

ORANGE INLAND WETLANDS & WATER COURSES COMMISSION
MINUTES OF THE JANUARY 8, 2019 MEETING

Unapproved Minutes

The Orange Inland Wetlands & Water Courses Commission held a regular meeting on Tuesday, January 8, 2019, at 7:30 p.m., Town Hall, 617 Orange Center Road. The following members attended:

Rick Mangione, Chairman
Diana Ross, Vice-Chairman
Ronald Ruotolo
John Hudson
William Perfetto
James Ewen
Lesley Giovanelli

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2019 FEB - 8 AM 11:28
March 8, 2019
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Attorney Barbara Shellenberg, Town Attorney
Tamara Trantales, Recording Secretary

Chairman Mangione welcomed everyone to the meeting. He asked those seated at the table to introduce themselves for the record.

Consideration of November 13, 2018 Minutes.

A motion was made by Commissioner Ruotolo and seconded by Commissioner Ewen to accept the November 13, 2018 Minutes as written. The motion carried unanimously, 7-0.

Correspondence

None.

New Applications:

Chairman Mangione stated that he had stopped by the Sidebottom residence to view the trees in question and the property. Commissioner Ross stated that there is to be no communication outside of a meeting. It would be ex parte. She further stated that it could not be a true Administrative Application because we currently do not have a Wetlands Enforcement Officer (WEO). She suggested that the Commission accept this application for receipt only. Chairman Mangione stated that an application is needed prior to discussion about this proposal. Vice-Chairman Ross noted that it needs a public hearing. Attorney Barbara Shellenberg, Town Attorney, Cohen & Wolf, stated that she disagreed. She stated that a Pre-Application is meant to obtain feedback from the Commission to the Applicant. There is no decision or commitment. Commissioner Ross stated that she does not feel comfortable participating. Attorney Shellenberg stated that it is Commissioner Ross' prerogative. Discussion ensued. Attorney Shellenberg stated that she would research this topic.

Chairman Ross expressed her belief that an application would be needed. She stated that it must be determined who the WEO is. Although Zoning Enforcement Officer (ZEO) Paul Dinice may

fill in for the WEO, there would need to be approval from the Wetlands Commission before Administrative Approvals could be granted.

A motion was made by Commissioner Ruotolo and seconded by Commissioner Ewen to discuss this proposal. The motion carried unanimously, 7-0.

“Administrative Application” submitted by Mr. Phil Sidebottom for property known as 407 Hilltop Road. The property owner proposes the removal of trees adjacent to the dwelling and swimming pool.

Chairman Mangione stated that all of the Commissioners have a copy of this application, including photos of the property. He noted that trees have grown up to Mr. Sidebottom’s roofline. Commissioner Giovanelli stated that she does not feel comfortable with discussion of this application other than discussion of the photos. She commented that the Commission does not have all of the necessary information.

Commissioner Ross suggested that the Applicant submit the photos. She also asked him to measure the distance of the trees from the existing pond for the next meeting.

Commissioner Giovanelli stated that they could stipulate that ZEO Dinice would be an Acting WEO for this particular application. A brief discussion ensued.

Phil Sidebottom stated that he just purchased 407 Hilltop Road. He had asked WEO R. Scott Allen, before his retirement, what restrictions there are near the pond. He stated that things that cast shadows on the pond are important. It affects vegetation. Mr. Sidebottom stated that WEO Allen had determined which trees could be removed. Mr. Sidebottom tied ribbons on those trees. WEO Allen retired shortly afterwards.

Mr. Sidebottom stated that he discussed the matter with ZEO Dinice. The ZEO looked at it. Based on his experience in Derby, he does not see a problem. Mr. Sidebottom stated that some trees are so close to his house that if the ground is wet, he fears a tree would come down on the pond. A brief discussion ensued of the photos ensued. Commissioner Giovanelli noted that the photos are blurry and not in color. She stated that there is no orientation in the photos so it is difficult to see the issue they would be voting on.

Commissioner Ross stated that it would be helpful if the Applicant submitted colored photographs. She requested that the distance from the pond to where the disturbance would be depicted on the photos.

There were no further comments.

“Pre-Application” has been submitted by Miland LLC, represented by Attorney Kevin Curseaden. The submission is for property located on and off of Turkey Hill Road. The parcels are known on the Assessor’s Map as MBL – 60/5/1, 60-5-1A, 60/5/2, and 60-5-13. A Site Plan and other information has also been submitted.

Attorney Kevin Curseaden, 3 Lafayette Street, Milford, stated that there is currently no Wetlands Officer. The regulations allow for a pre-application meeting to decide if there is significant activity. Attorney Curseaden stated that he has talked with Sanitarian Brian Slugoski and Town Attorney Vincent Marino. It was their joint consensus that a public hearing is not appropriate at this time. They are before the Commission tonight to acquire feedback. An application will be filed with Wetlands.

Commissioner Ross read the regulations for a pre-application into the record. She noted that the Commission needs to determine if there is significant activity.

Jeff Gordon, Principal, Codespoti & Associates, stated that there is an assemblage of an old railroad Right of Way and an old highway, which pre-dated the Merritt Parkway. Mr. Gordon presented a brief overview of the matter.

Robert Wheway, Licensed Engineer, State of CT, Codespoti & Associates, Boston Post Road, Orange, displayed drawings. Mr. Wheway stated that there are four parcels, bordered by the Wilbur Cross Parkway and an ancient Right of Way, Cranberry Lane. He stated that there are a number of residential properties in the area. He noted that there was a trolley line on the access strip. Two culverts have been identified. Mr. Wheway stated that this is the watershed area. Two different soil scientists flagged the Wetland areas. There has been extensive soil testing on the site throughout the years, performed by O'Bymachow, Nowakowski & Kane. Groundwater samples were taken by the Health Department in 2016 and 2018. Mr. Wheway stated that the footprint would be reduced and there would be undisturbed areas. They are proposing a road 18' wide; a road is usually 30' wide. They are also proposing a curbless design. Mr. Wheway explained the benefits to wildlife, etc.

Mr. Wheway stated that for storm water management, the access road would be made from porous asphalt. There would be two detention and retention systems. Explanation and discussion ensued. No filling of Wetlands is being proposed. They would work within the upland review area.

Mr. Wheway stated that there would be less than a 25% disturbance. He expressed his belief that there would not be significant impact to the Wetlands. He commented that he would appreciate feedback from the Commission.

Commissioner Ross stated that she may have a conflict of interest. A brief discussion ensued regarding the arborist hired for this project. Commissioner Ross stated that since the arborist is her son, she would need to recuse herself from this proposal.

Chairman Mangione asked the Commission if they felt that there was significant activity with this proposal.

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A motion was made by Commissioner Hudson and seconded by Commissioner Giovanelli to determine that this is a significant activity. The motion carried with the vote recorded as follows: Hudson, aye; Giovanelli, aye; Perfetto, aye; Ewen, aye; Ross, recused; Mangione, aye. The vote was recorded as 6-0-1 to accept and approve the motion

There were no further comments.

For Receipt.

None.

For Discussion.

None.

New Business.

None.

Old Business.

None.

Enforcement Officer's Report.

None.

A motion was made by Commissioner Ruotolo and seconded by Commissioner Perfetto to adjourn the meeting. The motion carried unanimously, 7-0.

The meeting was adjourned at 8:21 p.m.

Respectfully submitted,

Tamara Trantales
Recording Secretary