

Minutes of the Regular Meeting of the Inland Wetlands Agency on March 20, 2019.

**A. Roll Call**

Present: Brendan Magnan, Ranjit Bhavé, Ken Cowden, Dave DeFlumeri, Carol Dunn and Lily Flannigan.

Absent: Dan Bedeker, Jim Connors, Matthew Connors and Steve Munson.

Also Present: MaryRose Palumbo and Lisa Streit

Magnan called the meeting to order at 7:30 p.m. and deemed Bhavé the voting alternate

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.

**D. New Business**

- 1. IW-A-19-019: 780 North Street, City of Milford Public Works** – proposed parking lot expansion of Foote Field and Splash Pad at Eisenhower Park with construction within 150' of a wetland in the Wepawaug River Watershed.

MaryRose reviewed that this is a proposal by the City of Milford for a parking lot expansion at Eisenhower Park within the 150' of a wetland area. The new parking area will run parallel to North Street and connect the parking at Foote Field and the main entrance area near the playground and splash pad. They are proposing a bio-retention swale for infiltration in compliance with the stormwater manual. Stormwater is proposed to sheet flow across the parking area into the bio-retention swale and infiltrate. In a large storm event the water will build up in the bio-retention area and then sheet flow out into the woods and wetland. At the closest point the grading for the rear of the bio-retention swale is four (4') from the wetland line. Erosion controls per the 2002 CT Sedimentation and Erosion Controls Guidelines are proposed for the site work. The parking area is needed for increased programming at the park and for the safe access to both Foote Field and the play areas. Steve Johnson was in attendance to present the application.

Steve Johnson, Assistant Public Works Director, stated that this parking area is proposed as an enhancement to provide a measure for safety maintenance and monitoring for the pickle ball courts, splash pad and Foote Field.

Magnan stated that this is an application that is being received by the Agency at this meeting. This evening the Agency can:

- Ask questions
- Ask for further information
- Schedule a site walk
- Schedule a public hearing

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Dunn stated that she is not familiar with the location and stated that 180 spaces seem like a lot of spaces and asked about the existing parking.

Johnson stated that there is the original parking by the tennis courts and new parking by the pickle ball courts. These proposed spaces will provide additional parking that is needed at times as it gets very crowded. In addition to the amenities there are food truck festivals, the Fire Muster and Touch A Truck events. Johnson further stated that there is a regional draw of people and feels the additional parking is necessary. There are also a number of hiking trails throughout the park as well as horseback riding.

Flannigan questioned how the numbers of spaces were determined. Johnson stated that the number was the aspect of the available area between the North Street entrance and Foot Field and how much that would provide.

Magnan asked about the proposed bio-retention swale design. Johnson stated that it is parallel to the parking area; a depression designed to capture the runoff and capture and breakup the water flow to prevent erosion and clean any pollutants from the parking lot before it enters the woods and wetlands area. MaryRose reviewed this on the plans and stated that she asked the City Engineer to move it 5' forward. Magnan asked if this would have any net impact on the wetlands. MaryRose stated that she would like it 5' further away and woodchips will be added for the trail. Johnson referenced Mondo Ponds where 4 x 4's and 6 x 6's with rebar were used on the trails to prevent erosion in sensitive areas.

DeFlumeri asked about snow removal. Johnson stated that there is minimal plowing in the park in the winter due to limited programming. The City isn't plowing or maintaining this in the winter to discourage use of the fields until after the mud season.

Cowden expressed concern that work is already taking place on this project before permits have been issued. Johnson stated that they put a stop to any work and are doing it properly. Cowden stated that based on the mapping it appears that there has been clearing and work in the area of proposed parking spaces 142 /147 to 190 and up to 191. Under the Regulations if work is being done without a permit it is a violation and a Cease & Desist should be issued by the Compliance Officer. Johnson stated that he would make sure that it ceases. Magnan stated that the IWA has a statutory requirement that everyone needs to follow.

