

Minutes of the regular meeting of the Inland Wetlands Agency on October 20, 2010.

A. Roll Call

Present: Alan Cegan, Cathy Collins, Jim Connors, Ken Cowden, John Higgins, Joel Levitz, Lynne McNamee and Phil Fulco.

Absent: Eric Karlsen and Steve Munson.

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. IW-PA-10-057: 175 Platt Lane, Kenene & Katherine Vance** – proposal to convert porch to playroom, construct an in-ground pool and shed within 150' of wetlands in the Wepawaug River Watershed.

MaryRose reported that this is a proposal by the Vance's at 175 Platt Lane to replace their existing deck with a playroom, and to construct an in-ground pool and associated decking and fencing and to legalize a shed installed by the previous homeowner. MaryRose walked the property on 10/14/10 with the Vance's and printed out photos to show the existing rear yard. It would be difficult for several reasons to place the pool on the Southern portion of the property (slope, access). The Vance's have stated that they did not know that there were wetlands in the rear yard area until they started this process. They noted that that portion of the yard was lawn and garden when they purchased the property and they just continued using the yard in that manner. They have stated that they would plant the area with wetland plantings. Mr. & Mrs. Vance were present to answer any questions.

The Vance's stated that they brought their pool contractor and that the pool location is logical given the constraints of the property. Kathy Vance stated that the property is grass now but they are more than willing to replace with plantings at the IWA's suggestion. Ken Vance stated that the addition takes the place of a current deck. Neither of the Asbuilts filed when the house was built have contours on them.

Fulco asked if the pool could be relocated. A discussion followed regarding the slope on the yard. The pool is proposed to be 14' from the wetlands. Levitz clarified

that the plans show the area as wetlands but it is currently lawn. Ken Vance stated that they could locate markers on the right side of the property but not on the left. The Vance's stated that they bought the property in 1999 in its current condition and the house was built in 1993. A discussion followed regarding the pool mechanicals being towards the house and not the wetlands. From the phragmites on the property to the property line is 30'.

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

The Designated Agent issue a Jurisdictional Ruling for pre-application IW-PA-10-057, 175 Platt Lane for construction of a:

- 25' X 16' 10" addition
- 10' X 12' shed
- 36' X 18' in-ground pool with associated decking and fencing

as shown on the drawing entitled "*Vance Residence Addition*" by unknown, dated 7/16/10 with conditions including:

- There will be no filling within 14' of the wetlands on the property,
- Proper soil erosion and sedimentation controls must be installed and maintained while the site is disturbed,
- Wetland plantings to be reviewed with the Designated Agent and installed in the wetland area shown on the plans that is currently lawn area,
- A bond of \$2,100 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.

This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses. The motion carried unanimously.

D. 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 she visited the site and walked the property on 10/14/10 with Roger Bernard. There is some grass but the yard is not yet entirely stable, vegetation has established at the toe of the slope. Mr. Bernard feels that the seed didn't take well because he planted in the summer and the geese and ducks were all over the yard. He plans on reseeding and hopes to have the yard stable by the MIWA meeting on 11/17.

Cegan had inquired about things being stored in the yard at our last meeting. Mr. Bernard does have a trailer and a boat on the property both are at least 20' from the pond. MaryRose recommended that the violation be modified to have the remediation completed by 11/3/10.

A motion was made by Connors, seconded by Levitz that cease and desist order IW-V-10-016: 267-279 Brewster Road be modified to allow the site stabilization

required at our 6/16/10 meeting be done by 11/3/10. The motion carried unanimously.

- 2. 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 10/15/10.

MaryRose reported that she met with Mr. Green on 10/15/10 and walked the property. He has moved the woodpile as required and there is some stabilization along the intermittent watercourse. Mr. Green is proposing to add additional boulders and woodchips to stabilize the area by November. She recommended that the violation be modified to have the remediation completed by 11/3/10.

A motion was made by Connors, seconded by Cegan that cease and desist order IW-V-10-025: 98 Fresh Meadow Lane be modified to allow the site stabilization required at our 6/16/10 meeting be done by 11/3/10. The motion carried unanimously.

- 3. IW-10-050: 312 Wheelers Farm Road, Stephen and Meg Povroznik** – proposal to raze the existing structure and construct a single family home within 150' of wetlands in the Wepawaug River Watershed.

MaryRose reported that this is a proposal by Baybrook Builders on behalf of Meg & Stephen Povroznik to raze the existing structure at 312 Wheelers Farms Road and construct a new single family home and septic system with construction and grading within 150' of a wetland in the Wepawaug River Watershed. At our last meeting we asked that the applicant submit additional information to complete the application for Agency Review. In your mail this evening is a Soil Report from Scott Stevens of Soil Science and Environmental Services, Inc. and a plan entitled "*Topographic Survey of Property located at 312 Wheelers Farms Road, Milford, CT prepared for Stephen and Meg Povroznik*" by Lewis Associates, 1 sheet dated 10/18/2010. And plans entitled "Septic Plan prepared for Baybrook Remodelers, 312 Wheelers Farms Road, Milford, Connecticut" by NOK, 1 sheet dated 10/29/10. Scott Farquhson of Baybrook Builders, Mike O'Bymachow of NOK and Stephen Povroznik were in attendance to present the proposal.

