

Minutes of the Regular Meeting of the Inland Wetlands Agency on December 17, 2014.

A. Roll Call

Present: Cathy Collins, Jim Connors, Ken Cowden, Carol Dunn, Dave DeFlumeri, Lily Flannigan, Richard Lutz, Brendan Magnan, Justin Margeson and Steve Munson.

Absent: Alan Cegan and Brendan Magnan.

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

Collins called the meeting to order at 7:30 p.m. and deemed Dunn and DeFlumeri the voting alternates and Margeson to act as Parliamentarian.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.



D. New Business

- 1. IW-PA-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 Watercourse.

MaryRose reported that this is a pre-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. She has reviewed and issued Jurisdictional Rulings for two other proposals for this property: a church in 2008 and a 4-lot subdivision earlier this year.

For her earlier approvals she required: additional erosion and sedimentation controls on the portions of the lot to be developed in the areas of the offsite wetlands and no work within 40' of the offsite wetlands. On the subdivision she required that the 3 lots closest to the offsite wetlands come back for review and permitting once it was determined exactly where the house and grading on the lots would be to ensure that proper protections would be installed to protect the off-site wetlands. Bob Wheway of Codespoti & Associates was in attendance to present the project.

Bob Wheway, Licensed Professional Engineer, Principal of Codespoti & Associates, reviewed that this is a 7 acre site with an existing house, barn and the remains of an orchard. It abuts The Orchards golf course and the Eisenhower park tennis courts are to the North. The site has unique topography. It is a highpoint with all of the water shedding off to the North South East and West. Everything does drain to the Wepawaug River and as such there is a 150' upland review area for the wetlands. Otto Theall of Soil and Wetland Science looked at both their property and the adjacent City of Milford properties. His report is in the record. No inland wetlands were found on the site at 701 North Street, but two isolated pockets were found on the Orchards Golf Course site. To the North (8th fairway) and East (4th green). Otto's evaluation of the wetland systems are that they are overgrown with phragmites and may have been created or enhanced when the golf course was developed. There were no wetlands flagged in this area in 1992 when the golf course was developed. They may have been created with the construction of the greens. There is about 8' of relief from the site to the wetland and the 8th green is about 8' up as well. Off to the west it is a relatively flat grade. This could have been a natural wetland area. Golf course greens are typically built up to promote drainage.

Speaking to sheet SP4 Wheway stated that this proposal has 12 homes, 9 driveways and a portion of the drainage system in the Upland Review Areas. There is 52,000 sq. ft. of upland review area on the site with about 41,400 sq. ft. disturbed. Of that disturbance 19,500 sq. ft. will be hardscape (roofs driveways sidewalks and roadways). The units are approximately 61' from the Northerly wetlands and 116' from the Easterly wetlands. The proposed grading is approximately 40' away on the Northerly side and approximately 90' away on the Easterly side.

Wheway stated that they have incorporated green infrastructure, – porous asphalt paving. It is shown as the hatched area on sheet SP4. The shaded areas on SP4 will be the stormwater management areas. All of the driveways will also be porous pavement although depth of stone will be less then on the roadway. Porous pavement is recognized as a best management practice.

They looked at porous pavement for environmental reasons and for stormwater management. There are no nearby catch basins in this area of North Street. The closest catch basin is to the north at Kozlowski Road and to the South it is about 800' away. They are proposing to infiltrate all water from the site and have ground water recharge. This is designed for no runoff from a 25-year storm; it is fully self contained with a zero increase in runoff.

Sedimentation and erosion control measures are shown on sheet SP5 with the details on SP7. There is no significant chance for impact from silts and sediments due to the

fairly flat site. They have proposed silt fencing, hay bales, an anti-track pad and plantings.

Wheway stated that based on the plans submitted (SP4) in his professional opinion that this project will not have any impact to the offsite wetlands and requests a Jurisdictional Ruling for this pre-application.

Wheway compared his proposal to the earlier approvals. He showed a story board for the Cornerstone Christian Church approval and handed out sheet W-1. That project had 46,500 sq ft of work proposed in the upland review area. He stated that his proposal has about 5,000 sq. ft. less disturbance and about 8,000 sq. ft. less hardscape area. In comparison his project represents less of an impact from the 2008 Cornerstone Christian Church plan.

Wheway spoke to plan W2 showing the 6-lot subdivision. That proposal had a driveway close to the property line and 2 houses within the upland review area. The proposed total disturbed on that plan was 27,400 sq ft with 9,800 sq. ft. of hardscape.

Collins stated that she feels like this is a lot of information to digest, having just received the plans at the meeting this evening. She has some confusion about the drainage, where the water will go and doesn't see a planting or landscaping plan.

Cowden stated that he felt the same and would like more time to review this proposal.

Dunn stated that she would like to walk the site.

Connors asked what kinds of houses are proposed. Wheway stated that they are proposing single family detached units of approximately 1,800 sq ft. These are 2-story units some of which will have first floor bedrooms. Munson asked if there will be basements. Wheway said there will be no basements.

Collins asked if the driveways will be pervious pavement, and where the water will go in a heavy rain. Wheway stated that the driveways will be porous but will not have the stone reservoir that the roads will have. He submitted porous asphalt cell detail. Connors asked what happens in a 50 or 100 year storm event. Wheway stated that he has designed to the 25 year storm as required by the City. The 50 and 100 year storm events will overflow to North St as it does today. Speaking to SP4 Wheway stated that there are 4 watersheds on the property: North St South, North St North, Pascal Drive and Platt Lane. He doesn't feel that there are any flooding issues on North St. The excess water will drain into the State drainage system on North Street.

Lutz asked if there will be roof drains and where will they drain to; also his concern with traffic and asked if this would be 55 and older housing. Wheway stated it will flow into the porous asphalt stormwater drainage system and pointed out the Hexagon

area on Putting Green Close with parking and a gazebo to show areas of infiltration. Wheway handed out a roadway detail showing the stone reservoir, and stated that this is a planned residential development and there are no age restrictions for residency at this time.

Collins asked where the snow removal would go and if this is a city street. Wheway stated that it is a private road, not a city street. He referenced some shoulder areas on plan SP4 and explained that porous asphalt reduces snow removal and there is no sanding or icing build up.

Lutz asked if there will be a deed restriction for the porous asphalt. Wheway stated that will have to be specified in the condominium documents. Flannigan questioned the driveways being porous. Wheway stated that they would be porous but not as deep as the roadways. The driveways were not factored into the calculations so the infiltration on the driveways will be in addition to their calculations. DeFlumeri asked if all of the driveways are pitched to the street. Wheway stated that they are so they can collect as much stormwater as we can.

Munson stated that per SP4 looking at elevations as exists today, flow goes in multiple directions and asked if the design will allow this to continue. Wheway stated that it would and that the intent is to mimic the current conditions.

Collins asked the agency if they are comfortable issuing a jurisdictional ruling tonight

Connors said it seems there is really no place shown to put the snow as shown on the plan, and questioned where it would go.

MaryRose would like the City Engineer to review the stormwater system. She asked about the new data showing that the 'old 50 year storm' is the 'new 25 year storm', would the system handle the 'new 25 year storm event'. Will there be a maintenance plan for vacuuming site. Wheway state yes vacuuming, jetting blowing of the site will be required for maintenance. He stated that the Infiltration tests were completed today (12/17) and the rates were better than expected so the infiltration numbers will get better.

Lutz said based upon what MaryRose said, can we have the City Engineer verify that this system has the capacity to convey the water?

Munson said that there is no indication on the plans of any plantings. He would like to see a landscaping plan.

Wheway stated that there are a number of other plans being worked on. He had hoped to get a Jurisdictional Ruling this evening.

MaryRose stated that she will get the plans to the City Engineer for review.

Lutz feels that the public may be interested in this and questioned if there should be a public hearing on this. Munson asked if there was any public interested in this item. MaryRose stated that there was not, that she had just received the application last night; it was posted on the Clerk's bulletin board and the website. If the Agency wants to walk the site we would need a full application. MaryRose explained that a developer can bring in a proposal as a pre-application to get input from the Agency on a project before they file the application or if they feel that it is a use permitted as of right and should be given a jurisdictional ruling.

Wheway stated that he came in under pre-app because he felt they fit into the pre-application as the other plans for this site were approved. If the others were not issued Jurisdictional Rulings he probably would have come straight in but since activity was less than one of the approved pre-applications he felt they could get a Jurisdictional Ruling.

Munson stated that he would be more comfortable seeing it as an application and do a site walk. Collins polled the Agency to determine if they would like to vote on this as a pre-application or would like to see a full application. All Commissioners wanted to see a full application.

Connors moved that pre-application IW-PA-14-076, 701 North Street be submitted for review as a full application based on the information in the file and presented this evening. The motion was seconded by DeFlumeri and carried unanimously.

2. **IW-A-14-074: 33 Schoolhouse Road, CT Self Storage of Milford, LLC** – proposed self storage facility with work within 150' of a wetland and watercourse in the Beaver Brook Watershed.

MaryRose reported that this item is on the agenda for the first time and can be heard at the next meeting.

E. Old Business

1. **Violation IW-V-14-069: 0 & 62 Chester Street, Robert & Sharon Saley** – deposition of material with work in and within 150' of a wetland and watercourse in the South Central Shoreline Watershed without a permit.

MaryRose reported that this is the violation on the Saley property at 0 & 62 Chester St in the South Central Shoreline Watershed. At the 11/19 meeting the Agency upheld the violation and required the following information to be submitted by 12/3:

1. Submit an A-2 survey with T-2 accuracy done by a professional licensed Land Surveyor in the State of CT showing the following information at a minimum;

- a. Wetlands line as delineated by a certified soil scientist or professional wetland scientist for both inland and tidal wetlands.
- b. Property boundaries.
- c. Proposed mitigation and planting plan by a Professional Wetland Scientist.
- d. Proposed timeline for execution of the mitigation and planting plan to remove material, plant and stabilize the disturbed area including three years of monitoring by a Professional Wetland Scientist.

The meeting on 12/3 was cancelled. Saley has had the property flagged and the survey crew was on site on Monday 12/1. MaryRose walked the site with Saley and John Gaucher of CT-DEEP-OLIS on 12/3/15. Based on the flagging and evidence in the field it was determined that additional information was necessary to evaluate the site for inland and tidal wetlands. Mr. Gaucher requested that the areas under the fill piles be reviewed by professional wetland scientist with experience in tidal vegetation to determine if there are wetlands in the lower yard area. On 12/3/15 MaryRose authorized Saley to move the fill piles from the lower yard area to the upper portions of the yard away from the flagged wetland area so that further testing could be done. Saley has a draft map this evening showing the information required by the Agency *prior* to the fill piles being moved. Mr. Rob Saley was in attendance to answer questions on the violation.

Robert Saley, 62 Chester Street, stated that he has had some difficulty moving plies due to moisture. He scraped up to 25' off the wetland flags and was concerned about going any closer to the marsh. He asked if he can use a small machine to excavate for the soil scientist when they come out.

Lutz asked what the end goal for the property was. Saley stated that he had purchased it as a rental property; he is working on the site and would like to renovate and fix the drainage by the garage. He explained that the end of the street isn't paved so water comes across his property. He would eventually like to put a stone wall in front of his land and ask the City of Milford to allow him to pave the street further down. He also wants to put more fill around the house, to try and get the water to shed away from the house. He is trying to prevent the flooding that has happened 4 times since he purchased the house. He will be sodding the area on Friday.

Lutz asked about the area the IWA is regulating. MaryRose showed the upland review area on the draft map submitted by Mr. Saley's Engineer. MaryRose recommended that the Agency modify the order to require the information, including additional tidal and inland wetland information from under the fill piles to be submitted by 2/4/15.

Connors moved that cease and desist order IW-V-14-069: 0 & 62 Chester St be modified to require the following information to be submitted by 2/4/15:

1. Submit an A-2 survey with T-2 accuracy done by a professional licensed Land Surveyor in the State of CT showing the following information at a minimum;
 - a. Wetlands line as delineated by a certified soil scientist or professional wetland scientist for both inland and tidal wetlands. *Including information from under the fill pile areas.*
 - b. Property boundaries.
 - c. Proposed mitigation and planting plan by a Professional Wetland Scientist.
 - d. Proposed timeline for execution of the mitigation and planting plan to remove material, plant and stabilize the disturbed area including three years of monitoring by a Professional Wetland Scientist.
 2. The above information to be submitted to the MIWA office by 2/4/2015.
- The motion was seconded by Cowden and carried unanimously.

F. Minutes

A motion was made by Connors, seconded by Munson to accept the minutes of the 11/19/14 meeting as presented. The motion carried unanimously.

G. Staff Report

- The Mayor's office notified MaryRose that all Commissioners wish to return. There is a request to alter the meeting room location that she is working on. The difficulty is to ensure that whatever room we are using is not switched / or taken away at the last minute by the primary user of that room (i.e. BOE). We are the primary user of room A and therefore get priority for that room on the 1st & 3rd Wednesdays of the month and for special meetings as necessary. For the most part we can adjust to being moved at the last minute but not if we have posted a public hearing and noticed it in a newspaper.
- Sanitary Sewers Infills No 2 (Plains Rd/Shelland St/High St/White Oaks Ter) done for the winter. Final paving will be in the spring.
- Grove St Pump station and sewer project waiting on an asbuilt.
- Indian River Interceptor -the site is stabilized for the winter work to resume in the Spring.
- Sanitary Sewer Infill's No. 1 area is stabilized – waiting on asbuilt
- Way Street work is ongoing,
- Burnt Plains Rd is waiting rain gardens, plantings and the correct type and number of bollards. MaryRose stated that the Builder would like to have a temporary certificate of occupancy because they don't feel that they can comply with the outstanding conditions due to the winter weather. Scot Farquharson from Baybrook had stated that this work was going to be done in May and September but there are still outstanding issues.

Cowden stated that he would like them to comply with the permit conditions that they agreed to. It is not too late in the season to try and comply. The Agency instructed MaryRose to talk to Baybrook Remodlers, requiring them to comply with approval. Lutz asked if the IWA could request that the Church appear in front of the Agency to answer for the non-compliance. MaryRose stated that we can ask them to appear but can only require an appearance for a violations. Joe Griffith stated that a notice can be issued to the applicant that use without a CO is in violation of the law.

- Westmoor Road work is ongoing rear slope is stabilized.
- West Main Street is ongoing.
- Meadows End; the foundation is in.
- Please remember to call or email if you are unable to attend a meeting.
- The next meeting is 1/7/15 and will be an Organizational Meeting. If you are being reappointed please get sworn in either at the January 5th Board of Alderman meeting or in the City Clerk's office prior to our meeting on January 7th.

H. Chairwomen's Report

No Report.

There being no further business to discuss, the meeting adjourned at 8:55 p.m.

Respectfully submitted,


Lisa Streit

These minutes have not been accepted or approved.