

Minutes of the Regular Meeting of the Inland Wetlands Agency on January 22, 2014.

A. Roll Call

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

Absent: Allen Cegan, Ken Cowden, Jim Connors and Carol Dunn.

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

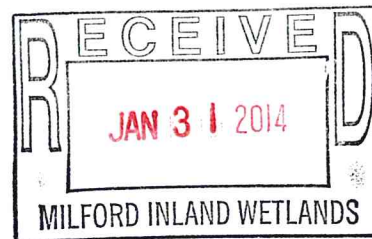
Collins called the meeting to order at 7:30 p.m. and deemed DeFlumeri the voting alternate and Margeson the Acting Parliamentarian.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.



D. New Business

1. **IW-V-049: 945 North Street, Barretta Realty Associates, LLC** – storage of wood, material and debris within 150' of a wetland or watercourse in the Wepawaug River Watershed without a permit.

MaryRose reported that there is no new information. No action taken.

2. **IW-V-13-022: 37 Lakeside Road, Brad Frederick and Britnei Artz** – clear cutting trees and stockpiling material without a permit within 100' of a wetland and watercourse in the South Central Shoreline Watershed.

MaryRose reported that at the 11/20/13 meeting the Agency required that the planting plan be submitted by 2/19/14. No action taken at this time.

3. **Violation IW-V-13-063: 30 Cedar Hill Road, Nancy Smith** – removal and deposition of silt and material from a pond and intermittent watercourse with work in and within 100' of a wetland or watercourse in the Indian River Watershed without permit.

MaryRose reported that work is to be completed by 5/7/14. No action taken.

4. **IW-A-14-001: 0 Westmoor Road, Field & Son Builders, LLC** – proposal for a single family home with work within 100' of a wetland in the South Central Shoreline Watershed.

MaryRose reported that this is an application by Field & Son Builders for a single family house with a first floor within 11.4' of the wetland line. Some of you may be familiar with the parcel; the Agency reviewed and issued permit IW-12-073 for a single family house on this parcel and a portion of an adjacent parcel last year for this applicant

The Agency walked the site on December 12, 2012 to review a house proposed with the first floor within 10.1' of the wetland line with a 2' cantilever for the second floor. The applicants have changed the location and size of the house. The first floor construction is 11.4' from the wetland line with a 2' cantilever for the second floor. . Buddy and Chris Field are here this evening to present the application.

Buddy Field reviewed the history of the property: originally a variance was needed and it was denied, had an approved plan based on purchasing land next door and this couldn't happen (neighbor went into foreclosure). They went back and obtained the variance. The current plan is now closer to the street but the same distance from the wetlands. The IWA removed the patio last year. The current plan; the patio is further away from the wetlands. They would like to cut the trees they are allowed to cut, establish the fence and plantings before they start construction. They are doing the plantings first because they have been in the subdivision for 2 years and want to make sure the protections are in place first before they start construction on the house. He stated that tonight's plan isn't very different from the plan the Agency approved last year.

Collins stated that most board members are new and have not seen this site. MaryRose stated that Deflumeri, Dunn, Lutz, Flannigan and Magnan have not seen the site. Lutz asked if this was the same site that the IWA approved the wetland line amendment last year. MaryRose stated that it was not.

A motion was made by Munson, seconded by Lutz to schedule a site walk for Monday, February 3, 2014 at 4:00 p.m. The motion carried unanimously.

5. **IW-A-14-002: 1595 Boston Post Road, C & G Milford, LLC** – Site development with removal and construction of buildings, drainage and grading in and within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this is an application by C&G Milford for redevelopment of the property at 1595 Boston Post Road. The proposal includes the removal of the existing site improvements, construction of a retaining wall, three buildings, parking, grading and drainage in and within 100' of wetlands in the Indian River Watershed on the site. The application will be presented this evening by Attorney John Knuff, Ray Paier of Westcott & Mapes and Jennifer Beno of Soil Science and Environmental Services.

