

**INLAND WETLANDS AND WATERCOURSES COMMISSION**

**TOWN OF WALLINGFORD**

**REGULAR MEETING**

**WEDNESDAY, JUNE 5, 2013**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, June 5, 2013, in Council Chambers, Town Hall, 45 South Main Street, Wallingford, Connecticut

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

Absent – Jim Dobson – alternate.

Chairman Vitali called the meeting to order at 7:04 p.m.

**CONSIDERATION OF MINUTES**

May 1, 2013 – Regular Meeting

**MS. DEUTSCH:        MOTION TO APPROVE THE MINUTES OF THE MAY 1, 2013  
AS SUBMITTED.**

**MR. MURPHY:        SECOND**

**VOTE:                TO APPROVE – DEUTSCH, PHILLIPS, MURPHY, KERN;  
ABSTENTIONS -VITALI, HEILMAN, PARENT.**

**OLD BUSINESS:**

1. **#A13-3.1/LINEY HALL LANE/MUDDY RIVER – RESIDENTS OF LINEY HALL LANE – (bridge reconstruction)**

Presenting the application was Attorney Vincent McManus representing the property owners on Liney Hall Lane.

Atty. McManus presented an overview. He said Liney Hall Lane from the Muddy River east is a private way which includes the bridge. He said over the last several years, the Fire Department refused to cross the bridge. A structural engineer hired by the Town inspected the bridge and deemed it passable. The Town then set up a bi-annual inspection of the bridge. Atty. McManus said it became apparent the bridge, had to be replaced. He said several concrete companies were contacted to come up with a plan to replace the bridge which will identically match the existing bridge. Atty. McManus said the road will only have to be closed for one day to replace

the box culvert. He said he does not expect any other activities beyond the stream channel, that is why the work will be done during July and August when flows are minimized.

Chairman Vitali expressed concern that replacing the existing culvert and not increasing its size may cause a flow problem. Ms. O'Hare went over the Environmental Planner's Report dated May 30, 2013. She said the revised design for the bridge was submitted on Thursday afternoon so it was not reviewed. She suggested the Engineering Department look at this box culvert to determine whether or not the existing footings are sufficient and that the design must satisfy FEMA requirements as this is a floodway.

Chairman Vitali said footings were not needed because it is a box culvert. Commissioner Kern suggested taking the footings out and making the box culvert larger and setting the elevation at the same height as it currently is which would give four more feet of circumference to allow the water to flow through.

Ms. O'Hare said if the Commission decides to approve this application, erosion controls must be discussed.

Commissioner Heilman expressed concerns regarding what effect this box culvert will have on wetlands upstream and downstream. Chairman Vitali requested the Applicant work with Ms. O'Hare on an erosion control plan. The parapet on the sides of the box culvert and the roadway on top of the box culvert were discussed. Atty. McManus will ask Engineering about feathering the sides of the road on the Town side of the bridge.

**MS. DEUTSCH:**            **MOTION THAT APPLICATION #A13-3.1 /LINEY HALL LANE/ MUDDY RIVER - RESIDENTS OF LINEY HALL LANE (BRIDGE RECONSTRUCTION) BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.**

**MR. KERN:**                **SECOND**

**VOTE:**                      **UNANIMOUS**

**MS. DEUTSCH:**            **MOTION THAT APPLICATION #A13-3.1/LINEY HALL LANE/MUDDY RIVER - RESIDENTS OF LINEY HALL LANE (BRIDGE RECONSTRUCTION) BE APPROVED AS SUBMITTED WITH THE CONDITION OF APPROVAL THAT EROSION CONTROLS BE APPROVED BY MS. O'HARE.**

**MR. KERN:**                **SECOND**

**VOTE:**                      **UNANIMOUS**

2. **#A13-4.2/9 DOHERTY DRIVE – JESSICA P. COUZENS – (fencing)**

Presenting the application was James Couzens, Applicant's husband

Ms. O'Hare said she was contacted in mid-April to go to the site to determine if a permit was needed to put up fencing. She said the owner was surprised to learn of the large amount of wetlands situated on her property. Ms. O'Hare said the Applicant knew about the wetland area in the back rear edge of her property. There is also a extensive wet meadow that is owned by the Homeowners Association. She said in the process of applying and reviewing the applications, it was discovered that the A-2 survey depicted a much larger area of wetlands than the Applicant was aware of. She said the owner wants to put fencing on each side and along the back edge of her property for her dog. Ms. O'Hare noted in her Environmental Planner's Report, dated May 30, 2013, that she recommended approval of the fencing.

