

Minutes of the Regular Meeting of the Inland Wetlands Agency on February 18, 2015.

A. Roll Call

Present: Alan Cegan, Ken Cowden, Carol Dunn, Brendan Magnan, Justin Margeson, Steve Munson and Daniel Schopick.

Absent: Cathy Collins, Jim Connors, Dave DeFlumeri and Lily Flannigan.

Also Present: DPLU Director Joe Griffith, MaryRose Palumbo and Lisa Streit.

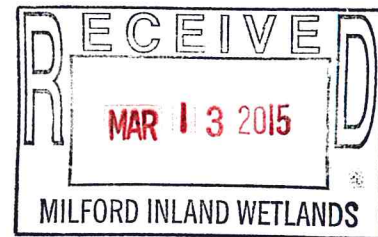
Magnan called the meeting to order at 7:30 p.m. and deemed Dunn and Schopick the voting alternates.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.



D. Planning and Zoning Transmittal Reviews

1. **IW-JR-15-007: 14 Gulf Street, Two Ninety Six, LLC** – proposed 15-unit apartment complex with no work within 100' of wetlands and watercourses in the Indian River Watershed.

MaryRose reported that this is a Planning & Zoning Transmittal for a 15-unit apartment complex at 14 Gulf Street. The site is located in the Indian River Watershed. There are no wetlands or watercourses on the property and there are no wetlands or watercourses within 100' of the property. The site is approximately 280' away from the wetland on the property at Buick Ave and Cherry St. With sedimentation and erosion controls as called for on the plans entitled "*Gulf Street 8-30g Affordable Housing Project 14 Gulf Street, Milford, Connecticut*" by CCG, 12 sheets dated 1/5/15, revised: Title S-1, L-1 & LP-1 revised 2/3/15, D-1 1/20/15 and best management practices as described in the CT DEP "2002 Erosion and Sedimentation Control Guidelines" she thinks that this project will not have a negative impact on the wetlands. She proposed that she respond to the P&Z transmittal that the MIWA is not requiring a permit for this proposed activity. Should the plans change the MIWA Office will need to review the proposed changes to determine if additional permitting is necessary at that time.

Munson asked if MaryRose has seen the site. MaryRose stated that she has and there is currently a single family home and a three car garage on site. Dunn clarified that this is the property behind the bank on the corner of Cherry Street and Gulf Street.

A motion was made by Munson, seconded by Cegan that the Designated Agent issue a Jurisdictional Ruling for pre-application IW-JR-15-007: 14 Gulf Street for a 15-unit apartment complex as shown on the plans entitled "*Gulf Street 8-30g Affordable Housing Project 14 Gulf Street, Milford, Connecticut*" by CCG, 12 sheets dated 1/5/15, revised: Title S-1, L-1 & LP-1 2/3/15, D-1 1/20/15. *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.

E. Old Business

1. **IW-V-14-069: 0 & 62 Chester Street, Robert and Sharon Saley** – disposition of material with work in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Information to be submitted by 2/4/15.

Information to be submitted by March 4, 2015; no action taken.

2. **IW-A-14-076: 701 North Street, Stone Preserve, LLC** – proposed residential community with construction, parking and grading within 150' of an offsite wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this is an application for a 63 unit planned residential community at the Stone Property at 701 North Street with work within 150' of wetlands on adjacent properties. There are no wetlands on the site. There are wetlands to the North and West on the Orchards Golf Course owned by the City and on a privately owned rear lot to the Southwest.

A report by Otto Theall of Soil and Wetland Science was distributed. At the last meeting the IWA moved to schedule a site walk for 2/17/15. Unfortunately due to the weather the site walk could not be held.

A motion was made by Munson, seconded by Schopick to schedule a site walk for 3/4/15 at 4:30 p.m. In the event of inclement weather, a notice of any changes will be posted. The motion carried unanimously.

A motion was made by Munson, seconded by Schopick to hear item E. 7. next. The motion carried unanimously.

7. **IW-A-14-059: 41 James Street, John & Cathy Mortimer** – proposal to raze the existing house and construct a new single family house with work proposed within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal by John & Cathy Mortimer to remove their existing house that was damaged by TS Sandy and construct a new elevated

house on the site. This site is located behind the tide gate adjacent to the Great Creek tidal marsh. The CT DEEP has determined that the Coastal Jurisdiction Line (CJL) in this area is elevation 2.9. Jurisdiction for wetlands above elevation 2.9 in this area is therefore the responsibility of the local IWA.

The applicants have shown the wetland line on the plan. The new house is proposed to conform to the building setback lines which will allow the front of the house to be moved back from the edge of the street. The Mortimer's are proposing the new house to be 16' off of the wetland line. The proposed deck and stairs for rear access will be 7' off of the wetland line as flagged by Scott Stevens of Soil Science & Environmental Services.

The third map sheet that has the notes and details also has the proposed erosion and sedimentation controls. She has spoken to the applicant's consultant and requested that the topsoil pile be removed from the wetland area, extending the silt fencing straight across the property a minimum of 8' off of the wetland line. She has also asked that the shed be removed from the wetland, once the house is completed as they are currently being used for storage. The Applicant's Consultant has submitted a revised plan this evening noting no topsoil fill or material will be placed to the rear of the site. There is a note that excavated materials will be removed from the property and that the shed is to be removed from the wetland. Arthur Seekler and Louis Maldonado of Lothrop Associates LLP are here this evening to present the application.

Mr. Seekler reported that the applicant applied to the Community Development Block Grant program for assistance. Lothrop Associates were hired through the Department of Housing to assist. Mr. Maldonado reviewed the site plan by Codespoti and Associates; the shed in the rear of the property is to be removed. It was clarified that the shed would be removed and not relocated. There will be a rain garden on the side of the property and landscaping that is salt tolerant. There will be no excavation material on site; it is to be removed off site.

Mr. Seekler stated that the plan is identical to the house that is being removed and reviewed the proposed rain garden on the south side of the house. The wetland line was reviewed. MaryRose asked if the roof drains and all drainage would go to the rain garden. Seekler stated that it would. The house will be an asphalt shingle roof.

Schopick asked if this project could create any drainage issues for adjoining properties. Seekler stated that it would not. Schopick asked if this project would solve any drainage issues. Seekler stated that it would not. A revised site plan by Codespoti & Associates was submitted; they added notes about soil pile removal and made sure that the rain garden plan proposes salt tolerant plants.

Mr. Seckler oriented the Agency to plan SP2. He explained that they are working for the Mortimer's who had already contracted with Codespoti for mapping prior to going through the HUD process for granting.

Dunn asked about the driveway. Maldonado stated that there will be an asphalt apron in front and a gravel driveway. The house is being raised to the 500 year flood elevation plus 1 foot. It was clarified that the roof and gutters will drain to the rain garden and there are no other drainage issues. Cowden clarified that the shed is to be removed and if replaced would have to come back before the IWA. Cowden asked if there was any chance of street flow onto the site. Maldonado stated that there is not; the apron has a slight pitch towards the street.

MaryRose stated that the silt fence along the back lot needs to be extended.

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

After duly considering all relevant factors, I move to approve application IW-A-14-059 41 James St based on the plans entitled "*Demolition and Hazardous Material Abatement of Existing Residence and Construction of New Residence for John & Cathy Mortimer Application No. 5088 41 James Street, Milford, Connecticut 06460*" Lothrop Associates LLP, 3 sheets, dated 8/12/10 revised 10/27/11, and plans entitled "zoning location survey 41 James Street prepared for John & Cathy Mortimer, Milford, Connecticut" by Codespoti & Associates 1 sheet dated 5/27/13 revised 2/16/15 the information in the file and presented this evening, for the following reasons:

- A change in the footprint of the house and the sonotubes for the deck will not change the impact on the wetland.

With conditions including:

- The Permittee will submit a construction plan *prior* to taking out the permit.
- Soil Erosion and Sedimentation controls as outlined on the plans and in the CT DEP "*2002 Erosion and Sedimentation Control Guidelines*" must be installed and maintained on the site until the property is stabilized.
- No soil or material is to be placed in or within 8' of the wetland line as shown on the plan.
- Wetland notification to be placed on the asbuilt and in the property deed to give notification to property owners that permits are required from the MIWA to work on the site.
- The shed will be removed from the wetland. Shed must be removed prior to bond release.
- Applicant to confirm Milford Standards for the apron and silt fence locations.
- Wetland notification to be placed on the asbuilt and in the property deed to give notification to property owners that permits are required from the MIWA to work on the site.
- A permit construction bond of \$6,010 in cash, money order, or certified check must be posted with the MIWA prior to any site disturbance for S&E controls, wetland line, wetland boundary markers, and an asbuilt showing finished 2' contours and locating all site utilities and structures to insure that the site development will proceed and will be completed according to the approved design. The bond may not be released until the site is stabilized, the asbuilt has been received, the site inspected and approved for compliance with the permit

and certification has been received from the designing Engineer that the facilities meet the design intent of the approval.

- The permit is issued 2/18/15 expires 2/18/20 unless otherwise provided by Statute.

The motion carried unanimously.

- 3. IW-M-12-080: 400 Burnt Plains Road, Building #2, Baybrook Remodelers, Inc.**
– modification request for wall and grading for an approved 1590 sq. ft. structure with construction, grading and work within 100' of a wetland or watercourse in the Indian River Watershed. Outstanding permit condition items.

MaryRose reported that in December Baybrook Remodelers requested that the Agency signoff on the unfinished conditions of approval to allow a temporary certificate of occupancy to be issued for the building. They stated that they don't feel that they can comply with the outstanding conditions due to the winter weather. A letter was issued on 12/22/14 outlining the outstanding items and was reviewed with Scott Farquharson at the 1/21/15 and 2/4/15 MIWA meeting. The remaining outstanding items are:

1. Erosion and sedimentation controls to be repaired and replaced as needed. E&S controls must remain in place and functioning until site is stabilized. *The Erosion controls need to be maintained to avoid the open soil from entering the wetland over the remainder of the winter and spring. At the 2/4/15 meeting the MIWA requested that hay bales be installed in front of the non-functioning silt fencing from wetland flags 2 to 10. In areas that will accommodate it, two rows of hay bales to be installed with joints to be staggered. Hay bales must be tightly butted up against each other to prevent water from flowing between bales. It is understood that properly installing with double stakes will be difficult at this time due to frost. When thaw occurs bales are to be double staked until site is stabilized. The erosions controls must be properly maintained until the site is stabilized. Mr. Farquharson called late yesterday afternoon to say that they were installing the hay bales but could not install them to the rear of the structure.*
3. Rain Gardens A, B and C to be appropriately graded and planted. Project Engineer to confirm sizing is appropriate and piping is installed and will function as designed. *The stormwater system for the site is made up of these three rain gardens. While the downspouts are connected to the excavated areas where rain gardens were proposed to be planted, there is nothing to hold the soil in place and avoid erosion in these basins. Baybrook Remodelers submitted a letter dated 1/21/15 from Anthony Giordano, P.E. that the basins have been properly built including the sizing of the piping. Mr. Giordano stated that plantings need to be installed in early spring 2015. He also stated that hay bales would be placed at the end of the downspouts and maintained until the plantings are installed to prevent any erosion in the basins.*

6. Granite posts on 4' centers between Rain Garden A and the parking area. You stated that you will be submitting a letter by a professional stating that the protection of the rain gardens can be concrete bollards. Scott Farquharson submitted a drawing with 5 metal and concrete bollards and is requesting a modification from the granite posts.
9. The permittee shall provide to the Agency a certified asbuilt plan for the project including wetland boundaries, upland review line, finished grading, drainage, outlets, building, and wetland boundary marker locations within two months of project completion. In no event shall the project bond be released prior to the submission of an asbuilt. The asbuilt must be by a licensed surveyor and include certification by a registered Engineer that the facilities meet the design intent of the approval. *The asbuilt was received but was missing the wetland notification and engineer's certification, seal and signature.*
10. Wetland notification to be placed on the asbuilt and in the property deed to give notification to property owners that permits are required from the MIWA to work on the site. *Condition #28 of the permit conditions you signed on 5/2/14 for the modification and on 10/11/13 for the original permit notes the language required in the deed and on the asbuilt. Condition # 28 reads:*
 28. *The applicant shall place into the property deed the following language:*
"Notice of Regulated Area: The property conveyed herein is subject to regulation by the Milford Inland Wetlands and Watercourses Agency because inland wetlands and watercourses are present on a portion of the land herein conveyed. Activities conducted within these areas may require an inland wetlands permit."

Revised asbuilt #8 signed and sealed.

Farquharson stated that he intends to install the bollards as soon as possible after the IWA grants approval. MaryRose asked that the haybales be installed appropriately per the CT DEEP 2002 Sedimentation and Erosion Control Manual.

Pictures were distributed that were taken by MaryRose on 2/18/15. Cowden asked if there was snow up against the handicapped parking and that the haybales were not installed properly; there are no haybales in front of or behind the split rail fence. MaryRose stated that snow would have to be cleared and it would go into the wetlands. Cowden stated that it appears to be 8' of space and no haybales.

Dunn asked if there could be snow shelves designated. MaryRose stated that parking at the church lot was discussed at the time of approval so that it would not adversely affect the wetlands. Magnan stated that snow being piled adjacent to the wetlands is a concern.

The IWA is ok with adding 5 bollards to have a total of 7 installed along the edge of pavement, understanding that 2 bollards already exist and they may not be in a

perfectly straight line and with completion of the erosion controls maintenance by the 3/4/15 meeting.

Cowden expressed concern with the snow/ heavy rain forecast for this weekend and the impact that will have on the open soil conditions in the rain gardens and rear of the building where the erosion controls were never fixed. Erosion controls are to be fixed prior to Sunday's projected storm. Mr. Farquharson was asked to call MaryRose for an inspection prior to the storm.

4. **IW-A-15-004: 220 Rock Lane, SMI Realty, LLC** – proposed building addition and parking expansion with construction and grading within 100' of a wetland in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal for a 28,000 s.f. addition for Stevens Manufacturing at 220 Rock Lane with work within 100' of wetlands in the South Central Shoreline Watershed. The work will include construction of the building, underground stormwater detention and associated parking and grading. The wetlands are located along the rear property line of the site to the Northwest and were located by the UI Company, not the applicant or his neighbor. At the last meeting we asked Robert Blanchette of Borghesi Building and Engineering, the applicant's consultant, to submit a copy of a soil report. The Agency moved that once the soil report was submitted a site walk would be scheduled. At this time we do not have a soil report and the current snow cover prevents a site walk. Mr. Blanchette is still attempting to obtain a copy of the soils report. Due to the snow cover they are unable to have a new Soil Scientist flag the property at this time. She recommended no action at this time.

5. **IW-A-15-005: 0 Wheelers Farm Road, Wheelers Woods, LLC** – proposed 180 unit apartment complex with work within 100' and 150' of wetlands and watercourses in the Housatonic River and Wepawaug River Watersheds.

MaryRose reported that this is a proposal by Wheelers Wood, LLC for a 180-unit apartment complex with work within 100' of wetlands in the Housatonic River Watershed and within 150' of wetlands in the Wepawaug River Watershed on Wheelers Farms Road.

Attorney Tim Hollister of Shipman & Goodman, Steve Kochis, P.E. and Bill Root, Professional Wetland Scientist with Milone & MacBroom were in attendance to present the project.

Attorney Hollister reviewed that this was a 37 acre site originally and in the 1980's was approved for 2 office buildings. This is a highly disturbed area. He reviewed a 1990 aerial photo as well as a 2004 aerial photo. The site was subdivided and is now 26 acres. 2 sewer lines cross the property, there are 2 access entries and there are 2 areas of wetlands; one of which is already crossed by a driveway. The other wetlands area was reviewed and has a vernal pool on site.

Bill Root stated that he has studied the site for 10 years, he flagged the wetlands in 2004 and in 2013 he redelineated the wetlands. He surveyed the site in the spring and 2 eastern box turtles were found on site and showed this location on the plans which was at the power line right of way. They plan to protect the box turtle habitat. There will be no filling or direct impact to the wetlands. There are 12 acres of conservation easement proposed. MaryRose questioned the 100' versus 150' review areas. Root explained that the area is man made and hydraulically not connected due to its deep excavation. It is isolated and does not drain which suggested a 100' review area. This site has been extensively reviewed and recommendations have been incorporated into the site plans.

Munson asked if there has been any input from the public. MaryRose stated that there have been a few inquiries but that no one has come in to look at plans. Schopick stated that a project of this size should have a full public hearing. Magnan asked if all 4 areas are vernal pools. Hollister stated that they are 3 on site and 1 off site.

A motion was made by Munson, seconded by Schopick to schedule a site walk on 3/2/15 at 3:00 p.m. In the event of inclement weather, a notice of any changes will be posted. The motion carried unanimously.

6. **IW-A-15-006: 575 Merwin Avenue, City of Milford** – proposed drainage improvements and outfall stabilization with work within 100' of a wetland and watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal by the Public Works Director to correct a drainage problem along Rock Brook adjacent to Live Oaks School. Currently there is a ponding and back-up issue with the stormwater. The City Engineer has designed the plan before you to add additional piping and discharge and to maintain and upgrade the existing discharge pipe and area. Currently there is scour and erosion along the discharge pipe and wetland area. The proposed plan is to upgrade the piping, add a second outfall; stabilize the eroding slopes at the discharge point and to create a forebay to trap sediments and floatables. The forebay will allow for easier long term maintenance of the outfalls. MaryRose distributed pictures taken in the fall and oriented the plan to the pictures. There are no significant concerns. The work is to be done in house; the City Engineer and MaryRose will be inspecting the work and would likely be done in July/August as they are the driest months and school is not in session. This project would benefit the wetlands by preventing erosion and additional sediment.

The following motion was made by Munson, seconded by Schopick:
That Application IW-A-15-006: 575 Merwin Ave be approved based on the plans entitled "*Storm Drainage Design, City of Milford Department of Public Works, Merwin Avenue, Milford, Connecticut*" by City of Milford Engineering Bureau, 1 sheet dated 2/3/15 with conditions including:

- The Permittee will submit a construction plan *prior* to taking out the permit.
- Work to be done between July and August.
- Soil Erosion and Sedimentation controls as outlined on the plans and in the CT DEP “2002 Erosion and Sedimentation Control Guidelines” must be installed and maintained on the site until the property is stabilized.
- The Permittee must submit a certification by the Project Engineer that the completed project meets the design intent of the approval prior to bonds being released.
- The permit is issued 2/18/15 expires 2/18/19 unless otherwise provided by Statute. *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.

F. Minutes

It was noted that in the 2/4/15 minutes page 10, section F that Schopick and Cegan abstained from the vote. A motion was made by Munson, seconded by Dunn to accept the minutes as amended. The motion carried unanimously.

G. Staff Report

In your mail this evening was the CACIWC Habitat publication and the synopsis of Commissioner Experience. Please let the office know if any changes are necessary.

Site Status:

Burnt Plains Rd was discussed under Old Business,
Grove St Pump station - waiting on an asbuilt,
Indian River Interceptor –waiting for work to resume in the Spring,
Meadowside Rd – work is ongoing.
Sanitary Sewer Infill’s No. 1 area is stabilized - waiting on asbuilt
Sanitary Sewers Infills No 2 (Plains Rd/Shelland St/High St/White Oaks Ter) -
done for the winter. Final paving/stabilization will be in the spring.
Way Street work is ongoing,
Westmoor Road work is ongoing.
West Main Street is ongoing.

If anyone is interested in attending the CT Bar Association Land Use Seminar at Wesleyan on 3/21/15 from 8:30 to 4:30, please let the office know if you would like to be registered.

Please remember to call or email if you are unable to attend a meeting.

H. Chair’s Report

Noting that there have been a number of applications recently Magnan thanked Commissioners for putting in the time to review and prepare for our meetings. Realizing that this is a volunteer position with a large time commitment he wanted to thank everyone for being prepared.

The next meeting will be a site walks on 3/2/15 at 3:00 p.m.; and on 3/4/15 at 4:30 p.m.

The next regular meeting will be on 3/4/15.

There being no further business to discuss, a motion was made by Munson, seconded by Cegan to adjourn at 9:30 p.m. The motion carried unanimously.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.