

Minutes of the Special and Organizational Meeting of the Inland Wetlands Agency on January 09, 2013.

A. Roll Call

Present: Alan Cegan, Cathy Collins, Ken Cowden, Michael DeGrego, John Higgins, Richard Lutz, Justin Margeson, Brendan Magnan, Steve Munson and Aaron Sanner.

Absent: Jim Connors.

Streit called the meeting to order at 7:30 p.m.

B. Organizational Meeting

Streit called for nominations for Chairman: A motion was made by Munson, seconded by Higgins to nominate Collins Chairman. There being no further nominations, they were closed. Streit cast one vote deeming Collins Chairman. Collins asked that all members review Sections 1.1 and 10 in preparations for meetings and welcomed new member Brendan Magnan.

Collins called for nominations for Vice Chairman: A motion was made by Munson, seconded by Margeson to nominate Higgins Vice Chairman. There being no further nominations, they were closed. Streit cast one vote deeming Higgins Vice Chairman.

Collins called for nominations for Parliamentarian: A motion was made by Munson, seconded by Margeson to nominate Cegan Parliamentarian. There being no further nominations, they were closed. Streit cast one vote deeming Cegan Parliamentarian.

A motion was made by Munson, seconded by Margeson that the Compliance Officer acts as the Designated Agent for the Agency. The motion carried unanimously. MaryRose's resume is on file in the Agency office.

C. Pledge

All stood for the Pledge of Allegiance.

D. Public Comments

None.

E. New Business

- 1. IW-A12-083: 425 Buckingham Avenue, St. Mary's Church Corp.** – construction of an embankment for a burial area with work within 100' of a wetland or watercourse in the Indian River Watershed.

This item is on the agenda for the first time and can be discussed at the next meeting.

F. Old Business

1. **IW-V-11-023: Westmoor Road, Field and Son Builders, LLC** – clearing in and within 100’ of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Mitigation is ongoing.
Cegan noted that there were no dates listed on this violation. MaryRose stated that it was an oversight and reviewed the significance of the dates; the first date is the date the application was accepted; the second date is 14 days later when the application can be heard; and the third date is after 65 days and the time to act on an application is up.

The next inspections for this site will be in the late spring and fall 2013 and the same in 2014. There is no action required from the Agency at this time.

2. **IW-V-11-049: 945 North Street, Barretta Realty Associates, LLC** – storage of wood, material and debris within 150’ of a wetland or watercourse in the Wepawaug River Watershed without a permit.

No new information.

3. **IW-A-12-072: Terrace Road, Robert & Claire Kerin** - Wetland line map amendment in the South Central Shoreline Watershed.

MaryRose reported that this is a request for a wetland line map amendment on Terrace Road in Morningside. The applicant is proposing to update the wetland line on the official Inland Wetlands and Watercourses Map, Milford, Connecticut. There is a provision in our Regulations to amend the official Maps through a public hearing process. The Agency walked the site on 12/13/12, Commissioners Higgins walked the property on 12/8/12 and Commissioner Connors walked the property on 12/13/12. At the last meeting a public hearing date was set for 1/23/13.

MaryRose asked Otto if Henry Moeller has been well enough to submit a report. Otto reported that he has not. The reason for changing the wetland line was requested. Buddy Field stated that there have been several different applications with different lines for this property and once they had two Soil Scientists that agreed, they felt it was prudent to amend the line.

The following motion was made by Munson, seconded by Margeson:
That the following additional information be submitted for review prior to the 1/23/13 public hearing:

- The Soil Scientist field report on test holes.

The motion carried unanimously.

Otto will submit the test hole map with in the next 2 days and MaryRose will distribute it to the IWA.

4. **IW-A-073: 0 Westmoor Road, Field & Son and Ryan James** – proposal for a single family home with work within 100’ of a wetland in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal for a single family home in the South Central Shoreline watershed. At the last meeting the Agency requested that a plan be submitted showing the proposed house and improvements further from the wetland.

