

WALLINGFORD INLAND WETLANDS & WATERCOURSES COMMISSION

WEDNESDAY, MAY 6, 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 May 6, 2015, in Council Chambers, Town Hall, 45 South Main Street, Wallingford, CT.

Seated Commissioners were: Secretary Nick Kern, Acting as Chair; David Parent; Dennis Murphy; Alternates Deborah Phillips; Jim Heilman; Michael Caruso; Erin O'Hare, Environmental and Natural Resources Planner.

Acting-Chair Kern called the Meeting to order at 7:05 p.m. and called for a moment of silence in honor of former Vice-Chair Ellen Deutsch who recently passed away after over 25 years of service with the Commission.

Voting members were: Commissioners Kern, Parent, Murphy, Heilman and Phillips.

CONSIDERATION OF MINUTES

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

MR. PARENT: MOTION TO APPROVE THE MARCH 4, 2015 MEETING MINUTES BE APPROVED

MS. PHILLIPS: SECOND

**VOTE: KERN-YES; PARENT-YES; HEILMAN-YES;
PHILLIPS-YES; MURPHY-ABSTAIN**

OLD BUSINESS

1. **#A15-3.2/78 South Elm Street – Doolittle Park/Wharton Brook –**
Wallingford Park & Recreation Department - (streambank restoration project)

Ms. O'Hare said this involves a stream bank restoration project on Wharton Brook as it runs through Doolittle Park. She said the Applicant would not be presenting tonight

because she received a letter from John Gawlak, Parks & Recreation Director, respectfully requesting this matter be tabled to the June meeting.

ITEM TABLED TO THE JUNE MEETING

NEW BUSINESS

1. **#D15-5.1/High Hill Road** – Carver Preschool & Carver Academy c/o New Life Church, Inc. – (educational facility) – Request for Determination of Exemption (WITHDRAWN).

Ms. O'Hare said this is under two places on the agenda: "New Business" and "Receipt of New Applications" because the Applicant was considering a request for determination where an application was not required, and then decided to go forward with the permit application process. Ms. O'Hare said the Applicant has withdrawn his request under "New Business" and are going forward with the new application.

Commissioner Heilman pointed out there are times when an application comes before the IWWC that tends to get involved for a variety of reasons, and is unfortunate that there is no additional information but is accepted and will be considered at the June meeting.

RECEIPT OF NEW APPLICATIONS

1. **#A15-4.1/37 Harrison Road** – Joseph DiNatale, Tradition Golf Club At Wallingford, LLC- (after-the-fact temporary golf cart path installation, bridge demolition, and permanent golf cart installation)

Received by Acting Chair Kern.

Ms. O'Hare said the Applicant will present at the June meeting. She said the Applicant had a wooden bridge which is part of their golf cart access around the course which broke, so a temporary route was installed and they are coming in to get a permit for the temporary route and to remove the bridge.

2. **#A15-4.2/110 West Ridgeland Road** – Scott Croteau – (residential addition) . Administrative approval.

Ms. O'Hare said Mr. Croteau did not realize a wetlands permit was needed because the residential addition is close to the 50 foot upland review area where work is being performed and there is a stream. She said the Applicant came in for his permit which was approved administratively and was just on the agenda for notice. Ms. O'Hare said she had visited the site two weeks earlier and saw a small stream.

3. **#A15-5.1/High Hill Road** – Carver Preschool & Carver Academy c/o New Life Church, Inc. – (educational facility).

Received by Acting Chair Kern.

Ms. O'Hare said this is a southern piece of property abutting the former Mountainridge property on the Meriden Town line. She said there is a 16 acre lake involved in this application. Acting Chair Kern suggested a site visit. The Commission agreed to conduct a special meeting site visit on Tuesday, May 19 at 5:30 p.m.

4. **#A15-5.2/1 Briarwood Lane** – (shed) – administrative approval

Received by acting Chair Kern

5. **#A15-5.3 /10 & 20 Alexander Drive** – Robert Tedeschi, AECOM, formerly URS Corporation – (minor plan revisions within scope of original permit, **IWWC #A14-9.4** .

