

Minutes of the Regular Meeting of the Inland Wetlands Agency on May 21, 2014.

A. Roll Call

Present: Allan Cegan, Cathy Collins, Jim Connors, Ken Cowden, Carol Dunn, Lily Flannigan, Brendan Magnan, Justin Margeson and Steve Munson.

Absent: Dave DeFlumeri and Richard Lutz.

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

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

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 this is the violation from 2011 for Barretta Gardens. At the time of the violation there was a lease to a landscaper who was working within 100' of Flax Mill Brook on the rear of the property. In response to the violation the landscaper removed logs and chip piles from along the creek and installed silt fencing and grass seed to stabilize the area. The property was in litigation for a time and neither owner had access to remove a pile of stumps and logs that was within the upland review area. She visited the site with Richard Barretta on 5/16/14 and found that the area along the creek is stabilized and that there is no concern for debris entering Flax Mill Brook. There are photo sheets going around the table. Sheet 1 shows the site at the time the violation was issued in 2011. Sheet 2 shows the site on 5/16/14. At this time she recommended that the Agency release violation IW-V-11-049.

A motion was made by Connors, seconded by Cowden that cease and desist order IW-V-11-049; 945 North Street, be released. The motion carried unanimously.

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 4/15/14.

MaryRose reported that at the last meeting the Agency ordered the Fredericks to stabilize and replant the area by 6/18/14.

MaryRose spoke to Mrs. Frederick on 5/16 and she stated that she would like to address the Agency this evening.

Britnei Frederick, 37 Lakeside Road, stated that MaryRose told her that the IWA had walked the property and wanted the slope stabilized. She thought when the Agency walked the site they were looking at property markers and that they had come to a compromise.

She stated that the Agency has no proof that they put anything on the City's property. She said that they have tried to be accommodating to take bigger things out of there but they are not clearing the slope and planting it. They absolutely did not put the material in the wetlands or the cinder blocks on Milford's property. Everything that is there is the same as when the violation started. The person who owned the house before owned other properties in the area and allowed others to dump there.

She stated that they can't take responsibility to plant three times as much as what she proposed. She says that she will remove the big things they left on the Milford property – the debris from the shed and the logs they will remove.

Collins stated that this only started because trees were cut down and this was reported. The slope is not stabilized the canopy is gone and the IWA has only asked for 1/3 of what has been removed and has been working with the Fredericks for over a year. The Agency brought in SWCD and an Arborist to try to work this out at no cost to the Fredericks. The order is that plan that the IWA has come up with. We wouldn't be here if the trees weren't cut down.

Mrs. Frederick stated that the trees that were lower down had no canopy. The big tree they removed on their property had the canopy that covered the slope and they removed that. She stated that there is nothing they can physically do with the slope; it would be a major effort to remove the debris from the slope. Mrs. Frederick stated there are so many trees and roots there that they would be digging roots out to plant the 40 bushes.

Collins stated that we are saying the same things The Agency did due diligence to try and work with the Fredericks and our order only requires to replace 1/3 of the diameter of the trees that were taken out. MaryRose stated that she called Public Works when this happened and they didn't put any debris there and there was no approval to cut any trees.

Mrs. Frederick said that there was nothing growing in April for the Arborist to see and suggested he go there now and see it today how things are growing. Collins stated that the debris pile is along the property line with the Fredericks property and there is nothing like that to the left or right of the property

Mrs. Frederick stated that she cannot afford to do the IWA plan and is not going to do it. She feels that her plan is within their means and is sufficient and that the canopy is no different than it was before.

MaryRose stated that the canopy provides a food source and shading and raises the temperature of the pond if removed and Google pictures show that there was a canopy. There was fresh debris seen on the site walk and there is concern for fire danger; not just at the edge of the pond but on the slope.

