

Minutes of the Regular Meeting of the Inland Wetlands Agency on March 15, 2017.

A. Roll Call

Present: Nathan Buchok, Dave DeFlumeri, Carol Dunn, Lily Flannigan, Brendan Magnan, Steve Munson, Daniel Schopick and Phillip Zetye.

Absent: Jim Connors and Ken Cowden.

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

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

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.

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MILFORD INLAND WETLANDS

D. New Business

1. **IW-PA-17-008: 770 Buckingham Avenue, Three B Properties, LLC** – proposal to raze existing house and construct new single family house with construction within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is in tidal wetlands and the MIWA does not have jurisdiction on this application. No Action.

2. **IW-PA-17-009: 1553 Boston Post Road, MWC Associates, LLC** – proposed site remediation and stabilization with work within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this is a pre-application by Triton Environmental on behalf of the property owner to remediate material from the site by removing approximately 700 cu ft of soil and once testing results determine it is clear, replacing it with clean fill that meets DEEP requirements. The area will then be stabilized with gravel. Soil erosion and sedimentation controls are already up on the property from the demolition of the building. Gerald Gigliotti of Triton Environmental is representing the property.

Magnan questioned if a Jurisdictional Ruling would be appropriate. MaryRose stated that the site is stable and a jurisdictional ruling would be appropriate. An

application for development of this site will come before the IWA at some point in the future; they are currently doing work to meet DEEP requirements.

A motion was made by Munson, seconded by Schopick that the Designated Agent issue a Jurisdictional Ruling for pre-application IW-PA-17-009: 1553 Boston Post Road, for the removal of approximately 700 cu ft of soil, replacement with clean fill and stabilization with gravel as shown as area RA-1 Remediation Area on the plan entitled "*Land now or formerly MWC Associates LLC #1553 Boston Post Road (Route 1)*" by Luchs Consulting Engineers, 1 sheet dated 3/08/17. This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses".

The motion carried unanimously.

3. **IW-PA-17-010: 41 James Street, Cathy and John Mortimer** – proposal to build 6' x 20' deck extension and 3' x 20' stairs, 3' x 5' vinyl shed under existing deck with work within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal by Cathy & John Mortimer of 41 James Street to put an addition on the deck at the house they recently raised. In 2014 the MIWA issued a permit to remove the existing house and build an elevated home with a deck and stairs within 7' of the inland wetland line on the rear of the property. A condition of the approval was that the shed in the wetland at the rear of the lot must be removed. The house was completed, the shed was removed and at the time the Mortimer's changed the 11' X 20' deck with a 3' access for stair to a 15' deck with no access stairs. They now find that they would like an expanded deck with stairs. This proposed deck expansion appears to bring the deck and footing to and /or into the wetland line on the rear of the site. There were, and still are, bricks in the rear yard wetland area. Mrs. Mortimer has stated that she is drying the bricks in the wetland area to then place them along the side of the house. She explained to her that no material can be put into the wetland without additional permitting. MaryRose suggested that she consider replacing the grass with salt tolerant plantings and grasses that will require minimum to no mowing or maintenance. Mrs. Mortimer is here this evening to present her pre-application:

Cathy Mortimer explained that she wanted a bigger deck because she can't garden in the rear yard because it is wetlands (she would like to have a potted garden on the deck) and they would like to have a rear access to the house as it is difficult to get furniture in through the front.

Magnan stated that it is not likely that this is a favorable request due to the prior approval and it would require an application and engineering. Cathy Mortimer asked if there could be just stairs. MaryRose stated that the original deck was to be 7' from the wetland line and that included stairs. Adding stairs now would make it 3' from the wetlands.

Schopick asked if the proposed deck will be cantilevered or does it have footings and is there any way to avoid having footings or wetland impacts. He asked if there was another way to turn the stairs or put them on the other side to move them from the wetland area. John Mortimer stated that he didn't think so; to the side would be in the side setback but he could ask their builder. Mrs. Mortimer stated that if they had an extension maybe they could cut into the existing deck and the sides would cut into the setback on either side for the stairs.

