

Minutes of the Regular Meeting of the Inland Wetlands Agency on May 18, 2016.

**A. Roll Call**

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

Absent: Dave DeFlumeri

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

Collins called the meeting to order at 7:30 p.m. and deemed Dunn the voting alternate and Schopick acting Parliamentarian.

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.



**D. 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.

The Agency site walk was canceled due to a notice error. She spoke with Bob Wheway from Codespoti & Associates, and due to the holiday, she would suggest that the site walk be rescheduled for 5/31/16.

Mr. Wheway asked if the Agency would be willing to schedule the public hearing for the application prior to walking the site. This application was received on 4/20/16 and the 65-day review will expire on 6/22/16. We will have at least 3 Commissioners out at the 6/15/16 regular meeting.

After some discussion, it was deemed that the Agency would like to see the site before any further action. A motion was made by Connors, seconded by Munson to schedule a site walk for 226 Baxter Lane on 5/31/16 at 4:30 p.m. The motion carried unanimously.

- 2. 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 a permit.

This is a violation for work within 100' of a wetland in the Indian River Watershed. At the 5/4/16 meeting the Agency upheld this violation and asked for additional information to be submitted by 8/1/16.

3. **IW-V-16-027: 1646 New Haven Avenue, Judith K. Rosehill** - Deposition of soil and material with work in and within 100 ft. 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 in the South Central Shoreline Watershed. At the 5/4/16 meeting the Agency upheld this violation and deferred further action until the Southwest Conservation District and the City Engineer could review the site. That has been scheduled for the June 9th.

4. **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.

MaryRose reported that this is a proposal for a 40-space parking lot expansion at West Shore Middle School on Kay Avenue. The proposal is to disturb 2,141 sq. ft. of wetland for a crossing to access an upland area for parking necessitated by an expansion at the school. There is also approximately 20,285 sq. ft. of upland review area that will be disturbed for the proposed parking lot.

Bill Silver of Silver Petrucelli Associates is here this evening to present the application and answer questions.

Bill Silver of Silver Petrucelli Associates, offices in Hamden CT. His firm has represented the Aldermanic Permanent Schools Building Committee for 25 years and he believes that this is the first time he has been before the MIWA. He oriented the Agency to Sheet C-2. The alternatives to the project are in the packet submitted. The existing school occupies the upland area along Kay Ave and Nells Road. They are enlarging the gym and stage as well as a new secure entrance. They will be displacing parking due to the additions. For this proposal they will need to cross a small finger of wetlands adjacent to the Wheeler Wildlife Area. They preferred this plan because they would be putting parking next to the parking for the Jehovah Witness property on Milford Point Road. A culvert and headwall would be required to cross the wetlands and create the parking lot. There will be lights in the parking area.

Collins asked about alternate A as shown in packet. It only has 25 spaces but does not disturb any wetlands and questioned why this wasn't proposed. Silver stated that the parking needs are 41 spaces for expansion. This size lot would also address evening and assembly parking needs. He spoke to alternatives considered shown in orange overlays on sheet C-2., Alternate C requires 649 sq. ft of filling with 210 sq. ft. of wetland created, but requires wetland disturbance. Alternate D was a 22 space lot which is in the playing field and connects to Milford Point Rd. This would truncate the play area and isn't favored by the Building Committee, DPW, PD and the Mayor due to loss of functionality and impact on programming at the school. The Building Committee prefers the proposed application because parking is not in residential back yard and it allows access to upland areas on the site. The Committee felt it prudent to request the crossing at this time.

Connors stated that it appears more advantageous for parking for use, but he is not familiar with the site. Collins questioned proposing such a high impact when there is an alternative with less impact.



Silver stated that this application also addresses functionality. There are no doors close to Alternate A. The proposed lot is more convenient to doors for access and safety.

Schopick asked if it is anticipated that 41 spaces are sufficient long term or if they would need to be back to meet new additional needs. Silver stated that the committee has no intentions to make greater parking requests. The school has historically had issues with parking but has utilized street parking throughout the neighborhood. The City does not have the funding motivation or resources to add more parking. They are looking towards building renovations to enhance programming.

Flannigan asked about handicapped parking location. Silver stated that the handicapped requirements are met in the front parking area. Zetye asked where the 25 spaces were lost due to the additions. Silver stated in the highlighted areas on the plan

Magnan asked if mitigation alternatives were considered as part of the plan. Silver referred to their engineer Don Smith. He stated that Mr. Smith had minimized the piping and headwalls as much as possible. MaryRose stated that they have incorporated a swale area that will infiltrate and cool the water before it enters the wetland intermittent watercourse. Magnan asked if the roof water was considered. Silver stated that the roof water storm water enters the city system in Kay and Miller Ave. He will be meeting with the City Engineer soon about the addition storm water design.

Dunn asked for clarification on the intermittent watercourse. MaryRose referred to the Statutes and Regulations for the definition of intermittent watercourses.

Collins asked when they are proposing to start this work. Silver stated that they hope to have it before the Alderman in November. CT-DEEP Natural Diversity Database program has requested that work be done November – March so it is likely they will start in late 2017 – 2018.

Cowden asked if this is a State project will the State supersede the MIWA jurisdiction. Silver explained that there is a State Education grant number on the plans. This is not a state project it is a city project. He will be doing stormwater permitting with DEEP and he expects the construction documents won't go out until August this year, at best.

A motion was made by Connors, seconded by Munson that a site walk be scheduled for 70 Kay Avenue on Tuesday, June 7, 2016 at 4:30 p.m. The motion carried unanimously.

5. **IW-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.

MaryRose reported that this is a proposal to replace the Boardwalk at the Beaver Brook open space area in the Beaver Brook watershed. The boardwalk burned down in 2012 in a brush fire. The applicant is proposing to restore the parking area with storm water management, regrading of the trail for handicapped accessibility, reestablish the boardwalk and manage invasive species. The work includes the disturbance of 8,000 sq. ft. of wetlands and 24,385 sq. ft. of upland review area. They are proposing to enhance or create 17,100 sq. ft. of wetland area.

Mike Doherty of Milone & McBroom and Steve Johnson, the Open Space Coordinator, are here this evening to present the application to you and answer your questions.



Steve Johnson, the Open Space Coordinator reviewed the background of the parcel. It is currently privately owned with 2 conservation easements; the first easement is on 41 acres of marsh and the second is a trail easement that provides 25' around the marsh for a trail. This project is funded from a STEEP grant and CDGB grant funding. They are only proposing to work on the portion of the trail from the parking area to the end of the boardwalk. Their intent is to provide enhancements including widening the boardwalk to 8' if possible for handicapped and emergency ATV accessibility.

Mike Doherty of Milone & McBroom located at 99 Realty Drive, Cheshire CT, used an aerial graphic to orient the Commissioners to the site. There is a photo log in the wetlands report starting at the parking lot down trail to the loop trail which is compacted earth. This is steep and will be changed to a 7-7.5% slope for 200' for handicapped accessibility. A section of the existing trail on the eastern side will be utilized to the prior boardwalk, portions of which still exist.

Sheet GU-shows an enlargement of the parking lot access to trail. The plan is for the expansion of the parking lot (from 16 to 25 spaces) and lowering the lot to help with grade on handicapped access. Overflow drainage to be directed under the trail. Depressions are designed to allow area drains to pick up storm water and convey it to the flair end discharge. A decorative filter strip of river rock will be used to dissipate the sheet flow at the edge of the parking area. They will be creating a meadow look along West Avenue and the parking area, the full size and extent of which is based on funding limitations. There is an Upland Review Area impact in the parking lot improvement area – no direct wetland impact.

Sheet LA-2 is a layout plan showing the beginning of the boardwalk. They are proposing to expand the boardwalk in this area to access over a wet area. The existing boardwalk is to be removed and helical piles are to be installed from this area heading southwest. The wetland was formerly a highly diverse wetland unfortunately it has become overrun with phragmites in the last 15 years. They are proposing to do invasive control / maintenance on the phragmites to the edges of the 25' easement along the trail. The direct impact is the construction of the boardwalk itself. They are proposing a minimum width of 6' if funding allows they will make the boardwalk 8' wide. The 6' width is the minimum to allow an emergency ATV.

Collins stated that some Commissioners walked the site for the Grillo application and are familiar with the site and asked what type of machinery would be used for this project. Doherty stated that the existing path is 8-10' wide and maintained by DPW. Helical piles can be done with small a skid steerer or bobcat. The existing boardwalk posts will be cut flush and left and the old boardwalk removed. This work will be done by small skid steerers. First thing would be to have a marsh master clear the 25' swath of phragmites.

A motion was made by Connors, seconded by Munson to schedule a site walk for 553 West Avenue on June 07, 2016 at 5:15 p.m. The motion carried unanimously.

6. **IW-A-15-033: 93 Thompson Street, William C. Scholl 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 Watershed.

MaryRose reported that this is a proposal to remove the existing house at 93 Thompson Street and replace it with a flood compliant house. The current plans show wetlands on the Southern portion of the site up to and past the existing driveway. The applicant is proposing to remove the



existing driveway and plant the area with a wetland mix. The site work for the removal of the existing house and construction of the proposed house will disturb 4,821 sq.ft. of upland review area. No wetlands are proposed to be impacted for house removal or construction. There are 230 sq. ft. of wetland impacts to remove the existing driveway and replace it with a New England Wet Mix. The applicant is also proposing a split rail fence and vegetative hedge of raspberry and blueberry bushes on 3' centers along the wetland line.

Joseph Codespoti Sr. of Codespoti & Associates was in attendance to present the project and answer questions. He distributed color maps and 2 photos and oriented the Agency to sheet SP1. The wetland was lawn area at one time the house is no longer occupied and the lawn is reverting back to wetland. The lot is oversized and about half is covered by the dwelling. The area along Surf Avenue was flooded in Storm Sandy. Currently there is a driveway crossing the wetland to Surf Ave. They are proposing to remove the house and garage (which is 9' from the wetlands; proposed house will be 15' from the wetlands). The new house will have a finished floor 1' above the flood line. The new driveway will come out to Thompson Street and eliminate the wetland crossing. They are proposing to remove the driveway down 6" and then bring in 230 sq ft of wetland soils. They will then plant New England wet mix. They have proposed a fence and plantings as a barrier to the wetlands. They are proposing 23 plants and the planting list is on the plan. This barrier will act as a deterrent for the homeowners to use the wetlands. The new home at elevation 13' and will be a raised ranch with garage under. They are going to improve the residence and the site. The dwelling will be safer, out of the flood zone. With the house further from the wetlands and remove the wetland crossing, restore it and add split rail fencing and plantings as a barrier.

Schopick asked what method would be used to remove the driveway. Mr. Codespoti Sr. stated that they may use a bobcat or skid steerer to remove the driveway. In order to restore the wetland they need to see what's down 6" or so. They have proposed silt fencing around the work area to prevent disturbance of the surrounding wetland.

Collins stated that she doesn't feel that there will be a major impact on the wetlands. Cowden agreed with the planting but would prefer to see vinyl fencing. Magnan would like there to be wetland markers as well.

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

After duly considering all relevant factors, I move to approve application IW-A-16-033: 93 Thompson Street based on the plans entitled "*General Location 93 Thompson Street prepared for Ray Scholl, Milford, Connecticut*" by Codespoti & Associates, P.C, 2 sheets dated as follows SP1 -4/12/16 revised 5/2/16, SP2 – 5/2/16, 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 shall submit a construction plan *prior* to taking out the permit.
- Soil Erosion and Sedimentation controls as outlined on the plans and in the CT DEP "*2002 Erosion and Sedimentation Control Guidelines*" must be installed and maintained on the site until the property is stabilized.
- 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 bond to be calculated must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.
  - 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.
  - Fencing to be PVC and have wetland markers.
  - The permit is issued 5/18/16 expires 5/18/21 unless otherwise provided by Statute.
- The motion carried unanimously.

#### **E. Staff Report**

- MaryRose sent out an email yesterday for DEEP Legal seminar training. There are 3 dates: 6/21/16 at Session Woods in Burlington, 6/28/16 at the Kellogg Center in Derby 7/7/16 at Fort Trumbull in New London.  
This is legal update training that runs from 9 until 12:30. The presentations are by the Attorney General's office and copy pertinent cases and recent legislation impacting Inland Wetland Agencies. Please let Barbara or her know if you are interested in attending.
  - 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 ongoing
    - Edgefield Avenue sewer work will start in mid-June.
- 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, she is following up as quickly as she is able.

#### **F. Chair's Report**

- There is a site walk on 5/31/16 at 4:30 at 226 Baxter Lane.
- There is a site walk on 6/7/16 at 4:30 at 70 Kay Avenue.
- There is a site walk on 6/7/16 at 5:15 at 553 West Avenue.
- The next regular meeting will be on June 1, 2016.

There being no further business to discuss, a motion was made by Schopick, seconded by Cowden to adjourn at 9:00 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.