

Minutes of the regular meeting of the Inland Wetlands Agency on August 3, 2011.

A. Roll Call

Present: Alan Cegan, Cathy Collins, Jim Connors, Ken Cowden, Michael DeGrego, Justin Margeson, Steve Munson and Lynne McNamee.

Absent: Jon Higgins and Sally Lee.

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

B. Pledge

All stood for the Pledge of Allegiance.

C. Old Business

1. **IW-A-11-021: Cascade Boulevard, Garden Homes Management** – proposed construction of a 36 unit multifamily rental building within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is the application by Garden Homes Management for a 36-unit multifamily rental building with associated grading, stormwater treatment and parking within 100' of a wetland in the South Central Shoreline Watershed. It is a 3.66 Acres site that has 2.53 acres of inland wetlands.

A special meeting and site walk was held on Tuesday, July 26th at 4:30pm on Cascade Blvd. The weather was clear and seasonable.

Mr. Trinkaus could not be at tonight's meeting he asked that if members had questions they be forwarded to him so he could answer them. He stated that he still has not heard back from the Fire Department but feels he could provide access to the side of the building with the bioretention area with pavers if necessary.

Questions included:

Can the building and retention basin be moved further away from the wetland area?

The dumpster area on the south side of the site juts out towards the intermittent watercourse and wetlands – no details or protections are shown to prevent material from entering the watercourse or wetland. Can those details be provided?

Has the NDDB letter comeback yet? Yes today and this was distributed.

- Was a habitat study done for all animals or just the eastern box turtle?

- Can you clarify on the plans the location of the intermittent watercourse described in the report?
- What will be the thermal impact of the removal of the canopy from the wetland area?
- What is the basis for the assumption that eastern box turtles only walk through the site and don't feed, rest or nest there?
- Turtles were looked for on 3 days – one of which was early in the season.. How much time was spent on the other 2 visits and what are the credentials of the people who were on site specifically to look for the turtles (ie how many 'man-hours' were actually spent look for turtles)?

McNamee asked if everyone has walked the site. MaryRose stated that Cegan and DeGrego still need to walk the site. McNamee stated that in the minutes of 7/20/11 there were to be additional test pits and she asked if they were done. MaryRose stated that usually these are done in September and she is not sure if they intended to be prior to this. McNamee asked about fencing. MaryRose stated that originally there was no fencing proposed but the applicant would entertain this based on input.

Munson asked if there was any indication of the Fire Department input. Richard Freedman stated that the Fire Department has been called a few times and there has not been a call back.

Connors stated that there are to be large trees to be removed and the root system is a concern.

Collins asked what alternatives have been considered to move the main building farther away from the wetlands.

McNamee asked about curbing of the dumpster area as it is close to the intermittent watercourse.

Cowden asked if it was appropriate for a third party to review the environmental study regarding the turtles, etc. MaryRose stated that it was and that there is a mechanism in place for this.

Michael Klein, Biologist and Soil Scientist, stated that the intensity of the biological survey is based on the initial site study and done in the early spring. He looked for vernal pool activity and didn't see any, so he didn't pursue this. The box turtle history of the site has been looked at in detail; per the DEP letter from November through April turtles are dormant. He doesn't believe this is correct based on the weather and vegetation density. They are hard to find when it is hot. This is not the prime habitat; which is why he feels they move through. The minimum experience of staff is 10 years; Michael has 30 years and the staff is highly experienced and licensed. He is

comfortable with an outside opinion and he submitted copies of the DEP letter. The issue is not habitat loss; the primary focus would be to preserve individual turtles; they have a long life span and a long time until sexual maturity. Klein stated that page 7 of his report is essentially the same as the DEP letter and he feels that the DEP is a third party. Regarding the intermittent watercourse; he is not sure of the question and reviewed the location on the plan.