Bhave discussed the way numbers of parking spaces are designed and determined and asked if permeable pavement was considered. He noted that the swale will require regular maintenance to keep clear and that the grade on the parking lot seems insufficient for proper drainage. Johnson said that there are a few examples of pervious pavement in the City and there have been challenges. They are trying to balance Low Impact Design with maintenance requirements of pervious pavements. Natural seed mixture and proper maintenance are proposed for the swale. There was a discussion about the plan not stating that the 18" pipe would be relocated (from / to where) and if there would be proper outfall treatment for the headwall at the relocation. Also clarification is needed from the City Engineer if they are proposing to dig in Rte 121/North Street. Bhave stated that he would like to see the outfall treatment on the plans. Magnan agreed.

Johnson stated that he would like to see if in the future the crossing of the intermittent watercourse could be improved by a mini walkway to minimize the disturbance from hikers / horses / Cross Country runners, etc. in that area. He said that it could be a potential Eagle Scout project.

Dunn had a question about the grade from left to right. Johnson stated that it is fairly flat. Bhave stated that the grade ideally should be a minimum of 0.5 % or the water will stagnate.

The Commission instructed MaryRose to inspect the site to ensure that the erosion controls are installed and that no work occurs until the project is permitted.

## **E. Old Business**

### **1. IW-A-19-010: 84 Cooper Avenue, Fairfield County Engineering, LLC – proposed single family home with construction in and within 100' of a wetland in the South Central Shoreline Watershed.**

MaryRose reviewed that this is a proposal by Fairfield County Engineering, LLC for a single family home with a rear deck, patio and stairs. There was a house on this lot that was damaged by Tropical Storms Irene and Sandy that has been removed. The house is proposed within 12' of the wetland line, the patio is at the wetland line and a portion of the stairs are in the wetland. The applicant is proposing to use Cultec underground infiltrators under the patio for compliance with the storm water manual. Commissioners Magnan, Cowden, DeFlumeri and Dunn walked the site this evening. Low tide was at 5:45pm and the site walk was at 6:15pm. The weather was clear and cold. New plans were submitted with the relocated stairs. The patio, stairs and house were staked and the wetlands were flagged.

At the last meeting the Agency had questions on:

- Removing the stairs from the wetland.
- Using posts or stones with wetland markers along the wetland line.
- The impacts of the ground water in this area on the proposed Cultec stormwater system.
- Was any alternative considered to having the patio further from the wetland line?

The City Engineer had questions on

- How the proposed stormwater treatment is meeting the requirements due to proximity to ground water per the borings on the site plans. (SW manual requires 3' distance)

MaryRose stated that she and the City Engineer reviewed the plans and asked for clarifications. The applicant's Engineer submitted a revised set of plans that were in your mail this evening. She forwarded them to the City Engineer for review and comment. No further comment was received prior to tonight's meeting.

Brian & Wendy Stevens and Wayne D'Avanzo, P.E., Fairfield County Engineering were in attendance to present the proposal.

Magnan reviewed site walk earlier this evening.

Flannigan said that she was happy to see that the stairs were removed from the wetlands. She would like to see that fertilizers and pesticides will not be used.

MaryRose stated that the 2012 aerial shows that the proposed house is similar in location to the previous house on the lot and is in line with the adjoining houses.

Magnan asked about maintenance on the stormwater treatment system. MaryRose stated that a plan has been submitted; there is an inspection port and cleaning port in the Cultec System. The cross

section of the system was reviewed. D'Avanzo stated that water should percolate down and dissipate. MaryRose stated that the State requires 3' for infiltration and this site cannot accommodate that; an alternate would be a rain garden but it would have to be located in the wetlands due to sizing requirements. D'Avanzo stated as the project engineer that this is the best option for this site/location.

Dunn stated that she is not comfortable with #3 butting up to the proposed patio.

DeFlumeri asked if there were any plans to erect anything else in the rear of the property in the future. Brian and Wendy Stevens stated that no other structures are proposed for the rear yard. Magnan explained that the wetland statute is a balance statute. The state allows for the use of the property and it is a judgment call. Magnan asked if alternatives were considered. Brian Stevens stated that Ray Oliver designed the project based on zoning and what would fit on the lot.

