

**A. Roll Call**

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

Absent: Ken Cowden and Steve Munson.

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

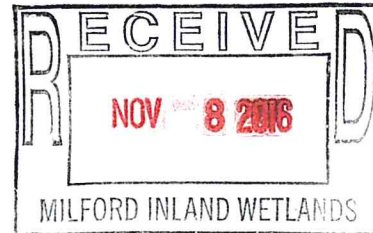
Collins called the meeting to order at 7:30 p.m. and deemed Dunn the voting alternate.

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.



**D. New Business**

- 1. IW-JR-16-072 Sailors Lane, Sailor's Lane Pump Station, City of Milford –**  
elevation of below ground generator to above ground elevated pad with work within 100' of a wetland or watercourse in the Housatonic River Watershed.

Collins recused herself from participating in this application as she lives in the neighborhood. She then left the meeting room and Magnan continued the meeting.

MaryRose reported that this is a request by the City of Milford to elevate an existing below grade generator above the flood elevation at the Sailor's Lane pump station. This project would be grant funded and is part of resiliency efforts the City is doing to protect services and infrastructure from natural hazards. Currently the generator for this small pump station is below grade. A portion of the property where the station is located is in a flood zone. This proposal is to bring the generator out of the ground and place it on a concrete pad that is elevated above the flood zone as shown on the plans. The generator is for use when the power goes down at the pump station to keep the sewage flowing to the Beaver Brook Wastewater Treatment Plant. The elevated pump location is 25' from the wetlands line and would involve digging for a footing for the platform and then building the platform, installing the generator and wiring. She does not believe that this work will negatively impact the wetlands down gradient from this site. There are photo sheets going around, photos were taken today.

DeFlumeri questioned if there would be more plantings. MaryRose stated that the back is open to the marsh and the existing vegetation is to remain; if it is impacted they will be replaced.

The following motion was made by Connors, seconded by Schopick:  
That the Designated Agent issue a Jurisdictional Ruling for pre-application IW-JR-16-72, Sailor's Lane pump station based on the information in the file and the plans entitled "*Map of Proposed generator Alt 1) Support of Existing Sewer Pump Station*

*located on the undeveloped extension of Sailors Lane, Milford, Connecticut*” by Milford, CT Engineering Bureau, 1 sheet dated 8/8/15 /16 with conditions including:

- The permittee will need to install and maintain erosion controls and submit weekly erosion control reports to the MIWA office.
- 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
- The permit is issued 11/02/16 expires 11/02/21 unless otherwise provides by statute.

The motion carried unanimously.

Collins resumed Chairing the meeting.

#### **D. Old Business**

- 1. Violation 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 no new information has been received; no action taken.

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- 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 is a proposal by Black Labs LLC for a single family home at 24 Maddox Avenue in Milford. The home on the site was damaged in Sandy and removed. Mr. Attolino purchased the site to build a single family home. The site is above elevation 2.9’ so jurisdiction fell from DEEP-OLIS to the MIWA. She asked Mr. Attolino to have a Soil Scientist review the property. Otto Theall of Soil and Wetland Science visited the site and submitted his report you received in the mail last week. A review of the old aerial photos for this site show a structure on it in 1934 when a portion of Great Creek ran behind the site. Currently there are houses on three sides of the lot; the fourth side is Maddox Avenue. Mr. Attolino is here this evening with Otto Theall. There are photo sheets going around, photos were taken today.

Otto Theall, Soil Scientist and Professional Wetland Scientist with Soil & Wetland Science, stated that he has been a Soil Scientist for 27 years. He visited site on 10/11 and went back with a backhoe on 10/14/16. The elevation on the site varies from 3.8’ to 3.6’. There are variations in the fill material with an average depth of 1.5’. The test hole to the rear of the site had 3 distinct alluvial layers from 3 distinct flood events and then below that a layer of peat. He feels that the peat was compressed by these layers. There was a small amount of water perched above the peat layer and under the peat there was no water. Rainwater is percolating into the ground very slowly. You have a tidal wetland with alluvial soil that had tidal action and now doesn’t. He was out there in October in a drought; he did not see any wetland



plants on the property but there are some off the rear of the site. There is bamboo in the rear of the site in the area the City Engineer has required a rain garden. Theall proposes to remove the bamboo and construct the rain garden adding pepper bush or bayberry; plants that can tolerate the salinity in the area. That is their proposal. He is not proposing to have the rain garden take up the entire rear yard. Theall stated that in his professional opinion the wetland created with the rain garden would be a better quality wetland than we have on the site now.

