

Minutes of the Regular Meeting of the Inland Wetlands Agency on October 18, 2017.

A. Roll Call

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

Absent: Philip Zetye.

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

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

B. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.

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MILFORD INLAND WETLANDS

D. New Business

- 1. IW-A-17-001: 73 Cooper Avenue, Field & Son Builders, LLC.** – modification of approved deck for stairs within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a request by Chris Field of Field & Son Builders to add a stairs to a rear deck at 73 Cooper Av. The Agency approved the construction of a new elevated house on the lot with a deck and rain garden at the 2/15/17 meeting. At the time Mr. Field did not have a buyer for the home. The prospect buyers have requested a set of stairs off of the rear deck. They are proposing to use a portion of the approved deck area for the proposed stairs with 4' X 4' of the stairs being the additional work within 9' of the wetland (along the same line as the approved deck). They have proposed the stairs parallel with the rain garden to make an additional barrier to that portion of the yard. Mr. Field is here this evening to answer your questions.

Schopick asked if there would be any additional encroachment to the wetlands. Field stated that there would not be; they are shrinking the deck and adding a small area for the stairs. Magnan asked if there were any changes to the rain garden. Field stated that there were not. Flannigan asked if this was to be a 4' x 4' platform. Field stated that it would not be; the stairs are 11' in length and the deck is 7' so the stairs will stick out 4' past the deck and they will be putting in an outdoor shower.

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

I move to approve modification request IW-M-17-001: 73 Cooper Avenue based on the stairs sketched on the site plan entitled "*Property Survey / Plot Plan for Chris Field Address No. 73 Cooper Avenue, Milford, Connecticut 06460*" by Paul J. Stowell Land Surveying, 2 sheets signed 1/06/17 the information in the file and presented this evening, for the following reasons:

- The proposed stairs will have no significant impact or effect on the physical characteristics of the adjacent wetlands on the wetlands.

The original conditions remain including:

- Rain Garden plantings to be salt tolerant species.
 - 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.
 - Wetland boundary markers to be placed on PVC or composite posts between rain garden and yard.
 - a bond of \$6,230 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 including the rain garden.
 - 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 was issued 2/15/17 expires 2/15/22 unless otherwise provided by Statute.
- The motion carried unanimously.

2. **IW-A-17-051: 86 Marshall Street, Robert Pavia** – proposed single family home replacing razed house with work within 100’ of a wetland or watercourse in the Housatonic River Watershed.

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

3. **IW-A-15-006: 575 Merwin Avenue, City of Milford** – permit for drainage improvements and outfall stabilization with work within 100’ of a wetland and watercourse in the South Central Shoreline Watershed. Modification request.

MaryRose reported that this is a request by Public Works Director Chris Saley for modification to a 2015 approval for drainage improvements and outfall stabilization at 575 Merwin Av. The modification request is to reroute storm drainage from the north side of the existing pipe to the south side of the existing pipe to eliminate utility conflicts between existing utility infrastructure and the proposed new drainage line and manholes. This project was proposed to address flooding issues at two adjacent properties. In 2015 The Agency approved the work and forebay construction in the downstream end for future maintenance. The following conditions were requested by the Commission at that time:

- The Permittee will submit a construction plan *prior* to taking out the permit.
- Work to be done between July and August. (a dry period)
- 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.
- 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 2/18/15 expires 2/18/19 unless otherwise provided by Statute.

MaryRose oriented the plan; this is near Live Oaks School. She proceeded to review the drainage flow. Schopick asked if she saw any negatives. She did not.

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

I move to approve modification request IW-A-15-006: 575 Merwin Ave, based the site plan entitled *Plan and Profile, City of Milford Department of Public Works, Merwin Avenue, Milford, Connecticut* by City of Milford Engineering Bureau, 1 sheet dated 10/17/17 the information in the file and presented this evening, for the following reasons:

- The proposed pipe location change will have no significant impact or effect on the physical characteristics of the adjacent wetlands

A feasible and prudent alternative does not exist because:

- Existing Utility infrastructure prevents the location of the pipe in the previously approved location.

The original conditions remain including:

- The Permittee will submit a construction plan *prior* to taking out the permit.
- Work to be done in a dry period.
- 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.
- 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 2/18/15 expires 2/18/19 unless otherwise provided by Statute.

