

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

**REGULAR MEETING  
Wednesday, October 7, 2009**

The Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission was held on Wednesday, October 7, 2009, in Council Chambers, the Municipal Building, Wallingford, Connecticut.

Seated from the Commission were Jim Vitali – Chairman, Ellen Deutsch – Vice Chairperson, Nick Kern – Secretary, Jeff Kohan, Jim Heilman – alternate, David Parent - alternate, and Environmental Planner Erin O’Hare.

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

**CONSIDERATION OF MINUTES:**

September 2, 2009 - Regular Meeting

Ms. Deutsch made a motion to approve the September 2, 2009 – Regular Meeting Minutes. The motion was seconded by Mr. Kohan and passed.

**OLD BUSINESS:**

**#A04-8.4 / 1425 TUTTLE AVENUE – W & W Properties (aka Gaylord Farms Road – Cheshire Crossing – Pulte Homes) – (release of bond)**

Representing the Applicant was Attorney Patrick Hughes.

Ms. O'Hare reviewed the Environmental Planner's Report dated October 2, 2009. There was a \$40,000 bond total on this project and \$20,000 has already been released. The remaining money is for foundation location. Ms. O'Hare recommended the release of the remaining \$20,000.

**MS. DEUTSCH:      MOTION TO RELEASE THE BOND FOR APPLICATION #A04-8.4 / 1425 TUTTLE AVENUE.**

**MR. KOHAN:      SECOND**

**VOTE:              UNANIMOUS**

Ms. O'Hare stated that she has been working on getting the deed language straightened out. The deed language was a condition of the original approval back in 2002. The units were transferred without that language appearing in the deed. The solution is to get the language into the Declaration of the Homeowner's Association as an addendum to that Declaration. Ms. O'Hare has been discussing this issue with the attorney on the project as well as the Town Attorney. There were three versions that were submitted: Staff prepared a version, the Town Attorney prepared a version and the Attorney Molloy prepared one as well. The three versions went out to the Commissioners. Ms. O'Hare stated that the question is what is the appreciable difference between the three versions? Attorney Hughes stated that the versions submitted by the Town Attorney and the Environmental Planner would require approval by a formal application for any activity in the upland review area where as the version submitted by Attorney Joan Molloy would require that the unit owner approach the Environmental Planner to see if the proposed activity is permitted or not permitted. It would then be up to the Environmental Planner if the issue would have to go before the Commission for advisement or for a formal application. Attorney Hughes needs to know what version would be acceptable for the Commission and then he would go before the Homeowner's Association and incorporate that language into the Declaration, record it on the land records and then provide the Environmental Planner and the Commission with recorded copies of those documents.

Erin O'Hare, Environmental Planner, pointed out that this would be considered a modification to permit and she recommended that it be handled administratively unless the Commission would like to see them come back next month. Attorney Hughes indicated that whatever the IWWC decides is what would be put into the Declaration.

Chairman Vitali asked why the unit owners would have to come before wetland staff before the Homeowner's Association. Why is it being left in the hands of the unit owners? Attorney Hughes stated that it would be the unit owner who would want to do some sort of activity within the regulated area so they felt that by putting it in the Declaration they would know that they have to go in front of the Environmental Planner for approval or directly to the IWWC. Mr. Kern thought that unit owners had to go before the Association for any type of modifications or improvements. Attorney Hughes stated that he is not sure at this time in this specific case if the unit owners would have to appear before the Association but he indicated that he could get an answer for Mr. Kern. It is his understanding that for just about any activity at this time they would have to come forward with a formal application for approval. That is why they are trying to change the language to clarify whether they need to come in front of this Commission for that approval or if they can go to the Environmental Planner for a thumbs up or thumbs down or a referral to the IWWC. Attorney Hughes believes that the unit owners would still have to get permission from the Homeowners Association but he is not absolutely sure. Ms. Deutsch feels that if a homeowner were planning some activity they would normally come in and see the Environmental Planner to see if an application is required. She feels it is the homeowner's responsibility to make sure they go back to the Association to make sure he/she is following the rules. Mr. Kern stated that he believes in this case that it is the Association who is responsible for what happens on that property. Chairman Vitali stated that you have to deal with who owns the property. Mr. Parent believes it would be a better idea to get the approval from the Homeowners Association before coming to the Environmental Planner or the IWWC. Mr. Heilman feels that whoever owns the property legally is the one who has to apply for a permit.

