

Minutes of the Regular Meeting of the Inland Wetlands Agency on April 02, 2014.

A. Roll Call

Present: Cathy Collins, Ken Cowden, Dave DeFlumeri, Carol Dunn, Lily Flannigan, Richard Lutz, Brendan Magnan and Steve Munson.

Absent: Allen Cegan, Jim Connors and Justin Margeson.

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

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

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.



D. New Business

1. **IW-A-14-015: 395 & 0 Burnt Plains Road, City of Milford** – proposed drainage improvements with work within 100' of a wetland or watercourse in the Indian River Watershed.

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

E. Old Business

A motion was made by Magnan, seconded by Munson to reorder the agenda to hear item E. 5. IW-A-14-012 1718 Boston Post Road next. The motion carried unanimously.

5. **IW-A-14-012: 1718 Boston Post Road, Costco Wholesale** – proposed removal of 2-36" pipes replacing with a 4' x 6' wide box culvert with work in and within 100' of a watercourse in the Indian river Watershed.

MaryRose reported that this is a proposal by Costco to upgrade the drainage system on a portion of their property at 1718 Boston Post Road. As a result of a Court Settlement Costco is proposing to enlarge the drainage culvert as shown on the plans.

This stream enters the area from Orange runs behind and partially under the building on the adjacent property; through 2-36" pipes into a detention area and then runs out through the Lazy-Boy property at 1750 Boston Post Road. The applicant's engineer is proposing the 4'X 6' box culvert to replace the twin 36" pipes to maintain flow in this

area. Due to the replacement of the pipes there will be work in and immediately adjacent to this watercourse area to remove the pipes and set the box culverts. They are proposing to stabilize the area after the culverts are placed. Ray Walker of Maser Consulting is here this evening to answer questions.

Ray Walker 311 Newman Springs Road, Redbank, NJ, referred to the Alta Survey. The Stream comes behind Block 804/lot16. It is in twin 54" reinforced concrete pipes (RCP) then daylights into an open stream channel then it enters two more 54" RCPs then it extends under the building and alongside the building. There is a drop box; it goes into the drop box and leaves the box through 2-36" RCPs then goes through an open channel again on the Costco property and it exits Costco through 2-flared end 36" RCP. The building has been experiencing flooding and there has been a lawsuit against Costco by the building owner. To resolve that lawsuit they are proposing to take the area where the 2 -54" pipes enter the drop box and the 2-36" and replace it with a 4' X 6' open box culvert. It will then enter the channel and then exit through the 2-36" flare end RCP. They can't do anything with the 2-36" flared end pipes they are not on Costco's property and are on DOT property. The only thing they can do to relieve the flooding on their property is remove the 36" pipes and replace them with the open box culvert. They are going to impact 194 sq. ft to set the box culvert. They will be using silt socks across the stream for sediment control. The main feature is the stream itself. There is a dry swale but it does not meet the wetland criteria.

Collins stated that she is concerned that this will create another problem downstream. Walker stated that they have not done a hydraulic analysis. MaryRose stated that the DOT has had various plans for this area, but no timeline. Walker stated that this plan would resolve their lawsuit; Costco is being sued by Jennifer Convertibles. Lutz asked if this could flood the Post Road. Walker stated that the flow is towards the Post Road now and just impacts the building. It is an open channel now, no wetland. Collins asked Walker his area of expertise. Walker stated that he is a Wetland Ecologist. Magnan asked if there has been an analysis on the swale and wetlands. Walker stated that there is not; it will function as a flood plain would function. On the plans they have wetlands labeled but it is a regulated water with no vegetation. It will function as a flood plain. MaryRose stated that sheet 1 of 1 shows overflow breaches and then east of the property a breach towards the Post Road. MaryRose asked if the DOT looked at this. Walker stated that he did not know. Cowden stated that he is concerned with the elevations and a rain event. Lutz stated that it settles the litigation but may effect other property and is concerned if the IWA would be liable and suggested the City Attorney and the City Engineer look at the plans. Collins asked what storm event the flood elevation is designed for. Magnan would like to see alternatives considered.

The following motion was made by Magnan, seconded by Munson:
That additional information be submitted for review:

- An engineering report on the design storm;
- The City Engineers review of the engineering report;
- CT-DOT review of the proposal;
- Review by the City Attorney's office;

- Information on alternative plans considered specifically around the swale.

The motion carried unanimously.

1. **IW-V-11-049: 945 North Street, Barretta Realty Associates, LLC** – storage of wood, material and debris within 150' of a wetland or watercourse in the Wepawaug River Watershed without a permit.

MaryRose reported that there is no new information. No action taken.

2. **IW-V-13-022: 37 Lakeside Road, Brad Frederick and Britnei Artz** – clear cutting trees and stockpiling material without a permit within 100' of a wetland and watercourse in the South Central Shoreline Watershed. Information to be submitted by 4/15/14.

MaryRose reported that at the 2/19/14 meeting the Agency required the Fredericks to:

- Submit a revised planting plan with input from the MIWA office and Southwest Conservation District office to be submitted by 4/15/14.
- Conditional on approval of that planting plan, the plantings and erosion controls must installed by 5/15/14.

MaryRose spoke with Roman Mrozinski of the Conservation District; he said he had suggested that Mrs. Frederick contact the Master Gardner at the Conservation District for planting suggestions. Mrs. Frederick has contacted the Master Gardner. She was unable to walk the site with Mrs. Frederick due to conflicts. She walked the site yesterday (3/18/14) and sent information off to SWCD today. There is an area approximately 50 X 25 that no longer has canopy due to the clearing work.

The SWCD Master Gardner has sent a list of potential plants and sources for the plants to the Frederick's. We will hear the Fredericks at our next meeting.

3. **IW-V-13-063: 30 Cedar Hill Road, Nancy Smith** – removal and deposition of silt and material from a pond and intermittent watercourse with work in and within 100' of a wetland or watercourse in the Indian River Watershed without a permit. Work to be completed by 5/7/14.

Work to be completed by 5/7/14; no action taken.

4. **IW-M-12-080: 400 Burnt Plains Road, Baybrook Remodelers, Inc.** – modification request for wall and grading for an approved 1590 sq. ft. structure with construction, grading and work within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this is a request for modification to the existing permit for the Youth Center building of Grace Baptist Church at 400 Burnt Plains Road. Baybrook Remodelers has submitted a modification request to allow a wall within

5' and grading within 7' of the wetlands to accommodate additional doors and a shortened stairwell. Baybrook Remodelers has already made the changes to the doors and stairs and is now looking to get IWA approval to add the wall and complete changes in grading.

At the last meeting the Agency required a site walk. The Agency visited the site on 3/25/14. Lutz visited the site on 3/30/14. At the site walk MaryRose asked that the Commissioners get any questions they may have for the applicant to her, several Commissioners had the following questions and concerns (Pictures from the site walk were distributed)

Why was the work done prior to getting IWA approval?

Why has the applicant not adhered to the conditions of their existing IWA permit?

Rain Gardens:

- Has the engineer determined if the rain garden 'B' may/may not undermine the retaining wall in that area? *This wasn't checked*
- Is the engineer concerned with the rain garden being located over the gas line? *This wasn't checked*
- Commissioner is concerned with the location of the 'A' rain garden could it be moved $\pm 20'$ to the West to the edge of the walking path to take it out of the area for snow plowing/piling snow? *Proposal elongating the basin and it was sized by an engineer*
- Were perc tests performed to determine if the rain gardens will function where they are proposed? *No only existing rain garden C was tested*

Side Doors:

- Can the deck for the second floor exit stairs be made larger or moved to the East to allow the sidewalk for the first floor door to go under it along the side of the building? *It seems to create more problems than it would fix. There could be a path that is along elevation 122'*
- Please provide a grading plan for the path to the lower and upper doors showing location and type of sidewalk/path (pervious path preferred) as well as elevations. *Shown on plan submitted it will still have to move back to the retaining wall*
- Is there a cross section that shows the amount of fill for the stairs from the 2nd floor? *Scott came up with 2 yards of fill some taken from rain garden and will bring some fill in don't know what type of fill will be brought in*
- Is there supposed to be handicapped access from the building? Will additional ramps for access be required? *No ramps are required.*

Misc:

- Several Commissioners stated that they felt the existing approval was the most feasible and prudent alternative, what protections or assurances are there that this modification will not cause more impacts to the wetland area?
- The existing approval required the debris to be removed from the East side of the wetland behind the parish house. It appears that there has been additional

dumping since that approval instead of debris being removed. Will the property owner and applicant be abiding by these conditions in the original approval?

Scott did not notice that all that debris was there and felt there isn't much more than was there in the past (chair disagreed) he will speak to pastor tomorrow

- The original approval brought the shed and stone dust seating area to the West of the house which were done without permit into compliance. On the site walk it was noted that materials are being stored there under tarps. This area was applied for as a fire pit and gathering place; if various materials are to be regularly stored here additional permitting is required or the materials must be moved. *Scott will speak to the pastor*
- It was noted that there are no erosion controls on the edge of the parking lot temporary storage area. There is dirt and debris in this area that could sheet flow into the wetland adjacent to the parking lot. Erosion controls are required when can the Agency expect them to be installed? *Scott will install S&E*
- Due to the overworking of the MIWA permit additional wetland areas have been disturbed. Commissioners asked that the mitigation bond and monitoring be expanded to include these additional areas and to ensure that they are stabilized prior to release of any bonds.

Collins stated that there was a lot of work done outside of the permit approval. Clearly there is a slope on the side by the lower access and there is no clear exit for the emergency door. Farquharson stated that the Engineer didn't look at the plan to see what the proposal was. The engineer assumed that the plan was to build a retaining wall all the way up to the deck; disregard this proposal. Farquharson stated that the plan is the same building with no real changes. The exit and change in the rise of the stairs are required by the state. He is bringing the grade along the building down gradually. Rain Garden A modifications were made to elongate it, to stay away from the fencing and driveway. Lutz stated that when he went to the site there was a significant amount of standing water and asked if Rain Garden A would be able to handle it. He looked in the building and saw a lot of water in the basement. He questioned if Rain Garden B would contribute to the water in the basement. Farquharson stated that he will have the Engineer look at that but the Pastor is not interested in installing infiltrators. DeFlumeri stated that leaf guards are to be on the gutters and they are not in the back of the building. Farquharson stated that he will confirm that there is. Collins stated that pictures show that they are not there. Farquharson stated that they would like to put up the retaining wall. MaryRose stated that there is no permit for the work that has already been done, they are currently in violation and no further work can be done. Collins stated that the IWA would like all of the information at one time to be able to make a determination.

Cowden stated that there is a split rail fence on the plans; haybales and silt fence on site that measured 24' on site and 36" are shown on the plans. If there is to be a split rail fence and then plants 24" – 36" in diameter when they grow is a concern. He is also concerned with a large volume of youth. Farquharson stated that there would be 15-20 youth. Cowden asked what the capacity was. Farquharson stated 140 for the upper level and 73 for the lower level. Cowden stated that he is

concerned with shoveling and snow and would like a material that will not go into the wetlands. Lutz shared these concerns and suggested extending the landing forward, away from the wetlands. Farquharson stated that he would look into that. Cowden stated that he would not have approved this if this was in the original plan.

MaryRose stated that Farquharson should have come to the IWA once he found out that the door was required and there would have been options. Doing the work makes the permit invalid. She will forward all of the IWA's concerns to Farquharson. No action taken.

F. Minutes

A motion was made by DeFlumeri, seconded by Dunn to accept the minutes of the 3/19/14 meeting as presented. The motion carried unanimously.

G. Staff Report

- Grove St Pump station and sewer project final paving and planting will be in the spring.
- Indian River Interceptor is on hold
- Sanitary Sewer Infill's No. 1 final paving will be in the spring.
- Cascade Blvd- Garden homes is ongoing,
- Way Street is ongoing.
- Girl Scout Pool is ongoing.
- Westmoor Road will be starting soon.
- Please call or email the office if you are unable to attend a meeting.

H. Chairwomen's Report

The next regular meeting will be on 4/16/14.

There being no further business to discuss, the meeting adjourned at 8:40 p.m.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.