

## MIWA Regular Meeting Minutes April 15, 2009

The Meeting was called to order at 7:39 p.m.

The following Commission Members were present: Commissioner Bell, Commissioner Connors, Commissioner Cowden, Chairman Fulco, Commissioner Higgins, Commissioner McNamee and Commissioner Ludtke

Others present: Clerk Kuchta and Compliance Officer Palumbo

Absent: Commissioner Cegan, Commissioner Levitz, Commissioner Munson and Commissioner Richard

### A. Old Business

1. Application IW-A-09-001: 30 Lavery La, Map 118, Block 909, Parcels 1G & 1C. William German; Proposal to begin a farm, nursery and build 8 outbuildings for storage of equipment, tools, supplies & to shelter farm animals as well as a pool and patio for existing house within 100' of a wetland in the Housatonic River Watershed. (1/21/09||2/04/09||3/27/09||04/16/09) Public Hearing Continued until 5/6/09.  
The public hearing was continued to our next meeting on May 6, 2009.
2. Application IW-A-09-003: 0 Marion Av, Map 33, Block 212, Parcel 2. Ronald Standish; Proposal to construct a single family home with construction and grading within 100' of a wetland in the Housatonic River Watershed. (3/4/09||3/18/06||5/8/09)  
They applicant has requested that this item be postponed.
3. Pre-Application IW-PA-09-005: 30 Lavery La, Map 118, Block 909, Parcels 1G & 1C. William German; Installation of 15 ft above ground pool and 14' x 24' stone patio within 100' of a wetland or watercourse in the Housatonic River Watershed.  
Mr. German's attorney has requested that we table this item until our 5/6/09 meeting when she will be here to present both of Mr. German's applications.
4. Application IW-A-09-009: 282 West Main St, Map 53 Block 309, Parcel 2. Two-Ninety-Six LLC; Proposal to fill 0.2 ac of wetlands to construct three single family homes within a 100" of a wetland or watercourse in the Wepawaug River Watershed. (4/1/09||4/15/09||6/5/09)  
MaryRose stated that this is a proposal for a 3-lot subdivision with 1000 sq ft of fill in the Wepawaug River Watershed. There is an existing house on the site that is proposed to be demolished. There is an area where it appears the neighborhood has been dumping debris and the applicant would like to remove the debris. He would then like to fill the wetland and create a wetland on another area of the site. The wetlands were flagged by Otto Theall and the plan was prepared by Codespoti & Associates. Greg Field is the applicant along with Angelo Lisi.

Otto Theall, Professional Soil Scientist with Soil and Wetland Science LLC presented the plan to the Agency. Mr. Theall did the wetland delineation on the property and the site plan done by Codespoti & Assoc., outlines the plan on developing the property into three lots. In order to create a more usable yard area is they are proposing to fill the small

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wetland area that is currently filled with debris and create another wetland on the perimeter of the property. The new wetland area has a planting plan which has been outlined for a diverse variety of plantings and have would have value for wildlife in the area.

The created wetland area would attract other woody species and would become a healthy functioning wetland. The wetland agency can offer an opinion on what they would like to see planted in this area. Mr. Theall suggested walking the site to get a feel for the area so that agency members can view the condition of the wetland that they are proposing to fill. The wooded area has been filled in already and the more valuable wetland area is to the rear of the proposed construction toward Gunn St. The front wetland currently has no function and for a long term fix the newly created wetland needs to be protected from the neighbors dumping.

Chairman Fulco said that the usual mitigation ratio is 2 to 1. Where we are losing wetlands versus proposed creation this is based on the fact that you never know how well the new wetlands will survive and the current plan does not have ample room on the parcel to extend the wetlands. The Chairman asked if they could come up with a little better mitigation plan. Mr. Theall said that because of the low quality of the current wetland his client felt that the agency would accept a 1 to 1 ratio. He said that it could definitely be increased to more closely meet the 2 to 1 ratio. Something intentionally created would actually be better than what currently exists.

Maryrose stated that there are two large trees located to the rear of the property behind the existing house that should be considered when proposing creating more wetlands in that area. Mr. Theall said that he would review the property to locate the trees that she was concerned about and that they would make every effort to save the trees.

Commission Connors asked if the wetland soil in the area where the proposed filling is proposed could be moved to the new wetland location. Commissioner Bell said that she would like to see alternate plans, plans that would benefit the wetlands. She discussed removing the middle house or just removing the deck and making the middle house smaller as this house impinges on the wetland the most. Mr. Theall said that if you have the edge of wetlands that close to the rear of the house, what usually happens is the homeowner is going to expand their lawn area. From a practical point, its best to avoid wetlands rather than mitigate, in this case with a 2 to 1 ratio of wetlands, creating better quality wetlands and the homeowners owning a reasonable size yard they are less likely to impinge on the wetlands. Mr. Greg Field entered the meeting at 7:57 p.m.

Commissioner Connors made the following motion: Mr. Chairman, I move that a site walk be scheduled for application IW-A-09-009: 282 West Main Street, on April 27, 2009 at 4:00 P.M. That is my motion. The motion was seconded by Commissioner McNamee and it passed unanimously.

Chairman Connors made the following additional motion: Mr. Chairman, I feel that a public hearing regarding application IW-A-09-009: 282 West Main Street would be in the public interest. I move that a public hearing be scheduled for May 6, 2009. That is my motion. Commissioner Bell seconded the motion and it passed unanimously.

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### **B. Consideration of minutes of previous meetings.**

It was noted that the meeting minutes of April 1, 2009 was missing page 8. Page 8 will be provided digitally by MaryRose and a hard copy will be in the next mailing. The vote on the 4/1/09 meeting minutes will take place at the next meeting.

### **C. Subcommittee Reports**

MaryRose reported that the bi-laws have been typed and that she will review them and copies would be provided at the next meeting.

### **D. Staff Report**

MaryRose asked everyone to please remember to call or e-mail the office if they are unable to attend a meeting.

### **E. Chairman's report and communications.**

The Chairman stated that he attended the Board of Alderman budget meeting and the Agency received a \$3000 cut. He was hopeful that they will restore some of the funds to operate the meetings. He said that he is constantly complimented on the operation of this Agency.

The next meeting is a public hearing, a continuation of a public hearing and a regular meeting on May 6, 2009 in Conference Room A.

A motion to adjourn was made by Commissioner Connors and seconded by Commissioner Mcnamee and passed unanimously. The meeting adjourned at 8:20 p.m.

Respectfully submitted,

Kathleen Kuchta

These minutes have not been accepted or approved.