

Minutes of the Public Hearing and Regular Meeting of the Inland Wetlands Agency on September 6, 2006.

**A. Roll Call**

Present: Barbara Bell, David Casey, Jim Connors, Ken Cowden, Scott Koschwitz, Bob Nunno and Phil Fulco.

Absent: Allan Cegan, Joe DellaMonica, Steve Munson and Peter Vita.  
Comm. Fulco called the meeting to order at 7:30 p.m.

**B. Public Hearing**

1. **Application IW-A-06-050: Cherry Street, Smith-Craft** – proposed sidewalk along Cherry Street including filling and grading in and within 100' of wetlands in the Indian River Watershed.

Comm. Fulco reviewed the rules of a Public Hearing and reviewed that the file contents list is on file and contains 15 items; the certificates of mailing have been provided by the applicant; and the following Commissioners walked the site on 8/21/06 in a non quorum site walk: Cowden, DellaMonica, Koschwitz, Nunno. Commissioners Bell, Casey, Fulco and Connors walked the site individually on 9/6/06.

Ron Wassmer, PE, LS with CCG representing the applicant, presented the proposed plan. He proceeded to orient the plan and site location. There is a sidewalk proposed along Cherry Street with 1300 sq. ft. of wetlands to be filled. This is the most prudent and feasible location for the sidewalk for intended pedestrian use. The existing permit #02-050 for office/apartment building with parking and utilities was briefly reviewed. The adjacent property is to be used for office space and the proposed site is designated for open space. The sidewalk is part of Planning & Zoning requirements. Mitigation in the upland area is proposed as well as a creation area and the existing permit will be forfeited. The snow shelf has been increased to 5' per the IWA's request after the site walk and this should not have any additional impact to the wetlands. The wetlands on site were reviewed as well as the proposed fill and creation areas.

Comm. Fulco called for those **IN FAVOR** of the application:

Jeff Kent, 180 Melba Street – stated that forfeiting a building permit is very good and shows respect for the wetlands and open space.

Carl Stockwell, 30 Buick Avenue – stated that the proposed building for this site was rejected several times and asked who requires the sidewalk. Comm. Fulco stated that it is a condition of Planning & Zoning approval for the property next door to this site. MaryRose clarified that there is currently an existing permit for

a building on this site. Mr. Stockwell stated that he has 15" of water and the area has significant flooding although he does not think this plan will effect this. It is a hazard area and feels the culvert is not sufficient. Comm. Fulco stated that the applicant will maintain the culvert as it is within their best interest to do so. Mr. Stockwell stated that it is a nice planting plan and he has no objection to this plan he just questioned the need for a sidewalk.

Comm. Fulco called for those **OPPOSED** to the application:

None.

### **REBUTTAL**

Ron Wassmer stated that he concurred with Mr. Stockwell that the culvert is the result of flooding and the primary cause is debris. With the BillBoard on the property, brush is left and this clogs the culvert and the culvert is undersized. He agrees that this plan will not impact the culvert. With Smith-Craft as the owner the brush issue should be lessened and should eliminate some of the flooding.

Carl Stockwell stated that the City Engineer stated that the culvert is not sized for a 20 year storm and with the last storm there was no debris, just too much waterflow.

### **Commissioners:**

Comm. Connors stated that he has no problems with the proposed plan. Comm. Bell asked what kind of wetlands creation was proposed. Wassmer stated that there will be shallow excavation planted with wetland species per a Wetlands Biologist that will report to the Compliance Officer and will be monitored for 3 years. Comm. Bell stated that she lives in the area and is familiar with the site and there are problems with invasive plants and asked if there is a program proposed to eradicate them. Wassmer stated that there is not but that the plan by Steve Wing, Landscape Architect will enhance the landscaping in the upland areas and a Wetlands Biologist will be directing the mitigation. Comm. Fulco stated that usually the IWA requires a 2 for 1 mitigation plan and asked if this plan is a 1 for 1 plan and if there is any opportunity for a 2 for 1 plan over by Stubby Brook. Wassmer stated that wetlands are rated by soil types and that area is not wetlands and is not sure if it would become that over time. After some discussion, Wassmer stated that the applicant would be amenable to a 2 for 1 mitigation plan for the Compliance Officer's approval. Comm. Bell suggested removal of invasives on the upland area and in the wetlands in a systematic way as part of mitigation and this would also allow new plantings to flourish. It was discussed that there are various ways to mitigate and it is not necessarily square footage.

