

Minutes of the Regular Meeting of the Inland Wetlands Agency on May 16, 2012.

**A. Roll Call**

Present: Alan Cegan, Cathy Collins, Jim Connors, Ken Cowden, Michael DeGrego, Richard Lutz, Justin Margeson, Steve Munson and Aaron Sanner.

Absent: Jon Higgins, and Sally Lee.

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

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.

**D. New Business**

1. **Violation IW-V-12-027: 830 West River Street, Glen and Karen Telep** – reconstruction of a streambank with work in and within 150' of a wetland and watercourse without a permit in the Wepawaug River Watershed.

MaryRose reported that this is a violation for work without benefit of permit at 830 West River Street. The Telep's of 830 West River Street stabilized the streambanks of a stream on their property below the dam with soil, rocks and boulders without first receiving an Inland Wetland permit to work in or within 150' of a watercourse and wetland in the Wepawaug River Watershed. The Telep's received a permit to construct their home in 2004, their shed in 2009 and their inground pool in 2010. It is reasonable to assume that they were aware of the MIWA permitting process. When she spoke with Mr. Telep he felt that this work fell under Section 4.2 of the MIWA Regulations and was exempt from permit. She explained that Section 4.4 requires that the Agency determine what is a permitted or nonregulated use. MaryRose distributed drawings from when the home was built as well as pictures from the final asbuilt of the house and pictures from the site from last week. Mr. Telep is here this evening to answer the violation.

Mr. Telep stated that he had no idea that it was permitted work because the town had come through with a backhoe and made a mess and stated that Mr. Telep could do the work. He brought pictures showing City

trucks on site. He also brought pictures of what the site looks like when it floods and where he put rocks in. He thought he was doing the town and himself a favor; he thought he could do maintenance. MaryRose explained that the town can clear the area to keep the flow going. Mr. Telep submitted a letter he received from the State directing work that needs to be done to the dam. MaryRose read the letter from the State of CT DEP, Denise Ruzicka, Director of Inland Water Resource. It noted that on 7/8/08 the dam was inspected and deemed that maintenance was needed and steps 1 – 5 to do so. This is a third request for repair. It further stated that Mr. Telep should check with local agencies to determine if permitting was required. Mr. Telep stated that he met with MaryRose and Public Works and he wants to pipe the flow to put a driveway in to access the property. MaryRose stated that that would require a permit and engineering in order to protect the resources. There are procedures for control, the size of piping, etc. which require an engineered solution. Mr. Telep stated that he always got permits before and didn't think he needed one. MaryRose suggested that Mr. Telep meet with a Consultant to see if the boulders are sized appropriately and he needs to satisfy the violation first and then take the next step. Mr. Telep stated that plantings are in and grass is growing and submitted pictures from 2 days ago.

The following motion was made by Connors and seconded by Margeson: That cease and desist order IW-V-12-027, 830 West River Street, be upheld and the violator be ordered to:

- Submit a survey showing the full extent of the work that was done, including former and new contour elevations, former and existing wetland locations by June 20, 2012
- Engineering report and recommendations on the stability of the stream bank by June 20, 2012
- Mitigation plan by a professional wetland scientist to appropriately stabilize the stream bank and disturbed areas

The motion carried unanimously.

2. **IW-A-12-29: 66 Cedarhurst Lane, David and Stephanie Ellison** – proposal to reconstruct driveway entrance, add aprons and pave with work within 100' of a wetlands and watercourse in the Indian River Watershed.

This application is on the agenda for the first time and can be heard after 5/30/12.

## **E. 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 ongoing.

MaryRose reported that she walked the site on 4/26/12 with Otto Theall and Buddy Field. The mitigation area has stabilized and does not show signs of knotweed growth. There is knotweed and phragmites growth around the edges of the mitigation area. The next mitigation inspection for this site is 7/26/12.

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.

MaryRose reported that there is no new information at this time; she will walk the site with Fred Kirkham prior to the next meeting.

A motion was made by Connors, seconded by Munson to hear item E3 IW-A-12-019: 28 Way Street and item E4 IW-A-12-020: 24 Way Street together. The motion carried unanimously.

3. **IW-A-12-019: 28 Way Street; Warren Field Jr.** – proposal for a single family home with construction, grading and work within 100' of a wetland or watercourse in the Housatonic River Watershed.
4. **IW-A-12-020: 24 Way Street; Woodstock Development LLC** – proposal for a single family home with construction, grading and work within 100' of a wetland or watercourse in the Housatonic River Watershed.

MaryRose reported that these are proposals by Buddy Field for #28 and Woodstock Development for #24 for single family homes on existing lots with work within 18.3' and 58' respectively of a wetland in the Housatonic River Watershed.

A Petition was received today with 30 signatures requesting a public hearing on this application. The Agency can schedule the public hearing this evening or after all information that you feel is necessary to review the application has been received. The public hearing should be held before July 6<sup>th</sup> or it will be necessary to request an extension of time from the applicants.

Buddy Field and Otto Theall, from Codespoti and Associates are here this evening to present these two applications and answer your questions.

Otto stated that he delineated the wetland boundary and upland area; there is American beech and red maple as the prominent vegetation types on site. He briefly reviewed the plan and proposed house locations. There is a split rail fence proposed between the lawn and wetland area. The Fields

have done projects of similar distance to the wetlands in the past and they have done very well after 3 years. He feels the project can be done without negative impacts and he is open to mitigation as recommended.

