

Minutes of the Regular Meeting of the Inland Wetlands Agency on August 21, 2013.

**A. Roll Call**

Present: Cathy Collins, Allen Cegan, Jim Connors, Ken Cowden, Carol Dunn, Lily Flannigan, Richard Lutz, Brendan Magnan and Justin Margeson.

Absent: Dave DeFlumeri.

Also Present: MaryRose Palumbo and Lisa Streit.

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. Election of Vice Chairman for the remainder of 2013**

A motion was made by Munson, seconded by Margeson to nominate Magnan Vice Chairman.

A motion was made by Cowden, seconded by Lutz to nominate Cegan Vice Chairman.

Roll call vote for Magnan failed with Munson, Margeson, Connors and Magnan in favor and Cegan, Cowden Flannigan and Lutz opposed.

Roll call vote for Cegan failed with Cowden, Flannigan, Lutz and Cegan in favor and Connors, Magnan, Margeson and Munson opposed.

Collins abstained from voting.

A motion was made by Munson, seconded by Margeson to table this action carried unanimously.

**2. Modification IW-M-06-007: 71 Country Lane, Girl Scouts of CT, Inc. –**  
proposed modification to permit for improvement of existing pool and pool house with work within 150' of a wetland in the Wepawaug River Watershed.

MaryRose reported that this is a modification request to an existing permit by the Girl Scouts of Connecticut. Due to this property's location within 500' of a municipal boundary, the Town of Orange has been notified by Certified mail per Section 8.3 of the MIWA Regulations

In 2006 the Agency granted approval for a number of renovations to the Girl Scout Camp on Country Lane. At this time they are asking for a modification to just the pool area portion of the project. The approved pool was 2,250 sq ft with a deck/patio area of 2,419 sq ft and a new pool building of 1,840 sq. ft. They are proposing a 1,600 sq. ft. pool with a 1,270 sq. ft. deck/patio area and a 375 sq. ft. addition to the existing pool building. The Pool area improvements approved in 2006 were approximately 12' from the wetland with grading to 7'. This proposed modification brings the pool 27.5' from the wetland with grading within 10' of the wetland line. The applicant has also increased the number of proposed plantings. Gary Nurnberger from Scott Swimming Pools. Inc. is here this evening to answer any question.

Nurnberger reviewed plan C-001, oriented the site and reviewed the plan. They are looking to construct the pool this fall. This is a 31 acre site. The pool gets a lot of use and the pool plan holds 93 swimmers. The closest point is 27' from the wetlands. The closest area of disturbance is 10' away from the wetlands. Proposed plantings were reviewed. A modular block retaining wall will be needed to level the area. Turf seed and wildflower mix is proposed.

Lutz asked if at any time there would be a release of water. Nurnberger stated that they will use the current system which is sand filters that release back wash to a drywell. He further stated that this is an affordable option and that the original proposal was very ambitious.

MaryRose stated that this plan decreases impact and is further away from the wetlands.

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

To approve this modification request for IW-A-06-007 based on the plans entitled "*Pool Area Grading and Drainage, Camp Katoya Girl Scouts of America, Inc. 71 Country Lane, Milford, Connecticut Formerly Girl Scouts of the Housatonic Council, Inc.*" by PRE/view Landscaping Architects, 2 sheets dated 8/14/13, the information in the file and presented this evening, for the following reasons:

*This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.*

The conditions of the original approval remain and now including bonding for this phase of the project:

- A mitigation monitoring bond to be calculated for pool area plantings and 3 years of mitigation monitoring (spring and fall)
- A permit condition bond to be calculated for pool area and posted by the permittee with the MIWA for S&E controls, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.
- The permit was issued 5/3/11 and expires 5/3/20.

The motion carried unanimously.

## **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 the next report is due in December 2013.

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.

No action at this time.

3. **IW-V-12-079: 161 Southworth Street, Eric Green Jr.** - Dumping of material and debris without a permit within 150' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that the Agency required plantings be installed by 11/1/13. Mrs. Green has asked if the 3 year monitoring requirement could be waved. They are considering selling their home and are concerned that the 3 years of mitigation monitoring may make buyers uncomfortable. Crystal Green is here this evening with pictures of the site. They have not started planted the required plantings yet, they are proposing to install the seed mixture and blueberry bushes in mid September. No action required at this time.

