

A. Roll Call

Present: Brendan Magnan, Jim Connors, Ken Cowden, Dave DeFlumeri, Lily Flannigan, Steve Munson, Daniel Schopick and Philip Zetye.

Absent: Cathy Collins and Carol Dunn.

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

Magnan called the meeting to order at 7:30 p.m.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Hearing



Magnan reported that this is the continuation of a public hearing. It is a formal proceeding, please respect the process by only speaking when you are called upon and giving your name and address for the record when you speak, spelling as necessary for the Recording Secretary. If you must talk to each other during the meeting, please be courteous and go outside in the hallway so as not to disturb the other members of the public and the Agency who would like to hear the presentation. Please silence cell phones.

- 1. IW-A-16-028: 70 Kay Avenue, City of Milford Board of Education** – proposed parking lot expansion with crossing, construction and grading in and within 100' of wetlands in the Housatonic River Watershed.

Magnan read a letter from Representative Kim Rose dated 7/13/16 supporting the plan that accommodates 41 more spaces while accommodating the neighbors.

MaryRose stated that if no additional information is offered / submitted then there is no need for additional public comment as there would be no new information to comment on.

Donald Smith, Jr. PE, representing the applicant, asked that the hearing be closed; there is no additional information.

Magnan deemed the Public Hearing closed as there is no additional information.

Schopick stated that the professional felt that the alternate plan was the better plan to protect the wetlands and the Building Committee wants the primary plan. There is a feasible and prudent alternative that offers more protection to the wetlands. Magnan stated that he had asked if Alternate A had any impacts on school programming and the answer was no. Connors stated that the primary plan is most functional but Alternate A protects the wetlands and by state statute that is the IWA charge. Munson agrees. Flannigan agreed; Alternate A is the least impact to the wetlands. Magnan agreed and stated that it is most consistent with the regulations.

MaryRose stated that Alternate A with Alternate B (that has 9 parking spaces) gives the needed spaces and has the least impact.

Cowden agrees; there is a prudent alternative to the primary plan. Zetye stated that the regulations are crystal clear and he is surprised that resources were used for this.

Schopick stated that if the primary plan was voted on favorably and no one appeals it there would be no problem. If it was appealed, there would be no ground to defend that position. The IWA has tried to maintain a consistency. He doesn't fault the Building Committee for telling the IWA what they would like. DeFlumeri agreed; the IWA mandate is different from the Building Committee.

The following motion was made by Connors and seconded by Schopick:

After duly considering all relevant factors and based on the plans entitled: "*State Project No TMP-084-JLGB, West Shore Middle School, Kay Avenue & Milford Point Road, Milford, Connecticut*" by Silver Petrucelli + Associates and Donald W. Smith, Jr. P.E., 5 sheets, dated 5/2/16 revised 2/28/16; (map Scribner's error – should read 6/28/16) "*Alt A Southwest Parking Grading Plan State Project No TMP-084-JLGB, West Shore Middle School, Kay Avenue & Milford Point Road, Milford, Connecticut*" sheet 1 of 1 dated 4/19/16 by Silver Petrucelli + Associates and Donald W. Smith, Jr. P.E.; "*Alt B Southeast Parking Grading Plan State Project No TMP-084-JLGB, West Shore Middle School, Kay Avenue & Milford Point Road, Milford, Connecticut*" sheet 1 of 1 dated 4/19/16 by Silver Petrucelli + Associates and Donald W. Smith, Jr. P.E., the information in the file and presented at the public hearing on this application I move to approve Alternate A and Alternate B for application IW-A-16-028 for the following reasons:

1. A feasible and prudent alternative does not exist because
 - a. The applicant provided convincing documentation that Alternate A has no impact on the wetland and Alternate B has a reduction in impact from the primary proposal.
 - b. Alternate A is feasible and prudent as there are no direct wetland impacts and the proposed storm water system will mitigate the runoff from the parking area prior to it entering the wetlands. Alternate B is feasible and prudent as it balances the need of the property owner with the reduction in impact from the primary proposal.
2. After duly considering all relevant factors
 - a. There will be a minimal adverse environmental impact which will be mitigated by the proposed mitigation and planting plan and the use of sedimentation and erosion controls as set out in the application.
 - b. The short term impacts during the construction phase shall be mitigated by the following conditions: proper sedimentation and erosion controls and dewatering techniques.

