

Minutes of the Regular Meeting of the Inland Wetlands Agency on December 04, 2013.

A. Roll Call

Present: Cathy Collins, Allen Cegan, Ken Cowden, Dave DeFlumeri, Carol Dunn, Lily Flannigan, Richard Lutz, Brendan Magnan, Justin Margeson and Steve Munson.

Absent: Jim Connors and Ken Cowden.

Also Present: MaryRose Palumbo and Lisa Streit.

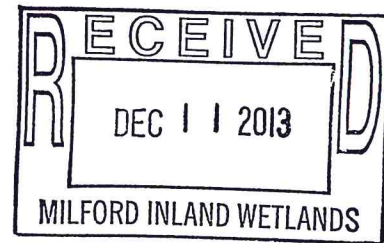
Collins called the meeting to order at 7:30 p.m. and deemed DeFlumeri and Carol Dunn the voting alternates.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.



D. New Business

- 1. Violation IW-V-13-063: 30 Cedar Hill Road, Nancy Smith** – removal and deposition of silt and material from a pond and intermittent watercourse with work in and within 100' of a wetland or watercourse in the Indian River Watershed without permit.

MaryRose reported that this is a cease and restore order issued 11/26/13 to Deforest and Nancy Smith for maintenance work they had done on their pond and intermittent watercourse without benefit of a permit. She received a complaint and visited the property on 11/19/13. Mrs. Smith explained that they had removed the sediment that had accumulated in the intermittent watercourse and shallow pond on their property and was blocking flow. They had proposed the work during an earlier application that never went forward and understood that removal of the debris and sediment was reasonable maintenance of their property. Section 4 of the Regulations allows for maintenance of a residential property but excludes removal or deposition of substantial amounts of material from a wetland or watercourse. She and Mrs. Smith discussed stabilization and planting options. Mrs. Smith installed hay bales to prevent material from washing downstream in a heavy rain event. Due to the time of year they determined that plants would be unlikely to establish and stabilize the area at this time. They discussed stabilizing the area with sterile hay and hay bales in the intermittent watercourse with plantings to be proposed for the spring.

Mrs. Smith was present to answer any questions.

MaryRose recommended that the Cease and Restore be upheld and that the site be stabilized for the winter with plantings to be installed by 5/7/14.

Nancy Smith, 30 Cedar Hill Rd submitted a proposed planting plan and information on the proposed plants. Mrs. Smith explained that the pond was dug when they built the house in late 70's under permit. They have done this type of maintenance 2-3 times since then; essentially removing leaves and sediment from the pond and the intermittent watercourse allowing the water to flow.

MaryRose reviewed the planting plan and agreed that it cannot be done until the spring. The existing hay bales should be watched/replaced as necessary until the area is stabilized.

DeFlumeri asked if they had done this type of work before and if so that there should be a mechanism to do the work, ongoing maintenance without having to come in each time. Mrs. Smith said that every 10-12 years when it is a dry year they hire someone to remove the buildup of leaves and sediment. Lutz asked where the sediment goes. Mrs. Smith stated that the side of the pond; there is nowhere else to put it due to site limitations.

MaryRose will work with Mrs. Smith on a long term maintenance plan with proposed locations for the soils and stabilization.

The following motion was made by Munson, seconded by Margeson:
To uphold cease and restore order IW-V-13-063: 30 Cedar Hill Road, and modify the order requiring the property owner to:

1. stabilize the site, install proper soil erosion and sedimentation controls and call for an inspection by 12/11/13,
2. install plantings per the approved plan and call for an inspection by 5/7/14.

The motion carried unanimously.

E. Old Business

1. **IW-V-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.

No action at this time.

2. **IW-V-13-022: 37 Lakeside Road, Brad Frederick and Britnei Artz** – clear cutting trees and stockpiling material without a permit within 100' of a wetland and watercourse in the South Central Shoreline Watershed.

MaryRose reported that at the 11/20/13 meeting the Agency required that the planting plan be submitted by 2/19/14. No action taken at this time.

3. **IW-A-13-060: Terrace Road, Molly Land Co.** – proposal for 4 houses and driveways with work within 100' of wetlands in the South Central Shoreline Watershed.

MaryRose reported that she received a letter to withdraw this application from Mr. Buddy Field today.

F. Minutes

A motion to approve the minutes of the regular meeting of 11/20/13 as presented was made by Munson and seconded by Cegan. The motion carried unanimously. A motion was made by Cegan, seconded by DeFlumeri to approve the minutes of the 11/25/13 special meeting as presented. This motion carried unanimously.

G. Staff Report

Grove St Pump station and sewer project is finishing the binder paving and will be back in the spring for final paving and planting.

Indian River Interceptor is out for bid.

Sanitary Sewer Infill's No. 1 final paving will be in the spring.

Cascade Blvd- Garden homes is ongoing,

Way Street is ongoing.

Girl Scout Pool – is ongoing.

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

H. Chairwoman's Report

Congratulations to Lily Flannigan who has become DEEP Certified. Carol Dunn is working on hers and once completed, the entire Agency will be DEEP trained.

All 4 members whose term is up have requested term renewal.

Flannigan stated that she watched the Planning & Zoning Board meeting on TV and the Compliance Officer was mentioned; that there were no wetlands and residents took issue with that. MaryRose stated that there were no findings by experts. Flannigan asked if one could build in an upland review area. MaryRose responded that if there was a valid concern, the IWA could review outside of the 100' or 150' review area. Further stating that the IWA could not be more stringent in the review area than in the wetlands; it is a balance statute, not a prohibitive statute. The balance is the property owners' use of their land and protection of the resources.

Dunn asked if the Agency would be getting the habitat study for the withdrawn application. MaryRose explained that if /when they file another application, we will ask for a habitat study and explained that the only information in the wildlife or habitat study that the Agency can consider is if the loss of that species or habitat will negatively impact the wetlands. If a line cannot be drawn between loss of a certain habitat and loss of wetland function or value then it cannot be considered.

The next regular meeting will be on December 18, 2013.

There being no further business to discuss, the meeting adjourned at 8:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa Streit", written in a cursive style.

Lisa Streit

These minutes have not been accepted or approved.