

Minutes of the Regular Meeting of the Inland Wetlands Agency on June 05, 2013.

A. Roll Call

Present: Cathy Collins, Allen Cegan, Jim Connors, Ken Cowden, Carol Dunn, Lily Flannigan, Richard Lutz, Brendan Magnan, Justin Margeson and Steve Munson.

Also Present: MaryRose Palumbo and Lisa Streit.

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

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Hearing

Collins reviewed the rules and procedures of a Public Hearing and reiterated that the only issues to be addressed were IWA issues; wetlands, watercourses and wetland habitat.

- 1. IW-A-13-024: 553 West Avenue, Grillo Services, LLC** – proposal for a facility for leaf composting, tree and brush recycling, processing of topsoil, sale of landscaping products and 4 buildings with roads, parking, grading and stormwater improvements in and within 150' of a wetland in the Beaver Brook Watershed.

MaryRose noted that the file contents list is in the file and available in the MIWA office and that the Certificates of Mailing have been received as of June 19, 2013.

Attorney Avallone reviewed that L.J. and Michael Grillo have a signed contract with the owner of the property and proceeded to review the existing conditions of the property. This is a 57 acre parcel with 27 acres of wetlands and watercourses as well as the Iroquois gas pipeline through it. There are 11.79 acres of developable land. It is vacant land and the plans have been revised to include 2 buildings proposed not 4 buildings. The 2 buildings proposed are near the West Avenue entrance which will be for office and storage. Beaver Brook was reviewed. Avallone stated that per the IWA Regulations and State Statute the charge is to allow development and economic growth with protection of the wetlands; a balance. Section 10.2 of the IWA Regulations was referenced. The Grillo's currently run an operation on Oronoque Road. Plan C2-0 was reviewed, which is plan C4 and C4.1 combined. The mulching operation is to take in material to be processed and sold. Leafing and composting is done in October and is taken, stacked and piled and by May it dissipates. The City of Milford has a contract with Grillo to remove debris from storms, etc. The site is designed for truck traffic to come off of I-95 and onto the site; the West Avenue side is much smaller for residents and local traffic. Feasibility and prudence must be balanced and critical in determinations and he will reference alternatives. One alternative was a crossing where a bridge would be required and this is

not feasible. The pond is in terrible condition with very bad water quality. The state has not cleaned this and it has debris and erosion going into it and they hope to enhance and restore this.

Fred Mascia, Engineer, reviewed sheet 2.0 which is the existing site conditions. The Iroquois pipeline easement, walking trails and Beaver Brook was reviewed. Runoff from I-95 has entered the site and it is sand, debris and garbage. Sheet C.3.0 was reviewed and shows the overall development of the site. The building behind the hotel has been removed as well as the one by the parking lot. The proposed road was reviewed as well as the crossings of the pipeline. Residents and small contractors will use the West Avenue entrance and large trucks will use the I-95, Schoolhouse Road side. The office and storage areas were reviewed as well as the composting area. The material receiving area and topsoil area was reviewed. The detention basin area was reviewed, which the Grillo's will maintain and catch the I-95 runoff. The proposed road area was reviewed as well as the fill area. The road is being reduced to being 22' wide at the closest point to the wetlands and the remaining road will be 24' wide. Sheet 3.0 was reviewed.

Alternatives were no building of the road. This would require that all traffic go to West Avenue. Planning and Zoning would look for both access points of West Avenue and Schoolhouse Road. The bridge option was reviewed; a 120 – 150' span would be required and is not feasible. They have repositioned the road to eliminate some fill. At one time a loop road around the site was considered and this was eliminated. The drainage analysis and flow of drainage was reviewed on the plans. One site has been eliminated to allow drainage flow. Sheets C4 and C4.1 were reviewed. Compacted gravel surface, roadway area as well as paved areas were reviewed. The wetland mitigation area was reviewed. The areas of setback from Beaver Brook were reviewed as well as the catch basin and water quality structure areas. There will be a constant working base on gravel for infiltration in the materials areas. A grass drainage swale by I-95 is proposed. All operations are a moving target. It will take 1 to 2 years of site preparation before the site will be operational. Sediment and erosion control plans were submitted. The IWA is the beginning of the process, there is still Planning and Zoning, FEMA mapping amendment and CT DEEP to go to.

Matt Davison, Sr. Environmental Scientist, Soil Scientist, CT Forester, submitted his report and reviewed Sheet C-2 and the forested areas. The large upland area was reviewed and the dominant area is a phragmites marsh. The site is subject to historic disturbance and grading irregularities; the pipeline, fire damage, the berm along Beaver Brook. There is evidence of disturbance everywhere. Three areas of impact were reviewed. Sheet C4 and C4.1 was reviewed. 1. The small emergent wetland was reviewed and noted that per 1934 aerials was a larger wetland. The hydrology is driven by the runoff from I-95. 2. The 500' area of impact required for the road was reviewed. 3. Tadpoles had red leg which is indicative of poor water quality. There is no vegetation there that affects water quality. The plan is to try and mitigate impacts to the wetlands. There was a qualitative assessment of the wetlands for function and values that looks at

physical characteristics, where the wetland is located and does it have the opportunity to perform. The mitigation area that is proposed will more than compensate for loss. The wetland areas will be planted to enhance and compensate for loss and greatly enhance water quality. There will be 5,000 sq. ft. of total impact and three areas of mitigation of 18,000 sq. ft, 15,000 sq. ft. and 18,000 sq. ft. A small vernal pool was found on site. A wetland area was delineated based on soil colors. Hydrology had been altered by the berm. It was tested and there was no reduction in oxide and he does not believe it is a poorly drained soil or a wetland. Vegetation is not indicating wetland either.

Dr. Michael Klemens stated that he has a CV to add to the record. A spotted egg mass was seen and he was brought on. He referenced Cascade Blvd. that had lots of habitat and stated that this property is not the same. This is a much more generalized site. Many species were reported in a 1982 Water Company report and there has been a lot of change over time. This is a cryptic vernal pool with a very small number of salamanders. This is ranked very low; tier 3, which is the lowest rank. In his professional opinion this is a remnant population and he does not believe it is long term viable. 2 species of snakes were found; garter snake and water snake. There were lots of painted turtles and snapping turtles. In the 1982 report it stated that there were musk and mud turtles. There are not mud turtles in CT and he does not know if there are musk turtles here anymore. This project could proceed without damaging this population. A Box turtle was found and will be reported to the Natural Diversity Database. It was very scarred up and there is a lot of human activity. He does not anticipate a population but it has to be studied. He does not believe the population could be sustained. Wetlands that cause hazards to systems were discussed. Red leg disease in tad poles is highly contagious to fish and other amphibians or humans and is a serious problem for the public and biological health. He did not see it spread throughout the system but it is a serious problem and a threat to the entire system. A lot can be done to bring the system back.

Collins called for those **IN FAVOR** of the application:

None.

Collins called for those **AGAINST** the application:

Letty Malone, 14 Eighth Avenue, stated that when this property was up for sale she served on the Conservation Commission and the City could not afford to purchase this site. She went to a lot of meetings. She referenced Lee Rogers book from the Water Company and stated that this site was most biologically important. A conservation easement was obtained from Kingdom Life Church and asked how this is addressed. The purpose was to assure protected property was preserved. She understood that there were underwater springs and the easement was to preserve water quality, owls and important species. It is a wonderful place to go for the public as well as to introduce children to nature. It is a beneficial resource to Milford; quiet and beautiful and she hopes it is not lost by this operation and that public use is integrated.

Steve Kraffmiller, 37 Sycamore Road, stated that he has many years experience with earth issues as a Professional Engineer. He asked about grading to the north and cutting into the hillside and stated that he didn't hear about erosion control and asked if this plan was reviewed by the DEP. Deforestation is a concern and he is concerned with cut and fill close to the water. The compost road and processing area with 18" of gravel; he questioned what effect this would have on the ground water.

James Beard, 762 Wheeler's Farm Road, discussed the existing flooding on route 1 that drains through CVS and Bob's GMC and runs north and in back of the UI property under the railroad and into Beaver Brook to Schoolhouse Road. He was on the Water Company Study Group when Alberta Jagoe was Mayor and back then there was no flooding. After the Water Company sold the property it was not maintained. There is an existing flooding problem and this has been neglected for over 20 years and he is concerned.

Bill Poutray, 25 Willow Street, stated that he is on the Conservation Commission and he is concerned with the effects of diesel and exhaust from trucks.

Barbara Milton, 32 Elm Street, asked about the eastern box turtle and the mitigation plan and whose obligation it is to maintain the easement and restore the pond/wetland area. She asked what kind of vegetation is to be put in; what remedy is there to the water quality; trees are to be removed, how will this effect water quality and temperature effects; fish are an issue. She asked about dye used in mulch and its penetration of the gravel. She asked about salt from storms and what kind of leeching effects this would have. If there is no bridge, how will the brook area be traversed? She asked about the machine to be used for screening top soil. How many trucks would enter the site? If everything goes to Beaver Brook, what are the effects of this?

