

Minutes of the Regular Meeting of the Inland Wetlands Agency on November 15, 2017.

**A. Roll Call**

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

Absent: Nathan Buchok, Jim Connors, Lily Flannigan and Philip Zetye.

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

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

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.

**D. New Business**

1. **IW-A-17-043: 67 Prospect Street, 67 Prospect Street, LLC** – proposed office with 44 one bedroom apartments above and associated infrastructure within 150' of a wetland or watercourse in the Wepawaug Watershed.

MaryRose reported that this item is on the agenda for the first time and can be discussed at the next meeting. A petition with 36 signatures for a public hearing has been received and as the Compliance Officer, she has scheduled this for 12/20/17. A site walk was scheduled for 12/06/17 at 4:00 p.m.

2. **IW-A-17-055: 0 Terrace Road, Molly Rentals, LLC** – proposed houses on 3 lots with construction and grading within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

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

3. **IW-A-17-056: 15 Maddox Avenue, 11 Tremont, LLC** – proposed single family home replacing razed house damaged in TS Sandy with work in and 100' of a wetland or watercourse in the South Central Shoreline Watershed.

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

4. **IW-A-17-058: 58 Prospect Street, Wepawaug Prospect, LLC** – proposed 8 space parking area with work within 150' or a wetland or watercourse in the Wepawaug River Watershed.

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

RECEIVED  
NOV 22 2017  
MILFORD INLAND WETLANDS

**E. Old Business**

1. **IW-A-17-048: 690 New Haven Avenue, 690 New Haven Avenue, LLC** – proposed construction of 7 apartment buildings with associated infrastructure within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that the applicant is working on gathering additional information requested by the Agency that they will be submitting for the 12/6/17 meeting. They will grant an extension of the 65 day review period. No action taken.

A motion was made by Schopick, seconded by Dunn to hear items D.2 and D.3 together. The motion carried unanimously.

2. **IW-A-17-052: 0 Gulf Street, City of Milford** – proposed roadway and sidewalk improvements along with enhanced public access within 100' of a wetland and watercourse in the Indian River Watershed.
3. **IW-A-17-053: 460 Gulf Street, Allen Berrien** – proposed roadway and sidewalk improvements along with enhanced public access within 100' of a wetland and watercourse in the Indian River Watershed.

MaryRose reported that this is a proposal by the City of Milford to widen a portion of Gulf Street and move the sidewalk away from the street. A portion of the new sidewalk is proposed within the 100' upland review area for Inland Wetlands. The majority of the proposed boardwalk and some of the sidewalk are within DEEP-OLIS Tidal Wetlands jurisdiction. The City and its consultants are working with John Gaucher of CT-DEEP-OLIS to permit that portion of the proposal. In your mail this evening was an alternative site plan for this proposal with a curved or more circular boardwalk. Bob Wheway, Steve Johnson and Director of Public Works Chris Saley are here this evening to present the proposal and answer your questions.

Bob Wheway, Codespoti & Associates on behalf of the City of Milford, stated that the roadway and sidewalk improvements are part of a larger proposal from Cherry Street towards Gulf Beach. This area is the last house on the left before the beach. He proceeded to orient the site to plan BW1. A portion of the boardwalk and sidewalk are on property owned by #460 Gulf St. The remainder of the work is proposed on City of Milford property. Plan shows the proposed roadwork and sidewalk work along with the existing roadway, sidewalk and guardrail.

The wetlands were flagged by Scott Stevens in July 2017. 6 flags located on the plans show a small sliver of inland wetlands. There is a series of flags on the remainder of the plan that are CT DEEP Tidal wetlands; Walpole sandy loam. Mr. Stevens report is in the application packet and describes the soils. Proposed improvements are safety improvements to Gulf Street in this area. In some areas the pavement will be widened and the whole road will be milled and paved. The sidewalk will be relocated and the alignment modified. The sidewalk will be further away from the road way and based on elevations, grading would be required. An elevated boardwalk is proposed with a retaining wall beyond that. A colored plan was distributed. The sidewalk area is the area of concern for the IWA. BW2 includes the planting plan by Matt Popp of Environmental Land Solutions. Wheway reviewed his report noting that he has determined that there are no adverse impacts as a result of this project.