**MS. DEUTSCH:**            **MOTION THAT APPLICATION #A13-4.2/9 DOHERTY DRIVE -  
JESSICA P. COUZENS – FENCING - BE DEEMED NOT A  
SIGNIFICANT ACTIVITY.**

**MR. KERN:**                **SECOND**

**VOTE:**                      **UNANIMOUS**

**MS. DEUTSCH:**            **MOTION THAT APPLICATION #A13-4.2/9 DOHERTY DRIVE -  
JESSICA P. COUZENS – FENCING – BE APPROVED AS  
SUBMITTED.**

**MR. MURPHY:**            **SECOND**

**VOTE:**                      **UNANIMOUS**

3. **#A13-4.4/QUINNIPIAC RIVER/155 EAST STREET/WILBUR CROSS  
HIGHWAY** – Town of Wallingford Sewer Division – (sewer utility installation)

Ms. O'Hare said she received correspondence from Water and Sewer Divisions General Manager Roger Dann who requested this matter be tabled because the Water and Sewer Division is considering adjusting the design.

The Chairman tabled the application.

**NEW BUSINESS:**

1. **AIRPORT GROWERS, LLC** – (Request for fee waiver re: #A13-4.5)

Ms. O'Hare recommended the application fee be waived. She said the Applicant had received approval at the May 1 meeting for a Request for Determination of Exemption under the agricultural provision which was granted on May 1. She said the Applicant neglected at that time, to request a fee waiver which relates to their wetland application for the very same activity. She noted the wetland application was not received because the Applicant withdrew it at the May 1 meeting. Ms. O'Hare recommended the fee waiver be considered.

**MS. DEUTSCH:**            **MOTION THAT AIRPORT GROWERS, LLC - REQUEST FOR FEE  
WAIVER RE: #A13-4.5 BE GRANTED**

**MR. MURPHY:**            **SECOND**

**VOTE:**                        **UNANIMOUS**

**RECEIPT OF NEW APPLICATIONS:**

1. **#A13-5.3/14 BROOKVIEW DRIVE** – John Santamaria – (after-the-fact application – bridge, clearing)

Ms. O'Hare said she received an anonymous complaint of a bridge being constructed over a stream and an area being cleared on the other side of the stream. At the Chairman's suggestion, the owner submitted an after-the-fact application.

2. **#A13-5.4/320 BARNES ROAD** – Borghesi Building – (permit modification to IWWC #A11-10.2)

Ms. O'Hare said the Applicant had requested an Administrative Approval but it was decided a Permit Modification would be in order. She said she had recommended an Administrative Approval because the building is being expanded out 20 feet with work coming one foot from the wetlands. She said the work is still in the upland review area. Chairman Vitali said he did not see this as good use of Administrative Approval because the Permittee cannot construct the building to the building line, as they will be in the wetlands. Ms. O'Hare said the grading, not the building, will be up to the wetlands area.

The application was received.

3. **#A13-5.5/OLIVER CREEK ROAD TO EAST STREET/Algonquin Gas Transmission, LLC** – (line work, Pipeline Integrity Project)

Ms. O'Hare said the lines are being tested and when they find an anomaly, they have to dig and excavate in the wetlands to correct it.

The application was received.

4. **#A13-5.6/6 EAST DAYTON HILL ROAD – Douglas Morgan** – (after-the-fact application – yard and drainage improvements).

