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**Town of Vernon**  
**Inland Wetlands Commission (IWC)**  
Tuesday, September 26, 2017, 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 7:02 p.m. Also in attendance were Ronald Kane and Robert Lewis. Staff members present were Craig Perry, Wetlands Enforcement Officer; David Smith, Town Engineer; Shaun Gately, Economic Development Coordinator; and Martin Burke, Assistant Town Attorney.

2. Administrative Actions

2.1 Communications received not related to Agenda Items  
Habitat and CT Wildlife publications

2.2 Acceptance of Minutes

*Robert Lewis made a motion seconded by Ronald Kane to accept the minutes from the August 22, 2017, as presented. Motion carried unanimously.*

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

Mr. Gately requested a revision to the agenda moving Agenda Item 5.1.3 for a Jurisdictional Ruling to Agenda Item 3.3.

3. Public Hearing/Action

3.1 Application [**IWC-2017-03**] of Hyde Park LLC for a Wetlands Permit to conduct regulated activities with significant impact in a wetlands area for the construction of a multi-family and commercial development at #14 Hyde Ave. (Assessor's ID: Map #46, Block #0071, Lot/Parcel #00019).

Chairperson Morhardt addressed Attorney Burke regarding his August 28, 2017, opinion memo concerning deadlines as listed in the General Statutes.

Commission moved for a recess at 7:10 p.m. Meeting reconvened at 7:18 p.m.

Chairperson Morhardt acknowledged a written legal opinion by Attorney Burke that was submitted to Commission making them aware that the Chair may not make a motion according to *Robert's Rules of Order Newly Revised*. Discussion took place.

Chairperson Morhardt raised the subject of the draft motion submitted by Economic Development Coordinator. Deliberation of application took place regarding pervious pavement, deadlines, and drafted motions. Discussion took place.

Chairperson Morhardt referenced an April 18, 2017, memo from the Town Engineer stating as an "alternative to this massive re-grading of the site, the applicant may wish to consider pervious pavement systems for the parking lots which may reduce or possibly eliminate the need for the various detention basins and this large volume of fill while simultaneously reducing the extent of the sight disturbance." She continued stating she felt no convincing argument has been given as to why this would not be a reasonable and prudent alternative.

The Chairperson also referenced the April 24, 2017, *Central Conservation District* memo sent to the Town Planner detailing both short and long-term impacts.

In her opinion, she feels there will be irreversible and irretrievable loss of wetlands watercourse resources that would be caused by this proposed activity including the extent to which such activity would foreclose a future ability to protect, enhance, and restore such resources. However, she stated these do not preclude development of this property. She continued saying the project would be an asset to the town. But, in her opinion, she does not feel this application meets the criteria in its present form.

Discussion took place.

*Mr. Kane made a motion seconded by Mr. Lewis to accept Application [IWC-2017-03] of Hyde Park LLC for a Wetlands Permit to conduct regulated activities with significant impact in a wetlands area for the construction of multi-family and commercial development at #14 Hyde Ave. (Assessor's ID: Map #46, Block #0071, Lot/Parcel #00019) which will include conditions listed in the Draft Motion to Approve presented by Economic Development Coordinator. Motion carried with two approvals and one opposed. Draft Motion to Approve reads as follows:*

**MOVED**, that the Vernon Inland Wetlands and Watercourses Commission does hereby APPROVE, as herein amended, an application (**IWC-2017-03**) of Hyde Park LLC for a wetlands permit to fill, construct a road, parking, buildings and drainage as well as incidental related activities / disturbing 0.37 acre of wetlands and 7.09 acres of upland within the 100-foot regulated area. These activities are in connection with the construction of 11 residential apartment buildings, related parking and access drives, storm drainage improvements, utility connections, miscellaneous site plan improvements, and proposed mitigation measures, all at 14 Hyde Ave (Assessor ID: Map #46, Block #0071, Parcel #00019).

This approval is granted based on the Commission's finding that the application, as submitted and subsequently amended, complies with the requirements of the Town of Vernon's Inland Wetlands and Watercourses Regulations. In addition to the above compliance with Regulations, this approval is also based on the considerations required under Section 10.2, including but not limited to the information presented and more specifically as follows:

- a. **The environmental impact of the proposed regulated activity on wetlands or watercourses will be minimized by applying the appropriate safeguards set forth in the application as presented;**
- b. **The applicant has reduced the scope of the project, and no additional feasible and prudent alternatives to, the proposed regulated activity exist beyond the alternatives that have already been made part of this application.**
- c. **Both the short term and long term impacts of the proposed regulated activity on wetlands or watercourses will be minimal. The proposed Maintenance and Wet land mitigation plans will ensure that the functions and values remain at least at their current levels if not somewhat higher.**

