

TOWN OF VERNON
Inland Wetlands Commission (IWC)
Meeting Notice & Agenda
Tuesday, February 23, 2021, 7:00 PM
VIA Teleconference

Join Zoom Meeting by link:

<https://us02web.zoom.us/j/86176197562?pwd=Zm45VlEvNHcvOWJvbExsV09nQWcxUT09>

Meeting ID: 861 7619 7562

Passcode: 5EJvFF

or

Dial by your location

(646) 876 9923

Meeting ID: 861 7619 7562

Passcode: 704422

AGENDA

1. Call to Order & Roll Call
2. Administrative Actions
 - 2.1 Amendment/Adoption of Agenda - Additional business to be considered under agenda item #8 "Other Business" requires Commission vote
 - 2.2 Approval of the Minutes from the January 26, 2021 regular meeting
 - 2.3 Communications received NOT related to Agenda items, if any
 - Draft IWC Meeting Procedures Summary, dated 2/17/21
 - 2.4 Call for filing(s) of Intervener petition(s) and determination of status
3. New Applications for Receipt and Determination of Significance
4. Public Hearing and Action on New Application(s)
5. Status of Cease & Correct Orders, if any
6. Wetlands Enforcement Officer Report, if any
7. Inland Wetlands Agent Approvals, if any
 - 7.1 **WA-2021-01** -165 South St. (South Village Condominiums) for the work associated with the construction of 25 new parking spaces as shown on the proposed site plan.
 - 7.2 **WA-2021-02** -188 Hatch Hill Rd. for the work associated with the replacement of the home's foundation.
8. Other Business
9. Adjournment

Rachel Stansel, Chairperson
Inland Wetlands Commission (IWC)

Minutes

Town of Vernon
Inland Wetlands Commission (IWC)
Tuesday, January 26, 2021, 7:00 p.m.
Teleconference Meeting

DRAFT MINUTES

1. Call to Order and Roll Call

Chairperson Rachel Stansel called the meeting to order at 7:02 p.m. Also in attendance were Commission Members Frank Galat and Kathy Minor. Staff members present were Craig Perry, Wetlands Agent, David Smith, Town Engineer, and George McGregor, Town Planner.

2. Administrative Actions

2.1 Amendment/Adoption of Agenda – Additional business to be considered under agenda item #9 “Other Business” requires Commission vote
None

2.2 Election of Officers
Frank Galat nominated Rachel Stansel as Chairperson. Rachel Stansel nominated Frank Galat as Vice-Chairman. Kathy Minor nominated Don Schubert as Secretary. All nominees were accepted by unanimous approval.

2.3 Approval of Minutes from the December 22, 2020, regular meeting
Kathy Minor made a motion seconded by Frank Galat to approve the minutes of December 22, 2020. Motion carried unanimously.

2.4 Communications received NOT related to Agenda items, if any
None

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

3. New Applications for Receipt and Determination of Significance
None

4. Public Hearing and Action on New Application(s)

4.1 IWC-2020-08 Application of Krause Realty Trust, for a Wetlands Permit to create additional parking for inventory storage (new cars), to include installation of pavement, security fencing, lighting, grading and drainage improvements at 6 Hartford Turnpike (Assessor ID: Map 1, Block 0159, Parcel 0001B), 34 Acorn Road (Assessor ID: Map 01, Block 159A, Parcel 00002), and 42 Acorn Road (Assessor ID: Map 01, Block 0159A, Parcel 0001).

Chairperson Stansel read into the record the Public Notice published in the *Journal Inquirer* on January 16, 2021, and January 23, 2021 of the teleconference meeting to be held January 26, 2021. Due to the proximity to the Town of Manchester, the Town of Manchester was also provided notice of the meeting.

George McGregor, Town Planner, introduced and explained the application and the parcel which is currently zoned residential. He also explained the expansion project; staff has reviewed application and believes issues have been resolved.

