

WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION

WEDNESDAY, MARCH 4, 2015 – 7:00 P.M.

ROBERT EARLY AUDITORIUM, TOWN HALL

45 SOUTH MAIN STREET, WALLINGFORD, CT

MINUTES

The Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission was held on Wednesday March 4, 2015 in Council Chambers, Town Hall, 45 South Main Street, Wallingford, Connecticut.

Seated Commissioners were Chairman James Vitali; Nick Kern, Secretary; David Parent,; Deborah Phillips; Michael Caruso; alternates; Erin O'Hare, Environmental and Natural Resources Planner.

Absent: Vice-Chair Ellen Deutsch; Commissioners Dennis Murphy and Jim Heilman, alternate.

Voting members were: Vitali, Kern, Parent; Phillips and Caruso.

Chairman Vitali called the Meeting to order at 7:02 p.m.

CONSIDERATION OF MINUTES

1. Regular Meeting, Feb. 4, 2015, 7:00 p.m.

**MR. PARENT: MOTION TO APPROVE THE MEETING MINUTES OF
FEB. 4, 2015 AS SUBMITTED**

MS. PHILLIPS: SECOND

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

OLD BUSINESS

1. **#A04-6.6/22 Masonic Avenue – Ashlar Village** – (request for bond release)

Ms. O'Hare said this is not ready to go forward for quite some time. This item will be removed from the agenda per Chairman Vitali's request.

2. **#A15.2.1/102 Harrison Road** – James & Cynthia Iannini – (tree clearing relative to residential construction).

Appearing in front of the Commission was Rosalind C. Page, Professional Land Surveyor, Winterbourne Land Services; David Lord, Soil Scientist; and Jim Iannini, Applicant.

Ms. Page presented an overview and distributed revised copies of the site plan to Commissioners. She said the property is a 40,647 sq. ft. acre lot which is part of a sub-division which was approved in 2006. She said this was a two-lot subdivision located on the north side of Harrison Rd. Ms. Page said lot one already has a home and in 2006, the proposed home depicted on this lot was not in need of IWWC approval because no activity near the wetlands was planned. She said Mr. Iannini has purchased lot 2 and wishes to construct his house which is larger than depicted on the original plan. She noted as part of the proposed site development, permission to do some clearing in the upland review area is being requested which would allow Mr. Iannini to clear approximately 1,400 to 1,500 sq. ft. of trees within the upland review area, with no grading being done and to install a lawn. Ms. Page went over the proposed tree clearing limits and noted the revision shows a proposed silt fence prior to construction once the trees are cut down and would be maintained throughout the construction period until site stabilization. She said all other activities, house construction and driveway, will be outside the upland review area.

Chairman Vitali asked how the wetlands would be protected behind the buffer.

Mr. Iannini said erosion control measures will be implemented. He said there will be no other activity in the upland review area or in the wetlands and noted he will be on-site every day and will be personally responsible for what transpires.

Mr. Kern asked about future use of the property after it is cleared.

Mr. Iannini said he planned on having an open area in the back that would just be seeded.

Mr. Parent asked how the trees would be taken down.

Mr. Iannini said the perimeter would be flagged so nothing would be cut beyond that part and then the tree service would cut the trees which would be mostly small trees, drag the trees out and chip them and an excavator would remove the stumps.

Mr. Lord said most of the trees are saplings, four to six inches in diameter. He said this property appears to have been cleared previously.

In her Environmental Planner's Report dated Feb. 26, 2015, Ms. O'Hare said on the face of it, this seems to be a simple application, but in reality, there are some complications. She said there is an indeterminate wetland line on the west side of the property. She said she isn't clear as to what the low-lying area to the west of the property is. She said the 50 ft. back from this area would need to be drawn. She said she had several discussions with Mr. Lord and the Applicant and noted at this point it is indeterminate because of the snow cover. She said she has seen water in the area two years ago and said the area west to the lot receives flows off the low point off Harrison Road. She noted the culvert which doesn't show on Ms. Page's plan.