MaryRose described the photo sheet that was viewed by the Commissioners. Collins asked about the surrounding houses. MaryRose reviewed the drainage flow to the rain garden and catch basin on the plan.

Jeff Attolino, 5 Mill Pond Close, stated that the house was recently removed. He is not sure if the house to the right was raised; the house to the left is still boarded up. Theall stated that the ponding is basically where the former house was. There was a rain event of over one inch on Sunday (10/30) and the peat is impeding the water from percolating through.

Flannigan asked how thick the proposed slab would be. Attolino stated that it is proposed at 4 – 4.5". Magnan asked if they are planning on removing the bamboo. Attolino stated that he is. DeFlumeri questioned where the water would go in the event of a heavy rain. Connors pointed out the catch basin in the street as shown in the photos. Theall stated that some will flow overland to the creek in the rear and that appears to be representative of the neighborhood. MaryRose stated that roof drainage to a rain garden is per the CT State Stormwater regulations.

Theall stated that peat starts 45" below the surface in some areas and goes to 87" in some spots; so water will percolate very slowly and run off based on the pitch/elevations. Flannigan asked if there were any problems with the wetlands between removing the existing house and building the proposed house and if there were any neighbor complaints. Attolino stated that he was not aware of any problems; he purchased the property 3 months ago. A variance was granted for a 40' house; so the new house will be 10-15' bigger. Flannigan asked if both houses were on slabs. Attolino stated that they are and that there was no roof drainage prior. Flannigan clarified that this would be an improvement with the rain garden and drainage. Attolino agreed and stated that this is not a high quality wetland; he doesn't see any value other than drainage. Collins clarified that the entire lot is surrounded by homes and a huge portion of the street was wiped out from Storm Sandy. Collins read a line from Theall's report that it was his professional opinion that this is the best use of the site. Flannigan asked if they were elevating the house. Attolino stated that they are; it will still be a slab and then raised. Magnan asked if it was MaryRose's opinion that this would be a net improvement. She stated that it was.

The following motion was made by Connors and seconded by Schopick:  
After duly considering all relevant factors, I move to approve application IW-A-16-070: 24 Maddox Ave based on the plans entitled "*Boundary and Topographic Survey, 24 Maddox Avenue, Milford, CT 06460 prepared for J.P.A. Enterprises LLC*"

by Paul J. Stowell Land Surveying, 1 sheet dated 8/22/16, the information in the file and presented this evening with conditions including:

- The Permittee must submit a construction plan *prior* to taking out the permit including the rain garden design, layout and plant list.
- 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 of \$5,590 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 including the rain garden.
- 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.
- The permit is issued 11/2/16 expires 11/2/21 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

#### **F. Minutes**

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A motion was made by Connors, seconded by DeFlumeri to accept the minutes of the 10/19/16 meeting as presented. The motion carried with Collins and Magnan abstaining.

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

The annual CACIWC meeting is on November 12<sup>th</sup>. This is a good training opportunity for both new and experienced Commissioners.

##### Site Status:

- Indian River Interceptor – work to close the waste storage area is ongoing and should be completed next week.
- 1595 Boston Post Rd project has been completed – waiting on asbuilt.
- 86 Old Field Lane is completed – waiting on asbuilt. There had been an issue with fence placement. The fence is off of the easement line as it curves to the north side of the property. Photos of the fence were viewed. After some discussion, the consensus was to waive the IWA requirement of the fence being on the easement line as it would do more damage to move it.
- 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**

Collins encouraged commissioners to attend the CACIWC meeting as it covers a lot of information and is good training.

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

There being no further business to discuss, a motion to adjourn at 8:20 p.m. was made by Connors and seconded by DeFlumeri. The motion carried unanimously.

Respectfully submitted,

Lisa Streit

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These minutes have not been accepted or approved.