

A. Roll Call

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

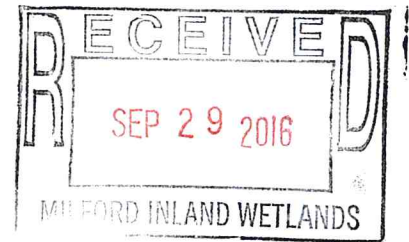
Absent: Brendan Magnan and Steve Munson.

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

Collins 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 Hearing

Collins reported that this is a public hearing. It is a formal proceeding, please respect the process by only speaking when you are called upon and giving your name and address for the record when you speak, spelling as necessary for the Recording Secretary. If you must talk to each other during the meeting, please be courteous and go outside in the hallway so as not to disturb the other members of the public and the Agency who would like to hear the presentation. Please silence cell phones.

Explanation of the Rules: The applicants will present any additional information, when they are finished the public may speak to any new information for and then against the application. The applicant will then rebut/answer the questions *after* all members of the public that wish to speak have spoken (there is no give and take between the applicant and the consultants), the public that has already spoken may then speak again to the issues that were covered. Then the public portion of the meeting will be over and the Agency will ask their questions of the applicant.

Please speak only to items in the jurisdiction of the MIWA – wetlands, watercourses and wetland habitat. Zoning issues are not under our review. Any other items we will ask you to stay on topic of wetlands or we ask that the next speaker be given the floor.

1. **IW-A-16-045: 553 West Avenue, Grillo Services, LLC** – proposal for 342 apartments in two buildings with associated parking, access drives and grading with work in and within 150' of wetlands in the Beaver Brook Watershed.

The file contents list has been updated and is in the file and available in the MIWA office.

MaryRose reported that the IWA received this application in 7/20/16. The public hearing was opened on 9/7/16 this is a continuation of that hearing. The Agency has until October 12, 2016 to close the hearing or ask for an extension.

At the hearing on 9/7/16 the Agency received a wetland report from Matthew Davison dated 9/7/16. The Agency has also received a letter from Representative Kim Rose and Mark S. Kliger of 33 Audubon Close those letters were copied to the Commissioners and have been added to the file. In your mail was the response letter from Tighe and Bond to the City Engineers memo with amended plans.

The hearing was left open for the members to:

Review the 9/7/16 wetland report from Davison Environmental,

For the Applicant to address questions from the City Engineers Memo, overall site questions:

- 1) The proposed plan for snow storage including the use and maintenance of salt and sand.
- 2) What is the confidence in the number of turtles found onsite.
- 3) Is the proposed turtle habitat the same size as the existing and were any nesting areas found.
- 4) How will the fire road/walking trail area be protected from misuse.

Applicant's Presentation:

Attorney Lynch introduced Fred Mascia, PE to address the issues.

Schopick stated that he did not attend the last meeting, but he has listened to the tapes.

Fred Mascia reviewed the City Engineer's Letter and addressed these concerns:

Items 1-8 and 12-17 were observations and require no comment.

Items 9, 10 and 11 – they are well aware that they need approvals from FEMA and generally they don't do that until local approvals are received; DEEP as well as the Army Corps.

Item 19 – the size of the culvert was questioned and the correct size is 3' high by 12' wide. The velocity of the outlets was addressed.

Page 3, item D – the Fire Lane, they have to go to Planning & Zoning and the Fire Department and then a spill prevention plan.

Item E – dimensions were questioned. The snow detail is on the site plan. The planting schedule is in Matt Davison's report and is usually pending the IWA Compliance Officer's final review.

The 25 year storm design; this is a City of Milford requirement. The drainage calculations were designed for up to a 100 year storm.

The DOT is not going to take care of the run off. This plan addresses clean up and run off treatment. Maintenance is the responsibility of the owner. There will be wetlands fill (1300 sq. ft.) for the bridge. There will be 18,000 sq. ft. of wetlands to be created as mitigation. Underground detention has been used for more than 20 years. This system was reviewed; there is a water quality structure and has the storage capacity for floatables and oils and then goes to the underground infiltration system. There is 1200 linear ft. of infiltration pipe proposed. The overflow pipe will handle to first flush.

