

Minutes of the Regular Meeting and Public Hearing of the Inland Wetlands Agency on February 03, 2010.

A. Roll Call

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

Absent: Alan Cegan 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-A09-048: North Street, City of Milford – Construction of a 60' long pedestrian bridge, 10' bituminous trail and landscape enhancements within 150' of wetlands and watercourses in the Wepawaug River Watershed.

- Fulco reviewed the rules and procedures of a Public Hearing. Fulco noted that the File Contents List is available and on file.
- MaryRose reported that the Certificates of Mailing have been received.
- McNamee reported for the record she had received an email in reference to tonight's meeting from Ann Berman, she did not read the email and forwarded it to MaryRose. MaryRose reported that based on DEP training a copy of the email has been added to the file. A copy of the email has been sent to the City Attorney's office for a ruling.

Gary Sorge of Stantec with offices in Hamden representing the City of Milford proceeded to review the application and submitted an exhibit from 2009 that was shared with the Department Heads of the City of Milford. 5,104 sq. ft. of wetland area is to be impacted. There will be some soil removal and some replacement. He proceeded to orient the site. He reviewed the specs of the proposed bridge which will be 60' long and 12' wide and its proposed location. The original concept was a pedestrian bridge but City officials also thought it responsible to allow vehicle access to the island area. The difference between a pedestrian bridge and an h-20 loading bridge would probably not be measurable in impact to the wetlands. The bridge will have wood timber decking per City preference. The proposal is to remove the invasive species that have little function or value along the river and plant with viburnum and clethra etc. There will be erosion control blankets in place to provide stabilization while the native plants are getting established. Technical drawings for the actual bridge were reviewed.

The bridge location was picked so that there would be minimal disturbance to the wetlands. Sorge stated that in a natural public environment you want dense plantings. The bridge is designed with minimal touchdown in wetland areas.

Fulco called for those **IN FAVOR** of the proposal.

- Joe Woycicsjes, 262 Woodruff Road stated that he is in favor of the removal of the invasives and also for the stabilization of the 120' of riverway in this area. People are trying to cross the river all of the time. The river bank looks like a deserted wasteland and this proposal will make it a park. The bridge is perfect.
- Joe Woycicsjes, Sr. is also in favor of this project.
- Joanna Piscitelli, 29 Revere Place stated that the park is a wonderful asset and will be utilized by many and this bridge will keep the people out of the river. She also feels that vehicle support is important for safety.
- Juliet Woycicsjes, 28 Green Field Road stated that she feels that the park is a beautiful asset and concurs with what the others have said.

Fulco called for those speaking **AGAINST** the proposal.

- Vinnie Piselli, 361 Meadowside Road stated that he has been convinced that the bridge is a good idea but he is not convinced about the landscaping. The lawn between the water and a trail should be plantings. This park is pretty big and nearby to the left of the trail, where the earth day games are – he would like to continue on and enhance the idea that the riparian buffer be extended further up to the path – at the very least with a low mow grass. Also, keeping unwanted vehicles off of the island is a concern.
- Diane Vasseur, 17 Devoll Street, Chairman of the Environmental Concern Coalition stated that the bridge is fine but she has concerns with its use. Also, the riparian zone should be protected. She would also like advance notice of projects. Fulco explained the application process; the application was received and it was decided that a Public Hearing would be scheduled; the neighbors were notified and it was published in the newspaper. Ms. Vasseur further stated that a no mow lawn should be considered.
- Richard Platt, 132 Platt Lane stated that he lives in the area and the bridge is long over due since the flood of 1982. His concern is with vehicular traffic from North Street to West River Street and people using this as a pass through. It is a nice looking bridge.
- Mr. Abbazia, 19 Columbia Drive stated that he loves the bridge but asked if it would have to be paved from North Street.

