

Minutes of the Regular Meeting of the Inland Wetlands Agency on November 19, 2014.

A. Roll Call

Present: Cathy Collins, Ken Cowden, Carol Dunn, Dave DeFlumeri, Lily Flannigan, Richard Lutz, Brendan Magnan, Justin Margeson and Steve Munson.

Absent: Alan Cegan and Jim Connors.

Also Present: MaryRose Palumbo and Lisa Streit.

Collins called the meeting to order at 7:30 p.m. and deemed Dunn and DeFlumeri the voting alternates and Margeson to act as Parliamentarian.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.



A motion was made by DeFlumeri, seconded by Munson to reorder the Agenda to hear items E1 and E2 first. The motion carried unanimously.

A motion was made by Munson, seconded by DeFlumeri to hear items D1 and D2 together. The motion carried unanimously.

E. Old Business

1. **IW-A-14-052: 876 East Broadway, Standish Construction** – proposed construction of single family home with work within 100' of a wetland in the South Central Shoreline Watershed.
2. **IW-A-14-053: 874 East Broadway, Standish Construction** – proposed construction of a single family home with work within 100' of a wetland in the South Central Shoreline Watershed.

MaryRose reported that this is the proposal for two single family homes on two lots within 100' of an inland wetland in the South Central Shoreline Watershed. Both inland and tidal wetlands were flagged on the site by Scott Stevens of Soil Science & Environmental Services. Brian Wilson of Standish Homes is proposing to construct single family homes with parking underneath. The proposed house at #876 East Broadway is 32' from the inland wetland line; the proposed deck is 18' from the inland wetland line.

The proposed house at #874 East Broadway is 40' from the inland wetland line; the proposed deck is 25' from the inland wetland line. The Agency walked the site on 10/20/14, at the 11/05/14 meeting the Agency requested the following items be addressed:

- *Engineer address why galleys are proposed as opposed to a drainage swale or rain garden.* The Revised plans shows drain to a grass swale leading to the wetlands on the rear of the properties.
- *Site plan show the proposed gas line location as well as any other utilities.* Proposed Gas, Sewer, Water and Electric are shown on the plans.
- *Site plan note the procedure to properly remove the invasive species Japanese Knotweed from the site.* Note is shown on plan for #874.
- *Site Plan shows a second silt fence or erosion control method between the invasive plant removal area and the wetland lines.* Note is shown on plan for #874.
- *Planting plan be modified to remove the proposed Bayberry and Rugosa Rose and replace them with native, non-invasive salt tolerant species.* Planting plan has been modified.

Ron Wassmer of CCG has submitted revised plans for the two lots addressing these items and showing heavy duty vinyl posts with wetland boundary markers and plantings along the wetland line. Mr. Wassmer and Brian Wilson were present to answer any questions.

Ron Wassmer, PE, LS, stated that for #874 he has taken the galleys away and proposed a drainage swale directing roof runoff to the rear of the lots. All utilities are shown. He added notes for invasive removal, modified planting plan and changed the split rail fencing to heavy duty vinyl posts. Mr. Wassmer stated that the changes to #876 are the same except there are no knotweed requirements since it is not on that parcel.

Collins thanked Wassmer for addressing the Agency's stated concerns. Magnan asked about the timing for the knotweed removal. Cowden they will have to hit it at least twice. Wassmer stated that they still have to go before P&Z and the earliest they could start would be mid-January; they wouldn't be removing anything this season.

The following motion was made by Margeson, seconded by Cowden:

After duly considering all relevant factors moved to approve applications IW-A-14-052 876 East Broadway and IW-A-14-053 874 East Broadway based on the plans entitled "*876 East Broadway, Milford, Connecticut*" by CCG, 2 sheets, Existing Conditions survey dated 9/16/13 and Plot Plan dated 7/9/14 revised 11/17/14, and "*874 East Broadway, Milford, Connecticut*" by CCG, 2 sheets, Existing Conditions survey dated 9/16/13 and Plot Plan dated 7/9/14 revised 11/17/14 the information in the file and presented this evening, for the following reasons:

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

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 these sites.
- Invasive vegetation, including Japanese Knotweed, must be properly removed and disposed of with a copy of the disposal receipt submitted to the Inland Wetland Officer.
- A bond must 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. Bond for #876 East Broadway is \$5,128.00 The Bond for #874 East Broadway is \$5,198.00
- The Permittee must submit a certification by the Project Engineer that the completed project meets the design intent of the approval prior to the bonds being released.
- The permits are issued 11/19/14 expire 11/19/19 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

D. New Business

- 1. Violation 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.