	Original Plan	New Proposed Plan
Rear of foundation at closest point	10’	13.4’
Rear cantilever at closest point	11.5’	11.4’
Patio at closest Point	15’	9’
Proposed split-rail fencing	2’	2’
Proposed silt fencing	1’	1’
Proposed plantings	4’	4’

The Agency walked the property on 12/13/12. Jon Higgins walked the property on 12/8/12. Jim Connors walked the site on 12/13/12. Mr. Field notified MaryRose last week that he had put in green stakes for the house location and that the blue wetland flags had been reset by the surveyor. She visited the site and reviewed the new plans on 1/8/13 with Chairwoman Collins and Commissioner Margeson. The weather was clear and seasonal. She distributed a picture taken 1/8/13 which shows the green stakes Mr. Field installed to show the house location and blue wetland flag #15. MaryRose asked if any other Commissioners able to view the new proposed house location on the site. Ken Cowden walked the site 1/9/13 at 2pm

Mike DeGrego walked the site 1/8/13 at 12 pm

Buddy Field and his Soil Scientist Otto Theall are here this evening to present the project and answer questions.

Buddy Field stated that based on the input from the IWA he made a smaller foot print and will make the structure a three story home and removed the patio; and because the door opens up to a utility room, the garage has also been removed. Collins asked on what floor the house will cantilever and did not see how a patio would fit. Field agrees and stated that there would be just three steps for entry/exit. Collins asked about gutter flow. Field stated that it would go towards the front of the house. MaryRose stated that there is a steep slope and with the fence 2’ off of the wetlands this would be a tight fit. Field stated that he wants to put the fence on top of the hill, which makes more sense, and have bushes on the slope side for stabilization and then begin construction of

the house. MaryRose asked if any decks were proposed. Field stated that there are not.

The following motion was made by Munson and seconded by Higgins:
After duly considering all relevant factors, I moved to approve application IW-A-12-073: 0 Westmoor Rd based on the plans entitled “*Zoning Location Survey Westmoor Road, Lots 38-341 ‘Merwin Estate General Plotting Plan’ for Field & Son Builders LLC*” by Codespoti & Associates, 2 sheets dated: SP1 8/09/11 revised 12/31/12, SP2 9/8/11 revised 10/10/12, the information in the file and presented this evening, for the following reasons:

This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.

With conditions including:

- The Permittee will submit a construction plan *prior* to taking out the permit.
- Wetland notification to be placed on the asbuilt and in the property deed to give notification to property owners that permits are required from the MIWA to work on the site.
- Removal of the patio from the proposal.
- Install plantings split rail fence prior to the start of construction of the home.
- Install additional vegetation on the downgradient side of the split rail fencing.
- A permit condition bond to be calculated must be posted with the MIWA for S&E controls, wetland plantings and wetland boundary markers, and an asbuilt showing finished 2’ contours and locating all site utilities and structures. The bond may not be released until the site is stabilized, the asbuilt has been received and the site inspected and approved for compliance with the permit.
- A mitigation monitoring bond to be calculated for plantings and invasive control along the wetland boundary, and 3 years of mitigation monitoring by a professional wetland scientist with reports to the Agency in the spring and fall on the status of the site and recommended amendments to the mitigation plan for best stabilization of the site. If the site is not stabilized by year 3 this bond may be held until such time as the site meets the design criteria.
- The Permittee must submit a certification by the project Engineer that the completed project meets the design intent of the approval prior to bonds being released.
- The permit is issued 1/9/13 expires 1/9/18 unless otherwise provided for in the Connecticut General Statutes.

The motion carried unanimously.

5. **Violation IW-V-12-079: 161 Southworth Street, Eric Green Jr.** – dumping of material and debris without a permit within 150’ of a wetland or watercourse in the Wepawaug River Watershed. Information to be submitted by 1/23/13.

MaryRose reported that this is a violation issued 11/27/12 to Eric Green Jr. of 161 Southworth Street for dumping of woodchips and material into a wetland and review area without benefit of a permit. The Agency upheld this violation at the 12/5/12 meeting and modified it to require that a site map and mitigation plan for the removal of the dumped material be submitted by 1/23/13. She spoke with Attorney Tom Lynch earlier this week. He stated he had been hired by Mr. Green and would be contacting the South West Conservation District to set up a meeting. There is no new information at this time.

- 6. IW-A-12-080: 400 Burnet Plains Road, Building #2, Grace Baptist Church** – proposal to enlarge foundation and replace existing 1328 sq.ft. structure with a new 1590 sq. ft. structure with construction, grading and work within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this is a proposal by the Grace Baptist Church to remove the existing house structure, enlarge the existing foundation and construct a new building on their building #2 at 400 Burnt Plains Rd. The proposed work is within 2' of the wetland at the closest point.

