

Minutes of the Regular Meeting of the Inland Wetlands Agency on March 18, 2015.

**A. Roll Call**

Present: Cathy Collins, Ken Cowden, Dave DeFlumeri, Brendan Magnan, Justin Margeson, Steve Munson and Daniel Schopick.

Absent: Allan Cegan, Jim Connors, Carol Dunn and Lily Flannigan.

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

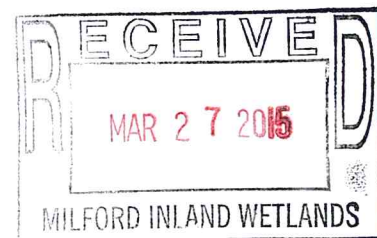
Collins called the meeting to order at 7:30 p.m. and deemed Schopick the voting alternate.

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.



**D. New Business**

1. **IW-A-15-009: 35 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.

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

**E. Old Business**

1. **IW-V-14-069: 0 & 62 Chester Street, Robert & 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 the IWA had requested additional information. Due to the snow cover Mr. Saley has been unable to submit the requested information by 3/4/15. She proposed amending the order to require the information to be submitted by 4/1/15.

A motion was made by Schopick, seconded by Munson to require the information to be submitted by 4/1/15 due to the inclement weather. 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 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.

The site walk for this application was canceled due to the weather. The 65-day review for this application was to expire on 3/13/15. An extension of the review period to 4/2/15 has been received.

A motion was made by Munson, seconded by DeFlumeri that a site walk be scheduled for application IW-A-14-076 701 North Street on Tuesday, March 24, 2015 at 4:30PM. In the event of inclement weather a notice of any changes will be posted. The motion 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 1/21/15, 2/4/15 and 2/18/15 MIWA meetings. The remaining outstanding items 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. At the 2/4/15 meeting the MIWA requested that hay bales be installed in front of the non-functioning silt fencing from wetland flags 2 to 10. In areas that will accommodate it, two rows of hay bales to be installed with joints to be staggered. Hay bales must be tightly butted up against each other to prevent water from flowing between bales. It is understood that properly installing with double stakes will be difficult at this time due to frost. When thaw occurs bales are to be double staked until site is stabilized. The erosions controls must be properly maintained until the site is stabilized. Mr. Farquharson called for an inspection on 2/19. I inspected the site on 2/20 after giving copies of the sections of the DEEP E&S manual on hay bales and silt fencing to Mr. Farquharson on 2/19. The controls were not properly*



*installed. I left a message on Mr. Farquharson's cell phone and did not receive a return call. Mr. Farquharson came into the office on 3/3/15 and stated that he no longer has that phone so he never got the message. He said that he misunderstood the whole time that the hay bales were supposed to be touching the ground and placed them on top of the old ones that were there. I walked the site today with Mr. Farquharson and the hay bales have been reinstalled with contact to the ground. Gap areas were stuffed with hay per the manual this afternoon.*

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. Baybrook Remodelers submitted a letter dated 1/21/15 from Anthony Giordano, P.E. that the basins have been properly built including the sizing of the piping. Mr. Giordano stated that plantings need to be installed in early spring 2015. He also stated that hay bales would be placed at the end of the downspouts and maintained until the plantings are installed to prevent any erosion in the basins. Site visits and photos do not confirm hay bales in the rain gardens as the Engineer required. Mr. Farquharson stated that there is loose hay in the rain gardens, not hay bales as required by the Engineer. There are no hay bales at the discharge outlets into the rain gardens there is loose hay spread in Rain Gardens A & B.*
6. Granite posts on 4' centers between Rain Garden A and the parking area. *You stated that you will be submitting a letter by a professional stating that the protection of the rain gardens can be concrete bollards. Scott Farquharson submitted a drawing with 5 metal and concrete bollards and is requesting a modification from the granite posts. At the 2/18/15 meeting the Agency determined that 7 posts on 4' centers in roughly a straight line (given the 2 existing posts locations) should be installed. The 5 additional bollards have been added adjacent to Rain Garden A*
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 a letter from their Engineer stating that the facilities meet the design intent of the approval.
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. *Condition #28 of the permit conditions you 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. Condition # 28 reads:*

*28. The applicant shall place into the property deed the following language:  
"Notice of Regulated Area: The property conveyed herein is subject to regulation by the Milford Inland Wetlands and Watercourses Agency because inland wetlands and watercourses are present on a portion of the land herein conveyed. Activities conducted within these areas may require an inland wetlands permit."*

*Mr. Farquharson said he is working on this-a lawyer needs to draw up the paper work.*

Mr. Farquharson was present to answer any questions.

