

Wallingford Inland Wetlands & Watercourses Commission
Wednesday, October, 7, 2015
Room 315, Town Hall
45 South Main Street
Wallingford, CT

MINUTES

PRESENT: Vice-Chair David Parent, Acting as Chair; Commissioner Dennis Murphy and Deborah Phillips; Jim Heilman and Daryll Porto, Alternates; Erin O'Hare Environmental Planner.

NOT PRESENT: Chairman Jim Vitali; Secretary Nick Kern.

Voting members were: Commissioners Heilman; Murphy; Phillips; Parent; Porto.

Acting-Chair Parent noted that all approvals have an effective date of Friday, October 8, 2015 and there is a 15-day appeal period during which time the aggrieved party could file an appeal with the Superior Court.

CONSIDERATION OF MINUTES

1. Regular Meeting, September 2, 2015

MS. PHILLIPS: **MOTION TO APPROVE THE REGULAR MEETING MINUTES OF SEPTEMBER 2, 2015 AS PRESENTED**

MR. HEILMAN: **SECOND**

VOTE: **HEILMAN-YES; PHILLIPS-YES; PARENT-YES; MURPHY AND PORTO ABSTAINING**

2. Special Meeting, September 12, 2015

TABLED TO NOVEMBER MEETING. LACK OF VOTING QUORUM.

OLD BUSINESS

1. **#A15-9.1/179** Maltby Lane – Thomas Strohmaier – (second garage)

Ms. O'Hare went over her Environmental Planner's Report dated Oct.1, 2015 which went out in the Commissioners packets, including a plot plan. She also distributed the report by David Lord, soil scientist, and a report/quote from Aquatic Control Technologies which applies aquatic pesticides. She noted that the owners contacted this company to inquire about applying pesticides to their pond to control duckweed. Ms. O'Hare recommended in her Environmental

Appearing in front of the Commission was Thomas Strohmaier, 91 Greenbrier Drive, Guilford, builder and contractor, representing the owners, Paul & Mary Lee Murgos. Mr. Strohmaier distributed the revised site plan. He said the Murgos would like to add a second garage onto their property. He said the issue is a drainage pond and the upland review area. Mr. Strohmaier noted there is an existing gravel turnabout which is part of the Murgos's driveway and where they are attempting to situate their garage.

Acting-Chairman Parent asked about the location of the entrance to the property. Mr. Strohmaier said the "brick walk" noted on the site plan, is the entrance to the property. Acting-Chairman Parent pointed out that he thought the driveway was gravel. Mr. Strohmaier clarified that the area where the proposed garage is designated is gravel, but the rest of the driveway is bituminous all the way in from the street.

Acting-Chairman Parent said he couldn't see on the site plan where one would get onto the property and where the driveway ends. Mr. Strohmaier pointed out the catch basin on the site plan and said this was where the entrance would be, straight off of Maltby Lane. Regarding the driveway, he said the survey only designated "bituminous" and didn't spell out the driveway. He noted that "bituminous" means asphalt driveway. He added that the front entrance to the garage is at the border where the bituminous ends and the gravel begins.

Mr. Heilman said it would be helpful if the photos in the Commissioner's packets were looked at because he believed the Commission observed this property many years ago regarding drainage issues. He said even back then, the property was a complete lawn and a slight bank.

Ms. O'Hare distributed several recent site photos.

Mr. Heilman said he believed the entire area was wet meadow long ago, and with the development of Smoke Rise Road, there was an impoundment of this area and it became more of a pond. He said the important thing to realize is that this is by no means a natural state of a stream area. He said the Commission has seen a similar environment over at Pond Hill, but stressed that unlike that area, this area was created out of the farming area. He said the garage won't change the nature of what is taking place.

Mr. Murphy asked if the pond floods.

Mr. Strohmaier said the pond follows the watercourse behind the house and feeds into the neighbor's pond. He described the building noting that it is a four-car garage with two doors with the entrance being on the driveway side. He said the Murgos keep classic cars and are looking for a nice place to keep these cars under cover with extra storage. He said extra cars are currently being parked in the open turnabout.

Ms. O'Hare said there is an application pending before the ZBA for this proposed second garage because in this zone, the front setback is 75 ft. so there would be no room. She said the

Applicant is asking for a variance of the 50 ft. difference. She noted on the north side, the rear setback is 75 ft. because it is a corner lot. She said on first blush, she thought this was a simple application, but when she went to the site, to look at the wetlands, she discovered unpermitted activities and this is why she suggested the Commission perform a site investigation. She said if the Commission were to consider approving a garage in this location, there may have to be mitigation for these unpermitted activities done by the previous owner. She noted the Murgos purchased the property in 2005 and these unpermitted activities were done before 2005 which included a garage, the pool and the clearing up the stream with a mulched area along with the graveled area the by the proposed garage.

Mr. Strohmaier said he found permits for everything but the pool. He said the Building Dept. doesn't know how to address this other than digging up the pool. He said the Building Dept. would probably come out to the site and do an inspection to their best ability even though there was no permit applied for.

Mr. Heilman asked if the construction of the original garage would have been a wetlands issue.

Ms. O'Hare said the first garage was constructed in 2002 and there was the 50 ft. setback which would have needed a wetlands permit. She said the previous owners did obtain a building permit for the garage. Ms. O'Hare said the current proposed garage structure would end up being 23 ft. away from the wetlands.

