

**Inland Wetlands Commission (IWC)
Tuesday, March 26, 2013, 7 00 PM
Minutes – Regular Meeting
Third Floor, Council Chambers
Memorial Building, Town Hall
14 Park Place
Rockville/Vernon, CT**

RECEIVED
VERNON TOWN CLERK
13 APR 10 PM 2:27

1 Call to Order & Roll Call

- ◆ **Meeting was called to order at 7:10 P.M.**
- ◆ **Regular Members Present:** Mark Kalina, Ronald Kane, Frank Galat, Lynda Morhardt and Jeffrey Pescosolido.
- ◆ **Alternate Members Present:** None
- ◆ **Staff Present:** Leonard Tundermann, Town Planner, Craig Perry, Inland Wetlands Agent.
- ◆ **Recording Secretary:** James Krupienski

2 Administrative Actions

2.1 Communications received not related to Agenda items.

- ◆ **Aquatic Pesticide Permit Application from Aquatic Control Technology LLC dated March 11, 2013.**
- ◆ **Connecticut Federation of Lakes Newsletter, Volume 18, Issue 1, March 2013.**
- ◆ **Connecticut State of the Birds 2013 Booklet from the Connecticut Audubon Society.**

2.2 Adoption of Agenda — items to be added to the agenda under item #4 “Additional Business” should be introduced in section “#2.2 Amendment/Adoption of Agenda”.

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

2.3 Approval of Minutes

- ◆ **Ronald Kane, seconded by Jeffrey Pescosolido moved a Motion to adopt the February 26, 2013 Regular Meeting minutes as amended.**
 - **Correct Roland Kane to Ronald Kane.**
 - **Correct Nomination for Secretary to read – “Frank Galat was not present to accept the nomination.”**
- ◆ **Motion carried. Frank Galat abstained.**

3 Public Hearings

3.1 Application (IWC-2013-02) of the Vernon Planning Department for redesignation of wetlands along the lower Hockanum River between the southern highway line of 1-84 and the neighborhood of Overbrook Heights.

- ◆ **Leonard Tundermann, Town Planner read the Legal Notice into the Record.**

*Legal Notice
Town of Vernon*

The Vernon Inland Wetlands Commission (IWC) will hold the following hearings at a regular meeting to be held at 7:00 PM, Tuesday, March 26, 2013 in the Council Chambers on the Third floor of the Vernon Town Hall, 14 Park Place, Vernon, CT.

Application (IWC-2013-02) of the Vernon Planning Department for redesignation of wetlands along the lower Hockanum River between the southern highway line of I-84 and the neighborhood of Overbrook Heights.

A map showing the proposed redesignation of wetlands and the proposed changes to the Inland Wetlands and Watercourses Regulations are available for public inspection in the office of the Town Clerk, Vernon Town Hall, 14 Park Place, and in the office of the Planning Department, 55 West Main Street, both in Rockville, CT.

- ◆ Leonard Tundermann, Town Planner reviewed the proposed redesignation map showing the proposed changes to revise the 1974 Wetlands designation.
 - Supplied letter from David Askew, dated March 25, 2013 re: NRCS digital soil data and hydrology layer.
 - ◆ Craig Perry, Inland Wetlands Agent spoke to the mapping from the NRCS and the requirement for the town to utilize their data.
 - ◆ Five (5) minute recess at 7:30 P.M.
 - ◆ Meeting reconvened at 7:37 P.M.
 - ◆ Frank Galat, seconded by Mark Kalina moved a motion to close the Public Hearing. Motion carried unanimously.
 - ◆ Public Hearing closed at 7:39 P.M.
- 3.2 Application (IW&2013-03) of the Vernon Planning Department for proposed changes to sections 4.1, 4.2, 7.10, 11.1, and 11.6 of the Vernon Inland Wetlands and Watercourses Regulations.

- ◆ Leonard Tundermann, Town Planner read the Legal Notice into the Record.

*Legal Notice
Town of Vernon*

The Vernon Inland Wetlands Commission (IWC) will hold the following hearings at a regular meeting to be held at 7:00 PM, Tuesday, March 26, 2013 in the Council Chambers on the Third floor of the Vernon Town Hall, 14 Park Place, Vernon, CT.

Application IWC-2013-03) of the Vernon Planning Department for proposed changes to the Vernon Inland Wetlands and Watercourses Regulations: sections 4 1 (to permit water withdrawals for fire emergencies as of right), 4 2 (to permit installation of dry hydrants as a nonregulated use), 7.10 (to reflect changes in permit expirations), 11.1 (to authorize restrictions on time of year to conduct regulated activities), and 11.6 (to tie permit duration to other land use agency approvals).

A map showing the proposed redesignation of wetlands and the proposed changes to the Inland Wetlands and Watercourses Regulations are available for public inspection in the office of the Town Clerk, Vernon Town Hall, 14 Park Place, and in the office of the Planning Department, 55 West Main Street, both in Rockville, CT.

