

Minutes of the Regular Meeting of the Inland Wetlands Agency on July 21, 2010.

A. Roll Call

Present: Cathy Collins, Ken Cowden, Joel Levitz, Lynne McNamee, Steve Munson and Phil Fulco

Absent: Alan Cegan, Jim Connors, Erick Karlsen and John Higgins.

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

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.

D. New Business

1. **Violation IW-V-10-035: 0 Bridgeport Avenue, CBS Outdoor** – clearing and dumping of debris within 100' of a wetland or watercourse in the Housatonic River without a permit.

McNamee recused herself from discussing/voting on this violation. MaryRose reported that on 7/15/10 based on a complaint from the Public Works Director and site visit, she issued a violation to Richard Bourne of CBS outdoors for clearing within 100' of a wetland. Mr. Bourne did not realize that a MIWA permit was required for the maintenance of the billboard view shed. Mr. Bourne contacted his arborist who inspected the clearing done by CBS and proposed removing the cut trees and limbs deposited into the wetlands from the site. The work was done on 7/20 and she inspected it this afternoon with Sean Jaques and Mr. Bourne. The large woody debris has been removed from the wetland areas. Small amounts of cut vines and leaves remain but should not cause a significant impact to the wetland areas as they break down. In some of the areas it appears that the cutting crew may have worked outside of the CBS view shed area. She has not had time to research and look up the lease area map. Mr. Bourne has not been able to find it at this time. She recommended that the violation be upheld and CBS be required to produce the map to ensure that City of Milford property has not been cleared.

A motion was made by Levitz, seconded by Munson that the cease and desist order be upheld and the violator be ordered to submit the view shed/lease map showing the areas in which they are allowed to work by 9/1/10. The motion carried unanimously with McNamee recused.

2. **Violation IW-V-10-034: 182 Milford Point Road, Ralph Roballey** – work within 100' of a wetland or watercourse without a permit.

MaryRose reported that this is a violation issued 7/15/10 to Mr. Ralph Robally, SDM LLC & TCD LLC for clearing of brush and trees and dumping of some debris within 100' of a wetland in the Housatonic River watershed without a permit. She received a complaint a few weeks ago and referred it to DEP-OLIS due to location adjacent to the Neils Island tidal marsh. DEP-OLIS staff Kevin Zawoy inspected the site and found no work in the tidal wetland but in the adjacent apparent inland wetlands and an intermittent watercourse. She mailed the violation to the tax address for the property owners and it was returned. She recommended that the Agency uphold the violation and she will attempt to track down the owners of this property.

A motion was made by Levitz, seconded by McNamee that the cease and desist order be upheld. The motion carried unanimously.

3. **Application IW-A-10-33: 734 Bridgeport Avenue, Gershman Brown Crawley, Inc.** – proposed retail structure with construction and grading within 150' of wetlands or watercourses in the Beaverbrook Watershed.

This item is on the agenda for the first time and can be heard at the 8/4/10 meeting.

E. Old Business

1. **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 10/15/10.

MaryRose reported that there has been no change; the Bernard's must have the plantings installed by 10/15/10. The grass is coming in slowly and erosion controls are present on the site. No action taken.

2. **Violation IW-V-10-018: 21 Maddox Avenue, James H. Foley** – clear cutting and removal of vegetation in and within 100' of a wetland or watercourse in the Housatonic River Watershed without a permit. Information to be submitted by 9/1/10.

MaryRose reported that there has been no change; the Foley's have until 9/1/10 to submit the required material.

3. **Violation IW-V-10-019: Raton Drive, Roderick McNeil, McNeil Enterprises, Inc.** – clear cutting and removal of vegetation and stockpiling of material in and within 100' of a wetland or watercourse in the Housatonic River Watershed without a permit. Information to be submitted by 7/21/10.

MaryRose reported that the IWA requested that the materials be submitted by today. The information has not been received. She was not able to call Mr.

McNeil today to find out what his status is. The IWA has been waiting on a letter and a site visit with Mr. McNeil. A motion was made by Munson, seconded by McNamee to amend the violation order to require the information to be submitted by 8/4/10. The motion carried unanimously.

4. **Violation IW-V-10-025: 98 Fresh Meadow Lane, Anthony and Jennifer Green** – clearing and stockpiling of material within 150' of a wetland or watercourse in the Wepawaug River Watershed without a permit. Information to be submitted by 8/18/10.

MaryRose reported that there has been no change; the Green's have until 8/18/10 to submit the required material.

5. **Violation IW-V-10-026: 715 New haven Avenue, James and Cathleen Haley** – disturbing the natural and indigenous character of a wetland or watercourse by obstruction of flow in and within 100' of a wetland or watercourse in the Indian River Watershed without a permit. Information to be submitted by 9/1/10.