John Knuff with Hurwitz Sagarin Slossberg & Knuff, 147 North Broad St, Milford described the proposal as a mix of restaurant and retail uses. He stated that the proposal embraces the City's request for this type of development. The proposed regulated activity is a comprehensive redevelopment of the site. He stated that there are 1.31 acres of wetlands on the site and that they are proposing to disturb 0.011 acres. They will be adding a minimum 25' buffer along the entire paved area along the Indian River and 14,000 sq. ft. of pervious area. The site is 7.5 acres and the applicant is proposing 35,000 sq. ft. of restaurant and retail use, which is a modest development proposal. This is about half as much development as would normally be proposed on such a site.

Attorney Knuff stated that Cappelli Enterprises is a developer that is well known in Fairfield County and New York for doing upscale development. In meetings with Staff the possibility of pervious pavement along the River was discussed. The Client chose to remove the pavement adjacent to the Indian River to increase the buffer. He noted that Kevin McManus from Cappelli and Michael Getlan the property owner were here this evening.

Scott Stevens, Soil Science and Environmental Services of Cheshire.

Stevens stated that he delineated the wetlands and soils and flagged the site on 3/29/13. He reviewed the 59 wetland flag locations referencing the property Topographic Survey dated 6/6/13 which is sheet 1/1. He stated that the intermittent watercourse barely qualifies as an intermittent watercourse. He said it begins at the outlet of the three culvert pipes discharging water from Route 1 and the parking lot.

Stevens stated that the wetland soils are mainly flood plain soils. The Northeast side of the property have some Raypole Silt Loams with shallow to deep organic soils that are pretty mucky deep poorly drained soils. The majority of the site would be considered urban land showing that a lot of the site has been previously developed. The Northeast portion of the property does have some natural soils generally in the area of the intermittent watercourse. He submitted two sets of pictures. Set 1 was numbered 1-3 and set 2 was numbered 4-6.

1st (1-3) set Photo of the intermittent water course is located on NE portion of the property showing the dark stained stone. One of our site visits there was no water draining from the culverts and you can see the dark stained stones in the picture. At another inspection there was a very slight trickle after a large rain storm.

2nd set (4-6) photo #6 of water in Tumble Brook and fill slope down to wetlands and watercourse. Photo #5 shows the Indian River and #4 shows the Southeast corner of the site.

Ray Paier, VP Engineering Westcott and Mapes, New Haven, CT

Paier stated that we would like to use the property Topographic Survey dated 6/6/13 which is sheet 1/1 and a color compilation map of the remaining sheets in the packet to compare and contrast the existing and proposed site.

He stated that the site is 7.543 Acres in size and noted the closeness of all the existing features to the Indian River including the batting cage at 10', parking area at 7' and the Mini Golf area at 18'; describing the extensiveness of the existing development.

Paier stated that there are 1.13 acres of wetlands and watercourse on the site. Referring to the colorized compilation map which is similar to site plan C1 in the package he noted that the Blue is the Indian River, Beige are the wetlands.

He pointed out that the Northwest corner of the site is the highest elevation (el: 36') and the lower SE corner is the lowest (el: 11'). He stated that is the natural existing drainage pattern from the Northwest to the Southeast towards the Indian River and that they will maintain that same gradient and drainage pattern.

Currently 58% (4.38 ac) is impervious – including the buildings, parking, gaming features and there is little landscaping and it is very close to the wetlands and watercourses. The remaining 3.16 acres is the pervious vegetation, which is primarily the wetlands and steep vegetative buffer slopes towards the wetlands and watercourses etc. There is more development than vegetation.

He stated that the proposed development is an improvement, dramatically increasing the buffer along the South and Southeast edge. Introducing a vegetative buffer as shown graphically on the colorized plan. They are proposing a dramatic improvement gaining 25' plus in buffer. For example the distance from the mini golf area to the River is 18' and it will now be 40'. They are also proposing grassed buffers and islands proposed in the new parking areas. This will be an increase of almost 15,000 sq. ft. or 1/3 acre of increased vegetation to the site, increasing the pervious area.

The proposed plan has only 4.04 acres of impervious surfaces and 3.5 acres of greenspace. This project will be 54% developed hardscape and 46% undeveloped and greenspace.