The Agency walked the property on 1/8/13. Jon Higgins has not yet walked the property. Mr. Farqueson showed the proposed improvements in relation to the wetland line. The wetland flags were recently rehung by the surveyor. It was determined on the site walk that the submitted plans show the proposed distance from the improvements to the wetlands line to be 2' at the closest point on the northwest side of the structure when Mr. Farqueson stated that they are just squaring off the building making the distance 3-4' away from the wetland line. On the northeast side of the structure the closest point on the plan is shown at 6' while in the field Mr. Farqueson stated and showed that the expansion would be approximately 12' from the wetland line.' There appears to be an issue with the line on the plans that needs to be corrected to clarify what the proposed distance to the wetland is. Also while on the property an unpermitted shed and fire pit were discovered. Mr. Farqueson stated he would speak to his client to apply for the proper permits for the improvements not shown on the plans. Scott Farqueson of Baybrook Builders is here this evening to answer questions.

MaryRose asked what is proposed for roof runoff. Farqueson stated that a rain garden is proposed for roof runoff. A surveyor came out this morning and flag #8 is correct. Flag #6 was 1 foot away; it was put on a branch verses a stake. The shed, fire pit and cross are included on the plans to be permitted. There will be silt fencing and haybales along the wetland line and work from the front of the building. They will remove the building from the front and won't have to go in the rear; all work will be from the parking lot side.

Collins stated that she was concerned with the area of flag #8. Farqueson stated that the distance is 2.2' and that location can be hand dug for the foundation. Collins asked if it could be 2' further. Farqueson stated that it would then have to

be 3' further on a diagonal. Cowden asked about cantilevering the house so that the foundation would be farther away. Farqueson stated that that could be done. Lutz asked about a fence or markers to delineate the wetlands. Farqueson stated that he does not feel it is needed in the rear. Collins stated that if this is to be the Youth Center, based on her many years experience with teaching youth, she would like a fence all around. There was debris seen on site and she would like protection there. From flag area 11 through 1, flag area 1 – 21 and flag area 30 – 33.

The following motion was made by Munson and seconded by Cegan:

The applicant submit the following additional information:

- A Revised drawing showing the house cantilevered by wetland flag 8.
- Split rail fencing in the areas of wetland flags 11 to 1, 1 to 21 and 30 to 33.

The motion carried unanimously.

G. Minutes

A motion was made by Munson, seconded by Higgins to accept the minutes of the previous meetings of 12/19/12 and 1/8/13 as presented. The motion carried unanimously.

H. Staff Report

Welcome back and Welcome to new Commissioner Brendan Magnan.

In your mail this evening is the Milford Code of Ethics from the Code or Ordinances, an excerpt from the Book "What's Legally required" 2004, and a 1992 memo that was issued by the City Attorney's office on the *Carr v Bridgewater case*. Please read or reread the information and if you have any questions please let MaryRose know.

Also in your mail this evening is a synopsis of Commissioner Experience. Please mark up the synopsis and return it to the office. It will be updated and distributed at the next meeting. The purpose of the synopsis is so that other Commission members and applicants will know what your areas of expertise are.

A Commissioner Contact sheet was also distributed and asked that corrections be made and returned as soon as possible.

West Avenue and Gulf Pond pump station projects are ongoing.

High Street Sewer job is almost complete.

Indian River Interceptor continues to be on hold.

Sanitary Sewer Infills No. 1 has started work on Jennifer Lane

134 Old Gate Lane – the restaurant work is ongoing.

Prospect Falls site work is complete; the 2nd mitigation report has been received.

The next meeting is a public hearing and regular meeting on Wednesday, January 23rd in **Conference Room C** which is on the Left as you come out of the stairwell.

Please remember to call or email the office if you are unable to attend a meeting.

I. Chairman's Report

Instructions/suggestions to read the regulations, code of ethics, reminder about ex parte communications etc. ask questions of staff and /or in a meeting and start or finish your DEEP training asap.

The next meeting is a regular meeting and Public Hearing and will be on 1/23/13 at 7:30 p.m.

There being no further business to discuss, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.