

**Inland Wetlands and Watercourses Commission
Town of Wallingford
Regular Meeting
Wednesday, September 5, 2012**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, September 5, 2012, in Council Chambers, Town Hall, 45 South Main Street, Wallingford, Connecticut.

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

Absent: Jim Dobson - alternate

Chairman Vitali called the meeting to order at 7:00 p.m.

CONSIDERATION OF MINUTES:

July 18, 2012 – Regular Meeting

MS. DEUTSCH: MOTION TO APPROVE THE MINUTES OF THE JULY 18, 2012 MEETING AS SUBMITTED.

MR. MURPHY: SECOND

VOTE: UNANIMOUS – MR. PARENT ABSTAINED FROM VOTING.

CEASE & DESIST ORDER HEARING:

5 MEGAN LANE & 100 MEGAN LANE – Lui He Ping and Yu Fu Hua – (clearing, alteration, deposition, and installations within swamp, wetland, and upland review area at the 100 Megan Lane preserved open space property)

Present was Jimmy the son of Lui He Ping and Yu Fu Hua, the owners of 5 Megan Lane.

Ms. O’Hare stated that the Cease & Desist Order is dated August 28, 2012. This Cease & Desist was sent because she has not been able to get satisfaction on this property. Several notices have been sent previously. The first notification on this property went out in 2006. Ms. O’Hare has staked the property line before and the owners of 5 Megan Lane have continued to use the property on 100 Megan Lane for agricultural purposes. Ms. O’Hare indicated that originally it started as row crops but has spread to include trellises and invasive bamboo. She stated that the bamboo has spread and she is very concerned that it could spread throughout the wetland and keep on going. Ms. O’Hare indicated that the owners do not speak English but she has been speaking to their children who do. The owners didn’t understand that their property ended approximately 18 feet from the side of their house. Ms. O’Hare has made it clear that everything has to be removed from the open space area. She would also like to see a simple fence installed to make the limits of their property clear. Ms. O’Hare asked the owners to remove the bamboo and the bamboo roots. She suggested that they be allowed to harvest their crops but then remove them along with miscellaneous materials from the open space area and fill in the 7-foot diameter pond they excavated. Ms. O’Hare pointed out that there is a row of small evergreens that were planted in the open space that she would also like to see removed.

Ms. O'Hare stated that the Brocks Meadow Association that owns the open space, 100 Megan Lane, is copied on all correspondence. She has been informed by the neighbors that the Association is not a functional association.

Chairman Vitali explained to the representative that all activity should stop in the open space area which is a wetland. The representative stated that he and his family understand and they are going to stop gardening in the open space area.

Mr. Heilman stated that the most important thing would be to remove the roots of the bamboo because that invasive bamboo could alter the characteristic of the wetland. This is Chinese bamboo, not the more commonly seen, Japanese Knotweed, which is sometimes called bamboo.

The representative indicated that the bamboo would be cut and this coming spring very few or no new roots would come back up. He stated that the bamboo was already in the wetland when they moved in. Ms. O'Hare stressed the importance of having that bamboo removed, especially the roots. The representative indicated that it is very difficult to completely get the roots out of the ground. They will cut the bamboo and it should die out and not grow back. The Commission discussed the best way to handle getting rid of the bamboo, which is the goal. If the bamboo is cut and they find that it comes back up in the spring then they will have to take another approach to getting rid of it.

Commissioner Parent feels that the representative should respond directly to the items mentioned in the Cease & Desist. It should be made clear that he understands what needs to be done. The representative then indicated that he understands what needs to be done according to the letter that was sent to him by the Town.

It was decided that the Order would be kept open and that Ms. O'Hare would continue to work with the Applicant to satisfy the Cease & Desist. She was directed to forward a follow up letter with explicit directives to the owners.

OLD BUSINESS:

#12-7.2 / 7 LASER LANE – Wallingford Warehouse, LLC – (industrial addition, parking area)

Presenting the application was Chris Juliano, P.E., Juliano Associates representing Wallingford Warehouse, LLC.

The existing building is approximately 42,000 sq.ft. and it a manufacturing facility that deals with high-end technical equipment for the drilling industry. The company is growing and they need room to expand. Mr. Juliano reviewed the site plan. Under current conditions the visitor parking lot drains down into the existing drainage system in Laser Lane. The employee parking lot on the south side of the property sheet flows northwesterly where it flows off of the pavement onto the grass. There is a discharge from the roof runoff which is located in the northerly part of the parking lot. All of this runoff eventually makes it off site and travels northerly. They are proposing to add a 23,000 sq.ft. building addition where the existing parking lot is located. This space will be manufacturing and assembly. There will be a new loading dock area as well. As a result of this expansion they will need to build a new parking lot. The new lot will be located to the south and it will accommodate parking that will be lost from the expansion of the building as well as parking that is required for the new building.

The stormwater will be collected from this parking lot and be pre-treated before it gets put into an underground detention system and is discharged. With this system there will be a constant cleaning of that first flush. Catch Basin #1 was modified and it will have a sediment chamber and catch basin unit. There will be two forms of pre-treatment before the water gets into the ground.

Upon the request of Ms. O'Hare the roof leaders will be tied into a storm tech unit to be located in the moderately well drained soils along the westerly property.

All of the construction activity will be far enough away from the wetlands that any impact would be very insignificant.

