

**Inland Wetlands and Watercourses Commission
Town of Wallingford**

SPECIAL MEETING

Wednesday, October 14, 2009

A Special Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on October 14, 2009, relative to a site investigation at 216 Northford Road regarding to a cease and desist matter and, subsequently, relative to a Regulation revisions discussion at the Town Hall, Room 205, 45 South Main Street, Wallingford.

1.) Roll call

Present were James Vitali, Chairman, Ellen Deutsch, Vice Chairperson, Nick Kern, Secretary, and James Heilman, and Erin O'Hare, Environmental Planner, David Parent arrived at 4:45 p.m.

Chairman Vitali called the meeting to order at 4:32 p.m.

2.) 216 Northford Road - Lynne Andrews Cooke - (cease and desist)

Present representing the property owner, Lynne Andrews Cooke, were her husband, Jeff Andrews, and Attorney Janet Brooks.

Chairman Vitali asked Ms. O'Hare to orient the IWWC on the site property utilizing the plan that depicted current and proposed activities on the site which had been submitted by the owner.

Ms. O'Hare requested Jeff Andrews to assist by pointing to existing roadways, proposed roadways, and other landmarks on the plan. The IWWC then walked towards the east along an old dirt road, the grade of which dropped off significantly approaching the low-lying wetlands area and stream corridor area where the unauthorized activities had occurred. David Parent arrived at this time.

The IWWC observed the area of disturbance (wetlands, watercourses, and 50-foot area surrounding wetlands and watercourses) and upland area where vegetation had been removed, grades altered and a large basin had been excavated earlier in the summertime. Chairman Vitali pointed out that the change in grade to a certain wetland area could be discerned by comparing it to the grade of the unaltered Town-owned wetlands located a few feet to the north. The IWWC walked through the stream to the wetlands on the east side to observe alterations there and the very large stockpile of excavated materials. They observed the alteration that has occurred to the banks of the stream which caused flows to spread out in spots. Mr. Andrews indicated the proposed installation location of the culverts near the northern property line. They observed concrete culverts stored on the level grade and one concrete culvert installed in the stream half-exposed. They observed sediment that had been deposited in several areas.

The IWWC walked all along the excavated basin/pond. Nick Kern noted the green color of the water and reiterated his concern for control of algae in the future. At the southeastern corner of the

basin, a channel was observed that connected the stream and the basin. Mr. Andrews indicated a large storm event had created this channel. Ms. O'Hare indicated this channel was not there during her site investigation on August 6, when photographs were taken. Mr. Andrews indicated he thought the basin was spring-fed. Nick Kern noted that there was no current to be observed in the interconnecting channel and if there was a spring you would expect to see evidence of a current. Ms. O'Hare asked Mr. Andrews his intentions vis a vis this new channel. Mr. Andrews indicated the channel would not stay as he plans to divert the stream into the "pond" near its northeastern corner and install an outlet on the southern side of the basin back to the stream system. He acknowledged the planned work which was new to the IWWC required a DEP Diversion permit.

Chairman Vitali indicated the proposed Field #3 will not support agriculture as it is almost all wetlands. Mr. Andrews reviewed the status of the 2003 4-lot subdivision development on his property accessed off Maria Todd Drive that was approved by IWWC and denied by PZC and is now in court on appeal. Should the appeal be decided in his favor, he would have ten years to build, he stated, and Pond #2 would not be built. Possibilities were discussed by Mr. Andrews and the IWWC. The need for the many proposed roadways was discussed. Mr. Andrews stated the "pond" would service Field #1 in Wallingford and two fields in North Branford and that NRCS will be assessing the whole proposed operation.

The IWWC walked to the southwestern corner of the altered area where it observed an old stream crossing that led to a field owned by the South Central CT Regional Water Authority. By inspecting the delineated wetlands on the base map submitted, Chairman Vitali stated that this corner of the disturbed area was actually a filled wetland. It was also noted that a small secondary stream, delineated on the 2003 plan base map, had been recently significantly altered.

The IWWC walked back to the parking area. Chairman Vitali summarized the conditions observed.

At 5:33 p.m., the Chairman announced that the site investigation was completed and the Special Meeting will be reconvening at the Town Hall.

The IWWC reconvened the meeting in Room 205 of the Town Hall. Sonja Vining arrived to take Minutes for the second half of the meeting.