Brian Stevens said that the patio is 1' off the wf#3 now and it is the cover for the Cultec stormwater system. They are proposing pavers and sand for a patio so he feels they could remove one course of the pavers to bring it back, could remove 1 row of pavers to keep 1' further away from the line. Magnan stated that he doesn't feel that 1' is a material impact to the wetland doesn't see the need to remove a row of pavers. Cowden agreed, stating that before the site walk he was unsure but seeing it all staked out, the house is in line with the adjoining lots. The majority of wetlands in that area are just lawn. He is ok with the wetland signage on the deck post. There was deliberation on the merits of the application and several members felt that it was approvable.

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

I move to approve application IW-A-19-010 84 Cooper Av based on the plans entitled "*Zoning Location Survey Survey of Property Prepared for Brian & Wendy Stevens, 84 Cooper Avenue, Milford, Connecticut*" by James A Dennison L.S. 1 sheet dated 4/4/17 rev 3/15/19 and "*Brian and Wendy Stevens, 84 Cooper Avenue, Milford, Connecticut*" by Fairfield County Engineering, LLC, 2 sheets, dated 1/15/19 rev 3/07/19, Plans entitled "*Stevens Residence, 84 Cooper Avenue, Milford, New Haven County State of Connecticut*" by Architectural Services, 2 sheets, dated 12/05/18, rev 3/12/19 the information in the file and presented this evening, 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. Documentation to be submitted to the MIWA office prior to bond release.
- A bond of \$6,170.00 must be posted with the MIWA for S&E controls, 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 3/20/19 expires 3/20/24 unless otherwise provided by Statute.

The motion carried unanimously.

## F. Minutes

A motion was made by Bhavé and seconded by DeFlumeri to accept the minutes of the 1/16/19 Organizational and Regular meeting as presented. The motion carried unanimously.

A motion was made by Bhavé and seconded by Cowden to accept the minutes of 2/6/19 as presented. The motion carried unanimously.

It was noted that Munson was absent from the 3/6/19 meeting. A motion was made by Cowden, seconded by Dunn to accept the minutes of 3/6/19 as amended. The motion carried with Magnan, DeFlumeri and Bhavé abstaining.

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

MaryRose reported that she attended the annual CT Association of Wetland Agents meeting on 3/14/19 and will bring information to the next meeting. She will be attending the CT Bar Associations land Use Practices update on 3/23/19.

##### **Site Status:**

- 33 Schoolhouse Rd, Original Ecosystems is doing the invasive management and basin plantings and monitoring for the site.
- Welch's Point Rd Pump Station is ongoing. The area is stabilized for the winter and will be seeded in the spring. Dunn and DeFlumeri asked MaryRose to look into 411 Welch's Point Road for compliance; there doesn't seem to be any erosion controls on site.
- Rock Lane Pump Station is ongoing. The area was seeded in the fall and will be reseeded in the spring.
- Forest Rd –waiting asbuilt.
- Great River Golf Course – waiting to receive the revised mitigation plan for planting.
- 0 Tanglewood Circle –The mitigation monitoring is ongoing; we have received 1/10 reports (monitoring is anticipated through 2023).
- 24 Cooper Ave – ongoing.
- Ford St / Bailey Ln – ongoing.
- Wheelers Woods – ongoing. They are about 85% done with rough grading. The drainage and sewer are about 70% done. They anticipate starting foundations in late March.
- Eastern Steel Rd – Rail Road Culvert – will start in the next month.
- Commissioners discussed that they want an order or letter to be written to Public Works regarding working without permits at Eisenhower Park. They want written communication to ensure that in the future work is done in the appropriate order. MaryRose is to inspect the site, ensure that the appropriate erosion controls are installed, decide which method of correspondence is required and copy it to the Mayor.

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

#### **G. Chair's Report**

The next meeting will be a Regular meeting in Conference Room B on April 06, 2019.

Please let the office know if you are unable to attend and get any questions you may have on the applications to MaryRose so that she can forward them to the applicants.

There being no further business to discuss, a motion to adjourn at 8:40 p.m. was made by Cowden and seconded by DeFlumeri. The motion carried unanimously.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.