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 they are still waiting for the vegetation to grow. No new information.

2. **IW-A-17-047: 54 Cooper Avenue, Carmen Stefano** – proposed single family home replacing house razed after TS Sandy within 100' of a wetland in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal for a new single family home and deck to replace a house that had to be removed after TS Sandy at 54 Cooper Av. The proposed deck is 23' away from the wetland at the rear of the property. Initially the builder had proposed a rain garden at the rear of the lot as shown on the plans you received last week. She spoke with the property owner who would prefer the rain barrels to the proposed rain garden. Hard copies of the revised plans showing the rain barrels were in your mail this evening. She spoke with the City Engineer about both the rain garden and the rain barrel and both are acceptable methods under the storm water regulations; the rain barrels require considerable more maintenance.

Ron D'Aurelio, the project Architect and Jeff Attolino, the builder are here this evening to present the application and answer questions.

Ron D'Aurelio, the Project Architect, reviewed that this is for a single family home; the previous house razed after TS Irene & Sandy. Construction will be limited to the site that was already developed. The new proposed structure is in approximately the same location as the older home. The first floor elevation will be 14.3 in flood zone AE 11. There will be flood measures as required by FEMA and the Building Department. The lower level will only be used for parking and storage. A concrete apron will be added per Engineering. He has photos if the Agency wishes to review.

Flannigan questioned that this is a double lot and if the previous home is the same as proposed. D'Aurelio stated that he has no documentation on that.

Cowden asked MaryRose's opinion on the rain barrels verses the rain garden. MaryRose stated that there is grading on either side of the home and there would be a buffer in the rear. The barrels are to catch the first inch of water is the plan and what is required and have been successful. They need to be removed in the winter. Mrs. Stefano wasn't aware of a rain garden and the responsibility and prefers the rain barrel.

Magnan asked about the deck and if there would be pilings. Jeff Attolino stated that they would be putting sonotubes in the ground for the deck. Magnan asked about salt resistant vegetation. Attolino stated that there is hardly any vegetation on the site at this time and they will be installing silt fencing. MaryRose reviewed this on the plan. Cowden asked what would be under the deck. Attolino stated that it would be grass. Cowden asked about phragmites. MaryRose stated that it was in the rear of the property. Cowden stated that he would like the invasive species removed.

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

Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-A-17-047: 54 Cooper Avenue based on the plans entitled "*Property survey Plot Plan for 54 Cooper Ave., Milford, Connecticut*" by Paul J. Stowell Land Surveying, 1 sheet dated 8/17/17 rev 9/27/17, 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 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.
- Silt fencing moved unto the site in front of the proposed salt tolerant vegetation area.
- Any invasive species will be treated and removed in an appropriate manner.

- A bond of \$5,430.00 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.

The permit is issued 10/18/17 expires 10/18/22 unless otherwise provided by Statute. That is my motion.

3. **IW-A-17-048: 690 New Haven Avenue, 690 New Haven Avenue, LLC** – proposed construction of seven apartment buildings with associated infrastructure within 100' of a wetland or watercourse in the Indian River Watershed.

Dunn recused herself from discussion/acting on this application.

MaryRose reported that this is a proposal 19 units in seven buildings with construction, storm water treatment, mitigation and grading within 100' of wetlands in the Indian River Watershed at 690 New Haven Av. The site currently has a house and overgrown yard. A previous occupant left piles of debris adjacent to or in the wetlands and are shown on the plans in 'bubbled areas' that equal approximately 600 sq. ft. That debris is proposed to be removed and to be seeded with a new England conservation mix. Scott Stevens and Jennifer Beno of Soil Science and Environmental Services flagged the wetlands on the site and proposed the mitigation planting plan. Ron Wassmer of CT Civil Group is here this evening to present the application to you.

Ron Wassmer, P.E. L.S., reviewed that the proposal does not require any filling of wetlands. He oriented to the Milford GIS on a color plan. The wetlands drain through the commercial area into the Indian River. Review of Google earth snapshot showing the property in red with commercial buildings to the west and wetland areas shown. There is open space association with 3 houses at the corner of Pepe's Farm Road and there is open space association with a commercial building on Pepe's Farm Road. There is also open space that fronts further down on New Haven Av.