Presenting the application was Douglas Morgan, owner and Applicant.

Ms. O'Hare said this item is on the agenda twice: once under "Violations" and once under "Receipt of New Applications." She said at the May 1 meeting, the Commission directed, and the Applicant submitted, an after-the-fact application. Mr. Morgan said he is considering, later on in the year, constructing a berm between the two yards. Chairman Vitali said he observed a lot of activity had been done in the wetland area. He said all the water on the property is not necessarily coming from upstream. He said the Applicant is on a wet piece of property and

questioned whether more activity should be done on this site. Ms. O'Hare said the Applicant applied for an after-the-fact application because there are a lot of wetlands on his property that are now filled. Ms. O'Hare said Vice-Chairperson Deutsch and Commissioner Kern had gone to the site and felt the work that was done was completed in a sensitive manner and that extracting the fill from these wetlands would do more harm than good at this point. So the Commission recommended at the May 1 meeting to file an after-the-fact application. Ms. O'Hare said the Town has agreed to install a catch basin on the front of Mr. Morgan's property to be set at such a height that it would take the storm flows off of the front of the property so they don't spill out onto East Dayton Hill Road. The Commission will consider this application at the July meeting.

5. **#A13 – 5.7/58 & 88 WOODHOUSE AVENUE** (Map 150/191 & Map 150/186) – Donald R. Ahearn – (apartment complex – 36 units)

Ms. O'Hare said the application came in Friday and was distributed tonight for review.

The application was received.

## **6. MASONIC HOME-ASHLAR VILLAGE**

Ms. O'Hare said the Applicant requested a maintenance activity on the Big Pond at Ashlar Village. She said the work at the pond edge would be considered maintenance, but the activity upland from this, would be suitable for an Administrative Approval. Dan Kroeber, P. E., Milone and MacBroom, Inc., gave an overview. He said a plan proposal and photographs were submitted of the gabion wall at the pond edge. He said there is a need to maintain that wall. He noted as they looked at stabilizing that wall, a few minor changes were made to make the slope more stable, which included the installation of a new retaining wall to reduce the gradient of the slope. He said the area is approximately 150 feet long and has had its wetlands approval as part of the Ashlar Village project. Shelley Plude, EIT/MS., Milone and MacBroom, Inc., said the gabion wall will be removed and be replaced with stone along the edge of the slope to protect the edge. She said the lower slope will be planted with native vegetation and a walking path will be built. She said timeframe of completion is scheduled for late summer depending on funding.

Chairman Vitali noted there were no objections by the Commission for consideration of an Administrative Approval for this project.

## **REPORTS & COMMUNICATIONS**

1. **Staff Report, dated May 30, 2013** – not discussed.
2. **Environmental Planner's Report re: QWRA Training Session for Public Works Dept., May 17** – not discussed.
3. **Correspondence to Chairman Vitali, IWWC, from Bill Comerford re: 91 No. Turnpike Rd., Public Works Storage Yard, dated 6/4/13** – (possible unpermitted discharge)

Chairman Vitali presented an overview of the request which resulted from an April incident. He said Mayor Dickinson is heading up the matter and has met with the Water Division and Ms. O'Hare in this regard. Chairman Vitali said Mr. Comerford had a video of the event.

Ms. O'Hare said she received a complaint from Mr. Comerford and, in response to that complaint, visited the site last week and noted no obvious evidence of a release, but it is

possible and is under review. She distributed photographs. She said there are two wetlands in that area that are bare, but there is no evidence of dead vegetation. Ms. O'Hare said that as this is an aquifer protection area, the Water Division will look at the area to determine if there is any evidence of a problem. She said she is scheduled to visit the site again with the Water Division on Friday. She said it was noted that storm water runoff does come off Rte. 150 at that point and ends up in that wetland. She said there are also storm flows entering from the top of that area.

Chairman Vitali asked if Ms. O'Hare found an oil sheen.