- Mr. Poutray, 25 Willow Street, Chairman of the Conservation Commission stated that there was a DEP review and asked if this has been accommodated in this plan.
- Mike Degregio, 1089 West River Street stated that he lives next door and the land from the horse run to the scout cabin collects a lot of garbage in that area including flip top cans from the 70's, refrigerators, car parts, etc. He cleaned it all up and DPW came and took it away; it took two truck loads to remove it and he is worried about it getting dumped on again. The area is now all cleaned up. He is in the park every single day and last week he saw a pick up truck in the area and it drove right through the river and out of the park. He is concerned with garbage and vehicular traffic.

Fulco called for **REBUTTAL**

- Sorge stated that this presentation is focusing on the wetlands not park function. However, the bridge is purely pedestrian; many who reviewed the concept thought that it was important for it to be able to carry a vehicular load too. There will be 4 locked collapsible bollards on the bridge - 2 on each end of the bridge – only DPW and city officials will have keys. The bollards are about 3' tall and 2.5' apart. Vehicles will not be able to go through this; the City does not want cars driving through there. The trail there is compacted firm ground, there is no need for road development and there should be no rutting of the road. The plan would have gone further with the riparian restoration and the trail but we are going as far as possible with the funds available. If more riparian zone could have been planted then that is what we would have done.

Unwanted vehicles – bollards will take care of that; the bridge is upstream of the current flat spot used for crossing. Sorge hopes in the future that those areas could be a restoration project. They have not seen a DEP study to remove the dam but this bridge has been designed with scour protection so it could withstand that if necessary. There is a line in the contract that the Contractor will have to restore any area outside of the work zone that has been disturbed during construction to pre-existing conditions.

Fulco called for those **IN FAVOR** of the rebuttal

- Joe Woycicsjes stated that he is in support of the project.

Fulco called for those **AGAINST** the rebuttal

- Diane Vasseur asked if there was any chance of using local people for the work. Fulco stated that this is not an IWA issue.
- V. Paselli asked if a horse could get through the bollards and that this sounds like a good idea and he would like to see this. Sorge stated that horses could fit and that the bridge could withstand the weight of three horses.

Commissioner Comments

Levitz asked about snow and if ice melt would be used to de-ice the bridge. MaryRose stated that Public Works is not planning on using anything; it is a park and there will be no crew plowing. Fulco asked if there would be fertilizers used for plantings. Sorge stated that there would not be; it would be natural.

There being no further comments, the public portion of the public hearing was closed.

A motion was made by Levitz, seconded by Connors to take a five-minute recess. The motion carried unanimously.

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

Based on the information in the file and presented at the public hearing on this application, I move to approve application IW-A-09-048: North Street, based on the plans entitled "*New Pedestrian Bridge and Pond Area Landscape Enhancement Eisenhower Park, Milford, CT*" By Stantec, cover and 5 sheets dated as follows: Cover to drawing 5: 11/9/09, drawing 6: 12/7/09, for the following reasons:

1. A feasible and prudent alternative does not exist because:
 - a. The applicant provided convincing documentation that no change in the size of the footprint, or the location of the footprint would decrease the impact. The Wepawaug River and its associated wetlands bi-sect the park. This proposed crossing is planned at a narrow area of the river, requiring a minimum amount of material for grade changes and a shorter bridge span.
 - b. No feasible alternative is prudent in that a larger more costly bridge could span the area and is feasible but not prudent in that it would require more significant grading for the approaches to the bridge and its scale would be out of proportion for the solution requested – a safe pedestrian passage of the wetlands associated with the Wepawaug River.
2. After duly considering all relevant factors:
 - a. There will be a minimal adverse environmental impact which will be mitigated by the use of sedimentation and erosion controls as set out in the application
 - b. The existence of the bridge does not pose long-term adverse impact to the wetlands and the short-term impacts during the construction phase are adequately addressed by the report submitted in addition to the application and the presentation this evening.
 - c. The short-term impacts during the construction phase shall be mitigated by the following conditions:
 - Erosion and sedimentation controls as described on the above referenced plans.
 - Removal of invasive species and planting of native species as described on the above referenced plans.

- The permittee shall post a performance bond of to be calculated prior to any site disturbance to insure that the site development will proceed and will be completed according to the approved design. The Permittee shall also post a mitigation planting/monitoring bond to be calculated for the monitoring of the construction and plantings of the planting and mitigation areas for a period of 3 years.

