

A. Roll Call

Present: Cathy Collins, Allan Cegan, Jim Connors, Ken Cowden, Carol Dunn, Lily Flannigan, Brendan Magnan, Justin Margeson, Steve Munson and Daniel Schopick.

Absent: Dave DeFlumeri.

Also Present: MaryRose Palumbo, DPLU Director Joe Griffith 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 Hearing



- Collins reviewed that this is a Public Hearing, it is a formal proceeding, and asked the public to please respect the process by only speaking when you are called upon giving your name and address for the record when you speak, spelling as necessary for the Recording Secretary. If you must talk to each other during the meeting please be courteous and go outside in the hallway so as not to disturb the other members of the public and the Agency who would like to hear the presentation.
- Explanation of the Rules: (applicants will present their proposal, when they are finished the public may speak for and then against the application. The applicant will then rebut /answer the questions *after* all members of the public that wish to speak have spoken (there is no give and take between the applicant and the consultants). The public that has already spoken may then speak again to the issues that were covered. Then the public portion of the meeting will be over and the Agency will ask their questions of the applicant.
- Please speak only to items in the jurisdiction of the MIWA - wetlands, watercourses, and wetland habitat. Zoning Issues are not under our review.

A motion was made by Connors, seconded by Magnan to hear items C1 and C2 together. The motion carried unanimously.

1. **IW-A-15-017: 0 Tanglewood Circle Lot 28, April Culver** – proposed single family home with construction, grading and filling in and within 100' of wetlands in the Housatonic River Watershed.
2. **IW-A-15-018: 0 Tanglewood Circle Lot 29, April Culver** – proposed single family home with construction, grading and filling in and within 100' of wetlands in the Housatonic River Watershed.

MaryRose reported that the file contents list is in the file and available in the MIWA office. Items labeled Public Hearing 1-4 were submitted by Robert Wheway of Codespoti & Associates and Attorney Tom Lynch prior to the opening of the hearing.

1. Public Hearing Item 1a – Memo from Paul Scholz, dated August 5, 2015, to Ms April Culver c/o Codespoti & Associates re review of plans for a Residential subsurface sewage disposal system located at 28 Tangle Wood Circle.
2. Public Hearing Item 2a – Notice of variance granted to April Culver, February 20, 2015, by Zoning Board of Appeals.

3. Public Hearing Items 3a – Certificate of Mailing, dated August 18, 2015 and letter from Robert J. Wheway, Codespoti & Associates, dated August 12, 2015, to Abutting Landowner advising that the Milford Inland Wetlands Agency will conduct a public hearing on Wednesday, September 2, 2015 at 7:30 p.m.
4. Public Hearing Item 4a – Site Plan entitled “Composite Septic & Wetland Impact, Tanglewood Circle, prepared for April Culver, Lots 28 & 29, Milford, Connecticut” by Codespoti & Associates, P.C., 1 sheet dated 6/5/14 revised 4/27/15.

The application was submitted 5/5/15. The IWA received the application at its 5/6/15 meeting and walked the property on 7/7/15 and 7/13/15. The IWA hired Land Tech Consultants to provide a third party review of the application. That report is expected in mid-September.

Attorney Thomas Lynch, representing April Culver reviewed the proposal. They went before Planning & Zoning Board of Appeals in February 2014 for a variance with a 20' setback and were denied without prejudice. They amended the plan and in March 2014 the plan was approved with a 30' setback. They have tried to come up with a feasible and prudent plan. The site is a cluster zone R-30 which requires a 40' setback. The houses are proposed 30' from the street and they have made a concerted effort to protect the wetlands. The subdivision was approved in 1980. In 1986 the lots were purchased; lot #29 was assessed at \$116,000.00 and lot #28 was assessed at \$114,000.00. Ms. Culver has been paying taxes for 29 years on these lots. In 1987 the plan for the septic system was approved. Ms. Culver relocated to Florida and held onto the property. A copy of the approval of the septic system from the City Health Department dated 8/2014 was submitted. These are approved building lots; one lot is .9 acres and the other lot is .5 acres in size. They meet all regulations of zoning and are 2 legal building lots with approved septic plans. The IWA is the next step in the approval process.