Speaking to SP-1 shows the proposed 7 buildings; 6 of the buildings have 3 units apiece entering from the frontage on New Haven Av and goes to the North. Driveway and parking follow the topography to minimize grading. There will be excavation for the buildings with shallow fill in front of the buildings and the foundation walls will be used as retaining walls; there will be no filling or grading to the rear of the units.

To WL-1 that has been colored. There is a lighter green undisturbed area with debris piles highlighted in red. The rear of the buildings will not require any fill adjacent to the wetlands

To SP-1 there will be a retaining wall on the Northeast corner of the parking area to minimize grading by parking spots 8-10 and there will be a dumpster pad to the extreme north of the parking lot.

To WL-1 that has been colored. Parking lot and driveway grade to the catch basins to the northerly most catch basin then to a water quality chamber then into an underground galley system with a high level overflow to a grass level spreader in the northwest portion of the property. Roof drains will either go into the structures or into galleys. This is compliant with the City of Milford requirements.

Wassmer reviewed the stormwater calculations for the site showing that post construction will be 5,746 cu. ft. or 25% reduction in runoff from the peak storm and will continue to recharge the ground water system.

Utilities were reviewed and will be coming from New Haven Avenue and will be underground

with storm galleys on the east side of the eastern buildings. Landscaping is per P & Z requirements and there will be a buffer area for mitigation/enhancements to the wetlands. A vinyl fence with markers is proposed. The debris piles identified on site will be removed.

Standard erosion control measures will be used as shown on the plans and a temporary chain link fence along the silt fence line to prevent inadvertent intrusion into the wetland during construction.

There is no NDDDB area shown on the plan but the Attorney sent a formal request for an NDDDB determination on that.

Scott Stevens, Professional Wetlands Scientist and Soil Scientist, stated that CCG hired them to classify soils on the property. Work was done on 3/18/16 and they delineated with 17 wetlands flags running from the NW to the SE. He reviewed his report; there is a ponded area to the North and is primarily fine sandy loam. Mostly off site and to the east there are very poorly drained and deep organic soils (peats and mucks). Uplands are deep glacial till soils (canton and Charlton with a narrow strip of Sutton soils).

Jennifer Beno, Biologist of Soil Science and Environmental Services, stated that they delineated the wetlands and created a buffer planting plan between the development and wetlands. There are areas of debris (rocks, concrete pipes). She did a site inspection on 8/23/17 to observe the existing conditions on the wetland boundary to see what the trees and shrubs are on the property so that her plan could enhance and diversify for food sources and habitat cover. There is an existing residence there with mowed lawn and some overgrown areas and the fill piles. She typically likes to recommend plantings 5' on center in double rows but wasn't able to do that along the retaining wall areas. The plan follows the edge of the disturbance along the existing wooded edge on the property. She recommends native noninvasive species as listed on the plan. These will provide a natural screen to the wetlands and natural cover.

Some invasive species are also listed in the report. She recommended removal of the invasive species and maintenance of the vegetation to ensure survival with monitoring for 3-5 years.

Connors asked where snow will be plowed. Wassmer stated that snow would go between the buildings or trucked off site. Connors stated that he has concern with snow being pushed to the rear into the wetlands at the driveway area.

Magnan asked about the functions and values of the wetlands today verses the proposed activity. Wassmer stated that there is no filling of the wetlands proposed; and there will be some mitigation. Magnan asked about enhancement or adverse impacts. Stevens stated that they weren't hired to do an assessment but that no direct impacts are proposed.

Connors asked if these would be rental units or condominiums. Wassmer stated either or.

Schopick asked about less density stating that not filling wetlands doesn't mean there will not be impact. Wassmer stated that he has addressed mitigation and buffer plantings. The area is zoned commercial.

Schopick stated that he feels a Public Hearing would be in the public's interest.

Magnan stated that he would like to consider a site walk and would like to see the functions and values of the wetlands now verses proposed and alternates considered. The snow shelf should be addressed.

Munson asked about the percentage of impervious area now verses proposed and would like the run off clarified. Also if there is any significant wildlife. Wassmer stated that there is not.

