

**Inland Wetlands and Watercourses Commission  
Town of Wallingford  
Regular Meeting  
Wednesday, October 3, 2012**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, October 3, 2012, in Council Chambers, Town Hall, 45 South Main Street, Wallingford, Connecticut.

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

Absent: Jim Dobson - alternate

Chairman Vitali called the meeting to order at 7:03 p.m.

**CONSIDERATION OF MINUTES:**

September 5, 2012 – Regular Meeting

**MS. DEUTSCH:**      **MOTION TO APPROVE THE MINUTES OF THE SEPTEMBER 5, 2012 MEETING AS SUBMITTED.**

**MR. MURPHY:**      **SECOND**

**VOTE:**              **UNANIMOUS**

**CEASE & DESIST ORDER HEARING:**

**6 EAST DAYTON HILL ROAD / Douglas Morgan – (clearing & filling)**

Douglas Morgan was present.

Ms. O’Hare reviewed the Cease & Desist Order dated October 1, 2012. She visited the site and from the front of the property saw six piles of dirt. At the rear of the property there was more fill. Mr. Morgan walked the property with Ms. O’Hare who explained the violations to him. The property is 1.8 acres of which approximately ½ acre is wetlands. There is a stream to the rear of the property and a shed that has been erected on fill. Some of the fill has been compacted into a road to the rear of the property. There has been clearing of vegetation behind the house and in a streambed. There has been deposition of tree parts in the streambed along with ATV tracks. Ms. O’Hare indicated that there are two streams on the property. One stream runs to the rear of the property and then runs to the south off the property. The other stream is more of a drainage way that comes onto the property and brings his neighbor’s water with it.

Ms. O’Hare indicated that she visited the site last September when she noticed minor alterations. She told Mr. Morgan at that time that the activity on the site was unpermitted and that he would need a permit to complete any more work around the wetlands.

Mr. Morgan indicated that he has brought in twelve truck loads of fill this year and two loads of processed stone last year. He stated that he is trying to alleviate the water issues that he and his neighbor are having.

Ms. O'Hare stated that she based her findings on a comparison she has done with photos taken of the site last year compared to photos taken this year. Mr. Morgan stated that he filled in approximately 1 foot to 1 ½ feet deep of wet area. Ms. O'Hare indicated that she would like to see the fill taken out of the wetlands. She stated that approximately half of the fill is in the upland review area so the Commission could entertain a proposal to keep some of that fill in place.

Ms. O'Hare stated that this area clearly has some drainage issues. She indicated that even before this filling the water was creating problems for the neighbors. Mr. Morgan stated that he was very close to completing the work that would have kept water out of his neighbor's driveway.

Mr. Morgan stated that he is doing this work to create an area in the back of his shed to store his work vehicle. Mr. Kern suggested that he work with the Planning & Zoning Office to seek approval to store his work vehicles on site. Mr. Morgan indicated that the water issue is his main concern at this time.

Mr. Morgan indicated that he is willing to work with the Commission and Ms. O'Hare on some remediation. Chairman Vitali stated that the Cease & Desist would remain in place. He suggested that the Commission do a site visit. A Special Meeting was scheduled for Saturday, October 20, 2012 at 8:30 a.m. for the purpose of conducting a site investigation.

Mr. Heilman suggested that Mr. Morgan work together with his neighbor and possibly get a person to visit the site and work on the hydrology of the area. Ideally, an after-the-fact application could be submitted to resolve the water issues in the area.

Chairman Vitali suggested that Ms. O'Hare visit the site once more before the Commission does their site walk just to get some more details on where the wetlands actually are and what Mr. Morgan's plan is for the property. Commissioner Kern requested that Ms. O'Hare provide the Commission with a detailed plan on what she would recommend for the area before the Commission actually visits the site on October 20, 2012.

Ms. O'Hare made it clear to Mr. Morgan that he is not to move any earth around or add any more materials or take away any material. Chairman Vitali stated again that the Cease & Desist is still in place.

## **OLD BUSINESS:**

### **#A12-8.2 / 1040 DURHAM ROAD – Andrew & Jennifer Salzo (yard improvements)**

Presenting the application was Andrew Salzo.

Ms. O'Hare reviewed the Environmental Planner's Report dated September 28, 2012. She stated that there is a long history on this site along with the site to the rear of this property (1038 Durham Road). She has visited this site on several occasions. Ms. O'Hare believes that wetlands have been filled on 1040 Durham Road. Mr. Salzo hired a soils scientist who flagged the wetlands. The Commission has the report from the soils scientist.

Mr. Salzo stated that when he moved into the property he was unclear where his property line was. The abutting neighbor had taken over a portion of his property and done some work. When Mr. Salzo had the property surveyed they discovered their true property line. All they want to do is clean the area out and restore the area back to grass. Mr. Salzo stated that it was his neighbors that filled the wetlands.

