

Minutes of the Regular Meeting of the Inland Wetlands Agency on March 18, 2009.

A. Roll Call

Present: Barbara Bell, Jim Connors, Jon Higgins, Joel Levitz, Lynne McNamee and Phil Fulco.

Absent: Allan Cegan, Ken Cowden, John Ludtke, Steve Munson and Jim Richard.

Fulco called the meeting to order at 7:30 p.m. and deemed Bell and Connors the voting alternates.

All stood for the Pledge of Allegiance.

B. Public Comments

None.

C. Old Business

- 1. Application IW-08-044: 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 a pool and patio for existing house within 100' of a wetland in the Housatonic River Watershed.

MaryRose reported that at the last meeting the IWA scheduled a Public Hearing for 4/1/09. Additional information on flag locations was requested of Mr. German. Tom Pietras of Soil Science and Environmental Services flagged the property on March 11th for CT & Federal wetlands. His report will be submitted and Mr. Pietras will be present at the April 1st public hearing. The IWA held a site walk on 2/24/09. It was attended by Bell, Cegan, Cowden and Fulco. Since German has reflagged the property as requested for both Federal and CT wetlands, the site can be walked again if anyone wishes to. MaryRose asked if there was any other information that the IWA would like to have for the public hearing. The hearing can be left open for up to 45 days. However, once the hearing is closed, no new information can be submitted to the record upon which to make a decision.

Fulco asked if there would be new drawings. German stated that there would be and they will be available at the public hearing. Bell asked if Tom Pietras' report would be available for the Public Hearing and if so she would like characterizing of the intermittent water course to be addressed. German stated that per Pietras it is an intermittent watercourse per the towns' criteria; either it is or it isn't. Bell stated that she would like to know if the degree of intermittency and the amount of flow when it flows could be addressed. German stated that the whole watercourse is Federal. Bell stated that her request may or may not be able to be addressed, but she would like an answer.

2. **Application IW-A-09-003: 0 Marion Ave., Ronald Standish** – proposal to construct a single family home within 100' of the Housatonic River Watershed.

MaryRose reported that this is a proposal by Ron Standish for a single family home on a 0.64 acre lot with approximately 0.5 acres of wetlands. The house is proposed within 7' of the wetland line at the closest point with a concrete landing area for the rear stairs approximately 9' from the wetland line. The applicant has proposed a chain link fence, and a vegetative buffer on the wetland line to delineate the yard area from the wetlands on the parcel. Otto Theall of Soil and Wetland science LLC is here to present the application.

There is concern with the proximity of the house to the wetland line and the difficulty that will be involved in constructing the house without impacting the wetlands that are 7-9' away from the excavation and construction in some locations.

Otto Theall – filling in for Joe Codespoti stated that this is a very difficult lot, with a small area to locate the house, there is a nice planting plan, erosion controls need to be added and there may be some additional disturbance due to construction around the house. The house will be a slab on grade so there would not be a significant fill pile. There really are not many alternatives to the proposed location of the house on this property. A smaller house would not significantly change the amount of disturbance due to construction and the need for a yard area. There will be a chain link fence and vegetative buffer to protect and demark the wetland line. If there is other information the Agency would like to see, the applicant would be happy to submit it for the next meeting.

Chairman Fulco noted that the application says only 0.07 acres of wetlands on the site and there appears to be 0.5 acres. MaryRose stated that she had reviewed that and calculated approximately 0.5 acres of wetlands on the site. Otto stated that there was some discussion of proposing to fill in around flag 10 and creating more wetlands around flag 13 or 14. This would require the filling of wetlands so the current proposal would be a positive alternative as there would be no filling of wetlands. Fulco asked that the applicant correct their application form.

Otto stated that it is a rather large wetland area and would be doing a minimal intrusion and obviously the applicant would prefer to have a bigger buffer but this lot does not allow for that. He noted that there are houses on the street already and this lot is at the end of the street. Otto does not feel that the activities will have a significant impact on the wetland as a whole.

Bell asked if Otto marked the wetlands. Otto stated that he did not. MaryRose reported that the wetlands were flagged by Tom Pietras on 7/13/07. Otto stated that he has known Pietras for 20 years and he is very diligent and does quality work and is a consummate professional.