The Commission grants this approval subject to the following conditions, modifications, restrictions, and safeguards:

1. This permit approval shall expire on September 26, 2022, which is within five years of the effective date of approval pursuant to CGSA 22a-42a (d) (2), unless specifically extended by the Inland Wetlands Commission (IWC) under the provisions of Section 11.6 of the Inland Wetlands Regulations;
2. The Office of the Town Planner shall be notified in writing, in advance, concerning the anticipated date of commencement of work under this permit.
3. The Wetlands Enforcement Officer will be notified at least twenty-four (24) hours in advance of the commencement of excavating, filling, and grading on the site.
4. Prior to the commencement of site grading, the applicant shall install erosion and sedimentation control measures essential to the protection of wetlands and

watercourses. Only that site disturbance / clearing necessary for installation of those measures shall take place prior to disturbance of the remainder of the site.

5. The permittee and his contractor(s) shall schedule and attend a pre-construction meeting with the Wetlands Enforcement Officer, or his designee, prior to the start of construction, but after erosion and sedimentation control measures have been installed.
6. The permittee shall employ best management practices (BMP), as defined by the Connecticut Department of Energy and Environmental Protection (DEEP) consistent with the terms and conditions of this permit to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. All sediment and erosion control measures must be maintained until all disturbed areas are stabilized.
7. The permittee shall inform the Commission immediately of any impacts to wetlands or watercourses which occur in the course of, or which are caused by, the authorized work; any soil-laden run-off issuing from the developer's site shall be considered a violation of this stipulation. At the direction of the Inland Wetlands Commission, or the Wetlands Enforcement Officer or his designee, the permittee shall remediate any damage incurred;
8. No equipment or material, including without limitation, fill, construction materials, or debris, shall be deposited, placed, or stored in any wetland or watercourse, on or offsite, unless specifically authorized by this permit;
9. The site will be visited regularly at a minimum of every two weeks, especially during construction, and prior to and after any rainstorms by the Wetlands Enforcement Officer or his designee;
10. This permit is subject to, and does not derogate, any present or future property rights or other rights or powers of the Town of Vernon, and conveys no property rights in real estate of material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity effected hereby;
11. If the activity authorized by the Inland Wetlands permit also involves an activity or a project that requires Planning & Zoning Commission or Zoning Board of Appeals approval, no work pursuant to the wetlands permit may begin until such approval is obtained;
12. Erosion controls shall not be removed without the authorization of the Wetlands Enforcement Officer or his designee;

This approval is granted based on the following plans submitted in connection with this application, as well as testimony presented during the public hearings.

Site Development Plan  
for Hyde Park LLC  
14 Hyde Ave  
Vernon, Connecticut  
Prepared by Wentworth Civil Engineers, LLC.  
177 West Town St.  
Lebanon, CT 06249  
Sheets 1,2,3,4,5,6,7,9-11.  
Dated January 15, 2017; Revised 4-02-17, and 8-15-17.

In addition to the above-referenced plans, this approval is granted based on an application dated May 30, 2017, received in the Planning Department on June 2, 2017, and received by the Inland Wetlands Commission on June 27, 2017; testimony received at a Public Hearing commenced on July 25, 2017; continued to August 22, 2017, and closed on that date, deliberated and affirmatively voted upon on September 26, 2017; and in accordance with the following documentation submitted by the applicant, or otherwise received at the public hearing, all submitted in connection with the requirements of Regulations, Sections 9 and 10:

**Exhibits on File prior to Public Hearing**

- 1. Wetlands Application of Hyde Park LLC, received in planning office on 6/2/17 with Narrative, Water Quality Basins & Fill Slopes Planting Plan Report, Site Plans, Application fees.**
- 2. Letter dated July 5, 2017 from Attorney Timothy Furey requesting all correspondence previously submitted on be transferred into this application file.**
- 3. Letter dated July 10, 2017 sent to Tolland Town Clerk notifying them date of public hearing.**
- 4. Legal notice dated July 12, 2017 sent to Journal Inquirer for publication 7/15/17 & 7/22/17 of public hearing on 7/25/17.**
- 5. Abutter notice dated July 12, 2017 sent to abutting property owners notification of public hearing.**
- 6. Letter dated March 2, 2017 received from Kevin Berger/Assistant Planner & Zoning Enforcement Officer of Tolland.**
- 7. Wetlands Review Comments dated April 24, 2017 from North Central Conservation District for proposed development.**

