

Minutes of the Regular Meeting of the Inland Wetlands Agency on November 18, 2009.

A. Roll Call

Present: Barbara Bell, Allan Cegan, Jim Connors, Ken Cowden, Jon Higgins, Lynne McNamee and Phil Fulco.

Absent: Joel Levitz and Steve Munson.

Fulco called the meeting to order at 7:30 p.m. and deemed Bell the voting alternate.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

Frank Goodrich of the Board of Aldermen introduced himself and stated that he is the liaison to the IWA.

MaryRose reported that the applicant for item D.1. was not yet present and suggested the agenda be reordered.

A motion was made by Connors, seconded by Cegan to reorder the agenda to hear item E.1 next. The motion carried unanimously.

E. Old Business

1. **Application IW-A-09-040: 169 Honeycomb Lane, Andrew Rosato** – a proposed one car garage and storage with construction and grading within 100' of wetlands in the Housatonic River Watershed.

MaryRose reported that this is a proposal for a 30' x 22' 1-car garage storage with construction within 15' of a wetland in the Housatonic River Watershed. She walked the property with Mr. Rosato to look at the potential locations for the proposed garage and due to the topography and the location of his reserve septic system, this location was chosen. Mr. Rosato has moved the location of the proposed structure to avoid work immediately adjacent to the wetland and existing trees on the site. Mr. Rosato was present to review the application.

Fulco oriented the site plans and stated that per CACIWC training; board members should be specific in discussions rather than pointing, etc. for the record. Rosato submitted pictures of the site and the proposed area and reviewed them. He further stated that he has lived here since 2000 and he has moved the proposed location from his original plans. He is looking to save the large trees; he likes the area and it is one of the reasons he bought the property.

Bell stated that in pictures 3 and 4 she can see the existing house and the grading is to be within 3' of the wetlands limits and this was noted on the map and she asked how the area would be stabilized on a long term basis. Rosato reviewed the topography of the site and stated that it is accurately depicted on the plan. The

site was measured and there is a 3' flat area around the building with a gradual slope. The 3' is in order to maintain the building. Pachysandra will be planted for stabilization.

McNamee asked about access to the garage from the house. Rosato stated that it is only about 40 paces from the edge of the driveway and he is not planning to use this garage for his car that he uses to drive daily.

Fulco questioned the contours. Rosato reviewed the grade on the plan. Fulco asked the reason for the 60' setback. Rosato stated that it is for a more open area; P & Z requires 50'. Fulco stated that it could be moved 10' more away from the wetlands. Rosato agreed but stated that a tree would then have to be removed. Fulco stated that he would prefer the buffer and the removal of 1 tree in a wooded area. MaryRose stated that she walked the site and the proposed structure can be moved 10'. Rosato stated that it could be kitty cornered as well.

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

After duly considering all relevant factors, I move to approve application IW-A-09-040: 169 Honeycomb Lane based on the sketch on the plan entitled "As-built #169 Honeycomb Lane, Milford, CT prepared for Scott Savo" by CCG, 1 sheet dated 4/24/00, the information in the file and presented this evening, for the following reasons:

- The applicant has looked at several alternatives for this proposal and has reduced the size of the structure and changed its orientation and location to avoid wetland impacts.
- The garage is to be moved 10' further away from the wetlands.
- This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.
- With the standard conditions.
- A bond of \$3,100.00 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.

A motion was made by Bell, seconded by Connors to amend the motion to include:

- The applicant is to work with the Compliance Officer regarding the plantings for the site.

Both the amendment and the original motion carried unanimously.

D. New Business

- 1. Violation IW-V-09-043: 277 Wheelers Farm Road, Robert and Tina Santillo** – construction of a house, pool, shed, pond and decks within 150' of a wetland or watercourse without a permit in the Wepawaug River Watershed.

MaryRose reported that she issued a violation to the Santillos for construction of a house, pool, shed, pond and decks without permits from the MIWA. In 1995 the MIWA issued a preliminary permit to locate a septic system for a proposed house at 277 Wheelers Farm Road. The applicant was informed that they would need to

return to the IWA for a full permit for location and construction of the house on the rear lot. The builder never obtained a permit from the MIWA, he did obtain a permit from P & Z and Building, but never submitted an asbuilt for a Certificate of Zoning Compliance or a Certificate of Occupancy. The Santillos purchased the house in the summer of 2006. Existing on the lot at this time is a house with decks, an inground pool, a shed and a pond/patio area. She recommended that the Santillos be required to submit an application and obtain permits from this Agency for the improvements located within the 150' upland review area. She presented a printout from the City of Milford GIS system dated 2005 showing the location of the house, shed and decks and the approximate location of the wetlands and watercourses on the site. Mr. Santillo was present to answer the violation.

MaryRose reviewed the maps from the GIS system from 2006 as well as a map of the site from the internet from 2009. This violation came about from an inquiry about a pool and shed on the property.

Santillo stated that he purchased the property about 2 years ago and he hired a pool contractor to install an inground pool at a cost of approximately \$60,000.00 and went through all of the proper channels and was unaware of the situation until now.

MaryRose reported that the wetlands were last flagged in 2003/2004 so they need to be reflagged and time is of the essence due to the weather and there needs to be a soil survey.

After some discussion the following motion was made by Connors and seconded by Bell:

I move that cease and desist order IW-V-09-043: 277 Wheelers Farm Road be upheld and the property owner be ordered to submit the following by December 16, 2009:

- A permit application to the MIWA for the
 - House
 - Decks
 - Shed
 - Pool
 - Pond/PatioWhich exist and were constructed within areas regulated by the MIWA without proper MIWA permits.
- Have the wetlands flagged and submit a Soil Report by a Certified Soil Scientist or Professional Wetland Scientist showing the location and types of wetlands and watercourses on the property.
- Submit a monumented class A-2 Survey with topography (existing and proposed 2' contour) showing the wetland line as flagged by a Certified Soil Scientist or Professional Wetland Scientist and all site improvements including the house, shed, decks, pool, pond/patio, driveway, utilities and drainage.

The motion carried unanimously.

F. Minutes

A motion was made by Connors, seconded by Bell to accept the minutes of 11/04/09 as presented and carried unanimously.

G. Subcommittee Reports

McNamee reported that the Regulations Committee is working on the Regulation changes. MaryRose reported that it will cost approximately \$2,000.00 to publish the changes. A discussion followed regarding the process of changing the Regulations. A meeting will be scheduled for the subcommittee to meet.

H. Staff Report

- The office has been busy with bond releases, Eagle projects and working on the regulations.

I. Chairman's Report

- Fulco and MaryRose will be meeting with the Mayor on 12/8/09 to begin the budget process.
- The CACIWC meeting went very well and there was a wealth of information. There was one training session with 3 Attorneys presenting just for questions. There was a lot of discussion on Farm Exemptions and that views on farming are changing; to refer back to the regulations and if the project is exempt then there is no permit issued. There was a whole session on Public Hearings; conduct, use of experts (Board members can be experts if their expertise is identified).

The next regular meeting will be on 12/02/09.

There being no further business to discuss, the meeting adjourned at 8:25 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.