

Minutes of the Regular Meeting of the Inland Wetlands Agency on November 5, 2008.

A. Roll Call

Present: Barbara Bell, Jim Connors, Ken Cowden, Joel Levitz, Jim Richard and Phil Fulco.

Absent: Allan Cegan, John Ludtke, Lynne McNamee and Steve Munson.

Fulco called the meeting to order at 7:30 p.m. and deemed Bell and Richard the voting alternates.

B. Public Comments

None.

C. New Business

1. **Application IW-08-052L 598 West Avenue, Barrett Outdoor Communications** – proposal to construct a billboard, access drive and install plantings within 150' of a wetland or watercourse in the Beaver Brook Watershed.
This item is on the agenda for the first time and can be discussed at the next regular meeting.

D. Old Business

1. **Application IW-A-08-044: 30 Lavery Lane, William German** – proposal to fill 400 sq. ft. of wetland to construct a road and to convert 1.2 acres of upland review area to farmland including 8 structures, a pool and a deck within 100' of a wetland in the Housatonic River Watershed.

MaryRose reported that this is a proposal by Bill German to use a portion of his property as a farm under section 4.1a of the MIWA regulations. In your mail last meeting was a handout from the Summer DEP training Seminar, which reviewed the permitted operations and uses section of the Statutes. The Agency needs to use the information provided by Mr. German to determine if the proposed activities fall in the Permitted Operations and Uses Subsection or if they require a permit

Mr. German has 2 parcels totaling 3.981 Acres in rear lots on Lavery Lane. His home and septic systems are on Lot 1. He would like to convert approximately 1.2 acres of upland review area to farm area to allow for grazing and the growing of vegetables. He is also proposing to fill approximately 400 sq. ft. of inland wetlands for a road to his proposed garden area and to construct several accessory buildings including:
2-10' X 12' tool sheds on Lot 1.

The applicant is also seeking approval for a 15'-diameter pool and an 8' X 12' deck, which already exist on Lot 1.

On Lot 2:

1-8' X 12' dry wood storage with canopy top

1-18' X 20' covered storage shed

1-wood furnace for a greenhouse

1-20' X 40' greenhouse

1-12' X 20' covered storage shed

1-10' X 10' manure storage shed

There was no quorum at the special meeting and site visit on the property on 11/1/08, Chairman Fulco and Commissioners Bell, Cowden, McNamee and MaryRose walked the site reviewing the location of the proposed 400 sq. ft of fill for access to the garden area, the location of the proposed structures and the proposed location of the paddock area on Lot 2. The weather was seasonable and clear. Mr. German is here this evening to answer any questions.

One question from the site visit was if there would be a fence around the paddock area. German stated that there would be. Bell asked the distance to the intermittent watercourse from the wetlands. MaryRose reported 15'. Bell asked about the S & E controls from the driveway to the garden area. MaryRose stated that this was shown on the plans and this was reviewed. Fulco clarified that an answer was received from the Health Department regarding the septic system. Levitz asked if MaryRose had any concerns. MaryRose stated that there are always concerns with creeping towards the wetlands but it is a due diligence issue. Fulco asked about the paddock area and if the stone would be removed. German stated that it would not be removed; the only work there would be the fence work. Fulco asked if there was stone in the rear. German stated that there is not but there would be stone mulch up to the garden area and that all trees in the paddock area would remain.

Bell asked if the IWA does not require an application for this and this becomes exempted for farming purposes; would this be exempt for future owners. Fulco stated that any future owners would not have carte blanche; there would be the same procedure. MaryRose stated that if it were for the same use it would be ok but if there were any changes, it would have to be looked at. Bell asked if it were to be a chicken farm verses a garden and horses; this would be a more intense use and more of a danger to the wetlands and she is concerned if this would come back to the IWA. MaryRose stated if there was a change in buildings (chicken coop) they would have to come back. German stated that this area has been a farm in the past (a tree farm) and he is coming before the IWA now for his use. Levitz stated that this didn't sound right and feels it is a valid question and should be looked into before a decision is made. MaryRose will look into this.

A motion was made by Bell, seconded by Connors to reschedule the Public Hearing from 11/19/08 to 12/3/08 due to the mailings not being processed. The motion carried unanimously.

