

Minutes of the Regular Meeting of the Inland Wetlands Agency on July 17, 2019.

**A. Roll Call**

Present: Brendan Magnan, Daniel Bedeker, Ranjit Bhawe, Ken Cowden, Lilly Flannigan and Steve Munson.

Absent: Jim Connors, Matthew Connors, Dave DeFlumeri and Carol Dunn.

Also Present: MaryRose Palumbo and Lisa Streit

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

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.

**D. New Business**

A motion was made by Munson, seconded by Cowden to reorder the Agenda to hear item D.2. first. The motion carried unanimously.

**2. IW-PA-19-052: 0 Daniel Street, Stonebridge Restaurant – proposed aerating fountain for Stonebridge Pond with installation in and within 150' of the Wepawaug River.**

MaryRose reported that this is a pre-application proposal by the Stonebridge Restaurant to install an aeration fountain in Stonebridge pond. The fountain would be anchored by two concrete anchor blocks and secured by chains; power would be by an umbilical to the Stonebridge property. The property the pond is on is owned by the City of Milford. The Agency approved maintenance dredging of the pond was completed last year. Richie Conine of the Stonebridge Restaurant has offered to install an aeration fountain to help circulate the water and slow the growth of algae etc. He is here this evening to present this proposal. Installation would be by a company that specializes in floating aeration devices.

Magnan stated that this evening, the Agency can:

- Ask questions
- Take no action
- Ask for further information
- Approve as a Jurisdictional Ruling
- Require a full application

Attorney Tom Lynch, 63 Cherry Street, representing Stonebridge, stated that they submitted a pre-application and feel this project is a non regulated use permitted as of right per the IWA Regulations. He oriented the Commissioners to the proposed location of the aeration device about 75' above the waterfall. Feels it would also be aesthetically pleasing and it serves the function of aeration discouraging lily pads and algae as the City went through great lengths to dredge the pond last year. The fountain will be located on the surface with a conduit and control panel on the shore by the

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Stonebridge restaurant. He further stated that Public Works/the City wholeheartedly support this project.

Bedecker asked if the fountain would run all year round. Richie Conine, 50 Daniel St, stated that he assumed it would be removed when things start to ice up. The company installs and sets up the device and removes it /reinstalls it seasonally. Atty Lynch stated that the anchor blocks stay and the fountain comes out.

Flannigan questioned what happens to the fish and if they avoid the device. Conine stated that it is used in many applications and he could get an answer for that. MaryRose referenced the aerial photos and the sewer line location and that the concrete block location would have to go further downstream of the sewer line. Atty Lynch stated that the Public Works department would have to sign off on that.

Cowden stated that there is a lot of algae in this area and it would be beneficial to oxygenate the water and referenced the fountain at Great River Golf Course where there is aquatic life and that has been there for 20 years.

Magnan asked if there would be any dredging for power. Atty Lynch said there would not be. There would be a control panel on shore and a conduit out to the location. Magnan stated that he feels there are no adverse effects and this could be a Jurisdictional Ruling. Cowden agreed.

The following motion was made by Munson and seconded by Flannigan:  
That the Designated Agent issue a Jurisdictional Ruling for pre-application IW-PA-19-052: 0 Daniel St for the installation of an aeration fountain down gradient of the sewer line as shown on the drawing in the file. *This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses*".

The motion carried unanimously.

1. **IW-A-19-051: Flax Mill Lane over Wepawaug River, City of Milford** – proposed replacement of Flax Mill Lane Bridge with construction, grading and drainage in and within 150' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this is a proposal by the City of Milford under a State of CT program to replace the Flax Mill Lane Bridge. The proposed work involves removing and replacing the existing bridge, temporarily moving the existing water line and adding drainage and finish grading. The wetland and watercourses adjacent to the project area have been evaluated by a Certified Soil Scientist. The total wetland review area to be altered is 478 square feet, with 444 square feet to be re-established. An additional 4,227 square feet of watercourse will be impacted along a 127 foot reach of the Wepawaug for this project.

Eric Buckley, Michael Brady of Close, Jensen and Miller, P.C. Wethersfield CT are the Project Engineers presenting the proposal.

Brady stated that the existing bridge was deemed eligible for replacement by the State DOT due to scour (erosion that undermines the bridge itself). The first stage is to remove the west abutment and build a new one on piles that will eliminate erosion risk. This was reviewed on plan 7. They will install cofferdams and turbidity curtains to divert flow so it can be worked on. Once this is complete, they will work on the eastern side. Once the abutments are in, they will be out of the

water and plant wetland and conservation grass per the planting plan approved by the State DEEP and DOT. They will be using pre-cast concrete and following best management practices. There is a retaining wall along the eastern side of the River towards the pump station that will be removed and the natural riverbank habitat will be restored. There will be revisions to the contract that the contractor will have to contact the MIWA before cutting trees in the area as there are some large trees that provide shade for the River.

