

Minutes of the Regular Meeting of the Inland Wetlands Agency on February 04, 2015.

**A. Roll Call**

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

Absent: Cathy Collins, Jim Connors and Dave DeFlumeri.

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 and Schopick the voting alternates.

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.

**D. New Business**

1. **IW-A-15-005: 0 Wheelers Farm Road, Wheelers Woods, LLC** – proposed 180 unit apartment complex with work within 100' and 150' of wetlands and watercourses in the Housatonic River and Wepawaug River Watersheds.

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

2. **IW-JR-05-022: Wheelers Farm Road, Wheelers Farm, LLC** – proposed construction of a three building elderly housing community with grading and construction within 150' in the Wepawaug River Watershed. Request for permit extension.

MaryRose reported that this is a request for extension of permit for IW-JR-05-022 Wheelers Farm Road by Wheelers Farm LLC. This permit was issued on May 18, 2005 was extended once by this Agency to May 18, 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.

It was discussed that this is the second half of the Southwick Assisted Living project; no work has been done due to the economy. A motion was made by Munson, seconded by Schopick to extend this permit 4 years to May 18, 2019 as allowed under PA-11-05. The motion carried unanimously.



3. **IW-A-15-006: 575 Merwin Avenue, City of Milford** – proposed drainage improvements and outfall stabilization with work within 100' of a wetland and watercourse 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.

4. **IW-A-14-059: 41 James Street, John & Cathy Mortimer** – proposal to raze the existing house and construct a new single family house with work proposed within 100' of a wetland or watercourse 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.

#### **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 permit. Information to be submitted by 2/4/15.

MaryRose reported that Mr. Saley had the soils flagged by Scott Stevens of Soil Science and Environmental Services. He is working on moving the fill piles to the higher portion of the yard away from the flagged wetlands. Erosion controls have been installed. The Agency had required information to be submitted by 2/4/15. Mr. Saley has been working to get the information but has been hampered by the weather. She suggested that the Agency extend the deadline to March 4, 2015 for submittal of the requested information to the Agency.

The following motion was made by Munson, seconded by Cegan:

That cease and desist order IW-V-14-069: 0 & 62 Chester St be modified to require the following information to be submitted by 3/4/15:

1. Submit an A-2 survey with T-2 accuracy done by a professional licensed Land Surveyor in the State of CT showing the following information at a minimum;
    - a. Wetlands line as delineated by a certified soil scientist or professional wetland scientist for both inland and tidal wetlands. *Including information from under the fill pile areas.*
    - b. Property boundaries.
    - c. Proposed mitigation and planting plan by a Professional Wetland Scientist.
    - d. Proposed timeline for execution of the mitigation and planting plan to remove material, plant and stabilize the disturbed area including three years of monitoring by a Professional Wetland Scientist.
  2. The above information to be submitted to the MIWA office by 3/4/2015.
- The motion carried unanimously.



2. **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 Watercourse.

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.

At the last meeting the Agency requested that additional information be submitted for review of any impacts to the wetlands and the adjacent upland review areas due to the proposed drainage changes. A report by Otto Theall of Soil and Wetland Science was in your mail this evening. Also at the last meeting the Agency scheduled a 2/2/15 site walk for this application. Unfortunately due to the weather the site walk was canceled.

Bob Wheway of Codespoti & Associates was in attendance to present this application.

Wheway stated that he had submitted Otto Thealls' report addressing impacts to the wetlands and the adjacent upland review areas due to the proposed drainage changes. He said he was sorry that the walk scheduled for Monday had to be canceled due to the snow. He asked if the Commission was still adamant on walking the site or if a decision could be made based on the information submitted to date.

Magnan polled the Commission and all Commissioners are still interested in a site walk. Munson and Flannigan asked about the condition of the site at this time. Wheway stated that there is about 18" of snow on the site. The area has orchards and trees. It is an overgrown apple orchard.

Munson moved that a site walk be scheduled for application IW-A-14-076 701 North Street on February 17, 2015 at 4:30 PM. In the event of inclement weather a notice of any changes will be posted. The motion was seconded by Cegan and carried unanimously.

3. **IW-M-12-080: 400 Burnt Plains Road, 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. A letter was issued on 12/22/14 outlining the outstanding items and was reviewed with Scott Farquharson at the 1/21/14 MIWA meeting.

Scott Farquharson submitted a contract with Soil Science and Environmental Services for work on the property addressing items #3, 4, 5, 7 & 8

Magnan read the contract with SSES into the record, attached.

