

Minutes of the Regular Meeting (via ZOOM) of the Inland Wetlands Agency on July 15, 2020.

A. Roll Call

Present: Brendan Magnan, Daniel Bedeker, Ranjit Bhawe, Jim Connors, Scott Marlow, Steve Munson and Jason Zammiello.

Absent: Matthew Connors, Ken Cowden and Dave DeFlumeri.

Also Present: Joe Griffith, MaryRose Palumbo and Lisa Streit

Magnan called the meeting to order at 7:30 p.m. and reviewed the guidelines in hosting remote meetings to ensure business runs efficiently and that all statutory and administrative rules are followed:

1. In accordance with the Freedom of Information Act and Governor Lamont's executive orders, this meeting is being recorded and will be made available on the City of Milford website.
2. During this meeting, if members of the Inland Wetlands Commission would like to speak, please utilize the "raise your hand" feature via Zoom. All participants will be muted during the meeting unless recognized by the Chair.
3. After being recognized to speak, please state your name and address prior to making a statement.

B. Pledge

All stood for the Pledge of Allegiance.

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C. Public Comments

None.

MILFORD INLAND WETLANDS

D. New Business

1. **IW-A-20-03: 440 Wheelers Farm Road, SH Wheelers Farm Road, LLC** – proposed parking lot expansion with work in and within 150' of wetlands in the Wepawaug River Watershed.

MaryRose reported that this is a proposal from SH Wheelers Farm Road, LLC for a parking lot expansion that includes the filling of 1,364 sq. ft of the existing detention basin which is flagged as a wetlands and work in 69,208 sq. ft. of upland review area in the Wepawaug River Watershed. The proposed work is adjacent to the existing parking area at 440 Wheelers Farms Rd. This is the office building that is adjacent to the Wheelers Woods apartment complex that we reviewed a few years ago. Presenting this evening are Ted Hart & Matt Sanford of Milone & MacBroom.

MaryRose stated that at this time the Agency can:

- Ask for further information
- Schedule a Public Hearing (no petition has been received as of 6/15/2020)
- Take no action
- Approve the application
- Deny the application

Ted Hart, Professional Engineer, submitted revised plans and responses to questions from the 7/1/2020 meeting. There was a site walk earlier this evening with Ted Hart and Matt Sanford where

the existing and proposed areas as well as alternates considered were reviewed. MaryRose stated that there have been no inquiries from the public.

Magnan asked that the area to be encroached be discussed. Matt Sanford, Soil Scientist, stated that the wetland line is mid slope to the manmade basin on the west side. The proposal is to excavate; remove rip rap, then feather in a new storm water basin. This area has 1' of water seasonally. To support the emergent marsh wetland, they will put in native plantings. Along the banks will be native shrub plantings and removal of the existing phragmites. They are not filling any wetlands but are to pull back and lower the area elevation as well as provide enhancement to the wetlands;

- create wildlife habitat, pollinator and amphibian potential
- toxicant retention by providing treatment
- more diversification of a wetland

Magnan asked about protections. Sanford stated that there is a big sign on one of the trees denoting eastern box turtles. A silt fence will be installed to prevent migration into the project area. They will educate the contractor of protection and report this process to the DEEP. Wetland protections are maintaining a wooded buffer; a 40' buffer by wetlands flag 16-17 which provides thermal protection and buffer for any runoff as well as wildlife habitat. Hart referenced the management plan for species that has been submitted. Magnan asked about protocol. Sanford stated that a Herpetologist would do a sweep of the property and sign off on it and then the silt fence is secured and then it would be up to the contractor to continue to monitor.

Marlow asked about the storm water detention basin if the plan is to take the bank out and enlarge it if the bottom rip rap would be removed. Hart stated that there is no plan to change the south and east banks; and it is not rip rap on the bottom.

Munson asked about snow removal. Hart stated that a plan has been submitted. They have 10,000 and 8,000 sq. ft. spaces for snow stock pile areas that were shown on the plan. He further stated that the property could hold a snow storm of 6" cover of the entire area and then after that it would have to be trucked off site. Magnan asked about no plowing near the detention pond. Hart stated that they could add that – clarify the verbiage. MaryRose suggested signage for No Snow Push.

Bhave asked if there was any traffic or safety study done to justify parking in the wetlands area. He also asked why the generators were proposed adjacent to the basin. Hart stated that the existing generators only operate the elevators and they need to operate the entire building and will be gas powered. The 2004 subdivision plan was reviewed and showed as much parking as they could and it is still under parked and feel they cannot get tenants if they don't have the parking.

Magnan asked about alternatives. Hart stated that a parking deck was originally considered and deemed cost prohibitive at \$15,000 - \$20,000 per space for 90 spaces. The original parking proposed was cut by 5 spaces and parking in front of the building was considered; requires a 50' setback and could only produce a net gain of 10 parking spaces.

Bhave stated that things have changed since 2004 and Planning & Zoning is not requiring this and asked if it could be revisited if a tenant is in and questioned if it is justifiable to disturb the wetlands. Hart stated that in 2004 they had to show deferred parking and they did and now they want the parking.

