

Minutes of the Regular Meeting and Public Hearing of the Inland Wetlands Agency on September 1, 2010.

A. Roll Call

Present: Alan Cegan, Cathy Collins, Jim Connors, Ken Cowden, John Higgins, Joel Levitz, Lynne McNamee, Steve Munson and Phil Fulco.

Absent: Eric Karlsen.

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

Fulco reviewed the rules of a Public Hearing.

1. **Application IWA-A-10-032: 179 Old Gate Lane, The United Illuminating Company** – proposed remedial action and construction of a storage yard with work in and within 100' of a wetland in the Indian River Watershed.

Fulco noted that the File Contents List is on file and available. MaryRose noted that the certificates of Mailing have been received.

Michael Manolakas, LEP, CPG, representing the applicant briefly reviewed the site, which is just over 4 acres. This was reviewed on sheet 3P1.

Jim Rotondo, PE, reviewed plan C-1, the stormwater management plan. There are two drainage areas with catch basins and piping to contain run off to detention systems and outlet control systems. There will be a rip rap apron at the outlet, ultra urban filters for the catch basins and S & E control plans. Plans ES1 and ES2 were reviewed. The peak outflow will be lower than existing conditions. The system is designed for a 25 year storm.

Fulco called for those in **FAVOR** of the application:

None.

Fulco called for those **AGAINST** the application:

None.

Levitz asked about a snow plan. Rotondo reviewed the storage areas on the plan along the perimeter as well as areas away from the wetlands. Levitz asked about the maintenance of the filters. Rotondo stated that there is a maintenance schedule for these per the manufacturer. Fulco asked if this schedule is to be submitted. Rotondo stated that it is on plan C2 and he will get additional information to MaryRose regarding the specific filter.

McNamee referenced the 9/1/10 memo from Codespoti and Associates and asked if all of the concerns from 8/18/10 have been addressed. MaryRose stated that per her email they appear to be addressed and some conditions were suggested.

Fulco asked about the snow plan and asked if there would be extensive plowing. Rotondo stated that there is not as it is not a work area but will be used strictly for storage.

A motion was made by Levitz, seconded by Connors to close the Public Hearing at 7:45 p.m. The motion carried unanimously.

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

I move to approve application IW-A-10-032: 179 Old Gate Lane based on the plans entitled "*179 Old Gate Lane, 179 Old Gate Lane, Milford Connecticut*" by Rotondo Engineering, LLC, 4 sheets dated 7/6/10, "*Old Gate Lane Property, Milford, Connecticut*" by Blades & Goven, 1 sheet dated 6/29/10, "*United Illuminating Company, 179 Old Gate Lane, Milford, Connecticut*" by Leggette, Brashears & Graham, Inc., 1 sheet dated 7/2/10, the information in the file and presented this evening, for the following reasons:

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

- Compliance with Bob Wheway's memo of 9/1/10 as received this evening
- If subsurface investigation reveals that changes must be made to the retention system design, those revisions must be submitted to the MIWA for review.
- A bond to be calculated 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.
- The permit is issued 9/1/10 and expires 9/1/15.

The motion carried unanimously.

A five minute recess was taken.

- 2. Application IW-A-10-027: 30 Cedar Hill Road, Mr. and Mrs. DeForest Smith –** application to subdivide a 5.7 acre residential property with filling and mitigation within 100 ft. of a wetland or watercourse in the Indian River Watershed.

Fulco reviewed the rules of a Public Hearing.

Fulco noted that the File Contents List is on file and available. MaryRose noted that the certificates of Mailing have been received.

Ray Macaluso of Westcott and Mapes reviewed the plan. They are requesting a subdivision of an existing property. Sheet 1 was reviewed; this is a 5.7 acres site. The northerly piece is 1.6 acres to be subdivided to make the site into two lots. The plans are not completely engineered. They are waiting for house prospects and input from the builder. They are proposing mitigation for the entire site. Sheet G1 was reviewed showing the brooks and pond and their flow. The building set back line for proposed lot 1 was reviewed; 430 sq. ft. for the box culvert and 2,720 sq. ft. to be filled. They would like to enhance the pond area. They would like to do filling and mitigation for the whole property on a 2 to 1 basis not lot by lot. Sheet EC2 was reviewed; the existing drainage conditions. The drainage is coming from offsite to the brook. The existing flows were reviewed. This proposal will have zero increase in runoff. Sheet C3 was reviewed; the proposed drainage conditions. 250 cu. yds. of fill is proposed with a height of 2.5' to install a drain to pass through to the brook. They are not changing or adding to it and they are maintaining a zero increase in runoff. A temporary crossing is proposed until there are full engineered plans with a builder. This proposal is in order to move forward to Planning & Zoning for a subdivision.