Magnan suggested that we move forward with the motion and cash bond to allow the work to move forward to the next step and he is comfortable with this based on the professional being hired. Cowden stated that he agrees and is comfortable with this having MaryRose supervising the work. Schopick stated that he is ok with this with the City Attorney reviewing the legal notice. DeFlumeri asked if the facility is being occupied. Farquharson stated that it is being used. MaryRose stated that a Certificate of Occupancy has not been issued. Cowden asked if there is a signed contract with Ms. Beno. MaryRose stated that there is; she received it in January and she spoke with Ms. Beno today.

The following motion was made by Munson and seconded by Magnan:  
That the Baybrook Remodelers and Grace Baptist Church be given until 6/15/15 to complete the outstanding items for permit IW-A-12-080 with the following conditions:

- Baybrook Remodelers, Inc, and Grace Baptist Church must submit status reports on the outstanding permit conditions items on 4/15/15, 5/15/15 and 6/15/15. Status reports must be submitted on time.
- Baybrook Remodelers, Inc, and Grace Baptist Church must call to schedule and attend MIWA inspections following receipt of the monthly reports to ensure that work is progressing as promised and reported.
- A cash bond to be calculated must be posted with the MIWA to ensure that each monthly report is received in a timely manner and that all work is done as promised. The bond is to include: all required plantings, erosion controls, and mitigation monitoring.

Munson moved that the last bullet in the motion be amended to read "A cash bond to be calculated must be posted with the MIWA to ensure that each monthly report is received in a timely manner and that all work is done as promised by 6/15/15. The bond is to include: all required plantings, erosion controls, and mitigation monitoring. The amendment was seconded by Magnan and carried unanimously.

The motion as amended carried unanimously.



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

MaryRose reported that this is a proposal for a 28,000 s.f. addition for Stevens Manufacturing at 220 Rock Lane with work within 100' of wetlands in the South Central Shoreline Watershed. The Agency moved that once the soil report was submitted a site walk would be scheduled. Scott Stevens of Soil Science and Environmental Services hopes to be on the site early next week to do that report. We have received an extension of the 65-day review period from the Applicant. When the soil report is received MaryRose will contact the Agency to schedule a site walk. She recommended no action at this time.

5. **IW-A-15-005: 0 Wheelers Farms 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.

MaryRose reported that this is a proposal by Wheelers Wood, LLC for a 180-unit apartment complex with work within 100' of wetlands in the Housatonic River Watershed and within 150' of wetlands in the Wepawaug River Watershed on Wheelers Farms Road. At the 2/18/15 meeting the Agency scheduled a site walk for this application.

She has contacted a consultant for a third party review of the wetland and vernal pool study and requested a review by the City Engineer. The City Engineer's report was in the mail packets with the Agenda. She is waiting to hear from Dr. Michael Klemens to confirm if he is available to review the application for the IWA.

A site walk was scheduled for this application but unfortunately due to the weather the site walk could not be held.

Attorney Hollister would like to schedule the public hearing. The Agency typically waits for site walks, outstanding reports and reviews before scheduling a hearing. Attorney Tim Hollister of Shipman & Goodman, John Gilmore P.E., and Bill Root, Professional Wetland Scientist Milone & MacBroom were in attendance to present the project.

MaryRose stated that Dunn had a question regarding blasting on the site.

John Gilmore, Milone and McBroom referenced an aerial photo with the plan superimposed on it to show access to the site as well as to review key things to be identified for a site walk. Attorney Hollister requested to start the Public Hearing on 4/15/15 in order to do their initial presentation of the project as well as coordinate with the sequence of a Planning and Zoning Public Hearing.

A motion was made by Munson, seconded by DeFlumeri that a site walk be scheduled for application IW-A-15-005: 0 Wheelers Farms Road on April 1, 2015 at 4 PM. The motion carried unanimously.

**F. Minutes**

Collins noted that on page 4 of the 2/18/15 minutes; bullets 4 and 7 are the same. Magnan referenced page 3, item 7 and would like it clarified that the shed would be removed from the plan and if requested to be replaced it would have to come before the IWA for approval. It was also noted that Margeson was not present. A motion was made by Munson, seconded by DeFlumeri to accept the minutes as amended. The motion carried unanimously.

**G. Staff Report**

Site Status:

- Burnt Plains Rd was discussed under old business.
- Grove St Pump station – asbuilt has been received.
- Indian River Interceptor –waiting for work to resume in the Spring.
- Meadowside Rd – work is ongoing.
- Sanitary Sewer Infill's No. 1 asbuilt has been received
- 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.

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

**H. Chairwoman's Report**

There will be a site walk on 3/24/15 at 4:30 p.m. at 701 North Street.  
There will be a site walk on 4/1/15 at 4:00 p.m. at 0 Wheelers Farms Road.  
The next regular meeting will be on 4/1/15 at 7:30 p.m.

There being no further business to discuss, a motion was made by Munson, seconded by Schopick to adjourn at 8:15 p.m.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.