T.C.

Town of Vernon
Inland Wetlands Commission (IWC)
Tuesday, August 25, 2015
7:00 p.m.
Council Chambers, Third Floor
Vernon Memorial Building
14 Park Place
Rockville/Vernon, CT

RECEIVED
VERNON TOWN CLERK
15 SEP 24 PM 3:20

MINUTES

1. Call to Order and Roll Call
Meeting was called to order at 7:04 p.m. by Chairperson Lynda Morhardt. Also in attendance were Ronald Kane and Robert Lewis. Staff members present were Craig Perry, Town Wetlands Agent, and Shaun Gately, Interim Town Planner.

2. Administrative Actions

2.1 Communications received not related to Agenda Items.
Publication *The Habitat* was included in packet.

2.2 Acceptance of Minutes.
Mr. Kane made a motion seconded by Chairperson Morhardt to accept the minutes as submitted. Motion carried unanimously.

2.3 Call for filing(s) of Intervener petition(s) and determination of status.
None

3. Public Hearing/Action

3.1 Application **[IWC-2015-04]** for Dawid Trojanowski for a Wetlands permit to do property improvements at #76 Tallwood Drive (Assessor's ID: Map #311, Block #428, Lot/Parcel #00001).

Mr. George Logan of REMA, representing applicant stated the objective of the application and discussed proposed plans. History of the wetland area on the property was explained. Discussion took place regarding pushing slope back, providing flat area, replicating wetland closer to the boundary outside sewer easement, wetland restoration, erosion sedimentation controls, mitigation plans.

Mr. Gately read the Legal Notice published in the *Journal Inquirer* on August 14, 2015, and August 21, 2015.

Public Hearing was opened at 7:20 p.m. by Chairperson Morhardt.

Pamela Oliver, 171 Risley Road, expressed concerns regarding proposed grading, sewer seeping, maintenance program, and functioning wetlands. Mr. Logan addressed public concerns and reiterated no change to hydrology of wetland, the marginally functioning wetland being replaced with functioning wetland, monitoring mitigation plan, plantings, box turtles diminishing due to increased subdivisions. He suggested a stipulation to the Application be that he monitor mitigation area for two years and provide the Commission with updated information.
Mr. Steve Calhoun, landscaper, discussed plans for topsoil and plantings and proposed timing of work.

Public Hearing closed at 7:37 p.m.

Chairperson Morhardt made a motion seconded by Mr. Lewis to accept the Application with the stipulation outlined in Mr. Logan's report concerning the follow up of maintenance on the new and improved enhanced wetland area to ensure it continues to function as planned. Motion passed unanimously.

4. Show Cause Hearing

4.1 #321 & #327 Talcottville Road, (Juliano's Pools).

Mr. Perry passed around eight photos of the area and discussed the history of the 2008 Cease & Correct Order that has been corrected. Present to testify at Show Cause Hearing were property owners Brian Juliano of Juliano's Pools, and Dave Bobowski of 327 Talcottville LLC. Mr. Perry stated there has been significant fill added at the property near the vernal pool, within a regulated area. Mr. Juliano discussed the work that has occurred and stated he believes there has been no impact to wetland, acknowledged dumping after hours is wrong, and has stopped the practice with his employees. Discussion was held regarding vernal pool functions and benefits, defining the perimeter of the wetland. Mr. Bobowski stated Juliano's did not have permission to dump on his property. Maps of the area were discussed and requested, suggestion was made to have Mr. Perry work with Mr. Juliano to determine the impact and scope of the situation. Mr. Perry noted erosion controls are in place making it acceptable if Mr. Juliano were to remove material himself. Commission noted a better assessment is required, whether an impact has been made to the wetland area, and a determination of what should be corrected. Mr. Perry will keep Commission informed via emails during the month. Cease & Correct Order will remain in place.