8. Letter to Inland Wetlands Commission dated April 17, 2017 from Conservation Commission.
9. Letter to Inland Wetlands Commission dated April 24, 2017 from Conservation Commission.
10. Email to Wes Wentworth, Soil Scientist dated February 28, 2017 from Ray Walker, Fire Marshal.
11. Memo to Inland Wetlands Commission dated April 6, 2017 from Marina Rodriguez, Town Planner with Background Review of Proposal.
12. Comments from Craig Perry, Wetlands Agent dated March 7, 2017 and 3-17-17.
13. Memo dated April 18, 2017 to Lynda Morhardt, Chair of Inland Wetlands Commission from David Smith, Town Engineer.
14. Letter dated May 21, 2017 from Jon Roe, 70 Valley Falls Road to Chair Lynda Morhardt.
15. Storm Drainage Study & Calculations dated 1/15/17.
16. Wetlands Assessment Summary of findings from REMA dated January 19, 2017, with exhibits (attachments A, B, C, D, E).
17. REMAs Wetlands Assessment: Supplemental dated May 18, 2017.
18. Attachment E of Wetlands Assessment Summary of Findings Wetlands Functions & Values Assessment dated 1/19/17.
19. REMA Water Quality Basins & Fill Slopes Planting Plan, dated 5-30-17.
20. Memo to Lynda Morhardt, IWC Chair, from the Town Engineer David Smith dated 8-17-17

**OTHER EXHIBITS & CORRESPONDENCE SUBMITTED AT PUBLIC HEARING.**

**JULY 25, 2017.**

- Exhibit 1. Professional Resume from George Logan, Principal Environmental Scientist/Senior Ecologist
- Exhibit 2. Resume of Wesley J. Wentworth, P.E., Soil Scientist

- Exhibit 3. Memo to IWC Chair, Lynda Morhardt from Wentworth Civil Engineers dated 7-25-17 responding to previous comments from North Central Conservation District**
- Exhibit 4. Map of 30" RCP Outlet Alternate Design of Hyde Park**
- Exhibit 5. Map of Alternate Layout Plan #1 Showing Commercial Site Layout of Hyde Park**
- Exhibit 6. Map Alternate Layout Plan #2 of Hyde Park Showing 12 Building Multi Family Development.**
- Exhibit 7. REMA Presentation Outline dated 7-25-17, showing Proposed Multi-Family Residential Development.**
- Exhibit 8. Report to IWC Chair, Lynda Morhardt from REMA dated 7-25-17 responding to North Central Conservation District Inc. Review**
- Exhibit 9. Letter to Richard Hayes dated October 27, 2016 from Robert J. DeSista Chief, Permits & Enforcement Branch Regulatory Division of the Department of the Army**

**August 22, 2017**

- Exhibit 10. Copy of an email from Glenn Montigny to Ann Letendre dated 8-21-17**
- Exhibit 11. Letter from Ann Letendre to the Inland Wetlands Commission dated 8-22-17**
- Exhibit 12. Paper titled "The Scientific Basis for Wetland & Watercourse Buffer Zones" dated October 2006; Revised July & October 2011. Prepared by Sigrun Gadwa and George Logan for the Berlin Land Trust, Berlin CT**
- Exhibit 13. Letter from Jon Roe to Lynda Morhardt, Chairman and Members of the Inland Wetlands Commission, dated 7-25-17**
- Exhibit 14. Site Development Plan for Hyde Park LLC, 14 Hyde Ave. Vernon, Connecticut, prepared by Wentworth Civil Engineers, LLC, 177 West Town St. Lebanon, CT 06249. Sheets 1,2,3,4,5,6,7,9-10. Dated January 15, 2017; Revised 4-02-17 and 8-15-17**
- Exhibit 15. Planting layout plan for a typical side slope dated on 8-22-17 presented by George Logan from REMA (1 sheet)**
- Exhibit 16. Planting layout plan for Basins G, H, P, S dated on 8-22-17 presented by George Logan from REMA (4 sheets)**

**Exhibit 17. Letters of reference from the Office of the Mayor in the Town of Berlin dated 3-2-10, and a letter from the Town of Berlin recognizing Mr. Hayes for the Developer of the year award dated 2-16-06**

Commission moved for a recess at 8:05 p.m. Meeting reconvened at 8:09 p.m.

- 3.2 Application [IWC-2017-05] of the Town of Vernon for a Modification of a Wetlands Redesignation and a Wetlands Permit for Development Plans for #133 Tunnel Road (Assessor's ID Map #19, Block #144, Lot/Parcel #01)

Economic Development Coordinator read into the record the Legal Notice published in the *Journal Inquirer* on August 12 and August 19, 2017. Noted was Town Engineer's August 16, 2017, memo requesting public hearing be postponed to this meeting, September 26, 2017.