Acting-Chairman Parent said the Commission's job is to protect the wetlands. He asked Ms. O'Hare is she was supplied with all the required information.

Ms. O'Hare said the more she investigated the more she found. She noted the drainage easement which goes through the property was changed. Ms. O'Hare said the house was constructed in 1976 and the subdivision in 1974 and between these years, the alignment of that drainage way changed to allow the construction of the house which is in the land records. This was before there was a wetlands commission. Ms. O'Hare said Mr. Murgos had come into her office in 2006 requesting the Town dredge the pond because the road sand from Smoke Rise Rd. goes into the 15 inch pipe and dumps into his pond which it was designed to do. She said this request went to the Law Dept. which ruled the Town is allowed to pass water through but not to maintain the pond once it receives the drainage. She said the years the Town used the road sand, the pond became shallow.

Mr. Heilman said the proposed garage needs to pass one of the conditions the Commission requires which is prudent and feasible alternatives i.e., why is this the only place the garage can be located versus an alternative location that wouldn't invade the wetlands.

Mr. Strohmaier said this was considered and pointed out the only other alternative location would be in the front of the house in the yard, where the septic system is located. He said he spoke to the Health Dept. which wouldn't allow this because of the leach field and the reserve

area. He said the Applicants were looking to disturb as little as possible, and, with the information on hand at the time the garage was situated, the Applicants knew the septic was in the front yard and were looking to stay away from this and noted the gravel turnaround already existed. He said the Applicants tried not to encroach near the pond any more than necessary.

Ms. O'Hare noted the Applicant needs to submit drainage information for the yard drain and for the catch basin, near the driveway entrance in Maltby Road.

Mr. Parent said it appears that the Commission doesn't have sufficient information to render a decision tonight and that according to Ms. O'Hare, not all of the information has been received. He said because of this, a site visit would be in order. The Commission scheduled a Special Meeting site visit for Saturday, October 24, 2015 at 9 a.m. and tabled this application until the November meeting.

Ms. O'Hare apologized for a mistake in her Oct. 1, 2015 Environmental Planner's Report where it's stated the addition and the deck needed a wetlands permit. She said they do not and said she made this mistake because she used the original map scale when the map size was reduced.

Mr. Strohmaier said no improvements have been done to the property since the Applicants took over ownership nearly 10 years ago.

APPLICATION TABLED TO NOVEMBER IWWC MEETING.

2. **24 Terrell Farms Way** – Michael and Rebecca Donegan – (pool patio, fire pit area, hot tub) – "Approved Administratively" - 9/9/15

NEW BUSINESS

RECEIPT OF NEW APPLICATIONS

1. **#A15-9.3/171 North Plains Industrial Road** – Polish National Alliance, Lodge 513 – (building construction and parking surface area) - Received by Acting-Chairman Parent.

REPORTS & COMMUNICATIONS

1. Notice of Petition by Wallingford Energy II, LLC for a Declaratory Ruling to Approve the Installation and Operation of Two 50 MW Peaking Units at an Existing Facility in Wallingford, Connecticut, (115 Johns Street) to IWWC from Wallingford Energy II, LLC, dated 8/27/15, received 9/3/15
2. DEEP-Letter to Town of Wallingford Water Division c/o Erik Krueger, Senior Engineer, from Arthur P. Christian II, P.E., Supervising Civil Engineer, Dam Safety

- Program, Inland Water Resources Division, Re: Ulbrich Reservoir Dam – maintenance – (cc: IWWC), dated 9/22/15; received 9/24/15
3. DEEP - Letter to Town of Wallingford Water Division c/o Erik Krueger, Senior Engineer, from Arthur P. Christian II, P.E., Supervising Civil Engineer, Dam Safety Program, Inland Water Resources Division, Re: Pistapaug Reservoir Dam – maintenance – (cc: IWWC), dated 9/22/15. received 9/24/15
 4. CACIWC – 38th Annual Meeting & Environmental Conference - Sat., Nov, 14, 2015, 9:00 a.m. – 4 p.m.

Ms. O'Hare noted the upcoming conference and urged the Commission to attend.

5. DEEP Notice of Tentative Determination to Approve an Exemption to Connecticut General Statutes Section 25-68(d)(b) (Flood Management) and Intent to Waive Public Hearing; Applicant: ConnDOT Re: Bridge replacement, Route 150 over Wharton Brook, Wallingford

Ms. O'Hare said ConnDOT is preparing to widen Wharton Brook Bridge on Center Street, Rt. 150. She said ConnDOT has requested the public hearing on the project be waived. She noted that 25 signatures from the public can force a public hearing.

VIOLATIONS

1. 3 Powers Road – Notice of Violation – Dave Woronick, Greene D.H. Woronick – unpermitted unauthorized clearing in upland review area

Ms. O'Hare said she received a call today from the Attorney representing Mr. Woronick. She said the Attorney will confer with Mr. Woronick and this matter will be on the November agenda.

2. 293 Pond Hill Road – Notice of Violation – Robert Pocobello – unpermitted, unauthorized alteration to stream & installation of yard improvements

Ms. O'Hare said Mr. Pocobello has hired James Sipperly, Soil Scientist, who did not have his report ready in time for tonight's meeting. She said Mr. Pocobello stated he will be at the November IWWC meeting.

ADJOURNMENT

Ms. Phillips made a motion to adjourn the Meeting at 7:44 p.m. Mr. Heilman seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary