

Minutes of the Regular Meeting and Continuation of the Public Hearing of the Inland Wetlands Agency on August 07, 2013.

**A. Roll Call**

Present: Cathy Collins, Jim Connors, Ken Cowden, Dave DeFlumeri, Carol Dunn, Richard Lutz, Brendan Magnan and Justin Margeson.

Absent: Allen Cegan and Lily Flannigan.

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**

- 1. IW-A-13-014: 121 West Main Street, 121 West Main Street Associates, LLC –** redevelopment to construct two multi-family residential buildings with parking, grading and stormwater improvements in and within 150' of a wetland in the Wepawaug River Watershed.

Collins reviewed the following:

- This is a continuation of a public hearing for IW-A-13-014: 121 West Main Street, Map 65 Block 321 Parcels 19, 20 & 24A.
- We continued the Hearing at our July 17<sup>th</sup> meeting at the request of the applicant.
- I remind everyone that this is a formal proceeding, please respect the process by only speaking when you are called upon and giving your name and address for the record when you speak, spelling as necessary for the Recording Secretary. If you must talk to each other during the meeting please be courteous and go outside in the hallway so as not to disturb the other members of the public and the Agency who would like to hear the presentation.
- Explanation of the Rules: (applicants will present their proposal, when they are finished the public may speak for and then against the application. The applicant will then rebut /answer the questions *after* all members of the public that wish to speak have spoken (there is no give and take between the applicant and the consultants). The public that has already spoken may then speak again to the issues that were covered. Then the public portion of the meeting will be over and the Agency will ask their questions of the applicant.
- Please speak only to items in the jurisdiction of the MIWA - wetlands, watercourses, and wetland habitat. Zoning Issues are not under our review.

MaryRose noted that the file contents list is in the file and available in the IWA office and that the certificates of mailings have been received.

Ron Wassmer, PE, LS introduced Robert Smith, Jr. of Metro Star Capital; Kate Throckmorton, Landscape Architect and David Lord, Soil Scientist.

Wassmer stated that they had done their presentation and had a site visit and have re-evaluated the site and came up with an alternate plan that will be presented this evening.

Wassmer reviewed the existing conditions; there is a building, parking lot and a small pocket of isolated wetlands. Wasson Field and road surround the wetland. The wetland is not identified on the City maps. Sheet WL1 was reviewed; the major features were reviewed. The parking area has been reduced, the building has been moved further away from the rear lot and parking has been put under the building. 47 square feet of wetlands are proposed to be filled in. The proposed mitigation area was reviewed. This will be 1,182 sq. ft. of enhanced plantings, excavation and invasive species will be removed. This plan has significantly reduced wetland impact from the previous plan. The significant tree on the property was a consideration and the new plan is over 25' away from this tree. Snow will be stockpiled in the corner of the parking lot and removed if necessary; the majority of the parking is under the building.

Sheet U1, utility pan, was reviewed. The drainage of the site was reviewed; catch basins to water quality chamber to underground galley system. With this system, clean water can be reintroduced to the wetlands. A portion of the roof drainage will discharge to a level spreader.

The Erosion Control plan was reviewed. There will be a silt fence around the perimeter of the work area to a silk sack if need be. A low retaining wall (3') is proposed at the south end of the parking lot and building. There will be a fence on top of the wall for delineation and prevention of intrusion to the wetlands.

Wassmer briefly reviewed the 2 alternative plans considered: 3 buildings with more parking and much more impact to the wetlands; 2 buildings, parking lot and 1,108 sq. ft of wetlands proposed to be filled with 2,360 sq. ft. of mitigation.

The Prospect Street project was referenced as being done using the same professionals and a similar lawn area to this site and it has been very successful.

David Lord, Soil Scientist and Environmental Consultant, originally flagged the site in April 2012 and again for the site walk. His 4/10/12 report was submitted. All soils on the site are disturbed; the northwest corner of the site has some remnants of original Charleston soil. The wetlands on the property have been disturbed and the soil can not be typed. There are existing disturbed wetlands around a remnant wetland with no indications of special habitat or standing water.

Kate Throckmorton prepared the landscape plan and reviewed sheet LP1, existing conditions. The mitigation plan was reviewed; the lawn area is to be replanted with native plants and shrubs. 47 sq. ft. of wetlands are to be filled. The excavation area was reviewed. This is to ensure hydrology for vegetation. Replanting will go to the property line. Smaller saplings will be removed and supplemented with native shrubs. They will be targeting knotweed along the property line and cutting and spraying for a minimum of three years extended to five years if needed. Signed copies of the plans were submitted.

Wassmer stated that they feel the plan submitted is the most prudent and feasible plan. It is more expensive but greatly minimizes impacts and preserves the significant tree.

Collins called for those **IN FAVOR**:

Bryan Anderson, 194 Cherry Street, stated that he has no major issue with the project but would like some clarifications on square footage, the height of the building and consideration of run off. He asked how much of the building overlooks the parking lot verses Wasson Field.

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

Linda Gustafson, 294 High Street, stated that she lives directly across the street from this project and stated that there are wetlands there as well as water and ducks go there. She is concerned with impact to this and there are a lot of underground issues and she has had a lot of sinkholes from development in the area. High Street and Housatonic has a wet patch so there is an underground tributary. She is against further impact not progress.

Mrs. Zankowska, 299 High Street, stated that during rain the drainage is terrible and goes through her driveway. After new houses were built, more water comes down her driveway. There is a little sponge like area in the corner that helps. It is a busy area.

## **REBUTTAL**

Ron Wassmer addressed the roof design. The roof is peaked with drains around the perimeter which connects to the storm water drainage system to a bio swale to a level spreader to the municipal storm drainage system. Regarding the wetland area across the street – they are not proposing significant excavation; they are not cutting out any water source. High Street is up gradient to this property. The area requires maintenance and needs to be cleaned by the City. The wetland does act as a sponge that is why they lessened the wetland impact.

Robert Smith, Jr., stated that the roof membrane is a white color; flat on top and then pitched. Wassmer stated that the roof slopes from West Main Street towards the wetlands and reviewed map G1 and the contours.

Mrs. Zankowska asked about the Prospect Street reference.

Wassmer stated that this was brought up based on the quality of the mitigation.

Linda Gustafson asked about excavation for footings, etc. and wouldn't this impact the underground stream systems and this can back up and she asked where this would go. She stated that it would go across the street to High Street and Housatonic Avenue and this all feeds down to the Wepawaug.

Ron Wassmer stated that there are no deep excavations for the project. There will be shallow fill to construct the building footings. Looking at sheet U-1, the majority of the utilities come right off West Main Street, sewer, water main, storm drainage. He had contemplated putting the drainage system in the parking lot because the proposed system is more expensive to develop but didn't want to pull water out of the ground instead of reintroducing it to the wetlands. Not cutting into the ground to disrupt the natural hydrology of the soil. They will be removing two structures with full basements. He stated that they will not be changing the hydraulics of the underground water system.

Collins asked for IWA member questions.

Magnan asked about the perimeter fence on the drawing. Wassmer stated that this is an aluminum fence proposed on top of the retaining wall.

Lutz asked if there is a fence between the parking lot and the restored wetlands and if there could be markers there. Wassmer pointed the proposed fence out on sheet U-1 and said that boundary markers would be placed on the fence.

DeFlumeri asked what impact filling in the current basements will have on the hydrology. Wassmer stated that #123 is slab on grade, #121 is a shallow 5-6' foundation that will be filling in with soil, adding pervious material will be enhancing the water flow.

Dunn asked the reason for not using a pervious surface for the parking area. Wassmer stated that 12,000 sq. ft. is relatively small and felt conventional system was better. He is not convinced that a pervious parking lot will function better. The water is not going through a water quality treatment method. If it becomes a tried and true method he would look at it to see how the Subway project goes, but the parking lot is small and it is not economically feasible to make it a pervious parking lot.

Collins asked how the knotweed will be controlled. Throckmorton stated protocol is that it be cut between July and September and treated almost monthly with a

localized spraying. It should be monitored monthly and sprayed again as needed. If that is followed for 2 years it is very effective.

Magnan asked for clarification on improvement of functions and values.

Throckmorton stated that the wetlands extend into the forest and existing lawn area. The wooded area has a slightly higher function due to the wooded material.

The lawn area has no wetland functions because it is being maintained as lawn.

By removing grass and replacing it with woody material may support additional species and nutrient uptake will be slightly increased. The enlargement area is an increase of wetland function area by more than 10 fold. That will give more functionality than there is now.

Collins asked what corner of lot a snow pile would be temporarily stored.

Wassmer stated that the snow would be stored between parking spaces 50-54.

It was deemed that no further information is needed and the Public portion of the meeting be closed.

Lutz stated that he thought the presentation was impressive and they did a wonderful job of protecting and enhancing the wetlands.

Connors agreed.

Cowden agreed and stated that it was very creative and likes the plan with parking underneath the building.

Munson agreed and likes the increase in function of the wetlands.

Margeson agreed and feels it is a well thought out plan.

Dunn agreed

Magnan stated that he was impressed with the increased functions and values.

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

Based on the plans entitled "*121 West Main Street Metro Crossing*" by Connecticut Civil Group, cover & 5 sheets dated: SP-1, U-1- 3/19/13, Z-1, W-1, G-1, SE-1, revised-7/24/13. "*Landscape Plan 121-31 West Main Street Milford Connecticut*" by Environmental Land Solutions, 1 sheet dated 1/16/13 revised 8/1/13, the information in the file and presented at the public hearing on this application I move to approve application IW-A-13-014: 121 West Main Street for the following reasons:

1. A feasible and prudent alternative does not exist because applicant provided convincing documentation that this change in the size and location of the footprint, is the most feasible and prudent alternative.
2. After duly considering all relevant factors:
  - a. There will be a minimal adverse environmental impact which will be mitigated by the use of sedimentation and erosion controls as set out in the application, the removal of the invasive species and the creation of the proposed wetland mitigation area.

