

Minutes of the Regular Meeting of the Inland Wetlands Agency on January 21, 2015.

A. Roll Call

Present: Alan Cegan, Ken Cowden, Carol Dunn, Dave DeFlumeri, Lily Flannigan, Brendan Magnan, Justin Margeson and Steve Munson.

Absent: Cathy Collins, Jim Connors, and Daniel Schopick.

Also Present: DPLU Director Joe Griffith, MaryRose Palumbo and Lisa Streit.

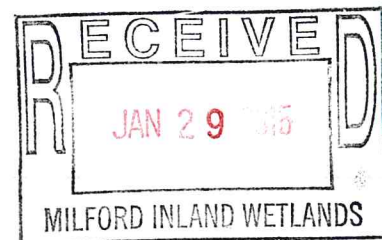
Magnan called the meeting to order at 7:30 p.m. and deemed Dunn the voting alternate.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.



D. New Business

1. **IW-A-15-001: 134 & 142 Old Gate Lane, Jive, LLC** – proposed building addition and parking expansion with construction and grading within 100' of a wetland in the Indian River Watershed

This item is on the agenda for the first time and can be discussed at the next regular meeting.

2. **IW-A-15-004: 220 Rock Lane, SMI Realty, LLC** – proposed building addition and parking expansion with construction and grading within 100' of a wetland in the South Central Shoreline Watershed.

This item is on the agenda for the first time and can be discussed at the next regular meeting.

3. **IW-A-05-005: 420 West River Street, The Milford Cemetery Association** – proposed construction of a new cemetery with a columbaria and ceremonial area with grading and filling of 2100 sq. ft. of wetlands for access in the Wepawaug River Watershed. Request for Permit Extension.

MaryRose reported that this is a request for extension of permit for IW-A-05-005 420 West River Street by the Milford Cemetery Association. This permit was issued on April 6, 2005 was extended once by this Agency to April 6, 2015. Under Public Act-11-05 the applicant can request an extension for up to

14 years for an approval. This request would bring this approval to the full 14 years. After that time they would need to reapply.

A motion was made by Cegan, seconded by Munson that permit IW-A-05-005 be extended 5 years to April 6, 2019 as allowed under PA-11-05. The motion carried unanimously.

E. Old Business

1. **IW-V-14-069: 0 & 62 Chester Street, Robert and Sharon Saley** – deposition of material with work in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed without a permit. Information to be submitted by 2/4/15.

MaryRose reported that Mr. Saley is working on moving the fill piles to the higher portion of the yard away from the flagged wetlands. The Soil Scientist went out already and is going out again tomorrow. Information is to be submitted by 2/4/15.

2. **IW-A-14-074: 33 Schoolhouse Road, CT Self Storage of Milford LLC** – proposed self storage facility with work within 150' of a wetland and watercourse in the Beaver Brook Watershed.

MaryRose reported that the application form incorrectly lists the parcels where the work is proposed. The application form says that work is proposed on Lots 2 & 2A. The plans show work on Lots 1 & 2A. Lot 2 is owned by CT CVS Pharmacy LLC, who has not signed off for any work on their property. The plans also list Lot 2 on the parcel shown as Lot 1 on the Assessors map. After consultation with the City Attorney's Office it was determined that the application is invalid. The applicant withdrew the application and will reapply.

3. **IW-A-14-076: 701 North Street, Stone Preserve, LLC** – proposed residential community with construction, parking and grading within 150' of an offsite wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this is an application for a 63 unit planned residential community at the Stone property at 701 North Street with work within 150' of wetlands on adjacent properties. There are no wetlands on the site. There are wetlands to the North and West on The Orchards golf course owned by the City and on a privately owned rear lot to the Southwest. In the past she has reviewed and issued Jurisdictional Rulings for two other proposals for this property: a church in 2008 and a 4-lot subdivision in 2014.

For the earlier approvals she required: additional erosion and sedimentation controls on the portions of the lot to be developed in the areas of the offsite wetlands and no work within 40' of the offsite wetlands. On the subdivision she

required that the 3 lots closest to the offsite wetlands come back for review and permitting once it was determined exactly where the house and grading on the lots would be, to ensure that proper protections would be installed to protect the off-site wetlands. Bob Wheway of Codespoti & Associates is here this evening to present this application. The applicant has asked that pre-application file IW-PA-14-076 be included in this application.