Bob Wheway, P.E., Principal of Codespoti & Associates, reviewed the overall site plan. The parcel is in Housatonic River Watershed and drains South on Tanglewood Circle and Honeycomb Lane. It is a 9.2 acre watershed. These lots are at the headwaters of the watershed. Water travels to Honeycomb and Honeysuckle Lanes to the South. This map is a large combined sheet showing both properties. Mr. Wheway described the topography of the site. He stated that the rear portion rises approximately 10'-20' above the front of the site. The wetland soils were flagged by Otto Theall in May 2014 and were plotted by Codespoti & Associates survey crew. There are 8,300 sq. ft. of wetlands on lot 28 and 17,350 sq. ft. of wetlands on lot 29. A single family home of 1600 sq. ft. is proposed for lot 28 and a single family home of 2050 sq. ft. is proposed for lot 29. The 2014 septic plan was approved and is part of the application. The lots have access to water, gas, electric and cable TV. The Wetlands corridor severs the site and there is limited upland area. Shifting houses side to side won't have any change; moving north to south would. There is ZBA approval for 30' setback. The proposed filling of wetlands for lot 28 is 1600 sq. ft. and for lot 29 is 2631 sq. ft. There will be temporary disturbance for the septic system. This temporary impact area will be 214 sq. ft. for lot 28 and 1290 sq. ft. for lot 29. The force main is a flexible pipe. A 20' rear yard was proposed; after ZBA approval, 16' yards are proposed with patios. They are proposing a 3' wide rubble wall through both properties that will serve as a barrier between development and wetlands. A smaller rubble wall will be placed adjacent to the NW property line. This is because they will be excavating 18" in this area. The smaller rubble wall will provide a transition zone. The openness of the rubble wall will allow wildlife (amphibians etc) to use for harborage. Speaking to Lot 28, noting it is the same for Lot 29 in regards to stormwater management to alleviate any concerns with stormwater runoff. They devised a stormwater management system to alleviate those concerns.

There is a very shallow depth to ground water. In those areas within the wetlands proper there is minor standing water during the wet season. So while you usually would see stormwater galleys we don't have that ability on these lots due to the shallowness to groundwater table. They looked for another mechanism to recharge the groundwater. They designed an underground reservoir with stone for stormwater management. Given the shallow depth to water table we had to keep the reservoir as shallow as possible. Normally the bottom of galleys would be 5-6' below grade. Here we did a shallow depth and spread out over a larger area. With regards to the driveway, it is a green infrastructure practice with a porous pavement. Water will percolate through pervious driveway into stone reservoirs. Roof leaders will discharge into yard drains for filtering then through a perforated pipe into the stormwater system. Those calculations indicate that they are capable to provide a 0 increase in runoff from the 2-100 year storm events (2-10-25-50-100). There will be the ability for it to leach through the rubble wall to provide a beneficial water supply to the wetland area.

The S & E control plan was reviewed on S2. The construction detail is on the plans; the patios are proposed to be porous pavement with a crushed stone base. Both applications requiring filling and will allow for reasonable use of the property.

Attorney Lynch stated that due to the Land Tech report that is pending and anticipated in mid September, they reserve the right to supplement their presentation once this is received.

Schopick asked whose name the ZBA approval is in. Attorney Lynch stated that April Culver is the Trustee of the Trust.

Collins called for those **IN FAVOR** of the application:

None.

Collins called for those **AGAINST** the application:

Gary Davis, 137 Tanglewood Circle, submitted pictures of habitat seen on the site and stated that the environmental assessment from Mr. Popp has errors. He further stated that Mr. Popp did not know that there is a 20' easement next to him and he has not maintained it as lawn; there is debris on site. He installed his above ground pool with MIWA approval. He stated that per Mr. Popp's report there is ponding water in early spring. He agrees with this and that there is an overflow that will collect on his property. Page 3 of Mr. Popp's report states that the wetland will unlikely support wetland habitat. Davis submitted pictures of habitat that he has observed this year on site and the eastern box turtle is a species of concern. He is concerned with porous pavement being used. This has been used for Milford businesses successfully but never for a single family home; this would be the first. Porous pavement requires vacuuming twice per year and he asked who does this and what would the cost be (he could not find a service to do this on the internet but found a vacuum to do this at a cost of \$4,000.00) and that a homeowner would not be willing to absorb this cost. He is seeking a guarantee that the porous material will be maintained and not affect abutting property. It is his understanding that there has never been a proposal destroying this much wetlands before and approval of this will set a precedent. He asked that the application be denied.