Ms. O'Hare feels that the fill should be removed back to its original level which would be 18-24" down according to the soils scientist report. The filled area is approximately 1,800 sq.ft. Chairman Vitali feels that Ms. O'Hare has to look into this issue a little further before the Commission can move forward. Commissioner Heilman and Commissioner Deutsch would visit the site before the next IWWC meeting. The matter was tabled.

**#A12-8.3 / 1038 DURHAM ROAD – Harry & Gail Morrow (yard improvements)**

No one was present representing the Applicant.

Ms. O'Hare reviewed the Environmental Planner's Report dated September 28, 2012 regarding this after-the-fact application. This property is very wet. Mrs. Morrow has been into the Engineering Department many times. Ms. O'Hare suggested that if Commissioner Deutsch and Commissioner Heilman are visiting 1040 Durham Road they should visit this abutting site as well. The matter was tabled.

**#A12-9.1 / 4 CRYSTAL LANE – John & Helen Tomich (addition and deck)**

Present was John and Helen Tomich.

Ms. O'Hare reviewed the Environmental Planner's Report dated September 27, 2012. She has visited the site. The property grades down steeply into the wetland in the rear of the property. The deck would be approximately 27 feet from the wetlands and the silt fencing approximately 13 feet from the wetlands. Ms. O'Hare recommends approval of the application.

**MS. DEUTSCH:      MOTION THAT APPLICATION #A12-9.1 / 4 CRYSTAL LANE BE DEEMED NOT A SIGNIFICANT ACTIVITY.**

**MR. MURPHY:      SECOND**

**VOTE:              UNANIMOUS**

**MS. DEUTSCH:      MOTION THAT APPLICATION #A12-9.1 / 4 CRYSTAL LANE BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. EROSION CONTROL MEASURES ARE IN PLACE AND MEET THE APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR TO ANY FURTHER WORK BEING CONDUCTED ON SITE.**
- 2. NO FURTHER PLACEMENT OF TREE PARTS IN WOODED WETLANDS.**

**MR. MURPHY:      SECOND**

**VOTE:              UNANIMOUS**

## **NEW BUSINESS:**

None

## **RECEIPT OF NEW APPLICATIONS:**

**#A12-9.2 / 12 SHIRE DRIVE** – Jerry Oliano – (inground pool & yard improvements)

Chairman Vitali received the new application.

## **REGULATION AMENDMENTS:**

### **1. Proposed provision amendment – Section 8, 9 & 12**

Staff's memorandum regarding proposed regulations was received by the Commission. Ms. O'Hare stated that Sections 7 through 12 are ready to be reviewed by the Commission.

### **2. Regulation Revision Workshop**

Commissioner Heilman suggested that Ms. O'Hare draft a statement regarding what will be discussed at this workshop. He would like to see it sent out as a courtesy to attorneys, engineers and contractors who have shown interest in the past on wetland regulation revisions. The Commission scheduled a Special Meeting workshop for Tuesday, October 23, 2012 at Town Hall at 6:00 p.m. Ms. O'Hare will send out a notice on the location of the meeting.

## **REPORTS & COMMUNICATIONS:**

### **1. Staff report, dated 9/27/12**

Received by the Commission

- 2. Quinnipiac River Watershed Association – Quinnipiac River Watershed Base Plan – Stakeholder Committee invitation letter, received 9/26**
- 3. DEEP – Notice re: (Draft) State of Connecticut Integrated Water Quality Review Report, 9/26**
- 4. Southwest Conservation District, Inc. – “Soil & Water”, Fall 2012 newsletter**
- 5. CACIWC – Environmental Conference notice – Nov. 17, 2012**
- 6. DEEP Inland Wetland Training – Segment 3**

Ms. O'Hare reported that the training is on October 26<sup>th</sup> and November 3<sup>rd</sup>. There is also a different program being held on November 8<sup>th</sup> and 14<sup>th</sup>. The DEEP notices are going out late this time and she will forward them when they are received. If any member is interested they should let her know.

## **VIOLATIONS:**

**Cease & Desist – 5 Megan Lane & 100 Megan Lane** – Lui He Ping and Yu Fu Hua – (clearing, alteration, deposition, and installation within swamp, wetland, and upland review are at the 100 Megan Lane preserved open space property)

Ms. O'Hare indicated that she wrote the owners of 5 Megan Lane a follow up letter as she was directed to do by the Commission. It was in the packet. She has been working with the owner but indicated that they have done very little in terms of what they were directed to do. Chairman Vitali directed Ms. O'Hare to keep working with them.

**856 Clintonville Road** – Paul Witik – (alteration and sedimentation of stream, clearing & regarding of wetlands and upland review area)

Ms. O'Hare stated that what is left to do is the plantings. Mr. Witik will get the plantings in this fall.

**ADJOURNMENT:**

Commissioner Deutsch made a motion to adjourn. The motion was seconded by Commissioner Murphy and passed. The meeting adjourned at 8:17 p.m.

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

