

Minutes of the Public Hearing and Regular Meeting of the Inland Wetlands Agency on September 07, 2016.

**A. Roll Call**

Present: Cathy Collins, Jim Connors, Ken Cowden, Dave DeFlumeri, Carol Dunn, Lily Flannigan, Steve Munson and Philip Zetye.

Absent: Brendan Magnan and Daniel Schopick.

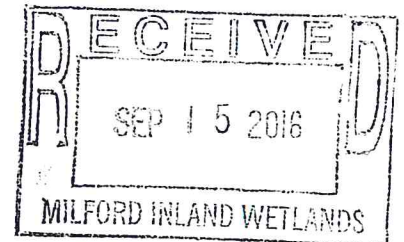
Also Present: MaryRose Palumbo and Lisa Streit.

Collins called the meeting to order at 7:30 p.m. and deemed Dunn the voting alternate.

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Hearing**



Collins reported that this is a public hearing. It 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. Please silence cell phones.

Explanation of the Rules: The applicants will present any additional information, when they are finished the public may speak to any new information 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. Any other items we will ask you to stay on topic of wetlands or we ask that the next speaker be given the floor.

Collins noted that the file contents list is in the file and available in the MIWA Office.

MaryRose reported that the IWA received this application in 7/20/16. This is the opening of the public hearing. The Agency has until 10/12/16 to close this hearing. The certificates of mailing were received on 8/25/16. The City Engineer review memo is in your mail this evening.

1. **IW-A-16-045: 553 West Avenue, Grillo Services, LLC** – proposal for 342 apartments in two buildings with associated parking, access drives and grading with work in and within 150' of wetlands in the Beaver Brook Watershed.

MaryRose reported that this is a proposal by Grillo Services, Inc. for a 342 unit apartment complex with two parking garages and a bridge with 0.09 acres of wetland proposed to be disturbed and 5.45 acres of upland review area proposed to be altered. This proposal is located on the northern portion of the Kingdom Life parcel on West Avenue adjacent to I-95, West Avenue and Schoolhouse Road.

**Attorney Tom Lynch** stated that Michael and LJ Grillo are the Contract Purchaser of this 57 acre site. This is the former Water Company property that was sold to Kingdom Life. A 342 unit multifamily residential development under the 8-30G Act to allow 30% of the development for those that meet income guidelines. 2 buildings and 2 parking garages with 512 spaces are proposed. 0.09 acres of wetlands are to be disturbed and filled for access at Schoolhouse Road. There will be two access sites; Schoolhouse Road and West Avenue. There is no alternative; only one access would be inappropriate. There will be a pool and playground area. A great deal of care and concern went into this application to try and respect the wetlands. There was a proposal with a larger number of units but this has been reduced.

**Fred Mascia**, Professional Engineer with Tighe and Bond, stated that the IWA saw the site in 2013 and it was approved as a compost facility. This is the same site with a different proposal. He oriented the site to the plan, Sheet C-001 and showed the walking trail. West Avenue and Schoolhouse Road will be the access points. The Iroquois gas line is on site and its location was shown on the plan. Sheet C-002 was reviewed and showed 2 deed restrictions; one area is no development and one area is recreational. They are not encroaching on either area. Sheet C1000 showed the proposed development. There will be 12 surface parking spaces for leasing agents. There will be 5 underground infiltration systems and 1 large detention system. Sheet 4.01 was reviewed and showed the driveway/access road as well as the crossing/bridge over Beaver Brook.

There will be 2 areas of permanent filling; one for 1,000 sq. ft. and one for 300 sq. ft. The other disturbance is temporary impacts for erosion control. Mascia gave a description of the areas severely impacted by DOT due to I-95. On the DOT side of the fencing there is approximately 2' of debris (bottles, cups etc). The applicants are still planning on cleaning up the debris and dredging the pond out. There are no current plans for DOT to upgrade this area and so there are no plans to upgrade the drainage issues that are being dumped onto the site. The wetland index table was updated and submitted; there will be .09 acres of impact = .03 acres of permanent impact and .06 acres of temporary impact. The mitigation area will be 37,000 sq. ft. verses 27,000 sq. ft.

Sheet C4-01 was reviewed showing 6 stormwater detention basin systems.



Sheet C4-02 shows the detail of the Western side of the site. All impervious areas: garage, building parking runoff goes into a storm water structure and then infiltration systems. There will be 1200 linear feet of pipe with stone around it. The storm water system is designed and analyzed for Milford's 25 year storm. Peak rate is less than existing and the volume of runoff is less than existing, so this development will not add to that. As of November 2015 rain fall events follow NOA guidelines that are site specific. There are higher runoff rates than if the application was submitted 2 years ago. For a 25 year storm event this went from 5.6" to 6.5". For a 100 year storm event it went from 7.1" to 8.36".

Sheet 4-03 reviewed 2 underground detention systems. Sheet 4-04 reviewed 1 underground detention system. Sheet 4-01 showed that all utilities are underground and run parallel to I-95. A fire service road is proposed in the rear of the property and can be used as a walking trail; it will not be paved. Sheet 5-00 showed the narrative and notes for the S & E control measures. Sheet 5-01 showed the silt fence, erosion fabric and catch basin protections. Sheet 5-02 showed the same on the other side of the site. Sheets 6-01 – 6-05 show the standard details. Sheet 7-00 shows the flood way/plane and will require filling of part of the flood plane. This will be compensated for through mitigation. Sheet 8-00 shows material removal/placement.

The next approvals needed for this application are:

Planning & Zoning

Army Corps of Engineering (for the flood plane)

FEMA (amending the map and the flood plane)

DEEP (approval for a site over 10 acres)

The City Engineer's memo was reviewed: they do not have a formal response at this time. Page 1, items 1-5 no action required. Page 2, items 1-8 and 12-17 no further action. Page 2, items 9, 10 and 11 refer to the flood plane and FEMA which will be sought after the local approvals are granted. Page 3, items 18 is an observation; no action and item 19 they acknowledge this error on the box turtle crossing size; it will be 3' x 12' and a revised plan will be submitted. Item A addresses the detention basin by Schoolhouse Road and they acknowledge that a rigorous maintenance program is required. Item C addresses the discharge rates; they will meet with the City Engineer. Item D addresses the fire lane and spill prevention. They will look into this and address it. Item E addresses the dimensions to the detention basin which they will do. Item F addresses the planting plan for the mitigation area which they will do. Item G is an observation; no action. There are no further Engineering concerns.

**Matt Davison**, Professional Soil Scientist and Wetland Scientist, submitted his report. He reviewed the site and its resources. He reviewed the wetlands and stated that one area is man made by the construction of the highway.

Speaking to the cross section there is 1,350 sq ft of filling, 1000 for detention basin 350 for new storm water outfall alongside the proposed road. Impacts are to A & B series wetlands. There are temporary impacts during construction of 0.68 acres.

They reviewed the principal functions and values of the impacted wetlands, flood flow attenuation and pollutant attenuation. Both wetlands receive storm water runoff from I-95 and pollutant attenuation is important. Looking at the bigger picture for mitigation that will be meaningful to the wetlands on site; 3 mitigation areas were reviewed.

Mitigation area 1 is 18,000 sq ft. This will remove accumulated sediment and debris from I-95 and will be planted with dense emergent plantings. Currently this pond is un-vegetated. Poor water quality is identified by bacterial infection in amphibians. There is some interaction between this area and Beaver Brook

Mitigation 2 area is 27,000 sq. ft. and is the flood plane mitigation area. This will function like a wetland and will become part of the box turtle mitigation.

Mitigation area 3 is stormwater wetland – storm water enters at a high velocity from I-95 with severe erosion, then fills up the wetland and then discharges directly into Beaver Brook. The proposal is to intercept this and treat it.

The upland review area is 5.45 acres total and of that 4 acres will remain pervious.

Dr. Michael Klemens reviewed his report of 6/18/16. He worked on the site in 2013 for the compost proposal. There are no new species since then. There is one tier 3 vernal pool. In the 2013 report an unresolved question was the 1 female box turtle found. As a result of an intensive survey of 25 man hours and a turtle detecting dog, there is a small population. L1 was found again in 2016 and 4 new individuals; 2 male and 2 females. L2 had moved right up almost onto the highway. The population is not long-term viable. At one point this was fine turtle habitat but then the highway and Iroquois pipeline came in.

L1 under normal conditions will outlive everyone in this room. Long term viable is measured in centuries; it may survive 150 – 200 years. They are found mainly in the field and then go back into the woods and moist areas. They vary in age from 11 to 50/60, so a nice age class. The last page shows 2 scenarios. In red there are small patches of habitat within the development a portion of which is a steep slope. Looked at relocating turtles – generally not the first choice but under this scenario it is best to relocate the turtles as proposed. It is not a simple thing and will require a DEEP permit; they may require transmitters on the turtles. In his professional opinion the best way to manage these turtles is to relocate them. They will design and have a plan for relocating turtles out of harms way. Feels it is appropriate to relocate rather than wedge them into the margins of the development. There is precedent for this; he did one in New York and one in East Granby. He believes that box turtles are wetland dependant and this agency has always taken the position that box turtles matter.