MaryRose reported that she received several complaints that there was dumping in or adjacent to wetlands on the properties at 0 & 62 Chester St. The parcels are located in the South Central Shoreline Watershed. Doing research on the site she determined the property was owned by Robert & Sharon Saley. On 11/10 she spoke with Mr. Saley to ask what if anything was being done on the property. He stated that he had been putting material on the site. She instructed him to stop putting material on the site until he had a permit to do so and install a silt fence on the property before the predicted rains on Wednesday 11/12. She visited the properties at 0 & 62 Chester Street on 11/12/14. There are a number of piles of dumped fill on both sites. Mr. Saley did install a silt fence along the edge of the fill next to the phragmites. There is a one page photo sheet going around showing the site on 11/12/14. She told Mr. Saley that he should have a soil scientist delineate the wetlands on the site and a

surveyor do a map of the property with the wetland line and site improvements. She spoke with Mr. Saley on 11/17 and he stated that the site had been flagged by Scott Stevens of Soil Science and Environmental Services and he was working on having the site surveyed. She visited the site this afternoon and met Mrs. Saley. The property has been flagged but she has not seen the report. Some of the flags were labeled TW which usually denotes Tidal Wetlands. If that is the case Mr. Saley will need to contact the DEEP Office of Long Island Sound for that work and this Agency will regulate the 100' upland review area from the watercourse.

Rob Saley was present to answer any questions on the violation.

Robert Saley 50 Bluff Ave, West Haven, property owner stated that he got a little over zealous working on the property; he shouldn't of done it but he did. He stated that in August he got 3" of water in the garage due to the heavy rains. He stated that he got over zealous and brought some stuff in that he shouldn't have.

Collins asked Cowden if that amount seems accurate. Saley stated that the wetlands were flagged and he is waiting on the report. He was told by the Soil Scientist that he had some encroachment areas. Collins asked how much fill was brought in. Saley estimated that it was about 50 yards. He has water coming in on all sides and the back. He was hoping to remove the sidewalk and berm up the foundation from the left side around the back side. He also has an issue with water coming down the road entering the property.

The following motion was made by Magnan, seconded by DeFlumeri:

That cease and desist order IW-V-14-069: 0 & 62 Chester St, be upheld and the violator is ordered to:

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.
 - 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 12/3/2014.
- That is my motion.

The motion carried unanimously.

- 2. IW-M-13-024: 553 West Avenue, Grillo Services, LLC** – proposal for a facility for leaf composting, tree and brush recycling, processing of topsoil, sale of landscaping products and 2 buildings with roads, parking, grading and stormwater improvements in and within 150' of a wetland in the Beaver Brook Watershed. Modification request.

MaryRose reported that this is a modification request for the Grillo Services LLC project on West Avenue that the Agency approved with conditions and bond on 7/24/13. The request includes realignment of the buildings and material storage bins on site; an expansion of the stockpile areas, additional drainage improvements, a woodchip berm around the disturbed area and a planting plan.

The modification form shows a reduction of the wetlands and the upland review area. Matthew Davison, Tighe & Bond's Professional Wetland Scientist, showed through testing during the original application that a portion of the wetland that had been flagged was a remnant and no longer functions as a wetland. That accounts for the reduction in wetland and upland review area on the site. The proposed modification includes realignment of the buildings and material storage bins; an expansion of the stockpile areas, additional drainage improvements, a woodchip berm around the disturbed area and a planting plan.

Mike and AJ Grillo and Fred Mascia of Tighe & Bond were in attendance to present the modification and answer any questions.

Fred Mascia, Tighe & Bond, spoke in reference to sheet C3.0 to show areas that were modified. Starting from West Ave side reviewed the proposed modifications.

- 1) Rotated the office building 90 degrees to give a view of the yard.
- 2) Storage bins rotated to face away from wetland area.
- 3) Wetland area determined not to be a wetland through testing and monitoring by Professional Wetland Scientist. Therefore they are proposing an expansion of material storage and handling areas. They are still keeping about 100' from the wetland line.
- 4) Off of Schoolhouse Road they had proposed excavation and building a mitigation area. Now they are expanding mitigation area approximately 8,000 sq. ft. larger.
- 5) They are still proposing the use of a woodchip berm surrounding the site.

Collins stated that this is an improvement to the storage bin area but is concerned with the woodchip berms and asked when the material comes in do the invasive species get pulled off to avoid spreading the invasive species around the site? Mike Grillo, president of Grillo stated that the woodchips are from area tree companies. The woodchips that come from the brush that is brought in you could find invasive species in those chips. They do heat them up in the windrow process that should process out the invasive seeds.

Lutz questioned the new receiving and storage areas and how they are labeled. He also asked if the woodchip berm was always in the plan. Fred Mascia stated that the

smaller piles are already pretreated. The larger rectangles are where it is dumped and then processed out. The woodchip berm was on the approved plan.

Flannigan asked if the material receiving area is larger and stated that it looks larger than in the old plan. Fred Mascia stated that it is not a definite pile. While being processed it moves around within that area. They are not proposing a monstrous pile of material, but an area where material can be processed.

Cowden asked where the additional 8,000 sq ft of mitigation is located. Mascia showed the location on sheet C3.0. The additional mitigation area is an enlargement of the approved mitigation area. When the site is regraded there will be 12" of gravel under the working areas of the site that will need to be replenished on a regular basis. The whole working site will have a gravel working base. The only paved areas are just onto the site off of Schoolhouse Rd and around the household customer area by the West Avenue entrance. In the summer the windrows are gone. They grow in the fall as the leaves are deposited and are pulled from in the spring until they are pretty much gone in the summer.

Lutz asked how close to the stream the work gets. Collins stated that it is the same as previously. Mascia stated that the edge of the orange expansion area is still about 150' from Beaver Brook.

Magnan asked what is new on this drawing and if it is that shown on C3.2. Mascia stated that on sheet C3.0 orange areas are the modifications. Magnan stated that C3.2 shows no wetlands flags so clarifying C.4.1 would represent the total mitigation areas 33000 sq ft does that include the 8,000? Mascia stated that the 33000 includes the additional mitigation area.

Dunn asked if on C3.2 the proposed retaining wall is the same as the approval and has not changed. Mascia stated that they may have changed the construction on the plans but the location has not changed. They are now proposing a Ready Rock modular block wall as opposed to a rubble wall. He feels that the Ready Rock will cause less disturbance but the location is the same.

MaryRose reviewed the conditions of the existing approval:

- *The Permittee will submit a construction plan prior to taking out the permit.*
- *The work on the road will be done during the dry season.*
- *500 lbs boulders with wetland boundary markers to be placed on 20' centers around the mitigation areas, roadways and disturbed wetland areas.*
- *6' Green page fence to be installed on the down gradient side of the proposed woodchip berm in the material receiving and stockpile area.*
- *Staggered 6-8' white pines planted down gradient of the green page fence sufficient to screen the area.*
- *A construction performance bond to be calculated must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an*

asbuilt by a professional licensed in the State of Connecticut showing finished 2' contours and locating all site structures. The asbuilt must be received for the release of this bond.

- *A mitigation bond to be calculated will be held for a minimum period of five years with monitoring reports twice a year by the professional wetland scientist to the MIWA. If the benchmarks for success of the mitigation areas are not met by year four, three additional years of monitoring and reporting are required after the recommendations by the wetland professional are implemented. Once the benchmarks for success have been reached and final wetland professional report has been reviewed and approved the mitigation bond may be released.*
- *Mitigation monitoring is to include but not be limited to water quality and herpetofauna.*
- *Any changes to the plan must be reviewed by the MIWA for compliance with this approval.*
- *The permit is issued 7/24/13 and expires 7/24/18 unless otherwise provided by Connecticut General Statute.*

Lutz asked if this plan has gone through the other permitting Commissions and Boards. Mascia stated that they have worked on the plans. They submitted plans to P&Z staff which had a number of changes. The plans before you this evening are being submitted to P&Z for approval but since IWA has to rule on an application before P&Z can and MaryRose felt that these modifications required full Board of review and they brought the modifications to the iWA before submitting to P&Z.

Mascia stated that they will be going to the State and ACOE after getting the Town approvals, Once the approvals are received they will be submitting applications to the state for a composting (leaves and grass) permit.

Mike Grillo stated that the plan is to keep a portion of the Oronoque Road facility while operating this site. He stated that their landlord has told them they will be losing a portion of their site in the future. They need town approval then state for a permit to have a grass leaf composting facility and an individual permit facility. It can take 2-7 years for that approval. They may be able to get a permit to operate while waiting for the final approval.

Cowden stated that on sheet L-2 planting list he would like Bayberry taken off and replaced. There are 129 3-4' high bayberry, they could be replaced with other items from the list or Clethera would be a fine. The heights and everything else appear fine, he would prefer not to have that species as it tends to spread and take over. Lawrence Grillo, VP Grillo Services, asked if it could be replaced with the red osier dogwood. Cowden stated that should be fine.

