9, to correct the spelling of “Ravine” to “Raven”.

MS. DEUTSCH: **MOTION TO APPROVE THE JULY 7, 2010 – REGULAR MEETING MINUTES AS CORRECTED.**

MR. KERN: **SECOND**

VOTE: **UNANIMOUS – (MR. KOVACH ABSTAINED)**

July 16, 2010 – Special Meeting

MS. DEUTSCH: **MOTION TO APPROVE THE JULY 16, 2010 – SPECIAL MEETING MINUTES AS SUBMITTED.**

MR. KERN: **SECOND**

VOTE: **UNANIMOUS – (MR. KOVACH AND MR. HEILMAN ABSTAINED)**

OLD BUSINESS:

182 MALTBY LANE – Todd and Kerry Williams – Request for determination of agricultural exemption – (several activities)
182 MALTBY LANE – Todd and Kerry Williams – (clear-cutting)

Mr. Todd Williams was present.

Ms. O’Hare recapped what happened at the last meeting. She stated that Mr. Williams has now agreed to install the valve that will regulate the depth of the proposed pond. Mr. Williams will also

be installing an aerator. He currently raises bait fish in his uncle's pond and would like to raise them in his own pond. Ms. O'Hare reviewed the Environmental Planner's Report dated July 29, 2010.

Chairman Vitali asked why the pond could not be approved without an agricultural exemption. Ms. O'Hare stated that it could, but Mr. Williams did not submit an application. Mr. Williams opted to go the route of requesting an agricultural exemption as advised by Ms. O'Hare. Ms. O'Hare stated that in her opinion this proposed pond would qualify as a farm pond.

Commissioner Deutsch is concerned with what type of enforcement power the Commission has if this pond is dug under an agricultural exemption. Chairman Vitali pointed out that there is a plan drawn up for this pond. Ms. O'Hare stated that the Southwest Conservation District designed the plan.

Commissioner Kern asked how involved it would be to turn this proposed activity into a regular wetland application as opposed to an agricultural exemption. Ms. O'Hare stated that Mr. Williams has not submitted a wetlands application so he would have to start with that. If an application were submitted the Commission would not be able to approve the application until the October meeting. Since the proposed pond berm is less than 4 feet high, Mr. Williams does not have to apply to the DEP for a dam permit.

Chairman Vitali feels like this is satisfying a violation. The violation was that there was clear-cutting. The trees were cut so he could dig the proposed pond. There was discussion about a permit to dig the pond satisfying the violation. Ms. O'Hare stated that most of the time when there is a violation the Commission asks that something be restored. She pointed out to the Commission that the pond is not the only thing that Mr. Williams proposes to do on this site. He would like to plant raspberries, vegetables, and a Christmas tree farm. All of these proposed activities are all within the wetlands or 50 feet from the wetlands. Ms. O'Hare pointed out that those activities are agricultural and he has filed for a request for determination of agricultural exemption for those activities. She recognizes that there is a pending violation and the Commission should not lose sight of that part of it too.

Chairman Vitali discussed agricultural exemptions stating that he is hesitant to grant an exemption in this case because it would set a precedent for people to apply for an agricultural exemption to satisfy a violation.

Commissioner Kern would like to see Mr. Williams' proposed activity be considered with a regular wetlands application. He feels that an agricultural exemption is for someone who does farming for a living, not a hobby.

Commissioner Heilman feels that an agricultural exemption stems from the activities of an existing farm and what they need to support their farm. It should not be a way to get around wetland violations. Commissioner Heilman believes this should have been an application originally.

Chairman Vitali asked the Commission if it felt comfortable voting on this activity tonight if it were to be considered the correction for the violation. Ms. Deutsch wanted to be sure that there has been a plan submitted for Ms. O'Hare to enforce. Ms. O'Hare indicated that there was a detailed plan created by Roman Mrozinski, SWCD, submitted to the IWWC on July 7, 2010, that she could use for enforcement. The Commissioners agreed to move forward and treat this activity as a correction to the violation.

