

Minutes of the Regular Meeting of the Inland Wetlands Agency held September 21, 2011, in Conference Room A of the Parsons Government Complex, 70 West River Street, Milford, CT.

A. Roll Call

Present: Alan Cegan, Cathleen Collins, James Connors, Kenneth Cowden, Michael DeGrego (Alternate), Jon Higgins, Sally Lee, Justin Margeson, Stephen Munson and Lynne McNamee.

Also Present: Mary Rose Palumbo, Inland Wetlands Compliance Officer and Ed Mead

Chairman McNamee called the meeting to order at 7:01 p.m.

B. Pledge

Chairman McNamee asked those present to stand for the Pledge of Allegiance.

C. Public Comment (limited to 5 minutes on topics *not* otherwise on the agenda)

None.

Commissioners' Connors and Cowden made and seconded a motion to re-order the Agenda and bring forward item E1 (Old Business). Motion carried unanimously.

E. Old Business

1. IW-A-11-021: Cascade Boulevard, Map 102 Block 807, Parcel 6D & 6E Garden Homes Management, proposed construction of a 36-unit multifamily rental building within 100' of a wetland or watercourse I the South Central Shoreline Watershed.

Compliance Officer Palumbo explained this is an application by Garden Homes Management for a 36-unit multifamily rental building with associated grading, storm water treatment and parking within 100' of a wetland in the South Central Shoreline Watershed. It is a 3.66 acre site that has 2.53 acres of inland wetlands. Compliance Officer Palumbo stated she visited the site today, September 21, 2011, with Commissioners Cegan and DeGrego. The weather was seasonable. She stated they reviewed the proposed location of the building, parking and bioretention areas in relation to the wetlands.

Compliance Officer Palumbo stated the outstanding question concerned changes to the building location that may impact the inland wetlands based on the requirements from the Fire Department. She stated the Fire Department has requested a full size set of plans that Steven Trinkaus said he would get to them. Compliance Officer Palumbo stated she sent an inquiry to the Fire Department today and that they will have some requirements and will be forwarding a letter this week.

Compliance Officer Palumbo further explained Inland Wetlands hired Tom Ryder of Land Tech Consultants to review the project for the Agency. She stated his reported was e-mailed and mailed to the Commissioners last

week and that he was here tonight to answer questions the Commissioners may have. She also reported the Applicant was unavailable to attend this evening, but his consultants Steven Trinkaus of Trinkaus Engineering and Michael Klein of Environmental Planning Services were present to give reports and answer any questions.

Tom Ryder, 55 Dogwood Drive – stated his was retained by Land Tech to walk the property and review material and provide a third party review and his professional opinion. He stated there already have been some revisions. He stated due to the sensitivity of the site he had some questions regarding wildlife, specifically the Eastern box turtles. Mr. Ryder stated they were satisfied with the responses received from Mr. Klein regarding the wildlife. Referring to his report he spoke regarding the buffer plantings. He explained there could be shrubs on each side if this Agency so desired, but that the western side is more appropriate for what is being proposed. He also addressed the issue of invasive species with limited disturbance. He stated the response from Mr. Klein was that they would they would remove from the implant to the soil line. Mr. Ryder stated his final correction is regarding channels #21, 22, & 23. He stated he inspected the area two days after a rain storm and it was flowing. He stated there were no additional regulatory constraints that really affect the project. He stated there was also some concern regarding the run-offs but that he received a letter from Mr. Pinkos addressing this. Mr. Ryder stated he felt his comments had been adequately addressed.

Commissioner Collins asked about items 1, 2 & 3 and the expected impact and also the response.

Mr. Ryder stated that response should come from Mr. Trinkaus.

Michael Klein stated he is a biologist and soil scientist. He stated he completed a biological survey and functional evaluation and that it is his understanding that response addressed all concerns. He stated the exception was a few extra trees. He also explained the wildlife assessment that was completed. He went on to explain this portion of Milford is urbanized with high density with housing. He stated there is standing water, at least in the spring. He stated green frogs and bull frogs are common to this area as well as some common predators such as spotted and marbled salamanders. He noted they did not find any on this site and that it was unlikely they are present. He stated they also believe it does not support breeding populations of birds. Mr. Klein also addressed the function and values assessment. He spoke about the focus on indirect functions, typically erosion and sedimentation removal or altering vegetation, which he stated can impact wildlife. He also spoke about water quality; however, he stated it was less important.

Mr. Klein continued with an explanation of the Wetland Hydrology. He stated the size of the water shed and disturbance could have an impact overall as the site is rather small. He stated there are a lot of organic soils, many of which that drain poorly. He spoke to the thermal impact that came up in Mr. Ryder's report. He stated they are not discharging directly into the water. He stated there would be shading vegetation that remains. He stated the next series of issues are view talks about the box turtles. He pointed out they are usually found in wetlands and that they look for hibernating sites and places to moderate their body temperature. He stated this site has the physical, but not the core habitat for these types of turtles. He also pointed out they did not find any. He also pointed out the area around the perimeter is being preserved as part of the site. He stated the western side is more important and the side that will have the buffer plantings.

Regarding #7, Mr. Klein addressed the removal of invasive species. He stated they would do what they can to control the non wetland invasive species.

Finally, regarding channel area #21, 22, & 23, Mr. Klein stated they disagree regarding flow representing base flow. He stated they looked at rainfall conditions prior to a storm and they visited the area shortly after storm Irene. He stated it did not meet the criteria of flow when he and Compliance Officer Palumbo were at the site in mid August.

Commissioner Collins asked if the date on the photographs indicating May 3, 2011 was correct or if the photographs were more recent.

Mr. Klein responded p. 12 reflected the springtime and p. 13 depicted where the flow is more concentrated. He also noted the photographs were taken of different areas.

Steven Trinkaus – 114 Hunter Ridge Road, Southbury – referred the Agency to Sheet #2 of the plans and explained the stock pile area. He stated the stockpile was adequate for the project. He also noted they would be happy to add a silk fence to protect the parking area during construction. He also addressed the maintenance requirement for the pavement. He stated a maintenance document would be filed on the land record. He explained the parking lot has two main elevations. He stated they only need 20” of the 24” depth. Mr. Trinkaus also spoke regarding the catch basin and the circular drywall surrounded by crushed stone. He stated they would sweep this quarterly, but noted there would not be a lot of sand, which would basically remove most pollutants.

Mr. Trinkaus stated the fire department has requested they want a 28’ clearance in front of the building for their aerial truck. He explained they would eliminate one parking space which would satisfy their request. He stated the fire department also requested a fire hydrant. Mr. Trinkaus stated they were checking with the Fire Marshal with regard to the location. He stated the last comment from the fire department concerned the department’s ability to utilize ladders. Mr. Trinkaus pointed out there are sprinklers in every unit.

Chairman McNamee questioned the location of the ladders. She stated she was hearing there are only three physical spots for the ladders. She expressed concern the proposal would meet the Fire Marshal’s requirements.

Mr. Trinkaus responded they would fit in the bottom of the bioretention basin and in the 4’ around the read of the building. He stated basically the ladders would need to go toward a window.

Commissioner Connors interjected the ladders are mainly for the evacuation of occupants.

Mr. Trinkaus concurred that the Fire Marshal’s comments were a Planning and Zoning matter and that it did not affect the decision of this Agency.

Commissioner Cegan spoke regarding the fire department’s memo and stated this Board cannot take any further action.

Mr. Trinkaus reiterated they still needed to go through Planning and Zoning, but that does not affect the decision process here.

Commissioner Lee stated she wished to clarify the fire trucks were not going behind the building, only the ladders.

Mr. Trinkaus responded yes. He reiterated the buildings will be sprinklered.

Chairman McNamee requested clarification from the fire department on the requirements. She stated there is some confusion, especially regarding comment #2.

Mr. Klein stated there is not a wetland issue regarding fire protection.

Compliance Officer Palumbo stated it could have an impact on the wetlands if changes to the footprint are required to comply with the fire department's requirements

Mr. Klein stated it was the applicant's burden to submit plans that meet this Agency's requirements. He noted conflicts can arise and that it is the applicant's burden and they have done that.

Mr. Trinkaus stated he has called the fire department numerous times without success. He stated all of his messages have gone unanswered.

Chairman McNamee asked if modifications need to be made it could potentially impact the wetlands. She stated she is not clear regarding the language "slope must. . ."

Commissioner Cegan asked if the fire retention goes to the edge of the building. He stated he would be concerned with water retention and that the fire department can get their ladders in.

Mr. Trinkaus stated because the buildings would be sprinklered he did not see this as a problem. He spoke to this past winter and the amount of snowfall as an example.

Compliance Officer Palumbo stated for the record that Mr. Trinkaus would contact the Fire Marshal and get a letter clarifying.

Chairman McNamee asked the erosion and sedimentation control narrative on Sheet 3, Item 1.7 and stated no other permits are required. She asked about the references?

Mr. Trinkaus explained it means no other state or federal permits for erosion and sedimentation are required, not other local permits.

Chairman McNamee referred to Sheet 2; Items 1 & 2 which she stated talk about deicing treatments. She asked what materials or processes they were and what impact they would have to the wetlands.

Mr. Trinkaus explained the icing process prior to a storm event where a brine solution is sprayed on. He explained the State uses a similar system on its highways and bridges. He explained how the solution prevents snow build-up. He also explained Permeable parking areas reduce by a significant margin the amount of salt necessary. He stated there are no real piles and the snow melts and infiltrates without further treatment.

Chairman McNamee stated Sheet 2 shows snow plowing towards the northwest corner as a potential storage area and asked what impact that would have on the wetland and review area.

Mr. Trinkaus replied no. He explained the plowing locations and patterns and went on to explain permeable paving. He also reduced application of chloride and as snow melts it infiltrates, so it is not pushed off into the snow, so it is not really being pushed into the wetlands.

Chairman McNamee spoke about exploring the various substitutes. She asked Mr. Trinkaus if it had been determined what material would be used in the parking lot and if it would be listed in the application materials. She also asked if the engineer would be supervising the installation and if the engineering certification could be submitted for the record.

Mr. Trinkaus stated the plot plan show off the uniform edge and parking lot NE and also south off east. He stated the snow would be along the road line.

Chairman McNamee asked about deicing and any residuals that would be pushed.

Mr. Trinkaus responded not if the brine is put down ahead of time. He stated there are two companies, O & G and Tilcon that can make the permeable pavement mix. He stated it would be the availability of the mix materials to the UNH specifications that will make that determination. He stated he would be overseeing the installation and follows the protocol of the UHN inspections and that he would submit that for the record.

Chairman McNamee referred to Sheet 3. She questioned the Erosion & Sedimentation, Item J plan objectives and principals. She commented the language was confusing.

Mr. Trinkus explained there would be weekly inspections by the design engineer, which is part of the guidelines since the project is over an acre. He stated the most important inspection is the one when the trees are cleared and the stumps are removed. He also commented Garden Homes has a contractor that does all of their sites and does phenomenal work.

Commissioner Connors asked if this Agency could put a provision in that approval is subject to fire department approval.

Chairman McNamee stated she was not proposing the Agency move on this application this evening as a lot of material had been received and she was concerned everyone had not had a chance to fully read through the documents.

Commissioner Munson asked if the letter from the fire department would require new maps. He stated in an attempt to reduce costs they should see this once not twice. He asked if they should be considering this without the revised maps.

Mr. Trinkaus stated there will not be a new map as it addresses only one parking spot. He stated they just wouldn't paint one parking space. He stated he would get an answer or clarification from the fire department. He also commented he has sat on a board and he knows and understands the problem with seeing maps.

Commissioner Collins asked if there are new maps, could there be language put in regarding the water course.

Mr. Trinkaus stated they would be happy to add as a condition of approval.

Commissioner Cegan commented the Agency received a lot of significant material tonight. He stated he they should review this additional material and discuss at the next meeting.

Compliance Officer Palumbo proposed changes could be made a condition of approval.

Mr. Trinkaus stated the only potential for pumping would be for footings and then a silt sack would not be used, but that due to the sand and gravel under laying the site there should not be a problem.

NO ACTION.

Return to Regular Agenda

D. New Business (Applications will be accepted for discussion at the next meeting. Pre-applications can be discussed at this meeting.

D.1. IW-A-11-033: 89 Point Point Avenue, Map 57, Block 529, Parcel 45A. Two Ninety-Six, LLC, Deposition of silt in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

Compliance Officer Palumbo explained this is a violation issued to Angelo Lisi of Two Ninety-Six, LLC for deposition of silt in a wetland and 100' upland review area. The MIWA issued a permit for a 3-lot subdivision with 1 existing house on this property. During construction there was a problem with erosion of material from the site adjacent to and in the inland wetland through to another property. After a recent rain event I viewed silt in the inland wetlands on the site.

Compliance Officer Palumbo stated she issued the Cease and Restore order on September 15, 2011 requiring the following:

- * Removing silt, mud and debris from the wetland and upland review area.
- * Installing property soil erosion and sedimentation controls using best management practices as outlined in the approved plans for permit IW-A-11-004 and the "2002 CT Guidelines for Soil Erosion and Sedimentation Control".
- * Restoring the topography to that which was approved on the plans for permit IW-A-11-004.
- * Restoring the vegetation and stabilizing the area to prevent further degradation of the wetland.
- * Upon receipt of this letter contact the Milford Inland Wetlands Agency.

Compliance Officer Palumbo stated she visited the site yesterday and found that material had been removed from the wetland area; the silt fencing had been reset; some regarded had occurred on the site. Compliance Officer Palumbo further reported that Mr. Lisi and Mr. Field stated that they are getting ready to seed the site for stabilization.

Compliance Officer Palumbo stated she had concerns that there is a large rain event predicted for Friday of this week and there is the potential for the loose material on the site to be transported into the wetland and onto the neighboring property. Bob Wheway of Codespoti & Associates is the engineer on the project. I wanted to discuss potential ways to address this erosion issue, but we have not yet been able to speak. She stated Angelo Lisi and Greg Field of Two Ninety-Six LLC were present this evening to answer questions.

Greg Field, 173 Kings Highway – stated he has concerns with removal of material on the site as required from the conditions. He stated he still has to put a split rail in front of the pile with material and he is concerned with the neighbor downstream that has had a water issue for 40 years. He stated he is concerned if they clean the debris this could be another spot the water could go. Mr. Field stated they have picked through the visible garbage.

Compliance Officer Palumbo expressed concern they would remove the dirt and then put an equally high pile back.

Mr. Field explained the galleries are in for the first lot and that they are ready to do the gallery for the second lot. He stated they have loamed the rear yard of the problem area and they will add additional S & E to slow the water. He stated putting the silt fence would slow the water flow downstream.

Compliance Officer Palumbo stated she looked at the disturbed soil and it was suggested they bring the corners in. She stated the goal is to slow water flow.

Compliance Officer Palumbo stated the Agency tonight could release the violation or uphold the order with conditions to discuss with their engineer and the City's engineer and protect the area in the long run until there is grass and grading is what it was and also, to remove the debris and material from the wetland. She also pointed out she discussed this with Mr. Wheway and the reason for the time line is so short is because of the time of year.

Mr. Field stated he should have the house sided in the next two weeks and he should have the gutters up as well. He stated their next step is to get the seed down.

Commissioners' Connors and Munson made and seconded a motion that cease and desist order IW-V-11-033, 89 Pond Point Avenue be upheld and modified to require Two Ninety-Six, LLC to: 1) Consult with their engineer on best management practices to stabilize the site for the rain event predicted for Friday, September 23, 2011. The site must be stabilized before the rain event; 2) Consult with their engineer on the best way to remove the remaining debris and material from the wetland and upland review area without negatively impacting the drainage issues on the site. Information to be submitted to the MIWA in writing by October 5, 2011; and 3) Consult with their engineer to determine if the grading as shown is in compliance with the approved plan, or it a change must be made to the grading to address the drainage issues on site. Information to be submitted in writing by October 5, 2011. Motion carried unanimously.

D.2. Application IW-A-11-036: Westmoor Road, Map 30, Block 644, Parcel 8. Field & Son Builders, LLC; Proposed construction and grading for a single family home within 100' of a wetland or watercourse in the South Central Shoreline Watershed. [09/21/11, 10/5/11, 11/25/11].

Compliance Officer Palumbo stated this item is on the Agenda for the first time this evening and can be heard at the October 5, 2011 meeting. She noted they have failed the deadline, but they are making attempts to work.

NO ACTION.

D.3 Application IW-A-11-037: Westmoor Road, Map 30, Block 644, Parcel 9. Field & son Buildings, LLC;

Proposed construction and grading for a single family home within 100' of a wetland or watercourse in the South Central Shoreline Watershed. [09/21/11, 10/5/11, 11/25/11].

Compliance Officer Palumbo stated this item is on the Agenda for the first time this evening and can be heard at the October 5, 2011 meeting.

NO ACTION.

D.4. Application IW-A-11038: 0 Westmoor Road, Map 30, Block 613, Parcel 34 & Portion of 33. Field & Son Builders, LLC; Proposed construction and grading for a single family home within 100' of a wetland or watercourse in the South Central Shoreline Watershed. [9/21/11, 10/5/11, 11/25/11].

Compliance Officer Palumbo stated this item is on the Agenda for the first time this evening and can be heard at the October 5, 2011 meeting.

NO ACTION.

E. Old Business

E.2 Violation IW-V-11-023: Westmoor Road, Map 30, Block 644, Parcel 7. Field & Son Buildings, LLC; Clearing in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Mitigation Status updates.

Compliance Officer Palumbo stated the Westmoor Road mitigation project is ongoing. She explained they have been cutting the knotweed back in order to treat it and that they are waiting to treat the knotweed as recommended by the ACOE. She stated the area has been seeded, but they are waiting on the treatment so I would recommend that the order be modified to require that the restoration work be completed by October 15, 2011 and the 3-year monitoring phase will begin at that time.

Commissioners' Connors and Higgins made and seconded a motion that the violation for IW-V-11-023 be modified to the restoration work to be completed by October 15, 2011 and the 30 year monitoring phase begin at that time. Motion carried unanimously.

F. Consideration of minutes of previous meeting.

Commissioners' Connors and Lee made and seconded a motion to approve the minutes of the September 7, 2011 Regular Meeting as presented. Motion carried unanimously.

G. Committee Reports

a) Bylaws – Commissioner Margeson reported they met on September 19, 2011 continuing their discussions on fees. He stated a tentative schedule for their next meeting is September 29, 2011 in the Inland Wetlands Office.

b) Communications & Education Committee – Commissioner Collins reported they are moving forward with educating the public. She stated they are proposing an outreach to the schools and will work with Compliance Officer Palumbo to do outreach in the schools beginning in the spring.

c) Commissioner's Training – no report.

H. Staff Report

Compliance Officer Palumbo reported the office has been busy with inquiries regarding fallen trees, etc.

West Avenue Sewer Fucci Construction is complete, waiting as-built

East Broadway pump station project is ongoing.

East Broadway interceptor is ongoing

Subway parking lot expansion is ongoing

Prospect Falls is ongoing

CVS is ongoing

West Avenue and Gulf Pond pump station projects are ongoing

Indian River Interceptor has started, staking and clearing of the easement should begin next week

Compliance Officer Palumbo also asked all Commissioners to contact her if they are unable to attend a meeting.

Commissioner Collins commented she never received her DEP certificate after she completed her classes last year.

I. Chairman's Report and Communications

Chairperson McNamee stated at last month's meeting she had asked the Commissioners for their input with regard to the Plan on Conservation and Development. She asked if anyone had any questions or comments at this time. She also asked the Commissioners if they would like to have Emmeline Harrigan, Assistant City Planner come and talk to the Agency about the plan. Chairperson McNamee explained the Plan of Conservation and Development is basically a blueprint for the City over the next 10 years.

Commissioner Munson commented the plan is very general and that it is hard to come up with anything specific at this time.

Compliance Officer Palumbo acknowledged the presence tonight of Ed Mead, Planning and Zoning Board Liaison. She agreed the document is very general. She suggested the Agency's work with regarding to the plan be revisited in the winter. She also added the Assistant City Planner is very busy post Hurricane Irene and working with FEMA, so sometime early winter would be better.

The next meeting will be October 5, 2011 in Conference Rooms A of the Parsons Government Center.

There being no further business, Commissioners Connors and Higgins made and seconded a motion to adjourn. Motion carried unanimously. The meeting adjourned at 9:21 p.m.

Respectfully submitted,

Kathleen K. Huber
Acting Board Secretary