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Town of Vernon
Inland Wetlands Commission (IWC)
Tuesday, January 26, 2016
7:00 p.m.
Council Chambers, Third Floor
Vernon Memorial Building
14 Park Place
Rockville/Vernon, CT

APPROVED MINUTES

1. Call to Order and Roll Call
Chairperson Lynda Morhardt called the meeting to order at 7:07 p.m. Also in attendance were Ronald Kane and Robert Lewis. Staff members present were Marina Rodriguez, Town Planner and Craig Perry, Town Wetlands Agent.

2. Administrative Actions

2.1 Communications received not related to Agenda Items
Correspondence from DEEP dated December 14, 2015, regarding Hockanum Reservoir Dam maintenance work.
Correspondence dated December 16, 2015, from Eversource regarding proposed maintenance work.
Correspondence from DEEP dated December 16, 2015, regarding legislation and regulatory advisory.
CT Wildlife November/December Publication
Email correspondence from Town Administration regarding the IWC meeting schedule for 2016. The regularly scheduled IWC meeting for April 26, 2016, corresponds with the Annual Town Budget Meeting. *Commission requested the second Tuesday, April 12, 2016, as a Special Meeting and canceled the April 26, 2016, meeting.*

2.2 Acceptance of Minutes
Mr. Kane made a motion seconded by Mr. Lewis to accept the minutes as submitted. Motion carried with Chairperson Morhardt abstaining.
Ms. Rodriguez requested the following modifications: Item 3.1 Public Hearing/Action to note that public hearing was opened before the discussion. Section 3.1 Public Hearing to read "was continued," not closed. Section 4 Status of Cease & Correct, 50 Windsorville Road to read, "Mr. Perry has approval to contact the owner's attorney. "
Mr. Kane made a motion seconded by Mr. Lewis to accept minutes with modifications. Motion carried with Chairperson Morhardt abstaining.

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

2.4 Executive Session

The Inland Wetlands Commission hereby moves to go into Executive Session on Pending Litigation relative to Andre Charbonneau's Inland Wetland Permit at #133 Washington Street ***[IWC-2013-05]*** *Andre L. Charbonneau, ET AL vs. Inland Wetlands and Watercourses Commission for the Town of Vernon, Docket #TTD-CV 14-6007788-S and invites the following individuals to attend: Attorney Martin Burke, Marina Rodriguez, Town Planner, and Craig Perry, Inland Wetlands Enforcement Officer. Mr. Kane seconded the Motion. Motion carried unanimously.*

Commission exited council chambers at 7:15 p.m.

Chairperson Morhardt called the IWC Commission back in session at 8:15 p.m.

Chairperson Morhardt made a motion seconded by Mr. Kane to settle pending litigation relative to Andre Charbonneau's Inland Wetlands Permit at #133 Washington Street ***[IWC-2013-05]*** *Andre L. Charbonneau, ET AL vs. Inland Wetlands and Watercourses Commission for the Town of Vernon, Docket #TTD-CV 14-6007788-S in accordance with the stipulation for judgment in settlement of Andre L. Charbonneau ET AL vs. Inland Wetlands and Watercourses of the Town of Vernon as shown on map boundary and existing conditions plan owner/applicant Andre Charbonneau and Clarence Welty, Washington Street and Brookview Drive, Vernon, CT, Map 11, Block 155, Lots 1B24 and 9A10, revision date 1-22-16 relative to the proposed settlement. The stipulation to include modifications of item 11 which states the two conservation easements set forth above to be changed to three conservation easements set forth above, adding line 12 which the Wetland Agent will be granted access to all conservation easements and item 13 that all conservation easements will be placarded. Motion carried unanimously.*

3. Public Hearing/Action

3.1 Application **[IWC-2015-10]** of Town of Vernon for a wetlands redesignation and a wetlands permit to conduct activities in an upland review area at #37 Pleasantview Drive parking area Assessor's ID: Map #03, Block #0004, Lot/Parcel #00026.

Ms. Rodriguez read the Legal Notice published in the *Journal Inquirer* on January 16, 2016, and January 23, 2016.

David Smith, Town Engineer, Vernon presented the Pleasantview parking area plans and discussed the two-part application and redesignation. Ms. Rodriguez distributed staff comments and noted

the soil scientist's correspondence from January 4, 2016, is on the record. Mr. Perry opined there would be no impact to the wetlands from this project.

Public Comments

Ann Letendre, 29 Gottier Drive, Vernon testified that she believes this is a great project and urges the Commission's approval.

Chairperson Morhardt closed public hearing at 8:28 p.m.

Mr. Kane made a motion seconded by Mr. Lewis to approve Application ***[IWC-2015-10]*** *for redesignation. Motion carried unanimously.*

Chairperson Morhardt made a motion seconded by Mr. Lewis to approve construction of the parking lot at #37 Pleasantview Drive parking area Assessor's ID: Map #03, Block #0004, Lot/Parcel #00026 as shown on the plans as submitted. Motion carried unanimously.

3.2 Continued hearing for Application **[IWC-2015-08]** of Leung Ching Kwok & Zheng Li Kwok for a Wetlands permit at #206 Talcottville Assessor's ID: Map #10, Block #01513, Lot/Parcel #00037.

Joel Fuller, of Fuller Landsurveying, representing the applicant and in response to comments and input from Commission and public, discussed changes noting impervious parking areas have been reduced, buffer area has been increased, silt sock details and silt fence.

John Martucci, of LBM engineering, representing the applicant, discussed reduction of impervious area, roof run off infiltration, storm water operation and maintenance plans, distributed copies of plans, noted seven parking spaces eliminated.