With conditions including:

1. The primary plan is not approved Alternates A and B are.
2. The Permittee shall submit a construction plan *prior* to taking out the permit.
3. 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.
4. Wetland notification shall be placed on the as-built to give notice to property owners that permits are required from the MIWA in order to work on the site.
5. Compliance with the recommendations and requirements in the City Engineers Memo of 7/6/16.
6. Permit condition bonds to be calculated must be posted with the MIWA prior to any site disturbance for S&E controls, wetland boundary markers, plantings and an as-built showing finished 2' contours and locating all site utilities and structures to insure that the site development was completed according to the approved design. The as-built must be by a licensed surveyor and include certification by a registered Engineer that the facilities meet the

design intent of the approval. The bond may not be released until the site is stabilized, the as-built has been received and the site inspected and approved for compliance with the permit.

7. 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.
8. Signage to be placed adjacent to detention areas noting "*No snow storage or snow push.*"
9. The permit is issued 7/20/16 expires 7/20/21 unless otherwise provided by Statute.

That is my motion.

Discussion: Schopick noted the date on the plan is incorrect; Smith stated that it was a typo and should read revised 6/28/16. A new plan will be submitted with the correct date. There was a question regarding a bond and it was noted that the contractor would post the bond. Flannigan questioned markers on the site. MaryRose noted that it was not applicable to this site due to its location. The motion carried unanimously.

2. IW-16-032: 553 West Avenue, Kingdom Life Church/City of Milford – proposed replacement boardwalk and nature trail with construction, grading and filling in and within 150' of wetlands in the Beaver Brook Watershed.

MaryRose reported that this is a proposal to replace the Boardwalk at the Beaver Brook open space area in the Beaver Brook watershed. The boardwalk burned down in 2012 in a brush fire. The applicant is proposing to restore the parking area with storm water management, regrading of the trail for handicapped accessibility, reestablish the boardwalk and manage invasive species. The work includes the disturbance of 8,000 sq. ft. of wetlands and 24,385 sq. ft. of upland review area. They are proposing to enhance or create 17,100 sq. ft. of wetland area.

The Agency walked the site on June 7th.

Mike Doherty of Milone & McBroom and Steve Johnson were in attendance to answer any questions.

Steve Johnson stated that the purpose of this application is to replace the boardwalk from the fire in 2012 and is funded through several different grants. They will be enhancing the parking lot; providing ADA access to the trail and widen the boardwalk. There will be no additional trail work. The site is privately owned and has two conservation easements; one for the marsh area and one for the trail easement – right of way for maintaining.

Mike Doherty, Landscape Architect from Milone and McBroom, reviewed the plan and oriented the site location. The parking lot is presently for 16 cars; 25 are proposed at West Ave. The aisle will be paved and 19 spaces will be gravel and a lawn area for future expansion. There will be asphalt pavement on the trail; the boardwalk will follow the same as existing. The east end is a little longer. Invasive species control is proposed.

The parking lot was reviewed. The entrance will remain as is. There will be a slight expansion northwest; the frontage will be cleaned up. There will be a grading pitch to the west to allow for drainage. The drainage to a rip rap apron was reviewed. One handicapped accessible parking space will be paved. There will be a bituminous asphalt accessible trail with 200' at 7% slope. A small section at the landing / junction from the parking lot to the trail will be paved with short stubs on either side to transition from the asphalt to the trail. There will be regrading on either side of the new trail to capture runoff into swales. A number of trees will be planted along the trail and parking

lot. They are also looking to plant a meadow area, keeping sightlines and safety in mind. There will be an access gate to the parking area with a sign stating that it is open to the public.

Speaking to the Boardwalk shown on a split sheet plan; the existing trail will remain with no improvements. No work is proposed at the small existing bridge. DPW will be taking on maintenance of the area from the small bridge to the end of the new boardwalk. That project is DPW maintain responsibility and it is not part of this plan. They will be extending the boardwalk 40' to the east to get over a wet area and get outside of the flagged wetlands. The new boardwalk will stay in the same footprint as the existing. There is an Iroquois gas line easement on the site; they will coordinate with Iroquois on either side of the easement. The boardwalk is 5' wide now; it will be 6' wide for sure and 8' wide if the budget allows.