MaryRose reported that this is a violation issued 6/10/10 to James and Cathleen Haley for disturbing the natural and indigenous character of a wetland or watercourse by obstruction of flow in the Indian River Watershed. Mr. Haley has cleared a path for the water and pressure washed the piping. He had done the work just prior to the last storm and the area drained nicely after that storm event. The Complainant spoke with Kathy in the Office and thanked us for getting the drainage fixed. Mr. Haley has submitted pictures showing the clearing work and new mesh over the intake pipe. He has requested that we wave the requirement for the soil scientist and engineer given that the problem seems to be resolved and the costs for such experts is high given that a solution seems to have been reached. I spoke with the Haley's after the last two storm events and there area had drained nicely. Mr. Haley submitted pictures of the area during and after the rainstorm on 7/19/10. MaryRose has emailed the complainant who thanked us for our help and stated that he would pop in to the office if any issues arise. McNamee stated that she would like a letter from the complainant that they are satisfied.

6. **Application IW-A-10-027: 30 Cedar Hill Road, Mr. and Mrs. DeForest Smith** – application to subdivide an 5.7 acre residential property with filling and mitigation within 100' of a wetland or watercourse in the Indian River Watershed. Public Hearing to be held on 8/4/10.

MaryRose reported that this is a proposal by Mr. & Mrs. DeForest Smith to subdivide their property at 30 Cedar Hill Road in the Indian River Watershed. Access to the new lot will require 430 sq. ft of fill for a wetland crossing. There is also a proposal for filling 2,720 sq. ft of wetlands to provide additional yard area. The applicants are proposing mitigation in several areas of the Lot 1 for the proposed work on Lot 2. That work includes removal of sediments and enhancements to an existing pond, diversification of plantings, stabilization of an

existing leak off and removal of invasive species. A public hearing has been scheduled for 8/4/10 on this application. The Agency held a site walk on 7/15/10 the weather was muggy and clear there had been a significant rain event the previous evening. If the Agency members have any questions that they would like answered before or at the public hearing; please ask them now or get them to me so that I can get them to the applicants consultants.

7. Permit IW-M-06-059: White Oak Terrace, White Oak Terrace, LLC – 46 unit multi-family residential housing with construction, grading, a culvert and roadwork modification to 24-unit manufactured home community with construction, grading, culver and roadwork in and within 150' of a wetland in the Wepawaug River Watershed.

MaryRose reported that this is a request by Louis D'Amato to modify his permit for a 46-unit multifamily housing project to a 24 unit manufactured home Community. At our 7/7/10 meeting you requested the following information

- A storm water maintenance plan
- A snow plowing and storage plan
- Impervious surface coverage and proposed amount of fill for:
 - the approved application (42-unit multifamily)
 - the modification request (24-unit manufactured home)
 - the modification request minus Pad #24

Ron Wassmer submitted a report that was in your mail and he is here this evening to answer any of your questions

Wassmer stated that he did not submit the first two items; a storm water management plan and a snow plowing and storage plan and asked that this be added as a permit condition. This plan is reducing the impervious surface by 600 sq. ft. (this figure was clarified; there was a discrepancy from the letter and map).

Levitz stated that the biggest concern was pad #24. Wassmer stated that he discussed this with Mr. D'Amato and he realizes that it is closer that the IWA is comfortable with and that it is your decision.

McNamee stated that the grading plan C05 dated 7/14/10 shows the plan for pad 24 at 3900 sq. ft. and on plan C02 is states 4658 sq. ft. Wassmer stated that the difference is how they broke up the watershed areas and he reviewed this on the plans. McNamee stated that looking at C05 grading plan dated 7/14/10 looking at bottom right, the pad location that is closest to wetland flag #25 going that close to the wetlands was not in the originally approved permit and asked what is the distance in this new proposal from wetland flag 25 to building.

Wassmer stated that building Pad #23 scales at 50'; original was 30'. McNamee stated that something is not lining up with the 2006 and the 2010 plans. Wassmer reviewed plan C02 and stated that it does not move anything closer to the wetlands. Collins stated that it doesn't make sense if pad 23 is further north. Wassmer stated that the distance from building #50 to the wetlands to wetlands flag 24 and 25 is 30'. On the modification the buildings are moved north and the closest to wetlands flag 25 and 26 is 45'. McNamee asked what is closest to the

wetlands. Wassmer stated that the corner of the driveway is closest to the wetlands at 15'.

McNamee asked about the curbing and fencing proposed on the northern portion for protection. Wassmer stated that there is a curbed catch basin and split rail fence with wetland markers and plantings with curbing along all of the paved areas. McNamee asked what was behind pads 1 – 7 previously. Wassmer stated that in the rear was concrete wall which was foundation for building; on the previous plan this was 19.2' from the wetlands line. MaryRose stated that this is the same in both plans in this area.

