

Minutes of the Regular Meeting of the Inland Wetlands Agency on April 04, 2018.

**A. Roll Call**

Present: Brendan Magnan, Rajit Bhawe, Nathan Buchok, Matthew Connors, Ken Cowden, Dave DeFlumeri, Carol Dunn, Lily Flannigan, Ed Mead and Steve Munson.

Absent: Jim Connors.

Also Present: DPLU Director Joe 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.

RECEIVED  
APR 10 2018  
MILFORD INLAND WETLANDS

**E. New Business**

1. **IW-A-18-002: 0 Ford Street, RSGF Builders, LLC** – proposed development of 5 one-family homes with construction and grading work within 150' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reviewed that this is a proposal by RSGF Builders for development of five single family homes on five lots with work within 150' of a wetland in the Wepawaug River Watershed. In 2002 the MIWA approved a 6-lot subdivision for this area after much discussion. At the time P&Z only allowed 5 lots. The sixth lot was along the rear of the other lots off of Bailey Lane and was incorporated into the other lots and is now Open Space. The closest work proposed to the wetland is 32.1' on Lot 1 on Ford St and 50.5' on Lot 5 on Bailey Ln. The closest proposed grading is 85' from the wetland on Lot 5. At the 3/7/18 meeting the Agency asked to add a second row of silt fence on Lots 1 & 5 and to move the driveway on Lot 5 away from the wetland. Those changes are on the map revised 3/16/18. The Agency walked the site on 3/20/18; the weather was clear and seasonable. Ron Wassmer of CCG is here this evening to present the proposal and answer your questions.

Ron Wassmer, CT Civil Group, Research Drive, Milford, submitted maps revised 4/4/18 showing a stockade fence on Lot 1 and silt fence / limit of disturbance line is 35' from the rear of Lots 1-3. The stockade will become a picket fence in the front setback per P&Z requirements.

Magnan asked about alternatives considered for this site. Wassmer stated that the original plan was for 6 lots with wetlands. This plan has 5 and there are no wetlands

on the site. They moved the driveway on Lot 5 further away from the wetlands as requested. Magnan asked if moving the house on lot 1 was considered. Wassmer stated that pushing the house to the rear puts it closer to the wetlands to the rear of the lot and marginally brings it further away from the wetlands along the side.

Munson stated that he had been concerned with the change over time of the wetland line but now after the site walk he is not as concerned. The most important thing is the protection of the wetlands during and after construction. He is also concerned with fertilizers and pesticides long term. He would like to protect the wetlands from the slope of the rear yards. The main issue not what is going on with the houses but the perimeter of the lots.

Magnan stated that he is concerned that lot 1 is so close to the wetlands and that it seems reasonable to move the house back slightly. MaryRose stated that it is 32' away and the wetlands go towards the highway; 5-10' could be gained but with the silt fence and stockade fence to protect the wetlands long term she is not sure if the change would be significant. She is concerned with the rear open space and potential dumping; Public Works can be contacted regarding no dumping signs.

Cowden has concern with dumping into the wetland area. He suggested a split rail vinyl fence to deter that. He is ok with how it is drawn up but he would like to see the rear posts be a vinyl split rail. He noted that the applicant moved the driveway on Lot 5 to better protect the wetland in that area.

Mead stated that moving the house on lot 1 would require more trees to be removed and there would also be more impervious surface due to extending the driveway increasing the runoff.

DeFlumeri questioned if there was any history of flooding issues on lot 1. He noted that the adjacent wetland water level was high on the site walk. Wassmer stated that the property is not in the flood zone. The swamp level fluctuates but he has never seen that area flood.

Munson referred to the area west of I-95. To the south of this property there was also ponding. Wassmer stated that the ponded area to the south is Billberry swamp. It is fairly deep and drains under Ford Street and dissipates to the next swamp towards the Wepawaug River. He reviewed the flow/system on the aerial photo.