- ◆ **Leonard Tundermann, Town Planner indicated that the proposed changes being presented were due to General Statute changes during the last State Legislative Session. (Attachment)**
- ◆ **Mark Kalina questioned what oversight there would be regarding the installation of dry hydrants in the water bodies.**
- ◆ **Leonard Tundermann, Town Planner indicated that the Town would be able to install them where they felt they were necessary.**
- ◆ **Mark Kalina questioned the ability to limit time of year for restricting time of sampling.**
- ◆ **Leonard Tundermann, Town Planner indicated that the statute allows for limiting the time of year for regulated activities only.**
- ◆ **Mark Kalina, seconded by Frank Galat moved a motion to close the Public Hearing. Motion carried unanimously.**
- ◆ **Public Hearing closed at 7:51 P.M.**

4 Discussion/Action/Additional Business

4.1 Action on Applications:

4.1.1 Application (JWC-201 3-02) of the Vernon Planning Department for redesignation of wetlands along the lower Hockanum River between the southern highway line of 1-84 and the neighborhood of Overbrook Heights.

- ◆ **Mark Kalina, seconded by Frank Galat moved a motion to approve the redesignation of wetlands as presented. Motion carried unanimously.**

4.1.2 Application (IWC2013-03) of the Vernon Planning Department for proposed changes to sections 4.1, 4.2, 7.10, 111, and 11.6 of the Vernon Inland Wetlands and Watercourses Regulations.

- ◆ **Mark Kalina, seconded by Frank Galat moved a motion to approve the redesignation of wetlands as presented. Motion carried unanimously.**

4.2 Show Cause Hearings

4.2.1 Cease and Correct Order issued to ADA Associates March 15, 2013, for wetlands violation(s) at #122 ½ East Main Street.

- ◆ **Craig Perry indicated there has been no action from the business owner.**
 - **Issued a Cease and Correct Order due to inaction.**
 - **Property is not zoned for the use occurring on site.**
 - **Business owner was directed by the Land owner to remove the vehicles.**
 - **Property was inspected on March 25, 2013 and verified that vehicles were removed.**
 - **Looks as if the owner had processed gravel placed at the rear of the property adjacent to the lake.**
- ◆ **Mark Kalina questioned if staff agreed with vacating the Cease and Correct order.**
- ◆ **Craig Perry indicated that he believed it could be closed but would monitor the site for future violations.**
- ◆ **Mark Kalina, seconded by Ronald Kane moved a Motion to Vacate the Cease and Correct Order dated March 15, 2013. Motion carried unanimously.**

4.2.2 Cease and Correct Order issued to the Estate of George and Phyllis Landry March 15, 2013, for wetland violation(s) at 19 Grove Street.

- ◆ **Craig Perry indicated that there was the potential for debris to enter the watercourse.**
 - **Inspected the property with the Building Official.**
- ◆ **Mark Kalina, seconded by Ronald Kane moved a motion to continue the Cease and Correct Order to the April 30, 2013 meeting. Motion carried unanimously.**

4.3 Status of Cease & Correct

• Talcottville Mill, 47 Main Street

◆ **No Updates**

• 21 Terrace Drive

◆ **Waiting on information from Harold Cummings, Town Attorney**

◆ **Mark Kalina and Craig Perry will contact Harold Cummings, Town Attorney for an update.**

4.4 Wetlands Enforcement Officer - Report

◆ **Cumberland Farms had received IWC approval.**

○ **Utilizing good erosion control measures**

◆ **Suburban Subaru has poured the concrete floor in the building. No changes to the outside yet.**

4.5 Inland Wetland Agent - Report

◆ **None**

4.6 Items may be added to the agenda in this item under "2.2 - Adoption of Agenda"

5 Adjournment

◆ **Mark Kalina, seconded by Ronald Kane moved a Motion to Adjourn. Motion carried unanimously.**

◆ **Meeting Adjourned at 8:16 P.M.**

**James Krupienski
Recording Secretary**

Attachment #1

March 25, 2013

Leonard Tundermann, Town Planner
Town of Vernon
Memorial Building
14 Park Place
Vernon, CT 06066

Re: NRCS digital soil data and hydrology layer

Dear Mr. Tundermann:

This letter is in response to your recent inquiry regarding the "inaccuracy" of the water or hydrology layer on the updated digital soils maps developed by the Natural Resource Conservation Service (NRCS). The following is an excerpt from the "Frequently Asked Questions" section of the NRCS web page regarding the updated digital soil information. The question is in the left column and the response is in the right column:

| | |
|--|--|
| <p>"Why is the water and hydrology layer off the map?"</p> | <p><i>"The base map data layers used by Web Soil Survey come from multiple sources and were compiled at various scales, generally at a much coarser resolution than the soils data or the aerial photos, and they don't always match perfectly."</i></p> |
|--|--|

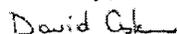
Soil science staff from the North Central Conservation District (NCCD) has field inspected many properties in north-central Connecticut since the updated soils information was released in 2008. We have observed that the updated soils information has much better agreement with field observed soil conditions compared to the original mapping that was done in the 1960's.