Chairperson Morhardt made a motion seconded by Mr. Lewis that Mr. Perry will assess the full scope of the situation, determine what the impacts are, map out the area, and once comfortable with his findings

give recommendations before proceeding further. The intent will be to restore the regulated areas to the previously approved 2008 plan. Commission agrees it is delegating to the Wetlands Agent the ability to issue Permit to Correct Activity as permitted in Section 12.1. Motion passed unanimously.

5. Status of Cease & Correct Orders.

20 Dockerel Road, Gregory & Susan Prentiss
No new information.

50 Windsorville Road
No new information. Still trying to contact Environmental Company.

19 Grove Street
All buildings have been removed, debris along water's edge removed, Mr. Perry visited site and noted the remarkable difference. Recommended Order be removed. *Chairperson Morhardt made a motion seconded by Mr. Lewis to remove the Cease & Correct Order for 19 Grove Street. Motion passed unanimously.*

6. Discussion/Additional Business

6.1 Receipt of Application and Determination of Significance

6.1.1 Application **[IWC-2015-05]** of Ken Kaplan for a Wetlands Permit to conduct activities within a regulated area at #161 & #200 West Main Street (Assessor's ID: Map #22, Block #0059, Lot/Parcel #00001, Map #22, Block #0058, Lot/Parcel #00013, Map #22, Block #0058, Lot/Parcel 00012).

Len Jacobs, Attorney for applicant, Mr. George Logan of REMA, Eric Peterson, P.E. of Gardner & Peterson Associates, and Ken Kaplan, applicant, appeared in connection to the wetland application. Mr. Jacobs discussed the request for modifying the parking area. Mr. Peterson discussed the previous application for the parking lot, need for four additional parking lots, drainage systems, high level overflow, rain gardens in larger parking lots, redirecting water, new catch basins, number of parking spaces (376 approx.) for future business needs. Pervious pavement was discussed and Commission requested cost evaluations. Mr. Logan distributed four photos and discussed drainage system, pipe installation, new outlet, underground concrete leaching trenches, pervious surfaces, and polluted areas. Mr. Gately suggested the calculations on pervious surfaces be completed which will answer the

inquiries regarding these surfaces. It was noted the application for determination of significance was received the same day and further information should be provided along with the Town Engineer's input.
Chairperson Morhardt made a motion seconded by Mr. Kane to receive the Application and determined the activity is not significant that would require a public hearing. Motion passed unanimously. Applicant will appear at the next scheduled meeting on September 22, 2015.

Agenda Item 2.2 Acceptance of Minutes from July 28, 2015, was reopened. Mr. Perry requested a change under Section 4, Status of Cease & Correct Orders, 19 Grove Street, to read "A separate contract would be needed to handle any subsurface issues if required." *Chairperson Morhardt made a motion to accept the minutes with modifications. Motion passed unanimously.*

6.2 Wetlands Enforcement Officer – Report

IWC-2014-08 Kenneth Boynton, 263 South Street – land cleared, erosion control in place, road base is in.

IWC-2014-04 Grand Lofts III – moving along

IWC-2014-03 Park West Apartments – moving along, looks good.

IWC-2013-04 West Main Street Bridge – project complete. Will be removed next update.

IWC-2012-09 Loom City Lofts – a lot of work, most of site work has been completed, binder down for pavement, under control if we have heavy rain.

Mr. Perry noted that he has spoken with the previous Town Planner and current Interim Town Planner regarding any input on State Regulations when an application expires as in 501 Talcottville Road. Mr. Gately stated he has had no further communications. Question was raised regarding IWC-2003-05, Reservoir Road. Discussion took place regarding extended state permits and approvals for big box store.

6.3 Inland Wetland Agent – Report
BNL Industries, Inc. requested a Wetland Agent Approval for one loading dock on an existing building. Mr. Perry approved the request.

7. Adjournment

Chairperson Morhardt made a motion seconded by Mr. Kane to adjourn at 9:26p.m. Motion carried unanimously.

Respectfully Submitted
Susan Hewett
Recording Secretary