Flannigan clarified that the houses would not have basements. Wassmer confirmed this. Flannigan is concerned with potential fertilizers and pesticides. MaryRose stated that there can be a condition put on the deed regarding fertilizers and pesticides; however this is difficult to police. Flannigan would like the condition.

Dunn stated that she would like the 2 maples and the 2 ash trees on lots 2 and 3 preserved. Wassmer stated that the maples are too close to the house to be preserved.

The ash trees are the same and unfortunately those trees will likely succumb to the Ash Borer Beetle issue the state is having.

Bhave suggested a bio-swale outside of the fenced area to uptake the fertilizers and pesticides prior to entering the wetlands. Wassmer stated that he believed that the applicants would be amenable to a grass lined swale. The houses have city sewer and water.

Buchok stated that he agrees with the split rail fence and does not feel the house on lot 1 needs to be moved based on the driveway.

M. Conners stated that he is concerned with lot 3 with pesticides for the lawn area as well and the vinyl post is about 30' from the wetland itself. Wassmer stated that the limits of disturbance on lot 3 would be 25-30' from the edge of disturbance to the vinyl post. This was reviewed on the plan.

The following motion was made by Munson, seconded by Flannigan:

I move to approve application IW-A-18-002: 0 Ford St: based on the plans entitled "*Billberry Reserve Cluster Subdivision Ford Street, Milford, Connecticut*" by CCG cover & 5 sheets dated 1/16/18, sheets OP-1 & revised 3/16/18 & ES-1 revised 4/4/18, the information in the file and presented this evening, for the following reasons:

- The action will not have an impact or affect on 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.
- A \$9,500 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 4/4/18 expires 4/4/23 unless otherwise provided by Statute.
- A vinyl split rail fence to be added to the southern boundary of lot 5.
- A grass lined swale to be added as a bio-swale along the fence line on the westerly edge of lot 1 and the southern edge of lot 5.
- A condition to be added and placed on the land records for each lot restricting fertilizers and pesticides.

The motion carried unanimously.

- 2. IW-A-18-003: 38-40 and 44-50 Bridgeport Avenue, Dockside Brewery, LLC –** proposed reconstruction of parking lot with stormwater drainage within 100' of a wetland or watercourse in the Housatonic River Watershed.

MaryRose reported that this is a proposal by Dockside Brewery, LLC for parking lot reconstruction and installation of a storm water drainage system at 38-40 & 44-50 Bridgeport Ave. The site is currently a marina with retail and a parking area. A portion of the parking area is within the 100' upland review area from the Housatonic River. There are no inland wetlands on the site. The parking area is mostly impervious with a combination of asphalt and millings. A portion of the area is used for boat storage. The applicants are proposing to formalize the parking area and add stormwater treatment through a treatment train of infiltration swales, catch basins, a swirl concentrator and an infiltration galley system to a level spreader. The parking lot is proposed to be paved. Revised plans have been received showing snow shelves. The Agency walked the site on 3/20/18; the weather was clear and seasonable. Amy Souchuns of Hurwitz Sagarin Slossberg & Knuff and Mr. Wassmer of CT Civil Group are here to present the application and answer your questions this evening.

Wassmer addressed some issues from the last meeting; parking – there is enough excess parking to allow snow storage as shown on the plan

Magnan asked if in Wassmers' professional opinion the treatment train proposed improves the runoff from the site. Wassmer stated that it absolutely does. Currently there is no treatment of the storm water. They are proposing a treatment train that will infiltrate into the groundwater and will minimize the erosion on site.

Mead stated that in reviewing the plans there are 2 catch basins shown on sheet SP2 that are inside the railroad tie areas and he asked how they will get water. Wassmer speaking to sheet SP2 reviewed that it is a bio-swale. The area will be paved and run off to the bio-swale and can then run into the catch basin in a larger storm event. The landscaping plan submitted indicates that the parking lot will be paved.

Cowden stated that his biggest concerns were the potential of erosion of the millings and the snow shelf location. Those items have been addressed on this revised plan.

Buchok asked for clarification of the snow shelf location. Wassmer stated that there are 45 spaces allocated for boating in the summer; they are unlikely to be used in the snow so those spaces would be used. Buchok noted on the site walk that there is floating dock storage on the site. Wassmer noted that Attorney Knuff submitted a statement of use that there will no longer be seasonal storage of boats on site with this project.

Dunn asked for clarification of the snow shelf location. Wassmer showed this on SP2; at the end of the parking rows closest to Riverside Drive.

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

I move to approve application IW-A-18-003: 38-40 and 44-50 Bridgeport Ave based on the plans entitled "*Dockside at Village Marina, 40 Bridgeport Avenue, Milford, Connecticut*" by CCG, cover & 11 sheets dated as follows: ZD1, SP1.SP2, LS1,SDP1 6/29/17 Rev 1/12/18; G-1,U-1,ES-1, D-1, D-2, Ex-1 rev 1/12/18; LS1 rev 3/21/18, the information in the file and presented this evening, *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.
  - If the permittee/owner chooses to change the professionals on the project the resumes and C.V.'s of the proposed new professionals must be reviewed and approved by the Agency to ensure that the professional is familiar with and understands the permit conditions.
  - A \$6,412.00 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 4/4/18 expires 4/4/23 unless otherwise provided by Statute.
- The motion carried unanimously.

3. **IW-18-001: 24 Cooper Avenue, Joseph Schettino** – proposed maintenance to elevate existing structure with stairs for access with work within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal by Joseph Schettino to elevate his existing home with a deck and stairs for access. The soils on the site were flagged by Scott Stevens of Soil Science and Environmental Services. This is a Sandy damaged home that they are looking to elevate. The deck will be 5.3' off of the wetland line as flagged in the field. They are proposing to elevate and add a deck and stairs for access. There is a shed in the area that was recently flagged as a wetland. A permit was issued for the shed without requiring an A-2 survey and delineation after review of the area and seeing the vegetation and other yard / sheds in the neighborhood. There is a photo sheet showing the existing house in relation to the wetland flags. Mr. Schettino has proposed removing / storing any soil excavated off site and to return the soil to the site if backfill is necessary for the foundation. He is proposing to use a rain garden as shown on sheet SP2 to comply with the State Stormwater requirements. Mr. Schettino and Joe Codespoti are here to present the application and answer your questions.

Joe Codespoti Jr, Codespoti & Associates, 263 Boston Post Rd, Orange CT, reviewed that this is a very well developed street. Mr. Stevens' report explains that he had to dig down more than 2' per his criteria of past filling. The shed was permitted by both the P&Z and the IWA. This is a Storm Sandy damaged home; they need to elevate it to meet with city and federal regulations. Since this is a larger lot than typical on Cooper, they are proposing to expand the deck to be 5.2' off the wetland. A rain garden is proposed and there was room left to pass to the yard and leave the rain garden intact to do its job. The applicant would like to elevate the house and expand it some. They will remove the driveway and install the rain garden. The deck is 13.2' from the wetlands now and 5.2' is the closest point proposed.

Magnan asked about rain water runoff. Codespoti stated that it will enter the rain garden and this will accommodate roof runoff as well. Magnan asked about the stairs. Codespoti stated that they are included in the dimensions of the deck, not the deck and additional stairs.

Flannigan asked how high the deck is and how it is secured into the ground. Codespoti stated that the deck will be 13' above the mean sea level and secured to the ground with footings; concrete posts. So the closest to the wetlands would be 1 post.

Munson asked if a site walk would be appropriate. The consensus was that the IWA has been to the site area for earlier projects. MaryRose stated that the application was postponed 3 times due to the weather. Pictures of the site were distributed.

Codespoti stated that the building area has gone from lot coverage of 25.7% to 45.6% and Zoning allows for a maximum of 65%.

DeFlumeri asked if downspouts would be above ground or underground. Codespoti stated that they would be angled 1-1.5' from the house then underground.