Flannigan asked what size the exiting deck is; and to clarify that they want to add another deck and then the stairs. This would use up all of the 8' to the wetland line which was to be left as a non disturbed zone in the prior application. She said she was agreeable to adding the stairs but not to expand the decking, a 3' stair way along the back she could possibly agree with that. John Mortimer stated that the existing deck is 20' x 12' and their understanding is it is right up against the wetland.

Magnan stated that the IWA is in charge of protecting the wetlands and this is why they are looking at the proximity so closely and the condition of the approval was at 8' from the wetlands.

Zetye wanted to clarify the distance to the wetland line for the existing deck. MaryRose reviewed this and stated that the existing deck to the wetland boundary is 10.5' and the addition requested would be 1.5' from the wetland boundary.

MaryRose clarified that any action would have to be either a Jurisdictional Ruling or a full application. Magnan stated that he feels an application is needed. Munson agreed that it should be an application and this gives the Engineer time to investigate if the deck can over hang without additional footings. Schopick stated that he would like to see a plan with the maximum size deck that the Mortimer's would like and then an alternate for what could work if something smaller needs to be done. Zetye asked if there was any way the applicant could proceed without the cost of a licensed professional if they just want the stairs. A discussion followed; there needs to be accurate information on one plan rather than what was presented.

A motion was made by Munson, seconded by Schopick that pre-application IW-PA-17-010: 41 James Street be submitted for review as a full application based on the information in the file and presented this evening. At a minimum the applicant will need to show the flagged wetland line, expanded deck and stairs on a drawing by a licensed professional. The motion carried unanimously.

4. **Violation IW-V-17-011: 50 Field Court, Sean & Megan Clarke** – deposition of soil and material with work within 100' of a watercourse in the South Central Shoreline Watershed without permit.

MaryRose reported that this is a complaint that came into the DPLU for a soil / sand stockpile on the beach within 100' of Long Island Sound. She signed off on the work requiring that proper erosion and sedimentation controls be installed and that no material was to be stockpiled on the beach side of the property. The complaint came in late Friday afternoon and the violation was issued on Monday. With the recent storm, there is no way to determine if the property owner or contractor received notice of the violation. She was unable to reach either of them by telephone. She recommended either upholding the violation and taking no action until they can be heard at the 4/5/16 meeting or upholding the violation and giving a compliance date in a reasonable time frame for the next meeting – i.e. 4/10/16.

A motion was made by Munson, seconded by DeFlumeri that cease and desist order IW-V-17-011, 50 Field Court, be upheld and that the Compliance Officer may release the order upon completion of the following items by the property owner:

- Properly install soil erosion and sedimentation controls on the site by 4/3/17.
- Remove the soil, sand and material stockpiled to the rear of the property adjacent to the beach by 4/3/17.

The motion carried unanimously.

E. Old Business

1. **Violation IW-V-16-027: 1646 New Haven Avenue, Judith K. Rosehill** – deposition of soil and material with work in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed without permit.

MaryRose reported that there is no new information on this violation; waiting on input from DEEP-OLIS. No action.

F. Minutes

A motion was made by Munson, seconded by Schopick to accept the minutes of 2/15/17 as presented. The motion carried unanimously.

G. Staff Report

Site Status:

- Indian River Interceptor – There have been some site stabilization issues with the closing of the WSA which have been brought to the contractor's attention.
- 1595 Boston Post Rd project is complete waiting on asbuilt.
- 220 Rock Lane is completed waiting on an asbuilt.
- 605 Orange Ave is ongoing.
- 33 Schoolhouse Rd is ongoing.
- 70 Kay Ave has started.

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

H. Chair's Report

- There is a Land Use Seminar from the CT Bar Association on 3/25/17; Magnan, DeFlumeri and Buchok will be attending.
- Magnan thanked Commissioner's for their participation.
- The next regular meeting will be on 4/5/17.

There being no further business to discuss, a motion was made by Schopick, seconded by DeFlumeri to adjourn at 8:15 p.m.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.