

Minutes of the Regular Meeting of the Inland Wetlands Agency on November 01, 2017.

A. Roll Call

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

Absent: Jim Connors and 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-17-052: 0 Gulf Street, City of Milford** – proposed roadway and sidewalk improvements along with enhanced public access within 100' of a wetland and 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 11/18/17 meeting. No action.

2. **IW-A-17-053: 460 Gulf Street, Allen Berrien** – proposed roadway and sidewalk improvements along with enhanced public access within 100' of a wetland and 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 11/18/17 meeting. No action.

3. **IW-A-17-054: 400 Narrow Lane, Philomena and Estate of John Laviola, Sr.** – construction of a single family home in Orange, with portions of the septic system and grading in Milford within 100' of a wetland and 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 11/18/17 meeting. No action.

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-17-048: 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. The project is proposed with no walk outs to the rear green space. They have proposed a fence along the rear of the units as a delineator to keep disturbance away from the wetland and a portion of the upland review area. The Agency had the following questions at the last meeting:

- Connors & Cowden asked about Snow shelves / snow storage
- Magnan asked about functions and values pre & post development
- Schopick & DeFlumeri asked about other feasible and prudent alternatives, possibility of moving development further from the wetlands, asked for alternatives to the proposed design.
- Munson asked about pre vs post development runoff

The Agency walked the site this evening at 5pm. Ron Wassmer of CT Civil group and Attorney Kevin Curseaden are here this evening to present the application to you.

Flannigan questioned if there would be just one dumpster in the rear of the buildings. Wassmer stated that it is a proposed enclosure for garbage and recycling. Flannigan stated that she is concern with this being so close to the wetlands and asked if there could be an alternate location further from the wetlands.

Munson asked about chemical contamination on the site. Wassmer stated that this has never been addressed as there is no issue that he is aware of.

DeFlumeri stated that a well covered by a slab was seen at the site walk and he asked if it would be filled in. Wassmer stated that the State of CT has guidelines for this; this cap would be removed and it would be filled with sand. Magnan would like clarification that this is a well.

Schopick stated that he recalled there being no wetlands on the property as part of the presentation. Wassmer stated that clearly there are wetlands on site as it is on the plans. Curseaden stated that no fill or disturbance of the wetlands was stressed during the presentation. Schopick would also like information on the parking and driveway if it is pervious or impervious and the impacts of such to the wetlands.

Munson asked if there were any plans to clean up the area on New Haven Avenue. Wassmer stated that there is litter there that can be cleaned up. The project will have a management

company, so it will be maintained. Curseaden stated that the debris on site has been there long before this applicant has owned the property.

Buchok asked for clarification to the dumpster location and asked if it could be moved further away from the wetlands.

Magnan stated that based on the site walk; areas of wetlands flags #4, #5 and #6 are a concern and he would like information as to the functions and values here. He further stated that there is more protection in other areas of the site and he would like to see more of a balance. There is a 15' buffer with fencing by buildings #5 and #6 and he questioned why there was not in other areas to protect the wetlands. The Northeast area – grading goes down significantly and he is concerned with tree structure and adverse effects of the functions and values. He would also like information on tree removal and if the worse case verses best case scenario could be presented. The concerns are with stabilization of the root system as well as canopy.

DeFlumeri stated that debris was viewed on site and he asked if there is any of this in the wetlands.

MaryRose asked if there are any tidal wetlands on the property.

Munson questioned the fencing and if it could be continued along New Haven Avenue and other areas of the site to help prevent litter in the wetlands.

No action taken.

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

MaryRose reported that this is a proposal for a single family home on an existing lot where a smaller home was recently removed. The wetland was flagged by Scott Stevens of Soil Science and Environmental Services. The wetland is 67' uphill from the proposed house and 58' from the proposed deck. There is an existing yard behind the proposed house and overgrown and treed areas to the rear of the property as it slopes up. Robert Pavlo currently lives in the adjacent house to the east and purchased the property to build a larger home for his family. Robert Pavlo and Angelo Lisi were present for any questions.

MaryRose stated that a house was built about 10 years ago in the same area by the same builder and there have been no issues. The proposed stormwater galley system will be buried. The wetland is uphill from this property. She recommends a permitted bond. The silt fence is already up due to the removal of the house. She does not feel this would be a significant impact.

Cowden stated that based on MaryRose's input he would be in favor of this project.

Flannigan asked about vinyl fencing. MaryRose stated that on this site she does not feel it would be appropriate.

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

Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-A-17-051: 86 Marshall Street, based on the plans entitled "*Property Survey Plot Plan for 86 Marshall St, Tax Map 63 Block 934 Lot 15, Milford, Connecticut*" by Paul J. Stowell Land Surveying, 1 sheet dated 1/02/17 rev 10/17/17, 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.
- A bond of \$5,310.00 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 11/01/17 expires 11/01/22 unless otherwise provided by Statute.

The motion carried unanimously.

G. Minutes

A motion was made by DeFlumeri, seconded by Schopick to accept the minutes of the 10/18/17 meeting as presented. The motion carried unanimously.

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.
- 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 – at the last meeting the Agency allowed stairs to the rear deck. They then encountered an issue while MaryRose was away with a new requirement from the UI. In order to put the UI meter and connections out of the flood zone, they had to meet a new requirement that the meter can't be more than 5' off the ground or a platform. To allow power to the installed to the house they put a small deck at the front of the house for access to the UI box and to keep the box above the flood elevation. This work is approximately 55' from the wetland line.
- Great River Golf Course – waiting to receive revised mitigation plan for planting this fall.
- Milford Ponds – mobilization is set for 11/14.
- 0 Tanglewood Circle – a preconstruction meeting was held today. They are proposing mobilization and tree clearing late next week or early the following week. They are aware of all of the conditions and site requirements as she has given the new owner and Engineer the approvals, conditions and met with them several times to review along with their consultants and contractors.
- Please remember to call or email if you are unable to attend a meeting.

I. Chair's Report

The next meeting will be a Regular meeting in Conference Room A on November 15, 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.

Magnan attended the Municipal Legal Meeting in Madison. This information gave clear direction to consider using special email for documentation verses personal email based on the Freedom of Information Act. It also reviewed the publics' right to speak in regular meetings verses a Public Hearing. At a regular meeting it should only be at the bequest of the board; the time for the public to speak is at a Public Hearing. DeFlumeri asked if a member of the public would be called on at any time. Magnan stated that this is discouraged as it could be a time before or after the agenda. Advice will be sought from the City Attorney if Public Comments should be on the agenda.

Please remember that when applications are before the IWA they can not 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.

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

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.