Dorian Famiglietti, Kahan Kerensky Capossela, attorney for applicant, introduced applicants Lane Resnick and Peter Kraus and also George Logan, REMA, principal environmental scientist. She discussed the application, zoning of acres, merging acres and rezoning plans, revised plans to include permeable pavement, 120 parking spaces, access solely via driveway on 6 Hartford Tnpk., fencing, lighting for security, activities limited to upland review area.

George Logan, discussed his Wetlands Assessment Report and Supplement Wetlands Assessment Report. He referenced his reports and photos and discussed his findings concluding he believes there would be no adverse significant impacts to the wetlands and functions and values they provide.

Public Hearing was opened at 8:02 p.m.

Tibor and Darlene Zoller, 19 Allison Road had concerns regarding plantings and maintenance, lights, and would like quality of life and value of homes to not change.

Noreen Leighton, 54 Montauk Drive had concerns regarding plantings, lighting impact on residential area, number of parking spaces, who will validate maintenance and maintain property if dealer moves.

Lois Leighton, 11 Allison Road had concerns regarding how soil was tested, trees being planted near Allison Road, company doing work being bonded, paving according to contour of land, and effect to watercourse.

Janet Smith, 27 Allison Road had concerns regarding landscaping for noise protection and maintenance of plantings.

Lois Leighton spoke again with concerns regarding overflow parking and if it was permanent, road access, lighting, fences, speakers.

Attorney Famiglietti and George Logan addressed the comments and concerns from the public. Discussion took place. Attorney Famiglietti concluded she believes the plan will satisfy concerns of the public while meeting her client's needs and also protecting the surrounding wetlands and environment. She believes the plan also complies with regulations.

Frank Galat made a motion seconded by Kathy Minor to close the Public Hearing at 8:42 p.m. Motion carried unanimously.

Chairperson Stansel made a motion seconded by Frank Galat that the Vernon Inland Wetlands and Watercourses Commission does hereby approve Application IWC-2020-08 of Krause Realty Trust for a Wetlands Permit by Commission based on the following findings: the project will have no adverse impacts on wetlands or watercourses; the mitigation measures are acceptable; and there are no prudent or feasible alternatives, and subject to the following conditions of approval:

- 1. The property shall be developed in conformance to plans set to three pages dated January 9, 2021, prepared by Messier Survey, LLC. (revised plan).*
- 2. Property shall be developed in conformance with the mitigation measures and maintenance steps contained in the letter of five pages prepared by REMA, LLC dated January 15, 2021. Following completion of the project a letter must be supplied from REMA to document that all mitigation steps were done according to this plan.*
- 3. A P.E. familiar with porous pavement must sign off both on installation and maintenance.*
- 4. Property owner must maintain maintenance logs for the porous pavement to show compliance with the REMA report dated January 15, 2021.*
- 5. Plan will be modified to include erosion control of the topsoil stockpile during construction and sequence of construction.*

Motion carried unanimously.

5. Status of Cease & Correct Orders, if any
None

6. Wetlands Enforcement Officer Report, if any-None

7. Inland Wetlands Agent Approvals, if any-None

8. Other Business

8.1 Land Use Seminar
Town Planner reminded Commission members to contact the office by February 1 if they intend to register.

9. Adjournment
*Chairperson Stansel made a Motion seconded by Frank Galat to adjourn at 9:00p.m.
Motion carried unanimously.*

Respectfully Submitted

Susan Hewett
Recording Secretary

COMMUNICATIONS

A Guide to Inland Wetland Commission Meetings

Town of Vernon DRAFT 2-17-21

Meeting Locations, Dates, and Times IWC regular meetings are generally held on the fourth Tuesday of every month at 7:00 pm in the Council Chambers on the third floor of Town Hall at 14 Park Place or through the virtual ZOOM application, unless there is a conflict, in which case an alternative date and/or location of the meeting will be noted on the meeting agenda. The annual schedule of meetings for the following year is set at the November meeting and posted here.

