



Town of Wallingford, Connecticut

INLAND WETLANDS & WATERCOURSES COMMISSION

JAMES E. VITALI
CHAIRMAN

ERIN O'HARE
ENVIRONMENTAL AND NATURAL RESOURCES PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2093
FAX (203) 294-2095

MEMORANDUM

To: IWWC
From: Erin O'Hare, Environmental Planner *EOH*
Date: May 29, 2020

Re: 122 Chimney Hill Road & encroachment on 110 Chimney Hill Road –
(unpermitted filling)

ENVIRONMENTAL PLANNER'S REPORT

Status

- March 17: Site investigation conducted in response to a complaint of filling
- March 19: Notice of Violation issued (see copy in April's packet)
- April 27: site investigation conducted (with Owner present) Owner cooperated by relocated earthen fill piles off CL&P land onto his land and installing silt fencing to protect from erosion off the piles travelling downslope to the stream, and, on the CL& P land, by restoring disturbed slope, restoring disturbed streambank crossing vicinity, and by removing "dam" kids had constructed across stream.
- May 22: Third site investigation conducted (with Owner present) – indicated no erosion, silt fencing still in place, previously disturbed slope URA area – grass established thick. Relocated earth piles are established as an ATV "track" of continuous line of earthen bumps – the "track" is experiencing heavy use by his kids according to Owner. Approach used to "track" is dirt path off paved driveway. See attached photo.

Recommendation

This office recommends – as mentioned in NOV - that IWWC require an "after-the-fact" application of the Owner as he wishes to retain the unpermitted ATV "track" which is located in the upper limit of the URA. As the "track" is stable I see no reason not to grant permit.

Owner was notified of virtual IWWC Meeting and told to "attend" remotely.