Dennis Roy, 50 Autumn Ridge Road, agreed with his neighbor and feels this would set a precedent and he is against the project.

Diana Nytko, 236 Tanglewood Circle, stated that there were two prior applications for this property before Planning & Zoning and they were both denied. It then went through ZBA. The Board of Health approved this in 2014. The percolation tests were performed illegally, Department of Public Health policy states that percolation tests are not to be done July through October because they are the driest months of the year. This year rain fall has been 16" below normal. She has lived here for 30 years and she has never seen it bone dry like it is now. Page 3 of the Environmental Report states that it is a food source for habitat. There are turkey, beaver and muskrats there now. The report does not have the required signatures; it is not witnessed. We have lost enough wetlands; this will set a precedent. Please deny.

Don Lydiksen, 173 Tanglewood Circle, stated that all three requirements have been met per IWA regulations to require a Public Hearing. He is concerned about the loss of wetlands; once they are gone, they are gone forever. He feels this would set a precedent – the amount of wetlands to be disturbed based on the size of the lots. He is also concerned with the porous pavement in a residential property and this will have an immediate impact to others. Long term maintenance of the porous pavement is a huge concern. An alternative would be to combine the 2 lots and construct 1 home. This would reduce the impacts and wetlands disturbance and require only 1 septic system. This was suggested by Commission Schopick and has not been addressed. Reasonable and prudent does not mean the highest profit.

Donald Nytko, 236 Tanglewood Circle, stated that Mrs. Kapusta bought the property and separated it by 20' of open space and this was combined to put her dream house here. The neighbors have had it; all of the homes have met the required criteria.

Karen Zaneski, 150 Tanglewood Circle, stated that Mr. Wheway first came to the site with boots up to his thighs. Reports stated that provisions have been made for animals to take refuge and she asked why refuge. Milford cares about animals and wetlands. She pays \$8,000.00 per year in taxes and likes the area. She does not want this proposal or the habitat displaced.

Kim Cortina, 14 Autumn Ridge Road, is in support of her neighbors and requests denial.

Pat Canpanaro, 105 Tanglewood Circle, is opposed to the disturbance of wetlands and supports her neighbors.

Mary Ellen Magura, 144 Tanglewood Circle, is a teacher and teaches kids to be stewards of our world. She is completely opposed to the destruction of wetlands.

Gary Jacaruso, 117 Tanglewood Circle, percolation tests were down, there was water on the property and the troughs are still there and has never percolated down. There is no place for the water to go; there is ledge on site.

Bill Cangginello, 17 West Minster Court, stated that he is adjacent to the site and that there is ledge there within 6" and questioned how there could be percolation tests. He has lived here for 26 years and is opposed to this project.

Joan Cangginello, 17 West Minster Court, stated that she is not opposed to change but is opposed to this project. The impact is incomprehensible.

Marie Dalimonte, 105 Tanglewood Circle, stated that she supports her neighbors, the wetlands should be protected and this project should be denied.

Bonnie Jacaruso, 117 Tanglewood Circle, stated that she supports her neighbors and is totally opposed to this project.

Loretta Hughes, 136 Tanglewood Circle, stated that she is completely against this project and wants to protect our wetlands.

Darlene Frost Davis, 137 Tanglewood Circle, stated that she has lived in Milford since 1956 and loves Milford and her neighborhood. She asked that it please not be taken away and to protect the wetlands.

Joe Badowski, 200 Tanglewood Circle, quoted that wetlands are superb at purifying polluted water and terrible places to build houses. When wetlands are filled, water has to go somewhere.

Mike Magura, 144 Tanglewood Circle, supported and agreed with his neighbors.