The construction sequence was reviewed: The site is challenging due to location. There will be two access points. Access along West Avenue through the current parking lot – to the east of the footbridge; beyond that area they will use low pressure mechanical equipment to minimize disturbance. Marsh Masters are used to access the center of the marsh. The remnant material from the old boardwalk, they will be suggesting that the contractor cut it in sections and then haul it up and out of the site. Any footings to remain will be cut to the marsh level, they may pull some out. The second access point northwest to the parking lot following the trail to the western edge of the boardwalk. There is only an 8-10' trail so a small low pressure machine will be used. Swamp mats or reinforced plastic or timber mats will be used. They will be cleaned before entering the site and before leaving the site. Doherty then gave an explanation of helical piles installation. The organic matter ranges from 2-18' deep on the site. The piles need to be 10' below that. The helical piles are warranted for a 30 year period. There will be 50' more boardwalk overall.

Magnan called for those to speak **IN FAVOR** of the application:

Steve Bruno, 600 West Ave., asked about the crushed stone how long will it be paved. Is the trail going to be all crushed stone and then the bridges and boardwalk is wood composite? Concerned about walking on stone and feels should be more than 1 handicapped space. It would be nice to have the trail reopened.

Maria San Marco, 27 Lucius Court, stated that she is in favor of the project and asked how long it is from start to finish. She also asked if there would be any impact on West Avenue; ponding, etc. She then asked if there is a target date for start and completion.

Joe Codespoti, 121 Seaman's Lane, stated that he is in favor of the project and he looks forward to using it.

Elaine Marczak, 84 Utica Street, stated that she used to use the boardwalk many times a week and misses it and looks forward to using it again.

Susan Falcigno, 105 Benjamin Heights Drive, stated that she is in favor of the project. She likes the natural trail verses contemporary but would take anything and looks forward to having it.

Magnan called for those to speak **AGAINST** the application:

None.

REBUTTAL

Doherty stated that the parking lot will be gravel; paved if the budget allows. The trail will be compacted stone dust in some areas. There will be no impact to West Avenue other than construction vehicles on site. The catch basin will remain and it drains away from West Avenue. They are looking to start in the Fall and most likely finish in Spring of 2017.

Johnson stated that the trail will be about 1.1 mile in total circumference. There will be a new trail brochure by the South Central Council of Government on the website.

Agency Discussion

DeFlumeri asked what type of chemical spray will be used on the phragmites. Doherty stated that an imazapyr based spray 'habitat' is one trademark name. It will be dependent on the time of year. It is likely they will do a spring spraying and fall cutting then work with the City on respraying and or recutting. The imazapyr has an 80% success rate.

Schopick asked about the 17,000 sq. ft. of wetland creation. Doherty stated that that is the rain garden area and plantings. Schopick asked if that is a major improvement to the area. Doherty stated that it is. Johnson stated that the approach was that there would be a separate application for the bridge area maintenance to deal with the drainage swale that wraps around the trail and there is a series of rip rap rock in that area to be dealt with. The design is not ready yet and it wasn't part of the original scope.

Connors asked why wood is being used instead of composite. Doherty stated that different types of decking were looked at and it comes down to funding concerns.

Flannigan asked when a decision would be made on 6' vs. 8' and would the size of the boardwalk determine the size of the pilings. She stated that she likes the 6' width; 8' feels commercial instead of natural habitat. Doherty stated that it is likely to be 6' there can be overhang, the helical piles will be inboard of the outer edge (roughly 7' 6"). The existing piles will be cut as close as they can to the marsh and then building over the top.

Zetye asked if the sacrificial anode is something to be considered to lengthen the lifetime of the helical piers. There was an explanation of sacrificial anodes and the cost is likely outside of the scope and budget. The engineer designed the piles to appropriate standards.

DeFlumeri asked what methodology will be used to protect the wildlife. Doherty stated that the NDDDB did return Eastern Box Turtle on the site. The work area will be silt fenced and CT DEEP protocol will be used during construction.

