

Minutes of the Public Hearing and Regular Meeting of the Inland Wetlands Agency on May 7, 2008.

A. Roll Call

Present: Barbara Bell, Allen Cegan, Jim Connors, Ken Cowden, Joel Levitz, John Ludtke, Lynne McNamee, Steve Munson and Phil Fulco.

Absent: Jim Richard.

Fulco called the meeting to order at 7:45 p.m. and deemed Bell the voting alternate and proceeded to review the rules and process for continuation of a Public Hearing. Only two areas can be discussed:

1. Information on how the impervious surface area for the project was calculated.
2. Reconciling the proposed water budget for the vernal pool with the City Engineers' memo of 4/16/08.

B. Public Hearing

1. **Application IW-A-08-011: Plains Road, WDC Milford Assoc. LTD** - Proposal to construct two hotels and a conference center with construction parking and grading in and within 150' of wetlands in the Beaver Brook Watershed.

MaryRose noted that there was a third item that was unanswered at the last meeting: long term monitoring. The applicant, Mr. Patel submitted a letter deeming Westcott and Mapes as the entity to monitor and oversee the site through construction.

Attorney Carroll thanked MaryRose for that clarification.

Ray Macaluso, Westcott & Mapes reviewed the City Engineer's response of 5/6/08 stating that he agrees with Westcott and Mapes's calculations and this memo was submitted. The site has 8.83 acres or 52% pervious surface and 6.3 acres or 48% impervious surface. The detail oversight plan was reviewed and these calculations agree with what was submitted.

Attorney Carroll addressed the parking areas and it is their intent to request a waiver of 52 parking spaces with Planning & Zoning that were reviewed on the plans. This would decrease the impervious surface. He further stated that he has represented a lot of hotels and 80% occupancy is a good occupancy figure in hotels/motels so he feels that they have a case for the waiver of parking.

Those **IN FAVOR** were asked to speak.

None.

Those **AGAINST** were asked to speak.

None.

This issue of closing the Public Hearing was discussed. Levitz stated that he was worried about the islands in the parking area and them becoming filled with garbage and debris and he would like assurance that they not become rocks/gravel over time. Connors stated that the hotel would like their image to be nice so he feels that they will keep it clean. Fulco stated that this could be a condition of approval. Attorney Carroll stated that Mr. Patel's father is going to be running the Holiday Inn and the Conference Center will be run by a restaurateur and there would be a maintenance plan in place. They have taken precautions and the Holiday Inns' standards are first class and they have no problem with any conditions.

Bell thanked the applicant for the clarification on the impervious/pervious area but she questioned the City Engineer's memo. MaryRose distributed the memo and Macaluso read it – the calculations are acceptable, the runoff would be 0.4 acres per foot which are approximately the same as the current conditions. Bell stated that the request for a 52 space reduction is not a given and she questioned how the IWA concerns would be indicated. Fulco stated that the IWA would strongly advise to seek approval from Planning & Zoning. MaryRose stated that this is more of a staff memo issue.

Ludtke stated that he does not understand Bell's concern with the impervious area – the plan is engineered to work as it is and the vernal pool needs to function. MaryRose agreed. Macaluso stated that it is not a problem to recalculate this and they will balance it either way.

Fulco deemed the Public Hearing closed.

Ludtke recommended that due to the projects large size that the IWA not act on it tonight and that there is time to deliberate as there are 35 days until action must be taken.

