

A. Roll Call

Present: Alan Cegan, Cathy Collins, Jim Connors, Michael DeGrego, Jon Higgins, Sally Lee, Justin Margeson and Steve Munson.

Absent: Ken Cowden and Richard Lutz.

Collins called the meeting to order at 7:30 p.m.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.

Collins noted that a request has been received to reorder the agenda to hear Item D.4. first. A motion was made by Connors, seconded by Munson to hear Item D.4. first and carried unanimously.

D. Old Business

- 4. IW-A-12-006: 54 Wilson Street, BAMF Homes** – proposal for a single family home with work within 150' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this item is a proposal by Greg Field of BAMF homes for a 2-lot subdivision with work within 150' of a wetland in the Wepawaug River Watershed. Mr. Field is proposing 2 single family homes, grading, septic systems and a drainage swale on the 1.11 acre property. There are 0.36 acres of wetlands on the site. The construction and grading for the houses and septic systems will be 95' from the wetland line at the closest point. The level spreader for the drainage swale will be 15' from the wetland. The applicant is proposing 6- 4" X 4" posts with wetland boundary markers 30' from the wetland line. Mr. Field has also stated he will put additional boundary markers on trees along the 30' line. Ron Wassmer of CCG and Michael Field were in attendance to present the project and answer any questions.

Wassmer reviewed the plans and oriented the site location; behind the Public Works building. There is an existing house on site that is to be demolished. Sheet #3 was reviewed; the site plan, the site is 1.11 acres with 15,000 sq. ft. of wetlands/upland to be donated to the city. This is adjacent to the Land Trust property. Sheet #4 was reviewed; the zoning plan. Sheet #5 was reviewed; the overall development plan. Sheet #6 was reviewed; the utility plan. Sheet #7 was reviewed; the grading and drainage plan. Sheet #8 was reviewed; the erosion control plan, silt fence locations, trees to remain, anti tracking pad and driveway locations. The nearest point to the wetlands is 50' from the house. Sheet #9 was reviewed; the landscaping plan and the trees to remain. The detail sheet was revised.

Collins stated that she drove by the site and it is a flat area and a pretty deep lot. MaryRose stated that anyone living there would not want to remove the rear trees as it abuts the Boston Post Road and they would need to be removed to put in a fence so posts were decided for wetland

markers. Connors asked about basements. Wassmer stated that one of the homes would be 1-2' in the ground and the second home would have a walkout basement.

The following motion was made by Connors, seconded by Higgins:

I move to approve application IW-A-12-006: 54 Wilson Street based on the plans entitled "*Subdivision, 54 Wilson Street, Milford, Connecticut*" by CCG, cover & 9 sheets, dated 11/16/11, revised Title, sheets 4-9 1/25/12, sheets 2, 3 & 10 1/16/12, 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 will submit a construction plan *prior* to taking out the permit.
- 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 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.
- 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 2/15/12 expires 2/15/17.

The motion carried unanimously.

1. **IW-V-11-023: Westmoor Road, Field & Son Builders, LLC** – clearing in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Mitigation ongoing.

There is no action required of the IWA at this time.

2. **IW-V-11-049: 945 North Street, Barretta Realty Associates, LLC** – storage of wood, material and debris within 150' of a wetland or watercourse in the Wepawaug River Watershed without a permit.

There is no action required of the IWA at this time.

3. **IW-A-11-057: 277 Wheelers Farm Road, Robert and Tina Santillo** – after the fact permitting of existing house, decks, pool, shed and pond within 150' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this is a proposal by Bob and Tina Santillo to permit the house, decks, pool, shed and pond on their property at 277 Wheelers Farms Road. The Santillo's purchased their home from previous owners who built the house. The builder had come before this Agency to get a permit to explore septic system locations and was required to come back to get a permit for the home. They did not get a permit from the IWA but did get a permit from Planning & Zoning for the home.

Collins, Connors, DeGrego, Lutz, & Munson walked the site at the Agency site walk on 1/24/12. Pages 1 and 2 are pictures from the 1/24/12 site walk.

Cegan and Margeson walked the site on Monday, 2/13/12 with Phil Tiso, Bill Kenny and MaryRose. The weather was clear and cold and there had been no precipitation since the snow showers on Friday night/Saturday morning. The driveway drain, pool enclosure, pool mechanicals, and the PVC pipes in the slope behind the pool were viewed. A blue plastic pool discharge hose was also noted running from the pool mechanicals to an area of leaves on the slope above the watercourse. In the front yard Mr. Tiso pointed out the septic system and shed locations. They proceeded behind the house and looked at the other PVC pipes in the slope and the watercourse; went down the stairs and viewed the terrace, pond and watercourse areas. They looked at the area proposed for the mitigation between the two watercourses. Page 3 of the photos was taken at the site walk on 2/13/12.

Commissioners received a proposed 2:1 mitigation plan for this property prepared by William Kenny.

Outstanding questions from our last meeting include:

1. Why were permits not taken out for the construction of these items? *Mr. Santillo stated that he is in construction and didn't think he needed a permit for the pond; it was an existing dry pond and he didn't think it was near a wetland and he was trying to clean it.*
2. How and where is the pool and pool filter drained? *Mr. Santillo stated that it is a cartridge system and it does get backwashed; it discharges through the blue hose. Collins stated that Mr. Santillo has offered a dry well installation for this. Mr. Santillo confirmed this; he stated that he would take the earth down 3' with a mini track excavator, take the soil and flip it to the other side of the property. Collins asked if he can get machinery in for that then why can't the pond be removed. Mr. Santillo stated that he would use a 4' x 18" excavator and a 13' x 14' power would be needed to break up the concrete. He will come in from the neighbors property; he has their permission. Connors stated that he would not need that big of an excavator and that a jack hammer could be used.*
3. What is done to prevent damage to the wetland and watercourse from the pool discharge?

Kenny stated that the mitigation plan would double the resources and will be further away from the house and less likely to be disturbed; more likely to be used for habitat.

Collins stated that most of the pond is in the wetlands and she does not want to set a precedent of filling in wetlands.

The following items were discussed:

Activity to be permitted	Distance to Wetland or Watercourse	Have enough information to make a decision	Need additional information	
House	25'	y		
Decks	19'	y		
Shed	38'	y		

Stairs	33'	y		
Concrete Pond	0'	y		
Concrete Terrace	8'	y		
Pool/Mechanicals /Retaining wall	37'	y		
PVC discharge piping	?	y		

Munson stated that he does not think that the house would have been approved in its current location. MaryRose stated that it may have been due to the limitations for septic system location. Tiso stated that lots of testing was done on the property and this was the only acceptable location from the Health Department; he purchased the plans from the previous Engineer that designed the septic system. Collins stated that she feels the pond would not have been approved and the focus should be on repairing damage. Munson questioned the pool location. Connors stated that the options are either to remove everything or remove nothing and do the mitigation. Higgins stated it is likely that the pond would not have been approved and the stairs wouldn't be there if there wasn't a pond. Munson stated that he wasn't sure if the pond and terrace should be considered separate or together. Cegan agreed with Higgins. MaryRose stated that there is an application and the question is if it will be permitted. Kenny stated that from an impact perspective the positive about the stairway is to prevent erosion and the pond was there. DeGrego stated that it isn't known what damage was caused by installing the patio and stairs. Lee stated that she has a problem with all or nothing and feels the pond is the issue. Cegan stated that he would be in support of putting the mitigation where the pond is. A discussion followed regarding the concern of setting a precedent and the IWA has required applicants to remove a pool as well as a foundation on other projects. Tiso stated that the watercourse that discharges was a pond that filled in and he feels that we would wind up back here again in 10 to 15 years to clean it out and it appears that the water's energy comes towards the pond and material drops out there at the backside of the pond and then goes off downstream. The proposed area of mitigation could probably be done without the potential impact of flash flooding by keeping sides up. In his opinion it will create less erosion impact if the pond remains. Margeson asked if the pond is having a negative effect by being there. MaryRose stated that it could be by not filtering silt before it goes into the wetland. MaryRose stated that Lutz's concern was if the koi could be flooded out and go downstream. Mr. Santillo stated that he pulled engine parts, dishwashers, etc. out of there and never touched the stream and in 7 years it has never flooded out and the same fish are in there. He understands this is a wetlands issue; he never thought this was wetlands and he is not trying to minimize the issue, he is trying to make it right and it is costing him \$20,000.00 to do it. When he purchased the house he did not know there weren't any permits.