There will be parking for 512 cars; all in parking structures, except for 12 visitor spots. Covered parking spaces go to the sanitary sewer system; this is also treated with the oil/water separator. They have treated all storm water the same. There is relatively no change in run off post construction.

Snow removal – snow will be pushed to the side on the levels; on the top level there will be physical removal and be hauled away or potable propane powered melters will be used and this would go into the drainage system.

The walking trail will be a walking path; and extension of the existing trail on the property that has been there for many years. Trash receptacles will be placed there; it is a public walking trail.

Matt Davison, Professional Soil Scientist, stated that when doing a wetland impact evaluation, storm water is a big consideration. There are no large parking fields or large lawn area; it is mostly roof run off. How the system would treat this was discussed. Metals bind with soils; removal rate of 90% nitrogen and is not a concern on this site. He feels underground infiltration is appropriate for this site.

Dr. Michael Klemens stated that there is a lot of debris on site. Tadpoles had a severe bacterial infection; the water quality is very diminished and is a very serious problem. This application will rectify this. Per State Rep. Rose a wildlife expert should review this. Dr. Klemens is a wildlife expert. He put a lot of time in for the survey for a small isolated habitat. A comprehensive survey was done; hours spent, the use of a dog to find turtles. He addressed the size of the habitat; there will be functionally 6.8 acres and in his professional opinion 6 acres is more than enough to sustain the box turtles. They are isolated by roads; I-95 and the Iroquois pipe line. Turtles live up to 125 years. He spoke to his colleagues at the DEEP about avoidance; the preliminary concurrence/understanding is that the turtle population is a remnant and relocating them is a prudent course of action. Typically transmittals are put on the turtles and they are followed. There are snapping turtles nesting at the edge of the property above Beaver Brook. They are very adaptable and they will continue to nest. He suggests creating areas close to the pipeline for this. A condition for this would be that the box turtle mitigation be monitored and there be a relocation plan and protocol. He suggested that nesting areas be created in open, scarified, low vegetative areas and well drained with lots of sun.

Aris Stalis, Landscape Architect, briefly reviewed the trails and planting areas on site.

Collins called for those **IN FAVOR** of the application.

None.

Collins called for those **AGAINST** the application.

Cliff Mason, 1427 Naugatuck Avenue asked if archeological finds with the Iroquois pipeline have been thoroughly examined. Collins stated that this is not an IWA issue.

Tamara Isslo, 20 Lucius Court, stated that the catch basins and underground system were more economical to do pipes and this is a for profit project. We are trying to protect the wetlands not builders. Regarding the extension of the trail; it is already being used. There have never been 500 plus people using them before. Debris in the wetlands and degraded water quality was discussed. The City of Milford should be concerned, not a private entity for their own benefit. Spill prevention and potential for erosion still has not been addressed. This is a public trail and will be behind the building, not visible and she is concerned with people dumping.

REBUTTAL

Fred Mascia stated that there has been no archeological study done and will be part of the Army Corps and DEEP review. Regarding the economical concern; concrete versus corrugated metal. Pipe is more cost effective, not cheap. There will be 20,000 cu. ft. of water to be stored which is a much larger volume. Regarding the trail; he is not sure how many people will use it at once but it is for passive walking, no vehicle access. The parking garage and apartments are part of the leasing office, not individual owners. This is an upscale apartment complex. Affordable housing does not

mean low income. 30% of the tenants will meet income guidelines; not subsidized housing and they do not see dumping as an issue.

Aris Stalis, Landscape Architect, stated that this plan will add to the trail system network and allows more opportunity to care for the trail. It would create a great benefit. There will be more eyes on the trail; minimizing dumping opportunity.

Dr. Klemens, stated that restoration will be monitored over a period of time/years, ensuring that it is successful. This doesn't mean the City cannot monitor it; it means they don't have to be financially responsible. He has seen this and it works well.

Tamara Risoli, questioned no vehicle access; if fire trucks can get through, how can cars not. She questioned the economical issue with pipes and that the concern is the land, not saving money.

Fred Mascia stated that there will be bollards at the end of the trail that can break away for the fire truck to go through. Regarding economics – they chose the pipe for the large volume of water; it is a better system for the large volume. The storm water system costs well over \$1,000,000.00.