Aris Stalis, Landscape Architect, reviewed the vehicular drive and pedestrian access, the gas line between the 2 proposed buildings, the children's area and the pool area.



The design is not for a finished or manicured landscape but a blending of the two. The fire access is for pedestrian access; center of the site is the gas line which provides a corridor which is protected with a children's area and a pool, a separate habitat area; mixture of human and natural habitats. At the edge along the fire road they created an edge of under story habitat. Scattered about the site is native plants primarily native with a few non-native 'sparks'. The idea was to bring nature and humans together.

Attorney Lynch stated that that concludes their presentation and feels it is a very well thought/planned out proposal and is very responsible to the area.

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

None.

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

**Geraldine Wilson, 663 West Avenue**, stated that the Beaver Brook Trail is the largest in the State of CT and 400 cars will bring in air pollution, heavy metals, etc. The more people, the more damage; smokers.

**Tamara Rissolo, 20 Lucius Court**, stated that detention basins spill and overflow was discussed. Wetlands are supposed to be preserved. The brothers came to us and said if not the mulch project then there will be apartments. The pedestrian walk way; people could throw cigarettes and cause a fire. Dr. Klemen's spoke about box turtles and the decline from the Highway, etc. and now he wants to move the turtles to build more here.

**Jackie Sanford, 4 Alana Drive**, stated that only box turtles were mentioned. There must be other animals; coyote, turkey, skunk, deer. She sees them in Gloria Commons and they don't live there, they must live across the street. They come back. The nature property is ugly.

**Paula Shurko, 26 Lucius Court**, stated that a lot of area was destroyed and she lived by I-95. She would like nature preserved; animals cannot be relocated, they start invading neighborhoods. She almost hit a deer.

**Joe Bogdan, 3 Audobon Close**, stated that per DEEP's website, turtles live in 1/10 to ¼ acre and relocation is not successful. He is curious of the success over the years. The time of year for construction is a concern. He has lived here since 1991 and has seen 2-3' of water over West Avenue. In 1982 there was 5-6' of water over West Avenue for a week.

**Mark Klinger, 33 Audobon Close**, underground machinery – CT Stormwater Quality Manual shows all underground. There is limited data on long term effectiveness. There is no long term field data. He is concerned with upland cover and grading and

filling will alter the run off and there are less natural ways to stop it. 578 people is a lot of people to effect these systems. He asked what emergency things are in place. Source control issues, parking lot care, animal clean up, fluids from cars, impervious playground, buildings, material storage, gravel, storage of snow, salting, de-icing. This is a fragile environment for 578 people dumping and animal waste, and needs a rigid, strict regiment.

**Barbara Solomon, 30 Lucius Court**, she has concerns with walking trails to the buildings proximity and sewage disposal. There are concerns with sewage smells now.

**Cliff Mason, 1427 Naugatuck Avenue**, stated that he was opposed to the previous use proposed as it was too stressful for the property. This proposal is not the best use of the property; it is too stressful for the area and the City.

## **REBUTTAL**

**Attorney Lynch** – addressed Mr. Kliger issue regarding drainage. The system was designed by an Engineering firm with 25 years experience as well as being reviewed by the City Engineer and he stands by the plans submitted. Regarding the animals being relocated; the site is 57 acres, 49 of which are protected and not being used. He stands by the presentation.

**Geraldine Wilson** – stated that there have been a lot of snapping turtles this year and she asked if they have been considered.

**Dr. Klemens** – stated that there are 5 turtles on site and they are in the only developable part on the site. He could not recommend this site for conservation. Relocation of turtles to an area far removed is unsuccessful. Moving them from one part to another in the same habitat is very viable. You have to create the right area, it has to be done during the time of year before the turtles nest; it is a process. He did see some coyotes, turkeys and deer; these are not wetland dependent species. These are subsidized species due to the level of disturbance; they are already out of balance.

DeFlumeri asked about relocating the turtles and if it was the same size habitat as he noted a large area and asked if there were any nesting areas.

Collins stated that a report was just received tonight and she would like to review it.

Munson asked about the Fire Lane information noting that people don't realize rules of a property are also protection from misuse. He asked how many levels of parking is proposed. Mascia responded with 4.

Flannigan asked how the road would be handled for snow, sand and ice.



Zeyte asked about the level of confidence of the 5 turtles or if there were more. He would like clarification on the functions and values and asked about them as a sound barrier. MaryRose stated that sound was not a wetlands issue.

Dunn asked if snow shelves were on the plans. Mascia stated that they were on the Schoolhouse Road end.

Collins stated that the Public Hearing is continued until 9/21/16 in this room.

**D. Public Comments**

None.

**E. Old Business**

1. **IW-A-16-001: 226 Baxter Lane, Victor Rosado** – proposed addition, indoor basketball court, patio and pool with construction and grading in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that the Public Hearing was continued until 9/21/16.

2. **Violation IW-V-16-027: 1646 New Haven Avenue, Judith K. Rosehill** – deposition of soil and material with work in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed without a permit.

MaryRose reported that a meeting is tentatively set for 09/19/16 to meet again on site with John Gaucher from CT DEEP OLIS. The City Engineer and the Zoning Officer are to review the options for bringing the site into compliance.

3. **IW-A-16-051: 780 North Street, City of Milford** – proposal to do maintenance dredging on Eisenhower Park Pond with work in and within 150' of a wetland and watercourse within the Wepawaug River Watershed.

MaryRose reported that this item will be discussed at the next regular meeting.

4. **IW-A-16-052: 0 Daniel Street, City of Milford** – proposal to do maintenance dredging on Stonebridge Pond with work in and within 150' of a wetland and watercourse within the Wepawaug River Watershed.

MaryRose reported that this item will be discussed at the next regular meeting.

5. **IW-A-16-053: 0 North Street, City of Milford** – proposal to do maintenance dredging on the Upper Duck Pond with work in and within 150' of a wetland and watercourse within the Wepawaug River Watershed.

MaryRose reported that this item will be discussed at the next regular meeting.

6. **IW-A-16-054: 110 River Street, City of Milford** - proposal to do maintenance dredging on the Lower Duck Pond with work in and within 150' of a wetland and watercourse within the Wepawaug River Watershed.

MaryRose reported that this item will be discussed at the next regular meeting.

**F. Minutes**

A motion was made by Connors, seconded by Cowden to accept the minutes of 8/17/16 as presented. The motion carried with Zeyte abstaining.

**G. Staff Report**

In your mail this evening and in the Habitat publication you received at the last meeting, there is the sign-up sheet for the annual CACIWC meeting on November 12<sup>th</sup>. This is a good training opportunity for both new and experienced Commissioners. This year there is a savings for getting registrations in on time. You will need to get your registration form back to the office by September 30<sup>th</sup> in order for the City to realize the discount on your registration. This will be emailed to you; there is not a significant education budget and saving \$10 on each registration would allow one or two additional Commissioners to attend the Bar associations Land Use Seminar in the Spring which is also a very good educational experience.

**Site Status:**

- Indian River Interceptor –work is complete on New Haven Av and Old Gate Lane. DOT is paving Rte 162. Work to abandon old lines and structures in the Gulf Pond Marsh is also almost complete.
- 1595 Boston Post Rd project is ongoing.
- 86 Old Field Lane is completed – waiting on asbuilt there had been an issue with fence placement. I spoke with their Surveyor but have not seen an updated survey.
- 220 Rock Lane is completed waiting on a survey.
- 605 Orange Ave is ongoing. There is more soil to lose on the site then had been expected. I met in the field with the contractor, Paul Piscitelli, Recreation Director, the Chair of the fields committee and their engineer from BSC Group. We determined that there was an additional loss area that will keep material a minimum of 50' from the IWA line. In addition there is a stone wall and woods within that 50' distance. The toe of a 3:1 slope for the piles will not be closer than 50' to the wetland line.
- 33 Schoolhouse Rd had a preconstruction meeting last week. They are working on identifying the invasive species to separately dispose of them when they are clearing the site for their work.

Work is complete and mitigation bonds held on:

- Way Street bond held until fall 2018,



- West Main Street bond held until fall 2018.

Flannigan inquired about the status of Burnt Plains Rd.; MaryRose will look into this. Please remember to call or email if you are unable to attend a meeting.

#### **H. Chair's Report**

There will be a Public Hearing for 226 Baxter Lane on 9/21/16 and a continuation of the Public Hearing on 553 West Avenue. The meeting will be held in the Board of Education Meeting Room.

There being no further business to discuss, a motion was made by DeFlumeri, seconded by Connors to adjourn at 9:35 p.m. The motion carried unanimously.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.

