

Minutes of the Regular meeting of the Inland Wetlands Agency on May 4, 2011.

**A. Roll Call**

Present: Ken Cowden, Michael DeGrego, Justin Margeson, Lynne McNamee and Steve Munson.

Absent: Alan Cegan, Cathy Collins, Jim Connors, John Higgins, Sally Lee and Joel Levitz.

McNamee called the meeting to order at 7:30 p.m. and deemed Margeson the voting alternate.

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

Shannon Cleary, 95 Atwater Street and Teresa Burns, 87 Atwater Street wanted to discuss the Westmoor Road building proposal that is due to take place on June 1<sup>st</sup>. They stated that there are endangered and at risk species on the site and questioned where the water will go from the marsh and river once the houses are built. They have contacted the DEP, spoke at the Board of Aldermen meeting, the Mayor, Channel 8 News and The Wildlife Preservation. The DEP told them that there must be an environmental review prior to development and per Ms. Cleary, there is none on file. They would like the rules and regulations of the IWA. Pictures were submitted of the area where the proposed houses are to be built and there are box turtles, fox, deer, rattlesnakes and plenty of habitat on site. They received letters from the Board of Aldermen and never received letters from the IWA and understand that this project has already been approved and there is no environmental review. Robert Cleary, 95 Atwater Street stated that there was no Planning and Zoning notification.

McNamee stated that the IWA rules and regulations are by State Statute and are available on line. MaryRose referenced Section 22A, 36-42 of the CT General Statutes. The application has been approved. MaryRose reviewed the application process and the criteria for a public hearing. The agenda is posted for 14 days, the meeting is held and then there is 65 days to make a decision. The area was flagged and there was no filling of wetlands per a Certified Soil Scientist. McNamee stated that the application was approved on 3/2/11. MaryRose stated that if the site was on the endangered species blob and this was not disclosed then something could be done but it is not and was not as of today. MaryRose will check the DEP's Natural Diversity Database again in the morning but if there is no change then nothing can be done. The IWA can consider habitat but is a water board; if the habitat and water have no connection then the habitat can not be considered. If the IWA did not have correct information at the time of application then the City Attorney's Office will be contacted and if it is to be revisited, the application

process would start. Teresa Burns stated that an Environmental Review was not included in the proposal and should be per the DEP. MaryRose stated that a soil report from a Soil Scientist was. Shannon Cleary stated that they were not notified of this application. MaryRose stated that every agenda is posted. McNamee stated that this is by state statute and this application has been approved and the appeal period is over and they can speak to MaryRose in the office.

#### **D. Old Business**

##### **1. Review and discussion of IWA ByLaws:**

The Bylaws, Regulations and Procedures Subcommittee submitted the proposed MIWA Bylaws for your review and acceptance. A copy of the proposed Bylaws was in your mailing for review several months ago and there have additional copies for your review this evening if you would like. Last year the City Clerk requested that all Boards and Commissions update and submit their Bylaws to her office. At the time Chairman Fulco created a subcommittee to review and propose bylaws for the IWA. Commissioners Fulco, Levitz and McNamee created and sent the proposed Bylaws to the City Attorney's office for review in December. This year's subcommittee reviewed the changes from the City Attorney's office and submitted the document for IWA approval.

The following motion was made by Margeson, seconded by Munson:  
I move to approve and adopt the proposed MIWA Bylaws as presented and they become effective upon passage. The motion carried unanimously.

##### **2. Violation IW-V-10-016: 267-279 Brewster Road, Estate of Doris Frank – work within 100' of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Remediation to be completed by 5/4/11.**

MaryRose reported that this was a violation for clearing and placement of material in and within 100' of a wetland without a permit. The violation was issued in 2010 and the property owners were ordered to have the wetlands flagged, the material along the pond edge as outlined by the wetland flagging was to be removed and the slope and cleared areas stabilized with grass and plantings on 10' centers along the pond. She visited the site this morning; the sloped area and the majority of the yard has been stabilized with grass. Mrs. Shaw has planted 11 plants on approximately 5' centers along the pond and has several more waiting to be planted. There is one area in the middle of the yard that was not growing grass well. Mrs. Shaws' brother was adding top soil to that area this morning and is planning on re-seeding. This small area should not have a negative impact on the wetlands on the site during the time it should take for vegetation to be established. Pictures of the site were reviewed. She would recommend that the violation be released.

A motion was made by Munson, seconded by Margeson to remove the cease and desist order. The motion carried unanimously.

**E. Minutes**

A motion was made by Cowden, seconded by Munson to approve the minutes of 3/2/11 as presented. The motion carried unanimously.

**F. Committee Reports**

Bylaws – Margeson reported that the committee met on 4/29/11 and work continues. The next meeting will be on 5/13/11.

Communication and Education – No Report.

Commissioner's Training – Cowden reported that a booth at the Oyster Festival is being considered. MaryRose stated that booths have been manned in the past and noted that there can be only a few members present and there can be no exparte communication.

**G. Staff Report**

- A copy of the IWA Commissioner Experience Synopsis was in your mail a few months ago please make any changes and return to the office ASAP.
- West Ave Sewer project is ongoing and paving is to begin in a month or so.
- Buckingham Ave sewer is complete.
- East Broadway pump station project is ongoing.
- East Broadway interceptor is ongoing.
- Subway parking lot expansion is ongoing.
- Prospect falls is ongoing.
- Oyster River phragmites control project has started the first round of clearing and was done last month.
- McNamee asked about an ongoing project that the IWA could visit in order to view some techniques/process for training. MaryRose stated that there could be and it would be treated like a site visit and would have to be posted and reviewed the ongoing process at West Avenue.

**H. Chairman's Report**

McNamee would like to thank the Regulations Committee for the lengthy meetings to get the Regulations revised and that good progress is being made. If there is anything you have wanted to see, any changes to the Regulations now would be the time to get that into the Regulations. Please Email any suggestions to MaryRose.

McNamee welcomed to Michael Degregio who was attending the Arborist 101 course at CT Agriculture Station in NH to lay the groundwork for him to become a certified arborist. The exam is on 5/19 and he is hoping to pass then a field test in June. MaryRose will give him the IWA Training DVD and notify him of the next DEP Training session.

There being no further business to discuss, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.