Town Clerk

Inland Wetlands Commission (IWC)
Minutes - Special Meeting
Tuesday, January 7, 2014, 7:00 PM
Small First Floor Conference Room
Vernon Senior Center
26 Park Place
Rockville / Vernon, CT

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VERNON TOWN CLERK
14 JAN 16 PM 3:14

1. Call to Order & Roll Call

- **Meeting was called to order at 7:06 P.M.**
- **Regular Members Present:** Jeffrey Pescosolido, Ronald Kane, Frank Galat and Lynda Morhart
- **Alternate Members Present:** None
- **Staff Present:** Leonard Tundermann, Town Planner, Craig Perry, Inland Wetlands Agent
- **Town Counsel:** Harold Cummings, Town Attorney
- **Recording Secretary:** James Krupienski

2. Administrative Actions

2.1. Communications received not related to Agenda items.

- **Connecticut Wildlife Magazine, November/December 2013.**

2.2. Acceptance of Minutes.

- **Frank Galat, seconded by Ronald Kane moved a motion to adopt the December 17, 2013 Regular Meeting minutes as amended.**
  - **Change Page Header to read IWC Special Meeting Minutes December 17, 2013 ¼**
  - **Change date at the top of Page 1 – Tuesday, December 17, 2013, 7:00 P.M.**
  - **Page 2 – Change Eileen Tate to Eileen Dee**
  - **Page 3 – Change Construction Easement to Conservation Easement**
  - **Page 3, Staff Comments to read – "Craig Perry indicated that based on the design and review by Professional Engineers it should be adequate for water flow."**
  - **Page 3 – Change Eileen Tate to Eileen Dee in two locations**
  - **Page 3, Public Comments, Bullet #10 – Add Asuncion Dee, 137 Washington Street**
  - **Page 3, Under Asuncion Dee – "Concerned with flooding in the rear yard of her property."**
- **Motion carried.**

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

- **None**

3. Old Business

3.1. Application **(IWC-2013-05)** of Andre Charbonneau for a wetlands redesignation and a wetlands permit to construct a single family dwelling and install a culvert for a driveway

crossing of a wetland on property at 133 Washington Street (Assessor's ID: Map # 11, block # 0155, Lot/Parcel 09A10 & # 01B24).

- **Ronald Kane indicated that he had visited the site and felt the design was adequate as presented to handle site flow.**
- **Lynda Morhardt spoke to specific conflicts between the Highland Soils report and Carya Ecological Services.**
  - **Wildlife habitats were compared.**
  - **Reviewed Conservation Commission memorandum relative to parcel as an important wetland.**
  - **Felt application should be denied based on impact to the wetlands; Irreversible impact to wetlands; Long term negative impact; impact based on light levels to wetlands; fragmentation of wetlands;**
  - **Craig Perry indicated that the application was for wetlands redesignation as well as a regulated activity; each issue would require a separate vote.**
    - **"Non-Buildable" notation was clarified by the Town Attorney.**
    - **NCCD did not have time or scope to complete review of the site.**
      - **Must have a clear impact to the Wetland.**
  - **Lynda Morhardt**
  - **Craig Perry indicated that NCCD had recommended alternate house location south of stream #2**
    - **2nd review – Indicated the land to the south would handle a home site better.**
    - **3rd review – No negative comments were received.**
  - **Lynda Morhardt was concerned with ongoing impact to the wetlands that may occur after development was completed.**
  - **Craig Perry suggested the use of a Conservation Easement which should be delineated by Legal Description and placarded if approved by the commission.**
    - **If approved by the commission, it was suggested to approve multiple alternates for proposed construction.**
  - **Frank Galat believed that it would be a significant adverse activity on the site.**
    - **Fragile wetlands**
    - **Discharge of stormwater**
    - **Long term impact on the site.**
    - **Vernal pool may be on the site.**
    - **Effect on the Tankerhoosen river.**
  - **Ronald Kane was concerned with the use of expert testimony that was not present for interview and questions and comments.**
  - **Frank Galat was concerned with continuing impact to residents in the area.**
  - **Jeffrey Pescosolido reviewed the regulation criteria for approval.**
    - **Spoke to the history of flooding on the parcel.**
    - **Questioned possible short-term and long-term impact after development.**

  - **Jeffrey Pescosolido, seconded by Ronald Kane moved a motion to accept the re-designation of wetlands as presented. Motion carried unanimously.**

