

Minutes of the Regular Meeting of the Inland Wetlands Agency on June 20, 2012.

A. Roll Call

Present: Cathy Collins, Jim Connors, Ken Cowden, Richard Lutz, Justin Margeson.
Steve Munson.

Absent: Alan Cegan, Michael DeGrego, Jon Higgins, Sally Lee and Aaron Sanner.

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. New Business

- 1. Violation IW-V-12-033: 234 Pond Point Avenue, Mark and Catherine Samson** – clearing and dumping debris with work within 100’ of a wetland or watercourse without a permit in the South Central Shoreline Watershed.

MaryRose reported that this is a violation issued to Mark & Catherine Samson for work within 100’ of a wetland without a permit. She received a complaint and upon investigation found that the Samson’s were working in the rear of their approximately 520’ deep lot. The Sampson’s stated that they were unaware that there were wetlands on their property. This violation was issued on 5/30/12 since that time she has met with Mr. Samson and Roman Mrozinski from the Southwest Conservation District who through soil sampling determined that there was no work done in the wetlands. As mitigation for the work in the upland review area the Samson’s are proposing to delineate the edge of the wetlands with a series of boulders from the site and to plant a 10’ wide buffer strip between the rear yard and the wetland area. Mr. Samson is also proposing to remove several broken limbs and invasive plants along the wetland boundary.

MaryRose recommended that the violation be upheld and modified to require the installation of a 10’ buffer and rock boundary around the wetland and the removal of the broken limbs and invasive species.

Samson stated that he was unaware that there were wetlands on his property and he was just looking for more useable yard space. It is a long narrow yard. Collins asked how the boulders would be moved. Samson stated that a friend of his has a Bobcat and this will be used; he will not go on the wetlands. MaryRose showed pictures of

the site taken this afternoon from her phone (these will be printed and put into the file). Samson stated that his property is about ½ acre yard and ½ acre woods. Cowden asked about marking the boulders. MaryRose stated that markers could be put up. Connors suggested the applicant use a mason tool and put the markers right into the boulders.

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

I move that the cease and desist order IW-V-12-033: 234 Pond Point Avenue, be upheld and modified to require the property owner to do the following by 9/15/12:

- Install a rock/boulder line on the upland side of the wetland line.
- Install a 10' vegetative area along the wetland line/rockline.
- Install wetland boundary markers along the wetland line.

The motion carried unanimously.

2. **IW-A-12-036: 142 Old Gate Lane, DARE Assoc.** – expansion of gravel parking area with work within 100' of a wetland in the Indian River Watershed.

MaryRose reported that this proposal is on the agenda for the first time and can be heard after 7/4/12.

E. 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 Watershed without a permit. Mitigation ongoing.

MaryRose reported that the next mitigation inspection for this site is 7/30/12. There is no action required at this time.

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.

MaryRose reported that there has been a request by the applicants to table items E3 and E4. A motion was made by Connors, seconded by Lutz to table the following items:

3. **IW-A-12-019: 28 Way Street, Warren Field Jr.** – proposal for a single family home with construction, grading and work within 100' of a wetland or watercourse in the Housatonic River Watershed
4. **IW-A-12-020: 24 Way Street, Woodstock Development LLC** – proposal for a single family home with construction, grading and work within 100' of a wetland or watercourse in the Housatonic River Watershed.

The motion carried unanimously.

MaryRose reported that there has been a request by the applicants to table items E5 and E6. A motion was made by Connors, seconded by Lutz to table the following items:

5. **IW-A-12-021: 0 Way Street, BAMF Homes, LLC** – proposal for a single family home with construction, grading and work with 100' of a wetland or watercourse in the Housatonic River Watershed
6. **IW-A-12-022: 20 Way Street, BAMF Homes, LLC** – proposal for a single family home with construction, grading and work within 100' of a wetland or watercourse in the Housatonic River Watershed.

The motion carried unanimously.

7. **Violation IW-V-12-027: 830 West River Street, Glen and Karen Telep** – reconstruction of a streambank with work in and within 150' of a wetland and watercourse without a permit in the Wepawaug River Watershed.

MaryRose reported that this is a violation for work without benefit of permit at 830 West River Street. At the last meeting the IWA required that the property owners submit information by this evening. Mr. Telep called MaryRose today and stated that his engineer has not completed the work and he would bring it in when the engineer has finished. We will need to modify this violation to 7/18/12.

A motion was made by Connors, seconded by Lutz that cease and desist order IW-V-12-027, 830 West River Street be modified to require the information to be submitted by 7/18/12. The motion carried unanimously.

8. **IW-A-12-29: 66 Cedarhurst Lane, David and Stephanie Ellison** – proposal to reconstruct driveway entrance, add aprons and pave with work within 100' of a wetlands and watercourse in the Indian River Watershed.

MaryRose reported that this is an application by the Ellison's to install driveway aprons and pave their driveway at 66 Cedarhurst Lane. The work is within 100' of Karls Brook. The revised plans were received this evening. Ron Wassmer of CCG is here to present the proposal.

Wassmer reviewed the plan and oriented this site. The current driveway is compacted gravel and has been for in excess of 25 years. The proposed driveway plans were reviewed. The goal is to separate the dual driveway entrances and follow the existing gravel driveway. The current driveway goes over a culvert that pipes the brook. The owners are concerned with delivery trucks (oil) going over it. This will be reinforced; the plan and drainage on site were reviewed. The work should only take a few days and a silt fence will be added for protection. One tree will be removed at the entrance. There will be a berm to direct the flow towards the street at the entrance.

Munson asked if this would be load bearing. Connors stated that the proposed slab would be distributing weight like a bridge girder. Wassmer stated that the slab would be reinforced concrete and a paved driveway.

MaryRose stated that it is a little shaky now and feels that the plan will provide more protection to the wetlands. Cowden asked if plantings would be appropriate. MaryRose suggested a disturbed wetland mix at the entrance. Cowden suggested a low growing juniper shrub that would be deer resistant.

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

After duly considering all relevant factors, I move to approve application IW-A-12-029 66 Cedarhurst Lane based on the plans "*Driveway Improvement Plan #50 & #66 Cedarhurst Lane, Milford, Connecticut*" by CCG 1 sheet, dated 4/17/12 revised 6/20/12, the information in the file and presented this evening, for the following reasons:

- *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.
- 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.
- A bond to be calculated must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.
- Plantings to be deer resistant juniper and wetland mix in grassed wetland area
- 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 6/20/12 expires 6/20/17.

The motion carried unanimously.

F. Minutes

A motion was made by Connors, seconded by Lutz to accept the minutes of the meetings of 5/16/12, 5/23/12 and 5/30/12 as presented. The motion carried unanimously.

G. Staff Report

- West Avenue and Gulf Pond pump station projects are ongoing.
- High Street Sewer job is currently on hold and expected to restart in a few weeks.
- Indian River Interceptor is working on the mitigation and stabilization plantings; the pipe work is currently on hold.
- Prospect Falls site work is complete; the 2nd mitigation report has been received.

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

H. Chairwomen's Report

A letter of resignation has been received by Sally Lee effective last Wednesday.

Collins, Lutz and Sanner attended the Segment II Training regarding Legal Issues. There was a lot of information. Lutz stated that a court case was referenced that was interesting; the IWA can not rule based on suspicion, they must have expert testimony. The verbage has been tightened up in favor of the applicant. It was discussed that the IWA can hire an expert and charge back the applicant. Lutz also discussed that the demarcation of wetlands is widely known to vary by as much as 20' from expert to expert. The information from the training session will be distributed to all board members.

The next regular meeting will be on 7/18/12.

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.