

A. Roll Call

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

Absent: Justin Margeson.

Also Present: 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 Hearing



- Collins reviewed that this is a continuation of 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 and 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 Environmental Information, 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 Munson 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.

1. MaryRose reported that the file contents list is in the file and available in the MIWA office.
2. The Certificates of Mailing – copies were mailed on 8/18/15 and received on 9/16/15.
3. 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 LandTech Consultants to provide a third party review of the application. That report was received today and forwarded to the applicant. Interested neighbors did come in and request copies of the application.
4. Collins read the LandTech Consultants report into the record (see attached).

Otto Theall, Professional Soil Scientist with, 27 years experience, stated that he performed the wetland delineations on 5/2/14 and that Land Tech agrees with these delineations:

Matt Popp, Landscape Architect, Professional Wetland Scientist, with 20 years experience, submitted his original report dated 5/5/15. He reviewed three different vegetation areas. No vernal pool species were found and the site was dry by the end of April. The upland vegetation was reviewed, there are some lawn areas. The wetland in the center is dominated by clethra. There is some ponding of water in March/April about 8" in depth with about 1' depth where the tree fell over. The wetland functions are for stormwater collection and stormwater runoff; nutrient removal and food and habitat for wildlife. There are no listed species, species of special concern or endangered species on site.

Lot28 – site description = 1,622 sq. ft. filled for the house and yard with 214 sq. ft. filled for temporary access. 214 sq. ft. would be done by a small machine and would expect it to grow back to existing conditions in a 3-4 year period. Mitigation is proposed to match the elevation of the wetland area adjacent and plant it.

Lot 29 – 2,631 sq. ft. wetland filling plus 2,133 sq. ft. temporary disturbance for sewer force main. They are proposing to put this in the center area of wetland that is free of trees so that no removal of trees is proposed. Best management practices are proposed. Porous asphalt, S & E measures and the rubble wall are to prevent encroachment. Several additional mitigation measures are listed in his report:

- 1)using the wetland soil from under the houses to create the wetland
- 2)rubble wall installed before the construction of the house
- 3)septic lines located in the field on Lot 29 to ensure no trees are impacted in a dry period
- 4)rear yard should be a sandy loam to avoid runoff into wetland
- 5)tree plantings in front of the house for additional habitat
- 6)rose and barberry hand pulled over a two year period
- 7)site monitoring for a 2-year period

He stated that wetland impacts are unavoidable. The remaining wetland will still provide storage, still trap sediment, still remove nutrients and still provide habitat.

Robert Whewey, Professional Engineer and Principal of Codespoti & Associates stated that they are operating under the Milford IWA regulations and not the Army Corps which further states the balance of need for economic growth with protecting the environment. He submitted Section 1.1 of the MIWA Regulations. He referenced page 2 of Land Tech's report regarding septic systems on both lots. Both were approved by the Milford Health Department and there is no waterway on site. Planning & Zoning approved the lots in 1980. There are no cuts proposed. The State of CT Health Code was submitted. Both lots were approved by the City of Milford Health Department for septic systems. Reserve areas requiring filling; this is not typically done. They are showing possible areas for reserve. No filling in the reserve area is proposed.

Page 3-4 of the report addresses the wetland creation area (lot 28) and need for additional test holes. That type of test holes and monitoring is not needed; there is not a significant change in grade there today. In the 1980's there were a number of test pipes put in. The Milford Health Department said that this was unsuitable for a leaching system due to a high water table so they are confident in the wetland creation area.

Lot 29, there is a silt fence proposed for erosion control; this was a CAD error. A settling basin is proposed. Both houses will not have basements. Elevation 112 is for footings and they do not anticipate any ground water conditions. The storm water calculations and stone reservoir he is ok with. He has issue with the analysis and stands by his calculations and are in compliance with City of Milford requirements. He agrees that he used the property lines as boundaries which are typical for analysis for pre and post test rates. The roof area and porous asphalt have a significant reduction in peak rate of run off. The calculation summary sheet was submitted. Land Tech requests that a water quality analysis be redone. This can be done as supplemental information. He agrees with the yard drains and 2' sumps. Porous pavement is proposed and they have not looked at New Hampshire mix. This may or may not be possible due to local availability. The goal is to ensure the ability to pass to the stone reservoir with a void ratio of 18-20%. This should be performance based not product based. He has no problems with the maintenance proposed.

His perception is that both lots will be done concurrently to avoid the problems that Land Tech addressed. The wall will be constructed at one time. They could put temporary grading rights on the property and once completed the rights would be terminated. He has not had a chance to look at all of the alternatives from Land Tech. He spoke to the Health Department regarding an easement across lot 28 and they are not receptive to this. They are waiting for the final determination from the State Department of Health. Each lots septic system must be wholly contained. He hopes to have more information before the next meeting on this.

He submitted sets of plans; 2 alternate plans for lot 28 and 3 alternate plans for lot 29. One alternate for both was already submitted: 20' front yard setback for the houses and this was denied by ZBA.

Lot 28 – same foot print of house side to front but relocates the driveway. This would expand the size of the wetland creation area by 635 sq. ft. This is not prudent as there would not be the ability to have a turnaround in the driveway.

The same footprint; with no garage and a front driveway. This would move the house 29' north and reduce the fill by 410 sq. ft. and increase the creation area by 415 sq. ft. This is not prudent – backing out onto Tanglewood Circle and minimizing the lawn area.

Lot 29 – reducing house from 32' x 64' to 32' x 50' a 450 sq. ft. reduction in size. This would reduce the filling of wetlands by 224 sq. ft. This does not keep with the surrounding houses that are 2,100 to 2,500 sq. ft. in size.

Reducing the house size to 32' x 50', 14' from the southwest property line. This would have 393 sq. ft. less fill of the wetlands. This is not prudent due to house size in the area and would leave a 10' x 30' slice of wetlands.

Reducing the house size to 32' x 50' with the house 15' off of the property line. This would reduce the wetland fill by 1,150 sq. ft. and increase the size of the creation area. This is not prudent due to the small size of the house for the area and would have a front load garage and no turn around for going onto Tanglewood Circle.

They request that the Public Hearing remain open to allow response to the Land Tech report.

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

None.

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

Diana Nytko, 236 Tanglewood Circle stated that the perc tests were done illegally; there are to be no perc tests done in June, July or August and these tests were done in July. She noted that a normal rain fall is 32"; this year it is 13.9". 98% of the home owners back out of their driveways, they do not turn around to go onto the street. Please deny this application; it will set a precedent.

Gary Davis, 137 Tanglewood Circle, stated that 24 people spoke at the last meeting and care about this environment. He addressed Mr. Popp's report including the errors he made in recognizing the location of the open space. He noted not observing salamanders, tree frogs and Eastern Box Turtle that pictures were presented at the last meeting showing them on site this year. The ponding in the spring is significant and lasts for awhile. He talked about the porous pavement and concerns about the cost of and services available for maintaining this for a residential driveway. He feels one house is an alternative and this Agency would be setting a precedent. He stated that Ms. Culver has not submitted plans for a house and feels it should not be assumed that the 2 lots would be built simultaneously. He referenced Mr. Lynch stated that the lots are appropriately sized and this is not accurate. This area is RA Zone to R30 area which is 30,000 sq. ft. lots. Lot 29 is 22, 298 sq. ft. they made one lot very small to accommodate the septic system and created their own hardship. In 1986 and 1989 lot adjustments were made. There were no sewers and no plans for sewers. Porous pavement has a 20 year lifetime and he feels the efficiency of pavement should be monitored. The drainage report does not consider the porous pavement and it is not clear. Milford's economic growth verses need for personal gain. He asked that the application be denied.

Donald Nytko, 236 Tanglewood Circle, stated that the applicant is proposing a 1:1 ratio and the state requires a 3:1 ratio. They took the perc tests in the middle of a dry spell. Are they following Milford's rules or the State rules; they need to make up their mind.

MaryEllen Magura, 144 Tanglewood Circle, stated that she lives right across the street to this proposal and she is disheartened. Wetlands are cherished across the country and we are arguing over this. They are using minimalistic language and will be long gone when problems begin to occur. This is so disturbing; unprecedented and unconscionable to consider this amount of destruction of the wetlands.

Mimi Mudrick, 158 Tanglewood Circle, stated that the impacts are significant and is a mental hardship on the community. Red Fall Hawk evacuated the area from the disturbance. There are eastern box turtle here; people don't see this unless they live there. Please deny this application.

Mike Magura, 144, Tanglewood Circle, agrees with his neighbors and asks that this application be denied.

John Benard, 36 Beverlyn Road, agrees with his neighbors and asks that this application be denied.

Bonnie Jacaruso, 117 Tanglewood Circle, agrees with her neighbors and asks that this application be denied.

Darlene Frost Davis, 137 Tanglewood Circle, stated that she lives next door to this property and her back yard is saturated in March and April and she does not agree with the testing in May when the ground is a lot dryer. She has put back frogs from the street. Ms. Culver lives in Florida and is not part of this. Please deny this application.

George Komoroski, 87 Ingersol Road, will be moving into this neighborhood in 1 week and agrees with all of his neighbors. The wetlands are too important and it would be a stain on our record to fill in the wetlands. This would set a terrible precedent. Please deny this application.

REBUTTAL

Bob Wheway, stated that the soil testing began and there have been a series of Engineers since then. In March of 1987 perc tests were done. Last July tests were done by Codespoti; the Health Department requested this to determine the depth of bedrock, not the ground water.

Diana Nytko, 236 Tanglewood Circle, asked if testing was done in the 1980's then why wasn't it developed in the 1980's. The testing was done illegally according to Milford Health Department rules – no perc tests can be performed in June, July or August. Her guess is that it didn't get approval in the 1980's.

John Benard, 36 Bererlyn Road, the perc tests done in 1987 all failed, that's why this wasn't developed.

MaryEllen Magura, stated that she moved here in 1983 and Stanley Johnson was the builder. She wanted to purchase these lots (lots 28 and 29) and they were not build able then which is why she bought the property across the street.

Collins stated that because the Presentation is not completed – the public portion of the meeting is still open. Agency questions will wait until the presentation has been completed. The Public Hearing will be continued on 10/7/15.

3. **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 application has been withdrawn.

D. Public Comments

None.

E. Minutes

A motion was made by Connors, seconded by DeFlumeri to accept the minutes of 9/2/15 as presented. The motion carried unanimously.

F. Staff Report

Site Status:

- Burnt Plains Rd– no new information I have not visited the site
- 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 is ongoing.

- 134-142 Old Gate Lane – building is under construction.
- CT-DOT work the cells under the I-95 Bridge over the Wepawaug is ongoing.

Timeline for Tanglewood Circle: the Public Hearing has to be closed by 10/18/15; once the Public Hearing is closed, the IWA has 35 days to make a decision.

Magnan stated that he has a number of questions and asked if there is time for them to be addressed. Flannigan asked if we could see a plan with one house and one septic system. Magnan stated that box turtles were mentioned twice today and questioned if a Biologist should analyze this. MaryRose stated that there was a Biologist on site and she asked all board members to submit questions to her so that she may forward them to the applicant for response for the next meeting.

G. Chair Report

- Please submit questions to MaryRose so that she may forward them to the applicant.
- CACIWIC training, Soil Training and the Land Use Academy are all coming up. Please let the office know of planned attendance.
- Please let the office know of your attendance for the next meeting which will be a Public Hearing on 10/7/15 at City Hall Auditorium.

There being no further business to discuss; a motion was made by Connors, seconded by Cowden to adjourn at 9:20 p.m.

Respectfully submitted,



Lisa Streit