

Minutes of the Regular Meeting of the Inland Wetlands Agency on June 05, 2013.

**A. Roll Call**

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

Absent: Jim Connors, John Higgins and Richard Lutz.

Also Present: MaryRose Palumbo and Lisa Streit.

Collins called the meeting to order at 7:30 p.m.

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.

**D. New Business**

1. **IW-V-11-023: Westmoor Road, Field & Son Builders, LLC** – clearing in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Mitigation ongoing.

MaryRose reported that the mitigation report will be submitted by the end of June.

2. **IW-V-11-049: 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.

MaryRose reported that Mr. Barretta just obtained possession of the property on Saturday and proposed to have the site ready for inspection by the end of June.

3. **IW-V-12-079: 161 Southworth Street, Eric Green, Jr.** – dumping of material and debris without a permit within 150' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this is the violation for filling in and within 150' of a wetland at 161 Southworth Street. At the last meeting the Agency asked that the Applicant submit the following by 5/30/13 for review of the proposed mitigation:

- Proposed mitigation plantings.
- The dimensions of the proposed berm.

- The proposed methods for material removal.
- A specific timeframe for completion of the mitigation.

Mr. Green's contractor didn't realize that the plan had not been approved by the Agency yet and he removed woodchips and created a berm on the site. MaryRose met the contractor on site on 6/4/13. Portions of the berm did not coincide with the South West Conservation District's proposed mitigation plan. She showed the contractor the areas that needed additional material removed and pulled back according to the plan and explained that the Agency had not yet approved the plan and more work may need to be done. He stated he understood but needed to remove his equipment from the site so he would pull back and berm in the area she was concerned with before taking the equipment off site. She did not receive a call for a re-inspection today. The pictures show the area as it was on Tuesday morning before any additional material was removed. The panoramic picture is looking North from the wetland towards the house and berm. The other picture is looking Northeast from the wetland towards the house and shows skunk cabbage shoots of other plants coming up in the lower woodchip area.

Attorney Lynch was present to review the plan and answer any questions. Lynch stated that it was the applicants' intention to do whatever the Conservation District recommended and that is what the contractor was to do.

Collins stated that a violation was issued on 11/27/12 and the IWA has been awaiting a response. The IWA did request a specific plan. Lynch stated that it did take a while to get the report from the Conservation District and get a contractor on site. Collins stated that the work was done without any approval to begin with and now there has been no communication. Lynch stated that he thought the letter he sent to the IWA on 5/15/13 stated that they were doing the work outlined in the Conservation District's report. MaryRose stated that there were recommendations but nothing was approved. Munson stated that based on an article in the newspaper, he is concerned with piles of wood chips spontaneously combusting. Magnan stated that Lynch's letter states – please let me know which indicates the plan was not approved. Lynch stated that he would firm up the mitigation plantings and number of trees to be removed and submit for the Agency's 6/19 meeting.

4. **IW-A-13-003: 211 West River Street, Sydney M. Patchen** – placement of fill to raise a portion of the existing lawn area to the elevation of the residence and remove dying trees with work within 100' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this is an application to allow fill to remain on property at 211 West River St. At the 5/1/13 meeting the Agency requested the applicant submit the following information as requested by the third party review engineers in order to review the proposal:

- The engineering on the wall construction.

- The height of the wall, the plan does not show the elevation of the base of the wall, walls over 42" need to be engineered.
- The applicant's engineer did not speak to the structural integrity of the wall.
- There is no field test data on the wall by the applicant's engineer for the reviewing engineer to evaluate.

The Patchen's engineer Jim Swift submitted a letter on the office on 5/28 which was forwarded to the third party engineer to review this week. MaryRose spoke to Bob Wheway of Codespoti & Associates and he hadn't received the letter, she scanned and sent a pdf this afternoon and have not yet heard back from him.

Our extension for review from Mr. Patchen expires this evening. She would like to ask for a 14 day extension to 6/19 (total of 40 days extended)

Attorney Patchen granted the 14 day extension.

5. **IW-V-13-022: 37 Lakeside Road, Brad Frederick & 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 this is a violation issued 4/26/13 for clear cutting of trees within 100' of wetlands in the South Central Shoreline Watershed without a permit. She received a complaint and walked this site on 4/24/13. The photo sheets being passed around show six trees cut between the Fredricks/Artz property at 37 Lakeside Road and the City owned Open Space parcel around Walker Pond. There is also a pile of soil and material on the boundary of the properties without proper erosion and sedimentation controls. In a significant rain event this material could wash into the Pond and surrounding wetland. The notice was sent out certified mail on 4/26/13, the green card showing receipt of delivery to Ms. Artz was received back in the office on 5/3/13. A notice was sent to the Frederick/Artz on 5/3/13 that the violation was upheld and their presence was requested at the 5/15 meeting. The green card showing receipt of that letter was received back in the office on 5/14/13. At the 5/15/13 meeting the Agency modified the order to require that the violators:

- Stabilize the site.
- Remove of the material piles on the Frederick/Artz lawn up gradient of Walker pond.
- Submit an A-2 survey with T-2 accuracy done by a professional licensed in the State of CT showing the following information at a minimum:
  - Wetlands line as delineated by a certified soil scientist or professional wetland scientist.
  - Property boundaries
  - Tree Survey showing both trees removed and those remaining on the Frederick/Artz/City of Milford properties adjacent to the Frederick/Artz property.

- Propose a mitigation planting plan by a Professional Wetland Scientist to replace the shading/habitat values lost by removal of the cleared trees.
- Propose a timeline for execution of the mitigation plan, including three years of monitoring of mitigation plantings by a Professional Wetland Scientist.

MaryRose received a call from Mrs. Frederick on 5/22/13 stating that they did not realize that they were required to come to the IWA meetings to answer the violation. They understood that the letter said to cease work and they had so they didn't think that they needed to come to the IWA meetings. Mrs. Frederick is here this evening to answer questions on the violation. The purpose of the requested information was to: - clearly identify the property lines, determine the best mitigation for the values lost to the wetland by the removal of the 6 trees, and propose a mitigation plan to replace those values.

Mrs. Frederick, 37 Lakeside Road read a letter dated 5/23/13 that she submitted for the record. MaryRose will give information to the Fredericks to request a SWCD review of the property.

The following motion was made by Munson, seconded by Margeson:

That cease and desist IW-V-13-022 37 Lakeside Road be modified to extend the date for submission of information to 8/21/13. The motion carried unanimously.

- 6. IW-A-13-024: 553 West Avenue, Grillo Services, LLC** – proposal for a facility for leaf composting, tree and brush recycling, processing of topsoil, sale of landscaping products and 4 buildings with road, parking, grading and stormwater improvements in and within 150' of a wetland in the Beaver Brook Watershed.

MaryRose reported that this is a proposal by Grillo Services for a facility for leaf composting, tree and brush recycling, processing of topsoil, sale of landscaping products and 4 buildings with roads, parking, grading and stormwater improvements in and within 150' of a wetland in the Beaver Brook Watershed. The Agency walked the property on 6/1/13. Commissioners Higgins, Connors and Cegan still need to walk the site. The Public Hearing for this site will be 6/26/13 in Parson's Conference room 'C'

The applicant's consultants are here this evening to answer any questions Attorney Anthony Avallone, Fred Mascia, Engineer of Tighe and Bond.

Munson stated that during the site walk the most interesting thing was the DOT fence with the significant debris. The proposal will be filling about 12' into that body of water adjacent to the I95 fence. He has no problem with that but is concerned with the quality of the water. He stated that he assumes the applicant will be talking to the state about removing some of that debris. His concern with the filling is where the water from I95 will then go. He is worried about keeping that debris out and the water quality of Beaver Brook. Collins stated that she is also concerned with the water quality. She asked if there was any thought to bringing the road into the site a different way to avoid the pond.

Fred Mascia stated that they have not talked to the state yet, but they are concerned if they clean it all out it will recollect. The only way to avoid the debris repeatedly building up would be to build a pond on the states property. They initially considered coming in from the opposite side avoiding all wetland impact, but that would require a 150' long span for 2-way bridge which is economically unfeasible.

Magnan asked if there was a provision to cross over the wetland by point K to avoid the wetland and pond. Fred Mascia stated that they had looked at that but that is where the 150' long bridge would be. Because that area is in a flood plain the road would need to be raised up. Magnan asked about water quality and what can be done proactively to maintain the area and raise the quality of the water. Fred Mascia referring to map C3.1 near point K, stated that the State may allow them to ditch and swale to the proposed retention basin by Schoolhouse Road. He will speak to the Grillo's and talk to the State but there may be issues getting that done. Munson stated that he liked the plan but he would like to see anything that can be done to help remove the debris from the site. It may build up again in another 10-15 years but at least it will be reduced. Munson had a question regarding the building off West Avenue and building adjacent to the Fairfield Inn and how snow removal would be handled.

MaryRose asked if the site is active in the winter. F. Mascia stated that the past 2 winters were very active due to the storms, but they do not do major processing in the winter. Magnan stated that he would like to hear more on maintaining the detention pond by Schoolhouse Road.

Munson stated that they are removing a portion of the pine forest for the work on the site and asked if they are proposing to thin the portion of the pine forest that will not be removed. F. Mascia stated that they could do some selective management of the pine forest. MaryRose requested a forestry management plan be submitted.

Dunn asked if there would be issues with the stormwater runoff from the road. F. Mascia stated that the road is to be gravel with minimal paving at the entrance and the crossing of the pipeline.

Cowden asked if there will be fuel storage on site, given there will be machines onsite to be refueled. F. Mascia stated that there will be a fuel tank either in or adjacent to the building on West Avenue. If it is outside it will be a reinforced tank similar to a convault.

Dunn asked if the Herpetologist is looking at the whole property or just the pond area. F. Mascia stated that he is looking at the entire site.

Magnan asked if the development could be moved further away from points O & P to get out of the 150' upland review area. F. Mascia stated that they need to maintain a 50' setback from the property line for zoning approval.