Meeting Notice

The Inland Wetlands Commission (IWC) agendas serve as public notice of pending meetings. Agendas for IWC meetings are posted on the Town's website and filed in the Town Clerk's Office.

Order of Meetings

The IWC generally operates under [Robert's Rules of Order](#) for conducting and maintaining order of meetings. At the Chair's discretion, the rules of order can be relaxed or strictly adhered to as needed, such as when formally voting on an application.

Meeting Agendas

The IWC meeting agendas serve as public notice of a pending meeting and establish the order of business to be conducted during a meeting. Agendas for IWC meetings are posted on the Town's website and filed in the Town Clerk's Office.

Call to Order and Roll Call

Regular meetings commence at 7:00 pm with The Chair calling the meeting to order and asking for a roll call of commissioner's present.

Minutes

The IWC reviews and approves the draft minutes of the previous meeting. The minutes are a written summary of a meeting, including attendance, a brief synopsis of each application, and the actions taken during the meeting. Minutes are not intended to be a verbatim transcript of a meeting and will not reflect discussions held during an executive session. In accordance with [CGS Chapter 14 Section 1-225](#), also known as the [Freedom of Information Act](#), draft minutes are prepared within seven days of a regular meeting or within seven business days of a special meeting, and are posted in the Town Clerk's Office as well as online here. A notice of all actions taken during a meeting are posted in the Town Clerk's Office as well as online here within 48 business hours of a meeting in accordance with the Freedom of Information Act. Approved minutes are filed in the Town Clerk's Office and posted online here.

New Business

New business, includes the receipt and review of new applications. Applications are presented with a brief description by the applicant or their representative agent(s). In most cases, the applicant presents a site plan as well. The Commission will ask questions pertaining to the application and at the close of the presentation, will make findings as to whether the application is likely to have a significant impact on inland wetlands or likely to generate public interest in the protection of inland wetlands. While the public is welcome to observe these proceedings, there is generally no opportunity for public input during this portion of the meeting. Depending on its finding, the Commission has options: hold the application for further review and/or act on it at the next meeting; or schedule a public hearing for the next meeting.

Public Hearings

When the IWC schedules an application for a public hearing, the hearing typically follows this process: The Chair will open the public hearing portion of the meeting by asking the Town Planner to read the published legal notice.

Staff Input

Following public input, the Chair will request input from the Planning Department and other town staff. The staff may summarize the review of the application, noting any outstanding issues that have yet to be addressed by the applicant; put the application into perspective with respect to policies and regulations; suggest conditions or modifications to mitigate concerns raised during the staff review or hearing; and recommend for approval, denial, or continuation of the public hearing to receive additional information, or may make no recommendation.

Applicant's Presentation

Applicants and/or their agents (attorneys, biologists, civil engineers, soil scientists, etc., hereafter referred to as "applicants") will address the IWC by presenting their proposal. During the applicant's presentation, the Chair may recognize commissioners or town staff so that they may ask questions of the applicant.

Public Comment

At the conclusion of the applicant's presentation and any further questions by commissioners or staff, the Chair will open the hearing to the public, citizens, residents and other interested parties.

The Chair will first invite all speakers in favor of the application to present their statements. The Chair will then ask for speakers in opposition. When the IWC has heard all of the speakers opposed to the application, the Chair will invite comments from speakers who wish to speak neither for nor against the application.