We have reviewed the selected map of the Town of Vernon you provided which highlights the area around Riverside Drive. This is very typical of many of the maps we have observed with the updated information, particularly relating to the inaccuracy of the location of the river. Simply put, with an understanding that the hydrology layer is flawed as discussed on the NRCS web-site, our typical practice is to ignore the hydrology layer, and use the improved soil mapping for field interpretations.

As you know, the soil layer has other limitations, particularly for regulatory purposes. Therefore, wetland soil boundaries must be field delineated to be used for land use regulatory decisions.

Thank you for your inquiry. I hope the information provided above is helpful. Additional information regarding soil mapping can be found on the NRCS web-site.

Sincerely,



David Askew, Executive Director
Registered Professional Soil Scientist, SSSSNE
(digital signature above)

Attachment #2



OFFICE OF THE
TOWN PLANNER

TOWN OF VERNON

14 PARK PLACE, VERNON, CT 06066-3291

Tel: (860) 870-3667

Fax: (860) 870-3683

E-mail: planning@vernon-ct.gov

Proposed Changes to the Vernon
Inland Wetlands and Watercourses Regulations
Application IWC-2013-02
February 2013

Additions to text shown in *bold italics*; deletions to text shown in ~~strikethroughs~~.

Section 4
Permitted Uses as of Right & Nonregulated Uses

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses, as of right:
- a. grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - b. a residential home ~~(#)~~ *(A)* for which a building permit has been issued or ~~(#)~~ *(B)* on a subdivision lot, provided the permit has been issued or the subdivision has been approved by a municipal planning, zoning or planning and zoning commission as of the effective date of promulgation of the municipal regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right pursuant to this subdivision unless the permit was obtained on or before July 1, 1987;
 - c.
 - d. [no changes]
 - e.
 - f. Maintenance relating to any drainage pipe which existed before the effective date of any municipal regulations adopted pursuant to section 22a-42a of the Connecticut General Statutes or July 1, 1974, whichever is earlier, provided such pipe is on property which is zoned as residential but which does not contain hydrophytic vegetation. For purposes of this subdivision, "maintenance" means the removal of accumulated leaves, soil, and other debris whether by hand or machine, while the pipe remains in place; *and*
 - g. *Withdrawals of water for fire emergency purposes.*

Reason: comply with the provisions of Public Act 11-184

- 4.2 The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow, or pollution of the wetland or watercourse:
- a. conservation of soil, vegetation, water, fish, shellfish and wildlife; and
 - b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated; and
 - c. *The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, "dry hydrant" means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.*

Reason: comply with the provisions of Public Act 11-184

Section 7 – Application Requirements

- 7.10 Any application to renew a permit shall be granted upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances which requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued provided no permit may be valid for more than ten years and further provided that any permit issued prior to July 1, 2011, that did not expire prior to May 9, 2011, shall be valid for no more than fourteen years.

Reason: comply with the provisions of Public Act 11-5

Section 11 Decision Process and Permit

- 11.1 The Commission, or its duly authorized agent acting pursuant to Section 12 of these regulations, may, in accordance with Section 10 of these regulations, grant the application as filed or grant it upon other terms, conditions, limitations or modifications of the regulated activity designed to carry out the purposes and policies of the Act, or deny the application. Such terms may include any reasonable measures which would mitigate the impacts of the regulated activity and which would (a) prevent or minimize pollution or other environmental damage, (b) maintain or enhance existing environmental quality, or (c) in the following order of priority: restore, enhance and create productive wetland or watercourse resources. *Such terms may include restrictions as to the time of year in which a regulated activity may be conducted, provided the Commission, or its agent, determines that such restrictions are necessary to carry out the policy of sections 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.*

Reason: comply with the provisions of Public Act 12-151

- 11.2
↓ [no changes]
11.5

Proposed changes to the Vernon Inland Wetlands and Watercourses Regulations
Application IWC-2013-02

February 2013

- 11.6 Any permit issued by the Commission for the development of land for which an approval is required under ~~section 8-3, 8-25 or 8-26~~ *chapter 124, 124b, 126, or 126a* of the Connecticut General Statutes shall be valid for ~~five years provided the Commission may establish a specific time period within which any regulated activity shall be conducted until the approval granted under such chapter expires or for ten years, whichever is earlier.~~ Any permit issued by the Commission for any other activity *for which an approval is not required under chapter 124, 124b, 126, or 126a* shall be valid for not less than two years and not more than five years. Any permit issued by the Commission prior to July 1, 2011, that has not expired prior to May 9, 2011, shall ~~expire not less than nine years after the date of such approval.~~ Any such permit shall be renewed upon request of the permit holder unless the Commission finds that there has been a substantial change in circumstances that requires a new permit application or an enforcement action has been undertaken with regard to the regulated activity for which the permit was issued, provided no such permit shall be valid for more than fourteen years.

11.6.1 Notwithstanding the provisions of Section 11.6 of these regulations, any permit issued by the Commission prior to July 1, 2011, that was in effect and did not expire prior to May 9, 2011, shall be valid for a period not less than nine years after the date of such approval.

Reason: comply with the provisions of Public Act 12-151