Crystal Green stated that her husband had surgery and could not come to the meeting; he has been out of work for 6 months. She submitted pictures of the site and stated that they are still going to plant in September but asked if after they are in could the violation be lifted in order to sell the house.

Cowden asked when they are proposing to plant. Green stated in the beginning of September but they could plant right away; she is concerned with the violation being on the land records and this hindering selling the house. In their current situation, they have to downsize and sell the house. Cowden stated that they could be planted and the plants could be watered by using a 5 gallon bucket with an 1/8" pin hole for each plant and this should water the plant for 3-4 days.

After some discussion, Collins stated that this would be revisited after MaryRose has inspected the site.

4. **IW-V-13-022: 37 Lakeside Road, Brad Frederick and Britnei Artz** - clear cutting trees and stockpiling material without a permit within 100' of a wetlands and watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a violation issued 4/26/13 for clear cutting of trees within 100' of wetlands in the South Central Shoreline Watershed without a permit. The Agency required the Fredericks to come in with a plan by 8/21 to mitigate the work done without benefit of a permit. The Public Works Department was agreeable to mitigation as proposed by the Southwest Conservation District for the disturbed City of Milford land. A report was in your mail this week from

Roman Mrozinski of the Southwest Conservation District with recommendations to:

- Use the woodchips to stabilize the exposed soil areas.
- Remove the buried brush and logs to reduce the potential for voids along the slope and landscape.
- Mitigation of the area including the enhancement of established buffer distance and suitable flora. Possibly introduce emergent wetland plants, suitable wetland seed mix or shrubbery to mitigate the area using the guidance provided by SWCD.
- Delineate the conservation boundary by installation of signage posts, fencing or plantings to prevent encroachment on the pond perimeter
- Remove tree limb that is partially submerged in pond edge and shoreline.

The SWCD gave suggestions for a mitigation planting plan but did not design the plantings. Brad & Britnei Fredericks are here this evening to answer your questions Mrs. Frederick stated that she just received the letter from the SWCD on Friday and it states no specific plans and she is confused and looking for direction. She submitted pictures of the site and stated that things are growing already. MaryRose will visit the site and report back to the IWA.

5. **IW-A-13-033: 211 West River Street, Sydney M. Patchen** – placement of fill to raise a portion of the existing lawn area to the elevation of the residence with work within 150' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this is an application for an after the fact permit to allow fill to remain within 150' of a wetland in the Wepawaug River Watershed. At the 8/7/13 meeting the Agency requested a third party review of the wall by a structural engineer to ensure that the wall and material will not migrate into the wetland. As an after the fact application, the Agency needs to determine if they would have allowed the work had a request been received prior to being done and if allowed what conditions, if any, would have been required.

Mr. Patchen requested that he be able to review the potential list of third party engineers to determine if he had conflicts with any of them. The list was sent to Mr. Patchen on 8/13 as of Monday he was reviewing the last few companies on the list. Mr. Patchen said he expected to have the names back to MaryRose by next week.

## **F. Minutes**

A motion was made by Connors, seconded by Margeson to accept the minutes of 8/7/13 as presented. The motion carried unanimously.

## **G. Staff Report**

- Congratulations to Commissioner Magnan for completing the online DEEP IWA Commissioner continuing education program. The Certificates should be out in September.
- Grove St Pump station and sewer projects is ongoing.

- Indian River Interceptor is being re-bid the mitigation planting work will begin in September.
- Sanitary Sewer Infill's No. 1 is ongoing on Seabreeze Ave working towards New Haven Avenue.
- Cascade Blvd- Garden homes is ongoing.

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

#### **H. Chairwoman's Report**

Collins recognized Commissioner Cegan for his Veteran's Award.

Collins explained her abstaining from voting for Vice Chair; she felt if she was the tie breaker it would not be a board decision, but her decision and it should be the board's.

The next regular meeting will be on 9/4/13.

There being no further business to discuss, the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.