

Regular Meeting of the Inland Wetlands Agency on December 21, 2016.

A. Roll Call

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

Also Present: MaryRose Palumbo and Lisa Streit.

Collins called the meeting to order at 7:30 p.m.



B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.

D. New Business

1. **IW-PA-16-078: 240 Pond Point Avenue, David & Sonia Ruocco** – proposal to remove hazard trees and stumps, fallen limbs and invasive plants, filling in holes and replanting to stabilize rear yard with work within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a request by the Ruocco's of 240 Pond Point Av for a Use Permitted as of Right to maintain their rear yard. The Ruocco's property is approximately 555' deep, the first 175' is front yard, house and rear yard. The remaining approximately 380' is wooded. One of their trees recently fell onto a neighbor's lot, leaving a large hole from the stump. In addition a number of limbs etc have fallen. They would like to remove any unsafe limbs/ trees and then fill, loam and seed the holes from the stumps to stabilize the site. In 2012 the Southwest Conservation District (SWCD) assisted in determining that the wetland line was approximately 25-30' behind the fence. The entire area was not flagged and the line was not surveyed. The Ruocco's are requesting this under section 4.1d Use Permitted as of Right.

SECTION 4 PERMITTED USES AS OF RIGHT & NONREGULATED USES

4.1 Operations and Uses Permitted as of Right

d. Uses incidental to the enjoyment or maintenance of residential property. Such incidental use shall include maintenance of existing structures and landscaping, but shall not include removal or deposition of substantial amounts of material from or onto a wetland or watercourse, or a diversion or alteration of a watercourse. For the purposes of this section, residential property is defined as such property, containing a residence, that is equal to

or smaller than the largest minimum residential lot site permitted in the City of Milford.

MaryRose reviewed the area from the City's GPS map. She has seen the property and was there when the property was flagged in 2012 and feels that this is reasonable. A few years ago a tree fell onto a neighbors shed.

Munson questioned what made the tree fall. MaryRose stated that she was not sure, possibly wind/storm. The applicant would like to remove this tree and one other in the northeast area of the site as well as fallen limbs and to clean up the area.

The following motion was made by Connors, seconded by DeFlumeri:
That Pre-Application IW-PA-16-078: 240 Pond Point Avenue is a Use Permitted as of Right per Section 4.1d of the MIWA regulations and therefore no permit is required.
Please note that approval under this section requires that the applicant shall not include removal or deposition of substantial amounts of material from or onto a wetland or watercourse, or a diversion or alteration of a 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 OLISP. She will touch base with them in January.

- 2. 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 is an application by Winston Cordova for renovations to a house within 100' of a wetland and watercourse. Mr. Cordova has been updating the interior of the house at 119 Herbert St. It is an old mill house with an existing cesspool. Mr. Cordova is proposing to put a new septic system in on the north portion of the lot \pm 50' from the wetland flagging. As you can see on the plans the lot has wetlands and watercourses along both the northern, western and southern property lines. Originally the new septic system was proposed on the south side of the house adjacent to Turkey Hill Brook. After review with both the Milford and State Health Departments it is being proposed on the northern portion of the site. In addition to the septic system Mr. Cordova is proposing to add decks and stairs for access to both the front and rear of the home. Don Fortunato of Soil & Environmental Services flagged the wetlands and Gary Winalski is the project engineer.

Don Fortunado, professional soil scientist with Soil and Environmental Services, Inc of East Lyme. He has been a soil scientist for 41 years. They marked out the wetlands in September of 2016. The wetlands in question are on the southern portion of the site. There was a question on a few of the test pits dug for a new septic system. On the south side deep test pit #2 there appeared to be some mottling. They went out again in December to clarify the wetland line for the Compliance Officer. They were on the site just after 2" of rain. He oriented the Commission to where he had sketched the Health Department test pit locations on the plan and explained his report issued 12/5/16. Mr. Fortunado discussed the likely evolution of the soils and fill on the site. He described the soils as 36" good, then wet, then muck. He feels that it is either fill or a Hinkly and Agawam soils.

MaryRose stated that this was a Mill House at one point and suggested some plantings to help hold the slope. There is no front door to the house now; entrance is through the garage and the rear is mossy stone. This plan would allow access. She proceeded to review the area and photos she had taken on her phone.

Munson questioned the distance from the closest point to the wetlands. MaryRose reviewed that the pump station is 78' from flag #105 and the leeching fields are 60' from elevation 102 on the right side of the lot. She stated that this is the only location for a septic system on the lot.

Flannigan questioned, in terms of wetlands, this is a better location. MaryRose confirmed this.

Magnan asked if this work would have any effect on the wetlands. MaryRose stated that it will require S & E measures; silt fencing, anti track pad and to back the silt fence up with hay.

Cowden stated that he would feel more comfortable with someone monitoring this. Mr. Sixto Cordova reviewed on the plan where machined entered the property for test pits to the left of the garage.

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

After duly considering all relevant factors, I move to approve application IW-A-16-075: 119 Herbert Street, Map 118 Block 910, Parcel 2 based on the plans entitled "*Site Plan, proposed Engineered Septic System Repair Design Wilson Cordova, 119 Herbert Street, Milford, CT*" by Gary Winalski, P.E. and Anthony Hendriks, Land Surveyor, 2 sheets dated 10/28/16 revised 12/1/16, 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.

- A feasible and prudent alternative does not exist because of the slope of the property and locations of the brooks.

With conditions including:

- The Permittee must 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 of \$5,585.00 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.
- Plantings on 5’ centers along the disturbance limit to provide stabilization and minor shading.
- Additional erosion controls by the northwest wetland and watercourse and all silt fencing erosion controls to be backed by haybales
- Monitoring of erosion controls weekly and after significant precipitation events until the site is stabilized.
- The permit is issued 12/21/16 expires 12/21/21 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

F. Minutes

A motion was made by Connors, seconded by DeFlumeri to accept the minutes from the 12/07/16 meeting as presented. The motion carried unanimously.

G. Staff Report

MIWA calendar for 2017 – As discussed at the last meeting due to the MIWA first meeting in January (1/4/2017) being before the Board of Alderman (1/9/2017). We will hold the organizational meeting our second meeting on 1/18/2017 because we have 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 they suggested waiting to hold elections until the 2nd meeting (1/18/2017).

Site Status:

- Indian River Interceptor –Work to close the waste storage area is nearly complete, some stabilization and erosion control repairs remain outstanding.
- 1595 Boston Post Rd project is complete waiting on asbuilt.
- 220 Rock Lane is completed waiting on an asbuilt.
- 605 Orange Ave is ongoing.
- 33 Schoolhouse Rd is ongoing.

- Founders Walk project has begun.

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

H. Chair's Report

Collins thanked everyone for the opportunity and their years of service.

The next regular meeting will be on 01/04/17.

There being no further business to discuss, a motion to adjourn at 8:25 p.m. was made by Connors and seconded by Munson. The motion carried unanimously.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.