The following motion was made by Connors and seconded by DeFlumeri:

After duly considering all relevant factors and based on the plans entitled "*Beaver Brook Marsh Accessible Trail & Boardwalk, West Avenue, Milford, Connecticut*" by Milone & MacBroom, cover & 11 sheets, dated 5/3/16, the information in the file and presented at the public hearing on this application I move to approve this application for the following reasons:

1. A feasible and prudent alternative does not exist because:

- a. The applicant provided convincing documentation that no change in the size of the footprint, or the location of the footprint would decrease the impact.
 - b. No alternative proposed is feasible in that leaving the existing damaged boardwalk in place is detrimental to the wetland.
2. After duly considering all relevant factors:
- a. There will be a minimal adverse environmental impact which will be mitigated by the use of sedimentation and erosion controls as set out in the application.
 - b. The short-term impacts during the construction phase shall be mitigated by conditions including:
 1. ~~The primary plan is not approved Alternates A and B are.~~
 2. The Permittee shall submit a construction plan *prior* to taking out the permit.
 3. 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.
 4. Wetland notification shall be placed on the as-built to give notice to property owners that permits are required from the MIWA in order to work on the site.
 5. Compliance with the recommendations and requirements in the City Engineers Memo of 7/20/16.
 6. Permit condition bonds to be calculated must be posted with the MIWA prior to any site disturbance for S&E controls, wetland boundary markers, and an as-built showing finished 2' contours and locating all site utilities and structures to insure that the site development was completed according to the approved design. The as-built must be by a licensed surveyor and include certification by a registered Engineer that the facilities meet the design intent of the approval. The bond may not be released until the site is stabilized, the as-built has been received and the site inspected and approved for compliance with the permit.
 7. 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.
 8. Signage to be placed adjacent to detention area noting "*No snow storage or snow push.*"
 9. The permit is issued 7/20/16 expires 7/20/21 unless otherwise provided by Statute.
 10. The net affect of this proposal will be an advantage to the wetlands.

That is my motion.

A motion was made by Schopick and seconded by DeFlumeri to delete item 2. b. 1 and then renumber the remaining items. The motion carried unanimously.

The motion as amended passed unanimously.

A five minute recess was taken.

D. Public Comments

None.

E. New Business

1. **IW-A-16-045: 553 West Avenue, Grillo Services, LLC** – proposal for 342 apartments in two buildings with associated parking, access drives and grading with work in and within 150' of wetlands in the Beaver Brook Watershed.

MaryRose reported that this item is on the agenda for the first time and can be heard at the 08/03/16 meeting.

D. Old Business

1. **IW-A-16-001: 226 Baxter Lane, Victor Rosado** – proposed addition, indoor basketball court, patio and pool with construction and grading in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal by Victor Rosado for two additions, an indoor basketball court, an inground pool and irregular patio. At the June 1st meeting Mr. Rosado, stated that he would like to redesign the application, Codespoti & Associates has finalized the alternative and Environmental Land Solutions will be submitting a letter. At the 7/6/16 meeting Jeff Gordon of Codespoti & Associates submitted revised drawings showing the basketball building removed and the pool relocated to that area. A site walk was set for 5pm this evening. At the site walk Joe Codespoti, Jr. submitted a second revision of that plan slightly moving the retaining wall. Joe Codespoti, Jr. is here this evening to present the revised plan to the Agency.

Joe Codespoti, Jr., Licensed Land Surveyor, Codespoti & Associates, 263 Boston Post Road Suit 5, Orange, CT. Also, here is Mr. Rosado. We have removed the basketball court with the new plan received this evening on the site walk. We are proposing to install a retaining wall that starts in the NE corner of the property and runs along the wetland line to the Claremont Circle adjoiners.

They are proposing to impact 298 sq. ft of wetlands with a proposed mitigation of 2000 sq. ft. for a 6.712:1 ratio of wetland mitigation. The mitigation area will be along the southern portion of the property and will be created adjacent to the existing wetlands. He feels that it will be a functioning wetland due to that location. The proposed patio will be the same elevation as the exiting patio as will be the pool. On Sheet SP3 Bob Wheway has designed a drainage plan that takes care of the stormwater going into a water quality structure then into the infiltrators.

This plan is thought out as to creating wetlands and we are providing stormwater treatment. This is similar to the plan Jeff Gordon presented a few weeks ago with the exception that the retaining wall is now proposed on the wetland line except between wetland flags 10-11. The wall will be tall and prevent anything from entering into the wetlands. There are also the same additions as shown on the previous plan on the northern portion of the house.

Magnan stated that we have been requesting the environmental report on vernal pools and asked when Matt Popp's report will be received. Codespoti said that he had emailed Mr. Popp after the site walk and has not heard back; he doesn't have an answer on that this evening.

Magnan stated that the Agency needs to contemplate if additional information is needed and if we need to hold a public hearing.