Farquhson responded to the issues from the previous meeting: soil report was prepared and submitted; A2 survey showing topography was submitted; existing utilities are shown on the site plan, which shows septic and S & E control measures. The CT DEP report form was submitted.

MaryRose stated that Scott Stevens needs to sign that the wetlands are accurate on the plan. Mike O'Bymachow – NOK, 415 Howe Ave Shelton presented the septic plan for 312 Wheelers Farms Rd; the house locations was reviewed which will be just south of the existing house due to wetlands and watercourse restriction. The west portion of the property was investigated for the septic location. There will be lowboy galleries for the septic system. Due to grade it will have to be a pump

system. The septic system is located outside of the 150' review area. S & E measures were reviewed.

Connors asked if the roof drains would go to a drywell. O'Bymachow stated that it would and would then go into the brook. Fulco asked about crossing for the septic system. O'Bymachow stated that it would go north of the culvert on top of the pipe. MaryRose asked if there could be some erosion control between the pipe and the wetland. O'Bymachow stated that there could be; they will be using the C900 pipe. MaryRose stated that the silt fence would have to be brought around. Fulco asked how far down the pipe would be. O'Bymachow stated that it would be just below the surface at approximately 6" and the pipe would be insulated. MaryRose asked if there would be a pump chamber in case of back up. O'Bymachow stated that there would be and there would be a 1250 gallon septic tank. Stephen Povroznik stated that there currently isn't a planting plan; there is extensive vegetation on site; austrian pines, white pines, 30 fruit trees, butternut trees, red oak, sycamore tree, tulip tree, 10 dogwood trees, Japanese dogwood, oak tree, several maples, chestnut tree, hazelnut tree, holly trees, grape arbor, 2 pinot trees – 1 of which will be removed, 12 blueberries, red, white and blackberry patches, rhododendron and other varieties of trees. At this time they are not planning on additional plantings but planning on saving as many as possible for the house.

MaryRose asked if there was any significant grading. O'Bymachow stated that the house is at 49 on one side and 46 on the other so grading would be minimal. A discussion followed on the soil report – lack of flags between the headwall and the wetland flagging. MaryRose read a portion of the Soil Scientist report into the record.

McNamee questioned fencing or flagging to protect the brook. The applicant submitted a photo sheet, Stephen stated that area is well vegetated with briars and lilies.

A five-minute recess was called.

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

After duly considering all relevant factors, I move to approve IW-A-10-050, 312 Wheelers Farms Road based on the plans entitled “*Septic Plan prepared for Baybrook Remodlers, 312 Wheelers Farms Road, Milford, Connecticut*” by NOK, 1 sheet dated 10/29/10 and “*Topographic Survey of Property located at 312 Wheelers Farms Road, Milford, CT prepared for Stephen and Meg Povroznik*” by Lewis Associates, 1 sheet dated 10/18/2010, 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:

- submission of a set of plans signed by the soil scientist

- Erosion and sedimentation controls to be added along the Septic line from the chamber to the leaching field. E&S controls to conform to the *2002 CT Erosion and Sedimentation control manual*.
 - Septic piping must be heavy duty and sections above the frost line must be insulated
 - A bond 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 permit is issued 10/20/10 and expires 10/20/15.
- The motion carried unanimously.

E. Minutes

A motion was made by Connors, seconded by Higgins to approve the minutes of 10/06/10 as presented. The motion carried unanimously.

F. Subcommittee Reports

The Bylaws and Regulations Subcommittee met this evening and McNamee reported that the City Attorneys' office got back to us and we have one more thing to review and we will be reviewing the full set before our next regular meeting. It will then be submitted to the City Attorney's office for review and then it will be brought before the full Agency.

H. Staff Report

- At last night's meeting the P&Z Board approved the Flood Hazard regulations. These regulations prohibited Fences in the Floodways except when the IWA Officer requires a fence for wetland protection. The actual text reads:

Section 5.8.15(1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification, with supporting technical data, by a registered professional engineer is provided demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that encroachments shall not result in any (0.00 feet) increase in flood levels during the occurrence of the base flood discharge. ***Fences are prohibited in the floodway unless required by the Inland Wetlands Officer for wetlands protection. Required fences must be aligned with the flow and be of an open design.***
- MaryRose received the budget package for fiscal year 2011-2012 this morning. The budget is due on 11/10. She should have something for the board at the 11/3/10 meeting.
- West Ave Sewer Fucci Construction is ongoing.
- Buckingham Ave sewer is ongoing.
- East Broadway pump station project is ongoing.

- The preconstruction meeting for the East Broadway interceptor was held this week – that project should be starting next month.
- Subway parking lot expansion is ongoing
- Pedestrian Bridge at Eisenhower Park has not started yet
- Oyster River Phragmites control project has not started yet
- Please remember to call or email me if you are unable to attend a meeting.

I. Chairman's Report and Communications

- CACWIC meeting is on 11/13/10; the DEP training forms were in your mail.

The next regular meeting will be on 11/03/10.

There being no further business to discuss, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.