

Minutes of the Regular Meeting of the Inland Wetlands Agency on May 21, 2008.

A. Roll Call

Present: Barbara Bell, Allan Cegan, Jim Connors, Ken Cowden, John Ludtke, Lynne McNamee, Steve Munson, Jim Richard and Phil Fulco.

Absent: Joel Levitz.

Fulco called the meeting to order at 7:35 p.m. and deemed Bell and Richard the voting alternates.

B. Public Comments

None.

C. New Business

1. **Pre-Application IW-PA-08-022: 245 Orange Avenue, West River Health Care Center** – proposal to construct new driveway and parking area on the northern portion of the property in the Wepawaug River Watershed.

Kathy reported that this is a proposal by West River Health Care Center for an 18 space parking area, associated grading and stormwater treatment within 30' of a wetland in the Indian River Watershed. The applicant's engineer, Nick Ciminello is here this evening to present the proposal.

The proposed stormwater and infiltration system and filter is appropriate for the proposed parking area and should treat the first flush as recommended in the stormwater manual. MaryRose would recommend that the applicant be issued a jurisdictional ruling with conditions including a planting plan to be submitted prior to issuance of the permit, soil erosion and sedimentation control reporting and a bond for plantings, S&E controls and an asbuilt.

Ciminello presented the pre-application. The proposal is for an 18 lot parking area just outside the 30' buffer area. The site is 6.56 acres. The current parking is not adequate for the site and is in need of emergency access. The plans were reviewed. The west runoff is to go to the 2 new catch basins and the east runoff is to go into detention basins and level spreader. The profile of the parking area was reviewed.

Bell questioned detention basins verses cultech units. Ciminello stated that they were actually retention and will drain into the ground. Bell stated that they were not connected to catch basins. Ciminello stated that this was correct. Bell asked if there were any soil studies to show that this system will work. Ciminello stated that there were and that a soil test was done today and this is the perfect soil for this application and is adequate to percolate. He stated that this is his professional opinion as an

Engineer. Fulco clarified that the retention was for the back end and the entry is to go to the catch basins. Ciminello confirmed this and stated that it will discharge to Stubby Plain Brook. Fulco asked if this was adequate for additional runoff. Ciminello stated that it was. Fulco stated that a few years ago a plan for this site was submitted. Ciminello stated that this current plan is much less invasive than the previous proposal. The previous proposal was to cross wetlands and was for 68 spaces. Fulco questioned if this current plan was adequate for the site. Ciminello stated that the applicant feels that it is adequate.

The following motion was made by Connors, seconded by Ludtke:

Mr. Chairman, I move that the Designated Agent issue a Jurisdictional Ruling for pre-application IW-PA-08-022: 245 Orange Ave for construction of a 18 space parking lot and associated driveway, stormwater controls and grading, as shown on the plan entitled "Site Development Plan property of 245 Orange Avenue LLC, Milford, Connecticut" by GHA, 4 sheets dated 4/18/08 with conditions including:

- there will be no work within 20' of the wetlands on the property,
- proper soil erosion and sedimentation controls must be installed and maintained while the site is disturbed
- a planting plan must be submitted prior to the issuance of the permit.
- a bond of \$5,600 must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.

This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses. That is my motion.

The motion carried unanimously.

2. **Pre-Application IW-PA-08-027: 90-92 Woodmont Road, Frank Wilde** – proposal for construction of a new office building and parking area within 100' of a wetland or watercourse in the Indian River Watershed.

Kathy reported that the applicant has postponed presenting this until the 6/4/08 meeting. No action taken.

D. Old Business

1. **Application IW-A-08-011: Plains Road, WDC Milford Assoc. LTD** – proposal to construct two hotels and a conference center with construction parking and grading in and within 150' of wetlands in the Beaver Brook Watershed.

Kathy reported the answers to Board questions from 5/7/08:

1) 7 houses on Ford Street across from the project are not on City Sewer. City Sewer is available in Ford Street.

2) If blasting is required for work on the site – the Applicant will have to comply with existing local State and Federal regulations on blasting. Our Regulations do not call out specific procedures for blasting – therefore the applicant must follow the guidelines of the Local State and Federal Agencies that Regulate blasting. We must balance the proposed use of the property with the affect on the wetlands. The Applicant has stated

on the record at the first public hearing session that they would use mechanical methods to remove it and if that did not work they would use due diligence and follow the laws in place for blasting.

Bell questioned the previous concerns with the sewers. Ludtke stated that he was concerned with disruption with the flow of water and wells and potential peripheral damage. Kathy stated that blasting falls under another agency. Ludtke stated that changes in the water table due to blasting can be addressed and there are options available if blasting must occur. Ludtke asked about the removal of fencing on Ford Street. Fulco stated that the fencing was removed and replaced with additional plantings. Bell wanted to make sure that the Planning & Zoning request is considered. Fulco stated that this will be a staff request. It was noted that Jim Richard read the record for this application.

The following motion was made by Connors, seconded by Ludtke:

Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-A-08-011: Plains Road based on the plans entitled "Milford Place Corporate Center Phase II, Plains Road Milford, Connecticut" by Westcott and Mapes, Inc. cover & 15 sheets dated 2/27/08, the information in the file and presented this evening, 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.
 - b. The applicant provided convincing documentation that the quality, function and value of Wetland Area 4 are all low and protection and mitigation around wetland Areas 1, 2 and 3 would be a prudent alternative to avoiding wetland Area 4 and negatively impacting Areas 1, 2 and 3.
2. After duly considering all relevant factors
 - a. There will be a minimal adverse environmental impact which will be mitigated by the use of mitigation plantings and sedimentation and erosion controls as set out in the application.
 - b. The short-term impacts during the construction phase shall be mitigated by conditions including the following:
 - Additional plantings will be required around wetlands 1, 2 and 3 to equal two times the impacted area of wetland 4
 - Compliance with the City Engineers memos of 4/16/08 and 5/6/08.
 - A maintenance plan for the catch basins, stormwater units, planting islands and mitigation areas will be submitted to the MIWA staff for review and approval prior to the permit being issued.
 - The soil erosion and sedimentation control plan will become part of all sub-contracts on the site. The project manager and all sub-contractors will sign a statement that they have read and understand the implementation of the soil erosion and sedimentation control plan. All violations of the soil erosion and sedimentation control plan not corrected within 24 hours will be charged to the bond at \$100 per violation per day until the violation is corrected.

- A licensed engineering firm and professional wetland scientist whose credentials are reviewed and approved by the MIWA must do weekly and monthly monitoring and reporting on the project during construction to assure compliance with approvals and to ensure that the proposed drainage and erosion controls will be implemented in accordance with the approved plans.
- All De-watering will be through floating intakes and discharges will be through dirt bag or similar devices. These devices are to be included in the weekly erosion control monitoring report and emptied and or replaced per the manufacturer's requirements.
- If the Applicant is successful in reducing the number of parking spaces required by P&Z. They must submit additional drainage information to the MIWA to ensure that the water budget for the vernal pool area is not negatively impacted.
- The applicant shall be required to submit bonds to the MIWA for the construction and environmental monitoring of the project. Construction bonds will not be released until the areas are stabilized to the satisfaction of the Agency Staff and the asbuilt has been received and reviewed. Environmental monitoring bonds will not be released until the end of the monitoring period (monitoring period may be longer than 3 growing seasons with alteration of the plans) and the filing of the Asbuilt for the mitigation and creation areas, on time filing of annual monitoring reports and final assessment report.
- Bond to be calculated by MIWA staff.
- The permit is issued 5/21/08 and expires on 5/21/13.

That is my motion.

The motion carried unanimously.

2. Application IW-A-08-023: West Ave/Bic Drive/Caswell St/Naugatuck Ave, City of Milford Sewer Commission/Westcott & Mapes – proposal to construct a new 30" sanitary force main with work in and within a wetland or watercourse in the Beaver Brook Watershed.

Kathy reported that this is a proposal by the Sewer Commission for a sanitary sewer force main within 150' of wetlands in the Beaver Brook Watershed. Ray Macaluso was in attendance to present the project. MaryRose recommended that a permit be issued for this project this evening.

Ray Macaluso reviewed the plans. This is upgrades for the West Avenue pump station. 65% of the City's sewage goes to the West Avenue pump station and then to the treatment plant. 20.1 million gallons per day. This project will allow for 23.4 million gallons per day. They will be replacing 5 pipes with 4 large dry pumps. The equipment is worn out and will be replaced. It is severely damaged by corrosion and extensive concrete repairs are needed as well. There will be severe consequences if the pump station goes down. There is no way to bypass, it would take 2 weeks. This is a very, very high priority. An additional force main will be installed to prevent catastrophe.

The project will be going under Beaver Brook itself. The flow of piping was reviewed. They will be removing an underground tank and replacing it with an above ground one.

Ludtke asked if a tunnel or slip trench would be used. Macaluso stated that it would be an alternate for jacking or tunneling, they are still in the design process. He reviewed sheet #4 and the area that would require special consideration. Bell questioned the parallel force main and asked where the existing one is. Macaluso stated that it is parallel to it and reviewed this on the plans. It varies 10-15' away from the existing one. Bell questioned trenching through it. Macaluso stated that it will have an open cut and they will decide to trench or tunnel; cost and impact are considered. Ludtke asked if ADP was the only new right of way needed. Macaluso stated that it was and hopefully they would not have to use eminent domain. Ludtke stated that no residential property was involved. Macaluso confirmed that there is not. Richards asked if any existing problems with the force main would be replaced with the new force main. Macaluso stated that he is not sure yet and proceeded to explain that the new one will become the primary and the old one will be backup. Bell asked why the capacity would increase. Macaluso stated that they are replacing all pumps and increasing size for future use.

The following motion was made by Connors, seconded by Cegan:

Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-A-08-023: West Av/Bic Dr/Caswell St/Naugatuck Av based on the plans entitled "City of Milford Connecticut Board of Sewer Commissioners West Avenue Parallel Force Main" by Westcott & Mapes, Inc., cover & 13 sheets dated 4/25/08, the information in the file and presented this evening, for the following reasons:

A feasible and prudent alternative does not exist because:

- 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 applicant provided convincing documentation that the quality, function and value of wetlands in the area of the force main will be protected by the installation of the new force main.

This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.

With conditions including:

- The soil erosion and sedimentation control plan will become part of all sub-contracts on the site. The project manager and all sub-contractors will sign a statement that they have read and understand the implementation of the soil erosion and sedimentation control plan. All violations of the soil erosion and sedimentation control plan not corrected within 24 hours will be charged to the bond at \$100 per violation per day until the violation is corrected.
- A licensed engineering firm and professional wetland scientist whose credentials are reviewed and approved by the MIWA must do weekly and monthly monitoring and reporting on the project during construction to assure compliance with approvals and to ensure that the proposed drainage and erosion controls will be implemented in accordance with the approved plans.

- All De-watering will be through floating intakes and discharges will be through dirt bag or similar devices. These devices are to be included in the weekly erosion control monitoring report and emptied and or replaced per the manufacturers requirements.
- The contractor shall be required to submit bonds to the MIWA for the construction and environmental monitoring of the project. Construction bonds will not be released until the areas are stabilized to the satisfaction of the Agency Staff and the asbuilt has been received and reviewed.
- Bond to be calculated by MIWA staff.
- The permit is issued 5/21/08 and expires on 5/21/13.

That is my motion.

The motion carried unanimously.

E. Minutes

A motion was made by Connors, seconded by Cegan to approve the minutes of the 5/7/08 meeting as presented and carried unanimously.

F. Subcommittee Reports

- Kathy reported that McNamee designed a new pamphlet and this was distributed for review. It was noted that this can be printed for distribution in this fiscal years budget. Please review the pamphlet and action can be taken at the next meeting.
- Bell reported that no Bills were passed.

G. Staff Report

- Kathy reported that MaryRose would be out for 1.5 weeks due to a family emergency. The office has been busy; MaryRose has been out in the field doing inspections and projects.
- The YMCA – all signs are up; it is a nice job.

H. Chairman's Report

- Please review the pamphlet as it is time sensitive in order to be printed by 6/30/08.

The next regular meeting is on 6/4/08

There being no further business to discuss, the meeting adjourned at 8:30 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.