After hearing both sides, Attorney Hughes indicated that he could work through that issue and clarify the language and come back before the Commission. He would like to get a determination at this meeting as to whether the appropriate person to approach would be either the Environmental Planner or have every proposed activity come before the IWWC. Ms. O'Hare clarified that if someone comes into her office and wants to plant a garden she would determine if the activity is within the 50 foot area or not. If the activity is not within the 50 feet there is no wetland permit required and they would just need approval from the Homeowners Association. If the activity is inside that 50 feet she would make the determination if it needs to come before the Commission or not. Mr. Heilman feels that if someone wants to do something in an upland review area they should go and see the Environmental Planner to see if a permit is needed. He believes that Staff should be able to determine if an application needs to be submitted. Ms. O'Hare took issue with the language that reads "and possible approval of the Environmental Planner". She pointed out that she does not give approvals. Chairman Vitali stated that they can ask but approvals are not given by the Environmental Planner. Chairman Vitali stated to Attorney Hughes that the activity should first come before the Environmental Planner to determine if a formal application needs to be submitted for the Commission. Attorney Hughes is to clarify the language and get it straightened out between unit owners and the Homeowner's Association. Attorney Hughes clarified that the language in Attorney Molloy's submission that it would be in front of the Environmental Planner for review or referral to the IWWC would be the version that they would go with in the Declaration. He would clarify the issue as to whether it should be the Association or the unit owner that is making an application if necessary. Chairman Vitali isn't sure that the Commission cares exactly who submits the application but if it is the unit owner they would need signed off approval from the Homeowners Association.

**#A09-6.3 / 134 GROVE STREET EXTENSION – Edward Beauvais –  
(residential lot)**

Presenting the application was Edward Beauvais.

Chairman Vitali stated that the Engineering report came back and it stated that the existing 18" culvert under the driveway was adequate.

Ms. O'Hare referred to her Environmental Planner's Report dated October 2, 2009. She recommends approving this application with standard conditions along with the two conditions included on the Environmental Planner's Report dated October 2, 2009.

**MS. DEUTSCH:**

**MOTION TO APPROVE APPLICATION #A09-6.3 / 134 GROVE STREET EXTENSION BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. SHOULD THE PROPERTY BE TRANSFERRED, THE ENVIRONMENTAL PLANNER MUST BE CONTACTED BEFORE THE TRANSFER IS AFFECTED SO THAT TRANSFER OF THE PERMIT TO THE NEW OWNERS CAN BE COMPLETED WITHOUT DELAY.**

2. **AS THE PHYSICAL CHARACTERISTICS OF THE PROPERTY PRESENT MANY SITE CONSTRAINTS, ANY CHANGES TO THE PLAN, INTENDED OR PROPOSED, AND ANY CHANGES ANTICIPATED TO BE SUBMITTED FOR A BUILDING PERMIT, MUST RECEIVE IWWC APPROVAL BEFOREHAND.**
3. **THE CEASE AND DESIST SHOULD BE LIFTED.**

Mr. Kern asked about significant activity.

Ms. Deutsch withdrew her motion.

