

APPROVED 10/28/09
TOWN OF NORTH HAVEN, CONNECTICUT
MINUTES
Inland Wetlands Commission

Minutes of the Inland Wetlands Commission meeting held on Wednesday, September 23, 2009 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:00 PM.

MEMBERS PRESENT:

Edward T. Bruce, Vice Chairman
Leroy C. Gould, Secretary
William Leiserson
Stephen F. Darley
Pamela Sletten
John A. Gilchrist, Alternate, sitting
Frank H. Bumsted, Alternate, sitting

ABSENT MEMBERS:

Mark R. Trojanowski, Chairman
Steven J. Nugent

OTHERS:

Alan Fredricksen, Land Use Administrator
Jonathan Bodwell, Town Engineer
Linda O'Neill, Stenographer
Sandra Lion, Clerk

AGENDA:

Mr. Bruce, Acting Chairman, called the meeting of the Inland Wetlands Commission to order at 7:05 PM and introduced the Commission and town staff. He then explained the procedure for the public hearing. Mr. Bruce asked Mr. Fredricksen, Land Use Administrator, if there were any changes to the agenda. Mr. Fredricksen stated that #I09-08, 54 Todd Drive, is postponed to the October 28, 2009 meeting.

Mr. Gould read the call for the public hearing.

1. #I09-06 Application of Michael J. Bennett, L.S, Applicant, Sinoway Farm Partnership, Owner, relative to 182-188 Kings Highway, (Map 88, Lot 63), seeking Permit To Conduct Regulated Activity and Subdivision Referral. Plan Entitled: Proposed 5 Lot Subdivision, Lots 52 & 63, Hartford Road and Kings Highway, North Haven, CT, Prepared by Bennett & Smilas, Engineering, Inc., Dated October 29, 2008. Scale 1" = 100'. R-40 Zoning District.

Mr. Michael J. Bennett, surveyor, presented the application to permit a five lot subdivision on this 29 acre site. Approximately six acres of this site are wetlands. A previously approved building lot, #1750 Hartford Turnpike, is being absorbed into this subdivision. Three lots are proposed on southern portion of the site with access to Hartford Turnpike and two lots are proposed on the north portion of the site with access to Kings Highway. A 6.832 acre Conservation Easement is being proposed for the northeast corner of the property which is a portion of Lot #5.

Mr. Bennett addressed public comments from the August 26, 2009 meeting. He then submitted a copy of the Town's Conservation Easement and Restrictions Document and stated that he would like to omit the portion that states "enjoyment thereof by the general public". (Exhibit D) Since the Conservation Easement language has been changed, Mr. Leiserson would like legal advice regarding the new language. Mr. Darley recommended a Common Interest Community Document. Mr. Leiserson is concerned with a Common Interest Community because he feels changes to this easement could be made in the future. Mr. Bumsted stated that he has no issue with residential restrictions on this easement but has concerns with a Conservation Easement. Mr. Bruce suggested making this land private property instead of having a Conservation Easement.

Mr. Bennett submitted a letter from QVHD dated July 14, 2009 approving lots 1-5 as 4 bedroom, single family residences with septic.(Exhibit E) Also, the existing septic systems were evaluated. He then addressed drainage concerns. Mr. Bennett stated that with this proposal drainage should improve for the neighbors in the area. He distributed a Permanent Vegetated Diversion Sketch to the Commission and addressed well and water systems issues. (Exhibit F) He discussed a letter from QVHD dated August 12, 2009 regarding a well study. (Exhibit G) He then submitted a letter from the Regional Water Authority dated August 7, 2009 (Exhibit H), and a letter from the State Department of Public Health dated September 15, 2009 (Exhibit I), allowing five wells to be installed for this application upon QVHD approval. Mr. Gilchrist asked if testing of the soil was conducted for contamination due to spraying of the orchards. Mr. Bennett stated that this kind of testing was not conducted.

Mr. Bruce asked for further public comment.

Public comment:

1. Mr. Maurice Sapiro, 1792 Hartford Turnpike, was granted intervener status at the August 26, 2009 Inland Wetlands meeting. He has concerns with drainage and wells being polluted. He read the Connecticut Wetlands Guidelines and then made a counter proposal stating that 182-188 Kings Highway, North Haven, Connecticut be declared open land to be named Max Sinoway Open Land. (Exhibit 3).
2. David Yaccarino, 1804 Hartford Turnpike, has concerns with contamination, runoff, and icing of driveways. He also has concerns with underground springs being filled when wetlands filling takes place. He also asked if tests pits were done on this property.
3. David Rosadini, 18 Allendale Drive, has concerns with pesticide runoff. He submitted a petition to the Commission that asks the Town to buy this property and keep it as open space. He also has concerns with catch basins becoming breeding grounds for mosquitoes and feels that this is not a logical plan.

