

**A. Roll Call – Secretary**

Present: Commissioner Nathan Buchok, Commissioner Ken Cowden, Commissioner Lily Flannigan, Chairman Brendan Magnan and Commissioner Steve Munson

Others present: Compliance Officer MaryRose Palumbo, Substitute Secretary Meg Greene and DPLU Director Joseph Griffith

Absent: Commissioner Ranjit Bhawe, Commissioner Jim Connors, Alternate Commissioner Matthew Connors, Commissioner Carol Dunn, Vice Chairman David Deflumeri and Commissioner Edward Mead

**B. Pledge****C. Public Comments**

None

**D. New Business****D.1. MIWA 2019 Regular meeting Calendar.**

Compliance Officer Palumbo said that the proposed MIWA meeting calendar for 2019 was mailed last week for review. The Agency meets on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays of the month. There are two conflicts for the 2019 Calendar. The first meeting of the year is on January 2<sup>nd</sup> which is before the Aldermanic meeting where 3 Commissioners will be reappointed. The first July meeting is July 3<sup>rd</sup> which is typically part of the holiday celebration.

There was discussion on the dates for the first meetings in January and July and it was decided that the Agency can call a special meeting if necessary on those dates

**MOTION**

**MOTION:** Commissioner Buchok moved to accept the proposed 2019 MIWA Calendar as amended

**SECOND:** Commissioner Flannigan.

**Vote:** 6-0

**Yes:** Commissioner Buchok, Commissioner Cowden, Commissioner Flannigan, Chairman Magnan and Commissioner Munson

**No:** None

**Abstained:** None

**Absent:** Commissioner Bhawe, Commissioner J. Connors, Alternate Commissioner M. Connors, Vice Chairman Deflumeri, Commissioner Dunn and Commissioner Mead

Motion passed.

**E. Old Business****E.1. IW-A-18-032: 0 Chester Street, Map 38, Block 536 Parcel 8; Bjorklund Properties, Proposed single family home with construction and grading in and within 100' of a wetland and watercourse in the South Central Shoreline Watershed.**

Compliance Officer Palumbo said that this is a proposal by Bjorklund Properties for a single family home with construction and grading in and within a wetland in the South Central Shoreline Watershed. The site is at the end of Chester Street adjacent to the Calf Pen Meadow Marsh. The owner is proposing a single family home with disturbance for construction of the house. Attorney Kevin Curseaden is here to answer your questions on the project; along with Jim McManus, professional wetland scientist who delineated the wetlands on the site and Chris Bjorklund of Bjorklund Properties.

Kevin Curseaden, Carroll, Curseaden and Moore; representing Bjorklund Properties.

This is a 0.175 ac vacant lot with a proposed alteration of 0.138 ac, which is the same as the total site disturbed. The total wetlands onsite are 0.0516 ac, and the site has no

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watercourses. There would be 0.0397 ac temporarily disturbed during construction with 0.0126 ac permanently disturbed.

The parcel was declared a building lot by Stephen Harris, ZEO, on 4/27/18, per the memo submitted for the record.

Attorney Cursaden reviewed the existing conditions plan showing the wetlands line, CT-DEEP coastal jurisdiction line, (CJL) and the wetland mitigation line. He stated that the quality of the wetland is at issue, saying the currently disturbed wetlands are mostly grass. Due to Zoning setbacks, the proposed house's location falls within 2' of the disturbed wetland.

Speaking to the overall site plan proposed layout, Attorney Cursaden explained that the project engineer met with City Engineer Greg Pidluski. Mr. Pidluski asked that the pad for the house be elevated 18" so when the City eventually elevates the street, the driveway will not slope down to the house, but out to the street avoiding drainage issues.

Attorney Cursaden reviewed options that had been considered. He said one option had been to construct the house 2' off the wetland line but this created both construction and long-term issues. The mitigation plan shows a line of interim disturbance, an area of mitigation where a salt-tolerant wetland seed mix is proposed along with a fence marking the disturbance limit line. He said that initially a retaining wall was proposed with rain barrels but that plan was changed to grading that empties into a rain garden that also catches the roof runoff. In addition to planting a wetland seed mix, removal of phragmites will be part of the proposed mitigation. This would create more than a 2:1 mitigation (total 1,100 sq ft with proposed 1,145 sq ft. of mitigation).