Speaking to Sheet 1 of 1 Paier explained the existing drainage from Route 1. He said it is the primary purpose of the pipe to drain offsite areas (Milford Marketplace and Rt 1). This discharge has caused scour under the existing conditions. They are proposing to upsize the pipe and move it to the South and to the East. They will be adding a plunge pool and a four bay feature that will trap sediments and filter run off, which improves water quality. They have received a positive review letter from the City Engineer.

Paier stated that all onsite water will go through a swirl chamber and the catch basins with sumps, giving a treatment train to the stormwater discharge. He said that they will eliminate one existing outlet by the batting cages. There will be a swirl concentrator added to the existing outlet to the East of the development. He said that the majority of the water will run South-South-East as it does now. The existing pipe and outfall in this area are deficient. They have added a swirl concentrator and an underground detention system with an over flow discharge. The upland review area as shown on the site plan is the dashed line. Much of the parking area is out of the review area. Portions of the buildings and parking are in the upland review area. They are proposing parking under the building to reduce the surface parking and create a greater buffer to the Indian River, taking advantage of the natural site grades.

Referring to the colored plan, Paier pointed out the erosion and sedimentation controls: construction entrance, hay bale and silt fence barriers which are in compliance with DEEP guidelines for soil erosion and sedimentation controls. Paier stated that overall the proposal meets or exceeds all of Milford's standards of storm drainage. They meet peak or design for all design events. They are proposing to improved water quality, eliminated a discharge point and meet CT-DOT, CT-DEEP and Milford standard criteria for construction and development.

He noted that they are proposing closed containers for rubbish with solid wall fencing around the dumpsters. In addition all along the wall will be a chain link fence which will be an additional barrier to debris for the wetlands. In closing he stated that he thinks the proposed plan is a much improved condition from an engineering standpoint.

Steve Wing Landscape Architect, 26 Crown St Milford

Wing stated that he was responsible for landscaping for the entire site. He stated that the landscaping between the buildings and the street is straight forward standards, conforming to Milford requirements.

Speaking to Sheet L-3, Mr. Wing stated that the landscaping along the edge of development to the wetland areas is more interesting. He said that there is an approximately 1500' long area along the River and wetlands, 2/3 of which is an opportunity to recreate and enhance the natural plantings that are existing parking lot or features from the previous use of the site. There are a lot of invasive species which will be removed and replaced with 140 trees and shrubs including red maple, dogwood, service berry, winter berry, bay berry and evergreen such as red cedar and American holly and Norway spruce which the deer don't like yet.

He has proposed Virginia creeper along the base of the retaining wall. He stated that the trees and shrubs average out to 1 per 11' of length along the area. He expects that the clethera will spread as it establishes. As per his plans the new plantings will have oaks stakes for future identification.

He has proposed excelsior mats on the slopes with plants and conservation mix. He anticipates early stabilization and the netting from the mats will degrade into the soil. He feels that this plan will make a dramatic improvement on the site.

Jennifer Beno, Biologist with Soil Science and Environmental Services at 545 Highland Ave in Cheshire. She will discuss existing wetland conditions on site as found on her inspections in December 2013. Speaking to the colorized compilation plan Beno pointed out the narrow wetland corridors along the River and Brook as well as the wider wetlands offsite. She stated that currently stormwater from both onsite and Route 1 enters the property and discharges to the wetlands. Tumble Brook on the Eastern portion of the site is confined by steep slopes. Tumble Brook is a perennial watercourse which flows Southwest and merges with the Indian River and then flows into Clark Pond. Indian River runs along the rear of the property. The wetlands and watercourse onsite function as fish habitat, sediment and nutrient retention and shoreline stabilization.

Beno stated that the wetland functions onsite are very limited due to the narrowness of the wetland and the existing development, which is as close as 7' in some areas. She listed invasive species found onsite, some of which will be removed in the process of removing the improvements and restoring the buffer. She listed the wildlife on site and noted that these species are common to urban environments. Beno stated that she checked the December 2013 CT-Natural Diversity Database and

there were no indications of threatened or endangered species on the site. She noted that there were also no vernal pools on site. She stated that the plantings proposed along the buffer will provide a ton of wildlife habitat including cover, food and nesting areas.