Cowden asked if lawns would be fertilized. Wassmer stated that this could be a restriction and is one reason why they selected a wildlife mix to be planted.

DeFlumeri asked about alternates considered. Wassmer stated that the plan has no adverse impact, no filling is proposed.

Schopick questioned if an independent expert would be needed.

Connors moved to move that a site walk be scheduled for application IW-A-17-048: 690 New Haven Avenue, on 11/1/17, at 5 PM. The motion was seconded by DeFlumeri and carried unanimously.

F. Informational

- 1. IW-JR-17-050: 680 Wheelers Farm Road, Thomas and Joan Kuser** – repair of failed septic system serving the existing single family residence on the property within 100' of a wetland or watercourse in the Housatonic River Watershed.

MaryRose reported that this was a Pre-application request for an emergency septic replacement at 680 Wheelers Farms Rd. It was discovered that the existing 1950's era septic system was failing above ground. The property owners hired Westcott & Mapes and Scott Stevens of Soil Science & Environmental Services to do mapping of the property and propose a new septic system for their home. The site was constrained by wetlands and depth to bedrock with only one area being satisfactory for location of the new septic system. The existing septic system had been installed on an adjacent lot; the proposed system will be on the owner's property. She walked the property with Mark Davis, Engineer for Westcott & Mapes and viewed the proposed location and the plans. She discussed the issues with Chairman Magnan and it was determined in the interest of time to issue a JR for the septic system repair so that the homeowner could get the remainder of the required permits and hire a contractor to install the new system. This JR will appear in the legal notice with this meeting to be published on 10/26/17. Alternatives to issuing the JR would have been to issue a violation for the discharge of material within 100' of a wetland and watercourse or to require an application which could have delayed the installation of the new system. The property owners and their consultants are working through the rest of their permits and interviewing contractors.

G. Minutes

A motion was made by Connors, seconded by Schopick to accept the minutes of the 10/4/17 meeting as presented. The motion carried with Buchok, Cowden and Flannigan abstaining.

H. Staff Report

- CACIWC meeting is 11/18 please let the office know if you would like to attend. We have one reservation that cannot be used.
- We received the 2018-2019 Budget forms yesterday. MaryRose will work with Joe to propose a reasonable budget to accomplish the Agency's mandates within the budget constraints of the City. Due to Finance Department by November 7.
- Reminder that the following Commissioners terms are up this year: Magnan, DeFlumeri and Cowden. Please let the office know if you would like to be reappointed and then the Mayor's Office will be notified.
- Discussion on getting applications digitally in an email; MaryRose will request a drop box for Commissioners.

Site Status:

- 1595 Boston Post Rd project is complete. I have the construction asbuilt and that surety bond will be released. We will continue to hold the mitigation bond for the required review period.
- 220 Rock Lane is completed waiting on an asbuilt.
- 605 Orange Ave is completed - awaiting asbuilt estimated 10/30/17 submission.
- 33 Schoolhouse Rd is ongoing.
- 70 Kay Ave is ongoing.
- Welch's Point Rd Pump Station - ongoing.
- Rock Lane Pump Station – ongoing.
- 73 Cooper Ave ongoing would like to add stairs to their deck – using a portion of the approved deck.
- Great River Golf Course – waiting to receive revised mitigation plan for planting this fall.
- Milford Ponds – a pre-construction meeting was held with the contractor last week. A start date has not been set.
- DOT Rails project – DOT will be replacing the culvert under the tracks between Eastern Steel Rd and Pepe's Farm rd they will be holding an informational meeting on 10/19 at 6:30pm at City Hall. They are not proposing to start work until next fall.
- Please remember to call or email if you are unable to attend a meeting.

I. Chair's Report

Please remember that when applications are before the IWA they cannot be discussed outside of a meeting with the public or applicants. If someone approaches you on an application that is before us, please ask them to come to a meeting or to speak to the office so that the entire Agency can hear what they have to say. MaryRose further stated to let anyone know that contacting you may compromise an application.

The next meeting will be a Regular meeting in Conference Room A on November 1, 2017. There will be a site walk also on 11/1/17 at 5:00 p.m.

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 Connors, seconded by Schopick to adjourn at 9:10 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.