George Betz, 192 Tanglewood Circle, stated that the septic systems are problematic here. Septic will fail and then there will be another hardship. Putting houses here will not improve this. There is a lot of wildlife here. He is dead set against this project.

Howard Smith, 16 West Minster Court, stated that he is in 100% agreement and is strongly opposed to this project.

Sharon Betz, 192 Tanglewood Circle, she hopes that the IWA will vote to protect the wetlands.

Richard Platt, 132 Platt Lane, supports the residents. 25 years ago he saw approval with a loss of wetlands in his neighborhood and he would hate to see this happen again.

John Benard, 36 Beverly Road, agrees with the neighbors.

John Mudrick, 158 Tanglewood Circle, is totally against this proposal and feels it will no way be a positive for the neighborhood. All of the homes have large yards and have been built correctly. This does not conform to the neighborhood with small yards and a rubble wall.

REBUTTAL

Attorney Lynch stated that the third party comments are an integral part in this process and he understands that this site has been 1-1/2 acres of open space all of this time and the neighbors want to keep it as such. He will reserve further comment until the third party report is received.

Collins stated that the Public Hearing will be kept open until the next meeting on 9/16/15.

A five minute recess was taken.

D. Public Comments

None.

E. New Business

1. **IW-PA-15-031: 605 Orange Avenue, City of Milford** – proposed construction of 2 sports fields and parking with grading within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this is a proposal for the construction of two multi-sport fields at City property at 605 Orange Avenue. The proposed work is 74.3' from a wetland associated with Stubby Plain Brook in the Indian River Watershed. BSC Group is here this evening to present this pre-application. (Eric Roise, Kurt Prochorema, Paul Piscitelli and Jonathan Bercham)

John Bercham, City Attorney, did an overview of the proposal. This is the orchard property adjacent to the YMCA. The Board of Aldermen approved funding for 2 multi-sport fields; soccer, lacrosse and youth football etc. The initial design by BSC was with the sedimentation basin being 30' from the wetland line. They were asked to improve upon that and the basin is now 74.3' away from the wetland line.

Eric Rouse BSC, city consultant, gave an overview of the proposal. It is for 2 artificial turf fields at the site. The reason for synthetic turf field is that a natural field can have about 200 uses per year

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Eric Rouse BSC, city consultant, gave an overview of the proposal. It is for 2 artificial turf fields at the site. The reason for synthetic turf field is that a natural field can have about 200 uses per year then maintenance is required including fertilizer, pesticides and lime. Natural fields require a lot of work to keep playable. Artificial turf fields can take 3 times the use and don't require a lot of maintenance and pesticides. There are more sports being played now then there were just 20 years ago including youth lacrosse and youth soccer. The seasons for sports are extended and there is more competing interest for fields. This leads us to synthetic fields. They are proposing to add athletic lighting and parking to allow use. The fields would be permanently lined for football, lacrosse and field hockey.

The site used to be an orchard. The environmental report told us that there is no lead or arsenic on site that exceeds background levels. There are some pesticides and BPT in the soil but they are not considered a hazard due to the levels. They are proposing to keep soils onsite by berming it, pushing it off to the south wrapping in filter fabric. This was referenced on the overall colored rendering. They are proposing to berm soils on the ends and side and middle to get it above the level of drainage onsite. The fields are level and crowned on the middle (6-8") that is for drainage. Fields are designed to drain vertically down into the field into the drainage system and out into the fields. In addition, there will be parking for 97 cars; paved asphalt parking lot with curbing and a separate drainage system. Pedestrian and athletic lighting is proposed. The closest point to the wetlands line is for drainage and is 74-75' away. There will be a building in the middle of the two fields that will be for concessions and bathrooms. There will be a small storage building in the corner. The berms will be landscaped. The building and lighting are future projects.

Connors asked about a spectator area. This will be on the berms. Connors questioned bathrooms being in the future rather than a necessity. Piscitelli stated that there will be permanent bathrooms; the size is in question for meeting rooms, etc. When the project is complete there will be permanent restrooms.

Munson asked if the berms in the middle will be grassed. Eric stated that they will be 6" of soil and then sod for lawn.