Collins closed the public portion of the hearing and a five minute recess was taken.

Schopick asked Dr. Klemens to identify who he spoke with at the DEEP. Dr. Klemens stated that he corresponded through email and it was nothing official with Brian Hess and Denise Quinn. He further stated that he was very mindful of the relocation and was an exceptional situation on this site.

Flannigan asked about the use of chemicals for a swimming pool and questioned if this area was near the pipe line. Aris Stolis stated that it is a public facility and there are very strict regulations through the Health Department and is much safer than any residential pool. The pool will have to have a fence around it and there is a native grass area; this will be a nice synergy.

Schopick questioned the garage runoff that it was treated and then goes to the Wastewater system. Mascia stated that that was correct; the top of the garage is considered storm water. The 1st, 2nd, and 3rd floors have floor drains to the sanitary system. There is normal drippage, not a flow and is protected with oil/water separators.

DeFlumeri questioned the fire road and that it could handle the heavy equipment. Mascia stated that it is built as a gravel road with grass pavers 6-8' wide and will be pea stone fill; designed to handle a fire truck.

Dunn asked about snow removal and if there was a designated snow shelf. Mascia stated that it would be on both sides of the road; this is not like an office building or a mall. Dunn asked if box turtles were woodland dependent. Dr. Klemens stated that they are a terrestrial species and should be classified as wetland dependent. They hibernate at the edges of wetlands. He further stated that snapping and painted turtles live in water and are water dependent (he referenced toads that can survive in land but live in water). She asked if relocation was acceptable. Dr. Klemens stated that it is; they will have everything the turtles need. Mascia showed on the plan where the existing turtles are and the relocation area.

Zetye questioned the exceptional/unique situation to this site when there is I-95 all through the state of CT. Dr. Klemens stated that if the site had 30-40 turtles, a much more conservation site; he would recommend the City of Milford purchase it. This is the only buildable portion of the site and there are only 5 turtles. That would be a taking of property if there is a no build. He explained that the state of Florida has a mitigation park where a developer buys into the site. This site has one peninsula as developable area and there are 5 turtles there. The plan is to protect the turtles and have a suitable area on the same portion of the site. The circumstances here are unique. Relocation is not good in most circumstances. In the majority of the I-95 corridor there are no turtles, they are long gone and we want to save the turtles. Zetye referenced item D of the City Engineers report that says potential for contaminated run off with the Fire Road and Mascia says there is no chance. Mascia stated that the City Engineers letter says that there may be potential. The application has to go to the Fire Marshall and they may require a spill protection plan and then they will do that. Zetye referenced item C. of the City Engineers letter that suggests 7' higher discharges could cause erosion. Mascia has added plunge pools to the design. He thought it was better to handle at the point of discharge than have multiple trenches to Beaver Brook throughout the site. The plan is well under velocity for the soil type.

Dunn asked if box turtles are species of special concern. Dr. Klemens stated that per DEEP they are, so there is a higher level of concern than snapping turtles, etc. Box turtles are the only species of special concern on the site. Matt Davison stated that species of special concern have to be approved by the DEEP.

Flannigan asked if they would consider eliminating the units closest to the edge of the wetlands; 52 units would allow more space before the wetlands. Attorney Lynch stated that they would not consider that; they started with 60 more units.

MaryRose would like the economic issue clarified – is it an economy of design or financial economy. Mascia stated that more area is less effective; they are not saving the Developers money. They cannot use the same system as in a residential area. The proposed pipe is more efficient. Connors stated that corrugated pipe with stone on the Way Street project was recommended by the City. MaryRose agreed that it was approved by the City Engineer and the Public Works Director. Mascia stated that they could have spread it out over more property but would then need to remove more trees; they couldn't do the plantings which are part of the mitigation. 48" perforated pipe is proposed.

A five minute recess was taken.

Collins stated that she felt the applicant did a great job in presenting and answering questions, addressing concerns and she is concerned with the area by I-95 that has been neglected for many years. This is a large project; she is familiar with the area and has been walking this area since she was a kid. They did a good job with the plan of cleaning the area and system for the water.

DeFlumeri stated that it was a good presentation and he is concerned with fragmenting the wetland; it takes a long time to create a viable wetland and he hasn't seen a long term study on how viable it is.

Zetye stated that he never heard of a development improving water quality and he is trying to weigh all of the information. It is an impressive plan but the potential for contaminated run off per the City

Engineer is a concern. He is not sure if the Fire Marshall will have wetlands in mind. To halt a development for 5 turtles seems weird, but turtles are declining due to development. Per 22A-41 in the IWA Regulations states that we can only consider plants, animals and habitat if there is an impact from the development. MaryRose clarified that only if the loss of those animals will create a loss of the wetlands.

Cowden stated that he visited the site and there are 27 acres of true wetlands, other pockets were created by I-95, etc. and the debris from that ends up in the water which is now in poor condition. This project will clean up the water and address the turtles for protection. He thinks this is a good proposal.

Connors agrees, the drainage plan is good and this was the plan of choice on other projects.

Schopick stated that the applicant did a nice job with the site and the testimony was convincing. Affordable housing is not pertinent here. The Developer has the right to use the property and if development continues to be blocked, it will be a taking of property. He is in favor of the project.

Dunn stated that it was a good presentation and that she needs to process the information.

Flannigan stated that the previous proposal was approved and this is a better proposal. Per Dr. Klemens' report, which was very educational, the drainage plans were very good. The development is a little intense; she would like to see it reduced and would like the pool gone.

MaryRose stated that the pool is 150' away from the wetlands and discharge is per the Health Department. Pools have been allowed closer to wetlands for homeowners. Letters were received from Kim Rose and a citizen and the citizens' credentials are unknown. There are 2 experts present.

Zetye stated that he would feel more comfortable with the Engineers response. Collins stated that all responses have been received and the Public Hearing is closed.

Connors moved, after duly considering all relevant factors, to approve application IW-A-16-045 553 West Avenue based on the plans entitled "*The Preserve at Beaver Brook, 553 West Avenue, Milford, Connecticut*" by Tighe & Bond, Scott Mundy, Aris Land Studio, and Gooding Architecture. Cover and 32 sheets dated July 14, 2016, the information in the file and presented this evening, for the following reasons:

- a. There will be a minimal adverse environmental impact which will be mitigated by the use of sedimentation and erosion controls as set out in the application, the renovation of the degraded pond and wetland area and the creation of the proposed wetland mitigation area.
- b. The impacts during the construction phase shall be mitigated by the following conditions:
 - 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.
 - The work on the road and bridge will be done during the dry season.
 - 500 lbs boulders with wetland boundary markers to be placed on 20' centers around the mitigation areas, roadways and disturbed wetland areas.

- As a condition of approval, within 90 days of receiving final approvals to proceed with construction of the proposed development, the applicant / owner will file with the Agency's staff, for its review and approval.
 - A detailed box turtle relocation plan/protocol in coordination with the CT DEEP;
 - A design for the box turtle mitigation area, accompanied by appropriate monitoring, in coordination with the CT DEEP;
 - A plan for the creation of nesting areas for painted and snapping turtles around the edge of the new development as appropriate;
 - A stormwater maintenance plan including clean-out schedule for the stormwater system, structures, plunge pools and forebays. This maintenance plans must be added to the City of Milford Land Records prior to the permit condition bonds being released;
 - Mitigation monitoring plan with benchmarks for success;
 - A plan to control invasive plant species within the proposed residential development area. Because such a plan will provide for removal of invasive plants and other potential disturbances, it will not apply within the other Conservation Easement Areas on the site without additional review and approval;
 - If the permittee/owner chooses to change the professionals on the project the resumes and C.V's of the proposed new professionals must be reviewed and approved by the Agency to ensure that the professional is familiar with and understands the permit conditions.
 - Mitigation monitoring is to include but not be limited to stabilization, plant survival and herpetofauna.
 - A permit condition bond to be calculated must be posted with the MIWA prior to any site disturbance for sedimentation and erosion controls, wetland boundary markers, and an as-built showing finished 2' contours and locating all site utilities and structures to insure that the site development was completed according to the approved design. The as-built must be by a licensed surveyor and include certification by a registered Engineer that the facilities meet the design intent of the approval. The bond may not be released until the site is stabilized, the as-built has been received and the site inspected and approved for compliance with the permit.
 - A mitigation bond to be calculated will be held for a minimum period of five (5) years with monitoring reports twice a year in the spring and fall by the professional wetland scientist to the MIWA on the status of the site and recommended amendments to the mitigation plan for best stabilization of the site. If the benchmarks for success of the mitigation areas are not met by year four (4), three (3) additional years of monitoring and reporting are required after the recommendations by the wetland professional are implemented. Once the benchmarks for success have been reached and final wetland professional report has been reviewed and approved the mitigation bond may be released.
 - 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 applicant / owner agree, as a condition of approval, that tenant rules and regulations will prohibit free roaming of pets on the site and the washing of vehicles on the site.
 - The applicant / owner agree, as a condition of approval, to prepare and file with the Agency, as part of its landscaping installation and maintenance in the residential development area, a plan to control and limit the use of pesticides and herbicides.
 - Signage to be placed adjacent to stormwater basin areas noting "*No snow storage or snow push.*"