MS. DEUTSCH: **MOTION THAT 182 MALTBY LANE BE CHANGED FROM A REQUEST FOR DETERMINATION FOR AGRICULTURAL EXEMPTION TO A CORRECTION TO THE VIOLATION THAT WAS ORIGINALLY INVESTIGATED. THE POND WILL BE CREATED AS PER THE PLAN DRAWN UP BY ROMAN MROZINSKI AND SUBMITTED TO ERIN O’HARE, ENVIRONMENTAL PLANNER.**

MR. KERN: **SECOND**

Commissioner Kern pointed out that S&E controls should be in place before any activity on site. Ms. O'Hare indicated that the silt fencing is included on the plan. Ms. O'Hare stressed to Mr. Williams that he needs to contact her and make her aware of when he begins the project.

VOTE: **UNANIMOUS**

#A03-11.2 / 950 NORTH MAIN STREET EXTENSION – Maplewood Construction Co. – (bond release)

Ms. O’Hare indicated that the bond is not ready to be released.

#A03-12.5 / 346 EAST MAIN STREET – Vincent Perretta – (bond release)

Ms. O’Hare indicated that the bond is not ready to be released.

#A10-4.9 / FIREWORKS ISLAND, QUINNIPIAC RIVER, AND COMMUNITY LAKE PARK, HALL AVENUE – Town of Wallingford – Park & Recreation Dept. – (two river access trails)

Presenting the application was Mayor William Dickinson, Town Engineer John Thompson, and Mark Cummings, NRCS, USDA.

Mr. Thompson stated that the Parks & Recreation Department, in conjunction with the National Resources Conservation Service, has developed a plan for two canoe launch sites. One site is on Fireworks Island and the other is at Community Lake.

Mr. Thompson indicated that the Engineering Department has reviewed the analysis provided by the Applicant. He feels that the hydraulic analysis provided is consistent with standard engineering application and that the location of the proposed launch at Fireworks Island is in an area that is protected from a majority of the flow. Mr. Thompson stated that even with the 50-year and 100-year flows the main force of the river would be directed to the east and east of the proposed site. He believes that the launch is proposed to be installed in a protected area and that the design would serve to protect any erosion of the stone being installed. Mr. Thompson reviewed the plan for the proposed launch at Fireworks Island. The proposal is to construct a 6-foot wide stone trail for the purpose of walking a canoe in. Mr. Thompson believes that the proposed site is ideal for launching into the river. The river in this area flows from the north to the south. The launch would be in a protected area where there has been no existing erosion observed. Mr. Thompson does not believe that this site would be susceptible to erosion.

Commissioner Kern stated that he has seen how that area flows during a storm and how the earth moves with the high flows. He pointed out that very close to this launch site there are several trees down in the river. Commissioner Kern stated that there is no maintenance and he doesn't understand how someone in a canoe is going to go around those trees. Mr. Thompson stated that when the water comes up, it would go over the trail because the design will accept the anticipated velocity in this location. The water will go up and the water will come down without washing away any of the stone. Mr. Thompson is aware of the maintenance issue with the river. As a normal practice the Town does not go in and clean out the river. Mr. Thompson indicated that a lot of thought went into the location of this particular site. He does not believe that it is susceptible to the high velocity that would cause erosion. There is very little impact to the wetlands or the watercourse and no impact to the environment so he believes that providing the access in the proposed location should not cause a problem.

Chairman Vitali pointed out that the Commission has not been provided a lot of information or details about the proposed structures. He understands now that the Engineering Department has reviewed the plan and feels comfortable with it. It is up to the Commission to be sure that the structure is safe and is going to stay in place. Mayor Dickinson pointed out that the proposed location on Fireworks Island is stable and has mature trees. If there has been flooding in that area it has not created a lot of erosion or damage to the vegetation. There was discussion between the Commission and Mr. Cummings about what information was asked for by the Commission and what information was actually provided by the Applicant.

Mayor Dickinson began discussions on the Community Lake proposed site. He indicated that the existing launch at Community Lake is approximately 30 feet long and has a significant drop. The proposed location would have an approximate length of 70 feet and a much safer drop. There was discussion about the safety of having this proposed launch in this area of the lake. Commissioner Heilman pointed out the lake has been dredged and it doesn't have the original sloping sides to it. He indicated that in the lake you don't have to worry about water velocity destroying the proposed launch. He stated that this launch could be installed in a steep area because there would be no chance that it would erode because there is no velocity and he believes it would work. Mr. Thompson stated that this is a shallow water body with a flat bottom. The proposed site has to be safe and accessible for people to carry their canoe from the parking lot to the water. The existing site has a 2/1 slope and the proposed site has a 5/1 slope. Mr. Thompson indicated that the ramp would go into the water 5-6 feet. The Department of Engineering does not see any potential at this location for erosion of this ramp due to the effects of the water.

Mary Mushinsky, Quinnipiac River Watershed Association, stated that there have been as much as 600 canoes being launched in one day from the existing site into Community Lake. She stated that, in the current location, you could stand and load the boats and not get into the deep part of the lake. What is being proposed would be a definite improvement because it would fan out that launching area. Ms. Mushinsky stated that the proposed site at Fireworks Island is on a sand bar so it is shallow. She indicated that the QRWA periodically cuts down trees just enough for boats to pass through. She stated that what is proposed would make it safer for the public to use both locations.

Commissioner Deutsch asked what the velocity is in the area of the river where the proposed launch is to be installed at Fireworks Island. Mr. Cummings stated that the velocity of the river is 3 feet per second. Mr. Thompson stated that the analysis states that you need a velocity of greater than 4-6 feet per second to move the stones used in the proposed launch. Mr. Thompson stated that in a high

velocity storm the land around this launch would erode before the launch due to the fact that the stone would be tightly bound together and will act as a structure.

Commissioner Kern asked who will maintain the area around these proposed launch sites. Mr. Thompson stated that these launches are Town of Wallingford under the Parks & Recreation Department. All of the facilities that are used by the Parks & Recreation Department are maintained by the Department of Public Works. If there were a need for maintenance in these areas it would be a regularly scheduled activity that the Department of Public Works would be responsible for. Commissioner Kern asked Mr. Thompson to notify the Environmental Planner when work is to begin.

MS. DEUTSCH: **MOTION THAT APPLICATION #A10-4.9 / FIREWORKS ISLAND, QUINNIPIAC RIVER AND COMMUNITY LAKE PARK BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. KOVACH: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION #10-4.9 / FIREWORKS ISLAND, QUINNIPIAC RIVER AND COMMUNITY LAKE PARK BE APPROVED WITH THE STANDARD CONDITIONS OF S&E CONTROLS.**

MR. KERN: **SECOND**

VOTE: **UNANIMOUS**

#A10-5.3 / 803 NORTH FARMS ROAD – Toll Brothers, Inc. – (open space subdivision – 29 lots) – presentation

Presenting the application was Attorney Timothy Lee, Engineer David Carson, OCC Group, Soil Scientist Tom Pietras, and Ecologist Jodie Chase.

Attorney Lee indicated that he received a copy of the Environmental Planner's Report dated July 30th wherein it is recommended that this application be deemed a Significant Activity. He asked if the Commission would like a full presentation at this meeting. Chairman Vitali would like to see a condensed presentation tonight to review what changes have been made since last month.

Mr. Carson stated that the Applicant retained Soil Scientist David Lord to do a peer review of the soils flagged on the site. He reviewed the areas on the plan that Mr. Lord investigated. Mr. Carson believes that all of the staff comments have been addressed except for the issue of an additional point of discharge to feed the upland wetlands. He doesn't feel that an additional point of discharge is necessary and he believes it would be more of a problem than a benefit. Both soil scientists stated that the meadow is fed by rainfall not runoff. He doesn't believe that there would be any advantage to adding another discharge point.

Mr. Carson explained how it was determined how many detention basins there would be and where they would be placed. He stated that there is a 30% reduction in peak flow post development for

both the 2-year and 5-year storm. With a 10-year storm there would be a reduction of 20% post-development. The reason for the reduction is because there are three detention basins rather than one. Another advantage of having three basins is that there is a longer detention time.

Mr. Carson stated that there would be plantings along the roadway within the buffer. They will be installing a split rail fence along all property lines that abut the buffer area. The conservation easement has been put in place to ensure that all specimen trees that are along the top of the embankment are saved.

Mr. Carson indicated that the chain link fence around the basins has been eliminated. There will be split rail fence wherever a lot line abuts a detention area. There will be a 4-foot high chain link fence along the top of the 4x4 galleys that are feeding the detention basins. There will be shrubs planted in-between the fence and the edge of the roadway.