McNamee referenced the area by wetland flag 22 is an area of concern. Klein stated that the area of wetlands flags 1-9 is where the intermittent watercourse is. There is no evidence of standing water (page 3 of the plans) on the northeastern portion of the site. There is no defined channel or bank; the water disperses. McNamee stated that there is delineation in the land per the site walk. Klein stated that he would go back out to the site with MaryRose to clarify this. The bioretention area 2 location was designed to save large trees. He proceeded to review the bioretention systems and drainage on site. McNamee asked if there was a copy of a map that shows existing conditions. MaryRose reviewed on the plans that there is an overlay. Klein reviewed the contours/grades on the plans. MaryRose asked if there were any proposed contours. Klein reviewed 42 and 44 contours in the proposed parking area. MaryRose clarified that the 48 high point will be cut. Klein stated that it would.

McNamee stated that sheet 1 is combining aspects of existing and proposed and the trees to remain are shown but not trees to be removed. Klein confirmed that. Klein stated that McNamee was asking for a tree survey on a wooded lot and this is not typically done and is outside of the IWA jurisdiction. If she would like specific areas or issues, more detail can be given. He will be going back on site. McNamee stated that trees over a certain diameter have been shown on plans in the past and she will look up the situation for this but the large oak on site is a concern. MaryRose questioned the proximity to the retention basin and structure and the impact of the loss of resource. This is a question for Mr. Trinkaus.

Freedman clarified the following:

- McNamee would like the existing and proposed conditions separate. McNamee stated that that would be helpful.
- Alternatives considered away from the wetlands. Collins stated that she was questioning if alternatives were considered further away from the wetlands.
- Test pits? MaryRose stated that the City Engineer requested this and Trinkaus agreed. In the City Engineer's memo of 7/21/11 this was requested and he would like to witness this.
- Fencing – the entire site or a portion? MaryRose stated that this was typically to prevent intrusion.

The following motion was made by Connors, seconded by Cowden:

Application IW-A-11-021 is an extensive application which may have an impact on inland wetlands and watercourses. I move that an outside consultant be hired to review the application. The motion carried unanimously.

2. Violation 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. Violation modified, mitigation plan approved and to be implemented by 9/1/11.

MaryRose reported that this a violation issued to Chris Field of Field & Son Builders for clearing in a wetland without a permit on Westmoor Road. On 7/6/11 the MIWA ordered that work begin on mitigation by 7/15/11. Work started on 7/15/11 and has progressed. The knotweed was removed, the pro-5 tarp installed and they are now waiting to spray the knotweed in the wetland area as proposed. The restoration work is to be completed by 9/1/11 and the 3-year monitoring phase will begin. No action taken.

3. IW-A-11-025: 36 Ettadore Parkway, Christopher Field – Two lot subdivision with one existing and construction of one single family home in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that Mr. Field has requested that this not be discussed this evening as his consultant could not be present. No action taken.

F. Minutes

A motion was made by Connors, seconded by Cegan to approve the minutes of 7/20/11 as presented. The motion carried unanimously.

G. Subcommittee Reports

- Bylaws, Regulations & Procedures committee. Margeson reported that they met once since the last meeting and worked on the fee schedule which was last updated in June 2001. Their next meeting will be on 8/25/11 in the IWA office at 2:00 p.m.
- Communications & Education committee. No report.
- Commissioners' Training committee. No Report.

H. Staff Report

- Office has been busy with inquiries and site inspections.
- West Ave Sewer Fucci Construction is nearly complete waiting for site stabilization.
- East Broadway pump station project is ongoing.

- East Broadway interceptor is on hiatus until after Labor Day
- Subway parking lot expansion is ongoing.
- Prospect Falls is ongoing
- CVS is ongoing
- West Avenue and Gulf Pond pump station projects is ongoing.

Please remember to call or email me if you are unable to attend a meeting.

I. Chairman's Report

The next regular meeting will be on 8/17/11.

There being no further business to discuss, the meeting adjourned at 8:35 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved,