

Minutes of the Regular Meeting of the Inland Wetlands Agency on March 20, 2013.

**A. Roll Call**

Present: Cathy Collins, Richard Lutz, Justin Margeson, Bridan Magnan and Steve Munson.

Absent: Alan Cegan, Jim Connors, Ken Cowden and John Higgins.

Also Present: MaryRose Palumbo and Lisa Streit

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

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.

**D. Old Business**

1. **IW-V-11-023: Westmoor Road, Field and Son Builders, LLC** – clearing in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Mitigation ongoing.

MaryRose reported that the next mitigation report is due in early May 2013. No action taken.

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 stated that she is planning on meeting with M. Barretta next week to review the status of the site. No action taken.

3. **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 2/20/13.

MaryRose reported that Attorney Tom Lynch submitted a letter on behalf of Mr. and Mrs. Green stating that he will be meeting with his clients to discuss the review and suggested mitigation by the Southwest

Conservation District and requesting that this item be heard at the April 3, 2013 meeting. The SWCD review was distributed. No action taken.

4. **IW-A-13-003: 211 West River Street, Sydney Patchen** - placement of fill to raise a portion of the existing lawn area to the elevation of the residence and remove dying trees with work within 100' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this is an after the fact permit to allow fill to remain within 150' of a wetland in the Wepawaug River Watershed. Ms. Patchen was present to represent this application.

This site came to us as a zoning violation. In speaking with the property owners initially Mr. Patchen told the Assistant City Planner and MaryRose that they would remove the fill. He then called to say that Mrs. Patchen wanted to apply for a permit to leave the fill in place. In reviewing old inquiries on the site in 1991 there were several inquiries from Cindy Burdick prior to purchasing the property when she was told a pre-application review would be required before any work could be done followed by an inquiry from an Engineer working on behalf of Ms. Burdick looking into a proposal to see how much of the rear yard could be filled.

MaryRose reviewed the plan with the City Engineer and he stated that the plan should better demarcate the limits of filling and the depths of fill on the site. The Assistant City Planner has also requested additional information on the amount and placement of the fill on the site. There is a note (note 2) on the plan and in the soils report stating that an earlier plan may show a wetland line closer to the rear of the house. She does not have information on that plan.

Ms. Patchen stated that she knew of no line prior to this permit year. MaryRose noted on Tom Petris's letter dated 9/20/12, second paragraph, he addresses a former wetland line and references a 9/13/11 letter from Ron Wassmer a map/plan. Munson stated that the note on the plan states: 1993 verses 1983. Ms. Patchen has a plan from 1993 from Ron Wassmer; this is a plot plan with no wetland lines and it is assumed that 1983 is a typo.

Collins stated that there is a letter in the file from 6/9/11 showing a delivery of fill, top soil and woodchips. And a letter from 11/27/12 with another 6 yards of fill (Ms. Patchen stated that this was shown on the plan by wetland flags 8 and 7 that delineate a gravel area; this is where the 6 yards is.. Ms. Patchen showed pictures from 9/3/95 of the lawn area and related the area to the plan. Fill was brought in to grade to the natural slope. There was a wood retaining wall that rotted and they put in a cinder block wall with iron rods; it is not cemented or poured.

This area was reviewed on the plans. Site plans created by Ms. Patchen noting all plants on site were submitted.

Collins recommended a site walk. Ms. Patchen submitted a sheet with calculations of areas of fill. Lutz asked about a stone area. Ms. Patchen stated that it was by wetland flags 7 and 8 and that a 5' x stone area used to be a bridge and has been there for years. MaryRose explained what a site visit is and the rules. Ms. Patchen stated that the Soil Scientist claimed that the impact was negligible. She said there may have been an impact of 75' of a strip of wetlands between flags 7 & 8 that the Soil Scientist and Engineer said is negligible but everything else is on the upland side. Collins stated that the IWA is looking at the impacts to the wetlands and the area of concern is between wetlands flag 7 and 8. Ms. Patchen stated that she spoke to Peter Crabtree from Planning and Zoning years ago and was told to stay above the pond and she did. She further stated that it used to be a pond and is no longer. There is a ' of water seasonally and it does not hold water year round. Magnar asked how the soils were tested. MaryRose referred to the Soil Scientist report page 3 that shows standard methodology; a spade and auger 15 - 0". Lutz asked if there was any record of the Peter Crabtree reference. MaryRose stated that she would look into this. Lutz asked how much fill would have to be removed to get back to the original soil. MaryRose stated that would be a question for a Soil Scientist.

A motion was made by Munson, seconded by Margeson to schedule a site walk for this site on 3/27/13 at 6:15 p.m. The motion carried unanimously.

#### E. Minutes

A motion was made by Munson, seconded by Margeson to accept the minutes of the previous meeting of 3/6/13 as presented. The motion carried unanimously.

#### F. Staff Report

- The DEEP IWA Commissioner training program will now be administered by Central CT State University. They are hoping to have the program brochures out by mid-April with Segment I online at that time. Information will follow as soon as it is received.
- Grove St pump station and sewer projects will be starting in the next few weeks.
- High Street Sewer job is ongoing.
- Indian River Interceptor continues to be on hold.
- Sanitary Sewer Infills No. 1 is ongoing.
- 134 Old Gate Lane - the restaurant is ongoing.
- Cascade Blvd- Garden homes will be starting in the next few weeks.

- Collins, Lutz and MaryRose attended the Legal Issues training last Saturday and information was distributed.

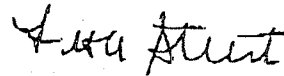
#### G. Chairwoman's Report

- Collins read M. DeGrego's letter of resignation; he will be serving on the Board of Education.
- Collins discussed/reviewed information from the CT Bar Association Land Use Seminar on legal issues and referenced page 209 from information received on Technical and Third Party review. MaryRose stated that this is becoming more common in other towns and she will be discussing this with the City Attorney. Pre disposition and ex parte communication was addressed. Communication and input was encouraged while sitting on an application. Lutz read an excerpt from page 209 regarding experts and third party opinion and that it looks like things are going in the direction of the role to evaluate between experts. Collins stated that the reputation of the Milford IWA is to research, question and then make a decision. MaryRose stated that she will review with the City Attorney the threshold of reasonable justification for third party review.

There being no further business to discuss, the meeting adjourned at 8:30 p.m.

The next regular meeting will be on April 3, 2013 in conference room A.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.