

**Inland Wetlands Commission (IWC)
Minutes – Special Meeting
Tuesday, January 22, 2013, 7:00 PM
Town Council Chambers
Memorial Building, Town Hall
14 Park Place
Rockville/Vernon, CT**

RECEIVED
VERNON TOWN CLERK
13 FEB 25 AM 10:42

1. Call to Order & Roll Call

- ◆ Meeting was called to order at 7:25 P.M.
- ◆ **Regular Members Present:** Mark Kalina, Ronald Kane and Frank Galat.
- ◆ **Alternate Members Present:** None
- ◆ **Staff Present:** Craig Perry, Inland Wetlands Agent
- ◆ **Town Counsel:** Harold Cummings
- ◆ **Recording Secretary:** James Krupienski

2. Administrative Actions

2.1 Communications received not related to Agenda items.

- ◆ None

2.2 Adoption of Agenda Items to be added to the agenda under item #3 “Additional Business” should be introduced to this section “#2.2 Amendment/Adoption of Agenda”.

- ◆ **Mark Kalina, seconded by Ronald Kane moved a motion to adopt the Agenda. Motion carried unanimously.**

2.3 Acceptance of Minutes.

- ◆ **Mark Kalina, seconded by Frank Galat moved a motion to adopt the December 18, 2012 Special Meeting minutes.**
 - Correction to Meeting Location, Page 1 – Located in the 2nd Floor, Senior Center.
 - Correction to Professional Engineer’s Name – Change from Joe Renn to Joe Wren in all locations.
 - Correction Page 2 – Change the word shoot to chute.
 -
- ◆ **Motion carried.**
- ◆ **Mark Kalina, seconded by Frank Galat moved a motion to adopt the January 8, 2013 Special Meeting minutes.**
 - Correction to Professional Engineer’s Name – Change from Joe Renn to Joe Wren in all locations.
- ◆ **Motion carried.**

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

- ◆ None

2.5 Election of Officers.

- ◆ **Mark Kalina, seconded by Frank Galat moved a Motion to postpone Election of Officers until the February 26, 2013 meeting. Motion carried unanimously.**

3. Show Cause Hearing:

3.1 Continued Cease and Correct Order issued to Ticket Network Forest LLC for disturbance of wetlands at rear of 60 South Frontage Road. (Assessor's ID: Map #29, Block #134, Lot/Parcel #1)

- ◆ **Craig Perry, Inland Wetlands Agent:**
 - Visited the site on January 22, 2013
 - Same amount of no trespassing signs located on the site.
 - Town Attorney has completed an investigation.
- ◆ **Harold Cummings, Town Attorney**
 - Suggested reading of form of violation prior to testimony taking place.
- ◆ **Craig Perry, Inland Wetlands Agent:**
 - Received complaint that the wetlands on the site were being impacted by ATV riding.
 - Received permission from the owner and utilized the ROW for access to the property.
 - Appearance of ATV activity in the wetlands and on the trails on the property.
 - Cease and Correct Order was issued. (Attachment)
- ◆ **Attorney Jason McCoy, representing Ticketforest LLC**
 - Limited individuals have given permission to access the property for riding in approved areas.
 - Restricted access to the property by large rocks and gates.
 - Added more restrictions to the property and posting of signage
 - Suggested contacting the property owner prior to issuing of Cease and Correct Order.
 - Activity was not condoned by the property owner.
- ◆ **Harold Cummings, Town Attorney:**
 - Interviewed resident from Bamforth Road who indicated that they had only utilized the on site trails. Believed the statements that were made.
 - DEEP may have been involved at the site.
 - ATV tracks were evident from a Bolton Road residence that was not authorized to enter the property.
 - Existing tracks in the wetlands seemed deeper than possible by an ATV.
 - Did not believe that there was any showing of a violation by the property owner in regards to the wetlands.
 - Suggested Ticketnetwork Forest LLC supply a contact to Craig Perry for future instances of trespassing.
- ◆ **Mark Kalina questioned that possible installation of a gate on the site.**
- ◆ **Attorney Jason McCoy indicated that the existing gate had been further restricted since the original installation**
 - Additional no trespassing signs have been added.
 - Access letter is supplied to each rider that has been given permission to enter the site.
- ◆ **Frank Galat questioned what the wetlands was impacted by.**
- ◆ **Attorney Jason McCoy indicated that there were larger vehicles than the ATV's that were given permission that had impacted the wetlands.**
- ◆ **Craig Perry, Inland Wetlands Agent – reviewed prior remediation of site wetlands by use of an access road the crosses the riverbed.**