Magnan asked commissioners if they felt a Public Hearing was necessary and stated that there has to be a balance of fair use of property. MaryRose stated that it is a balanced statute of impacts and use.

There are enhancements to the wetlands per the Soil Scientist and the trade off is the detention basin will be cut down and pushed back. It is a balance of right to use and based on the value of the wetlands. Magnan stated that the plan seems like a net improvement. Bhavé stated that he doesn't see an obvious need for the parking, the building is not full and there is parking. Hart stated the reason for non use is that there is a lot of remodeling going on now; the building is outdated and the owner feels there is a need for parking in order to market the building use.

Sanford stated that there is no direct impact to the wetlands, they are maintaining the upland buffer; the stone wall is there. They are not changing the hydrology; they are maintaining a dense canopy. Based on his 20 years of experience, his professional opinion is that there is no adverse impact in the southern area.

Munson stated that the applicant has done a good job with enhancements. This property was built in 1986-1988 and the applicant feels he needs the space in order to get tenants. The snow removal has been addressed.

Connors stated that parking has to be there first in order to get a tenant; he is a Property Manager and that is his personal experience. He feels the snow will not be removed but pushed and there needs to be a better plan but he does not feel the IWA has the right to control the parking. They are cutting the grade down and building a natural berm and feels this is an improvement. Sanford stated that there are extensively large trees adjacent to the wetlands edge; a densely forested canopy and he does not anticipate a significant change or thermal impact.

Magnan asked about hydrology. Hart reviewed the existing parking drainage flow and discharge point as well as the new drainage flow. Sanford reviewed the topography/slope and how rainfall will flow and feels they are maintaining the hydrology with the plan. Bhavé disagrees with the topography flow and hydrology would be changed. Sanford stated that that was not true and showed the contours. Connors stated that the berm runoff will go through the drainage and not the parking lot.

Bedecker stated that the detention basin is a high quality addition and the other end seemed to be minimal impact and seems an overall improvement. Zammiello stated that the improvements are fairly significant and the only question is need and that is becoming more and more irrelevant. The goal is wetland protection and feels this has been done. Connors stated that he would not go for the 10 spaces in front aesthetically.

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

Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-A-20-037 440 Wheelers Farms Rd based on the plans entitled "*440 Wheelers Farms Road parking Addition*" by Milone & MacBroom, cover & 6 sheets dated 6/11/20, 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. Documentation to be submitted to the MIWA office prior to bond release.
 - Compliance with the City Engineers requirements.
 - Stormwater treatment must be installed as approved on the plans unless any changes are approved in writing *prior to making that change*.
 - Plant stock shall be from a native species.
 - Remove any invasive plant species within 6' of the mitigation planting area
 - Remove any debris including decaying plant material from the mitigation area
 - A bond to be calculated 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.
 - A Mitigation monitoring bond must be posted as a *cash bond* with the MIWA prior to site disturbance for mitigation plantings and a minimum of 3 years of mitigation monitoring by a professional wetland scientist with reports to the MIWA twice a year for a minimum of 3 years. Report to include the status of the site and any recommended corrective actions or amendments to the mitigation plan for best stabilization of the site. If there is recommended corrective action there must be an inspection and a report by the professional wetland scientist within 1 week of the corrective action being taken.
 - The permit is issued 7/15/20 expires 7/15/20 unless otherwise provided by Statute.
- That is my motion.
The motion carried with Bhavé opposed.

E. Minutes

A motion was made by Connors, seconded by Marlow to accept the minutes of 07/01/2020 as presented. The motion carried with Connors abstaining.

F. Staff Report

- The office has been busy with pool, shed, deck and minor addition reviews.
- Please let the office know what each IWA members preferred method of plan review is. If you would like paper sets of plans on all applications or just larger applications so that what you need to review the proposals is received.
- MaryRose has spoken to several people about proposed projects or modifications of old projects that will be coming in over the next several months.

Site Status:

- Flax Mill Lane Bridge is ongoing.
- 0 Tanglewood Circle –mitigation monitoring is ongoing we have received 4/10 reports (monitoring anticipated through 2023). Minor work to remove invasives was required from the June 20 monitoring report. Next report is due in winter 2020.
- 24 Cooper Ave – ongoing. The rain garden is being installed and the asbuilt is expected in the next few weeks.
- Ford St / Bailey Ln –houses, landscaping and fencing are complete – waiting for last area of grass to grow for bond release.
- Terrace Rd is ongoing.
- Wheelers Woods – ongoing.
- Beaver Brook Boardwalk – the phase 2 project has been awarded and should start soon.

- 63 Chester St is ongoing.
- Westmoor Rd is ongoing.
- Sailor's Lane pump station has some stabilization and will be re-seeding in the fall.
- Daniels St (Stonebridge patio) waiting on asbuilt.
- Florence Av is ongoing – stone swale and galleys are installed, waiting on asbuilt.
- Platt Lane is ongoing.

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

G. Chair Report

The next meeting will be August 05, 2020 via ZOOM. Please let the office know if you cannot attend.

There being no further business to discuss, a motion was made by Connors, seconded by Munson to adjourn at 8:45 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.