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

That the following additional information be submitted by the applicant for IW-A-13-024: 553 West Avenue at least a week prior to the public hearing on 6/26/13:

- Information on the impact, if any, of any chemicals that may leach from the woodchips/compost to the wetlands and if required any proposed mitigation from this discharge.
- Alternatives considered that may have had a less significant impact on wetlands on the site.
- A forestry management plan.
- Investigate potential alternatives for points O & P be moved from the 150' Upland Review Area.
- Show the fuel tank storage area on the plan.
- Submit a snow removal plan.
- Stormwater runoff.
- Maintenance of stone on the road during plowing.
- Maintenance plan for the stormwater management system.

The motion carried unanimously.

7. **IW-A-13-025: 181 Grinnell Street, Vincent Rondinelli** – installation of trap rock and a 6" PVC pipe for drainage improvements with work in and within 100' of a wetland in the Beaver Brook Watershed.

MaryRose reported that this is an after the fact application for the installation of trap rock and a 6" PVC drainage pipe at the rear of Mr. Rondinelli's property at 181 Grinnell Street. There is no drainage easement shown on the maps for Mr. Rondinelli's property. Immediately after rain there is some drainage along the rear and side of his property. At some point in the past a drain was installed in Mr. Rondinelli's front yard to carry this water across the street to a former Water company parcel which is now Milford Open space. She does not know if the rear of Mr. Rondinelli's parcel fit the definition of intermittent watercourse which is:

**"Watercourses"** means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the City or any portion thereof not regulated pursuant to section 22a-28 through 22a-35 Connecticut General Statutes, as amended. Intermittent watercourses shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following

characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for a duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

When Mr. Rondinelli re-did his rear lawn he put trap rock in the rear for drainage and put loam/topsoil in the remainder of the yard for lawn. His neighbor recently complained that she felt this work was causing water to back-up onto her property. Unfortunately at that time we had not had rain to see what was happening. MaryRose suggested Mr. Rondinelli come in for a permit. On further investigation – She does not know if the area fits the definition of intermittent watercourse. If it is not then the IWA does not have jurisdiction over the area. She would like to view the site after this weekend's rains to see if water is still flowing on Monday – which would be duration longer than a particular storm event.

Mr. Rondinelli referring to the plot plan he submitted. He stated he was told he was responsible for a waterway to the back of his property when he moved in. The first couple of storms the water was almost to his deck. He put 40 tons of trap rock in and then added fill, after he took trees down. Then he had trap rock around the side to go into the City drain. His neighbor has runoff from bedrock and trees with raised roots, and an 8' basement and a large sump pump which causes a bottleneck in the water going around his property. When we recently had a heavy rain there was no water ponded because he added a PVC pipe in the trap rock on the side leading to the City drain. He stated that he has been a carpenter/ contractor /builder since the 70's. Looking at it through the years he wouldn't have touched it. He did the work on his yard in 2000 and stated that the Building Department, Glen from Engineering and Linda Stock from P& Z knew about it. He submitted a plot plan for the trap rock and submitted a plan for a tax break. Everyone knew about it since 2000. He doesn't know if it was wetlands.

MaryRose will get clarification of drainage from the City Engineer and determine if the applicants' understanding is valid that there is water because there are no storm drains in the road.

8. **IW-A-13-014: 121 West Main Street, 121 West Main St. Associates, LLC -** redevelopment to construct two multi-family residential buildings with parking, grading and stormwater improvements in and within 150' of a wetland in the Wepawaug River Watershed.

MaryRose reported that this is a proposed redevelopment by MetroStar to construct two multi-family residential buildings and parking with work in and within 150' of a wetland in the Wepawaug River Watershed. This proposal includes the proposed filling of 0.025 acres of inland wetlands and the enhancement and creation of 0.26 acres of wetlands on the site. The IWA held a site walk on 5/9/13. Higgins walked the site on 5/12, Lutz on 5/14 and

Magnan on 5/6. The Public Hearing for this application is scheduled for 6/19/13.

**E. Minutes**

A motion was made by Munson, seconded by Cowden to accept the minutes of 5/9/13 and 5/15/13 as presented. The motion carried unanimously.

**F. Staff Report**

- The DEEP IWA Commissioner continuing education program information is next Wednesday at Housatonic Community College the following people are registered: Lily & Carol are registered.
- Grove St Pump station and sewer project is ongoing.
- High Street Sewer job is near completion.
- Indian River Interceptor is out for bid and may start in late August or early September.
- Sanitary Sewer Infill's No. 1 is ongoing they will be moving to Seabreeze Ave within the next 2 weeks.
- 134 Old Gate Lane – is ongoing.
- Cascade Blvd- Garden homes is ongoing.
- We will be busy with applications for the next several meetings please remember to call or email if you are unable to attend a meeting, especially site walks and public hearings.
- Collins asked about the dog park, community garden proposed at the Margaret Egan Center. MaryRose stated that it didn't get off the ground this year. They are going forward with fund raising. There is no approval for use of City property.

**G. Chairwomen's Report**

Collins thanked everyone for the 3 hour site walk on Saturday.

The next regular meeting will be on 6/19/13.

There being no further business to discuss, the meeting adjourned at 9:00 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.