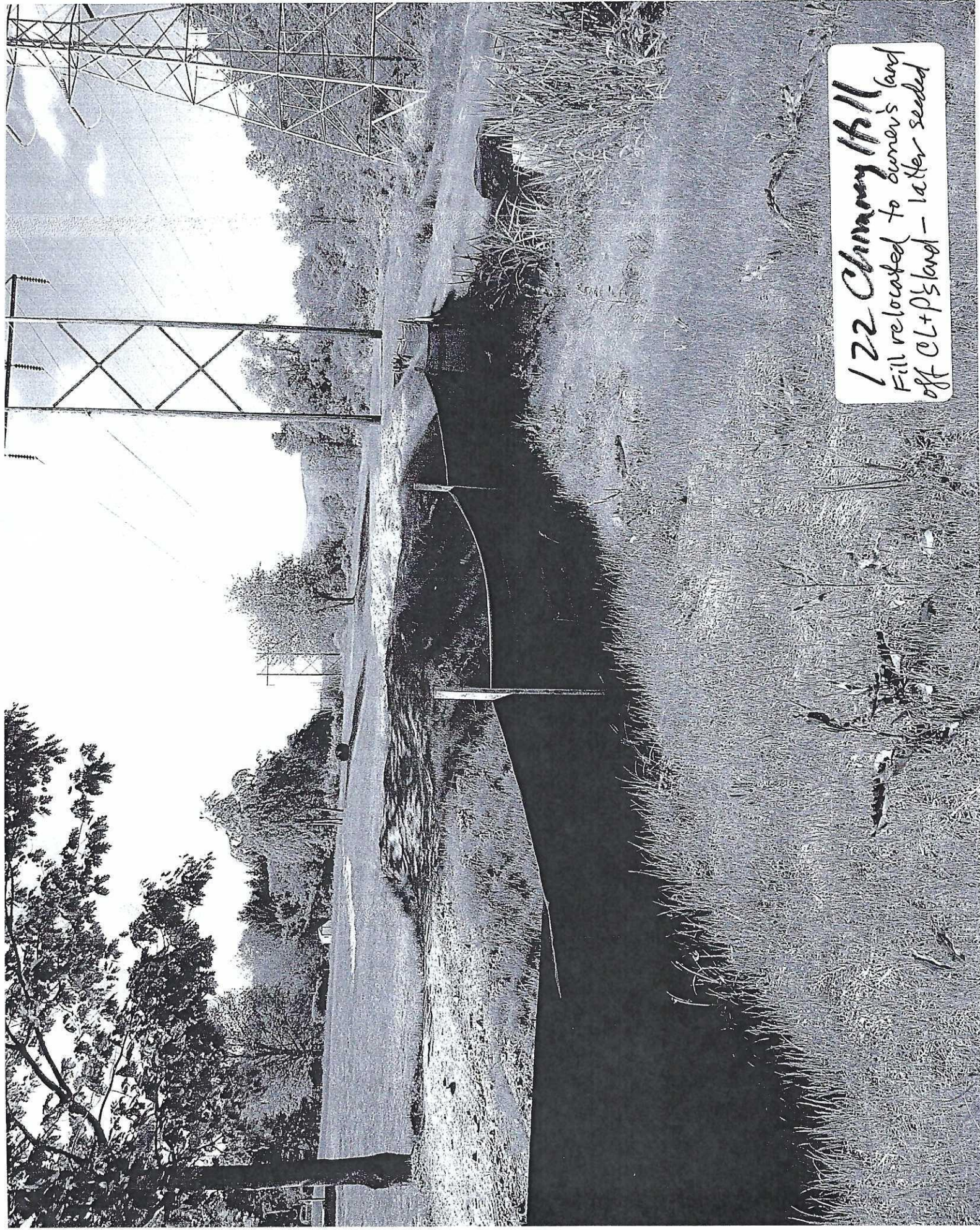
Attachment: photo

CC: IWWC
Steven Reid

*photo
Over* →

5/22/20

122 Chimney Hill
Fill relocated to owner's land
off CL+P&S land - latter seeded





Town of Wallingford, Connecticut

INLAND WETLANDS & WATERCOURSES COMMISSION

CERTIFIED LETTER # 7018 3090 0001 7693 8086

File copy
JAMES E. VITALI
CHAIRMAN

ERIN O'HARE
ENVIRONMENTAL AND NATURAL RESOURCES PLANNER

WALLINGFORD TOWN HALL
45 SOUTH MAIN STREET
WALLINGFORD, CT 06492
TELEPHONE (203) 294-2093
FAX (203) 294-2095

March 19, 2020

Steven Reid
122 Chimney Hill Road
Wallingford, CT 06492

**Re: 122 Chimney Hill Road & encroachment on 110 Chimney Hill Road –
(unpermitted filling)**

NOTICE OF VIOLATION

To Whom It May Concern:

This letter is a Notice of Violation concerning certain unpermitted, unauthorized activities on your residential property at 122 Chimney Hill Road and on the abutting property, 110 Chimney Hill Road owned by CL&P, as observed on March 17, 2020 during a site investigation conducted by the Environmental Planning Office in response to a complaint. The violation entails a significant amount of filling in the jurisdictional area.

You were present at the time of the site investigation and indicated that you had the earthen fill brought in in order to construct a planned ATV ramp on the southern side of your property for your use and that some of this fill was inadvertently deposited over the property line by the person dropping it off. You indicated that you were aware that wetlands were protected by law but that you were unaware of the 50-foot Upland Review Area regulation.

The low-lying riparian wetland system located on 110 Chimney Hill Road was observed to be a rich, diverse habitat alive with birdsong and subject to periodic flooding. A rough trail from your property to the CL&P property and across the stream was in evidence. Downstream, a rough dam was observed across the stream which you had indicated was built by teenagers. The slope above the stream and a portion of the northern stream bank had been cleared of most vegetation and now supports a patchy cover of grass. Recent muddy truck ruts were observed in places.

You indicated that Eversource Energy had disturbed some of the overall violation area two years ago associated with the installation of new transmission towers located on its property which abuts your property. A significant portion of the low-lying wetland area

had been cleared of vegetation by Eversource and regarded at that time. A portion of that area was observed to have not yet fully stabilized with grass cover. Additional work was observed currently underway on the CL&P property.

I explained the function of the Wetland Act and the Wallingford IWWC Regulations to you at that time and indicated this Notice of Violation would be forthcoming. You requested to remove the fill material from CL&P land by pulling it onto your land with equipment from up above to be conducted this weekend. I agreed to this removal of material from the encroachment area and directed you to immediately install specific erosion controls (specified below) to prevent both the existing fill and the planned removal area from further introduction of sediment into the wetlands and stream below.