Magnan asked about the duration of the project. Brady stated that it would take 6-8 months for the total project; the water company will have 2 months per stage for a total of 4 months to move the water main temporarily and then reinstall back on the bridge. Magnan clarified there will be no impacts to the wetlands. Brady confirmed that there will be temporary disturbance on the eastern side. Bhavé clarified on sheet 2 of 9 that shows the existing bridge versus the proposed and reviewed the symbols/locations on the plans.

Magnan asked about the timing of the project. Brady stated that it is anticipated to begin on 4/1/20 with an anticipated completion date of 11/30/20 with restrictions for fisheries between 6/1 – 9/30. It was noted that this is not a special restriction but a standard restriction for working in a river.

Cowden asked about removal of any Japanese knotweed. Brady stated that he was fairly certain that there are no invasives in the report but this can be looked at.

Bhavé stated that there are two catch basins just off the bridge and he recommended that there be 4 sumps. Buckley stated that he had also made that recommendation. Bhavé also had a question on sheet 6 of 9; it doesn't show the stream bed and would like – restore stream bed – added to the plans. He also had a question on the storm system outfall; the difference in the outfall invert to the proposed contour location is 56.4, contour 57. It is supposed to be a flat slope, but it is discharging to 2:1. He needs details.

There was question on hydraulic flow. Brady stated that they should have the flood water certification within the week.

Magnan stated that this evening, the Agency can:

- Ask questions
- Take no action
- Ask for further information
- Schedule a site walk
- Schedule a public hearing

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

I move that a site walk be scheduled for application IW-A-19-051: Flax Mill Lane over Wepawaug River on Wednesday 8/7/19 at 5:30 p.m. The motion carried unanimously.

Flannigan recused herself from acting on item D. 3.

- 3. IW-PA-19-053: 40 Prospect Street, Charles & Lily Flannigan** – proposed stabilization of stream bank with installation of coir fiber logs within 150' of the Wepawaug River.

MaryRose reported that this is a proposal by the Flannigan's at 40 Prospect St to stabilize a portion of their stream bank along the Wepawaug River. Portions of the stream bank are slumping or being undermined causing unstable soil and erosion. Roman Mrozinski of the Southwest Conservation

District reviewed the site and proposed the use of approximately 50' of staked coir fiber logs backed up with loam and erosion control blankets to stabilize their shoreline. The loamed area to be seeded then planted with native species to revegetate the area. This would fall under Section 4.2 Nonregulated uses permitted as of right for conservation of soil to control erosion. Lily Flanagan is here this evening to answer your questions.

Magnan reviewed the SWCD letter and plan for the proposal. Mrs. Flannigan is proposing to do the work in August and it should take 2-3 days. She needs to order and accumulate the material (coir fiber logs and erosion control blanket) for the project. She stated that the primary reason for this work is to stabilize the stream bank. In the 1940s the WPA had built a stone wall along that area that has eroded over the years. She stated that she is told it will take about 5 years for the fiber log to disintegrate. Pictures 1-4 taken 5/21/19 by MaryRose were reviewed.

Cowden stated that he had seen this first hand and deferred to MaryRose and further stated that this seems to be a good solution without having to build a wall along the river.

Bhave said that he approves of the approach and the concept but thinks that it should be expanded to the north to prevent it from moving the problem up or down slope. Flannigan stated that both north and south of this site, the bank is about 1 – 1.5' higher.

Magnan thanked Mrs. Flannigan for being proactive and taking initiative on this project. He believes that the application falls under Section 4.2 of the regulations and noted that the Agency can:

- Ask questions
- Take no action
- Ask for further information
- Approve as a Jurisdictional Ruling
- Require a full application

A motion was made by Munson seconded by Cowden that the Designated Agent issue a Jurisdictional Ruling for pre-application IW-PA-19-053: 40 Prospect St for stream bank stabilization as shown on the drawing in the file. This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses. The motion carried unanimously.

## **E. Old Business**

1. **Violation IW-V-19-037: 40 Little Pond Road, Michael & Samantha Parillo** – clearing, filling, grading and placement of material and debris in and within 100' of a wetland in the South Central Shoreline Watershed without a permit.

MaryRose reported that this is a violation issued 5/29/19 to the property owners of 40 Little Pond Road, Michael & Samantha Parillo. Based on several complaints, she visited the site on 5/20/19. Her field report and photos were sent with the 6/5/19 agenda. It appears that work in the rear yard including clearing of vegetation and filling / grading of the rear yard was done within the upland review area without a permit.

