

Minutes of the regular meeting of the Inland Wetlands Agency on November 16, 2011.

**A. Roll Call**

Present: Alan Cegan, Jim Connors, Ken Cowden, Michael DeGrego, Jon Higgins, Sally Lee, Sally Lee, Justin Margeson, Steve Munson and Lynne McNamee.

Absent: Cathy Collins.

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. Public Comments**

None.

**D. Old Business**

- 1. IW-V-11-023: Westmoor Road, Field & 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 this is the violation on Westmoor Road. The first of the 8 required status reports on the mitigation have been received. The next report is expected in January. There is no action required of the Agency at this time.

- 2. IW-V-11-033: 89 Pond Point Avenue, Two Ninety-Six, LLC** – deposition of silt in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a violation issued to Angelo Lisi of Two Ninety-Six, LLC for deposition of silt in a wetland and 100' upland review area. During construction of an approved 3-lot subdivision there was a problem with erosion of material from the site adjacent to and in the inland wetland through to another property. She issued the Cease and Restore order on 9/15/11 and the Agency upheld and modified the order on 9/21/11& 10/5/11.

By the 10/19 meeting both lots had been final graded seeded and hayed and sodded as shown on the approved plan. Sod was also installed in the swale at the rear of Lot 2. Since 10/19 we have had an additional 2" of rain and 4" of snow. She inspected the site on 11/15/11 and found the site to be stable. The sod seems to be taking and the

grass is up in the seeded areas of both lots 1&2 and the bio-retention basin was grassed and holding water.

She spoke to the builder's attorney George Adams who stated that Lot 1 was sold on 11/1/11 and that the wetlands notification and maintenance requirements for the bioretention basin had been added to the property deed and asbuilt plan submitted for record. She recommended release of this cease and restore order at this time.

A motion was made by Connors, seconded by Higgins that the cease and restore order IW-V-11-033 89 Pond Point Avenue be released. The motion carried unanimously.

**3. IW-A-11-045: 142 West Town Street/Spring Lane, Ron Standish** – proposal for a 2-lot subdivision with 1 existing house with construction and grading within 150' of a wetland in the Wepawaug River Watershed.

MaryRose reported that this is a proposal by Ron Standish for a single family home with construction for the house within 11' and grading within 1' of an inland wetland. Mr. Standish is proposing a slab on grade house with no exit to the rear.

The Agency held a site walk on 11/14/11 the weather was clear and warm. The Agency reviewed the location of the house which was outlined by 4 stakes, and the wetland flags as well as trees proposed to be removed which were flagged in red by Mr. Standish.

McNamee walked the site this morning and MaryRose walked the site this afternoon with Lee. DeGrego viewed the site yesterday.

Ron Standish and Mr. and Mrs. Korman were present.

Standish reviewed the plan; there will be no grading on the slope proposed. They will remove the necessary trees and not remove the stumps to avoid grading near the wetlands. It will be a clean site; the entire bank is to be undisturbed. MaryRose stated that the proposed house is a raised ranch on slab. Standish stated that there will be drywells for leader drains proposed. The driveway run off will be pitched toward the road. The bottom of the slope will be untouched. MaryRose asked about plantings. Standish stated that he would check with Otto Theall about planting blueberries, junipers and mulch on the slope.

McNamee asked about boundary markers. MaryRose stated that the IWA normally requires them on the property boundary/wetland line.

MaryRose asked about the large tree adjacent to the proposed driveway. Standish stated that the tree is actually in the driveway and cannot be saved. He stated that the trees in bank are 90% sugar maples. He will be leaving the trees leaning towards the wetland but will not leave the trees that are leaning towards the house.

Connors stated that the slope is safety factor for the wetlands and falling down the slope so a split rail fence at the top of the slope would protect both.

McNamee asked Cowden his opinions on plantings, given his area of expertise. Cowden stated that blueberries or clethera will do well at the bottom of the slope.

McNamee asked where the S&E controls would be located since Mr. Standish is not proposing the grading as shown on the plan. Standish stated that he would install the silt fencing on the upper bank because that is flat and doesn't feel that he needs to go down the slope for any grading. He is proposing to remove necessary trees and then put the S&E controls in.

McNamee asked about decks on the house. Standish stated that he would possibly install a concrete patio on one step out of a slider on the first floor of the home on the South side. Because the setbacks on the southern side are pretty close, he probably can't have a deck but could have a patio per Zoning.

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

I move to approve application IW-A-11-045: 142 West Town Street/Spring Lane based on the plans entitled "*General Location Survey 142 West Town Street prepared for Ron Standish, Milford, Connecticut*" by Codespoti & Associates P.C., 1 sheet, dated 10/17/11, 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:

- Grading on the lot is to be a minimum of 8' from the wetland line.
- A planting plan to be reviewed and approved by the Designated Agent must be implemented on the lot. The plan must include 24"-36" plantings on 5-8' centers along the wetland line.
- Wetland boundary markers to be placed on the wetland line.
- Wetland notification to be placed on the asbuilt and in the property deed to give notification to property owners that permits are required from the MIWA to work on the site.
- A bond of \$5,515.00 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 11/16/11 expires 11/16/16.
- Split rail fencing will be located at the top of the slope.
- A Construction plan must be submitted prior to the permit being taken out.