The Permit is issued 2/3/2010 and expires on 2/3/2015.

The motion carried unanimously.

D. Public Comments

None.

E. New Business

1. **Application IW-A-10-003: 401 Old Gate Lane, Gabrielli Truck Sales** – renovation and addition to existing truck facility including new parking areas, regarding and stormwater improvements within 100' of a wetland in the Indian River Watershed.

MaryRose reported that this item is on the agenda for the first time and can be heard at the next regular meeting.

F. Minutes

A motion was made by Connors, seconded by Levitz to accept the minutes of 1/6/10 as presented. The motion carried unanimously.

G. Subcommittee Reports

McNamee reported that the Regulations Committee met this evening and are addressing the By Laws and will meet again and continue to do so. MaryRose has done an excellent job.

H. Staff Report

- It is important to remember that as long as you are impartial and follow the Regulations and Statutes your decisions may be questioned but they will stand. If you find that friends, neighbors or acquaintances try to talk to you about items under our review please explain that that is ex parte communications and that you will have to disqualify yourself. It is better for them to write a letter to the file or come and speak if there is a public hearing so that the whole agency can hear what they have to say.
- The Agency office hours have changed they are now 8 to 4:30 to coordinate with Planning & Zoning and the Building Department office hours.
- Doug Novak the DPLU director is looking into changing the ordinance that created the Agency to change the office name to the Inland Wetland Division instead of the

Inland Wetland Agency. Fulco stated that it should be the IWWD since it is the Inland Wetland and Watercourses Agency we just tend to make it shorter but the Agency is responsible for watercourses as well and some people tend to forget that.

- The DPLU has started evening hours in the Building Department. The Building office will now be open from 4:30 until 7pm Wednesday evenings. The Planning and Zoning office and eventually the Inland Wetland office will also have evening hours on Wednesday evenings over the next month or so.
- The West Avenue Sewer Force main has started and will run through September. They are currently working in Caswell Street and will progress towards the West Avenue pump station.
- The Chase Bank on the Boston Post Road is moving along well and there have been no problems on the site. Dalling Construction is doing a good job of keeping the site clean.
- The houses on Marion Ave and West Main Street are moving along. There were some minor erosion problems during the warmer weather a week or so ago but the contractors responded in a timely manner to fix the problems.
- There have been a number of site inquiries, and MaryRose has reviewed and advised on several potential applications that are expected to be seen over the next few months.
- It is important to remember that this is an Agency that reviews, advises and permits proposed projects. There have been a few citizens upset recently that the IWA or the City will not 'just come fix' a problem on their private properties.
- Several training opportunities have been emailed to the members; DEP training information should be available shortly. Last year's sessions are available to view or download from the DEP-IWR website.
- Levitz asked if they are starting construction on conference room A. MaryRose reported that an architect has been hired to design the new offices. The conference room on the second floor has been built in Employment and Training's old office space. The Commissioners will be notified when the meetings are moved upstairs by email, phone and notices on the door of this room A. The new room will then be called Room A.

E. Chairman's Report

- Welcome to new member Cathy Collins, please review and correct any problems on the subcommittee handout.
- McNamee did the right thing by forwarding any potential exparte communication to the IWA office.
- Fulco did receive a letter from an irate citizen and they were told that the IWA would help with the permitting paper work but projects can not be funded.

- Fulco explained the purpose of the Commissioners experience summary is to show expertise in case the Agency needs to rely on it. Please update this summary and submit it to the office. Fulco then explained expert testimony – if there is only 1 expert, then the IWA must believe them. If there are 2 or more experts the IWA can then choose which one to believe.
- The Habitat was in your mail this evening. There is a good article on farming exemptions and other good information.
- Several Training opportunities are available (FOI, DEP, CCM) please consider attending them if possible.
- Milford's Ethics Ordinance should be sent to you by the City Clerk there is training now and again on ethics.
- Ex parte communication was reviewed.

Alderman Frank Goodrich wanted to thank Lynn for reporting that email.

The next regular meeting will be on 2/17/10.

There being no further business to discuss, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.