4. John Laroway, 1739 Hartford Turnpike, has concerns with wells and septic systems being impacted. He asked who will maintain the catch basins and if the reason for the middle portion of Hartford Turnpike not being paved is due to this project. He also stated that it is hard to trust people outside of the Town because if something goes wrong with the project, recourse may be difficult.
5. Shirley Mesham, 144 Kings Highway, has concerns with the possibility of future development.
6. Patricia Moschovich, 1780 Hartford Turnpike, questioned the QVHD well study and asked who would be responsible for drainage issues if this proposal makes drainage worse.
7. Carlo Caserta, 1746 Hartford Turnpike, asked who is responsible for maintaining the catch basins. He has concerns with drainage, runoff and soil contamination. He also asked about the drainage system that would be located near his property.
8. Harold Murphy, 1794 Hartford Turnpike, asked if a permit is required for a contaminated well to be cleared. He also asked about Mr. Bennett's credentials and is concerned with future development. He asked about red rock, control of runoff, and who is responsible for drainage concerns.
9. James Myers, 116 Kings Highway, has runoff and drainage concerns. He feels that filling 5000 square feet of wetlands is excessive. He spoke regarding the upkeep of the property and the existing wells. He also asked about guidelines for filling of the wetlands and was concerned with an old sprayer tank that remains on the property. He also questioned if test pits were conducted.
10. Kathy Long-Asman, 1812 Hartford Turnpike, has concerns with contaminated soil and asked about curbing being ripped up in the winter leading to more water flow.
12. George Tennyson, 1743 Hartford Turnpike, has concerns with runoff and drainage impacting open space.

Mr. Mike Bennett responded to the publics' comments. Mr. Arthur Estrada, representing the property owner, addressed why the soil wasn't tested.

BREAK: 9:35 – 9:53 PM

Mr. Bennett and Mr. Estrada continued responding to the publics' comments.

Mr. Leiserson stated he would like to address the change made to the Conservation Easement with the town attorney. He is also concerned with contamination and would like the soil tested.

The Commission granted an extension to hold open the Public Hearing.

2. #I09-08 Application of Charles Hemstock, Jr., Owner and Applicant, relative to 54 Todd Drive South, (Map 99, Lot 41), seeking Permit To Conduct Regulated Activity. Plan Entitled: Subsurface Disposal System Design Plan, Existing Conditions, Topographic Plan, Property/Boundary Survey for Charles Jr. & Donna M. Hemstock, 54 Todd Drive South, Dated July 6, 2009. Scale 1" = 20'. R-40 Zoning District.

This application was postponed to the October 28, 2009 meeting.

INFORMAL: None

DELIBERATIONS: None

OTHER:

Bond #B2000-37R, 62 Sherman Terrace

-The Commission discussed this bond with the Town Engineer.

441 State Street, Tire Pond

- Mr. Fredricksen stated that there is currently litigation with the DEP and a vendor has not been selected yet.

BOND RELEASES & REDUCTIONS:

#I06-22, 55 Mill Road, Kipp Farm Estates

Mr. Darley moved to release the entire bond for #I06-22, 55 Mill Road in the amount of \$40,000.00; Mr. Bumsted seconded the motion. The Commission voted as follows:

Bruce – aye Gould – aye Leiserson – aye Darley – aye Sletten - aye Bumsted – aye Gilchrist - aye

MINUTES:

August 26, 2009

Mr. Darley moved to approve the minutes of the August 26, 2009 meeting; Mr. Bruce seconded the motion. The Commission voted as follows:

Gould – aye Leiserson – aye Sletten - aye Bumsted – aye

ENFORCEMENT ACTIONS:

77 Sackett Point Road

-Filling in the wetlands - Mr. Andreucci is intending to attend the October 28, 2009 meeting.

2989 Ridge Road

-Filling in the wetlands – Mr. Khan is intending to attend the October 28, 2009 meeting.

Mr. Bruce asked about Mr. Vizziello, Pond View Estates, complying with the terms of their approval. Mr. Bodwell responded that the detention basin seems to be functioning as designed.

EXTENSIONS: None

PERMITTED USES AS OF RIGHT: None

CORRESPONDENCE: -100-120 Republic Drive letter dated September 17, 2009
-Connecticut Life Magazine

GENERAL PUBLIC COMMENTS: There was no public comment.

Mr. Gilchrist stated that he is resigning from the Commission.

ADJOURN:

Mr. Leiserson moved to adjourn the meeting; Mr. Darley seconded the motion. The meeting was adjourned at 10:25 PM.