- Any changes to the plan must be reviewed by the MIWA for compliance with this approval.

The permit is issued 9/21/16 and expires 9/21/21 unless otherwise provided by CT Statute. The motion was seconded by Schopick.

Flannigan moved to amend the motion to reduce the project by the 54 units on the ends closest to the wetlands. The motion was seconded by Schopick. The motion was denied with Flannigan in favor of and Collins, Connors, Cowden, Dunn, DeFlumeri, Schopick and Zetye against.

Approval of the original motion passed with DeFlumeri and Flannigan against. Collins, Connors, Cowden, Dunn, Schopick and Zetye in favor of.

A five minute recess was taken.

2. **IW-A-16-001: 226 Baxter Lane, Victor Rosado** – proposed addition, patio and pool with construction and grading in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

Collins noted that the file contents list is in the file and available in the MIWA office.

MaryRose reported that the IWA received this application on 4/20/16 and walked the site on 5/31/16 and 7/20/16. The public hearing was opened and continued to this evening due to a failure of notice. This is a proposal by Victor Rosado for two additions, an irregular patio and a retaining wall. The expanded patio will require the filling of 298 sq. ft. of inland wetlands and the applicant is proposing to create 2,000 sq. ft. of mitigation wetlands. This proposal has the proposed retaining wall built on the wetland line. Two additions 2,008 sq. ft. to the existing single family home, a 30' X 22' inground pool, and an irregular patio expanded to roughly 100' X 40'.

Attorney Lynch stated that the certificates of mailings have been submitted.

Bob Wheway, PE of Codespoti and Associates reviewed SP-1, the existing conditions. The site is 5.08 acres. There is an existing house that was constructed in 2003. The wetlands were flagged in 7/2015 by Otto Theall. 84% of the property is wetlands. A concrete block retaining wall separates the wetlands from the house. The area is flat topography that slopes towards the central portion of the site. The drainage was reviewed; it goes out to Foran and then to Calf Pen Meadow Creek. Sheet SP-2 was reviewed, the site development plan. There are two main house additions of 2,000 sq. ft. and a new inground pool. The retaining wall is a demarcation of the wetlands as well as defining the lawn area. There is 298 sq. ft. of fill proposed and 2,000 sq. ft. of wetland creation for mitigation proposed to be planted.

Matt Popp, Landscape Architect, Soil Scientist, reviewed the existing red maple swamp and vegetation. There is one small area of ponding of 15-18" in the spring and is not a vernal pool. There is a debris pile on site from neighbors dumping. It is a very large wetland with seasonal trappings and habitat. They are proposing a new retaining wall with 298 sq. ft. of fill. The proposed mitigation area of 2,000 sq. ft. was reviewed. The planting plan was submitted. They plan to remove the debris on site, the lawn area (9,000 sq. ft.) will revert back to wetland and the proposed creation area of 2,000 sq. ft.

Wheway reviewed alternates; this was a lengthy process, in 2015 they had a pre-application with a larger patio, an indoor basketball court building with 6,400 sq. ft. of proposed fill. In April of 2016 they reduced the patio and reduced the size of the basketball court and that plan had 1,500 sq. ft. of fill. The current plan has no basketball court building, an expansion of the patio and the pool. Another alternate would be no fill; this would eliminate the patio expansion. This plan would not be feasible due to the location of the building and the staircase. The current plan balances the use of property while protecting the wetlands.

Collins called for those **IN FAVOR** of the project.

None.

Collins called for those **AGAINST** the project.

Shirley Lang, 70 Claremont Circle – stated that when she moved in the area, the whole lot was deemed wetland and they were told there could be no building here. The attraction to the area was that it was rural and secluded. She asked what the purpose is of designated land wetlands and then violating them. This area is a source of food and water for wildlife. They were told that this was a bird sanctuary in 1970 and that no one could build here. There was tons of fill brought in for the building that is there now. Kids have played in the swamp, she has seen praying mantis there and she asked “When will our city stop this”.

Paul Greenspan, 40 Claremont Circle – was previously on the IWA Commission and stated that this area has been invaded and will be invaded again. This is not protecting the wetlands here.

Karen Fernandez, 55 Claremont Circle – she has lived here for 20 years and was told when purchased that the area behind her could not be built because they are wetlands. The wetlands are essential and destroyed from unregulated use. In the past 5 years there has been additional pooling in her back yard. This would be a violation of the IWA regulations for the purpose of recreational use of one family.

John Deptulski, 20 Claremont Circle – stated that our wetlands are being given away; they need to be protected for our children. This is changing the water flow to the trees and shouldn't be changed.

Wayne Sternemann, 50 Claremont Circle – has lived here for over 20 years. He moved here due to the seclusion and beauty of the area. He sees deer and fox here.

Dana Deptulski, 20 Claremont Circle – asked who will oversee the building of the retaining wall. Her daughter had a fungal pneumonia and she is concerned with all of this digging and disturbance. This would be destroying the wetlands for recreation.

REBUTTAL

Matt Popp – the wall is on grade and will not have significant excavation. The wildlife will still use the wetlands; the wildlife will still be there. He has been doing creation for 25 years; there will be 9,000 sq. ft. of lawn area as well as the lower area. They are enhancing the area.

Wayne Sternemann – asked if there are any endangered species on this site and what effect this project will have on the wildlife that is there now.

John Deptulaski stated that the pool and patio are close to the stream and he is concerned with contamination and asked if the pool would have a liner or be concrete.

Shirley Lang – is concerned with the wildlife; they will need to bring in heavy equipment for the pool. She sees wildlife every day and this will scare them out of their own homes.

Karen Fernandez – asked how long construction would take and the effects to the wildlife.

Matt Popp stated that the pool is located in the lawn area and will have access from the driveway. There will be temporary impact, nothing significant. They are 150' - 200' away from the stream and the wall will have a lip on it to protect the wetlands. He has been on the site many times and has not seen any endangered species. He has researched with the DEEP data base and there are none in this area. This is a valuable habitat for wildlife. They will first build the wall within a month, then the patio and then the pool for a 4 month construction period for it all at once.

Collins deemed the public portion of the hearing closed.

Collins questioned the wall keeping out small animals and how this is a benefit. Popp stated that the wall will prevent them from migrating to the developed area; frogs in the lawn mower, etc. Collins asked if the wall could be moved off of the wetland line 5-8' as she is concerned with construction right on the line. Wheway stated this would create a choke point in that corner and that there is no need for disturbance during construction. Collins asked about the construction detail of the wall. Victor Rosado stated that it will be a unilock wall that is built up, no machines will be used; it is hand work. No rebar or forming walls. It will be fill, gravel, straps, going up; no excavating. MaryRose questioned the design for the wall and if it is engineered. Wheway stated that it would have to be engineered due to the height.

DeFlumeri asked if they would be removing the existing wall. Wheway stated that some areas would be. DeFlumeri asked if machinery would be used for removal. Wheway stated it would in the upland area. Dunn questioned that there would be no digging for the wall. Rosado stated that it would be gravel base. Wheway stated that there would be some embedment, maybe 12".

