

Minutes of the regular meeting of the Inland Wetlands Agency of November 7, 2007.

A. Roll Call

Present: Barbara Bell, Ken Cowden, Scott Koschwitz, Lynne McNamee, Steve Munson, Bob Nunno and Phil Fulco.

Absent: Allan Cegan, Jim Connors, Joel Levitz and Jack O'Connell.
Fulco called the meeting to order at 7:30 p.m. and deemed Bell the voting alternate.

B. Public Comments

None.

C. Old Business

1. **Violation IW-V-07-017: 55 Peck Street, Mark & Sylvia Scheets** – clearing and dumping debris within 150' of a wetland or watercourse in the Wepawaug River Watershed without a permit.

MaryRose reported that this is a violation issued 5/11/07 to Mark & Sylvia Scheets for clearing and dumping debris within 150' of wetlands in the Wepawaug River Watershed. The Agency upheld this violation on 5/16/07. The item has been tabled until the fall. She met with the Scheets this afternoon and the area has stabilized. The vegetation from the wetland area has grown into the area cleared when the fence was removed. Some small piles of the cleared vegetation can be seen but it is breaking down. At this point she recommended releasing the violation. The area is stabilized and the piles of material do not appear to be negatively impacting the area. Pictures were distributed that were in the file from what she took in May and this afternoon and there are larger pictures that the Sheets' submitted.

Bell asked if there was yard waste and if it has been removed. MaryRose reported that yard waste is cleared out now. The pictures were reviewed and Bell asked if the IWA could require the violators to put up boundary markers and put in plantings to avoid someone else from doing the same thing or make sure the invasives don't come any farther out to ensure plantings don't get over taken. Fulco asked who owned the wetlands. MaryRose reported that the property is owned by a deep lot on Ford Street. Fulco stated that the IWA could not require the markers on someone else's property and asked about placing the markers on the rear of the Scheets property.

Munson stated that he is not sure that we have the authority to tell someone that someone else's property has a problem. We can require someone to identify a problem on their property but not on someone else's property.

Fulco referenced the Land Trust law suit and that he would prefer that boundary markers be placed along the property line to identify the wetlands on the adjoining property; he feels that some kind of action really needs to be taken.

Munson stated that we could only request that they do work on their own property.

The following motion was made by Nunno, seconded by McNamee: Mr. Chairman I move, that the Sheets place Wetland boundary markers along the rear property line and be responsible for the ongoing maintenance of the markers and that violation IW-V-07-017 55 Peck Street be released. The motion carried unanimously.

2. **Application IW-A-07-027: Market Place, Jeff Arotsky** – proposed construction of a single family residence and driveway with construction and grading within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal for a single-family home to be constructed within 10' of a wetland with a proposed deck within 7' of a wetland in the South Central Shoreline Watershed. The Agency walked the site on 9/28 and 10/3/07. The report From Chris Allen of Land Tech was in your mail. This evening you received the Judges decision that attorney Lynch has referred to and a review of the project by the City Engineer.

Tom Lynch reviewed Judge Curran's decision and feels that the court noted that based on the size of the lot a larger residence could have been built within the zoning setbacks. The basic thrust of application is that this is a smaller house then could be built on the lot and is therefore a more feasible and prudent alternative. Land Tech had raised some concerns as did the City Engineer and his client is willing to accept those conditions upon approval.

Gary Wasmmer stated that the deck size, review area and soil and erosion details are also added to the plans.

Bell asked about the consideration of a Public Hearing and if one has been scheduled. Fulco stated that it is an option to schedule one tonight. Bell stated that it is clear from Chris Allen's report that he does have some reservations about this project and would be in favor of having a public hearing about this application for the impacts. Fulco agreed. Lynch stated that there was a Public Hearing in 2001. Munson asked if there has been any public interest. MaryRose stated that some neighbors have reviewed the file but no letters have been written to the IWA and they did not come on the site walks.

McNamee referenced page 3 of the Judges decision. The denial did reference that alternatives were requested and if this is an identical application has this been addressed.

Lynch stated that under 2241a the Agency has to give a rational to the denial so the court researched reasons for denial. There has to be an expert's opinion to contradict the expert's submission.

Fulco stated that the Judge did not order an approval. This is just the denial; it doesn't have a lot of bearing on our decision. It tells us some pitfalls that we can avoid; which we have done by getting an experts opinion. So, we do have the ability to ask for a public hearing. We are processing a new application. We now have our own expert and we can believe either experts opinion.

Lynch wanted to point out that the IWA expert did not dispute their expert; he raised concerns. Fulco feels that he did not say there would be no impact – he did say there are concerns. Lynch stated that he does not reach a conclusion that is contrary. McNamee referenced section 10.2 – does state that the Agency must take into account the long term impacts of an action. In Mr. Allen's report she feels that he raised his concerns.

Fulco stated that we are looking at a Wetland Scientist listing concerns versus an Engineer looking at wetland issues. Therefore, he is strongly in favor of a public hearing.

Nunno stated that after reading the Soil Scientist letter feels that a public hearing would be beneficial.

MaryRose stated that if a Public Hearing is suggested, she would recommend a 21-day extension to November 28th and then request that we schedule a special meeting and public hearing on November 28th. We cannot hold a public hearing on November 21st because there is not sufficient time for notice to be mailed and we do not have a meeting scheduled for December 5 due to Hanukah. Attorney Lynch submitted a letter granting the extension of time. The following motion was made by Nunno, seconded by Bell:

Mr. Chairman, I feel that the activity proposed in application IW-A-07-027: Market Place may have a significant impact on wetlands or watercourses and move that a public hearing be scheduled for November 28, 2007. The motion carried unanimously.

3. Application IW-A-07-030: 767 Bridgeport Avenue, Stephen Courtney – proposed construction of a parking lot with paving and grading within 100' of a wetland or watercourse in the Housatonic River Watershed.

MaryRose reported that this is a proposal of Courtney Honda for a parking area with paving and grading within 100' of wetlands in the Housatonic River Watershed. A portion of the area is currently utilized as a dirt parking lot. Mr. Courtney would like to pave and curb the area, leaving a 65' X 20' mulch area around the two Oak trees shown on the plan. He has submitted a letter from Matthew Evans, a Licensed Arborist stating that the area as shown on the plans is adequate to sustain the health of the Oak trees and that the paved area should be sloped away from the mulched area. She has also received a memo from the Public Works Director stating that he is not requiring additional catch basins on this site. The applicant and his representatives were unable to be here this evening. She feels that this project can be accomplished without a negative impact to the wetlands on the adjacent properties.

Cowden stated that if it is sloped away from the trees; with a 30' canopy the trees will not get water and will die. Fulco stated that there is no method shown to handle the water on the site, The Arborist doesn't want it on the tree island.

Bell stated that the applicant doesn't want catch basins, doesn't want it to drain into the trees. Bell sent an article to MaryRose regarding pervious asphalt that might be an option. She further stated that we have not seen Mr. Garcia and feels that we need to speak to him to satisfy these concerns

MaryRose will request Mr. Garcia at the next regular meeting. No action taken.

E. Minutes

A motion was made by Nunno, seconded by Munson to accept the minutes of the previous meeting as presented. The motion carried unanimously.

F. Subcommittee Reports

None.

G. Staff Report

- Our next meeting is November 21; it is the night before Thanksgiving please let the office know if you will not be able to make the meeting so we will know if there is a quorum problem.
- The CACIWC meeting is this Saturday at Mountainside in Wallingford. We may still be able to get you in – let me know tonight if you want to attend.
- The Utility project to create a wetland at Eisenhower Park started last week. They are preparing the creation area this fall and will be beginning stabilizing it the end of this week. The wetland plantings will be added in the spring and the breeches in the berm will be done at that time as well. The project is moving along fairly quickly and going well.

H. Chairman's Report

- The next regular meeting will be on 11/21/07.
- Some Board Members terms will be coming up in December; please let the Mayor's office know of your intentions.
- Bob Nunno was elected to the Board of Aldermen and will be leaving the IWA. Fulco thanked Nunno for his service to the board and wished him well. Nunno stated that he has enjoyed his time on the IWA.

There being no further business to discuss, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.

