

**A. Roll Call**

Present: Jim Connors, Dave DeFlumeri, Carol Dunn, Lily Flannigan, Steve Munson, Daniel Schopick and Philip Zetye.

Absent: Cathy Collins, Ken Cowden and Brendan Magnan.

Also Present: MaryRose Palumbo and Lisa Streit.

DeFlumeri called the meeting to order at 7:30 p.m. and deemed Dunn the voting alternate for Magnan.

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

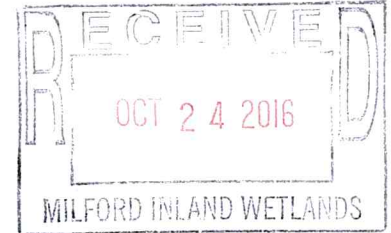
None.

**D. New Business**

1. **IW-M-11-057: 277 Wheeler's Farm Road, formally owned by Robert and Tina Santillo now owned by Josh Miller** – after the fact permitting of existing house, decks, pool, shed and pond within 150' of a wetland or watercourse in the Wepawaug River Watershed. Modification request for mitigation plan.

MaryRose reported that this is a request by the new property owner to modify the approved mitigation plan for this concrete pond area at 277 Wheelers Farm Road. She then reviewed the history of the property: In November of 2009 a violation was issued for work without a permit to the previous property owners. After a period of time, that violation was referred to the City Attorney's Office. In 2011 the Judge ordered the property owner to apply for permits to legalize the work done on the site. The application was heard in January 2012 and the Agency held a site walk and ordered that mitigation work be done by certain dates in the spring and early summer 2012. Those dates passed and in 2014 a Judge ordered that the work permitted by the Agency be completed by certain dates in 2014. Those dates passed and in 2015 the property was taken by the bank and sold. The property was then resold to Mr. Miller.

When Mr. Miller purchased the property and came in to discuss permitting in 2016 it was determined that the cement pond had been removed at some point. It is unclear when this happened and who did the work. Collins and MaryRose visited the site in August 2016 and required that erosion control measures be put in place in the area of the former pond. They instructed Mr. Miller to speak with a professional wetland scientist to determine the best method of mitigating and stabilizing the former pond area. In your mail this week was a map and a letter from William Kenney, professional wetland scientist.



Mr. Miller is seeking a modification to the 2012 MIWA approval to mitigate and stabilize the former concrete pond area. The status of the other MIWA conditions of approval are as follows:

- By 3/7/12 the Permittee must submit to the MIWA, a construction sequence and mitigation plan by a qualified Engineer and Professional Wetland Scientist for the above plans and to install a drywell for the pool discharge, rip rap to prevent erosion on the south stream bank and splash pads for PVC drainage pipe outlets. These plans will be reviewed for approval by MIWA and City staff. ***Mr. Miller has removed the pool and addressed the PVC pipe outlets (several were not connected to anything according to Mr. Miller.)***
- By 5/2/12 the Permittee must a performance and mitigation bond of \$17,322.50 in cash, money order, or certified check with the MIWA for installation and maintenance of sedimentation and erosion controls, wetland boundary markers, mitigation plantings, mitigation monitoring and the asbuilt survey. Please note reports must be received by June and November each year to be compliant with permit and for bond release. ***No bond has been posted. If the Agency approves this modification request a new bond will be calculated.***
- The permittee will need to install and maintain erosion controls and submit weekly erosion control reports to the MIWA office. ***Erosion controls have been installed, as no work is occurring in the wetland area, weekly reports will not be required until the site work at the pond begins.***
- By 7/6/12 the Permittee must submit an asbuilt A-2 survey with topography of the property showing the location of the wetland line as flagged by a Certified Soil Scientist or Professional Wetland Scientist, all site improvements including utilities and drainage, mitigation areas and wetland boundary markers. The A-2 Survey must be by a Land Surveyor Licensed in the State of CT. ***Asbuilt cannot be submitted until the site work is completed.***
- The Permittee is required to ensure that a Wetland notification be placed on the asbuilt and in the property deed to give notice to property owners that permits are required from the MIWA prior to doing work on the site. Please note a copy of the receipt for filing along with a copy of the notice must be submitted to the MIWA. ***Asbuilt cannot be submitted until the site work is completed. Property deed notice filing can happen at any time.***
- The Permittee must have wetland boundary markers installed on the site along the wetland line at 50' intervals. These markers are to be shown on the asbuilt.
- The Permittee must submit a certification by the project Engineer and the professional wetland scientist that the mitigation meets the design intent of the approval prior to the bond being released. ***This cannot be done until the work is completed.***
- The permit is issued 2/15/12 expires 2/15/17. ***This modification request includes the extension to complete the work. MaryRose would recommend a three year extension for a new expiration date of 2/15/2020. This would give Mr. Miller sufficient time to complete the mitigation work***



Connors discussed the site walk in 2012 – the location of the pond at that time. Schopick asked if MaryRose was comfortable adopting Mr. Kenney's recommendations as the agency's recommendations. MaryRose stated that she was. Munson stated that the koi pond was a major issue and this is now gone. Mr. Miller submitted pictures for the file showing the status of the site on the sale notice of January 18, 2016. He removed the pool, shed; the pond was gone when he purchased it. The deck has been jacked up, leveled and replaced/fixed. He has an Engineer reviewing the property for the final certificate of occupancy. Dunn questioned 2 water courses on site. MaryRose reviewed the drainage flow on the plans.

