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INLAND WETLANDS COMMISSION (IWC)
REGULAR MEETING
TUESDAY, FEBRUARY 28, 2012, 6:30 PM
THIRD FLOOR, COUNCIL CHAMBERS
MEMORIAL BUILDING, TOWN HALL
14 PARK PLACE
ROCKVILLE/VERNON, CT

MEMBERS PRESENT: Mark Kalina, Jeffrey Pescosolido, Frank Galat, Lynda Morhardt

STAFF PRESENT: Len Tundermann, Town Planner
Craig Perry, Wetlands Enforcement Officer
Harold Cummings, Town Attorney

1. CALL TO ORDER & ROLL CALL

The meeting was called to order at 6:35 P.M. by Mark Kalina.

2. ADMINISTRATIVE ACTIONS

2.1 Communications received not related to Agenda items.

Jan/Feb Connecticut Wildlife
Winter 2012 Clearscapes

2.2 Adoption of Agenda

Motion was made by Lynda Morhardt to adopt the agenda as stated. Second to motion was made by Frank Galat. Motion carried unanimously.

2.3 Acceptance of Minutes

Motion was made by Mark Kalina to amend the minutes from the February 13, 2012 meeting to read:

Application (IWC-2011-08)

Lynda Morhardt raised the question regarding the water diversion through the sewers not being replenished and feels the draining of the wetlands is not affected. (Remove "effective" adding "affected").

Second to motion was made by Frank Galat. Motion carried unanimously. Meeting minutes from the January 10, 2012 meeting will be voted on at the March 27, 2012 meeting.

2.4 Call for filing(s) of Intervener petition(s) and determination of status.

None

3. PUBLIC HEARING:

Application (**IWC-2012-04**) of Mark D'Addabbo for a wetlands permit for drainage improvements at #400 Talcottville Road (Assessor's ID: Map #09, Block #015H, and Lot/Parcel #00026).

Public Hearing opened 6:40 PM

Len Tundermann read the legal notice published in the Journal Inquirer.

Attorney Dorian Famiglietti representing the applicant and James Cassidy, Project Manager for Hallisey, Pearson & Cassidy Engineering Associates were in attendance. Mr. Cassidy presented the Commission with a color photo of the site and details on the expansion of and discharge of storm water to the existing detention basin as well as the landscaping and maintenance schedule. Craig Perry expressed concerns that removal of the existing RCP pipe be included in the plans, Grading and Drainage Plan – drain from the C.B. #6 pipe runs along property line, and the bottom elevation of the detention basin would not be within 12-18 inches below the outlet pipe as recommended in the CT Storm Water Quality manual.

Jeffrey Pescosolido indicated that there may have been a maintenance plan in place from the Aldi development. This plan must be reviewed and revised to incorporate the new maintenance plan.

Public Hearing closed 7:20 PM

Motion was made by Mark Kalina to amend the agenda to add an action item to the agenda. Second to motion was made by Lynda Morhardt. Motion carried unanimously.

Motion was made by Jeffrey Pescosolido to approve the application with the stipulation to include the elevation changes suggested by town staff and that the maintenance plan for the existing basin be reviewed and revised to incorporate new maintenance plan. Second to motion was made by Frank Galat. Motion carried unanimously.

4. DISCUSSION/ACTION/ADDITIONAL BUSINESS

4.1 Application (**IWC-2012-03**) of Bruce Dinnie, Vernon Parks & Recreation Department for a wetlands permit to construct a trail bridge and launching dock at #100 Windsorville Road (Assessor's ID: Map #07, Block #0002, Lot/Parcel #00001).

Motion was made by Mark Kalina to approve the application (**IWC-2012-03**) as presented. Second to motion was made by Frank Galat. Motion carried unanimously.

4.2 Application (**IWC-2011-07**) of Capstone for a Wetlands Permit Modification for Laurel Woods Subdivision at Grier Road (Assessor's ID: Map #52, Block #140, Lot/Parcel #42).

In attendance were Attorney Harold Cummings, Town Attorney, Attorney Derek V. Oatis on behalf of the intervener, and Gregory Pinto, Capstone Builders.

Gregory Pinto displayed double board plans showing the approved conventional subdivision and a cluster alternative. Attorney Cummings questioned Mr. Pinto if the new plan created a greater impact on the wetlands. Mr. Pinto answered in the negative. Attorney Cummings advised that the pending litigation of the PZC appeals stays the 2007 wetlands permit.

Attorney Harold Cummings indicated that IWC could make a declaratory ruling that the proposed work under the new plan falls under the scope of the existing permit, presuming that Mr. Pinto withdraws the application for permit modification. Mr. Pinto withdrew his application for modification of the 2007 wetlands permit.

Attorney Derek Oatis challenged withdrawal of the application by Mr. Pinto and issuance of a declaratory ruling inasmuch as the meeting agenda listed the proposed modification of the 2007 permit. Mr. Oatis asserted that the 2007 permit is null and void because the work it authorized was not undertaken within the two year window specified as a condition of the permit.

Attorney Cummings stated that his recommendation to the Commission stands. He suggested that the IWC ask the intervener whether she has scientific evidence to present with respect to environmental impairments that would result from construction of the subdivision. Mark Kalina posed the question to Attorney Oatis, who admitted that they have no evidence to present based on the contention that there is no longer a valid wetlands permit that may be modified.

Harold Cummings stated that because the Intervener does not have scientific evidence that the subdivision would cause pollution or harm to the environment, the IWC could find that none of the proposed activities under the revised cluster subdivision plan of Capstone Builders exceeds the scope of the wetlands permit granted by the IWC in 2007. Lynda Morhardt made a motion that none of the proposed activities under the revised cluster subdivision plan of Capstone Builders exceed the scope of the original permit approved by the Commission in 2007. Second to motion was made by Frank Galat. Motion carried unanimously.

Lynda Morhardt made a motion that it was not necessary to take any action to modify or amend the 2007 permit granted to Capstone Builders because no activities are proposed that exceed the scope of the 2007 wetlands permit. Second to motion was made by Mark Kalina. Motion carried unanimously.

Mark Kalina made a motion to deny the Intervenor's petition because of the Intervenor's failure to present scientific evidence to support the claims presented in the petition. Second to motion was made by Jeffrey Pescosolido. Motion carried unanimously.

4.3 Receipt of Application:

No new applications.

4.4 Status of Cease & Correct Orders:

- 199 Tunnel Road – Craig Perry was unable to contact George Logan
- Talcottville Mill , 47 Main Street – No Action

4.5 Wetlands Enforcement Officer – Report

Phoenix Street – No longer a threat to the river – utility line will need to be buried and Craig Perry will inspect and monitor.

19 Grove Street – Estate Issues.

4.6 Inland Wetland Agent – Report

Wetlands approval for a proposed garage in the Bolton Lakes area – no potential impacts on wetlands.

4.7 Items added to agenda.

None

5. ADJOURNMENT

Motion was made by Mark Kalina to adjourn the meeting at 8:42 PM. Second to motion was made by Frank Galat. Motion carried unanimously.

Respectfully submitted,



Blanche Perillo, Recording Secretary