

Minutes of the regular meeting of the Inland Wetlands Agency on February 4, 2009.

A. Roll Call

Present: Allan Cegan, Ken Cowden, Jon Higgins, Lynne McNamee, Jim Richard and Phil Fulco.

Absent: Barbara Bell, Jim Connors, Joel Levitz, John Ludtke and Steve Munson.

B. Public Comments

None.

C. New Business

1. **IW-M-06-0047: 424 Anderson Avenue, Anthony and Leah Monaco, D'Amato Industries Builders, LLC** – proposed modification to existing permit to allow pool and deck to remain closer to wetlands than previously approved within 00' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that the applicant's attorney had a conflict with this evening's meeting and has asked that this item be discussed at the next meeting on 2/18/09

D. Old Business

1. **Application IW-A-09-001: 30 Lavery Lane, William German** – proposal to begin a farm, nursery and build 8 outbuildings for storage of equipment, tools, supplies and to shelter farm animals as well as pool and patio for existing house within 100' of a wetland in the Housatonic River Watershed.

MaryRose reported that this is an application by Bill German to begin a farming operation on a parcel he owns with his wife and an adjacent parcel he partially owns with his family. The proposal is for 8 outbuildings, a wood furnace, a garden area and staging area, as well as an above ground pool, temporary deck and a stone patio adjacent to the house on parcel 1G.

In your mail this evening is a handout from the Summer 2008 DEP training Seminar, which reviewed the permitted operations and uses section of the Statutes. The Agency needs to use the information provided by Mr. German to determine if the proposed activities fall in the Permitted Operations and Uses Subsection or if they require a permit.

Mr. German has 2 parcels totaling 3.981 Acres in rear lots on Lavery Lane. His home and septic systems are on Lot 1G. He would like to convert approximately 0.8 acres of upland review area to farm area to allow for grazing of miniature horses and goats, the growing of vegetables, a 60' X 100' staging area, and to construct several accessory buildings including:

On Lot 1G:

2-10' X 12' tool sheds
1-15'-diameter pool
1-14' X 24' stone patio.
1-8' X 12' Temporary wood deck

On Lot 1C:

1-8' X 12' dry wood storage with canopy top
1-18' X 20' covered storage shed
1-wood furnace for a greenhouse
1-20' X 40' greenhouse
1-12' X 20' covered storage shed
1-10' X 10' manure storage shed

Several Commissioners submitted questions for the applicant. They were mailed with the Agenda to the Commissioners and Mr. German so that he would have time to respond. Mr. German is here this evening to present his application.

Fulco looked at the questions and informed the Commissioners that their job is to determine if the proposed activities are exempt and if they are, the applicant gets to do what he wants to do. If they are not then those activities will have to go through the permit process. He further stated that commissioners have seen this drawing before but this is a new application - square one again, including probably a site walk. The commissioners can't refer back to what happened in the past just this new information.

Fulco asked Mr. German to address the questions.

German stated that the pool and patio are not related to the farm but he would use a cartridge filter and the back porch currently is temporary wood and he would like it to be in compliance until a stone patio can be done. He feels everything else falls within farming use; the buildings are for tool storage and equipment and the 9th building is a furnace and the Health Department is involved in this and there are certain criteria to be met. He has pulled back the work as much as possible; there are a lot of wetlands on the site. It was a tree farm for many years in the late 1970's and the lots were separated. In 2007 he got the farm classification back and he is trying to get the farm running again.

1. What does the phrase "begin a farm" mean? Is some schedule contemplated? If so, what is it?

The schedule is a couple years to get it going, it will take 2-3 years. He has to do tree removal for sunlight, grading and stumping, then the plantings, etc. so there will be 2-3 years of construction time.

2. What “farming” activity/ies are contemplated? Please be specific. (The sentence at #5 of the application doesn’t clarify this point. It’s confusing.)

Farming activities would be a vegetable garden in the Northwest corner where there is a reserve septic and the Milford Health Department OK’d it with the garden on it but he needs to use caution with the heavy equipment to not pack it down. It is a secondary backup septic system. The farming activity is vegetables of all sorts of fruit trees.

3. What are the dimensions of the actual garden area? (A rectangle is marked off on the map, but it doesn’t fit the terrain, because some of that rectangle is fairly steeply banked. Also, some of it is taken up by a proposed structure. Finally, some of it is labeled “reserve septic system” and Health Department cautions apply. What I’m looking for is the size of the ground actually possible for a garden.)

German stated that the lean is ok because it faces south. He will be grubbing and stumping to make it smooth – grubbing the overburden out and using the topsoil that is there and removing the brush pile the neighbors dumped on over the years. A lot of it will be used for black compost and truck off the rest for proper disposal. He submitted a Health Department letter to Compliance Officer Palumbo.

4. What is the purpose of the structure indicated within the hatched area of the garden? (It doesn’t appear to be labeled.)

The structure within the garden area is a proposed tool shed so that the tools are readily available

5. Is any grading proposed to create the garden area? Will topsoil be brought in? Has this area been graded in the past? Was topsoil brought in at that time?

No grading is being proposed.