2. Application IW-A-08-045: 64 Old Gate Lane, Tom Collucci Construction Inc. – proposal for construction of industrial and office buildings and parking within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this is a proposal by Tom Collucci for 2 buildings and a parking area at 64 Old Gate Lane within 100' of a wetland in the Indian River Watershed. This parcel was previously approved for a tree service storage yard. There was a violation issued to the PREVIOUS owner of the property for work in or near the wetlands. As a result of the previous owners work the wetland line on the parcel grew out towards Old Gate Lane decreasing the upland area of the site. Mr. Collucci is proposing to construct 2 mixed-use buildings and put a fence and wetland plaques along the back of the parking area adjacent to the new wetlands line to avoid any further work in the wetlands on the site. Building A will be within 3' of the new wetland line and Building B will be within 5'. Mr. Collucci is proposing to construct the buildings from the upland area to avoid work in the wetlands. Ron Wassmer and Tom Collucci were present to review the application.

At the last meeting the IWA had several questions for the developer and they were addressed by Ron Wassmer:

- Is a significant amount of fill being brought onto the site? *The grading plan shows grades ranging from 11 to 8 proposed. The building is slightly above the flood zone. We are minimizing the amount of fill to be brought in; there will be about 2-3 ft of fill over the whole site*
- Does the soil report give any information about the drainage capacity of the soil where the galleys are proposed? *No, the intention of drainage system is water quality not onsite detention. This was reviewed on the plans; there will be an infiltration system to galleys.*
- Could you submit a plan showing the location of the property in relation to the Indian River? *This is approximately 500'.*
- How does the flood zone on the property impact the proposed galley system? *Yes it would if we do have a 100 year storm. The parking lot would have approximately 1' of water in it just as it would now. Not really changing the hydraulic system of the watershed.*

Fulco asked if the whole site is within the FEMA 100' year flood zone. Wassmer stated that it is. Connors asked how the wetlands were created. MaryRose replied that the previous owners dumped on the property and were ordered to remove it; they over excavated and created a low spot, which created more wetlands.

Bell stated that in the event of a flood they would overflow and the separators couldn't work. Wassmer agreed but further stated that oil water separators should

be cleaned twice a year. The bottom of the galleys will leach into the soil. Bell questions where this would occur. Wassmer reviewed this on the plans and reviewed the drainage system. The flood zone is a result of Long Island Sound and water being pushed in and flooding the swamp. If the flooding is a result of a large rainstorm, we are at the bottom of the watershed. At the top of the watershed we slow the water down with galleys and such. If we allow the water from this site to flow out quickly after the storm it will not compound the problem, mitigating potential flooding.

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

Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-A-08-045: 64 Old Gate Lane based on the plans entitled "Plan Prepared for Mr. Thomas Collucci, Old Gate Lane, Milford, CT" by CCG, 6 sheets dated 9/08, the information in the file and presented this evening, for the following reasons:

- The existence of the building does not pose long-term adverse impact to the wetlands and the short-term impacts during the construction phase are adequately addressed by the erosion controls and mitigation plantings as described in the plans.
- The short-term impacts during the construction phase shall be mitigated by the following conditions:
 - A bond to be calculated must be posted with the MIWA for S&E controls, border plantings, split rail fencing, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.
 - This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.

The motion carried unanimously.

3. Application IW-A-08-047: 95 Wolf Harbor Road, CT Center for Child Development – proposal to construct off site drainage to serve private school to be constructed on adjoining site within 150' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this is a proposal by the Connecticut Center for Child Development to construct a school on Wolf Harbor Road with a drainage discharge through an easement on the adjacent Avalon Bay Property discharging within 10' of a wetland on the Avalon Bay site. Stormwater on the site will be pretreated in catch basins and a swirl concentrator which discharges to a galley system for infiltration. The overflow from that infiltration system will then pass through an approximately 540' long discharge pipe in an easement on Avalon Bay's property discharging through a level spreader 10' feet from an inland wetland.

Kevin Curseaden and Mark Friend from – Megsen & Heagle Eng & Soil scientist JCJ Architecture and Roger & Susan Metso- CCCD were present to review this application

Curseaden stated that .05 acres of the wetland review area is to be disturbed and this is agreed upon by Avalon. The Engineers determined that there is no on site drainage available. A drainage easement will be recorded if this is approved. There is no real alternative and this is essential if the property can't drain offsite – then the site can't be built.

Mark Friend, PE, SS reviewed the plans. The site is 4.59 acres and he proceeded to orient the site to the plans. The existing school is at 925 Bridgeport Avenue and they have outgrown this site. The existing drainage flow was reviewed and this is the only option for discharge. Soils in the area were reviewed. The GIS map was reviewed showing part of a much bigger wetlands system. Currently the drainage flows across the properties to the East. Need to drain on Avalon property to keep the water in same watershed. There will be 3 different hydrodynamic separators onsite, all of which give greater than 8-% removal of solids. The subsurface detention system was reviewed. The level spreader is consistent with the Avalon project. No activities are proposed in the wetlands. The trees to remain on site were reviewed.

Fulco questioned if there were 3 separators? Friend clarified that there are only 2 hydrodynamic separators, 3 were in the original plan. There are inspection and clean out manholes along the pipe. It was discussed that due to a high groundwater table there is no opportunity for infiltration. 4' sumps are proposed. Fulco asked about a maintenance plan for treatment. Friend stated that it is in the narrative on the plan.

Bell asked if it was possible to keep more drainage on site by use of porous pavement or green roof or some other swale rain garden to keep water from the discharge pipe. Friend stated that there is high ground water and high ledge – the only area for fill is where the onsite septic system is in the rear of the property. Even with porous pavement there is no real opportunity to get the water in the ground. Bell asked how deep the pipe would be buried. Friend stated that that varies from 3-5'. Bell asked since this area is filled with ledge if there would be enough room to bury the pipe or would they have to blast. Friend stated that if they encounter ledge, some shallow blasting or scraping will be required. No borings have been done yet. Bell asked if the trees on the plan are the only significant trees. Friend stated that he focused on the disturbed area and he is not sure. Bell stated that she would like a site walk.

Curseaden stated that care was taken closer to the wetland to look at the significant trees – they have not really studied outside of the review area.

Bell stated that it is basically draining off into the Solomon property discharging onto Avalon. Friend stated that eventually, yes. It drains to the Avalon property and they have approved this; it already drains here. Curseaden stated that this agreement is in the application package – it is basically draining to the same location it does now – it just reduces the water flowing across the 3 adjacent properties. Bell questioned that this is draining to same place as Avalon will that impact the amount of drainage? MaryRose explained that zero net increase in peak and volume are required by the City. Friend reviewed the GIS plan and the proposed detention basins on the Avalon property. Fulco asked if the roof drains are tying into the system as well. Friend stated that they are.

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

Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-A-08-047: Wolf Harbor Rd based on the plans entitled “Connecticut Center for Child Development, 95 Wolf Harbor Road, Milford, CT 06461” by JCJ Architecture, Inc, Megson & Heagle Civil Engineers, Michael Horton Associates, Inc & Legnos & Cramer, cover & 23 sheets dated 9/02/08, the information in the file and presented this evening, for the following reasons:

- The existence of the building does not pose long-term adverse impact to the wetlands and the short-term impacts during the construction phase are adequately addressed by the erosion controls and mitigation plantings as described in the plans.
- The short-term impacts during the construction phase of the stormwater discharge shall be mitigated by the following conditions:
- An oil/water separator maintenance plan to be submitted.
- A bond to be calculated must be posted with the MIWA for S&E controls, plantings, wetland boundary markers and an asbuilt showing finished 2’ contours and locating all site structures.

This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses. The motion carried 5 – 1 with Bell against.

E. Minutes

Levitz noted that he was absent from the last meeting due to the Jewish Holiday. A motion was made by Connors, seconded by Levitz to approve the minutes of the 10/15/08 meeting as presented. The motion carried unanimously.

F. Subcommittee Reports

No Report.

G. Staff Report

- Just a reminder to those that signed up for CACIWC – the meeting is this Saturday Wallingford at Mountainside.
- The office has been busy with consultations on possible projects, and reviews of minor modifications to approved projects as they go through the P&Z process.
- Levitz had a question on abstaining sue to his neighbor being on the next Agenda. Chairman Fulco stated that as long as he felt he could be impartial he could still vote on an application.

H. Chairman's Report

None.

The next regular meeting will be on 11/19/08.

There is a Public Hearing scheduled for 12/3/08.

There being no further business to discuss, the meeting adjourned at 8:45 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.