

## **Minutes of the Regular Meeting of the Inland Wetlands Agency on August 4, 2010.**

### **A. Roll Call**

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

Absent: Ken Cowden, Eric Karlsen and Steve Munson.

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 Hearing**

- 1. 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 ft. of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this Public Hearing has been cancelled due to failure to notice. The following motion was made by Connors, seconded by McNamee:

The Public Hearing for IW-A-10-027 30 Cedar Hill Road be rescheduled to 9/1/10.  
The motion carried unanimously.

### **D. Public Comments**

None.

### **E. New Business**

- 1. Proposed MIWA 2011 Calendar** – No action taken.

### **F. 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.

No action taken.

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. Information to be submitted by 9/1/10.

No action taken.

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 the IWA requested that the materials be submitted by 7/21/10. The information was not received. Therefore, the IWA gave Mr. McNeil until 8/4/10 to submit the information. Mr. McNeil stopped into the office last week and stated that he would not be able to submit the requested information by the IWA's deadline. He anticipates that he may be able to come before the IWA or provide the information by mid September. After some discussion, the following motion was made by Connors, seconded by Levitz:

I move that the cease and desist order IW-V-10-019, Raton Drive, be referred to the City Attorney's office due to lack of compliance with the IWA's 6/2/10 order. The motion carried unanimously.

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 she spoke to Mrs. Green today and reviewed pictures of the site. They are selecting plantings for the stream bank and were concerned that they would have to remove the plantings that have come in to put in plantings to satisfy the order by 8/18/10. She told her that she would suggest to the IWA this evening that the order be modified to require a plan and plantings by 10/15/10 for 2 reasons. **1.** The plants will do better if planted in the fall and **2.** MaryRose can walk the site with her in late September and determine the most likely spots for erosion as the existing vegetation starts to die down for the winter.

The following motion was made by Connors, seconded by McNamee: I move that cease and desist order IW-V-10-025, 98 Fresh Meadow Lane, be modified to have a planting plan and plantings by 10/15/10. The motion carried unanimously.

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.

A motion was made by Connors, seconded by Levitz to release the violation with the condition that there is regular maintenance of the drains on the property. The motion carried unanimously.

6. **Permit IW-M-06-059: White Oak Terrace, White Oak Terrace, LLC** – 46 unit multifamily 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. The only requested information outstanding is the submission of a storm water maintenance plan. At the 7/21/10 meeting the Agency discussed the removal of Pad #24 to reduce the impact of the development on the adjacent wetland. The Agency asked to review the minutes from the original approval, those minutes were in your mail. Ron Wassmer could not be here this evening does the Agency have any additional questions for the applicant?

McNamee would like a confirmation that the storm runoff in the current runoff is for 100 year storm and not a 25 year storm. She also asked if we have copies of the assessment of the quality of the wetlands – ie the soil report. What did Mr. Wassmer mean by the poor quality of the wetlands and what is he basing that on?

**No Action Taken.**

7. **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.

MaryRose reported that this is a proposal by United Illuminating to do required remediation work in a wetland on a parcel that they are acquiring and then construct a storage yard in the upland and review areas on that property. A public hearing was scheduled for this Application for the next meeting of 8/18/10. If there are any questions for the applicant or if further information is needed, please let the office know so that it will be available at their presentation.

MaryRose reported that the flood zone hits a portion of the 1 to 1 slope in the rear of this property and there is a concern with placement per the Acting City Engineer.

8. **Violation IW-V-10-035: 0 Bridgeport Avenue, CBS Outdoor** - clearing and dumping of debris within 100' of a wetland or watercourse in the Housatonic River Watershed without a permit.

MaryRose reported that this is the violation issued to CBS outdoors for clearing work within 100' of a wetland in the Housatonic River Watershed. Richard Bourne of CBS had the area restored within a week of the issuance of the violation by removing the large woody debris deposited in the wetland and review areas. The lease for these billboards dates back to the 1930's. The most recent lease agreement does not

reference a map but gives the Lessee (CBS) the right to maintain their advertisement, existing devices and activities necessary or useful in the Lessee's use of the structure. There is no map and the agreement does not call out specific limits for clearing. Therefore she suggested that the Violation be released and Lessee be reminded that a permit is required for maintenance work within 100' of a wetland in the future.

A motion was made by Connors, seconded by Levitz that the cease and desist order be released with the condition that the next time the applicant needs to clear the property, they obtain a permit for work within 100' of a wetland. The motion carried unanimously.

**9. Violation IW-V-10-034: 182 Milford Point Road, Ralph Roballey, SDM, LLC, TCD, LLC – work within 100' of a wetland or watercourse in the Housatonic River Watershed without a permit.**

MaryRose reported that this is a violation issued 7/15/10 to Mr. Ralph Robally, SDM LLC & TCD LLC for clearing of brush and trees and dumping of some debris within 100' of a wetland in the Housatonic River watershed without a permit. This violation was upheld at our last meeting the mail sent to the address of record for the property owner was returned. She worked with the Tax Collector to find a different address for the owner. At this time we have not heard from the applicant. She will contact the City Attorney's office to see how to proceed.

A motion was made by Connors, seconded by Levitz that cease and desist order IW-V-10-034, 182 Milford Point Road be referred to the City Attorney's office due to lack of compliance with the IWA's 7/21/10 order. The motion carried unanimously.

**10. Application IW-A-10-33: 734 Bridgeport Avenue, Gershman Brown Crawley, Inc. – proposed retail structure with construction and grading within 150' of wetlands or water courses in the Beaverbrook Watershed.**

MaryRose reported that this is a proposal by Gershman Brown Crawley Inc to raze the existing buildings at 734 Bridgeport Avenue and to construct a CVS pharmacy on the property. They are proposing a decrease in impervious surface on the property as well as a stormwater drainage system with hooded catch basins, a swirl concentrator and infiltration galleys to a riprap dissipater with an outlet 10' from a wetland on the property. Westcott & Mapes has reviewed the plans as the City's on-call Engineers. Their report is in your mail this evening. The applicant realized that the Agency may be having a late meeting due to the public hearing on the Agenda and thought it best that they do their presentation at our 8/18/10 meeting. If the Agency would like a site visit we could schedule one at this time. No action taken.

**G. Minutes**

A motion was made by Connors, seconded by Levitz to accept the minutes of 7/21/10 as presented and carried unanimously.

**H. Subcommittee Reports**

No action, the committee is to reconvene in October. They are waiting to hear from the City Attorney's office. Fulco suggested this committee also review procedures.

**I. Staff Report**

- West Avenue Sewer is still on hold. A discussion followed on the West Avenue billboard work.
- Buckingham Avenue sewer is moving along.
- The East Broadway pump station project has begun.
- Please remember to email or call the office of attendance of meetings.

**J. Chairman's Report**

- Fulco received a call from Doug Novak, Acting DPLU regarding the signing of permits in MaryRose's absence. There will be a new DPLU as of next week. Fulco suggested waiting to meet with the new Director. McNamee stated that the IWA already decided that no one would sign in MaryRose's absence and she recommended that this stand as is. The IWA has the authority to designate an Agent not the Department Director. Levitz agreed with this. Fulco will relay this to Mr. Novak that MaryRose is the IWA's Designated Agent.
- There is a symposium on invasive species on 10/14/10. If interested in attending, please contact the office. McNamee asked if there were any training available on line. Fulco stated that he would suggest this.

The next regular meeting is on 8/18/10.

There being no further business to discuss, the meeting adjourned at 8:20 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.