All persons wishing to speak, including the applicant, must be recognized by the Chair. After being recognized, each speaker should approach the provided microphone and give her/his name and address for the public record. Since public hearings are for the benefit of the IWC to hear public input,

speakers should address the IWC and not the applicant or audience. All questions of the applicant or other speakers should be directed through the Chair, who may ask the applicant or other speakers to respond directly to a specific question or concern if he/she thinks that doing so will expedite the hearing. Otherwise, the questions will be answered by the applicant during rebuttal. The Chair will provide an opportunity for every person to speak and may limit the time allowed to all public speakers equally, except that she/he may grant additional time to a speaker recognized as a spokesperson for a portion of the audience, or for expert witnesses or other agents employed by citizens presenting evidence in support or opposition to the application. The Chair may limit speakers to one appearance but may allow a second appearance or rebuttal after all other speakers have been heard. The Chair may limit the arguments of any speaker on the grounds that the remarks are beyond the scope of the hearing, or repetitious of previous testimony. To limit a pattern of repetitious testimony, the Chair may call for a show of hands among those in attendance to indicate concurrence with a statement made to the Inland Wetlands Commission (IWC) by a speaker.

Petitions

While petitions are welcome as evidence of broad opposition or support to an application, the IWC is generally free to weigh their value based on the merits of the information contained in the petition. While there is no official protocol for petitions, the following recommendations are suggested. The top of each page of a petition should clearly identify the application or project that is the subject of the petition and contain a concise statement(s) as to why the undersigned favor or oppose the application. Signatures should be in ink and it is helpful to the IWC and town staff if they contain the printed name and address of the signatories. A photocopy should be kept by the petitioner, as the original must be entered into the public record.

Evidence

At any time up to the close of the public hearing, the IWC may receive letters, written statements, photographs, maps, charts, sketches, petitions, reports of other agencies or other tangible evidence, with their receipt noted on each item. The Planning Department will typically mail all materials received one-week prior to a meeting to the IWC in their agenda packages. Subsequent materials may be included in an addendum to the agenda, which is delivered to the IWC at the meeting, or may simply be distributed individually to the commissioners at the meeting.

Final Staff Input/Applicant Rebuttal

At the conclusion of public comment, The Chair will ask Staff to provide any additional observations and then the Commission will ask the applicant to answer any remaining questions, make any final statements, and/or rebut any comments raised during the hearing. At the discretion of the Chair, rebuttal may also be heard from representatives of the opposition on new facts presented in the applicant's rebuttal. However, the applicant always has the right of final rebuttal.

Recess or Withdrawal

The applicant may ask for a recess or withdraw an application at any time up to the close of the public hearing. If the 35-day time limit in [CGS Section 8-7d](#) will expire before the IWC can continue the hearing, the applicant may grant the Inland Wetlands Commission (IWC) up to an additional 35 days to complete the hearing.

At the conclusion of the applicant's closing statements, the Chair will ask the remaining commissioners if they are ready to close the public hearing. If the IWC has unanswered questions, needs additional information, has requested significant changes that they wish to review further, or the applicant has asked for a recess to address significant issues; the IWC may recess the public hearing to another date, which may be a special meeting or the next regularly scheduled meeting if statutory time limits in [CGS Section 8-7d](#) allow. If necessary, the IWC can request an extension of time from the applicant to close the public hearing, which must close within 35 days of opening. When a recessed hearing is reopened and the same commissioners are not seated, alternate members may sit for the remainder of the hearing if they have been in attendance for the entire hearing or have familiarized themselves with the hearing record to date.

Closing a Hearing

If there is no reason to continue the hearing, the Chair will close the public hearing, ending any testimony by the applicant and the public. After the close of the hearing, the IWC cannot ask for clarification from the applicant or members of the public. However, the IWC may ask town staff for legal and procedural advice as well as for clarification of technical information already presented during the public hearing, but they cannot open a new line of questioning just as staff may not raise new issues at this time. The IWC will typically deliberate on the facts of an application immediately following the closing of each hearing unless they table their decision to a later date.

Hearing Decisions

The IWC typically votes on applications at the close of the public hearing but under [CGS Section 8-7d](#), they have up to 65 days from the close of the hearing to act unless specifically extended by the applicant. Whether stated under deliberations or in the motion, reasons for decisions are recorded in the official minutes. The IWC is only required to take testimony offered during a public hearing into consideration and is not required to vote in accordance with the majority of those speaking for or against an application.