The outstanding items were/are:

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. Photos submitted on 1/21/15 showed the silt fencing improperly installed.*
2. Wetland Boundary Markers to be added to split rail fencing. These were 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. A letter dated 1/21/15 from your engineer Anthony Giordano stated the rain gardens are appropriately sized but still need to be planted. It also stated that hay bales would be added to the end of the downspouts to prevent any erosion and maintained until the plantings are installed.
4. Open soil areas to be planted and stabilized. *Mr. Farquharson stated this would be done in Spring 2015.*
5. Plantings (3 gallon size) are to be installed on 5' centers from wetland flags 22 to 26. *Mr. Farquharson stated at the 1/21/15 MIWA meeting that this would be done in Spring 2015.*
6. Granite posts on 4' centers between Rain Garden A and the parking area. *Mr. Farquharson stated at the 1/21/15 MIWA meeting that they would be submitting a modification request to substitute pipes with concrete and fix the spacing to the required 4' on center. By email on 2/2/15 Mr. Farquharson asked for the minutes of the meeting to be checked as he thought that the bollards were suggested to be granite and was unsure if granite could be legally required. In the minutes from the 4/16/14 MIWA meeting there was a request for 6 X 6 granite posts on 4' centers to protect wetland A. Mr. Farquharson did not object or request another material at that time. The Agency can entertain a modification request on this item if the permittee would like to submit one.*



Farquharson stated that he had talked to someone and believes that the Agency can suggest but not specify that granite must be used for the Bollards. He will be submitting a letter by a professional stating that the protection of the rain gardens can be concrete bollards and he expects to submit that along with a plan and detailed drawing of the bollards by 2/18/15.

7. Installation of stabilization plantings for the area that was over cleared from wetland flags 9 to 7. *Mr. Farquharson stated at the 1/21/15 MIWA meeting that this would be done in Spring 2015*

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. Mr. Farquharson stated that they would be entering into a contract with Jennifer Beno of Soil Science and Environmental Services. A copy of that contract was received by email on 1/30/15 by Ken Carney of Baybrook Remodelers, Inc. Ms. Beno will address item #3, 5, 7 & 8.*

9. The permittee shall provide to 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. *Mr. Farquharson submitted an asbuilt at the 1/21/15 MIWA meeting. The Engineer certification and wetland notice are missing from Asbuilt. He stated that he was unsure of the language required and requested assistance from Staff.*

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. *On 1/30/15 a letter was sent to Mr. Farquharson noting that Condition #28 of the permit conditions he signed on 5/2/14 for the modification and on 10/11/13 for the original permit notes the language required in the deed and on the asbuilt. The language was included in the letter.*

Farquharson submitted a Sedimentation and Erosion Control plan that he had highlighted. He explained that erosion controls exist on the site but can't be fixed at this time due to the storms and snow.

Magnan stated that the problem with this is the unknown. We do not know how long it will take to fix this and if it will be done in time to protect the wetlands during the spring thaw. The question is how we can ensure that this will be done asap.

Cowden suggested that the snow be shoveled out from in front of the silt fencing and that two overlapping rows of hay bales be installed with the overlap on the seams. Staggering hay bales in front of the silt fencing. The staking of the hay bales and repair of the silt fencing could then be done as soon as the fencing can be properly buried.

Farquharson stated that it is a tight area around the building and he doesn't think he can fit two hay bales wide that would be 4' wide. He could stack them two high.

Cowden suggested that they could do double wide staggering joints in areas where they can, fit two wide and single wide in remaining areas. They would need to make sure that the bales are tight together and double stake them as soon as possible.

It was determined that the hay bales should run from wetland flag 2 to wetland flag 10.

Farquharson stated that they will have an asbuilt that is signed and meets the conditions submitted by 2/18/15. He will need to hire a lawyer to have the deed done. He stated that he should have all items submitted by 2/18/15.

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

MaryRose reported that this is a proposal for a 49' X 24' addition and parking lot expansion at the Pops Restaurant, 134 & 142 Old Gate Lane. The Agency may remember the application for the existing building and parking in 2011. The applicant is proposing the addition within 55' of the inland wetland line. The parking expansion is on an adjacent lot recently purchased by Jive Inc. The Agency may remember permitting a retaining wall on this lot in 2012 for the previous owner. The proposed parking lot will not encroach any further than the existing retaining wall. They are proposing another course of blocks on the top of the retaining wall. Drainage from the parking improvements is proposed to enter a Bio-detention Basin with an overflow to the Bio Detention area on the existing restaurant site. Ron Wassmer of CCG presented the application.

Wassmer oriented the Agency to sheet SE-1 bounded to the West by the Indian River. Parallel to the Indian River is the tidal wetland line, parallel to that is the inland wetland line. There are existing retaining walls on both #134 & 142. The addition is proposed 55' from the inland wetland line. There will be no grading beyond the building. The addition will have 8 - 9' of exposed foundation wall so that there is no grading. On lot 142 there was until recently a house on the lot. Mr. Grigoriadis is the new owner. He demolished the building. The retaining wall on #142 was approved by this Agency. They will add one course of blocks to that



wall. Drainage will be towards Old Gate Lane. By connecting the new bio-retention area to the existing bio-retention area there is no need to create a new discharge point for stormwater. The E&S shows on the plan it is not a significant project. There is a landscaping plan and mitigation plantings are proposed. EX-1 shows the mitigation plantings. Jennifer Beno SSES has submitted a letter as to the status of the existing plantings.

Magnan asked if the grading would be required for the proposed additional foundation as there is a large grade change. Wassmer stated that there would be no grading. The finished floor elevation of the existing restaurant is 21.3; the finished floor of the proposed addition will be 21.3. The addition will have a 10' foundation wall. The foundation will go 42" into the ground for frost protection and then be 10' tall to bring the addition level with the existing restaurant.

Dunn asked where the snow shelf is for snow removal. Wassmer stated that there are small areas for disposal on the upside of the retaining wall and to the North of the property. They are not intending to push the snow over the edge of the retaining wall. They are proposing more parking spaces than they actually need for the addition so there may also be space to put snow in a few parking spaces. Magnan asked what will prevent snow from being pushed over the wall. Wassmer stated that could always be done with a loader. They are adding another course of block to the wall and it is not the intention of the owner to push snow over the wall. In the past on other site they have proposed vinyl posts with wetland placards.

Magnan stated that he would like to see notification on the wall. Cowden stated that he would like to see signage that the wetland area is not to be used for dumping snow. Dunn stated that in passing there this morning; there was a fair amount of snow onsite.

Schopick asked if any alternatives or reduction of impact to the wetlands were considered. Wassmer stated that they are not proposing to fill or impact the wetlands with this project. They are 55' from the inland wetland line with the addition.

Magnan asked for a discussion of the proposed new bio detention basin and asked if the discharge from this will impact the area of wetland flag 105. Wassmer stated that he doesn't expect to have any impact on the existing piping or outfall. The system is designed to infiltrate and only overflow into the piping in a large storm event.

Munson stated that he recalls the site walks for the applications on both 134 & 142 Old Gate Lane and doesn't see the need for an additional site walk. Cowden agreed.

The following motion was made by Munson, seconded by Cegan:

That Application IW-A-15-001 134 & 142 Old Gate Lane be approved based on the plans entitled "*Building Addition & Additional Parking Area for Pop's Family Restaurant 134 & 142 Old Gate Lane, Milford, Connecticut*" by CCG, cover & 7 sheets dated as follows *EX-1 12/18/14, Cover, S-1, L-1, GD-1, SE-1, I-1, & D-1 1/5/15* with conditions including:

- The Permittee will submit a construction plan *prior* to taking out the permit.
- Soil Erosion and Sedimentation controls as outlined on the plans and in the CT DEP "*2002 Erosion and Sedimentation Control Guidelines*" must be installed and maintained on the site until the property is stabilized.
- 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.
- A permit construction bond of \$5,885 must be posted with the MIWA for S&E controls, and an asbuilt showing finished 2' contours and locating all site structures.
- A \$4,060 mitigation monitoring bond must be posted with the MIWA for site plantings and monitoring of the bio-retention area. Reports on the bio-retention area must be given to the Agency upon installation and two times a year over the following three years. The Reports will monitor the status of the bio-retention areas and may recommend amendments to the plan for the best functioning of the site. Recommendations must be implemented prior to the bond being released.
- The Permittee must submit a certification by the Project Engineer that the completed project meets the design intent of the approval prior to bonds being released.
- The permit is issued 2/4/15 expires 2/4/19 unless otherwise provided by Statute.
- Signage to be added along the retaining wall notifying that No Snow may be stockpiled or pushed over the retaining wall to protect the natural resources.

This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.

The motion carried unanimously.

**5. 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.**

MaryRose reported that this is a proposal for a 28,000 sq. ft. addition for Stevens Manufacturing at 220 Rock Lane with work within 100' of wetlands in the South Central Shoreline Watershed. The work will include construction of the building, underground storm water detention and associated parking and grading. The wetlands are located along the rear property line of the site to the Northwest. The storm water treatment proposed is hooded catch basins to a swirl concentrator to a galley infiltration system with clean-outs. Drainage reports for this system have been submitted to the office. Robert Blanchette of Borghesi Building and Engineering presented the project.



Blanchette stated that Stevens Manufacturing has been doing well; this is their 3<sup>rd</sup> addition.

He oriented the Agency to sheet SP-1 and then SP-2 shows an enlargement of the proposed work area. There are two triangles of wetlands along the northwest property line that go 8 to 9' onto the property at 220 Rock Lane. He pointed out deferred parking and a loading dock shown for zoning that the owner does not feel he needs. The property is pretty flat within minimal grading required for the addition and parking. The existing building in the center of the site will be demolished. Parking will be extended out about 15' from the existing parking.

Drainage from roof will go directly into the galleys along the Northwest property line and in the center of the site. Drainage from the parking areas go through the storm water treatment system. The storm water system will be a few feet away from the wetland and the parking 10-12' away from the wetland area. They tried to keep the disturbance to a minimum but with the size building required for the business and the orientation of the site this is the best plan.

Magnan asked for the clarification on the drainage plan. Blanchette reviewed the storm water system on sheet SP-2. The water will runoff into a catch basin and then through a V2B1 swirl concentrator. The details for the V2B1 are on sheet SPD1 and it shows how that functions. It separates soils, sands, grits and oils out from the runoff. Details for the underground detention system are on SPD2. They are proposing 4'X 4' precast concrete galleys with filter fabric and stone to allow for infiltration. The galleys will run the full length of the building along the edge of the parking area to give a buffer to the wetlands. There is a smaller system in the front of the site for the two front catch basins. A large portion of the site is gravel and pavement right now. He reviewed the location of existing gravel and pavement on the site on sheet SP2.

Magnan asked that he clarify where the wetlands are delineated. Blanchette stated that the wetlands were delineated with flags by the adjacent property owner. The flags were picked up as part of this survey and it was discovered that they come onto the Stevens Manufacturing site. They are attempting to get a copy of the wetland report.

Schopick asked if there had been a soil report or application submitted for the adjoining property. MaryRose stated that there has not. Blanchette stated that they would not have known that the wetland existed if they weren't flagged by the neighbor.

Munson questioned the number of parking spaces provided vs. what is actually needed. Blanchette said that they are only proposing to install what they need. The deferred area is shown for zoning purposes but the owner feels that they do not need the parking. They do run a 2<sup>nd</sup> shift but they only need employee parking. They employ about 60 people.

Magnan asked if they considered putting the parking in the deferred area parking instead of next to the wetlands. Blanchette stated that there is an access drive there now for safety reasons with their process they would prefer access to the building along the NW/rear to prevent personnel entering under the crane area in the new addition.

Magnan asked if there should be any additional prevention to protect the wetland from potential spillage. Will areas be marked 'drains to wetland'?

Blanchette stated that they have two safeties to prevent a spill from entering the wetland. 1) Curbing stops spillage and directs to the catch basins and 2) Catch basins direct the flow through the V2B1 swirl concentrator. Blanchette showed the storm water maintenance plan on sheet SPD1.

Dunn asked if the water quality at the railroad tracks on the other side of the parking area needs to be tested and remarked. MaryRose stated that they need to get a soils report; either an existing one or a new one as long as the report isn't over 10 years old.

Flannigan asked where snow shelves are proposed. Blanchette stated that the snow would have to be pulled out. They could put something there to prevent snow from being plowed onto the galleys and wetland. Cowden suggested a wooden guardrail or vinyl coated chain link fencing with signage from spaces 45 to 65 as marked on SP2 if the wetland line on this map is accurate and this plan doesn't change.

Munson asked where roof drainage goes. Blanchette stated directly into the detention systems as shown on SP2. Schopick asked about the frequency of the cleanout of the storm water treatment system. Blanchette stated that it is shown on the plans; other towns require that a certified slip be handed into the town upon cleaning. Munson asked when the original building was built. Blanchette stated 1995-1996-2009.

Munson moved that a site walk be tentatively scheduled for application IW-A-15-004 220 Rock Lane upon receipt of the wetland report. The motion was seconded by Schopick and carried unanimously.

## **F. Minutes**

Dunn noted on the minutes of 1/21/15, page 5, item 3 should read where verses were. A motion was made by Munson, seconded by Cowden to accept the minutes of 1/21/15 as amended. The motion carried unanimously.

A motion was made by Munson, seconded by Dunn to accept the minutes of 1/15/15 as presented. The motion carried unanimously.



**G. Staff Report**

Please submit 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 the areas of expertise are.

**Site Status:**

- Burnt Plains Rd was discussed under old business.
- Grove St Pump station - waiting on an asbuilt.
- Indian River Interceptor –waiting for 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.

Dunn and Flannigan would like to register for the Bar Association's land use seminar

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

**H. Chair's Report**

There will be a site walk on 2/17/15.

The next regular meeting will be on 2/18/15.

There being no further business to discuss, the meeting adjourned at 9:40 p.m.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.