

Minutes of the Regular Meeting of the Inland Wetlands Agency on July 7, 2010.

**A. Roll Call**

Present: Cathy Collins, Jim Connors, Ken Cowden, John Higgins, Joel Levitz, Lynne McNamee and Phil Fulco.

Absent: Alan Cegan and Eric Karlsen.

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

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.

**D. New Business**

- 1. Permit IW-M-06-059: White Oak terrace, White Oak Terrace, LLC** – 46 unit multi-family residential housing with construction, grading, a culvert and roadwork modification to 24-unit manufactured home community with construction, grading culvert and roadwork in and within 150' of a wetland in the Wepawaug River Watershed.

MaryRose reported that this is a request by Louis D'Amato to modify his permit for a 46-unit multifamily housing project to a 24 unit manufactured home Community. Ron Wassmer is here this evening to present this modification request.

Ron Wassmer, PE, LS of CCG for White Oaks LLC proceeded to review the history of the site. The site is on a dead end street, sheet C-10 was reviewed. The on ramp to I-95 is west of the site; north of the site are Roller Terrace residents; east of the site is the Boston Post Road and south of the site are residents of High Street.

Wassmer reviewed the changes to the two plans on sheet C-5. He had highlighted the watercourse, cross hatched in green, wetlands on the property. The main change is the type of housing – the 2006 plan had 6 buildings with 46 apartment units now they are proposing 24 manufactured home (averaging 48' X 23') sites. As a result of the changes to the type of house there are changes to the plan including the 2 storm water detention ponds. Pond # 2 is slightly larger than before, pond #1 is the same. One building, pad #24, is closer than previously approved. It is now 20' closer to the wetlands and a level spreader has been added for storm water management and to minimize erosion.

The plans page by page were reviewed: C1- cover sheet , C2- site plan addressing zoning standards, C-3 landscaping and mitigation; the landscaping is different due to differences in the shapes of developments but the mitigation plantings along the wetlands remain. Wassmer stated that the wetlands on the site are marginal. A sewer line was run through the site about 20 years ago, at this time they found piles of fill in the wetlands and mixed materials on the wetland soils. So the applicant has proposed

plantings in the wetlands. Wassmer stated that when this comes time to install there will be a walk through with MaryRose to adjust the planting locations as necessary. C-4 reviewed above. C-5 grading plan reviewed. C-6 utility plan reviewed. C-7 lighting plan reviewed. C-8 Sedimentation and Erosion plan; location of silt fencing and additional measures around storm structures. C-9 details. C-10 existing conditions and more detail sheets.

**McNamee** asked about procedure and if the plan can be discussed. Fulco stated that this is a modification to an existing permit not a new application so the focus is on the differences.

**Levitz** asked if there were any problems with the prior application or permit.

MaryRose stated that the concerns were access to the site, treatment of storm water, snow melt and a management plan for the detention basin. These were all conditions of the original permit and have been submitted. Levitz asked if there were any lighting concerns. MaryRose reported that there were not.

**McNamee** asked the difference of impervious surface from the existing permit to proposal. Wassmer stated that he did not have those figures. Fulco stated that the IWA wants these figures and asked if this was the same drainage system. Wassmer stated that there are some differences in the location but that the results are the same. Also, the previous permit has 2 dumpster pads and this modification is for individual cans with driveway pickup to be managed by the applicant. **Fulco** asked if the snow plow plan was the same. Wassmer stated that this would be submitted. Fulco asked about the grass areas. Wassmer reviewed this on G-1, the grading plan of the original application. Fulco asked if there are any restrictions of chemicals. MaryRose stated that this is part of the standard conditions. Fulco asked about roof runoff. Wassmer stated that it goes into the drainage system.

**McNamee** asked about pad 24 verses the previous plan. Wassmer stated that it is 2' from the grading to the wetlands now and fill is proposed and this is different from the original plan. **Fulco** asked how much fill is proposed. Wassmer stated it would be 5' high x 20' wide x 60' long. Fulco asked about mitigation for this. Wassmer stated there are plantings, silt fencing, sedimentation and erosion control protections and split rail fencing with markers. Fulco asked if there is increased mitigation proposed for the increase in fill. Wassmer stated there was not but they could add mitigation plantings and noted that the fill area is in the review area and not the wetlands.

