

Wallingford Inland Wetland & Watercourses Commission

REGULAR MEETING

Wednesday, January 3, 2018, 7:00 p.m.

Room 205, Second Floor, Town Hall

45 South Main Street

MINUTES

PRESENT: Jim Vitali, Chairman, Nick Kern, Secretary, Deborah Phillips, Mike Caruso, and Alternates Aili McKeen and Daryll Porto, and Erin O’Hare, Environmental Planner

NOT PRESENT: David Parent, Vice Chair

CONSIDERATION OF MINUTES

1. Regular Meeting, Dec. 6, 2017

MS. PHILLIPS: **MOTION TO APPROVE THE REGULAR MEETING MINUTES OF DECEMBER 6, 2017 AS PRESENTED**

MS. MCKEEN: **SECOND**

VOTE: **KERN – ABSTAIN; MCKEEN – YES; PHILLIPS – YES; CARUSO – YES; PORTO – ABSTAIN; VITALI - YES**

2. Special Meeting, Dec. 16, 2017

Commissioner Kern corrected the word “pond” to “swale” in the third paragraph on page 2. Commissioner Caruso indicated he should be represented as “Not Present” rather than “Present”.

MR. KERN: **MOTION TO APPROVE THE SPECIAL MEETING MINUTES OF DECEMBER 16, 2017 AS CORRECTED**

MS. PHILLIPS: **SECOND**

VOTE: **KERN – YES; MCKEEN – YES; PHILLIPS – ABSTAIN; CARUSO - ABSTAIN; PORTO – YES; VITALI - YES**

EXECUTIVE SESSION

1. Executive Session pursuant to Connecticut General Statutes Sect. 1-225(f) and

Sect. 1-200(6)(B) to discuss pending litigation: *Andrews v. Inland Wetlands and Watercourses Commission*

Chairman Vitali welcomed Janis Small, Corporation Counsel, and requested a motion to go into Executive Session at this time.

MS. PHILLIPS: MOTION TO GO INTO EXECUTIVE SESSION

MR. KERN: SECOND

VOTE: UNANIMOUS

The Commission, Ms. Small, and Erin O'Hare, Environmental Planner entered the Executive Session at 7:07 p.m. held at the same location, Room 205.

Chairman Vitali requested a motion to come out of Executive Session at 8:04 p.m.

MR. KERN: MOTION TO COME OUT OF EXECUTIVE SESSION

MS. PHILLIPS: SECOND

VOTE: UNANIMOUS

Janis Small left the meeting at this time.

OLD BUSINESS

- 1. #A17-10.2 / 291 Hall Avenue – Community Lake Park - Wallingford Parks & Recreation Department – (tree thinning & vegetative removal)**

Ms. O'Hare indicated that the Applicant had submitted correspondence requesting the matter be tabled to the next meeting. Chairman Vitali tabled the matter. Ms. O'Hare indicated that, in consideration of the statutory time requirements, the IWWC will need to request an extension of the Applicant which the Applicant granted in anticipation of the requirement. The Commission agreed to request an extension in this regard.

Chairman Vitali entertained item #1 under New Business next on the Agenda.

NEW BUSINESS

- 1. #D17-11.1 / 76-90 South Turnpike Road – Adam's Landing Property Development, LLC. – (Request for determination of regulated activity regarding proposed re-subdivision under Sect. 7.2)**

Ms. O'Hare indicated the Requested Determination was tabled at the request of the Applicant

at the Special Meeting held December 16, 2017. The Applicant has submitted correspondence withdrawing the Requested Determination.

OLD BUSINESS, cont.

Chairman Vitali entertained the second item under Old Business, at this time.

2. #A17-10.3 / 530 Church Street – Timberwood Homes, LLC – (clearing on Lots 1, 2, 3 & 4)

Chairman Vitali indicated this matter was the subject of the Special Meeting site investigation held at the 530 Church Street subdivision development on December 16, 2017 and it was agreed at that time that the matter would be handled as administrative approval incorporating some changes discussed in the field, however as the revised plan requested to be submitted for review had additional changes, it needs to be discussed again tonight. Ms. O'Hare reviewed the status of this request, the new changes, and provided copies of the original approved plan, the October plan submittal and this week's plan submittal which the Commission then reviewed.