Munson stated that he feels that we need to hold a hearing. This Commission holds a hearing for any filling. Flannigan stated that she was comfortable with what she saw, needs to see Matt Popp's report. Munson stated that he felt that this plan is an improvement over the one we saw before. He needs to review Mr. Popp's report because he has concerns about a potential vernal pool on the site in the area of the proposed fill. He feels that we need to have a public hearing due to the filling. Cowden feels that we do have to have a hearing if we are filling wetlands. He commends the applicant for pulling things back but needs to see Matt Popp's report.

Codespoti stated that he appreciates the Agency's desire for public hearing but we are filing roughly 150' from any neighbor on a 5 acre site. The area of proposed filling is close to the center of the property away from the neighbors. The neighbors are not affected by the filling.

Connors stated that the wall won't be offensive to the neighbors because it is away from the neighbors. We have always done a public hearing not sure if practically required.

Zetye stated that the wetland creation area is close to a neighbor, it seems like where the creation is happening is just as relevant as the filling.

Codespoti stated that the filling is close to the Foran High School football field and 65 Claremont Circle.

Schopick stated he would waive the hearing. DeFlumeri stated he is leaning towards not having a hearing on the same hand we didn't discuss the impact to the neighbor. Magnan stated he felt we could waive the hearing but with outstanding questions and the timeline we may need to schedule one.

MaryRose asked if the applicant would grant an extension of the timeline. Codespoti stated that they would to 08/17/16. MaryRose reviewed that there are three reasons for holding a Public Hearing: a petition of 25 or more signatures, public interest or a significant impact activity. MaryRose asked if the storm water been reviewed by the City Engineer. Codespoti stated that he was not sure.

The following motion was made by Connors and seconded by Schopick:

That a public hearing regarding application IW-A-16-001: 226 Baxter Lane would be in the public interest and moved that a public hearing be scheduled for 8/17/16.

The motion carried 4 to 3 with Cowden, Zetye, Munson and Magnan in favor and Schopick abstaining.

2. **IW-V-16-026: 321 New Haven Avenue, Beach Bum Holdings** – deposition of soil and material with work in and within 100' of a wetland or watercourse in the Indian River Watershed without a permit.

The Agency required that the information be submitted by 8/3/16. No action taken.

3. **IW-V-16-027: 1646 New Haven Avenue, Judith K. Rosehill** - Deposition of soil and material with work in and within 100 ft. of a wetland or watercourse in the South Central Shoreline Watershed without permit.

MaryRose reported that she is working with the property owner, Zoning, Engineering and the Southwest Conservation District to resolve this violation. She is meeting on the site next week and hopes to have information at the next meeting.

No action taken.

4. **IW-A-16-039: 0 Tanglewood Circle, Lot 28, April Culver Trustee** – proposed single family home with construction, grading and filling in and within 100' of wetlands in the Housatonic River Watershed.

MaryRose reported that this is a proposal for a single family home with construction, grading and fill in and within 100' of a wetland in the Housatonic River Watershed. This proposal is to fill 783 sq. ft. of wetland with 12,577 sq. ft. of work in the 100' upland review area for the construction of a house and yard and access to a septic system for a single family home. The applicant is proposing to use a rubble wall to delineate the edge of the filling and the wetland and to create 1,460 sq. ft. of mitigation wetlands. The Agency has scheduled a public hearing for 8/3/16. The contract was approved today and LandTech will be doing the Third Party review for the Agency. Chris Allan anticipates having the review ready before the hearing and he is available to come on 8/3/16.

No action taken.

E. Minutes

A motion was made by Connors, seconded by Munson to accept the minutes of 07/06/16 as presented. DeFlumeri stated that he does not like that after each motion those that were absent were listed. A motion was made by DeFlumeri, seconded by Schopick to delete this from the minutes. The motion carried unanimously.

F. Staff Report

- Site Status:
 - Indian River Interceptor –work is nearly complete; expected to be finished in September.
 - 1595 Boston Post Rd project is ongoing.
 - 86 Old Field Lane is ongoing
 - 220 Rock Lane is ongoing
 - 605 Orange Ave is ongoing
 - Edgefield Avenue sewer work will start soon.

Work is complete and mitigation bonds held on:

- Way Street bond held until fall 2018,
- West Main Street bond held until fall 2018.

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

G. Chair's Report

- Thank you all for the time and effort you have put in reviewing the applications before us.
- The next regular meeting will be on August 03, 2016 in the Board of Education Meeting Room.

There being no further business to discuss, a motion was made by Connors, seconded by Schopick to adjourn at 9:35 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.