MaryRose reviewed the order:

- Removal of debris to include but not limited to construction debris, limbs, leaves and yard debris to eliminate fire hazard and ensure slope stabilization as well as proper slope for survival of plantings by June 18, 2014;
- Install plantings and erosion controls per modification of the planting plan submitted 4/16/14 to consist of:
 - 40 bushes of 4 different varieties 3-5 gallon in size
 - Installation of 6 trees measuring a minimum of 1.5-2" inches in diameter each (measured 6" above root ball.) B & B
- Failure of the plants to thrive or survive will require that they be replaced and monitored with reports to the MIWA twice a year for three years.
- A mitigation monitoring bond of \$5,000 equal to the amount for the purchase, installation and monitoring of the plantings to be returned upon receipt of the third successive year's final reports stating area is stabilized and plants are thriving.
- Fencing to be installed a minimum of 42" high at the rear property line with wetland boundary markers

MaryRose stated that the Agency can either take no action or can modify the order. There is an order in place requiring work to be done by 6/18/14. If there is no compliance by 6/18, she would recommend that the matter be transferred to the City Attorney.

Mrs. Fredericks stated that she didn't receive the letter. MaryRose will hand deliver it tomorrow. No action taken.

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.

MaryRose reported that in discussion with Mrs. Smith, work will be completed by 6/18/14. No action taken.

- 4. IW-A-14-023: 231 Meadows End Road, Two Ninety Six, LLC** – proposed 2 lot subdivision with work in and within 100' of a wetland in the Housatonic River Watershed.

MaryRose reported that this is a proposal by Two-Ninety Six LLC for a 2-lot subdivision with work in and within 100' of a wetland in the Housatonic River Watershed. Wetlands were flagged on the site 9/13/13 by Otto Theall of Soil & Wetland Science, LLC. The applicant is proposing a 2-lot subdivision with removal of the existing house, construction of 2 homes and a 2.5:1 mitigation area for loss of 0.01 acres of inland wetlands. Greg Field & Angelo Lisi of Two Ninety Six LLC, were in attendance to present the application

Greg Field submitted photos taken on 6/1/14 by Michael Field showing the wetland area after a two day rainfall total of $\pm 4"$. Field showed the location of an existing drainage pipe on the South corner of the site map. He stated that he is unsure if water is draining to an underground pipe but there is no standing water in the wetland. There is junk and debris on the site. The remains of a house and chimney are on the property. He is proposing to take down the existing house and put in two houses. He did a similar construction on 110 Southworth St. with split rail fencing between house and wetland and he has had a good experience with that. The wetland is poor quality with invasive species. Field stated that MaryRose suggested planting a wetland seed mix in the depressed area and that the gutter drains from lot 2 will drain into the mitigation area like a rain garden.

Collins asked what the area of wetlands to be filled is. Field stated that 0.01 acres are to be filled and 0.03 acres are to be created with a rain garden technique. He further stated that the site is currently an eyesore for the neighborhood and this project would be an improvement.

A motion was made by Connors, seconded by Magnan that a site walk be scheduled at 231 Meadows End Road on Wednesday, 5/28/14 at 5:30 p.m. The motion carried unanimously.

A motion was made by Connors, seconded by Magnan that a public hearing regarding application IW-A-14-023: 231 Meadows End Road would be in the public interest. I move that a public hearing be scheduled for June 18, 2014. The motion carried unanimously.

F. Minutes

A motion was made by Connors, seconded by Cegan to accept the minutes of the regular meeting on 5/7/14 as presented. The motion carried unanimously.

G. Staff Report

The CT DEEP session II training information was in your mail packets at the last meeting. The closest training to Milford is Friday 6/13 from 9 until 1pm at Housatonic Community College. You all have completed the DEEP required training so no one has to attend but it is available if you would like to. This session covers Legal issues and recent court cases, substantial evidence and expert testimony. I will bring any information back to the Agency at the 6/18/14 meeting. The Housatonic CC site is the only site for lower New Haven and Fairfield Counties so it usually fills up quickly. If you are interested please fill out your registrations sheets and we will get you registered ASAP.

Sanitary Sewers Infills No 2 (Plains Rd/Shelland St/High St/White Oaks Ter) is ongoing. Grove St Pump station and sewer project final paving and planting should be starting soon.

Indian River Interceptor is on hold

Sanitary Sewer Infill's No. 1 hydro seeded already.

Cascade Blvd- Garden homes is ongoing the pervious pavement should be going in at beginning of June,

Way Street is ongoing, Mr. Field has been told to keep the street swept. He expects that the drainage will be installed in the next few weeks

Girl Scout Pool is ongoing; I have an inspection tomorrow.

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

H. Chairwoman's Report

None.

There being no further business to discuss, the meeting adjourned at 8:15 p.m.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.