Haas Hansen, of Architectural Design, Glastonbury presented the building design and plantings for the bio basin. A letter dated December 11, 2015, from NE Soil Services was referenced regarding accommodating poorly drained soil. Mr. Martucci noted that Richard Snarski, Registered Soil Scientist, will visit the site at time of excavation to coordinate basin plantings. He discussed impervious surfaces which have been reduced to below 70%, increased vegetative buffer, storm run off, maintenance plans and operations, work completed in accordance to DEEP guidelines, no proposed use of the building except center portion being a restaurant, assessment is no long-term impact to wetlands outside the area during and after construction.

Public Comments

Bob Zumwalt, 4 Jakes Way, Vernon had questions regarding the parking area and permeable vs. impermeable spaces, landscaping, plantings, future maintenance plans, and lighting in parking areas.

Ann Letendre, 29 Gottier Drive, Vernon requested clarification of post-construction vs. preconstruction run off and buffer requirement. Mr. Perry noted the distance from the property line to the building is 45 feet and there is no proposed building or pavement within the area. He believes it has no impact on the wetlands or watercourses and noted this also does not fall under the IWC jurisdiction. Ms. Letendre also had concerns regarding water discharge into Hockanum River.

Mr. Fuller addressed public concerns regarding storm run off, downstream flooding, peak flows, and storm water management. Mr. Perry noted he believes applicant has adequately addressed concerns, believing this development will not have an impact to adjacent watercourse as long as proper erosion controls are in place during construction. Mr. Perry discussed the basin and leaving the design to the soil scientist, plantings and soil needed to retain water for wetland plants, and suggested a note be added to the legend to make contractors aware of the silt sock location. Suggested possible stipulation that soil scientist contact wetland agent.

David Smith, Town Engineer, discussed the one-inch storm and agreed with Mr. Martucci's statements regarding storm run off. He also reiterated Mr. Snarski's specialty is wetlands plantings and agreed with the stipulation for the Wetlands Agent to review final plans.

Chairperson Morhardt made a motion seconded by Mr. Kane to close the public hearing at 9:24 p.m. Motion passed unanimously.

Chairperson Morhardt made a motion seconded by Mr. Kane to approve the application citing regulations Section 10.2 the criteria for decisions, Commission has addressed the environmental impact and the addition of the pervious surfaces and the storm water management has shown that the environmental impact should be negligible or non existent, the purpose of the proposed regulated activity has been more firmly defined, the relationship between short-term and long-term impacts appear to have been clarified, the short-term impacts being addressed with the silt sock and the protection put in place at the time of construction, the long-term impacts are covered with the maintenance plan to be

addressed with the owner after the construction is completed, and Commission has heard there will be no impact on wetlands and watercourses outside the area to which the post activity is planned. A stipulation is added that the silt sock will be noted on the plans and a specific provision will be made during basin construction that it is coordinated under the review of the Wetland Agent. Motion passed unanimously.

4. Status of Cease & Correct Orders

20 Dockerel Road (Gregory & Susan Prentiss)
Nothing new. Mr. Perry noted nothing can be done with onset of winter and suggested he revisit in late March to look and report back if additional work needs to be done. His only concern is if the wetland in the rear has not been fully cleaned.

50 Windsorville Road.
Mr. Perry contacted the owner's attorney and was informed that Stop and Shop was now responsible for completing the recommendations from the environmental company. He expressed concern to them that the Wetlands Commission would like to put an end to the Order, a letter has been sent requesting this clean up be completed and that Commission receive documentation from environmental company of such.

5. Discussion/Action and Additional Business

5.1 Application **[IWC-2015-09]** of Town of Vernon for a wetlands permit to conduct activities in the wetlands upland area at the Amerbelle site at #104 East Main Street and #5 Brooklyn Street, Assessor's ID: Map #40, Block #0119, Lot/Parcel #6 and Map #41, Block 0119, Lot/Parcel #1.

David Smith, Town Engineer distributed plans and maps and discussed which buildings were to remain and which were to be removed at Amerbelle site and the sequence of activities to take place, DEEP will be taking responsibility to maintain environmental clean up. Discussion was held regarding town application and state responsibility. Inland Wetlands State Statutes Sections 4.1.A and 5.3 were referenced.

Chairperson Morhardt made a motion seconded by Mr. Kane stating this application falls under Section 5.3 the states Commissioner of Environmental Protection shall have exclusive jurisdiction over activities authorized under a dam repair or removal order issued by the Commissioner of Environmental Protection under Section 22a-402 of the Connecticut General Statutes or a permit issued for construction,

alteration, repair or removal of a dam issued by the Commissioner of Environmental Protection under Section 22a-403 of the Connecticut General Statutes. Any person receiving any such dam repair or removal order or any such permit shall not be required to obtain a permit from the Municipal Wetlands Agency for any action necessary to comply with such dam order or to carry out the activities authorized by the permit. This is not within this Commission's jurisdiction and therefore will close this application. Motion carried unanimously.

5.2 Receipt of Application and Determination of Significance
None

5.3 Wetlands Enforcement Officer – Report
Mr. Perry distributed IWC Project Status Report dated January 2016

IWC-2015-01 construction continues, protecting water resource

IWC-2014-04 looking good, no problems with erosion control

IWC-2014-03 work completed, clean up in the Spring

IWC-2012-09 work completed, not fully stabilized, should close out in the Spring

IWC-2012-06 demo portion has been started, rough-cut parking area, looks fine

Applications that have expired **IWC-2006-22, IWC-2006-16**

IWC-2006-10 nearing completion

5.3. Inland Wetlands Agent – Report
None.

6. Adjournment
Chairperson Morhardt made a motion seconded by Mr. Kane to adjourn at 10:00 p.m. Motion carried unanimously.

Respectfully Submitted
Susan Hewett
Recording Secretary