

Minutes of the Regular Meeting of the Inland Wetlands Agency on February 19, 2014.

A. Roll Call

Present: Ken Cowden, Dave DeFlumeri, Carol Dunn, Richard Lutz and Brendan Magnan,

Absent: Allen Cegan, Cathy Collins, Jim Connors, Lily Flannigan, Justin Margeson and Steve Munson.

Also Present: DPLU Director Joe Griffith, MaryRose Palumbo and Lisa Streit.

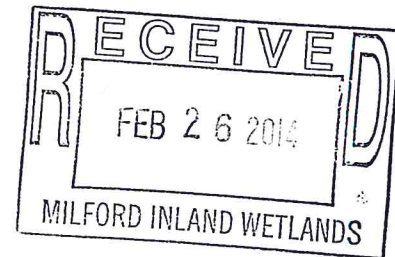
Vice Chairman Magnan called the meeting to order at 7:30 p.m. and deemed DeFlumeri and Dunn voting alternates.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.



D. Old Business

1. **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. No action taken.

2. **IW-V-13-022: 37 Lakeside Road, Brad Frederick and Britnei Artz** – clear cutting trees and stockpiling material without a permit within 100' of a wetland and watercourse in the South Central Shoreline Watershed. Information to be submitted by 2/19/14.

MaryRose reported that at the 11/20/2013 MIWA meeting the Agency required that the Fredericks submit a planting plan in addition to an erosion control plan by 2/19/14. Initially the Fredericks were proposing 1 to 2 Maple trees with 20 Raspberry or Blueberry bushes. Mrs. Fredericks then asked that they be allowed to put in just 10 raspberry bushes as she was concerned that too many birds would be drawn to the small area. The Agency required that a plan showing the plantings be submitted by today including the sizes of the new vegetation to approximate the inches of tree loss due to clearing and to diversify the plantings to avoid a monoculture susceptible to disease or infestation. There were 6 trees cleared (one was a double tree) ranging in size from 18-26" in diameter.

At this time the Agency needs to review and approve or approve with modifications the proposed planting plan and set a deadline for installation of the plantings and a monitoring schedule of this mitigation. The Agency also needs to determine if they want to require a bond to ensure that the work and monitoring is done.

Britnei Frederick 37 Lakeside Road submitted 2 copies of a 4 page document as her planting plan. She described that the last page is a Google earth image of the property with a triangle representing the disturbed area and proposed planting area. The 2nd and 3rd page shows the proposed planting area. Magnan asked that the Agency be given time to review the submitted material.

Mrs. Frederick stated that to hold down the costs they are planning on transplanting 5 plants and purchasing 4 for a total of 9 plantings 3 -6' trees, 6 bushes. She stated that they are proposing to put back 173 sq. ft. of the 189 sq. ft. of vegetation she calculated they removed.

Mrs. Frederick said that there are hundreds of saplings poking through the snow that are hip height and seem very hardy.

They also compared that same square footage in other areas of the pond. Winter creeper isn't recommended on the list from the Southwest Conservation District but her research has told her it isn't invasive, has been in her yard since they moved in seems to be a great plant and would like to transplant it from their existing yard.

Cowden asked what diameter existed or was lost when they cleared? In the past we have replaced the circumference (lose 10" diameter replace with 5-2" trees). He stated he was concerned that this replacement will be minimal and set a precedent. Lutz asked why she is not proposing to put the new trees where the old trees were. Can they be put in proximity to the stumps? Cowden said that the problem with the same spot is the competition for root space. He would prefer to see them 10-15' away from the existing stumps. Mrs. Fredericks stated that she can move things around in or outside of the triangle as shown on her submission.

Cowden asked what precedent we set if we replace the trees they remove with significantly less, that isn't what is normally done. It is the circumference of the tree that is a concern; a 6' tree is usually 1" in diameter. He would like a 2-2 1/2" caliber at the trunk. MaryRose suggested that the Conservation District could access plant material for them from local farmer's/nurseries that may be a more inexpensive solution.

Lutz suggested holding off on making a decision until the spring when MaryRose can look at it and see what plants are taking. Cowden stated that they may not be able to plant until end March or early May – it depends on the season.

Magnan felt there needed to be more area covered, the proposed space covered seems small compared to the trees removed. MaryRose suggested that Mrs. Frederick meet with her and Roman Mrozinski from the Southwest Conservation District to see if the farmers he has access to through the district might have native plants at a more reasonable price so that they can come up with a better number and type of plants.

The following motion was made by Cowden, seconded by DeFlumeri:

That the Fredericks be required to:

- Submit a revised planting plan with input from the MIWA office and SWCD office to be submitted by 4/15/14
- Conditional on approval of that planting plan, the plantings and erosion controls must be installed by 5/15/14.

After some discussion as to whether the planting should be done all at one time; the motion carried unanimously.

3. **IW-V-13-063: 30 Cedar Hill Road, Nancy Smith** – removal and deposition of silt and material from a pond and intermittent watercourse with work in and within 100' of a wetland or watercourse in the Indian River Watershed without permit. Work to be completed by 5/7/14.

No action taken.

4. **IW-A-14-001: 0 Westmoor Road, Field & Son Builders, LLC** – proposal for a single family home with work within 100' of a wetland in the South Central Shoreline Watershed.

MaryRose reported that this is an application by Field & Son Builders for a single family house with a first floor within 11.4' of the wetland line. The Agency reviewed and issued permit IW-12-073 for a single family house on this parcel and a portion of an adjacent parcel last year for this applicant.

The Agency walked the site on February 10, 2014 to review the proposed house and patio locations. MaryRose walked the site on January 29, 2014 with Magnan. Lutz and Munson stated that they individually went to the site. There is a photo sheet going around with pictures from the 2/10/14 site walk.

Last year the Agency approved a house on a portion of this lot, with the first floor within 10.1' of the wetland line with a 2' cantilevers for the second floor. The applicants have changed the location and size of the house for this application. The first floor construction is 11.4' from the wetland line with a 2' cantilever for the second floor.

Buddy and Chris Field are here this evening to present the application and answer any questions.

Closest point to wetland line	2012-073 Permit	2014-001 Application
	44'6" X 27' house with 1 car garage and patio.	42' X 25' house with 1 car garage and patio.
Construction	10.1' (garage)	11.3' (garage)
	11.5' (house)	11.4' (house)
Grading	6'	None proposed
Stockpile	9'	None proposed
Patio	9' (Removed from plan as a condition of approval)	12'
Driveway	30'	25'
AC Unit	27'	12'
Silt Fence	1'	1'
Split Rail Fencing	2'	2'
Plantings	4'-5' (30 bushes)	4'-5' (27 bushes)

Buddy Field submitted and spoke about a plan showing the house he received MIWA approval from last year in comparison to the application now before the Agency. He stated that he feels he has provided greater distances from the wetland and there is a more usable backyard with this new application. They have proposed (as was approved in the past) cementing in a split rail fencing post to prohibit people taking the fence out. In front of the fence he is proposing bushes and plantings. Between the fence and the wetlands line he will install additional plantings dependent upon what is there when he starts to clear and do the work. He explained how he used fabric rolls at 42 Westmoor to establish ground cover/grass quickly on the site to stabilize the slope. He would either use fabric rolls or hydroseed the lawn to stabilize the site as quickly as possible for this lot. He asked if the Agency had any questions.

Magnan asked for clarification for the record of which house is the approved and which house is the proposed on the plan/sketch submitted this evening. Field explained the house to the Left highlighted in light green is the approved house and the house to the Right in the dark green is the proposed house. Magnan stated he was concerned with loss of the very large trees along edge of wetland. Field stated that he thinks that the knoll was put there about 100 years ago when the subdivision was built. Some of the trees are dead or dying or leaning over the proposed house. Those will need to be removed to avoid a future issue. He plans on stabilizing the bank through other plantings and seeding. That was what was done on the last lot on Westmoor (#42) approved previously.

He stated that he wouldn't take out the roots or stump but cut them low to the ground to leave for stability. If the trees are dead or dying he will cut them and

leave the base. Speaking to the bottom photo on the photo sheet from the 2/10/14 site walk he pointed out the trees clustered in front of him in the picture will need to be removed as they are on the house side of the split rail fence. He would like to keep the other trees if they are healthy and their roots wouldn't be impacted by the house.

Magnan asked what potential adverse affect the removal of the trees will have on the wetland area. Field stated that he is not planning on removing plantings on the slope. He plans on putting a juniper like plant to help hold such a steep slope.

Dunn asked if the area between the house and the wetland is sloped. She stated it was difficult to determine the slope in the snow on the site walk. Field stated that there is a bit of slope from the berm into the wetlands.

Lutz asked if there is going to be fill used to build the house. He also asked about the apparently invasive vines on the trees, would they be removed to improve the health of the trees? Field stated that no filling is proposed. He stated that he plans on removing the vines to improve the health of the trees that they are not removing. Speaking to the sketch submitted this evening he will be removing the vines from the trees around wetland flags SW9 & SW11. Lutz stated that he was trying to figure out where the property line going to be and if Field is planning to clear all of the trees to SW8. Field referred to Plan SP2 and stated that he would be working on portions of lots 339 through 342 and is considering donating a portion of the land after wetland flag 8 to the City.

Magnan asked where the plan is that details removal of the vines and invasive species, and the additional plantings. Field stated that that information would be on the construction plan they submit when talking out their permit. He further stated that they like to remove the vines and invasives and to make the lot more presentable for the neighborhood.

Lutz asked if there has been a second opinion on the wetland line. Field stated that they worked with this line when they did the road extension and the 3 houses on the opposite side of the street. Dunn asked if the lines would have changed in the last 3 years and if there is tidal influence. Field stated that the lines would change if someone dug out or filled in. MaryRose explained that the soil reports are generally good for about 10 years unless there had been changes on the property like filling or digging. Field stated that Otto Theall, Soil and Professional Wetland Scientist's letter spoke to the fact that this site is above the tidal area.

Cowden stated that on cementing the split rail fencing the concrete will make a stronger fence but he is concerned about the post rotting out as the water will seep through the wood and puddle between the wood post and the concrete. He suggested setting posts in soil so that the concrete is not below the post allowing water to weep out. As far as the tree removal, he noted that some of trees were in decline; some will be impacted by development so he can see removing them. There

shouldn't be a need to take trees down in the area of lots 341 – unless they are unhealthy or the house will potentially impact the roots. Field stated that he is proposing to only remove vines in that area. He would consult with the Compliance Officer when the clearing work is being done. Cowden stated that he had no concerns other than stabilization of the bank. With appropriate plantings, hydroseeding or seed fabric should be fine unless there is excessive rain when the area is being stabilized. Field stated that the root structures will remain when the trees are removed.

DeFlumeri stated that he was looking at the area behind the garage when pouring the concrete and asked how erosion from the equipment could be prevented. Field stated that there is no basement proposed and they only need to go down 42". Everything will be worked from the front of the site, anything that needs to be backfilled behind the foundation is done from inside the foundation with a small cat excavator. It will sit inside the house footprint to do small work nothing in the back; all work from the front.

Magnan asked about boundary markers. Field stated that they would be put on the fence posts and in the deed restrictions.

Dunn stated that she has concern about the potential for environmental impact to the wetlands from pesticides use or stormwater runoff into the wetlands. Field stated that prior to them owning and developing the other lots on the street; they pulled a lot of material and debris from the area. He finds that when it is owned it is monitored by the neighbors/residents.

Lutz stated that he has concerns with the wetland line location. It just so happens that on the other side of this same wetland we questioned the wetland line by this same soil scientist and some of it was the same but some of it was closer to the proposed development. He wants to be sure that we are comfortable with just a single opinion.

MaryRose described the ability to hire another soil scientist for a third party review at the applicant's expense. Per DEP training, the IWA needs to believe experts; it is a science, it is not perfect and may vary. There is no point to have two experts every time. When there is a question, a third party is a tool to use. The Agency needs to be comfortable with the line when making their decision. Although difficult to see on the site walk there is a distinct drop from the upland to the wetland along the wetland line on this site. Lutz asked if phragmites grow in non wet areas. MaryRose stated that they can grow anywhere there is a disturbance. Lutz stated that he lives in the area, it is wet and there are phragmites up to the road and he has concern with the wetland line. MaryRose clarified the location on the plan; lots 339, 340 and 341 is the area being built. The side yard location was reviewed. Roof drainage and infiltrator galleys were also reviewed. Field clarified that other than the split rail fence and plantings, there is no work proposed on lot 341. Phragmite removal was discussed.

Magnan stated that he does not have doubts about the wetland line. His concern is that the design accommodates precautions to prevent adverse impacts to the wetlands.

Cowden stated that he feels that the line is accurate given the topography and the fence and protections would be beneficial and he is comfortable with the project.

DeFlumeri stated the he is comfortable with the line no problem with that. He would like the work to be on a blueprint.

Magnan stated that he would like the application to articulate all mitigation strategies in a formal plan.

The following motion was made by Cowden, seconded by DeFlumeri:

To approve application IW-A-14-001, 0 Westmoor Road based on the plans entitled *"Zoning Location Survey Westmoor Road Lots 338-345 'Merwin Estate General Plotting Plan' For Field & Son Builders LLC, Milford, Connecticut"* by Codespoti & Associates P.C., 1 sheet dated 11/19/13, the information in the file and presented this evening. This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses. With conditions including:

- The Permittee will submit a construction plan *prior* to taking out the permit including the following information:
 - All Mitigation plantings
 - Mitigation controls to avoid disturbance of the bank as trees are removed
 - Tree and vine removal as appropriate
 - Cemented posts for split rail fencing
 - Stabilization method for split rail fencing and slope areas
- 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 plantings and split rail fence must be installed prior to the start of construction of the home.
- Additional vegetation will be installed on the down gradient side of the split rail fencing to stabilize the area.
- A permit condition bond to be calculated must be posted with the MIWA for S&E controls, wetland boundary markers, and an asbuilt showing finished 2' contours and locating all site utilities and structures. The bond *may not* be released until the site is stabilized, the asbuilt and Engineers certification have been received, the site inspected and approved for compliance with the permit.
- A mitigation monitoring bond to be calculated must be posted with the MIWA for plantings and invasive control along the wetland boundary, and 3 years of mitigation monitoring by a professional wetland scientist with reports to the Agency in the spring and fall on the status of the site and recommended amendments to the mitigation plan for best stabilization of the site. If the site is

not stabilized by year 3 this bond may be held until such time as the site meets the design criteria. The bond may not be released until the reports have been received, reviewed and approved.

- The Permittee must submit a certification by the Project Engineer that the completed project meets the design intent of the approval *prior* to bonds being released.
- The permit is issued 2/19/14 expires 2/19/19 unless otherwise provided for in the Connecticut General Statutes.

The motion carried 4 to 1 with Lutz opposed.

E. Minutes

A motion was made by DeFlumeri, seconded by Dunn to approve the minutes of the 1/22/14 and 2/10/14 meetings as presented. The motion carried unanimously.

F. Staff Report

- Grove Street pump station and sewer project final paving and planting will be in the spring.
- Indian River interceptor is on hold.
- Sanitary Sewer Infill's No. 1 final paving will be in the spring.
- Cascade Blvd. – Garden Homes is ongoing.
- Way Street is ongoing.
- Girl Scout pool is ongoing.
- Please remember to call or email if you are unable to attend a meeting.

G. Chairman's Report

None.

The next regular meeting will be on 3/5/14.

There being no further business to discuss, the meeting adjourned at 9:10 p.m.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.