Mr. Juliano indicated that he has addressed all of the concerns mentioned in the letter dated from Ms. O'Hare. All of them have not been put on the plans yet but he agrees to all 6 recommended conditions of approval as listed in the August 29, 2012 Environmental Planner's Report. He indicated APS Technology, Inc. and Wallingford Warehouse LLC will be listed as responsible parties in the revised Stormwater Management Maintenance Plan to be submitted.

Ms. O'Hare discussed recommended conditions of approval #5 and #6 from the Environmental Planner's Report. She would like to have these added to all approvals as standard conditions. The Commission discussed these suggested conditions. It decided that these two items should not be listed as conditions of approval but they should be clearly stated to the Applicant or placed in a letter to the Applicant. These two conditions should be handled similarly to the condition that states that the Environmental Planner must approve all S&E measures before any activity takes place on site.

MS. DEUTSCH: **MOTION THAT APPLICATION IWWC #A12-7.2 / 7 LASER LANE BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.**

MR. MURPHY: **SECOND**

VOTE: **UNANIMOUS**

MS. DEUTSCH: **MOTION THAT APPLICATION IWWC #A12-7.2 / 7 LASER LANE BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

1. **PROVIDE FOR ADDITIONAL STONE PROTECTION IN THE AREA OF EXISTING STORM FLOW DISCHARGE IN THE NORTHEASTERLY CORNER OF THE PROPERTY.**
2. **REDESIGN THE CURRENT PROPOSAL WHICH DIRECTS THE PROPOSED OVERFLOW FOR THE ROOF FLOW INFILTRATION FACILITY TO THE MAIN SYSTEM – WHICH DISCHARGES ULTIMATELY TO THE TOWN STORMWATER SYSTEM IN RESEARCH PARKWAY – TO A SURFACE DISCHARGE POINT TO BE PROVIDED ONSITE ALONG THE WESTERLY PROPERTY LINE WHERE FLOWS WOULD ENTER THE EXISTING STORMWATER DISCHARGE SWALE IN THE VICINITY.**
3. **A REVISED STORMWATER MANAGEMENT MAINTENANCE PLAN DOCUMENT TO BE SUBMITTED TO INCORPORATE REQUEST INFORMATION (AS LISTED IN THE ENVIRONMENTAL PLANNER'S REPORT DATED 8/29/12).**

4. **EROSION CONTROL MEASURES ARE IN PLACE AND MEET THE APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR TO ANY FURTHER WORK BEING CONDUCTED ONSITE.**
5. **THE ENVIRONMENTAL PLANNER IS TO BE NOTIFIED IF THE SILT FENCE INSTALLED NEEDS TO BE RELOCATED.**

NEW BUSINESS:

#12-7.2 / 7 LASER LANE – Wallingford Warehouse, LLC – (request for fee waiver)

Present was Chris Juliano, P.E., Juliano Associates.

Chairman Vitali indicated that this activity was previously submitted under the name APS Technology. The activity was submitted under Wallingford Warehouse, LLC this time. Both APS Technology and Wallingford Warehouse, LLC paid the application fee.

Ms. O'Hare recommended that the fee not be waived in this case. She stated that legally, in the past she has been told that the Commission has to follow what is in the regulations. According to the provision for waivers in the fee schedule in the regulations, the fee would not be waived in this case. In regards to the practical, Ms. O'Hare stated that she put a lot of work into the first application review and she also put a lot of work into the second review.

The Commission unanimously agreed that the fee should not be waived in this case.

#D12-8.1 / 965 NORTHRUP ROAD – Thomas J. Wall et al – Request for determination of exemption under Section 4.1a (demolition of two barns, construction of barn)

Presenting the request was Terry Wall, Katie Wall, and Tom Wall.

Tom Wall stated that there is a barn on the property that failed during a storm. They would like to replace that barn with a smaller barn. The new barn would be in the footprint of the old barn but it would face a different direction.

Ms. O'Hare has visited the site and there is no question that this barn is for agricultural use and the pond and wetlands would not be impacted. She indicated that the exemption should be granted.

The Commission unanimously agreed to grant the exemption.

RECEIPT OF NEW APPLICATIONS:

#A12-8.2 / 1040 DURHAM ROAD – Andrew & Jennifer Salzo – (yard improvements)

#A12-8.3 / 1038 DURHAM ROAD – Harry & Gail Morrow – (yard improvements)

#A12-9.1 / 4 CRYSTAL LANE – John & Helen Tomich – (addition & deck)

Chairman Vitali received the new applications.

REGULATION AMENDMENTS:

1. Proposed provision amendment – Section 10

Staff's memorandum regarding proposed regulations was received by the Commission.

REPORTS & COMMUNICATIONS:

1. Staff report, dated 8/30/12

Received by the Commission

- 2. DEEP Bureau of Materials Management & Compliance Assurance – Water Permitting and Enforcement Division – Notice of Tentative Determination re: (Draft language) General Permit for the Discharge of Domestic Sewage**
- 3. CT Association of Conservation and Inland Wetlands Commissions newsletter, “The Habitat”, summer 2012**

VIOLATIONS:

856 Clintonville Road – Paul Witek – (alteration and sedimentation of stream, clearing & regarding of wetlands and upland review area)

Ms. O’Hare stated that she has visited the site and it looks good. Mr. Witek is planning on putting in the plantings this fall. The Commission decided to leave the item on the agenda until the plantings are in.

ADJOURNMENT:

Commissioner Deutsch made a motion to adjourn. The motion was seconded by Commissioner Murphy and passed. The meeting adjourned at 8:20 p.m.

Sonja Vining
Recording Secretary
Town of Wallingford
Inland Wetlands and Watercourses Commission