Cowden asked about off site mitigation for the filling that had been suggested. MaryRose stated that additional plantings are proposed near the vernal pool and the Lily Pond as mitigation. Bell stated that not enough landscaping was addressed. MaryRose stated that Jen Beno addressed this in her report. Cowden stated that once a wetland is filled it is gone and he asked if off site mitigation could be addressed. Fulco stated that this has been done in the past. There is 4100 sq. ft. of wetland proposed to be filled and it has been the IWA's practice to require a 2 to 1 ratio, so 8200 sq. ft. would be that. The rationale for 2 to 1 ratio is to ensure that at least the size equal to the fill amount would survive. Ludtke stated that the Public Hearing is closed and that new information can not be addressed. MaryRose concurred. Ludtke stated that this would have to be a

condition of the board and not new information. MaryRose noted page 16 of Jen Beno's report where proposed mitigation is addressed and that the IWA could consider requiring more plantings by the vernal pool and the Lily Pond. Fulco stated that off site plantings could not be a requirement. Connors stated that he feels that this area is man made and not of significant function and there could be enhancement with plantings rather than hold up the project.

Bell stated that at the public hearing of the last meeting someone spoke of concern with the small wetland off site and there was a discussion on fencing. MaryRose stated that this was discussed and the outcome was that fencing would enclose any habitat in the area. It was discussed that the Lily Pond is the concern and mitigation was addressed in Beno's report. Ludtke stated that blasting is a concern and asked if there is public water and sewer and he is concerned with blasting affecting the Lily Pond. Fulco stated that there have been no borings done as of yet and if there is ledge and blasting is required, they would have to come back to the IWA. It was discussed that fencing along Ford Street would do more harm than good but questioned if plantings were addressed for this area. MaryRose referenced page 5 of the 4/16/08 minutes that states that planting or fencing was entertained by Macaluso but the IWA preferred no fencing. Page 6 of Jen Beno's report stated that fencing would be entertained on Ford Street. Ludtke suggested holding off on a decision so staff could clarify: plantings verses fencing; wells or sewers on Ford Street and a blasting clause. MaryRose stated that there are existing sewers on Ford Street and no new information can be entertained but she can research existing city records. Bell agrees with Ludtke.

No action taken.

C. Public Comments

None.

D. New Business

1. **Application IW-A-08-023: West Ave/Bic Drive/Caswell/Naugatuck, City of Milford Sewer Commission/Westcott & Mapes** – proposal to construct a new 30" sanitary force main with work in and within a wetland or watercourse in the Beaver Brook Watershed.
This item is on the agenda for the first time and can be heard at the next regular meeting.
2. **Pre-Application IW-PA-08-024: 60 Paschal Dr., Peter Lassie** – installation of 21' round pool with landscaping within 150' of the Wepawaug River Watershed. MaryRose reported that this is a pre-application request for a 21' round above ground pool and landscaping at 60 Paschal Drive. Mr. Lassie recently removed a willow tree from his rear yard and in the process, the lawn and adjacent wetland area were disturbed. He would like to:

1. Use a New England Wetland mix to stabilize the area disturbed when the tree was removed.
2. Add plantings between the lawn and wetland areas.
3. Bring in loam and seed to reestablish the lawn area.
4. Install a 21' round above ground pool

Sheets and photos showing the yard were distributed. Mr. and Mrs. Lassie were present to answer any questions.

MaryRose reviewed the sketch plan and the existing conditions of the site and compared them to the pictures.

Mr. Lassie stated that the easements on the property are to be maintained and are not and the water backs up and his whole yard gets wet. There is a large 150' tree that the limbs kept falling off and he removed the limbs and tree.

Bell asked for location clarifications. MaryRose reviewed the city GIS map and reviewed the site location. Ludtke stated that he sees no problems with this plan and that the IWA wants homeowners to be able to use their property. Fulco stated that the IWA wants to help homeowners without burdening them with additional costs.

Bell questioned if the tree was in the wetland area. MaryRose stated that the city map does not show it and it looks like it was right on the edge of the wetland area. It was clarified where the location of the pool would be and that the discharge of the pool should be cartridge filter.