The Alternative plans BW1A & BW2A (plans seeking approval) were reviewed. Over the course of the project they have been in contact with boardwalk manufacturers. This gives a more circular

route that opens and expands the views of the gulf pond area. On the original plan the house at #460 would obscure the views. This alternative opens up the views for the public and doesn't change the proposed work in the MIWA upland review area. This project provides significant enhancements to public safety.

DeFlumeri asked about snow removal on the boardwalk. Wheway stated that hand equipment or a single man vehicle would be used as they do now; this plan allows for a snow shelf that does not exist now. Dunn asked if this brings the boardwalk any closer to the osprey nest. Wheway stated that the osprey are 1200' away and will make no difference. Munson asked about the construction material for the boardwalk. Wheway stated that once DEEP approval is obtained the project will go out to bid and either wood or concrete will be used; both of which will be supported on piles. This is a design build.

Cowden asked MaryRose's opinion on the project. MaryRose stated that she walked the site last August and feels this will not create a negative impact; the outer boardwalk is not within the IWA's purview. The retaining wall is in the review area but is Tidal Wetland jurisdiction. This project will enhance the area for wetlands so it is not a wetlands concern; it is a safety issue. Cowden stated that per the report there are no endangered species on site.

Magnan stated that Mr. Popp's report was very comprehensive and incorporates best practices with no negative impact. Munson asked if anyone feels they would like to do a site walk. No one felt it necessary.

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

I move to approve application IW-A-17-052 0 Gulf Street and IW- A-17-053: 460 Gulf Street., based on the plans entitled "*Proposed Improvements Gulf Street Boardwalk & Sidewalk, Milford, Connecticut Agency Submission Drawing*" by Codespoti & Associates, P.C., cover and 5 sheets dated 10/31/17 including BW1A & BW2A alternative, the information in the file and presented this evening, for the following reasons:

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

With conditions including:

- The Permittee must 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.
- A bond to be calculated must be posted with the MIWA for S&E controls, plantings per the Environmental Land Solution report, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.
- 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 11/15/17 expires 11/15/22 unless otherwise provided by Statute.

Schopick questioned if a bond was necessary from the City of Milford. Chris Saley stated that they normally keep a retainage of 5% for 2-3 years. The bond would add to the cost of the project. DeFlumeri stated that he would prefer the bond. MaryRose stated that the retainage is larger than what the IWA bond would be.

A motion was made by Schopick, seconded by Munson to remove the condition for the bonding. The motion carried 5 – 1 with DeFlumeri opposed. The motion to approve the project passed unanimously.

4. **IW-A-17-054: 400 Narrow Lane, Philomena and Estate of John Laviola, Sr.** – construction or a single family home in Orange with portions of the septic system and grading in Milford within 100' of a wetland and watercourse in the Indian River Watershed.

MaryRose reported that this is a proposal for a subdivision in the Town of Orange that has a portion of one lot in the City of Milford. The portion of the lot that is in Milford has the proposed septic system and associated work within 60' of the Milford wetlands. The Town of Orange IWA will be hearing and regulating the wetlands for the remainder of the subdivision. Bob Wheway of Codespoti & Associates was in attendance to present the application.

Wheway clarified that the amount of wetlands on the City of Milford is 0.04 not 0 – correction to application submitted typographical error. He is here on behalf of Philomena and Estate of John Laviola, Sr. He referenced and reviewed SP2 stating that the majority of the property is in the Town of Orange. A portion of lots 2 and 3 are in Milford and this equals 0.78 acres. The entire plan is a 5 lot subdivision. The wetlands were flagged on 3/30/17 by Otto Theall and this was reviewed on the plans. This is a single family home, storm water and drainage. There is no proposed filling of wetlands. There will be 864' of disturbance 60' away from the wetlands; this includes grading and the leaching system. There will be standard soil and erosion control measures and will loamed and seeded once complete.