David Smith, Town Engineer, presented the proposal and discussed reason for application, plan revisions, site restrictions, driveway and parking access, wetland area, plantings and stone beds. John Ianni, professional soil scientist, appeared and discussed soils and wetland conditions, property wooded conditions, mitigations, no previously impacted wetlands, plans for plantings, and area not conducive for on-site mitigation. Discussion took place.

As there were no additional comments from staff or public, Public Hearing was closed at 8:33 p.m.

*Mr. Lewis made a motion seconded by Mr. Kane to approve Application [IWC-2017-05] of the Town of Vernon for a Modification of a Wetlands Redesignation and a Wetlands Permit for Development Plans for #133 Tunnel Road (Assessor's ID: Map #19, Block #144, Lot/Parcel #01). Motion carried unanimously.*

- 3.3 (Formerly 5.1.3) Application [IWC-2017-08] of Conn. Water Company for a Jurisdictional Ruling to close the Old Rockville Water Treatment Plant Lagoon at 10 Snipsic Street (Assessor's ID: Map #45, Block #0123, Lot/Parcel #00003, #00009, 00010 and 00011)

Nick Meder, construction Manager of CT Water Company appeared, presented maps, and summarized the narrative previously submitted. He discussed the recently completed plant and the construction sequence of the decommissioning and closing of existing water treatment plant: close spent wash water lagoon, remove e-wall, clean out aluminum solids, remove stop logs, bring in fill and top soil, and plantings. No lagoon for new water treatment plant.

Exhibit 1 Yard Piping Plan presented. Discussion took place.

*Mr. Lewis made a motion seconded by Mr. Kane that this is not in the jurisdiction of the Vernon Inland Wetland Commission. Chairperson Morhardt modified the motion acknowledging Application [IWC-2017-08] of Conn. Water Company for a Jurisdictional Ruling is not within the IWC jurisdiction. Motion with modification carried unanimously.*

4. Status of Cease & Correct Orders

- 4.1 97 Dobson Road – ownership changed to bank, approach bank regarding debris clean up. *Mr. Lewis made a motion seconded by Mr. Kane to extend Cease & Correct Order.*
- 4.2 93 Grier Road – owner has contacted a wetland scientist. *Mr. Lewis made a motion seconded by Mr. Kane to extend Cease & Correct Order.*
- 4.3 208 Merline Road – owner cooperative. *Mr. Lewis made a motion seconded by Mr. Kane to extend Cease & Correct Order.*

5. Discussion/Action and Additional Business

5.1 Receipt of Application and Determination of Significance

- 5.1.1. Application [IWC-2017-06] of Friends of the Hockanum River Linear Park of Vernon, Inc. for a Wetlands Permit to construct a boardwalk and trail improvements at #27 and #37 Pleasantview Drive (Assessor's ID: Map #03, Block #0004, Lot/Parcel #00027 & #00026)

It was noted that the application to be received by Commission shows non-significant activity that does not require a public hearing.

Ann Letendre, Friends of Hockanum River Linear Park; Philip Oswald, ORC Construction, Ellington; and David Smith, Town Engineer appeared before Commission to discuss project and plans for bridge replacement, equipment to be used for minimal disturbance, viewing area, number of piers, elevated sides, time frame for finishing project.

*Mr. Lewis made a motion seconded by Mr. Kane to approve Application [IWC-2017-06] of Friends of the Hockanum River Linear Park for a Wetlands Permit to construct a boardwalk and trail improvements at #27 and #37 Pleasantview Drive*

*(Assessor's ID: Map #03, Block #0004, Lot/Parcel #00027 & #00026). Motion carried unanimously.*

- 5.1.2 Application [IWC-2017-07] of David Smith, Town Engineer, for a Wetlands Permit for a Bridge replacement on Pleasantview Drive over the Hockanum River.

Chairperson Morhardt stated this application should be scheduled for a public hearing because it is noted there is significant activity.

*Mr. Lewis made a motion seconded by Mr. Kane to accept Application [IWC-2017-07] and be scheduled for a public hearing on October 24, 2017. Motion carried unanimously.*

In order to clarify the previous motion for Agenda Item 3.2, Mr. Lewis noted that Application [IWC-2017-05] did include both the Modification of a Wetlands Redesignation and a Wetlands Permit.

Commission moved for a brief recess. Meeting reconvened at 9:24 pm.

5.2 Wetlands Enforcement Officer – Report

Craig Perry, Wetlands Enforcement Officer, discussed IWC Project Status Report dated 2017 - September. Copies were distributed to Commission Members.

5.3 Inland Wetlands Agent – Report  
None

6. Adjournment

*Mr. Kane made a motion seconded by Mr. Lewis to adjourn at 9:31 p.m. Motion carried unanimously.*

Respectfully Submitted  
Susan Hewett  
Recording Secretary