Ms. Beno stated that there are direct wetland impacts proposed as part of this project. The riprap proposed to stabilize the outfalls is in a wetland area that is currently eroding. She is also recommending hand removal of trash and debris from the site. She said that eliminating the intermittent watercourse from the Northeastern area won't adversely impact the wetland at all because the hydrology or water source will be the same and will still go to the same wetland. We are just shifting it over southeast and improving it and adding a plunge pool and a level spreader which will slow the velocity and trap sediments.

She said that there will be some clearing, grading and removal of existing pavement in the Southern portion of the site. They are proposing plantings in this area to provide a screen to the Indian River. This will also provide habitat and a screen for neighbors on other the side of the Indian River.

Beno stated that there are some small direct impacts to the wetlands but the improvements in stormwater quality and habitat will far out way the small impacts caused by the project.

John Knuff stated that they are open to questions and have submitted a memo with their packet on why they feel this is not a significant activity.

MaryRose distributed pictures of the site from 12/4/13 and oriented them to the plan. Ray Paier noted the location of the outfall pipes in the parking lot on Sheet 1 of 1.

Magnan requested a recap of the improvements. Paier explained using the details from the information packet. That on sheet SD-2 he explained the fore bay, riprap and plunge pool. He stated that they will be upgrading the two pipes to 30" and 15". He stated that the pool is 23' long by 20' wide and berms up towards the wetlands. He stated that this is a properly sized feature for this discharge that will clean the water prior to it flowing into the wetland.

Collins asked about maintenance for the stormwater structures. Paier stated that the property owner is responsible for maintenance and that he recommends a quarterly cleaning initially and then assess after 1 year or so. It usually winds up being twice a year but initially he recommends more often.

Magnan asked what will happen to the stone gravel pathway that exists now at the intermittence watercourse. Paier stated that what you are seeing is the stone and cobbles where the soil has eroded away. He stated that a portion of that will be filled in for the 2 buildings, and the remainder will naturally fill in over time. Attorney Knuff stated that the proposed direct impact is to an intermittent watercourse created by Route 1 drainage. They are proposing to relocate that drainage from one spot on the site to another. No layman would consider it to be a true watercourse.

Lutz referring to sheet C-1 with the 2 structures and proposed restaurant and proposed retail asked how close they are to the wetland line. Paier using a 1:30 scale on map C-1 stated that the closest point on the 600 sq ft building is 9' but there will be a retaining wall and fencing so there will be no way for public to encroach upon the wetland. He stated that the restaurant Southeastern corner is about 47' away from the wetland. Lutz asked if the restaurant had 2 dumpsters and it either would be for cooking oil. Paier stated that they will be providing an external subsurface grease trap. He can't speak to what goes into a dumpster and deferred to the Health Department requirements. Lutz stated that typically you see a cooking oil dumpster and a garbage dumpster for restaurants. There is usually spillage and a mess around the oil one and asked if there is any way to move the dumpster enclosure further away from the wetland area. Paier stated that it was placed for vehicular access, programming needs and functionality. Attorney Knuff stated that they don't know what the Health Department will require. Currently they can't reveal what restaurant is proposed for that site but feel that there will not be an oil dumpster.

Collins asked what the elevation of the wall is. Paier stated that the wall is highest, 20', in the area of the dumpster, and 19' with a 6' fence (minimum size is 4' for building but intention is to increase to 6' before submission to Zoning).

Munson asked how far away from the property does the Tumble Brook cross the Boston Post Road. MaryRose stated that Tumble Brook crosses the Boston Post Road to the West of the Site where it enters the property.

Lutz stated that he feels everything to the right is wonderful; He is concerned with the proximity to the wetlands on the left-hand side. He would like to see a second opinion of the wetland line to ensure its location. He would like a second opinion. Knuff stated that Scott Stevens and Jennifer Beno can directly address those concerns. He is concerned that the delay for a second opinion will be extensive given the time of year and the need for the Soil Scientist to dig into the frozen ground to do their work.

Beno said she forgot to mention that she has been with the firm since 1994. She stated that the entire site has a distinct line, there is a definite break between wetland and upland and you can tell on this site. Collins asked if Beno could speak to the function and values of moving the drainage outfalls. Beno said that there would be a reduction of erosive forces that the discharge from Route 1 has. They will be removing the sediments and maintaining the hydrology of the wetland and the stormwater improvements will restore the quality of the storm water.

MaryRose asked how the wall was to be constructed. Paier stated that it will be stacked course block wall that doesn't need footings, will be hand constructed and pitch back towards the property. It will be built from the upland side and silt fence line will be the construction limit line.

Collins asked if the Agency would like to walk the site. The area proposed for disturbance can be viewed from the parking area. Magnan stated that he doesn't see the need for the site walk. Flannigan asked what the distance from the corner to the closest wetland marker is. Paier noted that the elevation is 9'.

Collins stated that she thinks the improvements to the site are great and that there are currently no buffers to the wetlands. Flannigan stated that she would like the corner expanded and to be farther away from the wetlands. MaryRose stated that she had pre-application meetings with the applicants and the initial proposal was to leave the parking as is which is 8' to 10' away from the wetlands. They have removed a row of parking which increases the buffer and cleans up the area. It was noted that 18 – 19 years ago this site had the same location of the wetlands line. Atty. Knuff stated that they went through a number of revisions and put their best foot forward with this application and feel that it merits approval. It is an improvement from every possible area, it does not meet the criteria for a Public Hearing, it is not a significant activity, there is no petition and there is no public interest.

Collins asked if anyone was interested in a public hearing. Munson stated that he likes the plan and is not sure what could be done to improve it. He said he thinks that we have always held a public hearing for any work in a wetland or filling. We could show flexibility here but wanted to know if any other commissioner would like a public hearing or a site walk. He doesn't personally feel that we do but willing to have one if anyone is more comfortable with that. Margeson stated that he had no issues with the proposal. Flannigan stated that she generally likes it. Magnan stated that he is in favor of the application. He felt that it was a well conceived plan with the removal of the invasive species, introduction of natives, hydrology. The whole green benefits outweigh any concerns. DeFlumeri stated that it is a much greater

improvement to what is there. Lutz stated that the applicants should be commended for the proposal.

Commissioner Munson moved after duly considering all relevant factors, I move to approve application IW-A-14-00, 1595 Boston Post Road based on the plans entitled "*Submission to the City of Milford Inland Wetlands Agency Proposed Commercial Development 1595-16-45 Boston Post Road, Milford, Connecticut*" by Westcott & Mapes, Inc., cover & 14 sheets dated 12/16/13, 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.
- 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 condition bond to be calculated must be posted with the MIWA for S&E controls, wetland boundary markers, and an asbuilt showing finished 2' contours and locating all site utilities and structures. The bond *may not* be released until the site is stabilized, the asbuilt and Engineers certification have been received, the site inspected and approved for compliance with the permit.
- A mitigation monitoring bond to be calculated must be posted with the MIWA for plantings and invasive control along the wetland boundary, and 3 years of mitigation monitoring by a professional wetland scientist with reports to the Agency in the spring and fall on the status of the site and recommended amendments to the mitigation plan for best stabilization of the site. If the site is not stabilized by year 3 this bond may be held until such time as the site meets the design criteria.
- 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 1/22/14 expires 1/22/19 unless otherwise provided for in the Connecticut General Statutes.

That is my motion.

The motion was seconded by Magnan and carried unanimously.

E. Minutes

A motion was made by Munson, seconded by DeFlumeri to approve the minutes of 1/8/14 as presented. The motion carried unanimously.

F. Staff Report

MaryRose passed around a contact sheet (Brendan & David) please make any corrections necessary and return it to me at the end of the meeting.

Grove St Pump station and sewer project final paving and planting will be in the spring.
Indian River Interceptor is on hold
Sanitary Sewer Infill's No. 1 final paving will be in the spring.
Cascade Blvd- Garden homes is ongoing,
Way Street is ongoing.
Girl Scout Pool is ongoing.

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

G. Chairwomen's Report

The next Regular meeting will be February 5th. There is a site walk on 2/3/14 at 4:00 p.m.
Please let the office know if you can not attend.

There being no further business to discuss, the meeting adjourned at 9:20 p.m.

Respectfully submitted,


Lisa Streit

These minutes have not been accepted or approved.