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

Mr. Chairman, I move that the Designated Agent issue a Jurisdictional Ruling for this pre-application for installation of a 21' above ground pool, reestablishing a lawn and stabilizing a disturbed area shown on the map in the file labeled 60 Paschal Drive with conditions including:

- No more than 3-5" of loam will be added to the lawn area.
- No material other than seed and plantings will be added to the wetland areas.
- Proper soil erosion and sedimentation controls must be installed and maintained while the site is disturbed.
- A bond of \$3,100 must be posted with the MIWA for S&E controls, border plantings and wetland boundary markers.

The motion carried unanimously.

E. Old Business

1. **Violation IW-V-08-014: 38-40 Prospect St, Charles and Lily Flannigan** – construction of a deck and addition, landscaping, regarding and placing material on the edge of the Wepawaug River Watershed without a permit. Application to be submitted by 6/30/08.

MaryRose reported that this is the violation at 38-40 Prospect Street. The Agency ordered the Flanagan's and Mr. Vernon to stop work and submit an application by

June 30, 2008. The application was submitted this afternoon and is in your mail this evening. Mr. Vernon also submitted pictures showing the house and yard area. The application proposes a foyer/utility room addition, a deck and retaining walls to stabilize the slope in the yard within the 150' review area of the Wepawaug River. They are not proposing to do any work along the Bank of the Wepawaug River at this time. The debris has been removed and the disturbed areas have been seeded. Mr. Vernon is here this evening to answer any questions.

McNamee asked about the issue of railroad ties being used. MaryRose stated that picture 4 shows that they have been removed from the property. Bell stated that new walls were indicated on the plan and she asked if they were existing. MaryRose stated that they are and pictures 7 and 16 showed this. McNamee asked if there were any concerns with fertilizers. Mr. Vernon stated that he only uses compost not fertilizers. Ludtke stated that this could be a condition and he complimented the applicant that he has done a good job. A 3-4' unfertilized vegetative border was suggested. The following motion was made by Connors, seconded by Cegan:

Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-A-08-14, 38-40 Prospect Street based on the plans entitled "*Property Boundary Dependant Survey, Charles J. & Lily E. Flannigan, Trustees TAJEM Revocable Trust, 38-40 Prospect Street, Milford, CT*" by Clarke & Pearson Associates, Inc., 1 sheet dated 4/3/08 revised 4/16/08, the information in the file and presented this evening, for the following reasons:

- The work as presented will not negatively impact the wetlands associated with the Wepawaug River.

With conditions including:

- A 3-4' unfertilized vegetative buffer along the river bank
- The permit is issued 5/7/08 and expires 5/7/13.

That is my motion.

The motion carried unanimously.

A motion was made by Connors, seconded by Levitz to remove the cease and desist order on 38-40 Prospect Street. The motion carried unanimously.

F. Minutes

Levitz referenced page 8 of the previous minutes of 4/16/08 that it was Levitz speaking versus Ludtke. A motion was made by Levitz, seconded by Connors to accept the minutes as corrected and carried unanimously.

G. Subcommittee Reports

- Ludtke recommended holding off on any regulation changes until the outcome of bills pending and Legislature ends tonight. Bell reported that the bill regarding funding for

DEP will not go through. The bill that clarifies IWA language may get passed and the Wepawaug River buffers will probably not get passed.

- McNamee submitted a draft brochure (What can I do on my property) to staff for review and also spoke to the Chamber of Commerce regarding a presentation to Realtors.

H. Staff Report

- It is getting much busier in the office with homeowners.
- The Good Shepherd project is nearing completion and they expect to open in the spring.
- Spring DEP information was distributed; anyone interested in attending, please let the office know as soon as possible.
- Levitz asked about if there was a unanimous approval for a project by the IWA and it goes forward to Planning & Zoning – could an IWA member go as an individual to be in favor of such. This was discussed as not a problem as an individual but it would depend on the relationship of the board member to the applicant and project MaryRose stated that if a member was so enthusiastic about a project his impartiality of the vote could be questioned. It was recommended that he contact the City Attorney for clarification.

I. Chairman's Report

Land Use Academy information was distributed.

The next regular meeting will be on 5/21/08

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.