

Regular Meeting of the Inland Wetlands Agency on December 07, 2016.

**A. Roll Call**

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

Absent: Jim Connors and Dave DeFlumeri.

Also Present: MaryRose Palumbo and Lisa Streit.

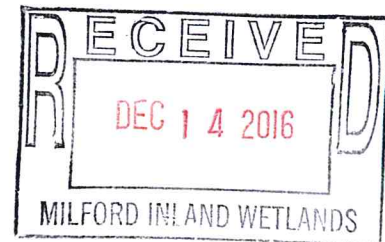
Collins called the meeting to order at 7:30 p.m. and deemed Dunn the voting alternate and Schopick the Acting Parliamentarian.

**B. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.



**D. New Business**

1. **IW-A-16-075: 119 Herbert Street, Winston Cordova** – install new septic system, repair front yard deck and steps and rear yard steps with work in and within 100' of a wetland or watercourse in the Housatonic River Watershed.

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

2. **IW-PA-16-076: 57 New Haven Avenue, City of Milford** – removal of material, stumps and debris from deteriorated slope and installation of footing and retaining wall above the CJL to stabilize pedestrian walkway/driveway area with work within 100' of a wetland or watercourse in the Wepawaug River Watershed.

MaryRose reported that this is a request for a Non Regulated Use Permitted as of Right under Section 4.2 by the City of Milford to stabilize a slope where the Wepawaug River enters the head of the harbor. The lower portion of the slope is rock and bedrock, above which there is open soil and old fill (broken concrete etc) under tree roots that are exposed. There have been issues with a tree falling onto the SBC building and limbs falling into the watercourse. The majority of the trees in this area are Ailanthus which is a non-native tree and considered invasive. The Northern portion of the area has a shot-crete wall for stabilization. They are proposing to install a footing and wall approximately 183' long from the existing wall to the footbridge; the height of the wall will vary with the grade. The footing will be located above the coastal

jurisdiction line (CJL) leaving the regulation of the work to the MIWA for work within 150' of a watercourse.

The procedure for the proposed work is to dig a trench in the existing driveway adjacent to the watercourse and the Fowler Building. Pull the fill, stumps and material into the trench away from the watercourse and dispose of appropriately. Once the area is clear, a footing and wall will be designed and built. The wall will then be backfilled and stabilized with vegetation. Because it is unclear what is in the fill and the depth to bedrock over the length of the wall, the final engineering cannot be done until the fill is removed.

This is being proposed under Section 4.2 which states:

**4.2 Nonregulated Uses Permitted as of Right**

*The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:*

- a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife, and silviculture management practices.*
- b. Outdoor recreation including the use of play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin and scuba diving, camping, boating, water skiing, trapping, hunting, fishing and shell fishing and cross-country skiing where otherwise legally permitted and regulated.*

The proposal being reviewed is for the wall work only. The Founders Walk Park will be coming in for work within 150' with a separate application.

Ray Macaluso, Westcott and Mapes, is representing the City of Milford. He oriented the site with the plans and stated that there is a State DEP grant to build this walkway; to make it handicapped accessible and pedestrian friendly. They developed the walkway and found quite a bit of erosion in the embankment. He spoke to Susan Jacobson of DEEP OLISP and they recommended gabions in the embankment. Jeff Ceola is now the contact person in the DEEP and he said that this work could not be done under the Certificate of Permission; there has to be a full permit. Three weeks ago they met with them again (there has been a big reorganization in the DEEP) and the only way to stay out of DEEP jurisdiction is with the proposed plan which is excavation and design build instead of the gabion.

They are looking for approval to excavate and build the wall and stay out of the DEEP jurisdiction. Erosion and sedimentation controls will be very difficult but Westcott and Mapes will be onsite to ensure that the material is all pulled out and disposed of appropriately.



Collins stated that the concern is with erosion control. Macaluso stated that it is such a steep slope that it has to just be done on site. Collins asked what protection there would be if it rains. MaryRose stated that there is no place to tie in erosion controls due to the rock and suggested putting mats or blankets over it for precaution of a storm. Macaluso stated that they could do little sections at a time. The wall will be poured concrete and will be aesthetically pleasing. Once it is clear; it can be stabilized. It has to be a design build.

Flannigan questioned if the embankment is mostly stone. Macaluso stated that it is and is eroding. It is broken up and going into the Wepawaug. They will be working from the top and moving back and using machines. They will keep the rock the way it is. The foundation is below grade. They will put in the footing and then the wall; they are not sure what size until they get in there. The footing will vary; that's why it is a design build. The footings will vary but the wall will be the same. They will be tying into the existing wall.

Cowden asked if the City has the equipment to do this work. Macaluso stated that they do and the new Assistant Director of Public Works has a construction background. Macaluso stated that either his staff or MaryRose would be on site.

Magnan asked if trees would be removed. Macaluso stated that they already are; the Tree Warden deemed it necessary to remove them.

Munson asked what would happen if this work was not done. Macaluso stated that there would be more storms and more erosion and it would go into the Wepawaug.

Macaluso stated that the grant is for beautification; this is why the City is doing the wall. Magnan asked if this would be a net improvement. Macaluso stated that it absolutely would be. Macaluso agreed that someone from his office would be on site for this work.

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

That pre-application IW-PA-16-076: 57 New Haven Avenue is a Non-Regulated Use Permitted as of Right per Section 4.2 of the MIWA regulations and therefore no permit is required. *Please note that approval under this section requires that the applicant does not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse.*

The motion carried unanimously.

3. **IW-PA-16-077: 138 Shadyside Lane, Menunkatuck Audubon Society** – replace deteriorated osprey platform with work in and within 100' of a wetland or watercourse in the Indian River Watershed.

Dunn recused herself from discussion/acting on this application and left the room.

MaryRose reported that this is a proposal by the Menunkatuck Audubon Society for a Non Regulated Use Permitted as of Right under Section 4.2 to replace a decaying Osprey Platform known as Gulf Pond #2 located on the Gulf Pond Pump Station property at 138 Shadyside Lane. Milford Resident Mark Paine was working with the Menunkatuck group in West Haven to put Osprey platforms in the Oyster River marsh and noted that Gulf Pond #2 was leaning and needed repair. Upon closer inspection it was determined that the pole has deteriorated and is in danger of falling into Gulf Pond. The work would occur in the winter and the old pole would be removed from the marsh.

Photos and topography maps of the site were reviewed. This project is being proposed under Section 4.2 Non Regulated Uses Permitted as of Right. MaryRose reported that they have a DEP permit and have a plan to start the project in January and stated that she sees no negatives to this.

The following motion was made by Munson and seconded by Schopick:  
That pre-application IW-A-16-077, 138 Shadyside Lane is a Non-Regulated Use Permitted as of Right per Section 4.2 of the MIWA regulations and therefore no permit is required. *Please note that approval under this section requires that the applicant does not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse.*  
The motion carried unanimously.

#### **E. 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 permit.

MaryRose reported that no new information has been received; awaiting input from OLIS.

#### **F. Minutes**

A motion was made by Magnan, seconded by Schopick to accept the minutes from the 11/02/16 meeting as presented. The motion carried unanimously.

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

**MIWA calendar for 2017** – MaryRose scheduled the January meeting for the 1<sup>st</sup> Wednesday 1/4/2017 without realizing that the Board of Alderman will not meet until 1/9/2017. There are 4 Commissioners up for reappointment with one vacancy. She spoke with the City Attorney's office and they said that the Commissioner's terms run until they are refilled and suggested waiting to hold elections until the 2<sup>nd</sup> meeting.

## Site Status:

Indian River Interceptor –Work to close the waste storage area is nearly complete.

1595 Boston Post Rd project is complete waiting on asbuilt.

220 Rock Lane is completed waiting on an asbuilt survey

605 Orange Ave is ongoing.

33 Schoolhouse Rd is ongoing.

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

**H. Chair's Report**

Collins announced that her term is up in December and she is not seeking reappointment due to her new employment.

The next regular meeting will be on 12/21/16.

There being no further business to discuss, a motion to adjourn at 8:10 p.m. was made by Schopick and seconded by Munson. The motion carried unanimously.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.