Zetye questioned why this little triangle of wetlands is essential to the project. Wheway stated that is why they are here. They were requesting 6,400 sq. ft. of fill. 2,000 sq. ft. of creation area is proposed which will be a 7:1 creation as well as additional improvements.

Cowden questioned the measurement of the choke point. Wheway stated approximately 14'.

Dunn questioned the point of the neighbors stating that this was a no build rule here. MaryRose stated that Realtors told them this 20 years ago and there has never been a mention of a bird sanctuary here.

MaryRose questioned the wall being on the wetland line and asked if the square footage of fill includes the wall. Wheway stated the front edge of the block. He recommends this being staked out

by a Licensed Surveyor; once the base is established, then an asbuilt can be done before the wall goes up.

MaryRose stated that the time extension is up on the application and a decision has to be made tonight.

Flannigan stated that she knows a neighbor in this area but this will not effect her decision.

Zetye asked about feasible and prudent alternatives. Schopick stated that several have been proposed already.

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

After duly considering all relevant factors and based on the plans entitled "*226 Baxter Lane prepared for Victor Rosado, Milford, Connecticut*" by Codespoti & Associates, 2 sheets, dated 7/06/16, revised 7/12/16, the information in the file and presented at the public hearings on this application I move to approve application IW-A-16-001 for the following reasons:

- The applicant provided convincing testimony and documentation that no change in the size of the footprint, or the location of the footprint would decrease the impact.
- There will be a minimal adverse environmental impact which will be mitigated by the use of sedimentation and erosion controls as set out in the application and the creation of 2,000 sq. ft of inland wetlands.

This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.

With conditions including:

1. The Permittee shall submit a construction plan *prior* to taking out the permit.
2. Soil Erosion and Sedimentation controls as outlined on the plans and in the CT DEEP "*2002 Erosion and Sedimentation Control Guidelines*" must be installed and maintained on the site until the property is stabilized.
3. Wetland notification shall be placed on the as-built and referenced in the property deed to give notice to property owners that permits are required from the MIWA in order to work on the site.
4. A \$6,576.00 Permit condition bonds must be posted with the MIWA prior to any site disturbance for SEDIMENTATION AND EROSION controls, wetland boundary markers, and an as-built showing finished 2' contours and locating all site utilities and structures to insure that the site development was completed according to the approved design. The as-built must be by a licensed surveyor and include certification by a registered Engineer that the facilities meet the design intent of the approval. The bond may not be released until the site is stabilized, the as-built has been received and the site inspected and approved for compliance with the permit.
5. Mitigation monitoring bond to be calculated must be posted as a cash bond with the MIWA prior to site disturbance for mitigation plantings and a minimum of 5 years of mitigation monitoring by a professional wetland scientist with reports to the MIWA twice a year for a minimum of 5 years. Report to include the status of the site and any recommended corrective actions or amendments to the mitigation plan for best stabilization of the site. If there is recommended corrective action there must be an inspection and a report by the professional wetland scientist within 1 week of the corrective action being taken. If the site has not met the benchmarks for success as outlined in the plan by or at the end of year 5, this bond may be held for an additional 5 years or until such time as the site meets the design criteria, whichever is later, with reports continuing twice a year to confirm status.

6. 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.
7. The Permittee must submit the design and gain approval of the stormwater system and retaining wall from the City Engineer.
8. As a condition of approval, within 90 days of receiving final approvals to proceed with construction of the proposed improvements, the applicant / owner will file with the Agency's staff, for its review and approval,
 - a. Maintenance plan for the retaining wall.
 - b. Maintenance plan for the stormwater system.
 - c. Detailed planting plan for the mitigation area
 - d. Maintenance plan for the mitigation area.
 - e. Mitigation monitoring plan with benchmarks for success.These maintenance plans must be added to the City of Milford Land Records prior to the permit condition bonds being released.
9. An asbuilt must be submitted for review and approval once the first course of the wall is laid to ensure it is appropriately located before work continues.
10. The permit is issued 9/21/16 expires 9/21/21 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

D. Public Comments

None.

