

**INLAND WETLAND AGENCY
MAY 10, 2011 – MINUTES**

Present: Karen Destefanis, Chair; Lou Bonsangue; Ed Holowinko; D. Seeley Hubbard; Marybeth Sullivan; Matt Caputo (7:45)

Staff: Alexis Cherichetti, Senior Environmental Officer

I. CALL TO ORDER

Ms. Destefanis called the meeting to order at 7:05 pm.

II. ROLL CALL

Ms. Cherichetti took the roll call.

III. PUBLIC HEARINGS

- a) **#S10-387 – 11 Hill Street – Fiedler – Continuation of Public Hearing**– Corrective Action restoration in and adjacent to a wetland and watercourse

Ms. Cherichetti explained this was a continuation of the public hearing that opened on April 12, 2011. Ms. Cherichetti took the roll again.

Ms. Destefanis asked if anyone in the audience was present to speak on the application.

Ms. Cherichetti confirmed that no members of the public were present and then briefly explained the procedure for the public hearing to the applicant.

Ms. Destefanis invited the applicant and property owner, Mr. Feidler, to explain in detail the application. Mr. Feidler said he wanted to put a few trees and bushes in and restore the property back to the way it was.

Ms. Cherichetti asked Mr. Feidler about the proposed plan and its scope. Ms. Cherichetti inquired about the extent of pipe that would be removed and noted that the submitted site plan shows only the location of the recently installed pipe. Mr. Feidler replied that he is going to remove all of the pipe.

Ms. Cherichetti asked if the digging would be by hand and Mr. Feidler responded affirmatively.

There was a brief discussion regarding when the application was received and the length of the application review process.

Ms. Sullivan asked who wrote all the notes on the plan and Mr. Fiedler responded that he wrote the notes that indicated where the trees, pipes and excavation are.

A Commissioner asked if the application dealt with the items cited in the Order. Ms. Cherichetti read the enforcement order to the Commissioners.

Ms. Destefanis asked the applicant if he intends to remove the pipe and the gravel. She also asked the applicant if he intended to follow Ms. Christie Coon's letter of March 16, 2011 that recommended a mitigation plan and to put up silt fence. Mr. Feidler responded yes.

Ms. Cherichetti asked if the proposed trees would be spread out along the northern rear property line or would be located in the circle on the plans he submitted. Mr. Feidler said that the trees could be over an area of the rear.

Ms. Destefanis asked Ms. Cherichetti if the proposed two plant species were appropriate for the wetland. Ms. Cherichetti responded that the plants were native wetland plants.

Ms. Cherichetti asked where the seed mix would be planted. Mr. Feidler said in the wetlands.

Ms. Cherichetti asked how the Agency would know that all of the gravel had been sufficiently removed from the wetland area. Mr. Feidler responded wondering what proof she wants. He added that he could pile the gravel in his driveway for the Commissioners to take a look at it.

Mr. Bonsangue asked if Christie Coon flagged the wetlands. Mr. Feidler responded no.

Ms. Cherichetti asked about the excavated area in the eastern - right rear - corner of the property. She asked what grade that area would have after the gravel was removed. She noted that at the time of her inspection it had been excavated. Mr. Feidler responded he would bring it up to about two feet from where it is now, so that it will be level ground.

Ms. Cherichetti asked about any proposed restoration of the watercourse. Mr. Fielder explained that the water would stay and flow across his yard.

Mr. Bonsangue asked Ms. Cherichetti about the mitigation plan and if Ms. Coon's plan acceptable.

Mrs. Cherichetti responded that that she considered Ms. Coon's letter to be just a letter, and that it did not constitute a plan.

Ms. Cherichetti noted that a Significant Regulated Activity application requires a site plan or map must show, in detail, the activities... such as where the gravel is currently located and where it would be removed, where the plants would be planted, where there would be grading and where there would be excavation. Ms. Cherichetti referred to the Inland Wetland Regulations and the described application requirements.

