

**A. Roll Call**

Present: Cathy Collins, Alan Cegan, Jim Connors, Michael DeGrego, Jon Higgins, Justin Margeson and Steve Munson.

Absent: Ken Cowden, Richard Lutz and Aaron Sanner.

Collins called the meeting to order at 7:30 p.m.

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. 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 is ongoing.

MaryRose reported that she visited the site on 12/13/12 with Otto Theall & Buddy Field. The mitigation area has grown in with the grasses from the seed mixtures. There is some very minor growth of knotweed around the edges of the tarped area. This inspection completed the 4 inspections in the first year of the mitigation project. The remaining inspections should be in late spring and fall 2013 and the same in 2014. There is no action required of the Agency at this time. After the final inspection and report in fall of 2014, if the area is stable the Agency may release the mitigation bond.

- 2. 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 there is no new information at this time.

- 3. IW-A-12-072: Terrace Road, Robert & Claire Kerin** – wetland line map amendment in the South Central Shoreline Watershed.

MaryRose reported that this is a request for a wetland line map amendment on Terrace Road in Morningside. The applicant is proposing to update the wetland line on the official Inland Wetlands and Watercourses Map, Milford, Connecticut. There is a provision in our Regulations to amend the official Maps through a public hearing process. The Agency walked the site on 12/13/12, Jon Higgins walked the property on 12/8/12 and it was wet and rainy. Jim Connors walked the site on 12/13/12 and it was mild and sunny.

MaryRose reported that the soil report has been submitted as well as the names and addresses of the adjoining property owners. The site consists of 4.92 acres with 2.78 acres of wetlands.

Buddy Field submitted plans and reviewed that there have been several applications and various wetland lines over the years. Collins asked why he thought that the lines are so different from each other. Otto Theall, Soil Scientist, stated that the plans are 15 plus years old. Otto delineated the wetlands in March 2012 and then both he and Henry Mueller did them and there are some minor

revisions and these were reviewed on the plans. The road runoff flow was reviewed on the plans. There has been some erosion that has caused a little bit of a depression. Otto performed 105 test holes his first time at the site and then he and Henry did an additional 60. The area of wetlands flags 1 – 7 was discussed; this area has a mixture of soils and some Soil Scientists don't use the Munsell color chart when delineating; they feel they know it by memory and don't compare the soils on site with the chart and some colors are very close in shade and sunlight makes a difference. The area of wetlands flags 13 and 15 there is a berm and then a depression. On the fill pile that was dredged from the pond there is skunk cabbage. They appear to have dug out the pond and dumped it in the berm. When soils are dug up and moved; seeds are carried and skunk cabbage can grow on top and this may influence some Soil Scientists with delineation.

Collins stated that in the area of wetlands flag 13, when it rained there was a creek and she asked what happens to this during a rain event or snow melting. Otto stated that a channel is formed for a reason; if there is flow most of the time. Otto spoke to Henry Mueller today (he has been hospitalized due to a stroke) and it looks like it will be some time for recovery. But they had walked the property together prior to that and agreed on the line as shown. Otto further stated that when he was in the field, Buddy Field had asked him to sample an even larger area.

Collins stated that in the area of flags 14 and 15 there is a huge discrepancy to the three delineation lines. Otto stated that he performed test holes above and below the flag for sure and would have to refer to his chart for more specifics on the test holes. Collins asked Otto to submit a chart showing where test holes were taken.

MaryRose explained that the GIS line is digitized from the City's wetlands maps from 1965. David Lord was hired by the City to create the maps in 1989 and there is margin for error and they are approximate lines and are to be used for advisory. Buddy Field stated that the blue line on the plans are from Milone & McBroom from 1997. MaryRose stated that she could access that information and bring it to the next meeting. Collins stated that she would feel better with one more opinion from an outside source. Buddy stated that he has hired 2 Soil Scientists and they have more experience than most and compared them to Doctors in the sense that they are about the work/science and not the project. MaryRose asked Otto that after 15 years could soil color be lost. Otto stated that it was possible but felt it was more likely human error.

Connors stated that he didn't feel another opinion was necessary. Munson agreed.

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

Under Section 15 of the MIWA Regulations, I move that a public hearing be scheduled for application IW-A-12-072: Terrace Rd. The Public Hearing is scheduled for January 23, 2013. The motion carried unanimously.

**4. IW-A-12-073: 0 Westmoor Road, Field & Son & Ryan James** - proposal for a single family home with work within 100' of a wetland in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal for a single family home within 10' of a wetland in the South-Central Shoreline Watershed. At the closest point Mr. Field is proposing to install the silt fencing within 2' of the wetland line, a split rail fence within 4' and plantings within 2'. The Agency walked the property on 12/13/12. Jon Higgins walked the property on 12/8/12, Jim Connors walked the site 12/13/12.

Buddy stated that he has been working with this site for about one year and has been through 3 or 4 seasons and is very familiar with the site conditions. He further stated that in most construction you cut the trees then put the silt fencing in and start building, but on this site he would like to clear the trees, set the silt fence up, set the plantings up allow it to stabilize and then start construction of the house. He would rather establish and control it before it gets away and let it stabilize. He would like to go on site after the fence is in with MaryRose to plant on the other side of the fence for stabilization. Due to the close proximity to the wetlands he will do overkill. He will be cantilevering the second floor; he can remove the patio if it is deemed too intrusive.