Ms. O'Hare responded that regarding the current event, not the event in April, she did observe a very thin film in the first small wetland. She said it was not rainbow colored, but slightly milky and translucent. She said the sheen was not there the following Monday when she returned to the site.

Mr. Comerford said he had spoken to Ms. O'Hare who had spoken to DEEP which stated this was a local wetlands issue and this is why he asked to have this item put on the agenda. He said there have been many violations and numerous cease and desists on this land which have been ignored. He said up until April 8 this continued. He said he witnessed this particular situation on April 8. He said the Public Works vac truck went down to the resident waste oil disposal area off of Pent Road and removed all the sludge and proceeded to go to the Dept. of Public Works and remove 1,500 gallons of oil separator waste and dump it in their storage yard. He said he videotaped the entire incident. He said he is concerned about the area and the environment and would like to see the entire area shut down.

Chairman Vitali requested that Mr. Comerford forward a copy of his video to Ms. O'Hare.

Mr. Comerford declined, saying he wanted to publically show the video at this meeting to officially have it entered into the record.

Nick Economopoulos, speaking as a concerned resident, not in his role as Town Councilman, expressed his concern over how the April 8 incident was being handled.

Chairman Vitali said this issue will be investigated on the administrative level. He said our responsibility is what issue is in the wetlands right now. He noted there is no obvious spill as of yesterday or the day before, although it could have been two months ago. He said the DEEP classifies the April deposition as solid waste.

Commissioner Kern said he was concerned about the two bare spots in the wetlands and seepage into the Quinnipiac. He said the Commission should request that Ms. O'Hare go to the site and take soil samples.

Commissioner Heilman requested a report so that the IWWC could respond based on the facts.

Chairman Vitali said he would like to see the outcome of the investigation discussed at the next Commission meeting and soil samples should be taken of the area.

Ms. O'Hare said there is no evidence to take the next step of collecting soil samples. She said the Water Division will go to the site and make the determination of whether soil samples need to be taken. She said if oil were spilled, dead vegetation would be seen. She said she did go to the site on April 8 to take photographs of the original spill and went out there every day

following the incident. She indicated she will be checking the floodplain for occurrence of other bare wetlands.

Chairman Vitali said the Commission plans to respond to this issue after receiving a full accounting in next month's Environmental Planner's Report.

## **VIOLATIONS**

1. **6 EAST DAYTON HILL ROAD – Douglas Morgan** – (clearing, filling) – Taken up above.
2. **1148 NORTH COLONY ROAD – North Colony Development Group, LLC** – (clear-cutting activities).

Gary Greenalch, Pacesetter Construction Corporation, spoke on behalf of the owner of the property.

Mr. Greenalch said there is a steep hill on the site with a lot of issues, one of them being drainage. He said as trees were being taken down, there was an area, approximately 20 ft. by 40 ft. which was found to be wetlands that the Town had no record of. He said the soil scientist then determined these wetlands to be insignificant. He said hay bales have been installed around the wetlands to protect them and 50-foot buffer stakes were also installed. He said that by the end of the summer, a full set of plans showing drainage, retaining walls and landscaping, should be completed.

Ms. O'Hare said she got the direction at the May meeting that the Commission did not want to wait until the development plans were submitted, and then built out which could take years; they wanted to see the area restored. She said she told Mr. Zion she wanted to see a planting plan before June 15 or by Fall at the latest. She noted there was not much re-growth observed and, to re-vegetate the area, it would take six shrubs in the wetlands and approximately 50 shrubs and three trees in the upland review area. She said there is no erosion off the site because of the slash on the ground.

Chairman Vitali instructed the Mr. Greenalch to return with plans in time for the September Commission meeting.

## **TRANSPORTATION REIMBURSEMENT**

Chairman Vitali authorized the annual reimbursements to Commissioners.

## **ADJOURNMENT**

Vice-Chairperson Deutsch made a motion to adjourn. The motion was seconded by Commissioner Murphy and passed. The meeting adjourned at approximately 8:50 p.m.

Respectfully submitted,

Cynthia A. Kleist

Recording Secretary