Attorney Cursaden stated that another alternative considered was a rain garden to the rear of the property, but considerations of how a family would actually use the house suggested that was not realistic.

The final proposed design moves the wetland line to the west, doing mitigation in that area and using a fence to limit the lawn area. The reason for the proposed fill is to present to the Agency a realistic, workable proposal given lot restrictions.

Attorney Cursaden reviewed the detailed plan sheets, including the progress of the erosion controls, silt fencing and orange construction fencing during construction. He said there will be no stockpiling of soils on site during construction, and a permanent fence would be erected along the wetland line.

James McManus, JMM Consulting Services, LLC, Certified Professional Soil Scientist, Newtown, stated that he delineated the inland wetland on 7/24/18, but the tidal wetland line had been delineated by others. He presented photos showing the site has a maintained lawn that has been disturbed over several decades. He said it meets the CT definition of a regulated area. He said improving habitat for the tidal wetland involved removing phragmites and mitigation planting, stressing that the tidal wetland will not be touched other than for mitigation. He was not concerned by the inland wetland filling, because if the tidal wetlands are improved, the inland wetlands will also be enhanced. He stated that the inland wetlands on site have lost their functionality, despite meeting the CT definition.

Commissioner Munson confirmed with Mr. McManus that the property to the left of the site is City-owned and has phragmites. A site walk was suggested.

Commissioner Flannigan agreed that a site walk was required.

Commissioner Buchok confirmed with Mr. McManus that decades-old fill had been used on the site. Mr. Buchok wondered if, taking into account the setbacks, the home could have any other feasible location.

Attorney Cursaden said the zone has a 20' front-yard setback and the house is on the rear set back line, so short of getting a variance for the rear, there is no other location for the house. He asserted that this is the best location of the house when considering the City Engineer's requirements and the setbacks. He also said that a much smaller house would not be viable.

Commissioner Munson asked if part of the property had been filled in prior to the wetlands' creation.

Mr. McManus said the soils show that fill had been used, most likely when the neighborhood was built, and that the wetlands were likely larger at that time.

Commissioner Flannigan asked about construction of the proposed house and for detail on the distance between the house and the wetland.

Attorney Cursaden said cement piers will elevate the building over a slab. He said the wetland flag #4 is 1.5-2' from the garage and wetland flag #3 is 5-7' from the driveway.

Commissioner Cowden asked about the benefit of raising the driveway.

Attorney Cursaden said the driveway and the slab will slope toward the rain garden and the property owner will have a usable side yard.

Chairman Magnan and Compliance Officer Palumbo discussed elevation 7 at the proposed house and 6 in the proposed wetland. Compliance Officer Palumbo explained that there is a notation on the plan for a 2:1 slope from proposed elevation 7 down to elevation 6 and that the proposed fence on the new wetland line is in the area of elevation 6'. There was discussion of the fence along the new proposed wetland line.

Commissioner Flannigan asked about changing the shape of the house to avoid wetland flag #4, thus minimizing wetlands disturbance, saying she would be less concerned if the house was on piers and not on a slab.

Attorney Cursaden said that he is not the technical expert, but the concern is with the longterm use and maintenance of the house, noting that with the wetland line 2' off of the house, there may be loss of that wetland in the future.

Chairman Magnan and Commissioner Flannigan discussed her concern, noting that Ms. Flannigan realizes that the applicant is proposing to fill in and move the wetlands elsewhere. She stressed that her goal was to keep the impacts further away and to avoid filling wetlands, noting that the wetlands are important even when creating new wetlands.

Mr. McManus said that the only reason there is less concerned about the wetlands is because their current function and value is very low. The goal is to avoid filling by future homeowners, hence creation of a small lawn and a functioning wetland.

Commissioner Flannigan stated that she is having an issue with filling in the wetland. She has concerns with the applicant saying that the use of the house is going to take over the insignificant wetland.

Attorney Curseaden said that the plan is not deeming the current wetlands insignificant, but assessing them to be of low quality in function and value. He said the applicant is trying to be realistic about how people use their properties, noting that in the best case, the wetland would remain, but in reality it is likely that there will be slow creep such that the wetland is lost, without mitigation to offset the loss.

Mr. McManus said that even if the developer does not touch the wetland at flags 3, 4 & 5 during construction, the fact that they are so close to the house makes it likely they will be disturbed in the future, hence the mitigation plan.

Chairman Magnan asked if moving or reducing the size of the house to move it further from the wetland had been considered.

Attorney Curseaden said that even if house is reduced by 10', there will still be a driveway on the corner of the wetland.

Commissioner Buchok asked the applicant if the project would still be viable, in their professional opinion, if the size of the house was changed.

Compliance Officer Palumbo stated that she sent the project to the City Engineer for review on 9/19 and that it usually takes about 2 weeks for a review to be returned. The applicant also sent the information to the CT DEEP for a ruling on the Coastal Jurisdiction Line, the estimate for a response was about 2-3 weeks.

### **MOTION**

**MOTION:** Commissioner Buchok moved to that a site walk be scheduled for application IW-A-18-032: 0 Chester Street, on 10/3/18, 2018, at 6:15 PM.

**SECOND:** Commissioner Flannigan.

**Vote:** 6-0

**Yes:** Commissioner Buchok, Commissioner Cowden, Commissioner Flannigan, Chairman Magnan and Commissioner Munson

**No:** None

**Abstained:** None

**Absent:** Commissioner Bhavé, Commissioner J. Connors, Alternate Commissioner M. Connors, Vice Chairman Deflumeri, Commissioner Dunn and Commissioner Mead

Motion passed.

### **F. Consideration of minutes of the previous meeting;**

#### **MOTION**

Commissioner Flannigan wasn't at the August 1<sup>st</sup> Regular meeting, but she noted that on page 3, the 3<sup>rd</sup> bullet should be 58 Prospect St not 54.

**MOTION:** Commissioner Buchok moved to accept the 8/1/18 minutes as amended.

**SECOND:** Commissioner Munson.

**Vote:** 4-0

**Yes:** Commissioner Buchok, Vice Chairman Deflumeri, Chairman Magnan and Commissioner Munson

**No:** None

**Abstained:** Commissioner Cowden and Commissioner Flannigan

Absent: Commissioner Bhavé, Commissioner J. Connors, Alternate Commissioner M. Connors, Commissioner Dunn and Commissioner Mead

Motion passed.

### MOTION

MOTION: Commissioner Munson moved to accept the 8/15/18 Regular meeting minutes as presented.

SECOND: Commissioner Buchok.

Vote: 6-0

Yes: Commissioner Buchok, Commissioner Cowden, Vice Chairman DeFlumeri, Commissioner Flannigan, Chairman Magnan and Commissioner Munson

No: None

Abstained: None

Absent: Commissioner Bhavé, Commissioner J. Connors, Alternate Commissioner M. Connors, Commissioner Dunn and Commissioner Mead

Motion passed.

### G. Staff Report

Compliance Officer Palumbo reported on the following sites:

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 contract end date for the work is 12/22/18

Rock Lane Pump Station is ongoing.

Forest Rd – nearing completion waiting on plantings and asbuilt.

Great River Golf Course – waiting to receive the revised mitigation plan for planting.

0 Tanglewood Circle – nearing completion waiting on asbuilts.

24 Cooper Ave no change at this time.

74 Surf Av – ongoing.

Wheeler's Woods – anticipates starting work this fall, the permit has been taken out.

Ford St / Bailey Ln – ongoing.

She asked that Commissioners remember to call or email her if they are unable to attend a meeting.

### H. Chair's report and communications

The next meeting will be a site walk on October 3, 2018 at 6:15 pm followed by the Regular meeting in Conference **Room B** at 7:30 pm..

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.

### I. Adjournment

#### MOTION

MOTION: Commissioner Munson moved to adjourn.

SECOND: Commissioner Flannigan.

Vote: 6-0

Yes: Commissioner Buchok, Commissioner Cowden, Vice Chairman Deflumeri, Commissioner Flannigan, Chairman Magnan and Commissioner Munson

No: None

Abstained: None

Absent: Commissioner Bhawe, Commissioner J. Connors, Alternate Commissioner M. Connors, Commissioner Dunn and Commissioner Mead

Motion passed.

Respectfully submitted,

Meg Greene

These minutes have not been accepted or approved.