She said the culvert is shown on the original subdivision plan for the property and the catch basins which discharges water into the low-lying area is located 40 ft. west of Mr. Iannini's lot. She went over her photos of the catch basin and the low-lying areas. She said this doesn't make an appreciable difference, because Mr. Iannini is not planning to remove trees within 50 ft. of what she believes to be a water body. She said if he wanted to clear the trees right to the edge of the property line on the west side, Mr. Iannini would be within 50 ft. of the water body. Ms. O'Hare recommended approval with a condition in the file that this is indeterminate due to deep snow cover from the winter of 2014/2015. She said the status of the low lying area which receives flows off of Harrison Rd. is also indeterminate.

She noted the original sub-division map for the Fairways she left for the IWWC's review. She said this map was from 1996 and showed the area as a wetland. She said Mr. Lord went out there approximately one-month ago and he determined this area was not a wetland or a watercourse. She said this area does collect stormflows off the road and any precipitation around it. She said this doesn't affect the encroachment that Mr. Iannini is requesting tonight. Ms. O'Hare said she also recommended that a mitigation be considered, a transition area between the lawn and the woodlands with shrubs to provide a buffer.

Mr. Kern asked Ms. O'Hare if it were a common practice of the IWWC to request an Applicant to install shrubbery in the URA to protect the wetlands.

Ms. O'Hare said this is common when the encroachment is close. She said the steeper the terrain, the more runoff there will be from the lawn into the water below. She said the water collects and doesn't go anywhere and infiltrates into the ground.

She said the buffer should be located in the area where they are within 18 ft. of the wetlands not on the entire line.

Mr. Iannini said he preferred not to plant shrubbery because of the added expense.

Chairman Vitali asked Ms. O'Hare how many shrubs would be planted.

Ms. O'Hare said in the area closest to the wetlands, she recommended a total of 15 shrubs be planted which should be a mix of maple-leaf viburnum, red chokeberry, grey dogwood, highbush blueberry and a diverse mix of winterberry and spicebush to provide berries for birdlife.

Mr. Lord said he would prefer the more upland species because of moisture concerns.

Chairman Vitali recommended 15 shrubs be planted with the variety to be determined by the Applicant.

Ms. O'Hare noted that P&Z required some vegetation removal along Harrison Rd. 40 ft. from the water collection area (catch basin). She noted the Applicant was required to only remove trees less than six inches in diameter.

Mr. Iannini said as a condition of approval in 2006, the Engineering Dept. wanted the hatched area thinned out, anything under six inches in diameter. He said he planned on leaving growth on that entire side of the property, leaving no stumps.

Chairman Vitali said an orange construction fence hung on the trees would be preferred over the flags provided by Ms. Page.

Mr. Iannini said he would install caution tape and run it from tree to tree to identify the boundary of clear-cutting. He said Ms. Page would determine this boundary.

Chairman Vitali said this was an interesting application but the protection of the wetlands has not been lost.

Ms. O'Hare said there was a minor misrepresentation on the plan. She said it is where the 50 ft. upland review area comes down at a straight diagonal and should have been looped around. She said this presupposes there are wetlands on the property next door, but there are no wetlands on the property next door and the line shouldn't be there. She said this is the plan Ms. Page distributed.

Chairman Vitali entertained a motion to determine significant activity at this time.

MR. PARENT: **MOTION THAT APPLICATION #A15-2.1/102 HARRISON ROAD
JAMES & CYNTHIA IANNINI – (TREE CLEARING RELATIVE TO
RESIDENTIAL CONSTRUCTION) BE DEEMED NOT A SIGNIFICANT
ACTIVITY**

MS. PHILLIPS: **SECOND**

VOTE: **PARENT-YES; KERN-YES; PHILLIPS-YES; CARUSO-YES;
VITALI-YES**

Chairman Vitali entertained a motion regarding the wetland permit for this application.