MaryRose referenced SP3 where the erosion control protects Tumble Brook and that inspection should be coordinated with the Orange IWA Compliance Officer. Magnan asked if Orange would require a buffer. Wheway reviewed the drainage system and that it is capable of holding the 1" event for storm water quality. Magnan asked if there were concerns with leaching fields. MaryRose stated that there is not; Orange is primarily septic. Magnan asked about the area of flags 6, 7, 8 and 9. Wheway stated that this is 50' to the silt fence line and 60' from the galleries. Cowden asked about the stockpile area on lot 2 and questioned how far this is from the wetlands. Wheway stated that there is 130' off of wetlands flag 7. MaryRose stated that SP3 shows a row of silt fence around the stock pile area and she feels this is sufficient. Schopick asked if there were any sewers in the area. Wheway stated that there are no sewers available from Orange or Milford in this area. Magnan asked about trees to be disturbed. Wheway reviewed this on the plans. DeFlumeri asked if there were plantings proposed on lot 2. Wheway stated that there is not but they would have no objections to this.

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

I move to approve application IW-A-17-054, 400 Narrow Lane, based on the plans entitled "*Proposed Subdivision Plans 400 Narrow Lane, Orange, Connecticut*" by Codespoti & Associates, P.C., cover & 8 sheets dated 10/13/17 the information in the file and presented this evening, for the following reasons:

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

With conditions including:

- The Permittee must 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.
- 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.

- 24"-36" plantings on 5' centers with boundary markers on vinyl fencing a minimum of 40' off of the wetland line in a manner consistent with the Town of Orange.
- A \$7,320 permit condition bond must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.
- The 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 11/15/17 expires 11/15/22 unless otherwise provided by Statute.

The motion carried unanimously.

#### **F. Minutes**

A motion to approve the minutes of the 11/01/17 regular meeting and the 11/01/17 special meeting and site walk as presented was made by Schopick and seconded by DeFlumeri. The motion carried unanimously.

#### **G. Staff Report**

- The CACIWC meeting will be on 11/18/17. Please remember that there can be no discussion of items that are currently on the MIWA agenda outside of the meeting room.
- Last week plans were sent by email; input was that the print was small.
- Please let the office know if you would like to be reappointed and the Mayor's office will be notified.

Site Status:

- 1595 Boston Post Rd project is complete waiting, the construction asbuilt has been received and that surety bond will be released. The mitigation bond will be held for the required review period.
- 220 Rock Lane is completed waiting on an asbuilt.
- 605 Orange Ave is completed - awaiting asbuilt.
- 33 Schoolhouse Rd is ongoing.
- 70 Kay Ave is ongoing.
- Welches Point Rd Pump Station - ongoing.
- Rock Lane Pump Station – ongoing.
- 73 Cooper Ave ongoing.
- Great River Golf Course – waiting to receive revised mitigation plan for planting this fall.
- Milford ponds; mobilization is set for this week.
- 0 Tanglewood Circle – the permit was taken out on 11/09/17 and clearing will start tomorrow.

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

#### **J. Chair's Report**

Please remember that when applications are before the Agency they cannot be discussed outside of a meeting with the public or applicants. If someone approaches you on an application that is before us, please ask them to come to a meeting or to speak to the office so that the entire agency can hear what they have to say.

The next meeting will be a site walk on 12/06/17 at 4:00 p.m. and the Regular meeting will be at 7:30 p.m. in Conference Room A on 12/06/17. Please let the office know if you cannot attend and get any questions you have on the applications to MaryRose so that she can forward them to the applicants.

There being no further business to discuss, a motion was made by Schopick, seconded by Munson to adjourn at 9:00 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.