Bell stated that the IWA has looked at this site before and prior to this there was an intermittent watercourse – and it would be nice to have a further description of the wetland then what has been submitted. Bell further stated that it appears that the plantings are on the wetland side of the chain link fence and the inside would be a lawn area so you would have to be in the wetlands to plant them. Otto stated that they are shown on the upland side of the wetland, the plants would be installed and then the fence would be erected between them and the yard area. Bell asked the distance from the fence to the plantings and who planned the plantings. Otto stated that the widest point appears to be 4-4.5' and smallest area would be 2'. Otto is unsure as to who planned the plantings and that Codespoti would have to answer that. Otto did state that these proposed plants are commonly proposed for these types of areas. Bell asked what type of driveway is proposed. Otto stated that it is not specified so we would take direction from the commission; it could be gravel although most people prefer asphalt. Bell asked if this was a paper street. MaryRose re-orientated Agency to clarify location of lot – not accessed from Post Road but Meadowside Road.

Fulco asked if there are catch basins or drainage on the street and if there are sewers. MaryRose stated that she did not recall seeing catch basins and the area has sewers; she will clarify this.

Levitz stated that it seems that there isn't enough space to construct the house – you need about 20' around the house and will it be able to be constructed without disturbing the wetlands. Otto stated that it could be done all from the front – if proper E&S controls are up he thinks there is enough room to get around but there could be some disturbance of the wetland due to the proximity to the wetland. It could be bonded in case of disturbance of the wetland during construction.

Fulco asked if there was any proposal to mitigate by creating wetlands for future disturbance. Otto stated that it was discussed but he could not give a definitive answer this evening. It would be easier if there was some description of plants along the perimeter of there wetland. The applicant could look into creating a wetland in that area by bringing the grade down just a few feet to create it. He would want to see if any valuable plants would be lost due to the construction before proposing that. He could come back to the next meeting with a proposed plan to discuss.

McNamee asked that with the plantings on the other side of the fence as well as the lawn; are there concerns about fertilizers because the proposal is right on top of the wetland. Otto stated that he did not know if the IWA has put restrictions on lawn care in the past. Fulco stated that it is pretty tough to enforce on a single family home. It has been done for condos with a Board to enforce this. McNamee stated that even for the installation of the original lawn there would be some problem.

Levitz stated that he feels this is too tight of a project with a 750 sq. ft. house and the drainage will come right off the roof line into the wetland. Fulco stated that rainwater is considered clean water and can be directed into the wetland. Otto stated that they could direct the roof runoff and pipe it to a created wetland area to allow filtering prior to it entering the wetland. A herbaceous plant mixture with a deeper basin would pre-filter and a leak off from the driveway could also be directed to the created wetland area to renovate potential pollutants from the house and the driveway. He could check the line, check for watercourse and characterize the plantings that may be impacted by the development in-order to replace them.

MaryRose stated that she would propose a site walk to view the proposed house and yard locations in relationship to the wetlands on the site; but further stated that the IWA may want to wait until a revised plan is submitted.

No action taken.

E. Minutes

A motion was made by Connors, seconded by Bell to accept the minutes of the previous meeting as presented. The motion carried unanimously.

F. Subcommittee Reports

- MaryRose reported that she is compiling the notes from the last by-law subcommittee into one document for the by-law subcommittee to review.
- The IWA training video has now been put on the DEP website and this information will be emailed for access to this site. The DEP Commissioner has been appointed to the EPA.
- MaryRose attended a meeting today and reported that currently the IWA takes in \$30.00 per application; \$2.00 goes to the City and \$28.00 goes to the State and is distributed 3 ways to different departments. Now the proposal is for this \$28.00 to go into the DEP general fund.

G. Staff Report

- MaryRose asked if anyone else wanted to sign up for the DEP training and to please let the office know who is interested in attending. It may be difficult to get your first choice of dates this late, so please select a second choice as well. Commissioners that attend 3 sessions in the same calendar year receive a certificate from the DEP. Bell, Cegan, Connors, Cowden, Fulco, Ludtke and McNamee have all received their certificates.

- The updated synopsis of Commissioner Experience was distributed; if any revisions are to be made, please contact the office.
- Please remember to call or email the office if unable to attend a meeting.

H. Chairman's Report

- The Board of Aldermen budget hearing will be on 4/13/09.
- The Habitat was distributed; it has helpful information.
- Subcommittee assignments will be emailed. Levitz reported that McNamee is the Chairman of the Regulations and Bylaws committee.

The next regular meeting and Public Hearing will be on 4/1/09.

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

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.