Ms. O'Hare indicated that the encroachment limit now requested and depicted extends beyond the 10 additional feet that was agreed to in the field and that this new boundary line was driven largely by the Project Engineer's need to manage the stormwater to the swale and/or to the yard drain on Lot #2 while allowing the roof flows to be discharged via pipes to the wetlands and eliminating the subsurface roof infiltrators. The pool is now depicted to be located 10 feet from the house as requested by the Commission.

She indicated that she met with Permittee, Joe Mineri today to resolve minor issues presented by the plan submitted today. Mr. Mineri decided that Lot #1 would keep the original roof infiltrator facility as to daylight the pipe would involve activity for 30 feet into the wooded wetlands. Several Commissioners concurred that the roof flows were agreed to enter the swale at the Dec. 16 Special Meeting, not to discharge to the wetlands. Ms. O'Hare thought this design change may have been determined to be necessary by Milone & MacBroom but she will investigate the reason.

The Commission discussed the matter and agreed that the latest encroachment limit could be approved with the exception of the proposed clearing limit on Lot #3 which it felt was already close enough to the pond as was discussed in the field. Roof flows on Lot #3 only could discharge towards the wetlands and pond. The Commission agreed that the anticipated administrative approval was on hold pending clarification as to the roof drainage discharge for the lots, the requested change on Lot #3, and submittal of a revised plan reflecting same.

Ms. O'Hare indicated that Mr. Mineri was requesting administrative approval of a deck on Lot #6 be folded into this application before the Commission. Approximately half the proposed deck lies within the upland review area on this lot which is the one with the large storm basin facility. Commissioner Kern noted that the raised deck – more like a balcony – will involve installation of sono tubes on the slope. Ms. O'Hare reported that the reason offered by the Permittee for why the basin forebay was not installed and the southern side of the basin was not

finished and stabilized was that the ground froze and so completion awaits the spring thaw. Chairman Vitali asked for the Commission's agreement that that the deck approval could be handled administratively. The Commission agreed.

RECEIPT OF NEW APPLICATIONS

Chairman Vitali noted there were no new applications to be received however a request for an administrative approval was submitted regarding 155 East Street which was then briefly discussed. Ms. O'Hare noted it was submitted after the agenda deadline and so that is why it does not appear on the Agenda. She indicated that the Applicant was requesting an administrative approval despite the fact that she indicated she believes it requires a regular application due to the proposed new discharges of stormwater to the wetlands which is a regulated activity under Section 2.1.z.3. She indicated two storm basins are proposed and the current discharge to the west is proposed to increase in volume and there is new discharge proposed to the north.

Commissioner Kern indicated he would like to see Best Management practices required for this application in light of the fertilizers to be handled onsite vis a vis the proximity of the floodplain and the wetlands and the stormwater discharge to wetlands from the new loading area proposed. Chairman Vitali wondered if stormwater management should be required, i.e. traditional collection system, as currently there is none on site for most of the existing bituminous areas and now more bituminous areas are proposed. He requested Ms. O'Hare inquire in that regard to the Town Engineer in his review and indicated the decision on the application would be rendered after further review and input.

ELECTION OF OFFICERS

Chairman Vitali indicated as there was not a full slate, elections would be tabled.

REPORTS & COMMUNICATIONS

- 1. North American Wetlands Conservation Act Small Grants Program – matching grant program for projects involving restoration/enhancement and/or establishment of wetlands and associated upland habitats for the benefit of all wetlands-associated migratory birds; deadline 10/19/18**
- 2. U.S. EPA News Release re: CT DEEP wetlands award (\$97,000), received 12/17/17**
- 3. Eversource Energy re: notice of scheduled maintenance activities (cutting & application of herbicides) in areas that may contain wetlands; dated 12/19/17; received 12/22/17**

VIOLATIONS

Ms. O'Hare indicated there were no new violations. Commissioner Kern inquired if the Notice

of Violation was recorded on the Land Records for 48 Jones Road before any transfer. Ms. O'Hare indicated affirmative.

ADJOURNMENT

Chairman Vitali requested a motion to adjourn.

MS. PHILLIPS: MOTION TO ADJOURN

MR CARUSO: SECOND

VOTE: UNANIMOUS

Chairman Vitali adjourned the meeting at 8:45 p.m..

NEXT MEETING: February 7, 2018

Respectfully submitted,

**Erin O'Hare, Environmental Planner
Acting Recording Secretary**