MR. PARENT: **MOTION THAT APPLICATION #A15-2.1/102 HARRISON ROAD
JAMES & CYNTHIA IANNINI – (TREE CLEARING RELATIVE TO
RESIDENTIAL CONSTRUCTION) BE APPROVED SUBJECT TO
CONDITIONS 1, 2, 3 & 4 IN THE
ENVIRONMENTAL PLANNER'S REPORT DATED FEBRUARY**

26TH, 2015 AS FOLLOWS:

1. ADDITIONAL SILT FENCE PROTECTION TO BE INSTALLED RELATIVE TO TREES REQUIRED TO BE REMOVED ALONG HARRISON ROAD TO IMPROVE SITE LINE (CONDITION OF THE 2006 PZC PERMIT APPROVAL).
2. A 15-FOOT DEEP RIM OF NATIVE SHRUBS (A DIVERSE MIX OF WINTERBERRY, SPICEBUSH, Highbush Blueberry, Maple-leaf Viburnum, Red Chokeberry, Grey Dogwood) BE INSTALLED ALONG THE EDGE OF THE ENCROACHMENT AREA. PLANTINGS WILL FUNCTION AS A VEGETATIVE BUFFER BETWEEN THE LOW-LYING WOODLAND DOWNGRADIENT OF THE PROPOSED LAWN TO BE INSTALLED WITHOUT POSING A DAMAGE RISK TO THE NEW HOME.
3. EROSION CONTROL MEASURES ARE IN PLACE AND MEET THE APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR TO ANY FURTHER WORK BEING CONDUCTED ONSITE:
4. THE FILE INDICATE THAT, DUE TO DEEP SNOW COVER CONDITIONS IN THE WINTER OF 2014/2015, THE STATUS OF THE LOW-LYING AREA THAT RECEIVES FLOWS OFF HARRISON ROAD IS INDETERMINATE,
5. THE BOUNDARY DISTURBANCE WILL BE DELINEATED BY CONSTRUCTION TAPE.

MS. PHILLIPS: SECOND

VOTE: PARENT: YES; KERN-YES; PHILLIPS-YES; CARUSO-YES;
VITALI-YES

NEW BUSINESS

RECEIPT OF NEW APPLICATIONS

1. **#A15-2.2/720 North Main Street Extension** – Wallingford Dialysis Care, LLC/GEM Property Group, LLC – (administrative approval request to revise **IWWC #A13-7.4** to

install auxiliary equipment and walkway at rear façade in upland review area) –
Approved Administratively by Chairman Vitali.

Chairman Vitali said this is a plan which IWWC approved and was also approved by Planning & Zoning and noted the building has been constructed. He said when the people came into the building, a different HVAC system was required so a pad is being installed against the building and part of the pad is encroaching into the upland review area. Chairman Vitali said he and Ms. O'Hare communicated regarding this issue, and she determined there was no negative impact to the wetlands and administrative approval for this application was granted.

Chairman Vitali noted since that time, it was realized that since the building was divided in half, a similar request would have been required for the second half of the building, and therefore another pad was constructed with half of the pad intruding into the upland review area.

Ms. O'Hare noted the sidewalk was up against the rear façade which is about 50 ft. away from the wetlands.

Chairman Vitali said all the work was completed.

ELECTION OF OFFICERS - Tabled

REPORTS & COMMUNICATIONS

1. Regulation revisions

Ms. O'Hare said there was no update from the Law Dept.

2. CACIWC newsletter, "The Habitat", Winter 2015

Received by the Commission.

3. IWWC Membership list – revised 2/17/15

Received by the Commission.

4. IWWC Budget

Ms. O'Hare said there will be a meeting with Mayor Dickinson on March 5, 2015 and the hearing with the Town Council is scheduled for April.

5. DEEP Permit Application for the Use of Pesticides in State Waters – re: Fieldstone Pond; Applicant: Northeast Tree, Pond & Turf Services, Inc.; received 2/24/15.

Ms. O'Hare said this application is submitted to DEEP every year and public comment is allowed.

VIOLATIONS

Ms. O'Hare said there are a few violations but because of the snow, everything has been put on hold.

NEXT MEETING – APRIL 1, 2015

ADJOURNMENT

Commissioner Parent made a motion to adjourn the meeting at 7:39 p.m. Commissioner Phillips seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary