

A. Roll Call

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

Also Present: MaryRose Palumbo and Lisa Streit.

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

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.

D. New Business

1. **IW-V-16-026: 321 New Haven Avenue, Beach Bum Holdings** – deposition of soil and material with work in and within 100' of a wetland or watercourse in the Indian River Watershed without permit.

MaryRose reported that this is a violation for work within 100' of a wetland in the Indian River Watershed. She visited the site 4/19/16 based on a complaint with the Zoning Officer. The weather was clear and seasonable. There were several piles of soil and rock dumped to the rear of the property adjacent to a garage/barn and an old foundation and the wetland area to the rear of the property. No soil erosion and sedimentation controls were visible on the site. Vincent Lambiase of Beach Bum Holdings came into the office on Monday morning, 5/2/16. He explained that he had just purchased the property and was in the process of cleaning it up. There was an old foundation and some hazardous trees, etc. He had the trees taken care of and used fill to reduce the risk from the old foundation. He said that the piles were spread before he received the letter but he has seeded and hayed them. He stated that he would put erosion controls at the bottom of the slope and call for an inspection on 5/3/16. Mr. Lambiase called for an inspection on 5/3/16 and she visited the site this afternoon and found erosion controls had been installed on the site. Mr. Lambiase was present to answer any questions.

MaryRose distributed a GIS map and photos of the site. Lambiase stated that the piles came in little by little over the winter. He had no intention of pushing anything into the wetlands; he knew to stay out of the wetlands. He didn't know about the 100' upland review area. MaryRose stated that the top of the pile is stabilized; there are invasives on site – knotweed and phragmites. Typically a survey and stabilization is required. Lambiase stated that there is no construction plan at this time; he is just cleaning up the property. DeFlumeri asked if there were any plans for demolition. Lambiase stated that there is not, he currently owns Beachwood Florist next door and this property came up for sale and it made sense to buy it. He will have to have a survey to know what his options are. There is a lot of debris on site from the previous owner.

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



That cease and restore order IW-V-16-026: 321 New Haven Avenue, be upheld and the violator be ordered to:

1. Maintain soil erosion and sedimentation controls on the sites to prevent material from entering the wetland.
2. 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. Existing created contours and contours prior to filling.
 - b. Wetlands line as delineated by a certified soil scientist or professional wetland scientist.
 - c. Property boundaries.
 - d. Proposed mitigation planting plan by a Professional Wetland Scientist.
 - e. Proposed timeline for execution of the mitigation plan to plant and stabilize the disturbed area including three years of monitoring by a Professional Wetland Scientist.
3. The above information to be submitted to the MIWA office by 8/01/16.

The motion carried unanimously.

2. **IW-V-16-027: 1646 New Haven Avenue, Judith K. Rosehill** – deposition of soil and material with work in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed without permit.

MaryRose reported that this is a violation for work within 100' of a wetland and watercourse in the South Central Shoreline Watershed. She visited the site on 4/19/16 with the Zoning Officer based on a complaint. The weather was clear and seasonable. The rear yard was cleared and graded; there was one pile of soil with a wheelbarrow and sifter screen closer to the house. There were concrete blocks placed in a line along the Oyster River at the rear of the property. Silt fence was partially installed behind the concrete blocks along the River. No sedimentation and erosion controls were installed along the apparent western property line where the filling stopped. This violation letter was issued on 4/28/16 and we have not been contacted by the property owner nor have we received the certificate of mailing. In the past where this has happened we have upheld the violation and given the property owner a chance to explain their actions at the following meeting.

Scott Rosehill and his fiancé Lisa Peasly were present and stated that Judith is his mother and she has passed away. They were in Ohio and just received the mailing. They stated that the river was coming up to the property and taking the yard with it and they are trying to stop the water from coming onto the property. Scott stated that he put a silt fence up and it washed away. His mother tried to have help with it by putting in a wooden retaining wall; this rotted out and is in the bottom of the river. Lisa stated that they didn't know where the wetlands start to the property.

Mary Rose stated that this property is in a flood zone and to bring in any fill requires engineering so as to not damage anyone else's property. She further stated that a Soil Scientist needs to find the line to the wetlands, then a Surveyor for the elevations. Planning & Zoning could assist with flood plain issues; there is some tidal fluctuations in this area. The first step is to establish the wetland line and put it on a plan and then the goal is to protect the property and wetlands. Scott stated that funds and time are an issue; he currently doesn't have funds to do this work. He is trying to refinance the house. He could extend the silt fencing. MaryRose stated that the Conservation District can come out and give some suggestions; she will contact them tomorrow.

Schopick asked if the City Engineer could help. MaryRose will contact him. Scott stated that Hurricane Sandy flooded the garage and his mother lost her car.

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

That cease and restore order IW-V-16-027: 1646 New Haven Avenue, be upheld and the violator be ordered to:

- Properly install soil erosion and sedimentation controls on the site to prevent material from entering the wetland by 5/09/16 and call for an inspection.

Defer further action until the next MIWA meeting when we have more information

The motion carried unanimously.

3. **IW-A-16-028: 70 Kay Avenue, City of Milford Board of Education** – proposed parking lot expansion with crossing, construction and grading in and within 100' of wetlands in the Housatonic River Watershed.

This item is on the agenda for the first time and can be heard at the 5/18/16 meeting.

4. **IW-PA-16-030: 154 North Street, Senay Yilmaz** – proposed 20' x 28' deck with work within 150' of wetlands in the Wepawaug River Watershed.

MaryRose reported that this is a proposal for an 18' X 28' rear deck at 154 North Street. The MIWA permitted the house in 2008 with limited clearing in the rear yard due to wetlands on the property. The proposed deck is 25.6' from the wetland line. The contractor has also inquired on behalf of the owner about removal of brush and fallen trees in the wetland area. She explained that the brush and trees that have fallen on the ground provide habitat in the wetland. If there are limbs or trees that have fallen and are hung up on other trees and are a safety hazard-then the hazards should be removed but removing a number of trees and woody debris would require a permit. There were fallen trees and brush in the wetland area on the site when the house was approved and 2008. The Agency determined at that time to leave the wetland habitat in as natural a state as possible and did not allow the area to be cleared and maintained.

Nebil Huribal, Contractor, stated that the deck is to go over the existing patio. Mr. Murat, owner, was also present and stated that the existing patio is 4 steps down from the house and he would like it to be a walk out from the house as he has a small child and one on the way. They are no longer planning on touching the brush. Cowden asked if the patio is the same size as the proposed deck. Huribal stated that the patio is oval shaped; the footings will be the size of the patio with a 2' overhang.

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

That the Designated Agent issue a Jurisdictional Ruling for pre-application IW-PA16-030: 154 North Street for construction of a 18' X 28' rear deck, as shown on the plan entitled "*Limited Improvement Location Survey 154 North Street Parcel B, Milford, Connecticut*" by Codespoti & Associates, 1 sheet dated 3/19/08 revised 5/3/16 with conditions including:

- There will be no filling or work within 24' of the wetlands on the property,

- Proper soil erosion and sedimentation controls must be installed and maintained while the site is disturbed
- Call for an inspection upon completion to ensure location is as proposed.

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

The motion carried unanimously.

5. **IW-A-16-032: 553 West Avenue, Kingdom Life Church/City of Milford** – proposed replacement boardwalk and nature trail with construction, grading and filling in and within 150' of wetlands in the Beaver Brook Watershed.

This item is on the agenda for the first time and can be heard at the 5/18/16 meeting.

6. **IW-A-16-033: 93 Thompson Street, William C. Sholl Estate** – proposal to raze existing house and garage and construct a new single family home with construction and grading within 100' of wetlands in the South Central Shoreline.

This item is on the agenda for the first time and can be heard at the 5/18/16 meeting.

E. Old Business

1. **IW-A-16-001: 226 Baxter Lane, Victor Rosado** – proposed addition, indoor basketball court, patio and pool with construction and grading in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal by Victor Rosado for two additions totaling 2,008 sq. ft. to the existing single family home, a 50' X 100' building for an indoor basketball court, a 30' X 22' in-ground pool and an irregular patio expanded to roughly 100' X 40'. The proposed work requires the filling of 615 sq. ft. of wetlands, the temporary disturbance of 819 sq. ft. of wetlands for the construction. The applicant is proposing to enhance or create 11,416 sq. ft. of wetlands. Jeff Gordon of Codespoti & Associates is here this evening to present the project and answer any questions.

Jeff Gordon of Codespoti & Associates 263 Boston Post Road, Orange said he would do a brief presentation as he expects the Agency will want to walk the site and to have a public hearing. This is a rear lot with 4.25 acres of wetlands and 0.75 acres of upland. Mr. Rosdao has 10 children and would like to expand his house and build a basketball court. He oriented the Agency to sheet S2 and showed the location of the proposed work. He described the basketball structure as an indoor flexible sided building. He stated that they are proposing to enhance or create 11,416 sq. ft. of wetlands for a mitigation ratio of almost 8:1.

Collins stated that she feels the Agency needs to look at this site.

A motion was made by Connors, seconded by DeFlumeri to hold a site walk for this application on 5/17/16 at 5:00 p.m. The motion carried unanimously.

F. Minutes

A motion was made by Connors, seconded by DeFlumeri to approve the minutes of 04/20/16 as presented. The motion carried with Collins and Schopick abstaining

G. Staff Report

Site Status:

- Indian River Interceptor –work is ongoing.
- 1595 Boston Post Rd project is ongoing.
- 86 Old Field Lane is ongoing.
- 220 Rock Lane is ongoing.
- 605 Orange Ave is starting.

Work is complete and mitigation bonds held on:

- Way Street bond held until fall 2018
- West Main Street bond held until fall 2018
- 134-142 Old Gate Lane bond held until Spring 2016

The Office has been extremely busy with inquires and complaints, they are being followed up with as quickly as possible.

There is a site walk on Tuesday, 5/17/16 at 5:00 p.m. for 226 Baxter Lane; park on Baxter Lane and meet at the gates/driveway.

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

H. Chair's Report

The next meeting will be a site walk on May 17 at 5 pm; regular meeting on May 18th, in Conference Room A.

Please let the office know if you cannot attend and get any questions you have on the applications to MaryRose so that she can forward them to the applicants.

There being no further business to discuss, a motion to adjourn at 8:40 p.m. was made by Connors, seconded by Munson and carried unanimously.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.