Commissioner Heilman had concerns with the length of time a split rail fence would last. He wants to be sure that those wetlands are protected for longer than the life of a split rail fence. Commissioner Heilman suggested that plantings might be a better idea. Chairman Vitali stated that there are composites or vinyl type fences that could be used. Mr. Carson feels that there are a few areas where that might be a concern but, in all other areas, there is vegetation on the other side of the fence, so it is well defined.

Mr. Carson submitted a photograph of a 4x4 galley system that has been installed in a small subdivision similar to this one. The primary function of this type of system is to create detention basin volume in a minimum footprint.

Mr. Carson indicated that Mr. Lord agreed with the findings of Tom Pietras on the site.

Mr. Carson pointed out that the volume of flow will increase to the brook because impervious area is being added but the peak discharge is going to be less and the amount of time it takes to get there would be lengthened. The potential erosion impacts to the brook would be reduced. The impact is being reduced but not the water volume. Mr. Carson believes that water quality coming off this site will improve post-improvement.

Ms. O'Hare reviewed the Environmental Planner's Report dated July 30, 2010. She pointed out that there are still three items that have been requested but not received yet. Attorney Lee stated that he reviewed documents used at The Willows and he has for the Commission tonight a Declaration of Covenant and Restrictions regarding the open space. He has prepared a Stormwater Maintenance Plan that has to be reviewed by Toll Brothers before being submitted to the Commission.

Ms. O'Hare feels that the significant activity would be the alteration of 12 acres, 2 acres being turned into impervious surface and the impact on the river corridor. She would like the IWWC to have future discussions about what the threshold should be in determining significant activity. Commissioner Heilman felt it may be a significant activity with regard to the potential for impact from erosion from development activity. Ms. O'Hare stated that if this were determined to be a significant activity, the only outstanding reports would be those already discussed and the documents mentioned in the Environmental Planner's Report dated July 30, 2010. If this were a significant activity she would ask for some more detail on the ecology. Commissioner Deutsch would like to review the conservation easement. Attorney Lee indicated that the restrictions in the conservation easement overlap the Open Space Agreement. He read the restrictions proposed.

There was discussion about what information would be gained if this were to be declared a significant activity.

The Commission discussed it's options being to determine this a significant activity, call for a public hearing for public concern, or use the extensions process to get all of the reports in. Commissioner Deutsch and Commissioner Kovach feel that the extension is the way to go. Commissioner Kern stated that the Commission has done its homework in this case and has taken this application seriously. He doesn't believe that there is anything to be gained in this case by declaring it a significant activity. Commissioner Kern stated that he could act on it tonight but would go along with an extension.

MR. HEILMAN: **MOTION THAT APPLICATION #A10-5.3 / 803 NORTH FARMS ROAD BE DEEMED A SIGNIFICANT ACTIVITY.**

THE MOTION WAS NOT SECONDED.

Chairman Vitali requested an extension.

Attorney Lee granted the Commission an extension to the September meeting.

Chairman Vitali stressed to Ms. O'Hare and the Applicant that all of the documents requested must be in by next month in order for the Commission to make a decision.

MS. DEUTSCH: **MOTION THAT APPLICATION #A10-5.3 / 803 NORTH FARMS ROAD BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. KOVACH: **SECOND**

VOTE: **MR. KOVACH – YES, MS. DEUTSCH – YES, MR. KERN- YES, MR. HEILMAN – NO, AND MR. VITALI – YES.**

#A10-7.1 / 12 RAVEN LANE – Stan Drauss – (pond restoration)

Presenting the application was Stan Drauss, Meriden Rod & Gun Club, and the excavator Nathan Roden.

Mr. Drauss stated that he would like to dredge the pond as maintenance. It has filled with silt over the years. Mr. Drauss originally estimated that there would be 800 – 1,000 yards of material to come out of the pond, but now, since he has brought the water level down, he doesn't believe it would be that much. The spoils would be going in the back of the back parking lot. Ms. O'Hare has looked at that parking lot and made it clear to the Applicant where the spoils could be placed.

Ms. O'Hare reviewed the Environmental Planner's Report dated July 29, 2010. She recommends that it be declared not a significant activity and to approve it as submitted with the condition that the activities are conducted during dry forecast.

