

Minutes of the Regular Meeting of the Inland Wetlands Agency on September 20, 2017.

A. Roll Call

Present: Brendan Magnan, Nathan Buchok, Ken Cowden, Dave DeFlumeri, Carol Dunn, Lily Flannigan, Steve Munson, Daniel Schopick and Philip Zetye.

Absent: Jim Connors, Daniel Schopick and Philip Zetye.

Also Present: MaryRose Palumbo and Lisa Streit.

Magnan called the meeting to order at 7:30 p.m. and deemed Buchok the voting alternate and Flannigan acting Parliamentarian.

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.

D. New Business

1. **IW-M-08-045: 64 Old Gate Lane, Silver Builders, LLC** – proposed modification of existing approval to construct one commercial building, instead of two, with parking and landscaping with work within 100' of a wetland in the Indian River Watershed.

MaryRose reported that this is a modification request to change an existing approval for two buildings with parking and landscaping within 1' of the inland wetland line at the closest point to one building parking and landscaping within 7' of the inland wetlands line at the closest point. The modification proposal was in your mail packet last week. There was a typo on the modification form you received. The existing approval had 0.53 Ac of work in the upland review area not 0.375 Ac as shown on the modification form – that was a scribners error. The modification request is for 0.52 Ac of work in the upland review area. Ron Wassmer of CCG is here this evening to present the modification request and review the existing approval. Scott Stevens of Soil Science and Environmental Services is here to answer any questions on the wetland line.

Ron Wassmer, CCG 158 Research Dr, Milford representing Silver Builders, Tom Collucci is a member of that company. He reviewed a brief history of 64 Old Gate Lane. It is located between Edo Construction and the Blackbirch Dog Kennel. In the 1990's United Parcel Service had proposed a large complex on both sides of Old Gate Lane. Subsequent to that the parcels were subdivided. All of the lots along the Indian River have been developed except for this one. There were several violations issued to Matt's Tree Service for deposition of material in and adjacent to the wetland. In 2008 Mr. Collucci purchased the property and received an approval for 2 buildings with associated parking. Scott Stevens of Soil Science and Environmental services flagged the wetlands again last month as it had been a long time since they were last flagged. Based on this, the wetlands line was updated.

Wassmer referred to plan SP1. He said that there is a 5,000 sq ft building on the northern property line, open space to the rear, 13 parking spaces and an outside gravel parking area proposed. Since the 2008 application FEMA has updated the flood zone and the flood elevation dropped 2' on the site. Water entering from Long Island Sound is limited by the railroad bridge. The building as

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proposed is 1.5' above the flood zone and that minimizes the grading that is required. The detail sheet shows a detail of the rear wall section of the building adjacent to the wetlands. This is designed so that there will be no grading closest to the wetlands. For the storm water system he has proposed that the parking area be pitched to the catch basin that has a water quality structure and then discharges into a galley system and then to the upland area. He said that this storm system outfall is identical to the approved system.

On sheet SP3 a split rail fencing is shown on the approved plan. He said that he can modify that to PVC posts with boundary markers if the Agency prefers. There are wetland plantings to the rear of the parking lot and then street trees in accordance with Milford's requirements. Referring to the Utility plan he noted that the site will be served by City sewer and water with the connections in the street. He said that there will be minimal disturbance to the wetlands for utilities. Sheet ES1 proposes the erosion and sedimentation controls for the site and there is then an existing survey map followed by the site details sheets. The first plan in the set is the Building plan.

Wassmer reviewed that the Site plan was originally submitted in 2008. He referred to Sheet 1 of 6, saying building B is essentially in the same location as proposed in the modification. It is 10' off the side yard. The large change is removal of building A. He then reviewed G-1, grading and drainage plan with both the old and new wetland lines shown. The approved application used the flagging from the UPS plans, there is a delineation by Matt's Tree Service for the remediation plan and Mr. Steven's line from 2017.

Scott Stevens, Registered Professional Soil Scientist of Soil Science and Environmental Services, Rocky Hill CT. They had initially gone out to update the line from 2004. Wassmer put stakes where the original line was, with the plan of digging along the lines to verify that it was substantially correct. When they arrived line looked funny, with stakes up high on the slope. Also the previous Soil Scientist didn't differentiate tidal wetlands from inland wetlands. Several areas have shallow fill (less than 24"). There is a mixture of upland and wetland species. He said that beneath the shallow fill he found Raypole fine sandy loam then some areas had an upper fill but they had aquent characteristics. There is Westbrook mucky peat in the tidal wetlands portion of the site. There is a mixture of UD, urban land and fill on the upland portion of the site. There is a sanitary sewer line easement in the rear of the site.

Magnan asked about the functions and values of the wetlands and is an environmental assessment has been done. Stevens stated that the wetlands are well wooded; there has been a lot of disturbance in the wetlands and there are some inclusional piles in the rear but they considered the whole thing inland wetlands. An assessment has not been done.

Dunn referenced the report and asked about the tidal wetlands. Scott reviewed them on the plans; they are based on a predominance of tidal wetlands species and a daily influx of tide that is evidenced by the rack line. This is located beyond the wetlands area.

