

Minutes of the regular meeting of the Inland Wetlands Agency on October 5, 2011.

A. Roll Call

Present: Cathy Collins, Jim Connors, Ken Cowden, Michael DeGrego, Jon Higgins, Sally Lee, Sally Lee, Justin Margeson, Steve Munson and Lynne McNamee.

Also Present: Ed Mead, Planning and Zoning; Frank Goodrich, Board of Alderman.

Absent: Alan Cegan.

McNamee called the meeting to order at 7:30 p.m. and deemed DeGrego the voting alternate.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.

D. Old Business

A motion was made by Munson, seconded by Higgins to reorder the Agenda to bring up item IW-V-11-033: 89 Pond Point Avenue. The motion carried unanimously.

3. IW-V-11-033: 89 Pond Point Avenue, Two Ninety Six, LLC – deposition of silt in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed. Information to be submitted by 10/5/11.

MaryRose reported that 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. She issued the Cease and Restore order on 9/15/11 and the Agency upheld and modified the order on 9/21/11 to:

- Removing silt, mud and debris from the wetland and upland review area.
- Installing proper 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".
- 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 10/5/11
- Consult with their engineer to determine if the grading as shown is in compliance with the approved plan, or if a change must be made to the grading to address the drainage issues on site. Information to be submitted in writing by 10/5/11.

There has been additional erosion and sedimentation issues on this site since the Cease and Restore was ordered; primarily due to the 4.46" of rain since our last meeting. Greg Field installed erosion control fencing above the open soil area to slow the runoff coming down the slope. He also installed additional hay bales along the flow path to the wetland and a down stream property. The fine silts and clay soils that they are dealing with on site are remaining suspended in the water after going through these control measures.

MaryRose met on site this afternoon with Mr. Lisi, Greg Field, Bob Wheway & Jeff Gordan of Codespoti & Associates, and Gary Wassmer. One of the major concerns is that the open soil conditions are stabilized for the winter to avoid material running into the wetland and off the site through the spring. The weather service is predicting several days with no rain which should allow the site to dry out, giving the contractor the ability to stabilize the site. Codespoti & Associates is proposing that the debris pile be removed and a bio-retention basin be constructed in that area of the site. The contractor is proposing that with 3-4 days of dry weather they will be able to final grade and sod the portions of Lot 2 subject to significant erosion. They also stated that they will remove the remainder of the debris pile and grade and seed the bio-retention area by 10/14/11. Mr. Lisi has submitted a plan this evening from Codespoti & Associates addressing the grading, sodding, and bio-retention areas.

Greg Field submitted revised plans and reviewed them with the stated resolutions. The gutters were put on today. He noted that in one day the site dried up substantially. MaryRose reviewed the site conditions and stated that the intent is to protect off site. McNamee asked if the biofilter would be permanent. MaryRose and Greg Field stated that it would be and the detail of this was reviewed. McNamee asked about maintenance. MaryRose stated that there would be a wildflower mix and that could be weed wacked every other year and this would be put in the deed (to be maintained and no fill).

The following motion was made by Connors and seconded by Higgins: that cease and desist order IW-V-11-033 89 Pond Point Avenue be modified to require Two Ninety-Six, LLC to complete the following by 10/14/11:

- Final grade, seed and sod as shown on the plan entitled "*SP4 Grading Plan/Soil Erosion & Sediment Control Plan, Re-Subdivision 89 Pond Point Avenue*" by Codespoti & Associates, 1 sheet dated 10/5/11.
- Remove the remaining debris from the upland review area.
- Create the bio-retention basin as designed on the plans entitled "*SP4 Grading Plan/Soil Erosion & Sediment Control Plan, Re-Subdivision 89 Pond Point Avenue*" by Codespoti & Associates, 1 sheet, dated 10/5/11 and "*Berm/Biofilter Detail 10/4/11*" by Codespoti & Associates, 1 sheet, dated 10/5/11
- Maintenance requirements for the biofilter be added to the land records prior to the sale of the lots.

The motion carried unanimously.

1. **IW-A-11-021: Cascade Boulevard, Garden Homes Management** – proposed construction of a 36 unit multifamily rental building within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is the application by Garden Homes Management for a 36-unit multifamily rental building with associated grading, stormwater treatment and parking within 100' of a wetland in the South Central Shoreline Watershed. It is a 3.66 Acres site that has 2.53 acres of inland wetlands.

There was an outstanding question on any changes to the building location that may impact the inland wetlands based on requirements from the Fire Department. Steven Trinkaus of Trinkaus Engineering met with the Fire Department. There is a memo that has been distributed this evening from Assistant Chief Al Zingaro stating that the revised plans he reviewed are acceptable. Also distributed this evening is a reduced (NTS) copy of the plan revision. A parking space has been removed in the center of the parking area for tower access. A fire hydrant has been added to the Southeast side of the driveway entrance. A 10' wide 71' long wooden fire platform has been added over bio-retention system 2 to the rear of the structure for fire access.

The IWA hired Tom Ryder of LandTech Consultants to review the project for the Agency. He has reviewed the revised plans and his memo has also been distributed this evening. He had concerns with the seed mixture proposed working in an area with more shading and the ability to maintain under the fire platform.

Michael Klein of Environmental Planning Services has also submitted a letter distributed this evening that addresses the additional shading by adding more shade tolerant species to the seed mixture

The Applicant could not be here this evening his consultants Mr. Trinkaus and Mr. Klein are here to present the revision and answer any remaining questions.

Steve Trinkaus reviewed the changes to the plans (sheet 1 of 5 dated 9/29/11) that accommodate the Fire Department requirements. The decking surface material will be what is acceptable to the Fire Department and the IWA. There will be minimal maintenance for decking and there will be no staining. Minimal maintenance for plantings as well Mr. Klein will speak about that.

Michael Klein from EPS reviewed the revised site grading and layout plans and stated that the changes were negligible. He referenced his letter dated 10/5/11 that has been submitted; the seed mix is being modified to accommodate the shade area. McNamee asked about the entrances and if safety is a concern and if a rail would be necessary. Trinkaus stated that a rail could be put in on one side. MaryRose stated that they would be conforming to the Building Department requirements. McNamee asked about maintenance of the platform itself. Trinkaus stated that it requires no maintenance. MaryRose stated that she spoke to Tom Ryder today and he has no further issues with the proposal.

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

After duly considering all relevant factors, I move to approve application IW-A-11-021: Cascade Boulevard, based on the plans entitled “*Prepared for Garden Homes Management Cascade Boulevard, Milford, Connecticut*” by Trinkaus Engineering, LLC, 5 sheets dated sheets 1-3 5/20/11, sheets 4 & 5 8/9/11, revised 9/29/11, the reports and information in the file and presented this evening, for the following reasons:

- The applicant has presented convincing documentation that alternatives considered would have a negative impact on the wetlands.
- The applicant has proposed best management practices for soil erosion and sedimentation controls during construction to prevent degradation of offsite wetlands.

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

With conditions including:

- A complete revised set of plans must be submitted to the MIWA one week prior to the permit being taken out.
- Additional silt fencing will be added on the Eastern portion of the site protecting the bio-retention system from work in the parking area.
- Buffer plantings will be added to the Eastern side of the site.
- The intermittent watercourse/channel on the Eastern portion of the site be added to the plans.
- The party responsible for the Erosion and Sedimentation controls and their contact information will be added to the E&S detail sheet.
- A dewatering detail will be added to the E&S sheet.
- A copy of the management plan for the pervious parking and bio-retention basins on the site must be placed on the Milford Land Records.
- 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 bond may not be released until the site is stabilized, the asbuilt has been received and the site inspected and approved for compliance with the permit.

The permit is issued 10/5/11 expires 10/5/16.

The motion carried with a roll call vote: Collins, Connors, Cowden, Degregio, Higgins, Lee, Margeson and Munson in favor and McNamee not voting.

2. **Violation 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.

Restoration work is to be completed by 10/15/11. No action.

4. **Application IW-A-11-036: 48 Westmoor Road, Field & Son Builders, LLC** – proposed construction and grading for single family home within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal by Field & Son Builders for a single family home, driveway and grading with 3,485 sq. ft. of work within the 100' upland review area at the closest point it is 60' from the wetland line. The wetlands are located across the street from the proposed house. The construction of the Street was reviewed under application IW-A-11-002 for #42 Westmoor Road earlier this year. Pictures of the site were distributed that were taken today. Buddy, Chris & Terry Field are here this evening to answer any questions.

Buddy Field reviewed the site and stated that the houses are facing the wetlands with the road in between. Sedimentation and Erosion control measures are in place. #49 is closer to the wetlands (85' away) and there is no construction in the wetlands. Collins questioned that there are 3 lots. MaryRose clarified that there is #48 and #54 and that the third lot has been withdrawn.

McNamee stated that the DEP NDDB letter lists #42 Westmoor Road and asked if there is additional information for #48. MaryRose read the letter from Nancy Murray and noted that species was a beech needle grass which grows in a sandy dune environment and would not live on the upland soils on the Westmoor lots. Chris Field stated that Ms. Murray reviewed the entire street and she had told him that the property was not conducive to beach species.

McNamee referenced Otto Theall's report and asked if the plans conform to this. Buddy stated that it does and this was reviewed on the plans. The elevations were above what Otto required.

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

To approve application IW-A-11-036: 48 Westmoor Road based on the plans entitled "*Zoning Location Survey, 48 Westmoor Road Lot 239 & 240 'Merwin Estate General Plotting Plan', Prepared for Field & Son Builders LLC, Milford, Connecticut*" by Codespoti & Associates, P.C. 2 sheets dated 9/8/11, the information in the file and presented this evening, for the following reasons:

- The applicant has proposed best management practices for soil erosion and sedimentation controls during construction to prevent degradation of offsite wetlands.
- *This action as proposed will not have a negative impact or effect on the physical characteristics of the adjacent wetlands and watercourses.*

With conditions including:

- A bond to be calculated must be posted with the MIWA for S&E controls, wetland boundary markers, and an asbuilt showing finished 2' contours and locating all site utilities and structures. The bond may not be released until the site is stabilized, the asbuilt has been received and the site inspected and approved for compliance with the permit.
- The permit is issued 10/5/11 expires 10/5/16

The motion carried unanimously.

- 5. Application IW-W-11-037: 54 Westmoor Road, 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.

MaryRose reported that this is a proposal by Field & Son Builders for a single family home, driveway and grading with 1,306 sq. ft. of work within the 100’ upland review area at the closest point it is 85’ from the wetland line. The wetlands are located across the street from the proposed house. The construction of the Street was reviewed under application IW-A-11-002 for #42 Westmoor Road earlier this year. Buddy, Chris & Terry Field are here this evening to answer any questions.

Buddy Field stated that this piece is further away from the wetlands than the previous application and 1/3 of the driveway, the apron and the galleys for the downspouts are within the 100’ review area. McNamee asked if this was within the elevations per Otto Theall’s letter and the NDDDB (The National Diverse Data Base). Buddy stated that it was.

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

To approve application IW-A-11-037: 54 Westmoor Road based on the plans entitled “*Zoning Location Survey, 54 Westmoor Road Lot 237 & 238 ‘Merwin Estate General Plotting Plan’, Prepared for Field & Son Builders LLC, Milford, Connecticut*” by Codespoti & Associates, P.C. 2 sheets dated 9/8/11, the information in the file and presented this evening, for the following reasons:

- The applicant has proposed best management practices for soil erosion and sedimentation controls during construction to prevent degradation of offsite wetlands.
- *This action as proposed will not have a negative impact or effect on the physical characteristics of the adjacent wetlands and watercourses.*

With conditions including:

- A bond to be calculated must be posted with the MIWA for S&E controls, wetland boundary markers, and an asbuilt showing finished 2’ contours and locating all site utilities and structures. The bond may not be released until the site is stabilized, the asbuilt has been received and the site inspected and approved for compliance with the permit.
- The permit is issued 10/5/11 expires 10/5/16

The motion carried unanimously.

E. Minutes

A motion was made by Connors, seconded by Collins to accept the minutes of the 9/21/11 meeting as presented. The motion carried unanimously.

F. Subcommittee Reports

- Bylaws, Regulations & Procedures committee. (Justin, Al, Steve) met 9/29 wrapping up working on the fees and will be meeting tomorrow 10/6 at 2:00 p.m. at the IWA office.

- Communications & Education committee. (Cathy, Jim, Michael) the first education site will be St Gabe's in the spring
- Commissioners' Training committee. (Ken, Jon, Sally) will be meeting in November.

G. Staff Report

The office has been busy with inquiries and still some fallen trees etc.

Just a notice that IW-A-11-038 Westmoor Road has been withdrawn.

West Ave Sewer Fucci Construction is complete waiting asbuilt

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 clearing of the easement should begin next Thursday.

H. Chairman's Report

Next Wednesday 10/12/11 at 7:00 p.m. at The Margaret Egan Center will be a general meeting regarding the Plan of Conservation Development.

The CACIWIC Annual meeting will be on 11/12/11 in Wallingford, please let the office know of your attendance.

The next regular meeting will be on 10/19/11.

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.