MS. DEUTSCH: **MOTION THAT APPLICATION #A10-7.1 / 12 RAVEN LANE BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

MR. KERN: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION TO APPROVE APPLICATION #A10-7.1 / 12 RAVEN LANE AS SUBMITTED WITH THE CONDITION THAT ALL ACTIVITY BE CONDUCTED IN THE DRY SEASON.**

MR. KERN: **SECOND**

VOTE: **UNANIMOUS**

**#A09-10.1 / 103 NORTH TURNPIKE ROAD – Yalesville Properties, LLC
– (modification to permit)**

Ms. O'Hare stated that the Applicant has requested that this application be tabled to allow them time to digest some comments received from the DEP.

Chairman Vitali tabled the application.

#A10-7.2 / 206 MAIN STREET – Albert DiChello – (paving)

Presenting the application was Albert DiChello.

Ms. O'Hare stated that she has been working with several departments to come up with some type of resolution or direction to go on this application. She gave some history on the application and reviewed the Environmental Planner's Report dated July 30, 2010, which includes a memo from Vincent Mascia, Senior Engineer, dated July 29, 2010. She stated that a plan has been submitted by Mr. DiChello that does not include an oil/grit separator. With this plan, the pre-treatment of the parking lot runoff would be done by flowing overland, directing it to the northeastern corner where the swales would enter a basin that would be vegetated.

The Commission discussed the memo from Vincent Mascia.

Chairman Vitali pointed out that originally this plan was approved with a gravel parking lot. When the paving was previously approved there was supposed to be an oil/grit separator installed. Mr. DiChello stated that this Commission never approved an oil/grit separator. Commissioner Kern stated that a condition of approval for allowing Mr. DiChello to pave the front of the building was that there be an oil/grit separator installed. Mr. DiChello stated that an oil/grit separator has to go down about 5 feet deep and there is no way that he has that depth to install it because the area is very flat. Chairman Vitali stated that he believes there is sufficient elevation on this site to install an oil/grit separator.

Commissioner Kern feels that the Applicant should install an oil/grit separator and post a \$20,000 construction bond before the Commission considers allowing him to pave the rest of the parking lot. He would like to see the Applicant come back with a plan with an oil/grit separator for the parking lot along with a security bond in the amount of \$20,000 and a maintenance plan. Commissioner Heilman pointed out to the Applicant that he should be careful where he places the separator given

that the area has a high water table at times, which could lift the system up. He also stated that maintenance of that oil/grit separator is very important.

Commissioner Kern stated that Ms. O'Hare would contact Mr. DiChello and let him know what the Commission is expecting before moving forward to consider the paving of the remainder of the parking lot.

The Commission took a 5-minute break.

NEW BUSINESS:

#D10-7.1 / 1271 DURHAM ROAD – Jules and Laure Perreault – Request for determination of agricultural exemption – (pasture) – possible action

Presenting the application was Jules Perreault.

Ms. O'Hare stated that this began with a complaint from a neighbor. This area was formerly a pasture and Mr. Perreault would like to restore it to active pasture. This activity is in a wetland so the Applicant would need a wetland permit or a determination that he is exempt because it is agricultural. Ms. O'Hare supplied the Commission with mapping from Northeast Utilities showing where the wetlands are on this site.

Ms. O'Hare stated that this is exactly the type of situation that the agricultural exemption was designed for. Mr. Perreault indicated that he currently owns farm animals but they are not on this property. Commissioner Heilman understand Ms. O'Hare's position that this is real farming activity and it fits the description of what the exemption is for farming applications.

Ms. O'Hare indicated that, even with a farming exemption, the Applicant would have to pay the DEP activity fee of \$60. There was discussion about if that is a one-time fee or if that fee is for every activity on the farm. Ms. O'Hare stated that any request or application has to pay the \$60 DEP activity fee. She clarified that the agricultural exemption would be tied to the specific activity proposed. Chairman Vitali stated that he didn't read the regulation that way. He isn't sure that it is true that the exemption is attached to a specific activity. Chairman Vitali explained that is why he is so reluctant to grant agricultural exemptions.

After further discussion Commissioner Kern stated that he would be comfortable granting an agricultural exemption in this case if that is the way the Commission is leaning. Chairman Vitali stated that if an Applicant already has farming activity he would feel more comfortable granting this type of exemption than if an Applicant does not have existing agricultural activity. In this case he would feel comfortable granting the agricultural exemption.