MaryRose stated that per M. Parillo he was willing to install plantings and if necessary move the drain back. Mr. Parillo was unable to come to tonight's meeting as he had previous commitments. She met with Mr. Parillo at his property on 6/27/19. The weather was clear and warm. It last rained on 6/25/19. The IWA asked MaryRose to address the following questions with Mr. Parillo:

- How deep is the pool? *The deep end is 6'4" deep; the pool is 35' long; it is kidney shaped.*
- How much material was placed in the rear yard? *All material from the pool was used to level the area where the pool was installed and to fill in ruts from construction machines in the paper street and rear yard.*
- Were wetlands filled in during the grading? *No, the grading was stopped approximately 4' from the property boundary and there are no wetlands on the property.*

They viewed the intersection of the paper portions of Hilldale Road and Terrace Road. The area was damp but was not holding the water as it was on her previous visit. They looked at the pile of debris noted on the City property on the north side of Terrace Road; it was not clear if the material came from #40 or from other neighbors. Mr. Parillo stated that he is willing to add plantings to the rear of the yard if the Agency would like and has submitted a site plan with a sketch of 3 arborvitae in the southwest corner of the lot at the intersection of the paper portions of Hilldale Road and Terrace Road.

At the 6/5/19 meeting the Agency upheld the violation. At this time, the IWA can:

- Modify the violation
- Release the violation
- Take no Action

Cowden stated that deer resistant plantings would be needed in this area; deer will eat the arborvitae and more than 3 will be needed. He suggested clethera, 5-7 of them 5' apart and then to stagger down to a smaller plant. There was discussion that the plantings should cover approximately 25' X 8' along the rear property line in the southwest corner with larger and small shrubs / herbaceous plantings to intercept water running towards the wetlands located offsite.

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

That cease and desist order IW-V-19-037: 40 Little Pond Rd, be modified to require the property owner to install, by no later than 10/15/19, plantings to cover approximately 25' X 8' along rear property line in southwest corner with large and small shrubs and herbaceous plantings to intercept water running towards the adjacent wetlands located offsite. Plants are required to be no less than 3 gallons in size for large and 1 gallon in size for small.

The motion carried unanimously.

2. **IW-V-19-028: 5 -21 Pond Point Avenue, MJ Properties** – Material and debris in and within 100' of a wetland in the Indian River Watershed without a permit.

MaryRose reported that this is a violation issued on 4/26/19 to the property owner at 5-21 Pond Point Avenue for miscellaneous debris and materials dumped in the rear of the building that are in and adjacent to the wetlands and the Indian River marsh. At the June 5<sup>th</sup> meeting, the Agency modified the violation order to require the debris to be removed by today, 7/17/19 with the map and soil and mitigation report to be submitted by 9/4/19. She visited the site this afternoon and the debris has not been removed from the site and she has not heard from the property owner or the property manager. A letter was sent to the property owner and was returned.

This evening the Agency can:

- Ask questions
- Modify the violation
- Release the violation
- Refer the violation to the City Attorney's Office
- Take no action

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

That cease and desist order IW-V-19-028 5-21 Pond Point Avenue be referred to the City Attorney's Office for lack of compliance. The motion carried unanimously.

#### **E. Minutes**

- A motion was made by Munson, seconded by Cowden to accept the minutes of the regular meeting on 06/19/19 as presented. The motion carried unanimously.
- A motion was made by Munson, seconded by Cowden to accept the minutes of the 6/19/19 special meeting/site walk as presented. The motion carried with Bhavé and Flannigan abstaining.

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

The Annual CACIWC meeting has been scheduled for 11/23/19 at the Red Lion Inn, in Cromwell. This year registrations received prior to 10/1/19 save \$25/pp, so we will be sending registrations in by mid – September to conserve the education budget. Please let the office know if you would like to attend.

The Office has been quite busy with inquiries and complaints. MaryRose is continuing to working with DPW on flooding issues in wetland / marsh areas that require drainage maintenance.

Site Status:

- Welch's Point Rd Pump Station is ongoing. The project is nearing completion – the rear yard area is stabilized as required.
- Rock Lane Pump Station is ongoing. The project is nearing completion – the rear yard area is stabilized as required.
- Forest Rd –asbuilt received site is stabilized – bond release is in process.
- Great River Golf Course – MaryRose spoke with GRGC and will be setting up a site walk/review in the next week or so.
- 0 Tanglewood Circle –mitigation monitoring is ongoing we have received 2/10 reports (monitoring anticipated through 2023).
- 24 Cooper Ave – ongoing. Mr. Schettino is considering changing from a rain garden to rain barrels or other method of infiltration. He will need to submit plans with the proposed changes from his Engineer to the City Engineer. The City Engineer will review it for compliance with the State Stormwater Manual.
- Ford St / Bailey Ln –ongoing.
- Terrace Rd is ongoing.
- Wheelers Woods – The central wetland area is stabilized. They are working on waterlines and foundations.
- Eastern Steel Rd – Rail Road Culvert – Preliminary Work has started.

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 August 07, 2019 and a site walk at 5:30 p.m.

Magnan asked that commissioners focus on wetlands impacts, direct question based on what impact the proposal will have on the inland wetlands and watercourses.

Remember your Freedom of Information training that there is no discussion of an application outside of the meeting with the applicant, public or other Commissioners.

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 9:20 p.m. was made by Munson and seconded by Bhavé. The motion carried unanimously.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.