  - **Ronald Kane, seconded by moved a motion to approve Alternate #2 and Alternate #1:**
    - **Maintenance criteria §10.2 and design approved by the Town Engineer with regards to water crossings.**
    - **Conservation Easement to be established based on plans of Alternate #3**

- **Motion failed due to lack of second.**

- **Lynda Morhardt, secnded by Frank Galat moved a Motion to Deny based on:**
  - **§10.2a – Environmental impact of the proposed activity on the inland wetlands and watercourses, negative impact based on the Carya Ecological Services study.**
  - **10.2c. the relationship between the short term and long term impacts of the proposed regulated activity on wetlands or watercourses and the maintenance and enhancement of long-term productivity of such wetlands or watercourses.**
  - **10.2d. irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity, including the extent to which such activity would foreclose a future ability to protect, enhance or restore such resources, and any mitigation measures which may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources;**
  - **10.2e. the character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and**
  - **10.2f. impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands and watercourses.**
  - **Carya Ecological Services – Conclusion 4.0 – It is my professional that this is a significant application and there is a reasonable likehood of adverse impacts on the regulated resources as a result of the proposal before you.**
  - **North Central Conservation District (NCCD) – "After monitoring several dozen sites in multiple settings and landscapes and with various soil types, NCCD has found that under prevailing practices, and using standard erosion control measures, construction of single family residences within close proximity to sensitive wetlands and watercourses (generally less than 30' when soils are highly erodible and slopes exceed 5-10%) typically results in negative impacts to those resources related to soil erosion and sedimentation."**
  - **Carya Ecological Services – Statement of high wildlife habitat function, that there is production export function.**
    - **Tucker Brook has habitat that could support rare and endangered species.**
    - **Nutrient uptake is not reduced. Forty foot pipe crossing long enough to fragment the stream.**
    - **Light levels increased by tree cutting triggering changes in vegetative structure of wetlands.**
    - **Nighttime artificial illumination attracts flying moths, flying stages, etc has been shown by recent research to reduce their abundance in nearby**

natural habitat often dramatically also diminishing production export in wildlife habitats.

- **Motion carried with Frank Galat, Lynda Morhardt and Jeffrey Pescosolido for. Ronald Kane against.**

4. Executive Session: Discuss Items of Pending Litigation

- **Jeffrey Pescosolido, seconded by Frank Galat moved to go into Executive session at 8:08 P.M. Motion carried unanimously.**
- **Commission came out of Executive Session at 8:45 P.M.**

Status of Cease & Correct Orders

- 11 Autumn Wood Lane
- 14 Autumn Wood Lane
- Talcottville Mill, 47 Main Street
- 21 Terrace Drive
  - **Craig Perry indicated that the Public Works Department had contacted the Engineering office regarding flooding of the roadway and property on Terrace Drive.**
    - **Park West Detention Basin and drainage pipe from small basin had not been maintained causing the flooding from 21 Terrace Drive.**
    - **VHB indicated they were analyzing the detention basin that was not properly functioning and water was coming from 21 Terrace Drive.**
      - **Would like to include 21 Terrace Drive on a project to repair the detention basin.**
  - **Harold Cummings, Town Attorney indicated that the problem was not a wetlands issue, but a non-maintained drainage system and would be more properly brought before the Planning and Zoning Commission during Site Plan review.**
- 19 Grove Street
  - **Craig Perry indicated that a building wall has fallen into the pond (Paper Mill) and would update the commission at the next meeting after staff had spoken to the Administration.**

5. Additional Business

5.1. Receipt of Application and Determination of Significance

- **None**

5.2. Wetlands Enforcement Officer – Report

- **21 Brittany Lane – Cease & Correct Order sent on October 29, 2013 for fallen trees and debris in the Tankerhoosen River was issued. Association has cleared the debris and reopened the water channel. Enforcement action has been corrected.**

5.3. Inland Wetlands Agent – Report

- **None**

6. Adjournment.

- **Discussion took place regarding the next scheduled regular meeting. Commission agreed to go forward with the upcoming regular meeting.**

- **Frank Galat, seconded by Lynda Morhardt moved a motion to Adjourn. Motion carried unanimously.**
- **Meeting adjourned at 9:02 P.M.**

James Krupienski
Recording Secretary