Old Business

Old business is typically applications that were reviewed or heard at a previous meeting but the decisions were tabled or deferred. On applications involving a public hearing that the IWC has closed and deferred the decision, the IWC can receive legal and procedural advice as well as technical input from town staff; clarifying evidence presented during the hearing, but cannot hear from either the applicant or the public under any circumstances, including correspondences sent subsequent to the public hearing, unless the correspondence is of a procedural nature, such as a request to [withdraw](#) the application or grant a further extension of time for the IWC to deliberate.

Authorized Agent Actions

If the Wetlands Agent has finished the State of Connecticut's comprehensive inland wetlands training program, the Commission may grant the agent authority to act on its behalf in approving certain minor applications. The statutes require the agent to make a brief presentation to the Commission on each approval he or she grants. This provides a check on the agent's authority to ensure that the agent is acting appropriately and in the best interest of the Commission.

Agent Report

At this time, the agent will report on ongoing projects, inspections, violations, and new information from ongoing training as well as discuss regulation interpretation issues and suggest regulatory changes.

Executive Session

Executive sessions are closed to the public and any recording devices are turned off so that the IWC can discuss pending litigation, personnel issues, or other matters that are not subject to the [Freedom of Information Act](#). No actions may be taken by the IWC during an executive session and upon ending an executive session, the IWC will resume recording of the meeting and will typically acknowledge that they took no action during the executive session.

Adjournment

Following petitions from commissioners, the Chair will call for a vote to adjourn the meeting. After adjournment, the IWC cannot discuss pending applications with members of the public.

WETLAND AGENT REPORT



OFFICE OF THE
TOWN ENGINEER

TOWN OF VERNON

55 West Main St., VERNON, CT 06066

Tel: (860) 870-3638

Fax: (860) 870-3683

E-Mail: cperry@vernon-ct.gov

To: Wetlands Commission
From: Wetlands Enforcement Officer
Subject: **IWC Project Status Report**

DATE: **2021 – February**

Note: **Red letters** indicate a change from the last report.

IWC-2020-08 (6 Hartford Turnpike – Suburban Subaru).

- Still needs P & Z approval.

IWC-2020-06 (CT Golfland).

- No erosion issues at this time.

IWC-2020-05 (Dart Hill Rd Bridge Replacement).

- Construction scheduled for the spring 2021.

IWC-2020-04 (Windermere Rd. – Athletic Fields).

- No construction activity at this time.

IWC-2020-03 (Main St. Bridge Replacement).

- Construction scheduled for the spring 2021.

IWC-2019-05 (Chilstone, LLC 624 Dart Hill Rd – 4 unit apartment bldg.).

- Still needs P & Z approval.
- Project is on hold.

IWC-2019-04 (652 Dart Hill Rd – 15 lot development).

- Erosion control appears to be working well.
- Construction is on-going with no issues.

IWC-2019-02 WPCA (Wetlands Permit for site upgrades).

- Construction continues.

IWC-2017-05 (#133 Tunnel Road)

- Project is on hold.

IWC-2017-03 (Hyde Park LLC – #14 Hyde Ave - Apartments)

- No construction activity at this time.

IWC-2016-05 (129/145 Talcottville Rd – Storage Facility behind Wendy's)

- Project is on hold.

IWC-2015-05 (Kenneth Kaplan – Drainage System – 200 West Main St.)

- No construction activity at this time.
- Expires on Oct. 9, 2025

IWC-2015-02 (Kenneth Kaplan – Parking Area – 200 West Main St.)

- No construction activity at this time.
- Expires on June 9, 2025

IWC-2013-05 (133 Washington St. – House surrounded by wetlands)

- No construction activity at this time.
- Expires on 3-17-2021

IWC-2009-07 (Hotel at 53 Hartford Turnpike)

- No construction at this time.
- Expiration date is 11/25/2023 with total extension applied

IWC-2008-09 (380 Talcottville Road / Phase 2 The Shoppes at Vernon Valley)

- No construction at this time
- Expiration date is 7/28/2022 with total extension applied.