MS. DEUTSCH: MOTION THAT REQUEST FOR DETERMINATION #D10-7.1 / 1271 DURHAM ROAD BE GRANTED AN AGRICULTURAL EXEMPTION FOR THE ACTIVITY OF RETURNING THE PROPOSED AREA BACK TO ACTIVE PASTURE LAND.

MR. HEILMAN: SECOND

VOTE: UNANIMOUS

RECEIPT OF NEW APPLICATIONS:

#A10-8.1 / 411 NORTH BRANFORD ROAD – Wallingford Rod and Gun Club, Inc. – (pond stabilization) – possible presentation

Chairman Vitali received the application.

#A10-8.2 / 211 EAST MAIN STREET & 868 DURHAM ROAD – Choate Rosemary Hall Foundation, Inc. – (environmental center; pedestrian bridge crossing) – possible presentation

Presenting the application was David Terrell, Choate, and Engineer Pete Romano, Land Tech.

Mr. Terrell stated that the site is 145 acres. The impact area would be 0.2 acres where they would be installing a bridge over Catlin Brook. This activity would take place in the upland review area. There would be six bridge abutments installed in that area.

Mr. Romano reviewed the plan. The proposed activity would be a pedestrian accessway that would cross the wetlands. This accessway would be the main entrance to the Environmental Center. The walkway that would span the wetlands would be an elevated timber walkway. There would be no activity in the wetlands. All of the abutments would be in the upland review area.

Mr. Romano stated that there would be rain gardens and all pervious pavements. There is no hard drainage on this site.

REPORTS & COMMUNICATIONS:

1. **#A02-6.12 / 63 Grieb Road – Fieldstone Farm – Baker Residential LLC**

Ms. O'Hare stated that the trees have been removed and the bond has been released. She stated that another tree has fallen subsequently but it is not blocking the way.

2. **#A07-1.6 / 494 Main Street, Yalesville – Jonathan Gavin – (concrete yard) & 488 Main Street – (utility crossing)**

Ms. O'Hare stated that the Permittee did a modification to the installation plan that was approved administratively. The temporary crossing would be removed at the end of the installation, which should be in a few weeks, by September 1, 2010. Chairman Vitali and Commissioner Kern viewed the crossing.

3. **300 Church Street – Yankeegas – Northeast Utilities System – Waterbury-to-Wallingford Line Project – (regulator station)**

Ms. O'Hare stated that Yankeegas – Northeast Utilities is going to build a regulator station in the wetlands behind the Westbrook Lobster building. The reason they have not applied is because they are exempt. They do not need local approval.

4. **State of CT DEP – Notice of Tentative Determination – Intent to Renew National Pollutant Discharge Elimination System Permit – Discharge Into Quinnipiac River – City of Meriden – groundwater remediation wastewaters**

Ms. O'Hare read from the Notice.

VIOLATIONS:

1. 182 Maltby Lane – Todd and Kerry Williams – (clear-cutting)

Discussed earlier.

2. 475 Williams Road – Patricia Schlosser, owner, Art and Rita Pires, tenant – (cease & desist)

Ms. O'Hare stated that she was out at the site yesterday and has photos for the Commission to look at. She indicated that Mr. Pires has removed some of the fill he was directed to but still has some more work to do in each of the three violation areas. The fill from the turnout has not been removed and only about 50% of the fill along Williams Road was removed. Ms. O'Hare will continue to work with Mr. Pires.

3. 216 Northford Road – Lynn Cooke Andrews – (cease & desist)

Ms. O'Hare stated that an injunction was filed by the Law Department against this property. The remediation that was ordered by this Commission was never even started and then there was more clearing. The hearing is set for August 23, 2010. Ms. O'Hare stated that the Planning Office was notified that there was some clearing going on in the area. The Town Planner visited the site and found that there has been a lot of clearing over on the eastern end of the property. The Town Planner confirmed that a lot of the clearing has been conducted in wetlands and in the upland review area. The Law Department was notified and a few days later the injunction was filed. Ms. O'Hare stated that, as the clearing continued since the receipt of the injunction, she was directed by the Law Department to issue a Cease & Desist and that was sent out last week.

No one was present representing the property owner. The order remains in effect.

ADJOURNMENT:

Commissioner Deutsch made a motion to adjourn. The motion was seconded by Commissioner Kern and passed. The meeting adjourned at 11:00 p.m.

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