Respectfully submitted,

Erin O'Hare
Environmental Planner
Acting Recording Secretary

3.) Workshop session on draft proposed Regulation revisions

Chairman Vitali called the meeting in the Town Hall, Room 205 to order at 6:20 p.m.

Chairman Vitali stated that the purpose of this meeting is to get closer to adopting amended regulations. The goal of the Commission is to get these regulations into a public hearing format.

Ms. O'Hare indicated that she has gone through three (3) sections of the Regulations along with the fee schedule and they are ready for the Commission to review.

Ms. O'Hare referred to her Environmental Planner Report, dated October 7, 2009, which included her proposed revisions. Chairman Vitali stated that the Commission has been discussing the issue of the upland review area in relation to the slope. It was realized that every slope couldn't be treated in the same way. Mr. Heilman has worked out some guidelines to follow. Ms. O'Hare read what would be the definition of upland review area to become Section 2.1.v.6. from the October 7th Environmental Planner's Report. The Commissioners directed Ms. O'Hare to refer specifically to the illustrations, provided by Mr. Heilman, in the text. Mr. Heilman would provide Ms. O'Hare with a revised, "Schematic Guide for Upland Review Area", changing the order of the illustrations and marking them, "Illustration A, B, C, & D", and adding the slope ratios.

Ms. O'Hare brought up the issue of the 50%, (27 degrees) that Mr. Heilman choose for the slope threshold. Mr. Heilman stated that the 50% figure exceeds any legal road grade. He stated that is the point where you start getting into soil stability issues. He doesn't believe that people realize how steep 30% is. Mr. Heilman stated that he would not have any issue if the Commission decided to change it to something steeper.

Chairman Vitali feels that there should be a maximum length noted somewhere. He would like to see some language put in that would give the Commission flexibility. He wanted to see language stating that the initial area that is greater than 2:1 slope will not be considered until it breaks to less than 2:1 slope but not to exceed a certain length. Mr. Heilman offered to travel the town and photograph the steepest slopes he can find to create some photo documentation to be included in the proposed Regulations. After further discussion the Commission put a length of 100 feet in for the length not to exceed.

The Commission moved on to review the proposed fee schedule (new) Section 18. The only change that Ms. O'Hare made, since the last time the Commission reviewed it, was the increase of \$30 to the State fee to \$60.

There was discussion about what the proposed setback was at this time. Ms. O'Hare stated that it had been set at 100 feet in June but is now back to 50 feet. Ms. Deutsch feels that the issue could be revisited in the future.

Speaking from the public was Dave Bauer, Summit Road, Cheshire, CT. Mr. Bauer works for a company that is considering development in Wallingford. He attended this meeting in hopes of understanding where the IWWC stands as far as the upland review area. Establishing the upland review area between 50 feet and 100 feet was very important. It was also important to understand how the Commission felt about what activities would generally be allowed in that upland review area. Mr. Heilman stated that it all depends on the surrounding area, what the wetlands are and what type of soils are in the area. Chairman Vitali also stated that grading is taken into consideration by the Commission when discussing the upland review area.

Ms. O'Hare stated that what has to happen in this case is that the Commission has to accept proposed revised regulations for adoption. At that point, the Commission would direct Staff to set the public hearing date. Ms. O'Hare indicated that at any time the proposed changes could be sent up to the Law Department for review. Once the amendment is proposed for adoption, it goes to the DEP for review at least 35 days before the public hearing on that amendment.

MS. DEUTSCH: **MOTION TO SUPPORT THE UPDATED REGULATIONS FOR SECTIONS 1, 2, 3, AND 18.**

MR. PARENT: **SECOND**

VOTE: **UNANIMOUS**

Chairman Vitali stated that the public hearing would be scheduled for December 2, 2009.

There was discussion about how to handle the rest of the regulations that have to be reviewed. Ms. O'Hare indicated that the balance of the regulation updates are mostly just wording changes. Ms. Deutsch feels that the balance of the regulations should be revised by February and ready for the Commission to review. Ms. O'Hare agreed to have the balance of the regulations finished by February but there are a few issues that may need some discussion. Ms. Deutsch would like to have those trouble issues ready for the Commission to review at the January meeting.

ADJOURNMENT:

Ms. Deutsch made a motion to adjourn. The motion was seconded by Mr. Kern and passed. The meeting adjourned at 7:30 p.m.

Sonja Vining
Recording Secretary
Town of Wallingford
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