IWC-2006-24 (PZ-2007-20) (64 Hartford Turnpike - Office building)

- No construction activity at this time.
- New expiration extension date is 2/11/2021 with total extension applied.

IWC-2005-26 (Bolton Branch Road – Laurel Woods Development)

- Tree clearing has begun.
- The new expiration date is 9/4/2022 with total extension applied.

IWC-2003-05 (117 Reservoir Rd. – Home Depot)

- There is no construction activity at this time.
- Expiration date is 3/27/2022 with total extension applied.

Other Information of Importance:

Notice of Violation – Scranton Powersports

Wetland Agent Report:

Approval for;

#165 South St -Construction of Additional

Parking Spaces

#188 Hatch Hill Rd – Foundation Replacement

Wetland Agent Approvals



OFFICE OF THE
TOWN ENGINEER

TOWN OF VERNON

55 West Main St., VERNON, CT 06066

Tel: (860) 870-3638

Fax: (860) 870-3683

E-Mail: cperry@vernon-ct.gov

Certified Letter

South Village Condominium Assoc.
165 South Street – Unit 72
Vernon, CT 06066
c/o John Diaz (President)

January 27, 2021

RE: Wetland Agent Approval for 165 South St

Dear Applicant,

I have received your Inland Wetlands Commission (IWC) application (WA-2021-01) for the above listed address. This application is requesting a “Modification to a Wetland Permit by the Wetland Agent” for work related to the construction of 25 new parking spaces. I have reviewed the proposed site plan associated with this project, titled “MODIFICATION OF A SITE PLAN OF DEVELOPMENT SOUTH VILLAGE CONDOMINIUM” dated 11-19-2020, and it is my opinion that the proposed work will have no present or future negative impacts to the adjacent wetlands as long as all the proposed erosion controls are installed.

Subsequently, I approve this work as the Wetland Agent for the Town of Vernon in accordance with CT General Statutes 22a-36 thru 22a-45.

If you have any questions or concerns, you may contact me at 860-870-3638.

Sincerely,

Craig W. Perry
Wetland Agent
Wetlands Enforcement Officer

c.c. Rachel Stansel - Chairperson, Inland Wetlands Commission
David Smith, PE - Town Engineer
George McGregor, AICP - Town Planner

File: WA-2021-01

Project Contact Person:

Gardner & Peterson Associates, LLC
178 Hartford Turnpike
Tolland, CT 06084

Attn: Eric Peterson



OFFICE OF THE
TOWN ENGINEER

TOWN OF VERNON

55 West Main St., VERNON, CT 06066

Tel: (860) 870-3638

Fax: (860) 870-3683

E-Mail: cperry@vernon-ct.gov

Certified Letter

Pro Renovations LLC
31 Cook Rd
Tolland, CT 06084

c/o Jon Crickmore

February 17, 2021

RE: Wetland Agent Approval for 188 Hatch Hill Rd

Dear Applicant,

I have received your Inland Wetlands Commission (IWC) application (WA-2021-02) for the above listed address. This application is requesting a Wetland Agent Approval for the work associated with the replacement of an existing house foundation. I have reviewed the proposed site plans associated with this project, and it is my opinion that the proposed site work will have no present or future impacts to the adjacent wetlands as long as proper erosion control measures are taken during construction.

Subsequently, I approve this work as the Wetland Agent for the Town of Vernon in accordance with CT General Statutes 22a-36 thru 22a-45.

If you have any questions or concerns, you may contact me at 860-870-3638.

Sincerely,

Craig W. Perry
Wetland Agent
Wetlands Enforcement Officer

c.c. Rachel Stansel - Chairperson, Inland Wetlands Commission
David Smith, PE - Town Engineer
George McGregor, AICP - Town Planner

File: WA-2021-02

Steven & Gail Karus
188 Hatch Hill Rd
Vernon, CT 06066