

Minutes of the Special and Organizational Meeting of the Inland Wetlands Agency on January 07, 2015.

A. Roll Call

Present: Alan Cegan, Dave DeFlumeri, Carol Dunn, Lily Flannigan, Richard Lutz, Brendan Magnan, Justin Margeson, Steve Munson and Daniel Schopick.

Absent: Cathy Collins, Jim Connors and Ken Cowden.

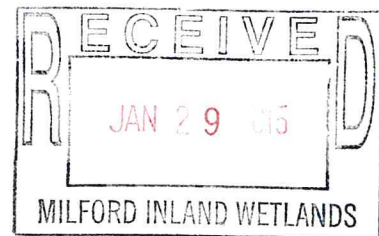
Also Present: DPLU Director Joe Griffith, MaryRose Palumbo and Lisa Streit

MaryRose noted that Cowden, DeFlumeri, Dunn, Lutz, Magnan and Daniel Schopick have all been sworn in by the City Clerk.

Streit called the meeting to order at 7:30 p.m.

B. Organizational Meeting

MaryRose reviewed Chairman responsibilities:
Bylaws Sec 5.2



The Chairperson shall preside at all meetings and hearings of the MIWA and has authority that includes, but is not limited to:

- a. Calling special meetings;*
- b. Directing or authorizing actions of the MIWA Designated Agent(s), when, in the judgment of the Chairperson or an Agent, action is required during the period of time between regularly scheduled meetings, or before a special meeting can be called;*
- c. Appoint sub-committees for purposes and terms approved by the MIWA;*
- d. Attend all sub-committee meetings as an ex officio member of each committee; and*
- e. Attend significant city meetings as required to represent the MIWA.*

Bylaws Sec 5.3

The Chairperson shall have the privilege of discussing and voting on all matters before the MIWA, but shall not move for or second any motion.

Streit called for nominations for **Chairman**: A motion was made by Munson, seconded by Magnan to nominate Collins Chairwoman. There being no further nominations, they were closed. Streit cast one vote deeming **Collins** Chairman.

Streit called for nominations for **Vice Chairman**: A motion was made by Munson, seconded by DeFlumeri to nominate Magnan Vice Chairman. There being no further nominations, they were closed. Streit cast one vote deeming **Magnan** Vice Chairman.

Magnan deemed Dunn and Schopick voting alternates.

A motion was made by Munson, seconded by DeFlumeri that the Compliance Officer acts as the Designated Agent for the Agency. The motion carried unanimously. MaryRose's resume is on file in the Agency office.

Magnan thanked everyone and welcomed new Alternate Commissioner Schopick and congratulated reappointments Cowden and DeFlumeri. Magnan encouraged board members to read Section 1.1 of the Regulations which is taken from the enabling statute. Section 1.1 is what the Legislature intended when creating the Inland Wetland Agencies - a balance of rights of property owners and nature for this and future generations. (Section 10 is the Criteria to be used in making a decision on an application.)

C. Pledge

All stood for the Pledge of Allegiance.

D. Public Comments

None.

E. New Business

1. **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 explained the dates on the Agenda at the end of each application. The first date is the date of receipt; the second date is the first day the item can be discussed and the third is the 65th day by which the Agency must make a decision, hold a public hearing or be granted an extension.

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

F. Old Business

1. **IW-V-14-069: 0 & 62 Chester Street, Robert & Sharon Saley** - Deposition of material with work in and within 100 ft. 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 Soil Scientist was on site today and will be doing more work in order to submit information to the Agency by 2/4/15.

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

MaryRose reviewed that this is a proposal for a self storage facility at 33 School House Road with 0.37 acres of work in the 150' upland review area including filling, stormwater structures and grading. Currently the property consists of a house and a gravel parking lot. The applicant is proposing a detention basin for stormwater treatment and discharge within the 150' upland review area in the Beaver Brook Watershed. The closest work proposed to the wetland is grading and a parking lot approximately 20' from WF-8.

J.R. Clisham of CT Self Storage identified himself and stated he was here to answer the Agency's questions.

Anthony Tranquillo of Kratzert, Jones & Associates, Inc. Engineer orientated the Agency using sheet S-1. He stated that the property is located between the new CVS and the railroad tracks. This is a 3.5 acre site owned by Jordan Realty LLC. The wetlands are shown in green on colored sheet S-1 and are located in the Northeast corner of the site. The green area shows wetlands both on and off the site the whole wetland is not all on their property. The wetland on their site is 3,440 sq. ft. There is an existing single family home of 1,262 sq. ft. There are 3,800 sq ft misc surfaces including a parking area some of which is paved some of which is gravel. There is fencing enclosing the car storage area that was used by Dan Perkins Auto prior to the CVS being built. This gravel area is 62,600 sq ft.

They are proposing a 2-story larger building and a smaller 3 story building. JR Clisham can explain the use and appearance if you choose; they have many facilities in MA and CT

The two buildings proposed equal 37,400 sq. ft.. 3,150 sq. ft pervious area and 39,600 sq. ft. pervious. The existing site has 68,000 sq. ft. of parking. 80,000 sq. ft. of building and pavement is proposed. Tranquillo stated that they are proposing no wetland impacts. They are not filling or working anywhere near the wetland. The closest point is near WF8 in the Northeast corner. They have a stormwater control area. They are proposing 1,600 sq ft of work in the upland review area mostly in the existing car parking area. He considers the wet bottom pond in the detention basin to be 1,200 sq. ft. of enhancement. They will be abandoning 62,600 sq. ft. of parking area use.

There is a flood plain on site. They are proposing to fill 861 cubic yards of the flood plain, which has been approved by FEMA. They will compensate for that by excavation in other areas.

Currently 700 cars could park on the property with potential pollutants. Their proposed use will not have that kind of car storage on site. Any cars will be for short periods of time. There are not a high number of vehicles on site to damage the environment. He feels that benefits the wetlands and the site.

Magnan asked if they have the functions and value benefits of this proposal over the existing conditions. Tranquillo stated that they will submit that information if required.

Dunn asked how many employees there would be. Clisham stated that there will be 1.5 employees. One full time and one part time. Their facilities are open 6 days a week 9-6 pm. They do allow access 7 days a week from 6 am to 10 pm. Munson stated the he thinks Dunns' question was to address how many vehicles will be on the site on a regular basis. Clisham stated that there would be low traffic volume use.

Magnan asked how the water in the detention pond would be treated and what impacts this would have on adjacent wetlands. Tranquillo state that roofs are clean water that will be piped with downspouts and drainage to the pond. The detention pond is designed with a wet bottom and he reviewed the drainage flow. He referenced Sheet S-1 and reviewed the flow; berm area and sediment trap to the detention pond. It would then leave to the plunge pool and spread to the native buffer area. Everything northerly of the discharge point is heavy growth and they do not plan on doing any work in that area. Magnan asked for landscaping information. Tranquillo stated that they would look to the IWA for direction on this.

MaryRose asked if there would be catch basins with sumps to be cleaned annually. Tranquillo confirmed this. She further asked if there would be a 4 bay pre-treatment structure. Tranquillo confirmed this stating that it would discharge to the rip rap area then to the buffer area and then to the wetland noting that the heavy brush area would remain.

Flannigan asked about the open pond and how deep it would be expected to get in the heaviest rain. Tranquillo stated that the maximum depth will be 5' in a 100 year storm. While there will be no fence around the pond there will be a fence around the entire site.

DeFlumeri asked what type of storage would be allowed in the facility. Clisham stated that they have commercial and household storage no toxic or hazard materials are allowed per their lease. There is no gasoline or flammable/ toxic storage. Anything that could hold gas has to be drained before it is stored. DeFlumeri asked if the client were to store something toxic or gasoline and it were to break open where it would go. Clisham stated that they have never had that issue. There are no floor drains. If something broke open it would be on a flat concrete slab.

Ron Clisham, father and Partner in CT Self Storage, stated that his son is finishing is 2nd year as president of The National Self Store Organization of America Board and he is also an attorney. His son has tremendous background in this field.

Shopick asked if the applicant has considered any alternatives that would be less intrusive to the wetlands. Tranquillo stated that there is no filling of wetlands proposed and they are protecting the majority of the buffer. Clisham stated that they are paying a high price for the parcel to be in Milford and need to use the most square footage that they can.

Munson asked about snow storage. Tranquillo reviewed a snow storage area in the SW corner and the NE corner and that anything over 18-36" would be trucked away. Clisham stated that they can push snow to the shoulder in the front along Schoolhouse Road (there is 20' between sidewalk and pavement). Munson wanted to be assured that Snow isn't going to accumulate in the pond. Tranquillo and Clisham stated that the snow will not be put in the pond.

Magnan reviewed that the Agency would like to see and review the following information for this application:

- Snow removal plan
- Landscaping plan, including plan for the native vegetation area.
- Planting plan for detention basin
- Milford Engineering review
- Stormwater management and maintenance plan
- Milford Wetland boundary marker locations noted on plan

A motion was made by Munson, seconded by DeFlumeri to hold a site walk on January 15th at 4:00 p.m. The motion carried unanimously.

G. Minutes

Flannigan noted that on page 6, second paragraph, the date is wrong. A motion was made by Munson, seconded by Flannigan to accept the minutes of 12/17/14 as amended. The motion carried with Schopick abstaining.

H. Staff Report

Commissioners received the Milford Code of Ethics from the Code or Ordinances, an excerpt from the Book "What's Legally Required" 2004, and two 1992 memos that were issued by the City Attorney's office on the *Carr v Bridgewater case*. Please read or reread the information and if you have any questions please let MaryRose know.

Also distributed is a draft synopsis of Commissioner Experience. Please mark up the synopsis and return it to MaryRose. She will update it and have ready 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.

A draft contact sheet was passed around and board members were asked to please make any corrections necessary and return it at the end of the meeting.

The IWA process is a fair and open process where the applicant presents information and the Agency reviews it to determine if it complies with the City of Milford IWA Regulations. The IWA cannot rule on or speak to the P&Z or ZBA regulations or things in the purview of other City, State, or Federal Agencies.

As a reminder/refresher when you sit on the Agency and review applications you are to be unbiased and review the information that is presented to you. If you have a question

or want additional information you can either ask the applicant at a meeting to provide that to you or contact MaryRose and she will ask the applicant to provide that information at the next meeting. Researching information outside of the record is inappropriate and could taint an Agency decision. **Please see Assistant City Attorney Debra Kelly's memo from June 2013 regarding individual Commissioner research on applications before the Agency.**

If board members would like to see information other than what has been presented please ask as early as possible in the process so that the applicant is given a fair chance to comply with your request within our 65 day review time frame.

If friends, neighbors or citizens approach you to discuss or 'just tell you one thing' about an application please explain to them that it would be better if the entire Agency was able to consider their information. If they continue to try and talk to you about an application you need to just walk away. Ex parte communication isn't always your fault but it is in the best interest of you and the Agency to avoid tainting a decision.

The IWA is a democratic body. In some instances you may be in the minority or the majority on a decision. In all cases the goal is to apply the IWA Regulations as outlined in the Ordinance and Statutes. A former Chairman (John Ludtke) liked to say that if both the applicant and opponents are upset with the Agency after a decision then we have done our jobs as the Wetland Statute is a balance Statute. It is not the charge of the Agency to prohibit people's use of their property; it is our charge to balance their rights to use their land with the protection of the wetlands.

The Statutes require that we look at the wetlands only. Wetland case law has given us the requirement that plants and animals that may use the wetland for a portion of their life cycle can only be considered if a nexus can be drawn between the loss of that species and the loss of that wetland.

The Connecticut Bar Association Planning and Zoning section is hosting its annual land use seminar *Connecticut Land Use Law for Municipal Land Use Agencies, Boards and Commissions* on Saturday March 21, 2015 at Wesleyan University from 8:30 to 4:30. The brochure says "*This is a comprehensive all-day course team-taught by an all-star lineup of prominent land use attorneys.*" The course runs from 8:30 to 4:30 and is only available alternating years. Please let the office know if you would like to attend and we will register you.

Site Status:

- Burnt Plains Rd still needs rain gardens, plantings and the correct type and number of bollards. A Letter was sent to Baybrook Remodelers & the Church of deficiencies per your instructions on 12/19/14. MaryRose had a request this morning from Fred Tratta of Baybrook Remodelers asking if the Agency would allow them to post a \$5,000 performance bond to obtain a temporary CO giving them until June 2015 to complete the conditions of their approval. Mr. Tratta stated that the Church is using the building and is having difficulty getting insurance without the CO.

Schopick suggested a cash bond in sufficient amount to cover plantings for period of time to 18 month to ensure that the plants live.

DeFlumeri would prefer to let them wait until the spring because they don't seem to be doing what they have promised numerous times to do the work and then they just didn't do the work.

MaryRose will ask the City Attorney to rule and come back in two weeks to be put on the agenda for discussion.

- 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 rear slope is stabilized.
- West Main Street is ongoing.

Please remember to call or email if you are unable to attend a meeting.
The next regular meeting will be on 1/21/15.
There is a site walk on 1/15/15.

I. Chairman's Report

None.

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.