**MS. DEUTSCH:**                    **MOTION THAT APPLICATION #A09-6.3 / 134 GROVE STREET EXTENSION BE DEEMED NOT SIGNIFICANT ACTIVITY.**

**MR. KOHAN:**                    **SECOND**

**VOTE:**                                **UNANIMOUS**

**MS. DEUTSCH:**                    **MOTION THAT APPLICATION #A09-6.3 / 134 GROVE STREET EXTENSION BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

1. **SHOULD THE PROPERTY BE TRANSFERRED, THE ENVIRONMENTAL PLANNER MUST BE CONTACTED BEFORE THE TRANSFER IS AFFECTED SO THAT TRANSFER OF THE PERMIT TO THE NEW OWNERS CAN BE COMPLETED WITHOUT DELAY.**
2. **AS THE PHYSICAL CHARACTERISTICS OF THE PROPERTY PRESENT MANY SITE CONSTRAINTS, ANY CHANGES TO THE PLAN, INTENDED OR PROPOSED, AND ANY CHANGES ANTICIPATED TO BE SUBMITTED FOR A BUILDING PERMIT, MUST RECEIVE IWWC APPROVAL BEFOREHAND.**
3. **THE CEASE AND DESIST SHOULD BE REMOVED.**

**MR. KOHAN:**                    **SECOND**

**VOTE:**                                **UNANIMOUS**

**#A02-6.12 / 63 GRIEB ROAD – Fieldstone Farm – Baker Residential LLC – (release of bond)**

Ms. O'Hare indicated that there has been no movement on this issue. She is awaiting an analysis from the Engineering Department.

**#A09-7.2 / 31, 33, and 35 Elmhill Drive – Rocco and Frank Totino –  
(extend yard)**

Presenting the application was Rocco Totino.

Ms. O'Hare pointed out that this property is listed on the agenda under Old Business as well as under Violations. She referred to the Environmental Planner's Report dated October 2, 2009. Ms. O'Hare recommended to the Commission that it do a site visit to see if what has been done on the site is acceptable. She indicated that additional dirt was brought in to the site and that is not what she was expecting. Ms. O'Hare is concerned with the fill that was brought in and placed around the existing trees. She stated that there is so much fill at the base of these trees that they will die.

Mr. Totino indicated that he brought fill in to seed the area. He stated that there is only about 3"-4" of topsoil around the trees Ms. O'Hare was talking about. Mr. Totino is finished with his work and he does not plan on doing anything further. He stated that he would be willing to replace any trees that die. He has seeded and hayed the area. Ms. Deutsch would like the dirt around the trees pulled back 6" – 12" away from the tree trunk to ensure that those trees don't die. Mr. Totino agreed to pull the dirt back from around the trees.

**MS. DEUTSCH:      MOTION THAT APPLICATION #A09-7.2 / 31, 33, AND 35 ELMHILL DRIVE BE DEEMED NOT SIGNIFICANT ACTIVITY.**

**MR. KOHAN:      SECOND**

**VOTE:              UNANIMOUS**

**MS. DEUTSCH:      MOTION THAT APPLICATION #A09-7.2 / 31, 33, AND 35 ELMHILL DRIVE BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL:**

- 1. THE DIRT AROUND THE EXISTING TREES IS TO BE PULLED BACK TO MEET THE SATISFACTION OF THE ENVIRONMENTAL PLANNER.**
- 2. THE NOTICE OF VIOLATION IS TO BE REMOVED.**

**MR. KOHAN:      SECOND**

**VOTE:              UNANIMOUS**

**#A09-8.2 / 150 North Plains Industrial Road – John Carella – Winstanley Construction Management, LLC – (industrial parking area)**

Presenting the application was Robert Roles, Purcell Associates, and John Carella, Winstanley.

Mr. Roles indicated that the plan has been revised to widen the swale. The new swale design will decrease the overall runoff from rainfall events from a 2-year storm to 100-year storm. They will be able to contain without flooding a 25-year storm. They have added a check dam in the swale to further enhance filtration. The turf mixture for the swale has been detailed. Hay bales have been added along the paved edge so as to prevent erosion. Mr. Roles indicated that he has addressed all of Ms. O'Hare concerns on this project.

Ms. O'Hare stated that the new material and revised plan was on her desk this morning and she has not reviewed it yet. She reviewed the time line of events that lead to this October 6<sup>th</sup> presentation of the revised plan and documents. Chairman Vitali would have liked to have seen these documents come in sooner to give the Environmental Planner and the Commission time to review them.

Mr. Roles feels that he has addressed all of Ms. O'Hare concerns. Ms. O'Hare stated that her main concern is that there may be ponding. Mr. Roles explained that the drainage calculations show that the water retained is there for less than one hour for a 25-year storm. Chairman Vitali indicated that the Applicant should work with Ms. O'Hare on the details of the revised plan and present to the Commission at the November meeting.

**NEW BUSINESS:**

**#A09-10.1 / 103 NORTH TURNPIKE ROAD – Yalesville Properties, LLC  
– (commercial development)**

The application was received by Chairman Vitali and would be heard next month.

**VIOLATIONS:**

**1. 134 Grove Street Extension – Edward J. & Doreen Beauvais – (cease & desist – filling)**  
Discussed earlier.

**2. #A05-10.2 / 110 Leigus Road – Workstage-Connecticut, LLC – (violations)**

Representing the Applicant was Attorney Patrick Hughes.

Ms. O'Hare stated that in order to call the bond it has to be proceeded by an enforcement action. An enforcement action would be either a Notice of Violation or a Cease & Desist. Since there is not ongoing activity on the site, there would be no Cease & Desist, so what would be used would be a

Notice of Violation. Ms. O'Hare referred to the Environmental Planner's Report dated October 2, 2009 along with a memorandum, dated September 29, 2009, listing the history of the application in chronological order.

Ms. O'Hare indicated that there are four main issues that are detailed in the Environmental Planner's Report dated September 29, 2009. The dewatering of the original wetlands and watercourse that has occurred and has not been restored to date. There was a modification approval in 2007 that was going to restore the water to the wetlands. That modification to the parking lots was never built. Mr. Heilman stated that, in that process, the Applicant created a violation called dewatering. Ms. O'Hare went on to discuss Basin D. Basin D was never adequately completed and the discharge pipe was improperly installed. The contractor has been periodically maintaining the series of small temporary sediment traps that were designed by Roman Mrozinski. Ms. O'Hare indicated that there has been a riser pipe installed in another temporary sediment basin located behind the stockpiles. A four-foot track was installed in the wet meadow. There has been no follow-up report from the soil scientist for the project.

Chairman Vitali feels that there is nothing for the Commission to do at this meeting. He believes it is going to take more time and conversations with the Law Department. Chairman Vitali believes that the Town Attorney needs more time to understand how to reach the result that the Commission is looking for. He recommended Ms. O'Hare write a letter to Attorney Small asking for guidance pertaining to erosion control and how to "put the site to bed" before the permit expires.

### **3. 216 Northford Road – Lynne Cooke Andrews – (cease & desist)**

Present was Attorney Janet Brooks representing Jeff Andrews who was also present.

Chairman Vitali indicated that it is up to the Commission to determine if Mr. Andrews is conducting farming activity and if this pond is essential to the farming operation. Chairman Vitali gave some history on his farming background. After going through all of the correspondence, Chairman Vitali stated that it is up to the Commission to determine if there is an exemption to build a pond based on the necessity of this farming operation. He finds it difficult to believe that irrigating alfalfa fields would be considered essential to the farming operation. Chairman Vitali stated that even if it is determined that this pond is essential to the farming operation and is exempt, it does not give the Applicant the right to build a pond without some kind of application or information to the Commission or Environmental Planner. Chairman Vitali feels that the Applicant should file a formal application.

Attorney Brooks stated that the Applicant does not need a permit because the activities proposed are not regulated activities. There is nothing that Mr. Andrews is proposing that would not fall within the exemption. Chairman Vitali did not agree. He feels that the farm road would not fall within the exemption. Attorney Brooks does not anticipate applying for anything as a permit.

Ms. O'Hare spoke to DEP and they stated that the filling of wetlands is a regulated activity. If material is going to be brought in to construct a road in a wetland it is a regulated activity. Ms. O'Hare indicated that she asked the Applicant how the hydrology is going to be maintained around

this road. She asked that underdrains be installed but the Applicant indicated that since he was exempt he did not have to put in drains.

Attorney Brooks gave some background on her knowledge of and experience with wetlands issues. She referred back to the Statute backing her position that the farm road would fall within the exemption.

Mr. Kern is concerned with the water quality. Attorney Brooks stated that the IWWC jurisdiction is over regulated activities and just because the IWWC doesn't have the authority it doesn't mean another body doesn't. She stated that the first thing that has to be determined by the Commission is if the activity of concern is a regulated activity as defined by the Statute. If the activity is a regulated activity then the IWWC has jurisdiction to do what it pleases. If the activity falls within the exemption then the Commission doesn't even look at impact.

Chairman Vitali stated that even if the exemption is granted it doesn't give the Applicant the right to just go in and do whatever they please. It gives the right to build the pond but not necessarily a right to build it anyway he wants. Chairman Vitali stated that it would need to come before the Commission to be reviewed. Attorney Brooks gave some case law on this issue.

Attorney Brooks stated that the Applicant must appear before the Commission and state or prove what makes this pond essential to his farming operation. It is up to the Commission to determine if the pond is essential to the farming operation or not. If the pond were determined to be essential, it would fall under the exemption. She stated that it is the job of the Commission to execute the statute. The Commission doesn't even have to like it but it does have to carry it out.

Mr. Heilman asked Mr. Andrews for some general history on his farming background. Mr. Andrews stated that he married into the farm and more recently starting farming himself. His farm is organic. He stated that his farm equipment is 18 feet wide and that is why he is looking to create a 24-foot wide farm road. Mr. Andrews handed out material discussing how if alfalfa is irrigated your crop could potentially increase two fold. He explained in some detail the irrigation system he proposes to use.

Chairman Vitali would like to go back and get a determination from the Town Attorney regarding the question of exemption. He asked if all of the activities being requested on this property fall under the exemption. Attorney Brooks believes that the Town Attorney stated in one of her memos that it is up to the Commission to decide on the exemption. Chairman Vitali stated that is true but he would like to know what the impact is when the decision is made. Mr. Heilman feels the Commission needs real evidence that would show that this pond is essential to the farming operation. He pointed out that farming on this site has been going on for years and years without irrigation. Mr. Andrews indicated that the land was previously used for grazing but now he is using it for raising crops. Chairman Vitali mentioned that the land was at some point used for raising crops. Mr. Andrews agreed but stated that the pond would be essential to improve the yield of his crops. Mr. Andrews stated that he has had someone from NRCS out to do his irrigation layout and he will determine how big the pond needs to be to irrigate the land that Mr. Andrews is proposing to irrigate.

Mr. Kern asked how Mr. Andrews plans on keeping the quality of the pond good enough to use for the irrigation. Mr. Andrews stated that he can't help what comes into the pond from upstream. He indicated that he would not have cattle in that area to ruin the water quality. Mr. Andrews stated that when he built the pond, he got some information from DEP regarding how to build the pond to have good water quality. The pond is 12 feet deep with the slopes being 3/1 on the north and south side. Mr. Andrews does not believe he will have an algae problem in the pond. The closest trees to the pond are approximately 30 feet away.

Ms. Deutsch suggested that the Commission do a site visit to understand what is going on. Mr. Andrews indicated that he has asked Ms. O'Hare if she would like to visit the site. Ms. Deutsch would like to have the entire Commission out to visit the site. Mr. Andrews invited the Commission to visit the site.

Attorney Brooks asked that this matter be held open for another month so that more information could be gathered from the NRCS and the Commission could do its site visit. Chairman Vitali asked the Commissioners when they would like to do the site visit. The Commissioners agreed to set a Special Meeting site investigation for October 14<sup>th</sup> at 4:30 p.m. They would meet at 210 Northford Road. Chairman Vitali indicated that the Cease and Desist would remain in place at this time. Ms. O'Hare listed item that have come in within the last two weeks. She stated that at some point the Commission has to determine whether or not certain activities that happened on the site are regulated activities. As staff, she suggested that crossing the river is a regulated activity. DEP has advised Ms. O'Hare that the crossing of a river is a regulated activity because there is filling of a watercourse with continual flow with culverts and any other building material that is being put in that watercourse in order to cross it. Ms. O'Hare also suggested that the road is a regulated activity. She indicated that the plan came in on August 28<sup>th</sup> with several activities on it. Mr. Andrews has since revised the plan showing what roads are existing farm roads. Mr. Andrews indicated to the Commission that he would like permission to put some hay bales around the existing dirt pile. Chairman Vitali would like to see the pile moved but gave permission to Mr. Andrews to put hay bales around the pile.

Ms. O'Hare listed correspondence that has come in since the last meeting; her office forwarded a six page report to Lynne Cooke Andrews requesting further information dated September 15, 2009, a letter dated September 22<sup>nd</sup> from Ms. O'Hare, Environmental Planner asking permission to walk the site, a memo dated September 22<sup>nd</sup> - to the Town Attorney from Erin O'Hare, September 25<sup>th</sup> - responses from Attorney Brooks to Ms. O'Hare earlier request for further information, September 28<sup>th</sup> - a memo to Attorney Small, September 28<sup>th</sup> - literature from Mr. Andrews regarding oil sheens, October 2<sup>nd</sup> - a memo from the Town Attorney, October 2<sup>nd</sup> - Environmental Planner Report from Ms. O'Hare, October 5<sup>th</sup> - a letter from Attorney Brooks looking for formal exemption, e-mail dated October 5<sup>th</sup> - from Attorney Brooks to the Regional Water Authority, October 6<sup>th</sup> - letter from the RWA to Ms. O'Hare, October 7<sup>th</sup> - memo from Attorney Small to Ms. O'Hare, October 7<sup>th</sup> - fax to Ms. O'Hare from Attorney Brooks, October 7<sup>th</sup> - memo from Attorney Small to Ms. O'Hare regarding court cases pertaining to similar cases.

Ronald Walters, Senior Environmental Analyst Regional Water Authority, indicated that his letter, dated October 6, 2009, sums up the concerns and issues that the Regional Water Authority have with

this activity. Mr. Kern brought up the water quality issue again and how the RWA would handle poor water quality flowing on to its property. Mr. Walters indicated that it is definitely a concern. He stated that the RWA is not a regulatory agency. If the RWA does have a concern with the activities on this site it would go to the Inland Wetlands Enforcement Officer and contact the DEP and the State Health Department who would have regulatory authority over the situation. Mr. Walters made it clear that technically there has not been an application submitted to Inland Wetlands for the RWA to review. He stated that it is up to the Commission to decide whether this pond is allowed or not allowed. It would be the suggestion of the RWA that the pond not be allowed to be built. Mr. Walters does not see any way that this pond would not have an algae problem. He stated that there would also be thermal problems with the downstream wildlife since this pond has no shade.

Chairman Vitali stated that at this point the Commission would plan on meeting at the site on October 14, 2009 at 4:30 p.m. and the current Cease & Desist would remain in place.

**5. 475 Williams Road – Patricia Schlosser, owner, Art and Rita Pires, tenant –  
(cease & desist)**

Ms. O'Hare referred to the Environmental Planner's Report dated October 1, 2009. She had hoped that at this time an application would have been filed but it has not been. She received a call from Rosalind Page who has been hired to prepare the application map for the Applicant. Ms. O'Hare was out to the site recently and reported that she has not seen any more filling of the wetlands but dirt has been moved around. She feels a site visit would be very helpful for the Commissioners to understand what is happening out there.

**4. 31.33, and 35 Elmhill Drive – Rocco and Frank Totino – (filling)**

Discussed earlier.

**REPORTS & COMMUNICATIONS:**

**1. #A07-11.3 / East Center Street / MacKenzie Reservoir – staff report**

Ms. O'Hare reported that she has been out there to inspect the road, (the access way to the North Reservoir) and it looks good.

**2. DEP – Notice of Tentative Determination & Intent to Waive Public Hearing –  
(Wallingford Country Club – diversion)**

Ms. O'Hare indicated that she was directed by Chairman Vitali to send it out to all of the Commissioners for their review. It went out approximately two weeks ago and Ms. O'Hare did not receive any feedback.

**3. 567 Center Street – (maintenance)**

Ms. O'Hare stated that she received a phone call from the owner of the property and he asked that she visit the site to look at some stone that was on the side of Wharton Brook. The owner said that the broken concrete that is there now on the bank he would like to be considered as maintenance of a

streambank. Ms. O'Hare asked if the Commission wanted this broken concrete to remain where it is. In her view it wasn't absolutely necessary but she isn't sure it is doing any harm staying there. The area that is being discussed will soon be a construction project for the rebuilding of the State bridge over Wharton Brook. Ms. O'Hare read a letter from 1997 wherein the Environmental Planner indicated that the owner would be allowed to maintain the stream by putting material in there but that no material should be placed or allowed to fall into the stream which would impede any flows. The current property owner would like to put more stone all along his property streambank. The material is broken white concrete.

Ms. O'Hare indicated that this activity could be considered maintenance but that would be up to the Commission to decide. Chairman Vitali would like to have the Commissioners review the area before the next meeting. Ms. O'Hare stated that it was her view that this brook did not require any additional protection. There are already large pieces of riprap and she did not see any erosion. She stated again that property owners are allowed to maintain certain things on their property. Ms. O'Hare stated that Linda Bush, acting as Flood Manager, did not have concerns about the additional stone in the Floodway. Mr. Heilman indicated that this would be an alteration of the stream dynamics. Mr. Kern suggesting tabling the item until Ms. O'Hare can visit the owner and get a sense of what his plans are. Ms. Deutsch suggesting taking some pictures of the area.

**4. 91 North Turnpike Road – Public Works Dept. – storage yard**

Ms. O'Hare stated that the project has been completed and she looked at it yesterday. She would like to visit the site with the Engineering Department to see if the work matches the plan. Mr. Kern feels the Town did a good job cleaning up the site.

**5. 252 Main Street, Yalesville – L&J Partnership, LLC – (violation remediation)**

Ms. O'Hare reported that she has visited the site and the work is almost complete.

**6. 51 Dibble Edge Road – Mark and Diane Szetela**

Ms. O'Hare stated that Mark and Diane Szetela complied with all of the concerns and posted the two bonds.

**7. Building Permit application referrals**

Ms. O'Hare reported that, starting two weeks ago, all of the departments including wetlands are going to be referred all the building applications that come in.

**8. Follow-up letters to applicants/violators**

Ms. O'Hare reported that this is a new practice. The day after the IWWC meetings she issues follow-up letters to each Applicant and each violator stating what is expected of them.

**9. DEP Activity Fee**

Ms. O'Hare stated that there was a law in the Special June session of the legislature that was passed effective October 1, 2009 that all state fees are doubling including land use fees. The DEP Activity Fee has been \$30 for a long time and on October 1<sup>st</sup> it jumped up to \$60. Ms. O'Hare stated that she never received notification from Hartford but she is waiting for the letter to come.

## **REGULATIONS REVISION:**

- 1. Discussion of draft proposed revision**
- 2. Acceptance of draft proposed revisions for adoption – set public hearing date**

The Commission decided to meet after the site visit on October 14, 2009 to discuss regulation changes as part of the Special Meeting.

Ms. O'Hare pointed out that Mr. Heilman did two diagrams that were circulated to the Commissioners. The first set that was mailed out should be disregarded and the one that was handed out at this meeting are the correct ones and are to be attached to her memo.

## **ADJOURNMENT:**

Ms. Deutsch made a motion to adjourn. The motion was seconded by Mr. Kohan and passed. The meeting adjourned at 10:13 p.m.

Sonja Vining  
Recording Secretary  
Town of Wallingford  
Inland Wetlands and Watercourses Commission  
October 7, 2009