Received by Acting Chair Kern who said he had visited the site on Wednesday and noticed the equipment was still on-site. Ms. O'Hare said a revised plan was submitted, and another revision will be submitted next week. She said there will be two minor revisions to include changing the grade on the side of the walkway and changing the little sidewalk but noted both changes fall within the upland review area. She explained this is the pedestrian elevated walkway between 10 & 20 Alexander Drive. She said the Applicant will come before the IWWC for a minor plan revision.

ELECTION OF OFFICERS

Postponed to the June meeting.

REPORTS & COMMUNICATIONS

1. Regulation revisions – status

Ms. O'Hare said a response was received from Atty. Joan Molloy to certain proposed changes. She said she will meet with Corporation Counsel Janis Small to complete the revisions which will be presented at the June 3 Meeting.

2. DEEP Permit Application for the Use of Pesticides in State Waters – re: Choate School Ponds; Application: Aquatic Control Technology; received 3/6/15.

Ms. O'Hare said this is a March date because there was no meeting in April. She said this is a pro-forma as is the case with item #4 Ashlar Village Pond. She said the State distributes the permits and the local wetland commissions get to comment if they feel the need. She said there is no obligation to review them. Ms. O'Hare said she made some comments about land use around the ponds.

3. Southwest Conservation District, Inc. newsletter, "Soil & Water", Spring 2015 – received by the Commission
4. DEEP Permit Application for the Use of Pesticides in State Waters – re: Ashlar Village Pond – discussed on Item #3 above.

5. IWWC Transportation reimbursement

Acting Chair Kern said the Commissioners have signed these documents.

6. Staff Report, dated 4/30/15 – active sites & violation matters

Ms. O'Hare noted she included in the Commissioner's packets, the three-page staff report of all the sites she investigated this spring. She said some are new, and some are carry overs from the fall. She spoke about different sites on the list because of complaints, ongoing work or final checks. She said went out to Toll Brothers, where plantings had to be installed. She said she is scheduled to visit 135 Fawn Drive on Friday to inspect the wetland placards. She spoke about the 16-lot subdivision on Chimney Hill Road and noted the bond had been posted and construction will begin shortly. Acting Chair Kern asked if a soil & erosion control fence will be installed on the south side of the property.

Ms. O'Hare said it is fairly flat in that area and added she will be contacted by them for a site visit next week. Ms. O'Hare spoke about running bamboo and noted the current statute allows wetland enforcement officers the authority to enforce the bamboo statutes. She noted at the local level, this authority has to be transferred to either the wetland enforcement officer, the zoning enforcement officer, or the tree warden which hasn't occurred as of yet. She said when she gets notice of running bamboo, she does a site visit and if she determines it is running bamboo, she sends a letter to homeowners advising them of the State statute and that they might not be in compliance. She said this action has been approved by the Law Department.

Acting Chair Kern asked about 182 Williams Road and the Water Division advising of manure entering the stream. Ms. O'Hare noted the Water Division has a source protection staff which walks the watershed checking for septic system failures and erosion problems, etc. She said horses and cows are allowed to walk in the stream and under the wetlands act this is permissible. She said the Water Division doesn't like this and were going to pursue this from a public health standpoint, but she doesn't have any authority under wetlands.

Commissioner Heilman asked about 102 Harrison Road. Ms. O'Hare said this was an application approved two months ago and a permit was granted. She said when the Applicant was clearing the trees, they discovered it was wetter than expected. Ms. O'Hare said she performed a site visit with Commissioner Heilman.

Commissioner Heilman said this was a situation like the northeast/northwest corner of Chimney Hill Road that receives an influx of water in the spring and doesn't flow off the area or rapidly percolate which creates a dead zone of vegetation that looks like a wetland. He said when a core sampling was done, there was no mottling and doesn't support the functions of a wetlands.

Acting Chair Kern asked about the report regarding a wetlands check requested by the owner at 29 Whiffle Tree Road which involves a driveway encroachment on Town property. Ms. O'Hare said the owner's driveway encroachment is not in the IWWC jurisdiction. She said this matter

has been turned over to the Engineering Department who will resolve this with the Law Department. Ms. O'Hare said she was asked by the owner if a permit was needed to construct a fence. She said the owner is on a 50-ft. easement owned by the Town. She said there is nowhere else for the driveway to go.

VIOLATIONS – Not taken up.

ADJOURNMENT

Mr. Parent made a motion to adjourn the meeting at 7:29 p.m. Mr. Murphy seconded the motion which passed unanimously.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary