

MINUTES
INLAND WETLANDS AGENCY
SEPTEMBER 9, 2009 - 7:30 P.M.
TOWN HALL ANNEX - COMMUNITY ROOM 2

I. ROLL CALL

Agency: Scott, Sutphen, Ashworth
Staff: Jones, Silsby

The meeting was called to order by Chairman Scott at 7:30 p.m.

II. PUBLIC COMMUNICATIONS – None.

III. APPROVAL OF THE MINUTES of August 26, 2009

MOTION: To approve the minutes of August 26, 2009

Motion by Sutphen, seconded by Ashworth, so voted unanimously

IV. NEW APPLICATIONS

1. Whittles Earth Processing Facility, 0 Yetter Road, Mystic

Staff reviewed the plans to expand the existing earth processing facility on this 77 acre site. The proposal is to remove material from the slope, west of the current work area. She reviewed the location of the flagged wetlands, noting that they were created to drain stormwater and to settle sediment. There are natural wetlands on the east and north sides of the property, including Haley Brook. The application includes a request to modify the drainage ditches to accommodate the new excavation.

The Agency scheduled a site walk was on Tuesday, September 15, 2009 at 3:30 p.m. Staff will determine the best place to meet.

V. NEW BUSINESS

1. Holdridge Resubdivision Permit Extension, Holdridge Court, Lot B

Staff reviewed the location of the subdivision off Irving Street and Holdridge Court. Work has started on portions of the subdivision not subject to wetland regulations and the owner has asked for a permit extension for the lot with wetlands and regulated area.

MOTION: To grant a two-year extension.

Motion by Sutphen, seconded by Ashworth, so voted unanimously.

2. Inland Wetland and Watercourses Regulation Amendments

Staff distributed a list of amendment regulations that were recommended by the Kendig Keast Collaborative (KKC), the 2002 Plan of Conservation and Development (POCD) and by the Wetland Agency. The Agency reviewed each recommendation.

KKC #1 - Add provisions and standards that would allow for very limited relocation of wetlands when it is determined that avoiding degradation or removal is infeasible. Staff will research other town's regulations and present options for standards.

KKC #2 - Adopt upland review area standards and procedures that conform to Connecticut Statutes. Staff noted that Section 5 of the regulations is not in conformance with state statutes regarding upland review areas. She will present language from the DEP Model Regulations as well as other towns for the Agency's consideration.

KKC #3 - Adopt provisions to allow the administrative review and approval of minor activities within upland review areas. Scott felt that this amendment could lead to undue pressure on staff to issue permits. Sutphen agreed. Staff noted that if the regulated area is expanded as suggested in the next recommendation, permit applications for minor activities could increase. The Agency decided not to pursue this recommendation at this time.

KKC #4 - Possibly expand the upland review area with respect to critical wetlands and/or watercourses. Staff noted that a number of towns have adopted this type of regulation to protect sensitive watercourses and wetlands. She will provide samples from other towns as well as a small map of the town's wetlands and watercourses for the Agency's review.

POCD #1 - Expand the definition of regulated area in the wetland regulations to include areas within a certain distance from inland wetlands and watercourses. The Agency noted that this is the same as KKC #4.

POCD #2 - Establish regulations or policies requiring non-disturbance buffer areas around inland wetland, coastal wetlands, watercourses, and critical coastal resources. Staff noted that this recommendation suggests that no activity be allowed in designated buffer areas. State Statute would not allow such a regulation as the law allows applications to be made for activities within and adjacent to wetlands.

IWA #1 - Establish a system to fine Wetland Regulation violators. Staff noted that this must be done by ordinance rather than regulation. The Agency may pursue this in the future.

Staff noted that this set of amendments will take more time to develop as they will be reviewed by the Town Attorney. Scott noted that the application and adoption process will be the same.

3. Report of Chair

Scott reported that he had asked staff to inspect some land clearing at the Petri Subdivision on Pequot Avenue. Staff presented pictures of the area and reviewed the work allowed by permit 05-04. Vegetation has been cleared from the wetlands and regulated area on the south side of the property and was not allowed by the permit. She will issue an enforcement letter.

Scott asked staff to inspect some clearing activity on the south side of Sandy Hollow Road, just west of Mystic River Ambulance.

4. Report of Staff – None.

VI. ADJOURNMENT

Motion to adjourn at 8:10 p.m. by Sutphen, seconded by Ashworth, so voted unanimously.

Eunice Sutphen, Vice Chairman
Inland Wetland Agency

Prepared by Robin Silsby
Office Assistant II

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