The following motion was made by Comm. Connors, seconded by Comm. Nunno:

Mr. Chairman, based on the plans entitled "*Site Plan, Proposed Sidewalk at 122 Cherry Street, Milford, Connecticut*" by CCG, 2 sheets, dated 7/21/06, information in the file and presented at the public hearing on this application I move to approve application IW-A-06-050, 122 Cherry Street for the following reasons:

1. A feasible and prudent alternative does not exist because:
  - a. The applicant provided convincing documentation that no change in the size of the footprint, or the location of the footprint would decrease the impact.
  - b. No alternative proposed is feasible in that locating any sidewalk or road widening on this section of Cherry Street would impact these wetlands.
2. After duly considering all relevant factors the filling of this wetland will be mitigated by the creation of a wetland, additional plantings in the open space area and stormwater maintenance on the adjacent property owned by the applicant.
3. The impacts during the construction phase shall be mitigated by the following conditions:
  - Notice of Regulated areas be placed on the property deed to ensure that prospective buyers are aware of wetlands and regulated areas prior to purchasing the property. A copy of the deed must be submitted prior to bond release.
  - A permit condition bond to be calculated, that be must be posted with the MIWA for S&E controls, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.
  - A mitigation monitoring bond to be calculated must be posted for plantings and 3 years of mitigation monitoring (spring and fall)
  - The applicant will submit a revised mitigation plan to the Compliance Officer for approval prior to issuance of permit. The revised plan is to include the proposed wetland creation, removal of the invasive species in both the upland and wetland areas and replanting and stabilization of the site.
  - The snow shelf is to be a minimum of 5' wide.

That is my motion.

Comm. Bell proposed that MaryRose work with the Tree Commission to work with a species of trees.

The motion carried unanimously.

### C. Public Comments

Jeff Kent, 180 Melba Street asked if it was the Board's directive to preserve habitat and wetlands. Comm. Fulco stated that it is.

Leroy Dupee, 25 Newton Street had a question as to the legality of the IWA regarding the State and who oversees farmland. He has a stream through his property and a farm above

the property and their work has prompted mud, etc. and this was a beautiful pond 25 years ago. MaryRose stated that she met with Mr. Dupee and has had the State and County down and has been given other means. There are exemptions for farms. Farms are permitted uses. She will speak to the farmer regarding the silt but she has done so several times. An allowed use is for horses to run across the stream. They have put stones in to try to prevent siltation. She will see what she can do to assist Mr. Dupee.

**D. New Business**

1. **Application IW-A-06-055: 180 Melba Street, Point Beach Town Homes, LLC** – proposal to demolish an existing structure and construct a 50 unit condominium with construction and grading within 100' of wetlands in the South Central Shoreline Watershed.  
This application is on the agenda for the first time and can be heard at the 9/20/06 meeting.

**E. Minutes**

A motion was made by Comm. Connors, seconded by Comm. Nunno to approve the minutes of 8/16/06 as presented. The motion carried unanimously.

**F. Subcommittee Reports**

No report.

**G. Staff Report**

- Several areas had flooding issues over the last 2 weekends because of the significant rains. MaryRose is working with the project managers, Public Works and Engineering to solve the problems. A number of the issues are due to lack of maintenance by the City, State or homeowners and/or disposal of residential landscaping debris in drainage easements and small streams. The material and volume of rain caused back-ups and blockages.
- The DEP session III training is schedule for 4 dates this fall:  
Friday October 20, & Friday November 3 in Burlington  
Wednesday October 25<sup>th</sup> & Saturday October 28<sup>th</sup> at UCONN  
The classes run from 9 until 4 and will complete the certificate for anyone who has completed DEP Sessions I & II this calendar year. Please let the office know if you would like to attend.
- The Annual CACIWC meeting is scheduled for Saturday, November 4 from 8:30 until 4. Please let the office know who would like to attend and which training sessions wanted for sign-up.
- Comm. Bell asked about Wampus Lane. MaryRose stated that they are waiting for final federal approvals; it has been too wet. She will look into the status of this.

**H. Chairman's Report**

- A memo was received from the Mayor. All minutes must now be submitted by email in order to be on the City's website.
- The CACIWIC award nominations are still being worked on.

The next regular meeting will be on 9/20/06.

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.