The following motion was made by Levitz, seconded by Munson:

Mr. Chairman, after duly considering all relevant factors, I move to approve modification IW-M-06-059 based on the plans entitled "*White Oaks Terrace Affordable Housing Improvement Plan*" by CCG, cover and 11 sheets dated March 2010, the information in the file and presented this evening, for the following reasons:

- *This action will not have a negative impact or effect on the physical characteristics of the adjacent wetlands and watercourses*

With conditions including:

- Removal of pad #24
- A stormwater maintenance plan must be submitted prior to issuance of the permit.
- No snow may be plowed into the inland wetlands on the site.
- Construction and mitigation bonds to be calculated must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures. The mitigation bond will be held for a period of 3 years to insure that all mitigation plantings survive. All 6 reports by the professional wetland scientist or biologist must be submitted in a timely manner in June and December each year for the release of this bond.
- the permit was issued 10/4/06 and expires on 10/4/11.

McNamee stated that she just reviewed the history of the plan this evening and made a motion to table the original motion. The motion to table was seconded by Collins and carried unanimously.

8. Application IW-A-10-032: 179 Old Gate lane, The United Illuminating Company – proposed remedial action and construction of a storage yard with work in and within 100' of a wetland in the Indian River Watershed.

MaryRose reported that this is a proposal by United Illuminating to do required remediation work in a wetland on a parcel that they are acquiring and then construct a storage yard in the upland and review areas on that property. The site

is located at 179 Old Gate Lane between Hacienda storage and Waste Conversion technologies. Paul Jobmann of LGB is here this evening to present the proposal.

Jobmann stated that the property was purchased by UI Company for temporary storage of cable reel and transformers. They are using 1 acre of a 4.1 acre parcel and 13,000 sq. ft. of wetlands. Part of application is remediation due to petroleum impacted sediments. They are unsure of source of the product. The plan is to dig no further than 4' and relocate the soil under the foundation of the storage building. The problem is there is land use restriction per DEP, they can not remove the storage building. They will seed and plant the area. The storm water management system was reviewed; detention basins are designed for a 25 year storm and a zero increase in run off. The sequence was reviewed; remediation first, some stock pile areas that were reviewed as well as S & E control plans. They will need to do some clearing and would like to do the remediation in August. Fulco asked what is in the gravel area now. Jobmann stated that it was grass and they are proposing to store the transformers there. Fulco stated that he is retired from the utility business (not the UI) but does not feel there is any conflict. Fulco asked what the plans are come winter time. Brian Lodigan, Project Manager for UI stated that they would plow when necessary and showed storage area on the plans and stated that security is a major issue for the copper. This is to be an unoccupied space; contingency storage, not daily activity. Fulco asked if these would be new transformers. Jobmann stated that they would be. Fulco asked how much fill is to be brought in. Jobmann stated that the only potential fill is to bring the wetlands back up to grade. MaryRose stated that she has visited the site several times for different proposals and this is the least intrusive. The lot is scrubby with a lot of poison ivy and she doesn't see any real issues.

A 5 minute recess was taken.

A motion was made by Levitz, seconded by Munson that a public hearing would be in the public interest and that a public hearing be scheduled for 8/18/10. The motion carried unanimously.

F. Minutes

A motion was made by Levitz, seconded by McNamee to accept the minutes of 7/7/10 and 7/15/10 as presented. The motion carried unanimously.

G. Subcommittee Reports

McNamee reported that the ByLaws are complete and input from the City Attorney is being sought on some areas. There are some budget concerns; the ByLaws must be published twice when they are complete. Options are being looked at.

H. Staff Report

- The Acting DPLU Director asked MaryRose to report to the IWA again that he is willing to speak to you at any time just call for an appointment. The Director also did not care for the option of having no one to sign off on wetland applications when she am out for a period of time or on vacation and asked for other alternatives. The consensus was that for sporadic need, other departments post a note in the office stating that no permits are issued for this time period.
- Business has been typical for this time of year sheds, decks, pools and small additions.
- West Ave Sewer is still on hold
- Buckingham Ave sewer is moving along
- East Broadway pump station project will be starting in the next few weeks
- At the last meeting members of the public sat behind board members and tried to speak to them after the meeting. MaryRose will ask Public Works to rearrange the tables so this does not happen
- Please remember to call or email me if you are unable to attend a meeting. ESPECIALLY the Public Hearing. Anyone who has not seen the 30 Cedar Hill Road property please let me know what a good day time will be next week and we will walk the site then. Munson asked about the issue of the public taking pictures on site. MaryRose reported that this is allowed at a public meeting. Munson stated that applicants/homeowners should be made aware of this.

I. Chairman's Report

Please review The Habitat, there is good information in this edition.

The next meeting will be on 8/4/10 and will be a Public Hearing.

There being no further business to discuss, the meeting adjourned at 9:05 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.