**McNamee** asked about procedure and if requesting alternatives were possible. Fulco stated that it was. McNamee stated that pad 24 is incredibly close to the wetlands and involves fill and asked if the elimination of this was considered. Wassmer stated that they want to maximize the upland area and keep it as affordable as possible. Fulco stated that financial is not an IWA consideration. Wassmer stated that the wetlands are of poor characteristics. McNamee stated that she would like to see comparisons of impervious surface with and without pad 24 and would like the original file for review.

2. **Application IW-A-10-032: 179 Old Gate Lane, The United Illuminating Company** – proposed remedial action and construction of a storage yard with work in and within 100' of a wetland in the Indian River Watershed.  
This item is on the agenda for the first time and can be heard at the 7/21/10 meeting.

**E. Old Business**

1. **Violation IW-V-10-016: 267-279 Brewster Road, Estate of Doris Frank** – work within 100' of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Remediation to be completed by 10/15/10.

**MaryRose** reported that there has been no change and the Bernard's must have the plantings installed by 10/15/10. The grass is coming in slowly and erosion controls are present on the site.

2. **Violation IW-V-10-018: 21 Maddox Avenue, James H. Foley** – Clear-cutting and removal of vegetation in and within 100' of a wetland or watercourse in the Housatonic River Watershed without a permit.

**MaryRose** reported that she visited the site yesterday (7/6/10) and met Carolyn Foley. Ms. Foley apologized that they had not responded to our letter and stated that she had left the area alone and it is repopulating with native weeds and vegetation. She stated that she had not been able to look for the documentation from the DEP stating that it was her land and the name of the person at DEP who told her it was ok to clear the Phragmites. She asked that the Agency give her until the fall to find or get copies of the paper work on her yard.

At the 6/2/10 meeting the IWA moved to require the property owner to have the wetland flagged by a certified soil scientist or professional wetland scientist to determine the extent of clearing and to submit a site plan by a licensed land surveyor or engineer showing the location of wetlands on the site, the extent of work in the wetlands and a planting plan to stabilize the area by 7/21/10.

The area is stable – and greater than 80% revegetated with natives. **MaryRose** recommended that the IWA give the Foleys until September 1<sup>st</sup> to gather their information to answer the violation. She would not recommend additional clearing adjacent to the road until that information is received.

A motion was made by Connors, seconded by McNamee that cease and desist order IW-V-10-018: 21 Maddox Avenue be modified to allow the information required at our 6/2/10 meeting be submitted by September 1, 2010. The motion carried unanimously.

3. **Violation IW-V-10-019: Raton Drive, Roderick McNeil, McNeil Enterprises, Inc.** – clear-cutting and removal of vegetation and stockpiling of material in and

within 100' of a wetland or watercourse in the Housatonic River Watershed without a permit. Information to be submitted by 7/21/10.

**MaryRose** reported that she is still waiting on a letter and a site visit with Mr. McNeil, his information is required to be submitted by 7/21/10. No action taken.

4. **Violation IW-V-10-025: 98 Fresh Meadow Lane, Anthony and Jennifer Green** – clearing and stockpiling of material within 150' of a wetland or watercourse in the Wepawaug River Watershed without a permit. Information to be submitted by 8/18/10.

**MaryRose** reported that the Greens are to submit their information by 8/18/10. No action taken.

5. **Violation IW-V-10-026: 715 New Haven Avenue, James and Cathleen Haley** – disturbing the natural and indigenous character of a wetland or watercourse by obstruction of flow in and within 100' of a wetland or watercourse in the Indian River Watershed without a permit. Information to be submitted by 9/1/10.

**MaryRose** reported that this a violation issued 6/10/10 to James and Cathleen Haley for disturbing the natural and indigenous character of a wetland or watercourse by obstruction of flow in the Indian River Watershed. Mr. Haley has cleared a path for the water and pressure washed the piping. He had done the work just prior to the last storm and the area drained nicely after that storm event. The Complainant spoke with Kathy in the Office and thanked us for getting the drainage fixed. Mr. Haley has submitted pictures showing the clearing work and new mesh over the intake pipe. He has requested that we waive the requirement for the soil scientist and engineer given that the problem seems to be resolved and the costs for such experts is high given that a solution seems to have been reached.

**McNamee** asked that the Complainant document this and asked if the maintenance could be documented. MaryRose stated that it could be revisited and the easement needs to be maintained and can be put in the land record. No action taken.

6. **Application IW-A-10-027: 30 Cedar Hill Road, Mr. and Mrs. DeForest Smith** – application to subdivide a 5.7 acre residential property with filling and mitigation within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this is a proposal by Mr. & Mrs. DeForest Smith to subdivide their property at 30 Cedar Hill Road in the Indian River Watershed. Access to the new lot will require 430 sq. ft of fill for a wetland crossing. There is also a proposal for filling 2,720 sq. ft of wetlands to provide additional yard area. The applicants are proposing mitigation in several areas of the Lot 1 for the proposed work on Lot 2. That work includes removal of sediments and enhancements to an existing pond, diversification of plantings, stabilization of an existing leak off and removal of invasive species. A public hearing will need to be held on this application due to receipt of a petition with 25 signatures. Ray Macaluso of Westcott and Mapes was in attendance to present the application.

**Macaluso** reviewed that this is a proposal for a two lot subdivision. There is an existing house on the lot and there is no house design for the second lot at this time, when there is, they will come back before the IWA. The applicant is just looking to subdivide at this time. Macaluso oriented the site and reviewed the conceptual plan. This is a 5.7 acre site and the subdivision is for 1.6 acres for a single family home with the driveway off of Cedar Hill as well. The wetlands and watercourse on site was reviewed. 430 sq. ft. of fill is proposed for the driveway access. 2,720 sq. ft. of fill is proposed to accommodate the building set back. This is the preliminary phase; phragmites would be removed and runoff would be stabilized to protect the watercourse. 730 sq. ft of plantings are proposed as well as cleaning out the pond of debris and the enlarge it to allow for flow and stabilization. The site is currently like botanical gardens and maintained very well. MaryRose has been on site.

Fulco asked where the wetlands boundary was. Macaluso located and reviewed this on the plan.

The following motions was made by Connors and seconded by McNamee:

Due to the receipt of a petition with over 25 signatures, I move that a public hearing be scheduled for application IW-A-10-027, 30 Cedar Hill Road. The Public Hearing is scheduled for August 4, 2010.

I move that a site walk be scheduled for application IW-A-10-027: 30 Cedar Hill Road on July 15, 2010 at 4:30 p.m. The motions carried unanimously.

#### **F. Minutes**

A motion was made by Levitz, seconded by Higgins to accept the minutes of 6/2/10 with the addition. The motion carried unanimously.

A motion was made by Connors, seconded by McNamee to accept the minutes of 6/16/10 as presented. The motion carried unanimously.

#### **G. Subcommittee reports**

McNamee reported that the committee met on 6/16/10 and are progressing and hope to wrap up on 7/21/10. MaryRose stated that she will find out if the IWA or the City Attorney is the first approval.

#### **H. Staff Report**

MaryRose reported that she has not had time to do the research Lynn requested and to make the changes to the letter you requested. In the last two weeks the Acting DPLU Director chose to have Kathy training in P&Z and to have Kathy and herself train a P&Z Clerk in the IWA. Now that Kathy has started as the ZEO the MIWA clerk position is no longer staffed. She was told there would be a plan revealed to her when Kathy moved to Zoning. The plan is that she will be alone in the office. When she goes into the field the phones will be forwarded to the DPLU seasonal temporary clerk. If she would like one of the clerks to do copying or typing for her, she can bring them the material and they will call her when it is finished. Again she expressed

concerns that the functions of the Agency are being slowed down and it is reducing the productivity of the Agency.

The Acting DPLU Director sent her an email last week stating that he is willing to talk to any of you – you just need to call for an appointment. She forwarded that information to the Chair who wanted to talk about it this evening given FOI concerns. A discussion followed regarding MaryRose and Fulco meeting with the DPLU Director. McNamee stated that she feels a document should be drawn up with concerns and would like to review any document if it is representing the board. Levitz disagreed and felt that a new person wants new rules and feels there should not be an official document but should be a one on one discussion.

Fulco stated that the IWA was never consulted and was not part of the KIMBEL Report. McNamee and Collins feels the IWA should move forward towards solutions; it's been a few weeks with the new plan and these specific things need to be fixed.

The DPLU acting director requests that the Chairman be allowed to sign off while MaryRose is on vacation. A discussion followed; the Chairman is not a city employee and this is a commitment; this needs to be addressed on a longer term basis and only someone who is qualified should sign off on anything.

Business has been typical for this time of year sheds, decks, pools and small additions. West Ave Sewer is still on hold.  
Buckingham Ave sewer is moving along.

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

## **I. Chairman's Report**

Please review material that was distributed.

There will be a ByLaws Committee meeting on 7/21/10.

There will be a site walk on 7/15/10.

The next regular meeting will be on 7/21/10.

There being no further business to discuss, the meeting adjourned at 9:10 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.