No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands and Watercourses Commission (IWWC), as per Section 6.1. of the Regulations. The Commission shall regulate any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses and any other regulated activity unless such operation or use is permitted or non-regulated. As per Section 6.2., any person found to be conducting or maintaining a regulated activity without the prior authorization of the IWWC, or violating any other provision of the regulations, shall be subject to the enforcement proceedings and penalties as provided for in Section 14 of the regulations and any other remedies as provided by law.

Wetlands and watercourses and the 50-foot area surrounding them are regulated under the Wallingford Inland Wetlands and Watercourses Commission Regulations adopted June 22, 1988, as revised to May 8, 2016. The activities listed below are activities regulated under the Regulations and, therefore, fall within the jurisdiction of the authority of the IWWC.

The unpermitted and unauthorized activities conducted in the regulated areas on the subject property and on the abutting property by your action are as follows:

- Work and other activities conducted within the IWWC jurisdictional area without a permit for the work and the activities,
- Deposition of significant amount of fill (approximately 30 small piles) within the 50-foot jurisdictional area that surrounds the wetlands located on the north side of a stream,
- Installation of boulders, rocks, and branches across stream creating a dam with potential to impound flows and alter stream flow pattern,
- Denuding of vegetation growing on the stream banks by traversing streambed with ATVs.

You are hereby directed to:

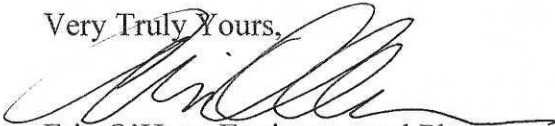
- Immediately cease any further filling activities –or other unauthorized activities – within 50 feet of the wetlands associated with the stream located on your property or on the abutting CL&P property. *Verbal directive issued onsite on 3/17/20.*
- Immediately cease any unauthorized activities in or next to the stream located on the CL&P property. *Verbal directive issued onsite on 3/17/20.*
- Determine the location of your southern property line.
- Immediately remove that portion of the unpermitted fill that was recently deposited on the CL&P property by pulling the fill material up the slope onto your property. *Verbal directive issued onsite on 3/17/20.*
- Immediately upon removal of the aforementioned fill, on the same day, install a line of silt fencing (trenched in 6-inches) along the outer limit of the disturbance area as an erosion control measure to protect the downgradient wetlands and stream from the introduction of soil sediment to them during storm events. Install it on your property and within the encroachment area located on 110 Chimney Hill Road as may apply. Should inclement weather delay the removal, you are to immediately install the silt fencing around the extent of the filling/disturbance on both properties as soon as possible. *Verbal directive issued onsite on 3/17/20.*
- Install a 4-inch layer of straw mulch across any areas (on your property and within the encroachment area located on 110 Chimney Hill Road) where the ground surface has been recently been disturbed (including bare stream bank areas) to act as an erosion control measure. *Verbal directive issued onsite on 3/17/20.*
- Contact the Environmental Planner to inspect erosion control installation.
- **Appear at the next meeting of the IWWC on Wednesday, April 1, 2020, 7:00 p.m., in the Robert F. Parisi Council Chambers, Second Floor, Town Hall, 45 South Main Street, Wallingford, CT** to discuss the unauthorized activities and the status of corrections implemented. The IWWC may issue further directives at that time. An after-the-fact application may or may not be required to be submitted.

Failure to carry out the actions directed in this Notice may result in further enforcement action issuance as provided for in Section 14 of the Inland Wetlands and Watercourses Regulations.

Eversource Energy is being forwarded a copy of this letter. A portion of the wetland remediation required may be the responsibility of Eversource.

For further information in this regard, please contact the Environmental Planning Office at (203) 294-2093.

Very Truly Yours,



Erin O'Hare, Environmental Planner

Attachments: photos

CC: James E. Vitali, Chairman, IWWC
Steven Reid (copy by Regular Mail)
CL&P Company, Property Division, P.O. Box 270, Hartford, CT 06141-0270
(copy by Regular Mail)
Eversource Energy, Real Estate Department, 107 Selden Street, Berlin, CT 06037
(copy by Regular Mail)

122 Chimney Hill Rd

all photos taken 3/17/20 - 3. Ottawa

← stream

110

Chimney Hill Rd



C&P property 110 Chimney Hill Rd.

122 Chimney Hill Rd



110 Cherry Hill Rd