DeFlumeri asked what the difference is between flood zones X and AE9. Wassmer stated that in X there is no flooding or limited flooding and in AE9 areas can expect flooding up to elevation 9 based on sea level. The sewer line was put in when the CT Post Mall was built. DeFlumeri asked if a Perc test was done. Wassmer stated that it was done a while ago and there is sandy soil in this area mostly. DeFlumeri asked what kind of material would be stored in the outside storage. Wassmer stated that outside storage is permitted in an industrial zone and right now there is no tenant so he is unsure what would be stored. DeFlumeri asked what violations did the Tree Removal company

have. Wassmer stated that they over loaded the site with tree debris. MaryRose stated that they used the property as a random storage yard and they had to clean it out.

MaryRose stated that the current approval is good until 2022 which allows for two buildings and parking. Dunn asked if the parking would be bituminous. Wassmer stated that it would be. MaryRose stated that the parking lot has been approved as is and where the other building was proposed would be gravel for overflow parking.

Buchok questioned that the proposal is 1' verses 7' from the wetlands line. MaryRose stated that Scott Stevens of Soil Science and Environmental Services has determined that the inland wetlands line is further away from the proposed development then shown on the approved plan. They are not proposing to move the development any closer to the wetlands line– but they are acknowledging the new updated line. Wassmer reviewed the previously approved plans and stated that now the closest point to the wetlands is 7'.

Cowden asked if a rain garden would be appropriate for this site. Wassmer stated that they stayed as close to the original approval as possible but that they could put a rain garden in the front.

The following motion was made by Buchok and seconded by DeFlumeri:

After duly considering all relevant factors, I move to approve modification request IW-M-08-045: 64 Old Gate Lane based on the plans entitled “*Site Plan 64 Old Gate Lane Milford, Connecticut*” BY CCG, cover & 7 sheets dated 8/17/17, and “Tom Collucci, 64 Old Gate Lane, Milford, CT Town, CT” by Borghesi Building & Engineering, 1 sheet dated 8/22/17 rev 8/31/17, 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.

With the original conditions and 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 \$6,840 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.*
- Vinyl posts with MIWA boundary markers to replace the split rail fencing as previously approved
- 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 11/05/08 and expires 11/05/2022 unless otherwise provided by Statute.

The motion carried unanimously.

2. MIWA 2018 Proposed Meeting Calendar

MaryRose reviewed the proposed meeting calendar and there are 3 conflicts with our normal 1st and 3rd Wednesday meeting dates next year. She is proposing leaving these 3 dates off the regular meeting calendar for this year. If there is a situation such as a deadline or very busy Agendas around these dates she will propose a special meeting date, after reviewing availability of Commissioners for a quorum.

January 3rd is before the first Monday of the New Year – when Commissioners get appointed / reappointed. Historically the election is held at the first meeting in January; she is proposing to have the first meeting January 17th – the 3rd Wednesday when there will be the full Commission.

July 4th – is a national holiday and the building is closed.

November 21st is the night before Thanksgiving. In the past we have left this meeting on the schedule and typically have difficulty getting a quorum when the day comes.

A motion was made by Flannigan and seconded by DeFlumeri to approve the calendar as presented. The motion carried unanimously.

E. Old Business

1. **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 they are still waiting for the vegetation to grow. No action taken.

2. **IW-A-15-038: 273 Cherry Street, Milford Cemetery** – proposed equipment garage and compost/recycling bins within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this is a modification to an approval for a garage and storage bins at the Kings Highway Cemetery, 273 Cherry St. We were waiting on confirmation that the Health Department is not going to require any changes. We have received an extension for review from the Cemetery Association until 11/7/17.

She recommended no action at this time.

F. Minutes

A motion to approve the minutes of the 8/16/17 meeting as presented was made by Flannigan and seconded by Buchok. The motion carried with DeFlumeri abstaining.

G. Staff Report

The CACIWC meeting will be on 11/1/17; still no word on DEEP training.

Site Status:

- 1595 Boston Post Rd project is complete waiting on asbuilt and mitigation monitoring
- 220 Rock Lane is completed waiting on an asbuilt.
- 605 Orange Ave is completed - awaiting asbuilt.
- 33 Schoolhouse Rd is ongoing.
- 70 Kay Ave is ongoing.
- Welches Point Rd Pump Station - ongoing.
- Rock Lane Pump Station – ongoing.
- Edgefield Av Sewer Replacement – ongoing pavement finishing up in the next week.
- 73 Cooper Ave ongoing.

- 38 Park Circle – starting soon
- Great River Golf Course – waiting to receive revised mitigation plan for planting in the fall.
- Please remember to call or email if you are unable to attend a meeting.

J. Chair's Report

The next meeting will be a Regular meeting in Conference Room A on October 4, 2017.

Please let the office know if you cannot attend and get any questions you have on the applications to MaryRose so that she can forward them to the applicants.

There being no further business to discuss, a motion was made by DeFlumeri, seconded by Dunn to adjourn at 8:25 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.