- ◆ **Harold Cummings, Town Attorney stated that the impact to the wetlands was done by unauthorized vehicles accessing the property.**
- ◆ **Craig Perry, Inland Wetlands Agent indicated that three (3) access tracks were shown coming from a Bolton Road property.**
 - **Suggested additional signage to indicate No Trespassing be placed adjacent to relevant Bolton Road property.**
- ◆ **Harold Cummings, Town Attorney stated that there was no proof that the owner was responsible for disturbing the wetlands. Damage to the wetlands was not condoned by the property owner**
- ◆ **Attorney McCoy requested that if an incident is witnessed by the Town to contact the owner to control the trespassing.**
- ◆ **Mark Kalina, seconded by Frank Galat moved a Motion to vacate the Cease and Correct Order dated November 22, 2012.**
 - **Urge the Owner to work with the Town and vice versa.**
 - **Requested that additional signage be added on a voluntary basis.**
- ◆ **Motion carried unanimously.**

4. Discussion/Action/Additional Business

4.1 Receipt of Application:

4.1.1 Application (IWC-2013-01) of Subpeak Inc. for a Wetlands permit to modify the previously approval for #6 & #14 Hartford Turnpike (Assessor's ID: Map # 1, Block #159, Lot/Parcel 1A & Map #1, Block #159, Lot/Parcel #1B).

- ◆ **Attorney Michael Bonnano representing the Applicant:**
 - **April 2012 Inland Wetlands Permit was granted.**
 - **Length and area of disturbed wetlands will be the same as the original plan.**
 - **Requesting to change the design from a concrete end wall to a reinforced concrete culvert end.**
- ◆ **Craig Perry, Inland Wetlands Agent – indicated the proposed change is the preferred method for discharge.**
 - **Suggested proposed change from to change to 2 foot deep sumps and trap on basin four (4) would be sufficient as long as proper maintenance was performed each year to clean them out.**
- ◆ **Mark Kalina, seconded by Ronald Kane moved a motion to accept Application (IWC-2013-01) of Subpeak Inc. for a Wetlands permit to modify the previously approval for #6 & #14 Hartford Turnpike (Assessor's ID: Map # 1, Block #159, Lot/Parcel 1A & Map #1, Block #159, Lot/Parcel #1B). Motion carried unanimously.**
- ◆ **Discussion took place regarding whether a public hearing was required for the proposed modification.**
- ◆ **Mark Kalina, seconded Frank Galat moved a motion to Approve the Application and determine that IWC-2013-01 would have no significant impact on the wetlands.**
 - **Cleaning of catch basin sumps shall take place once per year.**
- ◆ **Motion carried unanimously.**

4.2 Status of Cease & Correct Orders.

- **Talcottville Mill, 47 Main Street**
 - **No Change**

- 21 Terrace Drive
 - **No Change**
 - **Town Attorney will review again.**

4.3 Wetlands Enforcement Officer – Report

- ◆ **No updates**

4.4 Inland Wetland Agent-Report

- ◆ **No updates**

4.5 Items may be added to the agenda in this item under “2.2 - Adoption of Agenda”



5. Adjournment

- ◆ **Mark Kalina, seconded by Frank Galat moved a motion to Adjourn. Motion carried unanimously.**
- ◆ **Meeting adjourned at 8:28 P.M.**

James Krupienski
Recording Secretary

Attachment



OFFICE OF THE
TOWN ENGINEER

TOWN OF VERNON

55 West Main St, Vernon, CT 06066
Tel: (860) 870-3638
Fax: (860) 870-3683
cperry@vernon-ct.gov

Ticket Network Forest LLC
135 Bolton Rd.
Vernon, Ct. 06066

60 South Frontage Road

CEASE AND CORRECT ORDER

Certified Letter

November 20, 2012

Dear Ticket Network Forest LLC,

It has come to my attention that disturbances (caused by ATV's) to wetland areas, is occurring at the above listed property. These disturbed areas have been previously mapped as wetland areas in accordance with the Town wetland area information.

Upon inspection of the property, it appears you have conducted a "Regulated Activity" within regulated areas, in accordance with Ct. General Statutes 22a-36 through 22a-45 and The Town of Vernon Inland Wetlands and Watercourses Regulations, by altering and/or impacting wetlands within this area without authorization from The Town of Vernon Inland Wetland and Watercourses Commission.

Therefore, you are hereby ordered to cease and correct any further regulated activities upon your property. You are also hereby requested to attend a Special Meeting on November 20, 2012, with the Inland Wetlands Commission at the Vernon Town Hall, Third Floor, 26 Park Place, Vernon, at 7:00pm, at which time a "Show Cause" hearing will be held providing you the opportunity to be heard and show cause why the order should not remain in effect.

Please be aware that you could be fined up to \$1,000.00 per day in accordance with the Town of Vernon Inland Wetlands and Watercourses Regulations, section 14.

If you have any questions concerning this matter please feel free to contact me at the Town of Vernon Engineering Department 860-870-3638.

Sincerely,

Craig W. Perry
Wetland Enforcement Officer

c.c. Mark Kalina - Chairman, Inland Wetland Commission
Terry McCarthy, PE - Town Engineer
Len Tundermann - Town Planner
Andrew Marchese - Zoning Enforcement Officer
John Ward - Town Administrator
Harry Boyko - Town Building Official
Harold Cummings - Town Attorney

Please send certified to:

Robert W. & Tina A. Hadden
153 Bolton Rd.
Vernon, CT. 06066