The following motion was made by Connors and seconded by Schopick:  
To approve the modification request for IW-A-11-057, 277 Wheelers Farms Road based on the information in the file and the plans entitled "*Property & Topographic Survey of Property Located at 277 Wheelers Farm Road, Milford, Connecticut prepared for Josh Miller*" by Rose Tiso & Co., 1 sheet dated 4/04/16, "*Proposed Wetland Restoration at 277 Wheelers Farms Road, Milford Connecticut*" by William Kenny Associates, LLC 1 sheet, dated 6/9/16 revised 9/29/16 with conditions including:

- The Permittee must post a performance and mitigation bond to be calculated in cash, money order, or certified check with the MIWA for installation and maintenance of sedimentation and erosion controls, wetland boundary markers, mitigation plantings, and three years of mitigation monitoring and the asbuilt survey. Please note reports must be received by June and November each year to be compliant with permit and for bond release.
  - The permittee will need to install and maintain erosion controls and submit weekly erosion control reports to the MIWA office.
  - The Permittee must submit an asbuilt A-2 survey with topography of the property showing the location of the wetland line as flagged by a Certified Soil Scientist or Professional Wetland Scientist, all site improvements including utilities and drainage, mitigation areas and wetland boundary markers. The A-2 Survey must be by a Land Surveyor Licensed in the State of CT.
  - The Permittee is required to ensure that a Wetland notification be placed on the asbuilt and in the property deed to give notice to property owners that permits are required from the MIWA prior to doing work on the site. Please note a copy of the receipt for filing along with a copy of the notice must be submitted to the MIWA.
  - The Permittee must have wetland boundary markers installed on the site along the wetland line at 50' intervals. These markers are to be shown on the asbuilt.
  - The Permittee must submit a certification by the project Engineer and the professional wetland scientist that the mitigation meets the design intent of the approval prior to the bond being released.
  - The modification to permit is issued 2/15/12 expires 2/15/2020.
- The motion carried unanimously.

2. **IW-A-16-070: 24 Maddox Avenue, Black Labs LLC** – proposed single family home with construction, grading and filling in and within 100' of wetlands in the South Central Shoreline Watershed.

MaryRose reported that this item is on the agenda for the first time and can be heard at the next regular meeting.

3. **MIWA 2017 Meeting Calendar**

The calendar was reviewed (meetings are held on the 1<sup>st</sup> and 3<sup>rd</sup> Wednesday's of the month at 7:30 p.m.) and a motion was made by Connors, seconded by Schopick to accept the meeting calendar as presented. The motion carried unanimously.

#### **E. Old Business**

1. **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 a permit.

MaryRose reported that yesterday, October 18<sup>th</sup>, she met on site with John Gaucher from CT-DEEP-OLIS, the City Engineer and the Zoning Officer to view the site at high tide. DEEP will analyze their data and we hope to have options for bringing the site into compliance within the next month. No action taken.

#### **F. Minutes**

A motion was made by Connors, seconded by Schopick to accept the minutes of the 9/21/16 meeting as presented. The motion carried with Munson abstaining.

#### **G. Staff Report**

The Habitat publication was in your mail the August meeting, there is the sign-up sheet for the annual CACIWC meeting on November 12<sup>th</sup>. This is a good training opportunity for both new and experienced Commissioners.

##### **Site Status:**

- Indian River Interceptor –work is complete on New Haven Av and Old Gate Lane. Work to close the waste storage area is ongoing and should be complete next week.
- 1595 Boston Post Rd project is nearly complete.
- 86 Old Field Lane is completed – waiting on asbuilt there had been an issue with fence placement.
- 220 Rock Lane is completed waiting on a survey.
- 605 Orange Ave is ongoing.
- 33 Schoolhouse Rd started clearing last week.

Please let the office know if you are unable to attend a meeting.

**H. Chair's Report**

DeFlumeri reported that he and Dunn went to the Parliamentary Training Course; it was very informative and covered a lot. He was surprised by the lack of attendance; there was to be 30-35 people and only 15 were in attendance. Zetye asked for the information to be forwarded.

The next regular meeting will be on 11/02/16.

There being no further business to discuss, a motion to adjourn at 8:00 p.m. was made by Connors and seconded by Schopick. The motion carried unanimously.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.