

**INLAND WETLANDS AGENCY
REGULAR MEETING
APRIL 15, 2015**

A. Roll Call

Commission Members Present: Chairwoman Cathy Collins, Commissioner Allan Cegan, Commissioner Ken Cowden, Alternate Commissioner Carol Dunn, Commissioner David DeFlumeri, Alternate Commissioner Daniel Schopick, Commissioner Justin R. Margeson, Commissioner Lily Flannigan and Commissioner Steve Munson

Excused: Commissioner Jim Connors and Commissioner Brendan Magnan

Others present: Compliance Officer MaryRose Palumbo, Secretary Kathy Kennedy and members of the public.

Commissioners' Dunn and Schopick were declared voting alternates.

Chairwoman Collins called the meeting to order at 7:31 p.m.

B. All stood for the Pledge of Allegiance.

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

None.

D. Old Business

D.1 - IW-V-14-069: "0" & 62 Chester Street, Map 38, Block 535, Parcels 4 & 5, Robert and Sharon Saley.
Deposition of material with work in and within 100 ft. of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Information to be submitted by 2/4/15.

Compliance Officer Palumbo explained additional information had been requested, but due to snow Mr. Saley was unable to submit anything. She stated Mr. Saley submitted the requested documents today which she stated were included in the Commissioner's packet. She stated a site plan from Mr. Saley was included. Compliance Officer Palumbo reported Mr. Saley has moved the fill piles from the wetland area and would not like to stabilize the disturbed area with loam and seed. She stated she was recommending the yard area be seeded with grass above the wetland line and that either a salt tolerant grass or wetland mix be used in the disturbed inland wetland area adjacent to the tidal wetland line and phragmites. She reported Mr. Saley has spoken with DEEP-OLIS about doing phragmites control on his site to bring back the native tidal marsh grasses. She stated Mr. Saley was present tonight to answer any questions.

Robert Saley - 50 Bluff Avenue, West Haven - thanked the Board for their patience. He stated by then end of this week it should be fully seeded and hayed and that he expected growth by the end of the month. He welcomed the Board to stop by anytime. He also noted there is a silt fence.

Chairwoman Collins noted for the record that the Board was looking at photographs (13) taken on the Compliance Officer's City cell phone.

Mr. Saley also stated there were some trees he wished to remove.

Compliance Officer Palumbo noted some overgrowth along Chester Street. She stated she would be happy to meet with Mr. Saley and Mr. Gaucher at the site. Compliance Officer Palumbo stated she would send an email to Mr. Gaucher requesting a meeting on the site to review trees in the tidal wetlands/review area.

Mr. Saley stated he is looking to put up a stone wall in the fall, but he would meet with the Compliance Officer prior to doing that. He stated the wanted to take care of the phragmites and then move forward.

Commissioners' Munson and Cowden moved that cease and desist order IW-V-14-069: "0" & 62 Chester Street be modified to include the following items and that the Compliance Officer may release the order upon the completion of the following items: 1) Seeding and planting of the disturbed area; and 2) 80% coverage and stabilization of the disturbed area. Motion carried unanimously.

D-2. IW-A-14-076 – 701 North Street, Map 107, Block 801, Parcels 27, 27B & 28, Stone Preserve LLC. Proposed residential community with construction, parking and grading within 150' of an offsite wetland or watercourse in the Wepawaug River Watershed. [1/7/15||1/21/15||3/13/15||4/16/15]

Compliance Officer Palumbo explained 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.

The Agency walked this site on April 9, 2015 the weather was overcast and cold. There were a number of neighbors present on the walk. I walked the site this afternoon with Carol Dunn. The weather was warm and clear. We looked at the relationship of the Northern Wetland to the corner of the building, and in relation to the Eastern wetland and the Southern portion of the site near the utility easement and the Lisman property.

Compliance Officer Palumbo noted that a citizen inquired about a former gasoline spill on the property. Jeff Gordan of Codespoti stated that to his knowledge that spill was cleared up a long time ago.

Compliance Officer Palumbo stated Mr. Bob Wheway of Codespoti & Associates was present.

Bob Wheway, Codespoti & Associates, 263 Boston Post Rd, Orange, CT. He stated during a recent walk of the parcels there were some questions that came up. The first had to do with the bamboo on the property. He explained the bamboo stands that were found and how they planned to eradicate them and also the removal of the bittersweet. Mr. Wheway provided the Agency with a handout with invasives removal plan and 11 X 17 maps of SP-2 and SP-4 the utility easement area existing 25' sanitary sewer bringing water and gas within 150' review area. He was asked if the easement had a time limit on the review of the construction of that. Mr. Wheway stated that the deed from the easement states in perpetuity to heirs and assigns. He stated they put forth the best available data. He also stated they have not approached Mrs. Lisman.

Chairwoman Collins stated she would like them to pursue seeing if they can ask Mrs. Lisman to identify the wetlands on the property. She also commented the biggest problem was the slope.

Commissioner Schopick stated the question with the easement was not the existence of the easement with the deed, but that the easement had been given wetlands approval previously, but was not incorporated in this particular application.

Mr. Wheway stated the original application is quite old. He noted the utilities application is part of this application and which they would be installing.

Compliance Officer Palumbo commented regarding the wetlands and the silt fence line and that it is a very old subdivision

Mr. Wheway stated the ability to go on the property is beyond his control. He stated they were given permission to go on the city's property.

Compliance Officer Palumbo stated the wetland line is more than 20 years old, so they have no way of knowing whether it had been extended.

Chairwoman Collins asked for an extension citing concerns of the easement and the great public interest in this property.

Commissioner Cowden agreed.

Commissioner Schopick asked about the application and if he had asked Mrs. Lisman, or if she had turned them down.

Mr. Wheway reiterated he did not approach Mrs. Lisman.

Commissioner Flannigan stated she had many questions regarding the maintenance guide which the Board was seeing for the first time tonight

Mr. Wheway stated it was the original.

Chairwoman Collins stated the Agency would have to make a decision by 5/17/15, which is the 130th day for the application.

Commissioner Munson asked about the Northern side of the project and the number of trees along that line. He asked if they would be removed.

Mr. Wheway stated there are some trees that are worth saving, but there were some that once disturbed would come down. He stated it was a decision that would be made at the time of construction.

Compliance Officer Palumbo stated she spoke with Mr. Gordon and that they would try to save as many trees as possible depending on grading and foundations.

Commissioner Munson stated he felt a public hearing regarding application IW-A-14-076, 701 North Street would be in the public interest. He moved that a public hearing be scheduled for May 6, 2015. Commissioner DeFlumeri seconded.

Mr. Wheway asked about the extension.

Compliance Officer Palumbo explained the Agency has until May 6 to make a decision

Chairwoman Collins commented Mother Nature had a lot to do with the delays.

Compliance Officer Palumbo asked the Agency if there was more information they would like prior to the May 6th public hearing.

Commissioner Schopick stated he would like additional information as to the impact on the wetlands.

Chairwoman Collins added she would like additional information concerning the easements and the impact on the project.

Mr. Wheway spoke regarding the water service in the area which would vastly improvement.

Commissioner Flannigan asked about cover alternatives and the impact to wetlands and other utility easements. She also asked about pervious pavement any other residential developments that have the pervious pavement flaging on Mrs. Lisman's property

Mr. Wheyway stated the location of the proposed utility locations to the wetlands on Barbara Lisman's property. This work appears to be within 24' of the wetlands as identified in 1989. Mr. Wheway also spoke of the projects at Subway and also at John F. Kennedy Elementary School.

Commissioner Flannigan asked if the others, such as residential.

Compliance Officer Palumbo stated they were not.

Commissioner Munson stated he felt a public hearing regarding application IW-A-14-076, 701 North Street would be in the public interest. He moved that a public hearing be scheduled for May 6, 2015. Commissioner DeFlumeri seconded. Motion carried unanimously.

D.3. IW-A-15-004, 220 Rock Lane, Map 92, Block 7.5 Parcels 1D, SMI Realty, LLC. Proposed building addition and parking expansion with construction and grading within 100' of wetland in the South Central Shoreline Watershed. . [1/21/15||2/4/15||3/27/15||4/15/15||] 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. We have received the soil report from Scott Stevens of Soil Science and Environmental Services, who delineated the soils on the site on 3/31/15. The revised plan showing the location of those flags was in your mail packet. I spoke with Mr. Blanchette this morning and they will be moving the location of the galleys further from the wetland line. We have received an extension of the 65-day review period from the Applicant until 5/7/15. Compliance Officer Palumbo asked the Agency if they would like to schedule a site walk at this time?

Commissioner Munson asked if they were going to look at a plan.

Compliance Officer Palumbo replied yes and that she had spoken with them this morning. She stated they were looking for a date for the site walk.

Chairwoman Collins suggested 5:00 p.m. on April 23.

Commissioner Munson moved that a site walk be scheduled for application IW-A-15-004, 220 Rock Lane on April 23, 2015 at 5:00 p.m. (In the event of inclement weather a notice of any changes will be posted).

Commissioner Cowden seconded. Motion carried unanimously.

D.4. IW-A-15-005: “0” Wheelers Farms Road, Map 96 Block 915 Parcel 11C1; 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. [2/04/15||2/18/15||4/10/15||5/6/15]

Compliance Officer Palumbo explained 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. Due to weather and quorum issues the site walk has been scheduled for 4/28/15. We have relieved and extension on this application to 5/6/15.

She stated they have retained Dr. Michael Klemens for a third party review of this project. He began his field work last week with the applicant’s consultants, Michael Klein and Eric Davison. Compliance Officer Palumbo stated Attorney Tim Hollister is here this evening to answer any questions you may have

Attorney Tim Hollister, Shipman & Goodman stated that the site flagged had been reset and is ready for a site walk. He would like to begin the PH on May 6 zoning is going to start their hearing on 5/21 and he doesn’t want to get the hearings out of sync.

Chairwoman Collins not comfortable schedule hearing until see the site in order to know what questions you will have.

A discussion ensued as to an extra meeting in May.

Compliance Officer Palumbo stated this application was received on February 4, 2015 and that the 65-day review period expired on April 10, 2015. She stated they have an extension of the review period until May 6, 2015. She stated the Agency would need to either open the public hearing on May 6, 2015 or receive another extension from Mr. Hollister to May 20, 2015. She stated they could continue the hearing or close it to deliberate but in either case a decision must be made on this application by June 14, 2015 as that is the 130th day from the date of receipt.

Commissioner Munson stated that he felt a public hearing regarding application IW-A-15-005: “0” Wheelers Farms would be in the public interest. Commissioner Munson moved that a public hearing be scheduled for May 13, 2015 at a location to be determined. Commissioner Cowden seconded the motion. Motion carried unanimously.

D.5 IW-M-13-024: 553 West Avenue, Map 42, Block 335, Parcel 1. Grillo Services, LLC. Proposal for a facility for leaf composting, tree and brush recycling, processing of topsoil, sale of landscaping products and two (2) buildings with roads, parking, grading and storm water improvements in and within 150' of a wetland in the Beaver Brook Watershed. Modification Request. [4/01/15||4/15/15||6/05/15]

Compliance Officer Palumbo explained this is a modification request for the Grillo Services LLC project on West Avenue that the Agency approved with conditions and bond on 7/24/13 and modified on 11/19/14. The 11/19/14 modification request was for realignment of the buildings and material storage binds on site; an expansion of the stockpile areas, additional drainage improvements, a woodchip berm around the disturbed area and a planting plan. This modification request is for realignment of the driveway on West Avenue per the Police Departments Traffic Review. The proposed change will move the driveway to within 27' of the wetland line and the entrance to within 20' of the wetland line.

Compliance Officer Palumbo stated at the last meeting the agency received the modification request and an attachment showing the changes from the original approval to the first modification to this modification request. She stated Matthew Davison Tighe & Bond's professional wetland scientist showed through testing during the original application that a portion of the wetland that had been flagged was a remnant and no longer functions as a wetland. That accounts for the reduction in wetland and upland review are on the site. She stated in the Agency packet is a letter from Matthew Davison, professional Wetland Scientist from Tighe & Bond discussing his professional opinion on the proposed modification. Mr. Davison suggested that the storm water discharge point adjacent to Beaver Brook be evaluated to ensure that it is stable and not a source of ongoing erosion and sedimentation.

She stated the plan revisions the Agency received at the last meeting included the following conditions of the MIWA approval:

- *500 lbs boulders with wetland boundary markers to be placed on 20' centers around the mitigation areas, roadways and disturbed wetland areas.*
- *6' Green page fence to be installed on the down gradient side of the proposed woodchip berm in the material receiving and stockpile area.*

Compliance Officer Palumbo stated Mr. Fred Mascia of Tighe & Bond here to present modification and answer any questions the agency may have.

Chairwoman Collins deferred to Mr. Mascia

Mr. Mascia spoke of the storm basin.

Chairwoman Collins asked about the point of discharge.

Mr. Mascia stated the construction documents are part of previous approvals.

Compliance Officer Palumbo stated she wished to clarify they were changing the plans to show the pavers. She explained if they were proposing a change the agency would require seeing the change prior to approval. She asked about the headwall and if they were hooking up to the existing pipe.

Mr. Mascia stated they would not be disturbing the existing pipe. He stated he would submit the revision next week.

Chairwoman Collins stated the next meeting is May 6th.

Compliance Officer Palumbo stated there is a public hearing that same night.

No action taken.

D.6. IW-A-13-033: 211 West River Street, Map 76 Block 315 Parcel 3; Sydney M. Patchen. Placement of fill to raise a portion of the existing lawn area to the elevation of the residence with work within 150' of a wetland or watercourse in the Wepawaug River Watershed.

Compliance Officer Palumbo explained this was an application from 2013 that was denied by the Agency as incomplete and was appealed by the applicant. Judge Stevens decided in favor of the applicant and remanded the application back to the Agency for Approval. We can approve with the condition that the top course of blocks in Section A of the wall be removed as recommended by Mrs. Patchen's engineer, James Swift in his letter dated 5/28/13.

Discussion ensued regarding having discussions with the City Attorney on this matter.

Alternate Commissioner Schopick stated he would like to hear from the City Attorney on this application

Commissioner Munson moved to move to approve application IW-A-13-033 211 West River Street based on the plans entitled "*Topographic Survey prepared for Sydney M. Patchen 211 West River Street, Milford, Connecticut*" by Richard W. Plain Land Surveyors, 1 sheet, dated 8/21/12 the information in the file and presented at meetings for the following reasons:

- Judge Stevens' memorandum of decision dated February 25, 2015, with conditions including:
- Removal of the top one course of blocks on the wall and stabilized of vegetation in Section A as recommended by Engineer James Swift in his letter to Joseph Patchen dated 5/28/13.
- Installation of a vinyl split rail fence with plantings at 5' intervals along the wetland line
- 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.
- A bond of \$2,115.00 must be posted with the MIWA for Soil and Erosion controls, and an as-built showing finished 2 foot contours, wetland line, wetland boundary markers and locating all site structures.
- Wetland notification to be placed on the as-built as well as in the property deed and filed on the land records in order to give notification that permits are required from the MIWA to work on the site.
- The Permittee must submit a certification by the Project Engineer that the completed project meets the design intent of the approval prior to the bond being released.
- The permit is issued 4/15/15 expires 4/15/20 unless otherwise provided by Statute.

Commissioner Cowden seconded the motion.

By roll call vote, the Motion carried 6 yes (Commissioner Cegan, Chairwoman Collins, Commissioner Cowden, Commissioner Margeson, Commissioner Munson, Commissioner Flannigan) and 2 no (Alternate Commissioner Dunn and Commissioner DeFlumeri), with 1 abstention (Alternate Commissioner Schopick).

E. Consideration of minutes or previous meeting (4/1/15 and 4/9/15 site walk)

Commissioners' Munson and Alternate Commissioner Schopick made and seconded a motion to accept the minutes from the April 1, 2015 regular meeting and the April 9, 2015 site walk as presented. Motion carried unanimously.

F. Staff Report

Site Status:

Burnt Plains Rd field – Compliance Officer Palumbo met with Jennifer Beno, Scott Farquharson and Fred Tratta on 4/9/15. We reviewed the rain gardens, and wetland areas. Concerns were raised that Rain Garden A is full of water and seems to be at the elevation of the nearby wetland. I spoke with Rick Raymond from Anthony Giordano Engineering who suggested that a rain barrel be used for the downspout adjacent to rain garden A. He felt that elongating that rain garden or piping the storm water runoff in that area could lead to an ice problem in the area of the rear basement door and handicapped parking area in the winter. I expressed concerns with maintenance and possible over flow from the rain barrel but Mr. Raymond felt that the Church could maintain and utilize the rain barrel system. As of 4pm this morning I have not received the cash bond from Baybrook Remodelers. Scott Farquharson stated that he thought a Surety would be the same as cash and I explained that was not what the Agency ordered. By condition I was to meet with Scott and a member of the Church today to review their progress but Baybrook never called to schedule a meeting.

I received an email from Scott this afternoon with the Report from Soil Science and Environmental Services. That was in your mail this evening and includes the recommendations for plantings and that the engineer reassesses the storm water plan for rain garden A.

Chairwoman Collins stated they are not yet in compliance.

Commissioner Cowden expressed concern with the lack of maintenance issues if the rain barrel were to overflow or crack there could be larger water issues.

Compliance Officer Palumbo asked what the Agency would like.

Commissioner Cowden stated he would like to see an engineer.

Compliance Officer Palumbo stated she would have the City Engineer review and express the concerns of the agency to Mr. Raymond and the need for another option

Indian River Interceptor –work to resume within the next month.

Meadowside Rd – work is ongoing.

Sanitary Sewers Infills No 2 (Plains Rd/Shelland St/High St/White Oaks Ter) - Final paving/stabilization will begin in the next few weeks.

Way Street work is ongoing,
Westmoor Road work is ongoing.
West Main Street is ongoing.
1595 Boston Post Rd project is ongoing.
86 Old Field Lane is ongoing.

Chairwoman Collins stated she would like an explanation from the City Attorney on West River Street. She also stated they would need a larger room for the May 6th meeting and possibly the May 13th meeting as well.

Compliance Officer Palumbo reminded the Agency to remember to call or email her if unable to attend a meeting. She asked if anyone had any questions.

G. Chairwoman's Report

Chairwoman Collins stated the next meeting will be May 6^h in this room with special meetings and site walks, weather permitting, scheduled on April 23rd at 5pm and April 28th at 4pm. She asked the Commissioners to let the office know if they were unable to attend. She also stated they should check their email in case of inclement weather.

Compliance Officer Palumbo reported an MEP input on an Orange, CT application.

Commissioner Munson concerns would like info from City Attorney if a 3rd party review is needed for every application and what the Agency can do with an after the fact permit.

H. Adjournment

Being no further business, Commissioner Munson and Alternate Commissioner Schopick made and seconded a motion to adjourn. Motion carried unanimously. The Board adjourned at 9:28 p.m.

Respectfully submitted,

Kathleen A. Kennedy
Recording Secretary, Acting for Lisa Streit