6. What are the dimensions of the proposed staging area and turnaround?

This is on the plans and it is 60’ x 100’.

7. How far away from the wetland line is the NE corner of staging area from the wetlands line? How far away from the wetland line is the portion of the staging area’s E side that roughly parallels the wetland line?

3’ and 10’

8. Where will the horse be housed?

In the 12’ x 20’ covered storage shed next to the manure shed.

9. Nine new structures appear to be proposed. Of those, how many already exist and how many would be built new?

There are zero existing buildings – all will be new.

10. What is the purpose of the greenhouse? Why is it essential to the farming operation?

German stated that the purpose of the green house is for starter plants. Due to New England cold he needs to start the garden plants early and would like to do some indoor flowering plants as well.

11. What is the purpose of the staging area and turnaround? Why is it essential to the farming operation?

German stated that the staging area is connected to the structure in the staging area. With respect to the neighbors to get customers off of the street. Fulco asked if the staging area was a parking area. German stated yes it is a parking and staging area. The building would be for product display and off street parking. A portion of the barn would be for safe fertilizer storage to keep it safe and dry – He will be doing all organic farming so no bad fertilizer, but even organic fertilizer is fertilizer and needs a dry place. So the building is a storage area.

13. What is the purpose of the second driveway? Why is it essential to the farming operation?

German stated that he doesn't want to mud up his regular driveway. A neighbor has illegally paved portions of it without any permits. Fulco asked if it would be just gravel. German said it would be pea stone he doesn't want to track mud on his driveway it is directly related to the farm operation. Fulco asked where it is essential to have the second driveway. German stated that it is directly related to it so does it have to be essential?

German said that the delivery trucks could loop into his driveway around to avoid having to turn around. The second driveway could be an emergency access for trucks. He would like to keep his driveway free of mud. The neighbor has paved off into the existing driveway there. Fulco asked if the neighbor is using the driveway now. German stated that he will need to get a lawyer since the neighbor is illegally using the driveway. Fulco asked why the driveway is essential to the farming operation if the neighbor needs his access. German stated that his family agreed to let the neighbor use that access until they could move Mr. Safakas's driveway.

MaryRose stated that a portion of the 2nd driveway appears to be on an access to the rear properties left over from when Mr. German's family split off the lots and built the neighbors house. Information in Engineering appears to show that

access as an access to Mr. Safaka's house and the rear lots, not just Mr. German's property.

14. Why are the pool and the patio essential to the farming operation?

They are not and can be permitted separately.

15. Could the soil scientist tell the IWA more about the nature of the intermittent watercourse and provide more detail re the note at the end of his report?

German stated that it was a farm and regarded the intermittent watercourse as basically a cut through with a bulldozer. Fulco directed MaryRose to please ask the questioner and Soil Scientist to try to clarify the question and concern with this.

16. Could the soil scientist determine if the wetlands on the property are Federal wetlands?

German stated that he is not disturbing the wetlands and he didn't think this had to be addressed.

17. What are the alternatives to a wood fired furnace for the greenhouse? (Other sources of heat could reduce the number of buildings on the site)

German stated that he wanted to stick to natural resources and adhere to Health Department regulations; he does not have gas service. The furnace is needed for the greenhouse and he could use branches, etc. on site and it would be only seasonal use.

18. Why are 9 different out buildings proposed? How is each building essential to the farming operation?

German said that one big building would be great but also expensive. The way the land is set up with so many wetlands it would not work and the economics of a big barn would not work.

Fulco asked if all of the buildings are necessary. German stated that the tool sheds; (fire wood covered with a tarp is a building according to the town) the dry wood storage is not fire wood; it is for salvage from construction sites like fencing and wooden slats for shelving.

Fulco asked if it would it make sense for the manure storage to be on the back of the shed housing the animals – closer to where the animals will be? German stated that there is a smell factor, he wants it further away. He has it down on the plan for removal off site until he can learn-up on how to convert it to fertilizer but definitely wants to keep it separated from the animals.

Fulco asked if he would need to follow some protocol to prevent leaching of the manure into the wetlands. German stated that the plan shows it with a roof and a concrete base to keep it dry and prevent leach off into the wetlands.

Fulco said he thought a site walk is in order but there is snow on the ground but that it doesn't make sense to move forward with the snow on the ground and the outstanding questions. He told German we would see him in two weeks and hopefully we could have the questions answered and site visit scheduled at that time. No action taken.

E. Minutes

A motion was made by Higgins, seconded by Richard to accept the minutes of 1/21/09 as presented. The motion carried unanimously.

F. Subcommittee Reports

None.

G. Staff Report

- If you have updated your synopsis of Commissioner Experience, please hand it in or email a copy of your paragraph to Kathy or me so that we can make changes and get the revised copy out.
- Please let me know if you would like to stay on the sub-committees you are on or that one you would like to switch to and I will send out a new sheet.
- Please remember to call or email the office if you are unable to attend a meeting.

H. Chairman's Report

Fulco will propose subcommittee assignments.

The next regular meeting will be on 2/18/09.

There being no further business to discuss, the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.