Collins asked about habitat. Otto stated that there is commercial development north of the site and residential around. There are suburban species; birds, amphibians (no vernal pool species) and he does not feel this would change by what is being proposed.

Munson asked if the site was checked for vernal pools. Otto stated that it has by Matthew Popp who visited the site three times; there is no standing water, no vernal pool or no vernal pool species on site and he submitted a report stating this.

Buddy Field stated that per the State of CT report there are no endangered species and per Matthew Popp's report of 4/6/12 there are no vernal pools.

Otto stated that a third site visit was done after the letter and after a heavy rain and there is no vernal pool.

Lutz asked about the drainage for the roof, driveway and patio. Buddy stated that all driveways go to the street. Lutz asked about herbicide; being close to the wetlands and the effects. Otto stated that this has not been a problem. Buddy stated that most products today seem to be eco friendly. Otto stated that additional plantings could be used for a buffer. MaryRose stated that conditions have been; limiting pesticides, herbicides near wetlands area and usually require 25' buffers unless it is densely planted.

Connors asked if the homes would have basements or be on slab. Buddy stated that they would be slab.

The following motion was made by Connors, seconded by Munson:  
Mr. Chairman, I move that a site walk be scheduled for applications IW-A-12-019: 28 Way Street and IW-A-12-020: 24 Way Street, on  
Wednesday, May 23, 2012 at 5pm PM.  
The motion carried unanimously.

A motion was made by Connors, seconded by Munson to hear item E5 IW-A-12-021: 0 Way Street and item E6 IW-A-12-022: 20 Way Street together. The motion carried unanimously.

5. **IW-A-12-021: 0 Way Street, BAMF Homes LLC** – proposal for a single family home with construction, grading and work within 100' of a wetland or watercourse in the Housatonic River Watershed.
6. **IW-A-12-022: 20 Way Street, BAMF Homes LLC** – proposal for a single family home with construction, grading and work within 100' of a wetland or watercourse in the Housatonic River Watershed.

MaryRose reported that these are proposals by Greg Field, BAMF Homes for #0 & #20 Way Street for single family homes on existing lots with work within 8.2' and 98' respectively of a wetland in the Housatonic River Watershed.

A Petition was received today with 30 signatures requesting a public hearing on these applications. The Agency can schedule the public hearing this evening or after all information that you feel is necessary to review the application has been received. The public hearing should be held before July 6<sup>th</sup> or it will be necessary to request an extension of time from the applicants.

Greg Field and Otto Theall, are here this evening to present these two applications and answer your questions.

Otto briefly reviewed the plans; 28 Way Street is the most sensitive site. The closest area to the wetlands is 8.2' to 26' at the back end of the house. A fence is proposed 2' off of the wetland boundary. There can be dense planting between the fence and the wetland line. They are open for input. Greg Field showed pictures of prior projects (110 Southworth Street) that were 12' from the wetlands and have very good results. Also three houses on West Main Street that just had the final inspection and is doing well. He further stated that split rail fences do very well to prevent intrusion. He also stated that neighbors have concern with a wet area in the back of the properties. Field did purchase 20' from the City to move the house further away from the wetlands. Wetlands are on the side of the house and none are in the rear where families would use.

MaryRose stated that she submitted these plans to the City Engineer for review and has not received a report back as of yet. Munson asked about basements. Field stated that there would not be basements; the homes would be raised ranches.

The following motion was made by Connors, seconded by Munson:  
Mr. Chairman, I move that a site walk be scheduled for applications IW-A-12-021: 0 Way Street and IW-A-12-022: 20 Way Street, on  
Wednesday, May 23, 2012 at 5pm PM.  
The motion carried unanimously.

A five minute recess was taken.

## **F. Minutes**

A motion was made by Connors, seconded by Munson to accept the minutes from the 5/2/12 regular meeting as presented. The motion carried unanimously.

## G. Staff Report

The Open Space Committee is hosting a workshop entitled **Planning and Design Techniques to Help Protect Milford's Water Resources by CLEAR/NEMO** on Monday June 18<sup>th</sup> at City Hall. It will be a 1 hour presentation mainly on LID and then a 1 hour Q & A. This would be a worthwhile training session for the Agency and encourage everyone to attend. She will post a notice for a training meeting.

- West Avenue and Gulf Pond pump station projects are ongoing.
- High Street Sewer job is currently on hold and expected to restart in a few weeks.
- Indian River Interceptor is on going, they should finish the portion of the project going up New Haven Av towards West Haven in the next two weeks. They will then be working from Pond Point Av towards Old Gate Lane.
- Prospect Falls is nearly complete; the 2<sup>nd</sup> mitigation report has been received.
- Westmoor Road lots are ongoing. The second house is complete and the road has been paved.
- Munson asked about the petition for Way Street. MaryRose will distribute a copy to members. MaryRose will clarify if there is to be separate Public Hearings or if they would be heard together also if members of the public can be questioned during a public hearing. MaryRose reviewed the rules of no exparte communication.
- Please remember to call or email if you are unable to attend a meeting.

## H. Chairman's Report

Collins encouraged everyone to attend the training meeting on 6/18 Planning and Design Techniques to Help Protect Milford's Water Resources by CLEAR/NEMO.

The next Regular meeting is on 6/6/12 in Conference Room A with a site walk for the Way street applications on 5/23/12.

There being no further business to discuss, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.