Jen Beno, Biologist, 16 years with SSES, reviewed sheet C2, which is the existing drainage conditions. She inspected the site on 2/5/10 and on 5/3/10 and the plan from Westcott and Mapes of 5/28/10 to compile her report of 6/3/10. This is a 5.7 acre site and she reviewed the existing house and driveway. There is one long wetland corridor on the site of 1.3 acres, an intermittent watercourse and a pond. She then reviewed the flow directions. The wetland continues off site and is bordered by existing residents and wooded upland. The homeowners maintain the area. The rear area has debris; yard material, etc. The wetlands functions are: wildlife habitat, visual aesthetics, flood control and nutrient and sediment removal. Mitigation was reviewed:

- To stabilize the driveway leak off area by wetland flag 68.
- To clean out the pond (organic material is filling in now) which will increase habitat and diversity as well as aesthetics.
- Planting of wildlife shrubs within the wet meadows portion.
- Stabilize the banks of the intermittent watercourse.

- Invasive species removal; phragmites.

Fulco called for those in **FAVOR** of the application:

None.

Fulco called for those **AGAINST** the application:

Attorney **John Mager**, 33 Brett Cliff Road, with business at 87 River Street – stated that the neighbors have retained Land Tech Consultants to evaluate the site and submitted their report. The lack of information is a concern; everyone has a right to develop their property within reason. Per Macaluso's presentation the project "has not been completely engineered" and this is a concern. There is no way to adequately measure what the impact will be. To guarantee a zero increase in runoff without engineered plans is hard to accept. Page 2 of the report by Mr. Alan states that there is no detail of fill; watercourse crossing, utilities or pond dredging details. This proposal should be deemed a significant impact with 3,000 sq. ft. of wooded wetland loss proposed. He is perplexed by the offer of banked mitigation without knowing what the plan is.

Dave Rutkowski, 44 Cedarhill Road, stated that he lives adjacent to this property and downhill and downstream from this. This is a wooded natural environment and he feels that the loss of wetlands would be a detriment. He sees deer, turkey, amphibians and dragon fly. Once this is lost it can not be gotten back. The area has a high volume of water and there is often flooding at 44 and 36 Cedar Hill Road and this will be further exasperated by this proposal. He submitted his letter.

Robin Warsaw, 10 Brett Cliff Road, stated that her grandfather Tony Gilormine was a builder in the 1950's and 1960's and he would never clear cut a lot but would cut the least possible; this was long before things were environmentally correct. Since this house was built 10 years ago (30 Cedar Hill Road) the neighbors have had to install 2 sump pumps. There is a lot of wildlife in the area; red fox, deer, turkey, bats and a lot of bird life; woodpeckers. Once they are gone, they are gone. There is box turtle in the area and this is a species of special concern and she has seen this in her yard in the last few years. The plant life is unique to this area, there are wild orchids, Indian pipe and ghost plant which is rare. She hopes we can learn from her grandfathers' example and the true impacts need to be found.

Vincent Cook, 18 Brett Cliff Road, stated that he respects the right to build. He moved to the area 1.5 years ago and he has seen the eastern box turtle. His basement regularly floods; his sump pump runs 8 months per year. He found out that his land was originally a creek and 18 years ago his house had a finished basement that was removed and sump pumps were put in. He is concerned with the long term effects.

Robert Hunter, 225 Woodruff Road, stated that he has a long history with the neighborhood. His father owned 36 Cedar Hill Road from 1950 and his daughter owns it now and has lived here from 1964 to present. He is extremely concerned with water runoff.

REBUTTAL

Ray Macaluso – he understands the concerns. There will be a zero increase in runoff with a berm and drain. They will come back with complete engineered drawings. They are not looking to clear cut; they are just looking to keep a 2 to 1 mitigation for the entire site. They will be happy to submit professional drawings when at that point they are not trying to ignore this. The plan is to enhance the pond to detain water which will have a positive effect. They are not looking to clear cut or avoid anything. They are looking for conceptual approval before building. Regarding Mr. Cook's concerns; they would look at all of that to ensure no impact. This is not a commercial project, it is residential. MaryRose asked if a habitat study was done. Beno referenced page 23 of her report of 6/3/10 noting frog, squirrel, turkey, deer; these do not rely on wetlands to exist and there are no endangered species. She referenced the data base from December 2009.

John Mager – one site visit observing species. The residents have been here for years. This is not a full study. Once the area is filled it can not be taken back. Without detailed plans, the impact can not be accurately assessed to make an informed decision. This is very short sighted. With banked mitigation the impact is uncertain. Without hydrologic studies and any information for a house, how can this statement be accepted.

Dave Rutkowski – how is the pond going to be enhanced – deeper or bigger? How will this effect impact? He compared this to a bowl of water.

Robin Warsaw – for Beno to see as much as she did in one short visit is a lot. She asked if Beno saw the box turtle and dragon fly.

Vincent Cook – asked what the life expectancy of the drainage system is.

Robert Hunter – stated that his concerns were spoken.

Commissioners:

McNamee asked about areas of expertise from the public. John Mager stated that Mr. Alan's credentials are in his report. Robin Warsaw stated that she took classes and is certified from the World Wildlife Federation to ID wildlife. Dave Rutkowski stated that he has photos and videos of wildlife on his property. McNamee asked when 30 Cedar Hill Road was developed. Ray Macaluso stated it was developed in 1978 or 1979. **Munson** stated that Mr. Hunter stated that the water increased in the past 10 years so that wasn't due to the Smith's development then. **McNamee** asked about ongoing work in the wetlands. MaryRose stated that per Beno, the area has been maintained and sometimes mowed and debris would be removed. **McNamee** stated that tree removal as part of remediation was not answered. **Beno** stated that there would be pond enlargement but she has not seen any plans for tree removal. **Macaluso** stated that there are some trees that are ready to come down now based on the root system. They will save as many as they can and they don't want to remove any shade area. Page 9 of the Environmental Report was reviewed. **McNamee** per the 7/21/10 site visit – what impact would there be if trees are removed. **Beno** stated

that there is no wildlife in that area. **Munson** asked about increasing the size of the pond and machinery use per Mr. Alan's report. **Macaluso** stated that he just received Mr. Alan's report tonight and doesn't feel he can comment on it now. They are not going to take any machinery and the water is sheet flowing now and they are looking to clean out the pond in order to detain water. **McNamee** referenced plan C3 and asked about the water flow. **Macaluso** reviewed the flow and then ponding from adjacent properties. They are proposing a blanket drain. The flow comes from both sides and will be kept the same as is existing. **McNamee** questioned access to the site by a temporary culvert. **Macaluso** reviewed sheet 1 and stated that it is temporary due to not having the details for the house; it could be a boxed culvert, could be a bridge, stone. **McNamee** asked about the life expectancy of a drainage system. **Macaluso** stated that pipes and drains, 100 years depending on material. MaryRose asked if there would be sewers. Ray stated that there would be. **McNamee** questioned the wildlife inventory. Levitz stated that once Warsaw told her credentials, he believes there are box turtles there. Cegan agrees that there should be a wildlife study.

A discussion followed if there is enough information to close the Public Hearing or if additional information is needed that would require the Public Hearing to remain open. Possible additional information discussed was a preliminary wildlife study and for Macaluso to address Mr. Alan's report. The Public Hearing can only remain open for 35 days.

A five minute recess was taken.

Fulco announced that the applicant is withdrawing the application at this time.

A five minute recess was taken.

D. Public Comments

None.

E. New Business

- 1. Application IW-A-10-046: Ron Standish** – proposal to construct a single family home within 100' of wetlands in the Housatonic River Watershed.

This item is on the agenda for the first time and can be discussed at the 9/15/10 meeting.

2. **Permit IW-A-01-032: Wolf Harbor Road, Avalon Bay Communities, Inc. –** proposed construction of a 284 unit apartment complex with construction and grading within 150' of wetlands and watercourses in the Wepawaug River Watershed. Request for five year extension.

MaryRose reported that this is a request by AvalonBay for an extension of time on their permit IW-A-01-032. The permit will expire on 12/12/10 and under section 22a(d)(2) of the CGS the permittee is allowed a 5 year renewal on request as long as there have been no substantial changes in circumstances which would require a new permit application. There have been no substantial changes that would require a new application. Therefore she recommended that the Agency renew this approval to 12/12/15.

A motion was made by Connors, seconded by Levitz to extend permit IW-A-01-032, Wolf Harbor Road to 12/12/15. The motion carried unanimously.

F. Old Business

1. **Application IW-A-10-033: 734 Bridgeport Avenue, Gershman Brown Crawley, Inc. –** proposed retail structure with construction and grading within 150' of wetlands or water courses in the Beaverbrook Watershed.

MaryRose reported that this is a proposal by Gershman Brown Crawley Inc to raze the existing buildings at 734 Bridgeport Avenue and to construct a CVS pharmacy on the property. They are proposing a decrease in impervious surface on the property as well as a stormwater drainage system with hooded catch basins, a swirl concentrator and infiltration galleys to a riprap dissipater with an outlet 10' from a wetland on the property. Westcott & Mapes has reviewed the plans as the City's on-call Engineers. Their reports are in your mail this evening.

Paul Bataniano, Nate Kirshner, Matt Davison, Kevin Cursedean were present representing the applicant.

Bataniano oriented the site, which is on the corner of Schoolhouse Road and Bridgeport Avenue.

Kirshner, PE, reviewed the existing conditions on plan SP1. This is the Dan Perkins site. There are three existing buildings and a large parking area. The storm water goes in three directions and this was reviewed on the plans. Plan C2 was reviewed with the proposed demolishing of the existing buildings and constructing a 13,136 sq. ft. building. There will be a significant increase in landscaping. This is a 6.6 acre site. The storm water flow was reviewed. They met with the DOT and per their recommendations the peak discharge rate will be reduced by 25%. Per Westcott and Mapes test pits will be conducted. The drainage and detention system was reviewed. Plan C4 was reviewed.

Davison, Soil Scientist, reviewed the very small wetland on site (124 sq. ft.), which is part of a larger system north and goes to Beaver Brook. Historically this has been disturbed. The entire wetland will be disturbed. The proposed plantings were

reviewed. There is 18,000 sq. ft. of activity in the upland review area and 14,000 sq. ft. is proposed. There is 18,000 sq. ft. impervious area and 14,000 sq. ft. of impervious area is proposed. They are substantially improving storm water management on site. MaryRose stated that she walked the site a couple of times and there are some ponding areas on site and the DOT's recommendations should help with that. Davison stated that the wetlands impact is a result of interconnection of the storm water system. The wetlands area is disturbed and is behind a head wall. The area has no standing water and is not high quality. Once it is replanted it will be improved. It is now dominated with invasive species.

Fulco asked about the dumpster location and asked if it could be relocated as it is closest to the wetlands. Bataniano stated that due to parking restraints per Zoning this is the location and it will be fenced. Fulco asked if it was bermed. Bataniano stated that there is a fence in the rear and it is pitched upward. Kirshner stated that it will match the building façade per the City with a masonry closure and he can't see a concern with debris. Fulco asked about snow plowing. Kirshner reviewed this on the plans; C3 shows a storage area to drain. Fulco asked if there is a maintenance plan for the landscaping. Bataniano stated that there is no chemical treatment in the regular plans and it is sodded.

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

I move to approve application IW-A-10-33: 734 Bridgeport Avenue based on the plans entitled "*Proposed CVS/Pharmacy, 734 Bridgeport Avenue, Milford, Connecticut*" by VHB, cover & 30 sheets, issued 6/22/10, latest issue 6/22/10, the information in the file and presented this evening, for the following reasons:

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

- Compliance with the Engineering review of Site Plan W&M #09-049-29, dated 8/13/10 from Raymond Paier to Bruce Kolwicz.
- A bond to be calculated 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.
- The permit is issued 9/01/10 and expires 9/01/15.

The motion carried unanimously.

2. **Violation IW-V-10-016: 267-279 Brewster Road** - Estate of Doris Frank; Work within 100' of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Remediation to be completed by 10/15/10.

No Action

3. **Violation IW-V-10-018: 21 Maddox Avenue, James H. Foley** - Clear-cutting and removal of vegetation in and within 100' of a wetland or watercourse in the Housatonic River Watershed without a permit. Information to be submitted by 9/01/2010.

MaryRose reported that information was to be submitted by today on this violation. Mrs. Foley had requested an extension to this date from the original requirement of 7/15/10. MaryRose has not heard from the Foleys. At this time the Agency may: grant an extension for the requested materials, refer the matter to the City Attorney for resolution or release the violation.

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

I move that cease and desist order IW-V-10-018, 21 Maddox Avenue, be referred to the City Attorney's Office due to lack of compliance with the Agency's 6/02/10 order. The motion carried unanimously.

4. **Violation IW-V-10-025: 98 Fresh Meadow Lane, Anthony and Jennifer Green** - Clearing and stockpiling of material within 150' of a wetland or watercourse in the Wepawaug River Watershed without a permit. Information to be submitted by 10/15/10.

No Action.

5. **Permit IW-M-06-059: White Oak Terrace, White Oak Terrace, LLC** - 46-unit multi-family residential housing with construction, grading, a culvert and roadwork modification to 24-unit manufactured home community with construction, grading culvert and roadwork in and within 150' of a wetland in the Wepawaug River Watershed.

MaryRose reported that this is a request by Louis D'Amato to modify his permit for a 46-unit multifamily housing project to a 24 unit manufactured home Community. All requested information has been submitted. At the 7/21/10 meeting the Agency discussed the removal of Pad #24 to reduce the impact of the development on the adjacent wetland. The Agency asked to review the minutes from the original approval, those minutes were in your mail. Ron Wassmer has submitted documentation on the design storm events for the proposed development, the maintenance of the Storm water system and the 2006 Soil Report. Does the Agency have any additional questions for the applicant?

McNamee had a question and would like clarification on pad #23 that was closer then on the original plans

This was reviewed. Distance on old plan to unit was 31.2 ft new plan is 45'. Grading old is 25' new is to side walk is 40' there will be 1-2 contours in there at 3:1 the estimate is that there will be about 25' to the new grading. The corner of the parking lot is 15 closest to unit 24. Ron Wassmer believes that he could make some changes to the corner of the parking lot to increase that distance.

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

Mr. Chairman, after duly considering all relevant factors, I move to approve modification IW-M-06-059 based on the plans entitled “*White Oaks Terrace Affordable Housing Improvement Plan*” by CCG, cover and 11 sheets dated March 2010, the information in the file and presented this evening, for the following reasons:

- *This action will not have a negative impact or effect on the physical characteristics of the adjacent wetlands and watercourses*

With conditions including:

- Removal of pad #24 and associated filling and grading
- No snow may be plowed into the inland wetlands on the site.
- Construction and mitigation bonds to be calculated 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. The mitigation bond will be held for a period of 3 years to insure that all mitigation plantings survive. All 6 reports by the professional wetland scientist or biologist must be submitted in a timely manner in June and December each year for the release of this bond.
- The permit was issued 10/4/06 and expires on 10/4/11.

The motion carried unanimously.

G. Minutes

A motion was made by Connors, seconded by Higgins to accept the minutes of 8/4/10 as presented. The motion carried unanimously.

H. Subcommittee Reports

No Report.

I. Staff Report

- Apologize to Al Cegan he had come up to me after the 8/4 meeting as I was working on the computer to let me know he would be away on the 18th and I did not remember that when we had a quorum issue on 8/18. If I could ask all of you to call or email the office when you are going to be out – or tell me before a meeting so that I have time to write it down that would be helpful.
- West Ave Sewer will be starting up with Fucci Construction soon.
- Buckingham Av sewer is moving along.
- East Broadway pump station project is moving along. Ok to issue modification.
- There is a new DPLU Director and she would like a mission statement.
- Please remember to call or email if you are unable to attend a meeting, ESPECIALLY a Public Hearing.

J. Chairman's Report

No Report

The next regular meeting will be on 9/15/10.

There being no further business to discuss, the meeting adjourned at 10:30 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.