Barbara Bell, 24 Winthrop Court, stated that she is concerned with the vernal pool and asked if Dr. Klemens guidelines apply to a cryptic vernal pool. She asked about the tree clearing and shade to the watercourse and what is going to be left to shelter the brook. She asked about the volume of trucks going through the area and the amount of dust/siltation into the wetland areas. She referenced Mr. Beard's issues and that these are CT DOT concerns and there is no control over this. This is a big project, impacted by outside forces and can't get definitive answers and should be looking for as much mitigation as possible.

REBUTTAL

A five minute recess was taken.

Attorney Avallone stated that they would address the erosion and control plan and the cut and fill of Beaver Brook. Fred Mascia stated that the S & E Plans are sheets 5.0, 5.1 and 5.3 and the plan has not been submitted to the DEP. Once local approvals are received then it will be submitted to the DEP. The Beaver Brook flow is drawn on plan C-2 which highlights the development line and the trail system in place. The 18" of gravel is a

working surface and not the only buffer against the wetlands; there is 4' to the wetlands. Beaver Brook has already been crossed in 1955 from I-95 and they are using the existing crossing. 3 years ago in March, the entire UI substation was in water. 7-10 acres drain through an 18" culvert under Metro North. This will continue to flood and only Metro North can fix this.

Matt Davison addressed thermal heating and referenced Tab A, figure 2 of his report. Disturbances correspond with the meadow. The pine plantation is designed to be thinned; it is too small of an area for the amount of trees and they are decayed. They are leaving a forested buffer to Beaver Brook. He referenced 5-3 in his report and that there are 3,000 proposed plant plugs in the area of the diseased tad poles. 2,000 in the area closest to I-95 and plugs withstand inundation.

L.J. Grillo stated that the composting breaks down to 25% which is then put into a block and mixed and processed to native species. Composts hold 5 times its size. All loads in and out of the site are tarped and there are sprinklers at the entry to try to control dust. Regarding debris from storms; everything needs to be composted, it's the law and during storms they are open 24 hours a day to assist with this.

Dr. Klemens referenced Tab A, figure 3 and stated that his assessment tool will be submitted. Tier 3 is an assessment tool where an area is rated and this applies to cryptic vernal pools as well. The vernal pool lies on top of the pipeline. The box turtle area of habitat is quite small and the amount of mitigation depends on the amount of turtles. If there are one or two turtles, they may be able to be relocated. He will do an analysis. He marked the turtle to track.

Barbara Milton, asked how many trucks daily, who will maintain the easement area, have all IWA members walked the site. She has enjoyed the site and asked if it will improve, remain the same or be worse.

Steve Kraffmiller, asked if the leaching from composting would be detrimental to water quality.

Bill Poutray, asked about the exhaust from trucks and its affects to the wetlands.

MaryRose stated that the issue of how many trucks go to the site is not an IWA issue.

Attorney Avallone stated that they addressed the truck/dust issue and the easement from Kingdom Life is to the City of Milford and they are responsible for not touching the trails.

MaryRose stated that all IWA members walked the site.

Collins stated that a lot of material was just received tonight.

A motion was made by Connors, seconded by Cegan that this hearing be continued until July 24th. The motion carried unanimously.

D. Chairwoman's Report

Collins discussed members researching applications stating that this is not allowed and is considered exparte communication and predeterminations and referenced the email from the City Attorney.

B. Magnan is becoming a regular member and the alternate position is looking to be filled.

E. Staff Report

If there is any question of exparte communication or predetermination, please call MaryRose and she will clarify with the City Attorney. The rule of thumb given by the Attorney General's office at training is that if there is even the appearance of predetermination or prejudice on an application, the Commissioner should recuse themselves.

Grove Street pump station and sewer project is ongoing.

Indian River interceptor bid may start in late August or early September.

Sanitary Sewer Infills No. 1 is ongoing, they will be moving to Seabreeze Avenue within the next week.

134 Old Gate Lane is ongoing, they are waiting on a CO.

Cascade Blvd. Garden Homes is ongoing.

Please call or email the office if you are unable to attend a meeting, especially site walks and public hearings.

Joe Griffith, new Director of DPLU was introduced to the Board.

There being no further business to discuss, the meeting adjourned at 10:05 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.