The motion carried unanimously.

4. **IW-A-11-048: 45 James Street, Susan Ashelford** – proposed 3<sup>rd</sup> floor addition with 2<sup>nd</sup> and 3<sup>rd</sup> floor decks, a balcony and stairs for a single family home with construction within 100' of a wetland in the South Central Shoreline Watershed.

MaryRose distributed pictures of the site. The house was raised to bring it into compliance from flooding per the DEP. The house exists and the owner would like a third story. During this process it was found that the shed was located in the wetlands.

Mrs. Ashelford was present.

MaryRose reviewed that excavation would be minimal for the footings and that the side yard would be used for staging of materials.

Cowden asked about demarcation of the wetlands and what type of gardening was on site. Mrs. Ashelford stated that she composts in garden with garden timbers around it. She does not use fertilizers or pesticides in the garden or on the lawn. MaryRose stated that any plantings would have to be salt tolerant.

The following motion was made by Connors, seconded by Higgins:  
To approve application IW-A-11-048: 45 James Street based on the plans entitled "*Improvement Location Survey 45 James Street prepared for City of Milford, Milford, Connecticut*" by Codespoti & Associates P.C., 1 sheet, dated 8/12/10 revised 10/27/11, the information in the file and presented this evening, for the following reasons:

- The footprint of the house will not change and the sonotubes for the deck will not have a significant impact on the wetland.
- The shed will be moved from the wetland and placed in the upland area.
- This action will not have a negative impact or effect on the physical characteristics of the adjacent wetlands and watercourses.

With conditions including:

- No soil or material is to be placed in or within 4' of the wetland line as shown on the plan.
- Wetland notification to be placed on the asbuilt and in the property deed to give notification to property owners that permits are required from the MIWA to work on the site.
- The permit is issued 11/16/11 expires 11/16/16.
- Extend the Erosion sedimentation controls to both lots.
- Boundary markers are installed on lot and wetland lines.

The motion carried unanimously.

- 5. 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.

MaryRose reported that she issued a violation to Chris & Richard Barretta of Barretta Realty Associates, the property owner of 945 North Street and John Kirkham of English Landscaping Services who is renting a portion of the property for work within 150' of wetlands associated with Flax Mill Brook in the Wepawaug River Watershed. Pictures of the site were distributed. Mr. Kirkham is utilizing the rear of

the property for temporary storage of woodchips, cut wood, cut trees and material. She visited the site on 10/31/11 and spoke with Mr. Kirkham who stated he did not know there were permitting requirements on the site. Mr. Kirkham said that he would begin moving material and install a silt fence on the rear of the property and call for an inspection within 2 weeks.

She visited the site on 11/14/11 and met with Mr. Kirkham he had moved all the wood products (chips, trees, firewood) 8-15' from Flaxmill Brook and installed a silt fence. In the process of the clean-up Mr. Kirkham stated that he consolidated piles of fill material that had been dumped by unknown parties on the site. She asked that the pile be moved further from Flax Mill Brook and silt fence be added to the rear of it. Mr. Kirkham stated that he would move the pile as quickly as possible. He was waiting for MaryRose to view the clean-up before seeding the disturbed areas. He stated he would seed as soon as possible.

She did not visit the site today, the material pile needs to be move and the area stabilized. She would recommend that the order be modified to require the material pile be moved, silt fence installed around it to protect the Brook and the disturbed area seeded and stabilized by 12/7/11.

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

I move that cease and restore order IW-V-11-049: 945 North Street, modified to require the property owner or party responsible to move the material pile, install silt fence around it to protect the Brook and to seed and stabilize the disturbed area by 12/7/11.

The motion carried unanimously.

#### **F. Minutes**

A motion was made by Cegan, seconded by Connors to accept the minutes of 11/2/11 as presented and carried unanimously.

#### **G. Committee Reports**

- Bylaws, Regulations & Procedures committee. (Justin, Al, Steve) met on 11/10 and finished definitions and are working on fees. Next meeting will be on 12/1/11.
- Communications & Education committee. (Cathy, Jim, Michael) no report.
- Commissioners' Training committee. (Ken, Jon, Sally) no report.

#### **H. Staff Report**

Just a reminder that if your term is expiring (Ken - Mayor, Lynne & Jon-BOA) you need to contact the Mayor/BOA and let them know if you would like to be reappointed. Higgins asked that MaryRose send an Email on his behalf for reappointment.

Several members attended the CACIWIC meeting last week; there was a section on low impact design. DeGrego stated that there were a lot of great ideas. It is proposed that eventually all power lines would be underground; very progressive thinking.

West Ave Sewer Fucci Construction is complete waiting asbuilt  
East Broadway pump station project is ongoing.  
East Broadway interceptor should be doing finish paving early next week.  
Subway parking lot expansion is ongoing.  
West Avenue and Gulf Pond pump station projects are ongoing.  
Indian River Interceptor is ongoing.  
Prospect Falls is ongoing.  
CVS is ongoing.  
Westmoor Road lots are ongoing.

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

DeGrego asked the status of the Eisenhower Park Bridge. MaryRose stated that the delivery has been delayed to 11/28/11.

## **I. Chairman's Report**

No Report

The next regular meeting will be on 12/7/11.

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.