Cowden stated that he feels this is an improvement to the site and is ok with the design. Mead asked if there were storm drains in the street. Codespoti stated that he did not think so.

Magnan asked about the deck stating that the IWA would not be open to future modifications. Mr. Schettino stated that the stairs are inside the deck and he is ok with the design. Magnan stated that he feels this project is a net improvement to the site.

The following motion was made by Munson and seconded by DeFlumeri:  
I move to approve application IW-A-18-001: 24 Cooper Ave: based on the plans entitled "*Zoning Location Survey 24 Cooper Avenue prepared for Joseph & Sally Schettino, Milford, Connecticut*" by CCG, 2 sheets dated 2/14/18, the information in the file and presented this evening,  
*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.
  - If the permittee/owner chooses to change the professionals on the project the resumes and C.V.’s of the proposed new professionals must be reviewed and approved by the Agency to ensure that the professional is familiar with and understands the permit conditions.
  - A bond of \$6,487.50 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.
  - No Soil will be stored onsite as is noted on the plans.
  - The Rain Garden planting plan must be amended to require only native non-invasive plantings. Rugosa Rose is replaced with Swamp Rose.
  - The Rain Garden is required to be installed and maintained onsite
  - Downspouts will be directed underground to the rain garden.
  - The permit is issued 4/4/18 expires 4/4/23 unless otherwise provided by Statute.
- The motion carried unanimously.

#### **E. Minutes**

Buchok noted that in Section G. of the 2/21/18 minutes Mr. Richards is in error and should be removed. A motion was made by Buchok, seconded by Munson to approve the minutes as amended. The motion carried with Dunn and Bhave abstaining.

A motion was made by Munson, seconded by DeFlumeri to approve the minutes of the site walk/special meetings of 3/20/18 on Ford Street and of 3/20/18 on Bridgeport Avenue as presented. The motion carried with M. Connors and Mead abstaining.

#### **F. Staff Report**

An email has been sent to the State requesting information on Commissioner Training. As soon as it is available it will be forwarded to the IWA.

Barbara is working with Bruce Hyde from UConn CLEAR to do Land Use Academy training for Milford’s Commissions and any surrounding towns that would like to attend. It would be a 2 – 2 hour evening training sessions. Preference of dates was addressed however what works for the trainers will determine the date.

**Site Status:**

- 33 Schoolhouse Rd has submitted a digital asbuilt, I walked the site last week with Brian Sakonchick of original Ecosystems. He will be doing the invasive management and basin plantings and monitoring for the site.
- 70 Kay Ave is ongoing.
- Welch's Point Rd Pump Station is ongoing.
- Rock Lane Pump Station is ongoing.
- 73 Cooper Ave waiting on asbuilt and grass / stabilization. Chris Field is planning on planting this season.
- Forest Rd - ongoing
- Great River Golf Course – expect to receive the revised mitigation plan for planting in the spring.
- Milford Ponds is ongoing, finishing at the Stonebridge Pond before the holiday. Work on the walls for City Hall & North St Pond will continue.
- 0 Tanglewood Circle – The septic systems and foundations are in. They were unable to loam and seed the septic areas due to the season. They anticipate doing that in the next month or so, it is weather dependant. They have requested that they be allowed to install the septic tank prior to the construction of the rubble wall due to the tight setbacks and locations. They would like to put the tank in and then build the wall in that area to ensure both are properly located. Once the septic area is loamed and seeded they will construct the mitigation wetlands and finish the wall. While the site is progressing slightly out of step due to weather constraints they are in compliance and the erosion controls are in place and functioning. I am working with the Site Engineer and the City engineer to review and ensure the site progresses appropriately as approved.
- Please remember to call or email me if you are unable to attend a meeting.

**G. Chair's Report**

The next meeting will be a Regular meeting in Conference Room A on April 18<sup>th</sup>.

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 to adjourn at 8:55 p.m. was made by Buchok and seconded by DeFlumeri. The motion carried unanimously.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.