Bob Wheway reviewed the application; this is a 7 acre site. He referenced sheet **SP-1** and reviewed the existing conditions – there is currently a house, driveway and orchards on site. The topography was reviewed; the central area of the house is the high point and slopes away at all four sides. Soils were delineated by Otto Theall and his report was submitted. There are no wetlands on site; there are some off site at the City property- The Orchards golf course. Theall also located wetlands off site to the South East in 1989 as part of the Pond View Acres subdivision. His report states that they are dominated by phragmites. Approximately 52,000 sq. ft falls within the 150' review area and is shown on the plans. **SP-3** was referenced and showed the overall layout of the proposed development. The colored map (W-1) from the Jurisdictional Ruling of 2008 and the current proposal were reviewed and submitted. 12 homes, 9 driveways and a portion of the road falls within the review area. The closest points to the wetlands are 61' away North and 116' away East. **SP-4** was reviewed as well as the pervious pavement and storm water management system. There is no roadway drainage in the area; the closest catch basin is Kozlowski Drive which is 1,000' away to the North and 750' to the south on North Street. This is one reason they looked at the infiltration system that is proposed. There will be no increase in runoff in a 25 year storm event. A full drainage report and summary were submitted. Porous pavement is best management practice and these benefits were reviewed. **SP-5**, the S & E control plan was reviewed. There will be silt fencing along the perimeter, stockpile areas and snow shelf/stock pile areas were identified. **SP-6** was reviewed – the landscape plan and buffer of plantings. **SP-9** was reviewed – a detail sheet with a cross section of the pervious pavement system. He feels there is no significant impact to the wetlands off site.

Magnan asked that Wheway elaborate on the snow removal plan. Wheway stated that the guest parking areas would be used for stockpiling also areas between units 15 & 17 and 38 & 47 could be used to pile if need be.

Dunn referenced sheet **SP-6** that shows a gazebo and paved walk and **SP-5** says snow shelf on either side and asked if this would be accessible. Wheway stated that it would be and reviewed this on the plans; they are potential areas to stock pile snow.

Flannigan stated that she would like a site walk. Dunn agreed. Munson stated that he feels that drainage is an issue; the site would be changing from an orchard to a building and there is a 200 page report and asked if the City Engineer could review this. MaryRose stated that she will forward the report to the City Engineer

and try to have his opinion by the next meeting. Magnan agreed that an expert opinion is needed that the drainage is valid.

Flannigan stated that her big concern is the center of the property is the high point and what is draining towards the larger wetland. Wheway referenced SP-4 showing the pervious pavement cell #5 would be receiving runoff from the roof of units 38-52 as well as the driveway areas and will have the ability to infiltrate and still allows flow to feed the wetlands.

Munson asked if there would be basements. Wheway stated that there would not. DeFlumeri referenced SP-6 showing lots of shrubbery on the North side and no shrubbery on the East side. Wheway stated that that is the existing tree line on the City property; they are trying to open up a view of the golf course. Wheway stated that there is a lot of dumping there associated with the golf course.

Magnan asked about the flow of the drainage from the houses; house 38, 40, 42, 46, 48, 50 and 52 would go to cell 5. Houses 33, 35, 37, 39, 42, 43, 45 and 47 would go to cell 3 and cell 4. Magnan asked if the current conditions were considered. Wheway stated that they were and part of the drainage study (SP-2) reviews the current conditions which become the baseline. He asked that the commission review the summary; the back up is calculations and data. He reviewed the current conditions; divided into 4 watershed areas.

A motion was made by Munson, seconded by Cowden that a site walk be scheduled for this application on February 2, 2015 at 4:00 p.m. In the event of inclement weather a notice of any changes will be posted on the website. The motion carried unanimously.

4. **IW-M-12-080: 400 Burnt Plains Road, Building #2, Baybrook Remodelers, Inc.** – modification request for wall and grading for an approved 1590 sq. ft. structure with construction, grading and work within 100' of a wetland or watercourse in the Indian River Watershed. Outstanding permit condition items.

MaryRose reported that in December Baybrook Remodelers requested that the Agency signoff on the unfinished conditions of approval to allow a temporary certificate of occupancy to be issued for the building. They stated that they don't feel that they can comply with the outstanding conditions due to the winter weather. Scott Farquharson from Baybrook had stated that this work was going to be done in May and September but there are still outstanding issues.

1. Erosion and sedimentation controls to be repaired and replaced as needed. E&S controls must remain in place and functioning until site is stabilized. *The Erosion controls need to be maintained to avoid the open soil from entering the wetland over the remainder of the winter and spring. Fred Trotta stated on 12/18/14 that this would be done.*

2. Wetland Boundary Markers to be added to split rail fencing. *Installed by Fred Trotta on 12/18/14.*
3. Rain Gardens A, B and C to be appropriately graded and planted. Project Engineer to confirm sizing is appropriate and piping is installed and will function as designed. *The stormwater system for the site is made up of these three rain gardens. While the downspouts are connected to the excavated areas where rain gardens were proposed to be planted. There is nothing to hold the soil in place and avoid erosion in these basins.*
4. Open soil areas to be planted and stabilized. *The Spring and early Fall planting seasons of 2014 have passed without successful stabilization on site or plantings in the rain gardens.*
5. Plantings (3 gallon size) are to be installed on 5' centers from wetland flags 22 to 26. *The Spring and early Fall planting seasons of 2014 have passed without successful stabilization or plantings.*
6. Granite posts on 4' centers between Rain Garden A and the parking area. *The approval specifically states granite bollards. You will need to apply to the MIWA for a modification if you wish to change the approval. I have attached a 2015 MIWA schedule. Please submit the modification request the Thursday before the meeting you wish to attend*
7. Installation of stabilization plantings for the area that was over cleared from wetland flags 9 to 7. *Due to over clearing into a wetland by Baybrook Remodelers, plantings were required for mitigation on the North side of the building to stabilize the disturbed area. These have not been installed.*
8. The required monitoring reports by a professional wetland scientist for the review of the installation of the plantings. *The stabilization plantings are to be monitored by a professional wetland scientist on installation and twice a year for 3 years with reports to the MIWA office. No reports have been received.*
9. The permittee shall provide the Agency a certified asbuilt plan for the project including wetland boundaries, upland review line, finished grading, drainage, outlets, building, and wetland boundary marker locations within two months of project completion. In no event shall the project bond be released prior to the submission of an asbuilt. The asbuilt must be by a licensed surveyor and include certification by a registered Engineer that the facilities meet the design intent of the approval. *The asbuilt has not been received.*
10. Wetland notification to be placed on the asbuilt and in the property deed to give notification to property owners that permits are required from the MIWA to work on the site. *The asbuilt and a copy of the deed restriction have not been received.*

Scott Farquharson of Baybrook Remodelers, Inc. submitted 2 original asbuilts, 3 original statements from the Engineer of record and 10 copies of the asbuilt site plan. Magnan read the letter of 1/21/15 from Anthony Giordano, P.E.

Scott stated that haybales were installed this afternoon. Magnan asked if the rain garden has been appropriately graded. MaryRose stated that the last time she was on site it was still straight sided. Magnan stated that this needs to be graded and planted. Scott stated that part of the planting process will fill in the basins and steep slope. Magnan stated that he feels that it is an overstatement that the rain gardens are in.

Scott addressed issues:

1 – has been repaired today and pictures were submitted. MaryRose stated that per the pictures the silt fence shows daylight underneath. This needs to be buried to the red line in order to hold silt back. In all of the pictures the red line is visible. The pictures were compared to the site plan. MaryRose asked if they were able to dig. Scott stated that he won't be able to be at the site until Saturday; he is only a part time employee.

2 – has been installed on 12/18/14.

3 – has been discussed.

4 – construction was not complete in the spring; in the fall the owner put in a rain garden mix and it didn't take. It was planted in the first week of October.

Cowden stated that if it was purchased in October, it doesn't mean it was installed in October and asked if it was watered, etc.

8 – they have contracted with Jen Beno of Environmental Services to oversee the wetland plantings and to do the monitoring. Within the next 2 weeks the contract is to be signed. They will try to have a plan by 2/4/15. Items 3, 4, 5, 7 and 8 should be addressed with this.

Cowden stated that he is concerned with the storm water system not being complete and precautions until it is complete. DeFlumeri asked if the runoff drains are directed to the rain garden. Scott stated that they are already installed. Items 6 and 10 are to be addressed.

6 – Scott stated that they will submit a modification for the bollards, no more than 4' on center before the next meeting. Cowden asked why not granite posts as required. Scott stated that he didn't recall it being required, he thought the bollards are similar and he will put 2 more in. They are 5' in diameter and concrete filled steel pipe. Cowden stated that 6 x 6, 7 x 7, or 8 x 8 granite is required and he is concerned that the bollards are not substantial enough. Scott

stated that bollards are used on all commercial buildings. MaryRose stated that granite was specifically required, 4' on center as well as the diameter. Scott stated that he will submit the modification and that granite is costly. Cowden stated that they are \$125.00 ea.

9 – was submitted. MaryRose will review.

10 – Scott stated that he needs input as to how to do this. MaryRose stated that she would email the information/verbiage for this.

Scott will go out to the site on Saturday and will call for inspection when complete.

No action taken.

F. Minutes

It was noted that in the 1/7/15 minutes the election of the Parliamentarian was omitted. A motion was made by Munson, seconded by DeFlumeri to add this to the minutes. The motion carried unanimously.

A motion to accept the amended minutes was made by Munson and seconded by Cegan. The motion carried unanimously.

G. Staff Report

Please let the office have any updates for the synopsis of Commissioner Experience. It will be updated and distributed at the next meeting. The purpose of the synopsis is so that other Commission members and applicants will know what your areas of expertise are.

There is a copy of the contact sheet please do not share this with the public. Also please be aware that you cannot discuss items before the Agency outside of a meeting.

Site Status:

Burnt Plains Rd was discussed under old business.

Grove St Pump station - waiting on an asbuilt.

Indian River Interceptor - the site is stabilized for the winter work to resume in the Spring.

Meadowside Rd – work is ongoing.

Sanitary Sewer Infill's No. 1 area is stabilized - waiting on asbuilt

Sanitary Sewers Infills No 2 (Plains Rd/Shelland St/High St/White Oaks Ter) - done for the winter. Final paving/stabilization will be in the spring.

Way Street work is ongoing,

Westmoor Road work is ongoing.

West Main Street is ongoing.

Munson asked if there had been any inquiries from the public on either 701 North Street or 33 School House Road. MaryRose stated that there has not been.

Please remember to call or email if you are unable to attend a meeting.

H. Chair's Report

The next meeting will be a site walk on 2/2/15 at 4:00 p.m.

The next regular meeting will be on 2/4/15.

There being no further business to discuss, the meeting adjourned at 9:15 p.m.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.