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 a meeting is tentatively set for October 18th to meet again on site with John Gaucher from CT-DEEP-OLIS. The City Engineer and the Zoning Officer to review the options for brining the site into compliance.

A motion was made by Connors, seconded by DeFlumeri to hear items E. 2. – E. 5. together. The motion carried unanimously.

2. **IW-A-16-051: 780 North Street, City of Milford** – proposal to do maintenance dredging on Eisenhower Park Pond with work in and within 150' of a wetland and watercourse within the Wepawaug River Watershed.
3. **IW-A-16-052: 0 Daniel Street, City of Milford** – proposal to do maintenance dredging on Stonebridge Pond with work in and within 150' of a wetland and watercourse within the Wepawaug River Watershed.

4. **IW-A-16-053: 0 North Street, City of Milford** – proposal to do maintenance dredging on Upper Duck Pond with work in and within 150' of a wetland and watercourse within the Wepawaug River Watershed.
5. **IW-A-16-054: 110 River Street, City of Milford** – proposal to do maintenance dredging on Lower Duck Pond with work in and within 150' of a wetland and watercourse within the Wepawaug River Watershed.

MaryRose reported that these 4 applications are proposals by the City of Milford to remove accumulated sediments and invasive vegetation from four (4) ponds on the Wepawaug River by dredging.

The proposed work will disturb:

Site	Wetland & Watercourses on site	Upland review Area Altered	Wetland & Watercourses Disturbed	Enhanced or created	Open Water Body Altered
780 North St	2.91	3.29	0.05	2.50	2.45
0 Daniel St	0.81	0.92	0.70	0.70	0.70
0 North St	1.43	2.18	1.43	1.43	1.43
110 River St	0.98	1.06	0.87	0.87	0.87

The Agency options at this time are to:

- 1) Ask for any additional information
- 2) Determine if a site walk is necessary
- 3) Determine if a public hearing is necessary due to the proposed maintenance work (10/19 or later with an extension)

Ray Paier, Engineer with Westcott and Mapes, stated that this is a request for sediment removal for maintenance to restore depths for the benefit of aquatic life. This is to remove sediment that has accumulated over time. This is a maintenance and restoration project.

Collins stated by approving this it would be an improvement and something that hasn't been done in 40 years. Schopick questioned if DEEP approval is needed. Paier stated that they are awaiting a reply from DEEP.

Flannigan asked where the material would go and what areas are there for staging. Paier stated that it would be deposited on City property; open space, Eisenhower Park. They are looking at areas through Public Works. The material would have to be hauled off site. Staging areas on the plans were reviewed in open lawn areas.

Dunn questioned a vortex area. Paier stated that the vortex area is for fish habitat.

MaryRose stated that this is being funded through grants and Board of Aldermen approval. It is recommended that Stonebridge be the last one done and the removal be left to the contractor with City approval.

Paier stated that they are looking for this to go out to bid this fall. The intent is to do all 4 sites and is determined by funding. DeFlumeri asked how water fowl would be diverted during work. Paier stated they would fly to other areas.

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

After duly considering all relevant factors, to approve applications IW-A-16-051: 780 North Street, IW-A-16-052: 0 Daniel Street, IW-A-16-053: 0 North Street IW-A-16-054: 110 River Street based on the plans entitled "*City of Milford Connecticut Department of Public Works Ponds Dredging Project Eisenhower Park Pond, Upper Duck Pond, Lower Duck Pond, Stonebridge Pond*" by Westcott & Mapes, Inc., Cover and 41 sheets dated 8/11/16, the information in the file and presented this evening, for the following reasons:

- The long term impacts of the enhancement of the pond by dredging and invasive removal outweigh the short term impacts from the dredging work.
- Impacts to wetlands outside of the proposed work area will be prevented with proper implementation of the erosion and sedimentation controls as outlined in the plans.

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.
- A permit construction bond to be calculated must be posted with the MIWA for sedimentation and erosion controls, monitoring 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.
- The permit is issued 9/21/16 expires 9/21/21 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 approve the minutes of the 9/7/16 meeting as presented. The motion carried with Schopick abstaining.

A motion was made by Connors, seconded by DeFlumeri to adjourn at 11:00 p.m.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved.