

**Meeting Minutes
Milford Inland Wetland Agency
December 19, 2007**

The meeting was called to order at 7:35 p.m.

The following Commission Members were present:

Commissioner Bell, Commissioner Connors, Commissioner Cowden, Chairman Fulco,
Vice-Chairman Koschwitz, Commissioner Levitz and Commissioner Munson

Others present: Clerk Kuchta, Compliance Officer Palumbo, Christopher Allan, Land-Tech, Jeff Arotsky,
Attorney Thomas Lynch, Gary Wassmer, CCG

Absent: Commissioner Cegan, Commissioner McNamee and Commissioner O'Connell

Chairman Fulco outlined the procedures and regulations for a public hearing and opened the public hearing at 7:39 p.m.

- The Chairman stated the Public Hearing was for the following parcel:
 1. Application IW-A-07-027: Market Place, Map 39, Block 613, Parcel 10; Jeff Arotsky. Proposed construction of a single-family residence and driveway with construction and grading within 100' of a wetland or watercourse in the South Central Shoreline Watershed.
(09/05/07||09/19/07||11/09/07||1/13/08).

Chairman Fulco noted that there was a file contents list in the file containing 51 documents and site plans.

Attorney Thomas Lynch, 63 Cherry St representing the owner of the property Jeffrey Arotsky, addressed the Commission. He presented an overview of a previous application for the same parcel that was before the agency in 2001 and felt that based on the previous application and the new plans that there would be no negative impact to the wetlands. This application is for a single-family residence and meets all city regulations as far as the placement of the house on the property and the development of the site. It will not include any disturbance of the wetlands. There will be a buffer between the house and the stream to the rear of the property. This plan is a feasible alternative to a larger house and meets the standards to the letter of all zoning regulations and wetland regulations and state statutes. He wanted to emphasize that there would be no filling or disturbing of wetlands on this property. He received a letter from The City Engineer, Bob Briton and his client will follow all the recommendations made by the City Engineer. Attorney Lynch stated that the 3-page report by Mr. Christopher Allan of Land Tech Consultants raises concerns as to the setbacks of the wetlands. The size and setback of this house will have a very small backyard and will be a consideration in the sale and marketing of the house and should not stop this Agency from issuing a permit to develop this property. A fence will be constructed and plantings will be put in as Mr. Allan has suggested. It is noteworthy that at the end of Mr. Allan's report he does not come to a negative conclusion.

Garry Wassmer of Connecticut Civil Group located at 158 Research Drive in Milford described the proposed construction. He stated that during construction they propose to construct a chain link fence between the wetlands and the house with silt fence in front of the chain link fence. There will also be woodchip mulch around the house during construction, which in his opinion will eliminate any sedimentation or intrusion into the wetlands during construction. When construction is completed the chain link will be replaced by split rail fence to prevent any future intrusion into wetlands along with plantings that will filter the run off into the wetlands. The northwest and northeast 2/3 of the property will be a conservation easement and the stream that flows through the rear or west of the property would be a habitat for animals.

Ann Berman of 77 Pelham St, spoke in opposition to the application. She stated that she objects to construction and it is not personal but she wanted to represent the best preservation of the environment and wetlands. Ms. Berman described the purpose and functions of a wetland. She stated that the project would affect all of the wetland functions for which it was designed and would add to already existing water problems in the neighborhood

Joe Novara of 45 Market Place stated that he wanted to find out how the water would travel through his property because his lot adjoins and is on down slope from this property. The City put in a drain to help with drainage issues and he has concerns about what would happen if the property is developed and he starts having water problems.

Gary Wassmer stated that there is a proposed swale through the property and the natural flow will bring the runoff into the stream and not onto Mr. Novara's property.

Commissioner Munson questioned the buffer distances between the development and the wetlands. Mr. Wassmer said there is an approximate 10 ft buffer on the east side of the property and a 22 to 28 ft buffer from wetland flags 1 and 2 on the west side of the property. The pitch of the property will bring the natural runoff to that larger buffer area.

Commissioner Levitz asked Mr. Allan if the natural flow of water would be toward the 25ft buffer on the west side of the property. Mr. Allan said that the natural flow would be in that direction from the east to the west toward the swale.

Commissioner Bell asked for clarification on the mitigation plan that was being proposed. Attorney Lynch stated that the first step during construction was fencing, silt fence and plantings. Post construction mitigation would be through the maintenance of the fence and plantings as Mr. Allan has outlined in his report. A restrictive covenant would be placed on the land record. Attorney Lynch asked MaryRose to discuss how post mitigation monitoring would be added to the land records. MaryRose stated that if the application was approved a mitigation bond would be held and the site is monitored twice a year for 3 years to ensure the plants survive. If there is a new homeowner during this time they would have to allow people these inspections.

Commissioner Cowden asked if it would be possible to have the lawn area removed from the back of the house and put in blue stone patio and walking trails in the upland area between wetland flags 1 and 2, doing a blend of different seeds and plantings to help eliminate wetland contamination concerns. Attorney Lynch asked Mr. Novara and he said that he would be agreeable to that plan.

MaryRose asked Mr. Wassmer if the water was redirected toward the west would the area from wetland flag 7 to wetland flag 5 dry up and would it negatively affect the hydrology. Mr. Wassmer said that there is not much draining into that area now so he doubted there would be any impact. MaryRose asked if the swale was going to pick up the water to the west so that it did not negatively affect the Novara's property. Mr. Wassmer said that the water would stay in the general area and go into the stream and definitely would not go toward the Novara home. He said that it's basically the same way the water runs off now.

Attorney Lynch stated that when the agency requested a consultant be hired they did have their soil scientist come. They decided to follow the recommendations of the City's Consultant. Mr. Allan stated that diverting a little bit of surface water will not affect the wetlands because most of this area is ground water and there is already dense vegetation existing in that area.

At 8:52 p.m. Chairman Fulco closed the public hearing portion of the meeting for deliberation.

At 8:54 p.m. the Commission broke for recess and resumed at 9:02 p.m.

Commissioner Connors made the following motion:

Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-A-07-027: Market Place based on the plans entitled "Mark White and Jeff Arotsky, Lots #3 and 4 of Yale Land Co., Map of Morningside Property Market Place, Milford, Connecticut" by CCG, 3 sheets, dated 9/19/01, the information in the file and presented this evening, for the following reasons:

A feasible and prudent alternative does not exist because:

- The applicant provided convincing documentation that no change in the size of the footprint, or the location of the footprint would decrease the impact.
- No alternative proposed is feasible in that an increase in the size of the house would have a larger impact on the wetland.
- No feasible alternative is prudent in that a change in the location of the house closer to the road would have a greater impact on the wetlands on the Northern portion of the property.

With conditions including:

- There will be no lawn area beyond ten feet from the front of the house.
- Gardens and a patio to the rear of the house will be added to the plans prior to the permit being taken out.
- A dense vegetative buffer will be added including a herbaceous layer.
- The party responsible for Soil Erosion and Sedimentation Controls on the site will be changed on the Erosion Control plan to Jeff Arotsky.
- The invasive *Rosa Rugosa* be removed from the planting plan. The project wetland professional/ biologist will submit a revised planting plan **prior to** issuance of the permit.
- Changes recommended in the City Engineer's letter of 11/5/07 must be submitted **prior to** issuance of the permit.
- A \$10,692 bond to be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.
- A mitigation bond to be calculated for the mitigation plantings and 3 years of biannual monitoring by a Professional Wetland Scientist or Biologist with a report to be written and submitted in June and December each year on the status of the plantings and any modifications that must be made. The homeowner must be made aware of this requirement and a document acknowledging and allowing the wetland monitoring on the lot must be signed and submitted to the MIWA.
- During open soil conditions the site must be monitored weekly and within 24 hours of a significant rain event with reports to be submitted to the MIWA weekly or within 48 hours of the rain event.
- *This action will not have a negative impact or effect on the physical characteristics of the adjacent wetlands and watercourses*
- The permit is issued 12/19/07 and expires on 12/19/12.

That is my motion. The motion was seconded by Commissioner Levitz.

Chairman Fulco asked if there were any items for discussion. Commissioner Bell questioned the language used for alternatives. She said that there were three alternatives listed but felt that only the last alternative applied. Chairman Fulco stated the applicant said that Zoning would have allowed a larger structure and therefore a smaller structure was an additional alternative. In an earlier meeting Attorney Lynch had presented another alternative where the house would be brought up to the street and it contained filling in the northwest corner of this site. Commissioner Bell stated that since the Commission did not address these alternatives at this meeting but in prior meetings then the three alternatives in the motion were not all discussed. The first two points of the alternatives should be removed and the only alternative should be the last one listed which was discussed this evening.

Chairman Fulco explained that the motion does not include just what happened in tonight's hearing but it includes the previous hearings as well.

Commissioner Levitz made a motion to move the motion, which was seconded by Commissioner Cowden. The motion passed 6 to 1.

Commissioner Levitz made a motion to vote on the application for approval made by Commissioner Connors. The motion to approve the application passed unanimously.

The Public Hearing section of the meeting was closed at 9:15 p.m.

Consideration of minutes of previous meeting. (11-21-07)

Commissioner Levitz made a motion to accept the meeting minutes of November 21, 2007 it was seconded by Commissioner Levitz and passed unanimously.

Chairman's Report

Chairman Fulco thanked Commissioner Koschwitz for his service.

Staff Report

MaryRose stated that the Wetland Creation at Eisenhower Park had been stabilized for the winter and has already been vandalized twice. The first meeting in January is the 9th due to the New Year's holiday and the Aldermanic meeting on the 7th. The Agency's meetings in January will be held on the second and fourth Wednesdays instead of the first and third.

A motion to adjourn was made by Commissioner Levitz it was seconded by Commissioner Cowden and passed unanimously. The meeting adjourned at 9:20 p.m.

Respectfully submitted,

Kathleen Kuchta
Inland Wetlands Clerk

These minutes have not been accepted or approved.