

Minutes of the Regular meeting of the Inland Wetlands Agency on July 6, 2011.

A. Roll Call

Present: Ken Cowden, Michael DeGrego, Justin Margeson and Lynne McNamee and Steve Munson.

Absent: Cathy Collins, Jim Connors, Alan Cegan, Jon Higgins, Sally Lee, and Joel Levitz.

McNamee called the meeting to order at 7:40 p.m. and deemed DeGrego the voting alternate.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.

D. New Business

1. **IW-A-11-025: 36 Ettadore Parkway, Christopher Field** – two lot subdivision with one existing and construction of one single family home in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed. This item is on the agenda for the first time and can be heard at the next regular meeting.

A motion was made by Munson seconded by Margeson that this section be re-ordered and item E2 be heard first. The motion carried unanimously.

E. Old Business

2. **Violation IW-V-11-023: Westmoor Road, Field & Son Builders, LLC** – clearing in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Violation upheld and modified information to be submitted by 7/6/11.

MaryRose reported that this is a violation issued to Chris Field of Field & Son Builders for clearing in a wetland without a permit on Westmoor Road. In the process of clearing the road for access to their lot, Field and Son's cleared and pushed brush, vines, yard waste and miscellaneous material from the road area into the wetland adjacent to flag 8. Field & Son's engineer, Codespoti & Associates located and re-staked the wetland flags on the site with pink flagging and numbers I have printed photos from the site showing the brush pile and the

staked flag locations. In the photos reviewed at the last meeting we saw that the edge of the wetland line is overtaken with a large stand of invasive Japanese Knotweed.

At the meeting on 6/29/11 the Agency moved to uphold and modified the violation order to require Field & Son Builders LLC to submit a mitigation plan by 7/6/11 to include:

- Removal of the material placed in and adjacent to the wetland without permit.
- A minimum 2:1 mitigation for the intrusion into the wetland.
- A planting plan and 3 year inspection schedule.
- A cost estimate for the proposed plantings and monitoring.
- A plan for dealing with the invasive Japanese Knotweed in the disturbed area to be restored.
- A written and drawn narrative for the proposed mitigation.
- Review of proposed barrier.
- DEP information on pesticide control of knotweed and levels of pesticides to be used.
- Quarterly Monitoring of the site to ensure mitigation plan is working for 3 years.
- A mitigation bond to be calculated and held for a minimum of 3 years.
- The plan must be reviewed and approved by the Inland Wetland Agency.

MaryRose spoke with Amy Bourne of the ACOE who spoke with their mitigation personnel who advised that hand removal and then tarps and appropriate upland herbicides to try and get rid of the Japanese Knotweed is allowable..

Chris Field of Field & Son's Builders and Otto Theall of Soil and Wetland Science are here this evening.

Otto submitted his narrative and reviewed such (attached) and further stated that he consulted experts and used this input in his report. MaryRose questioned what experts. Otto stated the DEP Invasive Plants group, the DEP Pesticide group; Brad Robinson, Todd Mervash and Paul Capotosto of the DEP Wildlife Division; Roger Wolf, Richard Bobwich, Licensed Pesticide Applicator.

MaryRose asked about the inspection schedule to be quarterly for 3 years. Otto stated that it would be to start and if adjustments are needed after the initial inspections; maybe 3 times per year.

MaryRose stated that all items of concern have been addressed except the cost and bond and this can be handled administratively and the project can not start without this.

The following motion was made by Margeson, seconded by Munson:

I move to modify violation IW-V-11-023 to accept the proposed mitigation plan received this evening and require the following:

- Implementation of the mitigation plan received 7/6/11 by 7/15/11.
- Completion of the removal work and restoration phase of the mitigation plan by 9/1/11.
- A monitoring mitigation bond based on the estimate submitted must be submitted by 7/15/11 and will be released after review and approval of final report September 1, 2014 after year 3 of monitoring.

The motion carried unanimously.

1. **IW-A-11-021: Cascade Boulevard, Garden Home Management** – proposed construction of a 36 unit multifamily rental building within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is an application by Garden Homes Management for a 36-unit multifamily rental building with associated grading, stormwater treatment and parking within 100' of a wetland in the South Central Shoreline Watershed. It is a 3.66 Acres site that has 2.53 acres of inland wetlands.

Richard Freedman of Garden Home Management, Steven Trinkus of Trinkus Engineering and Jim Cowen of Environmental Planning Services are here this evening to present the application.

Steven Trinkus of Trinkus Engineering of Southbury PESC PSWQ and 114 Hunters Ridge Road orientated the Agency to the Sheet 1 of Site Plan Set dated 5/20/11. This is a 36 unit, 8,000 sq. ft. building proposed with studio and 1 bedroom units. There are 18 affordable housing units. Trinkus proceeded to review the drainage on site. Permeable pavement is proposed for the parking area. The soils on site were reviewed and there will be a zero increase in run off. The topography of the site was reviewed and the proposed development fits the site. Sheet 2 dated 5/20/11 was reviewed; seed mix is proposed. All utilities will come in through Cascade Blvd.

James Cowan, Registered Soil Scientist and Biologist, 138 Mystic Road, North Stonington, CT – stated that the wetlands were delineated on 4/6/11 and these were reviewed on the plan. The soils on the site were reviewed. He studied the characteristics of the wetland and referenced photos in his report on page 10 and 11. This is a wooded swamp that is being impacted by road sediments and there are some invasives on the site. He did not find any amphibian egg masses or breeding activity on site. He did submit a request to the Natural Diversity Data Base and has not received a response as of yet. He understands that there is box turtle activity on site and submitted a report from Environmental Planning Services dated 7/6/11. He did a wetland functions and values assessment on the site and this is in his report. He reviewed and rated all 13 values and functions of the wetlands. The primary functions of this wetland are:

- Flood flow alterations.

- Wildlife habitat for a variety of species.
- Production export – food for wildlife; berries, seeds, etc.
- Sediment and nutrient retention and transformation.

The secondary function is shoreline stabilization. He recommends native vegetation and sheet 2 of the landscape plan was reviewed. He reviewed the letter dated 7/6/11 regarding box turtles being occasionally observed nearby and believes that box turtles use of this site is likely infrequent and transitory only. In order to avoid loss of turtles during the construction process the following three measures are recommended:

1. Install exclusion fencing (i.e. silt fencing) in a continuous fashion from curb to curb prior to the start of construction. Silt fencing should be installed between November and March when turtles are inactive.
2. Once exclusion fencing is installed, the construction area should be surveyed prior to the start of construction. A minimum of two surveys should be conducted when turtles are most active, roughly between April 30th and June 15th. Surveys should be conducted by a qualified Biologist under weather conditions optimal for the observation of box turtles. Any box turtles observed should be moved safely beyond the construction zone.
3. Any turtles that had been marked during the Cascade Trails herpetological study should be relocated within designated open space at the Cascade Trail site.

Munson asked about the flood water storage in the report on page 6 and what impact development will have on this. Cowan stated that ground water discharge occurs presently and the design proposed will allow that to continue. Trinkus stated that the site is designed for full infiltration up to a 100 year storm and ultimately seeps out. Munson asked about a wildlife survey. Cowan stated that there is not one due to there are no vernal pools on site and presence of phragmites reduces the habitat value.

McNamee asked about the trees on site. Cowan reviewed them on the plan. There are mixed northern hardwood at the wetland boundary and they looked to avoid tree impact and to preserve a twin maple on site. McNamee stated that if this site was a pass through for turtles, what would this projects impact be to this. Cowan stated that they would travel on the road side, lawn, etc. They are not primarily a forest species. North of the site is a stream by businesses and they may cross there; it is brushy there on the sides.

MaryRose stated that there is not a legend on Sheet 1. Trinkus stated that they will add one. MaryRose stated that on sheet 2 the silt fence is shown through trees; are they to be removed? Trinkus stated that they would not be, they would go around the trees. MaryRose suggested moving the silt fence further away so as to not impact the roots. The 14" maple tree on sheet 2 was reviewed. Trinkus reviewed the sequence of construction and the parking area would be last.

MaryRose stated that there is no anti track pad shown. Trinkus stated that it is on the sheet 2 narrative and he can show it on the sheet. MaryRose is concerned with impacting the soils at the parking area during construction. Trinkus stated that this would be left to the end so it won't be impacted in this case. Cowan stated that there are coarse sub soils underneath and are less likely to compact.

McNamee asked about the 100' review area as it is not on the map. Trinkus stated that that could be shown. McNamee asked about the closest place work would be to the wetlands. This was reviewed; the underdrain is 15' away, the building is 25' away, parking lot 25' away and the bioretention facility is 28' away. It was clarified on the plan that this is 20' away. McNamee asked about the 4" of topsoil to be brought in. Trinkus reviewed this on the plans and stated that it is needed to grow grass. Sheet 2 – ecological seed mix is proposed and does not need fertilizer or lime. Coastal lawn seed mix is proposed and does not get more than 9" tall so it doesn't need mowing. McNamee asked about fencing by the wetlands. Trinkus reviewed access to the building and the units and with studio and 1 bedroom units it is not likely that there will be kids here and he does not see a need for fencing. Cowan stated that trees and shrubs provide stability for the stream and agrees with Trinkus.

MaryRose asked about the invasives. Cowan reviewed this on the plans and they are mostly along the road side and would be eliminated with site construction.

McNamee asked about alternatives. Trinkus stated that alternatives were; no construction and conventional drainage and detention ponds and feels the current plan addresses all potential adverse impacts.

Munson asked about snow removal. Trinkus reviewed areas around the parking lot and perimeter of the site and that permeable lots would not be sanded. As the snow melts it permeates the site. MaryRose asked about Fire Department review as she is concerned with access to the rear of the site. Trinkus stated that they could do PVC pavers and he will check with the Fire Department.

Richard Freedman stated that maintenance of the site would be the responsibility of Garden Homes Management and further stated that they chose the site deliberately to have a building in a protected area and feels this is an ideal use of the site and is a tremendous amenity.

Munson asked if there was any feedback from the public. MaryRose stated that there was not. McNamee stated that in reviewing report pages 4 & 5 on turtles asked, what sort of change will there be if the DEP were to come back with direction to amend recommendations. Cowan stated that he is awaiting a response from the DEP and would make modifications if needed but this is the

proposal at this time. McNamee stated that she would like the City Engineer to review the plans.

A motion was made by Munson, seconded by Cowden that a site walk be scheduled at a time to be determined. The motion carried unanimously.

F. Minutes

A motion was made by Cowden, seconded by Munson to accept the minutes of 6/15/11 as presented and carried unanimously.

A motion was made by Cowden, seconded by Munson to accept the minutes of 6/29/11 as presented and carried unanimously.

G. Subcommittee Reports

Bylaws – Margeson reported that they met on 6/16 and 6/24 and continue to progress and their next meeting is on 7/14/11 at 2:00 p.m. in the IWA office.

Communications – Cowden reported that they did not meet tonight.

Commissioner Training – DeGrego reported that they did not meet tonight.

H. Staff Report

- Office has been busy with inquiries and site inspections.
- West Ave Sewer Fucci Construction is ongoing.
- East Broadway pump station project is ongoing.
- East Broadway interceptor is on hiatus until after Labor Day
- Subway parking lot expansion is ongoing.
- Prospect Falls is ongoing
- CVS is ongoing
- West Avenue and at the old Gulf treatment plant pump station projects are about to start.
- Please remember to call or email me if you are unable to attend a meeting.

I. Chairman's Report

- Chairwoman McNamee welcomed Commissioner Margeson as a full member of the MIWA. He was appointed and sworn in at the 6/27 Board of Alderman Meeting. A resignation was received from Commissioner Levitz.
- Chairwoman McNamee reminded members that it is important to attend meetings and serve on the Agency; it is a serious commitment and obligation.

The next regular meeting will be on 7/20/11.

There being no further business to discuss, the meeting adjourned at 9:35 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.