MaryRose asked if there is any way to slow sediment from migrating further downstream. Kenny stated that there could be a controlled spillway and sump installed but it would be a continual situation. It was discussed that no two situations are the same and each site has to be acted upon individually. After much discussion a motion was made by Connors, seconded by Higgins to take a five minute recess. The motion carried unanimously.

A motion was made by Connors, seconded by Lee to reconvene, the motion carried unanimously.

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

After duly considering all relevant factors, I move to approve application IW-A-11-057, 277 Wheelers Farm Rd as presented based on the plans entitled "*Property & Topographic Survey of Property Located at 277 Wheelers Farm Road, Milford, Connecticut prepared for Robert & Tina Santillo*" by Rose Tiso & Co., 1 sheet dated 11/21/11, "*Proposed Wetland Construction at 277 Wheelers Farms Road*" by Will Kenny Associates 1 sheet dated 2/10/12 the information in the file and presented this evening, for the following reasons:

- After much discussion and deliberation this action will have the least impact on the physical characteristics of the adjacent wetlands and watercourses.

With conditions including:

- By 3/7/12 the Permittee must submit to the MIWA, a construction sequence and mitigation plan by a qualified Engineer and Professional Wetland Scientist to install a drywell for the pool discharge, rip rap to prevent erosion on the south stream bank and splash pads for PVC drainage pipe outlets. These plans will be reviewed for approval by MIWA and City staff.
- By 5/2/12 the Permittee must post a bond to be calculated by MIWA staff (based on the construction and mitigation plan) with the MIWA for installation and maintenance of S&E controls, wetland boundary markers, mitigation plantings and the asbuilt survey and mitigation monitoring.
- The permittee will need to install and maintain erosion controls and submit weekly erosion control reports to the MIWA office.
- By 7/6/12 the Permittee must submit an asbuilt A-2 survey with topography of the property showing the location of the wetland line as flagged by a Certified Soil Scientist or Professional Wetland Scientist, all site improvements including utilities and drainage, mitigation areas and wetland boundary markers. The A-2 Survey must be by a Land Surveyor Licensed in the State of CT.
- The Permittee is required to ensure that a Wetland notification be placed on the asbuilt and in the property deed to give notice to property owners that permits are required from the MIWA prior to doing work on the site.
- The Permittee must have wetland boundary markers installed on the site along the wetland line at 50' intervals. These markers are to be show on the asbuilt.
- The Permittee must submit a certification by the project Engineer and the professional wetland scientist that the mitigation meets the design intent of the approval prior to the bond being released.

The permit is issued 2/15/12 expires 2/15/17.

The motion carried 6 to 2 by roll call vote with Lee and DeGrego opposed.

E. Minutes

A motion was made by Connors, seconded by Cegan to accept the minutes of the previous meeting of 2/1/12 as presented. The motion carried unanimously.

F. Staff Report

Please remember to update your contact information and Experience synopsis. It is anticipated to be posted and distributed at our next meeting.

Per the DEEP today, the information on the training sessions will be out on March 1st; this will be available at the March 7th meeting.

- West Avenue and Gulf Pond pump station projects are ongoing.
- Indian River Interceptor is ongoing and should be in Pond Point Ave./New Haven Ave. within a week.
- Prospect Falls is ongoing, the plantings are in and the 1st mitigation report has been received.
- Westmoor Road lots are ongoing. One house is finished and they are working on the 2nd house.

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

G. Chairman's Report

Collins received her Certificate from 2010.

The next regular meeting will be on 03/07/12.

There being no further business to discuss, the meeting adjourned at 9:20 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.