Dunn asked if there were artificial turf areas in Milford now. Piscitelli stated that it is at Jonathan Law, Foran High and Laurelton Hall now. Dunn asked if there were any negatives to this. Piscitelli stated that he doesn't see any; the fields can be used three times as much. Sports are being played year round and there is a shortage of fields.

Magnan questioned that the soil has some contaminants and how will they ensure no negative impact to the wetlands. Eric stated that they are containing the soil on site in berms, above ground water level so there will be no additional percolation. The contaminants will not be mobile; they are fixed to the soil.

Flannigan stated that the biggest concern is during construction but then there will be no disturbance is that correct. Eric stated that is correct.

Paul Piscitelli stated that there are future plans for a nature trail; design has changed due to field changes. The nature trail is a work in progress.

Kurt, BSC, stated that GEI Consultants have been retained for the project and they will have specific handling measures to handle the soil and monitor the work to adhere to performance.

Cegan stated that he had concerns about the split rail fence with kids and feels that it needs more of a substantial fence and proposes a page fence. Eric stated if the fence is on the wetland boundary it will be 100' from the fields.

MaryRose asked the height of the berm. Eric stated it would be 10'. Connors asked about a walkway. Eric stated that there would be a walkway.

Cowden asked about long term monitoring. Eric stated that they are not proposing any; pesticides attach to the soil and won't leach per the specs.

Munson asked about water fountains. Piscitelli stated that there will be water fountains.

MaryRose stated that the plans were reviewed by Gary Wassmer, former City Engineer, and that his memo was in your mail this evening. She spoke with Mr. Wassmer and he feels that it is a good design that needs some minor tweaking for details that will not impact the layout of the plan. The sedimentation basin was/will be moved by BSC from a previous version of the plan that had proposed work within 30' of the wetland line.

Dunn asked if the parking lot would be asphalt. Eric stated that it would be. He stated that it could be a candidate for a pervious lot as it is not highly used in the winter.

Munson asked about snow removal. Cowden noted that there would be no snow removal as the fields are not typically used in the winter; additionally the parking lot is not within the IWA jurisdiction.

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

That the Designated Agent issue a Jurisdictional Ruling for pre-application IW-PA-15-031: 605 Orange Avenue for the construction of 2 sports fields and parking with grading as shown on the plans entitled "*Orange Avenue Recreation Complex, 605 Orange Avenue, Milford, Connecticut*" by BSC Group., cover and 10 sheets dated 9/2/15 with the following conditions:

- Fencing along the wetlands line determined by the Compliance Officer and the Applicant
- Copies of the soils testing results be submitted to the IWA.

The motion carried unanimously.

F. Old Business

1. **IW-A-15-020: 701 North Street, Stone Preserve, LLC** – proposed 63 unit 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 Third Party Review report from LBG was in your mail packet. There will be a public hearing for this application at our next meeting on 9/16 in City Hall Auditorium. If you have any questions for the applicant please let me know so that they may prepare for the meeting.

No action taken.

G. Minutes

A motion was made by Connors, seconded by Cowden to accept the minutes of the 8/19/15 meeting as presented. The motion carried with Cegan, Magnan and Munson abstaining.

H. Staff Report

Site Status:

- Burnt Plains Rd– no new information
- Indian River Interceptor –ongoing.
- Sanitary Sewers Infills No 2 (Plains Rd/Shelland St/High St/White Oaks Ter) - Final paving/stabilization work ongoing.
- Way Street work is ongoing,
- West Main Street is ongoing
- 1595 Boston Post Rd project is ongoing.
- 86 Old Field Lane is ongoing.
- 220 Rock Lane
- 134-142 Old Gate Lane – bio-retention area is in, parking lot is under construction foundation work is ongoing.
- CT-DOT work the cells under the I-95 Bridge over the Wepawaug is ongoing.
- Please remember to call or email if you are unable to attend a meeting.

I. Chair Report

Collins thanked everyone for their time and effort in reviewing the applications presented. The next meeting will be a Public Hearing on 9/16/15 at City Hall Auditorium.

A motion was made by Connors, seconded by Cowden to adjourn at 9:55 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.