Collins asked if due to the close proximity, the house could be moved forward at all. Buddy stated that per ZBA it can not; wetlands are not a hardship. MaryRose clarified that if someone bought the property with wetlands on it; wetlands can not be deemed a hardship. Buddy plans to build a colonial house on slab with a one car garage underneath. Collins asked for clarification of the distance to the wetlands; it is from what. Buddy stated it was from the foundation. A smaller house option was discussed.

Cegan stated that he has concerns with the close proximity to the wetlands and he would like a second opinion.

DeGrego stated that on site there was a conversation where Buddy stated that he did not want to come that far out. Buddy stated that he was referring to the area by (340) on the plans. Otto stated that he believed the discussion was regarding the split rail fence. Buddy stated that he could remove the garage or incorporate the garage into the first floor and that would make the distance to the wetlands at 13.5' and they could provide mitigation to create more wetlands in the area to the right of the proposed house.

Collins asked Cegan if he still felt an outside opinion was necessary. Otto stated that based on the slope on site there isn't room for much discretion. A revised plan would need to be submitted in order for any action to be taken.

5. **IW-V-12-079: 161 Southworth Street, Eric Green, Jr.** – dumping of material and debris without a permit within 150' of a wetland or watercourse in the Wepawaug River Watershed. Information to be submitted by 1/23/13.

MaryRose reported that this is a violation issued 11/27/12 to Eric Green Jr. of 161 Southworth Street for dumping of woodchips and material into a wetland and review area without benefit of a permit. The Agency upheld this violation at the 12/5/12 meeting and modified it to require that a site map and mitigation plan for the removal of the dumped material be submitted by 1/23/13. She spoke with Attorney Tom Lynch last week and he stated he had been hired by Mr. Green and would be looking at the property on 12/13/12. The Agency required information to be submitted by 1/23/13. There is no new information at this time.

6. **IW-A-12-080: 400 Burnt Plains Road, Building #2, Grace Baptist Church** - Proposal to enlarge foundation and replace existing 1,328 sq. ft. structure with new 1,590 sq. ft. structure with construction, grading and work within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this is a proposal by the Grace Baptist Church to remove the existing house structure, enlarge the existing foundation and construct a new building on their building #2 at 400 Burnt Plains Rd. The proposed work is within 2' of the wetland at the closest point.

The soil report by Cynthia Rabinowitz was distributed. Architectural plans were submitted. Scott Farquharson of BayBrook Remodelers, representing Grace Baptist Church, stated that this is an existing log cabin that is the Assistant Pastor's residence. He feels that the disruption to the wetlands will be minimal with this plan and silt fencing. The plan is to remove the existing structure, keep the existing foundation and add 220 sq. ft. to the structure and feels this will have minimal impact to the wetlands. They will construct a rain garden at the end of the project. He feels that if the project is not approved that one day the whole house may be a detriment to the wetlands.

Commissioners took a moment to read the soils report submitted this evening. Farquharson stated that the wetlands are pretty flat, the house is built up and the stream is approximately 600' away.

Collins feels that a site walk is needed.

Farquharson stated that you will see that the back porch is falling off; a tree fell on it during the storm.

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

That a site walk be scheduled for application IW-A-12-080: 400 Burnt Plains Rd Building #2, on Tuesday, January 8, 2013 at 3:30 PM. The motion carried unanimously.

#### **E. Minutes**

A motion was made by Connors, seconded by Higgins to approve the minutes of 12/5/12 and the two site walks of 12/13/12 as presented. The motion carried unanimously.

#### **F. Staff Report**

Munson asked if Mr. Green of Southworth Street had contacted the Conservation District. MaryRose reported that he had not to her knowledge.

Please remember to call or email, if you are unable to attend a meeting, especially site walks and public hearings.

West Avenue and Gulf Pond pump station projects are ongoing.

High Street Sewer job is ongoing.

Indian River Interceptor continues to be on hold.

Sanitary Sewer Infills No. 1 has started preliminary work

134 Old Gate Lane – the restaurant is ongoing.

Prospect Falls site work is complete; the 2<sup>st</sup> mitigation report has been received.

Our next Regular meeting will be Wednesday, January 9<sup>th</sup> in this room.

Commissioners Cegan, Connors and Margeson should be hearing from the Mayor's office on reappointments and need to either attend the 1/7/13 Board of Alderman meeting to be sworn in or be sworn in at the City Clerk's office in order to be seated with the Agency at the Organizational meeting.

MaryRose had a budget meeting with the Mayor. He is proposing to keep spending at last years' levels. This may require a reduction in several accounts.

**G. Chairman's Report**

Collins thanked everyone for the last meeting. She reported the issues to the Mayor and that if a problem is anticipated, the meeting would be held in a room with two exits and there would be police presence.

The next regular meeting will be on January 9, 2013.

There will be a site walk on 1/8/13.

There will be a Public Hearing on 1/23/13.

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

Respectfully submitted,

Lisa Streit,