MaryRose stated that one of the conditions is that if there are changes to the plan the MIWA needs to review the new plans. If it is something like Clethera replacing Bayberry it can be reviewed at the staff level and reported at a meeting.

But if there are substantive changes it will be back before the Agency for a modification.

Magnan stated that it appears that the planting plan is an enhancement from the previous plan. Cowden agreed and stated that it appears this plan would provide a better filtered for the wetlands.

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

Based on the plans entitled "*Application for Site Plan and Special Exception Grillo Services, LLC, Property at West Avenue and School House Road, Milford, Connecticut*" by Tighe & Bond, cover and 24 sheets, dated October 2014, the information in the file and presented at the meeting I move to approve the modification to the permit IW-A-13-024: 553 West Avenue for the following reasons:

1. A feasible and prudent alternative does not exist because:
 - a. The applicant provided convincing documentation that this modification to the size of the location of the footprint would not increase the impact.
 - b. No feasible alternative is prudent in that the applicant has shown the cost of a bridge to avoid all wetland impacts and stay above the flood zone would be cost prohibitive.
2. After duly considering all relevant factors:
 - a. There will be a minimal adverse environmental impact which will be mitigated by the use of sedimentation and erosion controls as set out in the application, the renovation of the degraded pond and wetland area and the creation of the proposed wetland mitigation area.
 - b. The short-term impacts during the construction phase shall be mitigated by the following conditions in addition to the conditions on the original approval:
 - The work on the road will be done during the dry season from June to September
 - Invasive vegetation, including Japanese Knotweed, must be properly removed and disposed of to prevent the further spread of invasive plants.
 - WoodChips with the potential for having invasive species will not be used on the berm surrounding the site.
 - Bayberry be removed from the planting plan and replaced with Red Osier Dogwood
 - A construction performance bond to be calculated must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt by a professional licensed in the State of Connecticut showing finished 2' contours and locating all site structures. The asbuilt must be received for the release of this bond.
 - A mitigation bond to be calculated will be held for a minimum period of three years with monitoring reports twice a year by the professional wetland scientist to the MIWA. If the benchmarks for success of the mitigation areas are not met by year three, two additional years of monitoring and reporting are required after the recommendations by the

wetland professional are implemented. Once the benchmarks for success have been reached and final wetland professional report has been reviewed and approved the mitigation bond may be released.

- Any changes to the plan must be reviewed by the MIWA for compliance with this approval.
- The permit was issued 7/24/13 and expires 7/24/18 unless otherwise provided by CT Statute.

The motion carried unanimously.

G. Training Review

Collins stated that the Agency has held and attended several training opportunities in the last month and would like to use this time to review what the Commissioners have learned and address any questions. She reviewed the recent training sessions including: UConn CLEAR Land Use Commission Training on 10/9 & 10/30 with Bruce Hyde CCM 11/12 Understanding Parliamentary Procedure with Tom O'Dea CACIWC 11/15 – variety of topics and speakers.

Magnan agreed that LUA training were great. The speaker at the stormwater workshop DeFlumeri at CACIWC last Saturday was suggesting that pervious pavers are not a great idea in the Northeast due to the ice.

Collins noted that Milford was given positive feedback from Janet Brooks and Mark Branse in the legal session at CACIWC last Saturday.

Magnan noted that Janet Brooks reiterated that we need to show a connection to impact to the wetlands from the work in the review area.

Flannigan stated that both FOI & Roberts Rules in one night was challenging.

Collins noted that the MIWA had a good turnout at all of the recent training sessions.

H. Staff Report

Just a reminder that Commissioners Lutz (BOA) Magnan (BOA) and Cowden (Mayor) are up for reappointment. Please let the IWA office or the Mayor's office know if you would like to be reappointed. Lutz stated that he is not seeking reappointment and has let the Mayor know. DeFlumeri stated that he received a reappointment letter as well. MaryRose stated that she would check with the Mayor's office on DeFlumeri's reappointment letter, it may be to fill Commissioner Lutz's spot.

- Sanitary Sewers Infills No 2 (Plains Rd/Shelland St/High St/White Oaks Ter) is pretty much done for the winter. Final paving will be in the spring.
- Grove St Pump station and sewer project waiting on an asbuilt.
- Indian River Interceptor is ongoing
- Sanitary Sewer Infill's No. 1 area is stabilized – waiting on asbuilt
- Way Street work is ongoing,
- Burnt Plains Rd is waiting on plantings, rain gardens and bollards

- Westmoor Road work is ongoing.
- West Main Street is ongoing.
- Please remember to call or email if you are unable to attend a meeting.

I. Chairwoman's Report

None.

The next regular meeting will be on 12/3/14.

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.