Mr. Hubbard asked if any of that was shown on the materials submitted and Ms. Cherichetti responded, no. She noted that the plan only shows where the previous activities that were

performed without a permit were located, not a restoration plan or any information indicating the location or scope of the future activities that have been discussed.

Ms. Cherichetti explained that an application should have a site plan that show proposed work with a narrative to help explain the site plan. She added that this particular application does not have a site plan, and relies on various narratives.

She explained that a site plan is important because, for example, when the Environment Compliance Officer goes out to do an inspection, there is no plan to follow and no way to determine if an excavator filling the wetland area is a permitted activity or not.

Ms. Destefanis stated that she finds it difficult to follow without detailed plan.

Ms. Cherichetti asked if the applicant had any proposed sedimentation and erosion controls for the water that is leaving the property on the eastern property line to keep it free of sediment. Mr. Feidler responded that he could put in whatever the Commission wanted.

Ms. Destefanis asked if he were doing all the work by hand, how long would it take. Mr. Feidler said he had no idea how long it would take to complete by hand.

Mr. Hubbard asked if the proposal is to implement Christie Coon's plan. Mr. Feidler said yes.

Mr. Bonsangue asked if the application materials submitted, such as Ms. Coon's plan, were sufficient. Ms. Cherichetti said the letter from Ms. Coon is not a plan.

Mr. Bonsangue asked if the application was incomplete and Ms. Cherichetti responded that the information provided did not constitute a complete application.

Mr. Hubbard asked if the hearing had to be closed tonight. Ms. Cherichetti affirmed and added there were no more extensions of time available.

Mr. Bonsangue asked if staff would recommend that conditions of approval include the submission of a planting plan and a complete site map showing where all the activities will take place. Mr. Bonsangue then noted that perhaps the Agency needs that before a decision can be made.

Ms. Cherichetti said that permit conditions should not be used to get the information that is needed. The information, she noted, is needed for the Agency to make a decision on the permit application.

Mr. Hubbard asked the applicant if he had any additional information to submit to the Commission. Mr. Feidler responded no.

Mr. Feidler stated that he was not aware that he needed any additional information. He explained that he didn't know he needed to submit additional information because the Conservation Office staff had not indicated that.

Ms. Cherichetti noted that she had sent preliminary review letters asking for additional information.

Ms. Destefanis explained that with the information submitted, the Commission does not know exactly what he plans to do.

Ms. Destefanis suggested that with no one in the audience wishing to speak on the application, the public hearing should close.

***** PUBLIC HEARING CLOSED *****

IV. DISCUSSION &/OR DECISION I

- a) **#S11-392 - 249 Silvermine Avenue – Silvermine Homes, LLC** – Four (4) lot subdivision of land in and adjacent to a wetland and watercourse.

***** MATT CAPUTO ARRIVED AT 7:45 PM *****

Attorney Liz Suchy, of Sandak, Hennessey & Greco representing the applicant Silvermine Homes, LLC, explained that this application would be going to public hearing at the next meeting on May 24th.

Ms. Suchy summarized that the roadway had been straightened out, the cul-de-sac has been widened, and the plans now meet DPW requirements. She explained that a revised subdivision map and civil engineering drawing and any updated reports will be delivered before the end of the week.

Ms. Cherichetti asked if there were major changes to the proposed site plan or the limit of disturbance location. Ms. Suchy said there were only minor changes to the lot configurations.

Ms. Suchy added that the notifications went out to the neighbors regarding the public hearing date.

- b) **#S10-387 – 11 Hill Street – Fiedler** – Corrective Action restoration in and adjacent to a wetland and watercourse

***** MATT CAPUTO RECUSED HIMSELF AT 7:50 PM. *****

Mr. Hubbard asked if the Commission turned down the application what the implications would be.

Ms. Cherichetti explained it was a Corrective Action Application and the applicant was ordered to file for and get an approval to restore the wetland. Ms. Cherichetti said she would issue another Correct & Restore Order and go through a Show-Cause Hearing again for failure to meet the directives of the previous issued Order and give the same directives again.

Ms. Sullivan asked is there a cost associated with the re-filing. Mrs. Cherichetti responded that there would be the application filing fee of \$1,900.00 for a Corrective Action Significant Permit Application. Ms. Cherichetti added that the Agency could certainly entertain a request for fee waiver by the applicant.

Ms. Sullivan asked what it meant to “deny without prejudice”. Ms. Cherichetti recommended that any denial be just a denial with the reason for denial being that the application was incomplete.

There was a brief discussion about the application review timeline.

Mr. Hubbard stated that he felt the application was lacking necessary information needed by the Commission.

Ms. Sullivan asked about the application requirements. Ms. Cherichetti explained the requirements listed in the regulations, including a site plan accurate to the level of an A-2 survey.

***** MR. CAPUTO RETURNS TO THE MEETING AT 8:00 PM. *****

V. BOND RELEASE/REDUCTION

- a) **#S07-295 – 21 Knollwood Road – Cerra** – Reduction of bond associated with corrective action landscaping in and adjacent to a wetland

Ms. Cherichetti recommended tabling #S07-295 – 21 Knollwood Road for reduction of bond.

***** MR. CAPUTO MADE A MOTION TO TABLE #S07-295 – 21 KNOLLWOOD ROAD – CERRA REDUCTION OF BOND.**

***** MR. HUBBARD SECOND THE MOTION.**

***** MOTION CARRIED UNANIMOUSLY.**

***** MS. DESTEFANIS MADE A MOTION TO AMEND THE AGENDA TO INCLUDE A SECOND BOND RELEASE FOR #S09-349.**

***** MR. CAPUTO SECOND THE MOTION.**

***** MOTION CARRIED UNANIMOUSLY.**

- b) **#S09-349 – 10 Douglas Drive – Nenin** - Corrective Action deposition of fill and removal of vegetation in and adjacent to a wetland and watercourse

Ms. Cherichetti explained this permit is eligible for a partial reduction of \$1,250.00 for removal of fill and seeding. Staff recommends the \$1,250.00 be released.

***** MR. BONSANGUE MADE A MOTION TO GRANT A BOND REDUCTION OF \$1,250.00 FOR PERMIT #S09-349 AT 10 DOUGLAS DRIVE.**

***** MS. SULLIVAN SECONDED THE MOTION.**

***** MOTION CARRIED UNANIMOUSLY WITH ONE ABSTENTION (CAPUTO).**

VI. APPROVAL OF MINUTES

a) **April 12, 2011** meeting minutes

Mr. Caputo suggested minor changes on pages 4 and 7.

***** MR. CAPUTO MADE A MOTION TO APPROVE THE MINUTES OF APRIL 12, 2011 AS AMENDED.**

***** MR. HUBBARD SECONDED THE MOTION.**

***** MOTION CARRIED UNANIMOUSLY**

b) **April 26, 2011** meeting minutes

***** MR. HUBBARD MADE A MOTION TO APPROVE THE MINUTES OF APRIL 26, 2011.**

***** MR. CAPUTO SECONDED THE MOTION.**

***** MOTION CARRIED UNANIMOUSLY WITH ONE ABSTENTION (DESTEFANIS)**

VII. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

Ms. Cherichetti discussed an application for 21 Knollwood Drive to construct a deck in the rear yard and confirmed with the Commission that the application could be a Minor Permit Application.

Ms. Cherichetti also talked about the Norwalk River Watershed Action Plan draft for controlling pollution across the entire Norwalk River Watershed. She noted that there will be a Stakeholders Meeting on the evening of Wednesday, May 25, 2011 that is open to the public.

VIII. COMMENTS OF COMMISSIONERS

There was no report of the Chair.

IX. ADJOURNMENT

**** Mr. Hubbard made a motion to adjourn the meeting.**

The meeting adjourned at 8:10 PM.