- b. The impacts during the construction phase shall be mitigated by the following conditions: (list permit conditions)
- Removal of invasive species and initial planting of three mitigation areas to be supervised / monitored by a Professional Wetland Scientist.
  - A construction performance bond to be calculated must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt by a professional licensed in the State of Connecticut showing finished 2' contours and locating all site structures. The asbuilt must be received for the release of this bond.
  - A mitigation bond to be calculated will be held for a minimum period of three years with monitoring reports twice a year by the professional wetland scientist to the MIWA. If the benchmarks for success of the mitigation areas are not met by year three, two additional years of monitoring and reporting are required after the recommendations by the wetland professional are implemented. Once the benchmarks for success have been reached and final wetland professional report has been reviewed and approved the mitigation bond may be released.
  - Any changes to the plan must be reviewed by the MIWA for compliance with this approval.
  - The permit is issued 8/7/13 and expires 8/7/18 unless otherwise provided by CT Statute.

The motion carried unanimously.

**D. Public Comments**

None.

**E. Old Business**

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

MaryRose reported that this is the mitigation on Westmoor Road. They have completed year two of the three year mitigation required by the Agency. The next mitigation report is due by December 2013.

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.

MaryRose reported that she met with Mr. Barretta on 7/24/13 and the property is stable. There is still a pile of stumps within 50' of Flax Mill Brook that Mr. Barretta is hoping to remove shortly the pile appears stable. The other stockpiles on the site are grassed and stabilized.

3. **IW-V-12-079: 161 Southworth Street, Eric Green, Jr.** – dumping of material and debris without a permit within 150' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that no action is required at this time, the IWA required plantings be installed by 11/1/13.

4. **IW-V-13-022: 37 Lakeside Road, Brad Frederick and Britnei Artz** – clear cutting trees and stockpiling material without a permit within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that the IWA required the Fredericks to come in with a plan by 8/21/13. Mrs. Fredericks has stated that she contacted the SWCD. A letter or report has not yet been received. No action taken.

5. **IW-A-13-033: 211 West River Street, Sydney M. Patchen** – placement of fill to raise a portion of the existing lawn area to the elevation of the residence with work within 150' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this is an application for an after the fact permit to allow fill to remain within 150' of a wetland in the Wepawaug River Watershed. The Agency walked this site on April 9, 2013 for an early application to allow the fill to remain in place. She walked the site this afternoon with Commissioner DeFlumeri and Mr. Patchen.

Joesph Patchen submitted weather data based on the concern on the stability of the wall but the wall itself has been through a considerable amount of weather since it was constructed. He stated that it was their contention that the wall is sound and hasn't moved through 2 hurricanes and a number of significant snow events including a blizzard. He stated that the application ran out of time because we were unable to locate a 3<sup>rd</sup> party engineer because it is such a small impact. So with that he asked that the Agency to approve the plan. He said they understand that they should have come in for a permit first.

Collins stated that she appreciates all of the information submitted but still feels that the Agency needs the engineer 3<sup>rd</sup> party review.

MaryRose stated that the question was the stability of the wall and if the wall should fall, material entering the wetland.

Lutz spoke to the engineering report, which called for the removal of the top layer of blocks then Mr. Swift is comfortable with the wall.

Connors said that it doesn't speak to the stability of the wall it is important.

Cowden stated that he would like to see a 3<sup>rd</sup> party review  
Mr. Patchen stated that because of his job there were conflicts with the proposed engineers.

MaryRose stated that the typical on call engineers that we consider for review referred her to structural engineers.

A motion was made by Connors, seconded by Cowden that the following additional information be submitted for this application:

- Third Party Review of the wall by a structural engineer to ensure the wall and material will not migrate into the wetland.

The motion carried unanimously.

#### **F. Minutes**

A motion was made by Connors, seconded by Lutz to approve the minutes of the 7/17/13 and 7/24/13 meetings as presented. The motion carried unanimously.

#### **G. Staff Report**

Congratulations to Alternate Commissioner DeFlumeri for completing the online DEEP IWA Commissioner continuing education program.

Grove St Pump station and sewer projects is ongoing.

Indian River Interceptor is being re-bid and may begin in September.

Sanitary Sewer Infill's No. 1 is ongoing on Seabreeze Ave working towards New Haven Avenue.

Cascade Blvd- Garden homes is ongoing.

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

#### **H. Chairwomen's Report**

The next regular meeting will be on 8/21/13.

There being no further business to discuss, the meeting adjourned at 8:50 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.