

**A. Roll Call**

Present: Brendan Magnan, Jim Connors, Ken Cowden, Lily Flannigan, Steve Munson, Daniel Schopick and Philip Zetye.

Absent: Dave DeFlumeri and Carol Dunn.

Also Present: MaryRose Palumbo and Lisa Streit.

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

RECEIVED

JUN 14 2017

MILFORD INLAND WETLANDS

**B. Pledge**

All stood for the Pledge of Allegiance.

A motion was made by Schopick, seconded by Munson to hear item F. 3. first. The motion carried unanimously.

**F.3. Proposed Amendment to Section 12.8 MIWA Bylaws**

12.8 The Chairperson shall, after an opening presentation by the applicant, call for comments from the public: first proponents, then opponents. Each speaker shall first clearly state and spell his or her name and address for the record. Following the public comment, the applicant shall have an opportunity to provide rebuttal in response thereto. At the conclusion of the applicant's rebuttal, the Chairperson shall invite members of the public ~~who previously spoke for or against the application~~, to provide further rebuttal, limited only to the rebuttal comments of the applicant. The Chairperson shall then ask Commissioners to make statements or raise questions directed to the applicant.

MaryRose reported that this is a proposal to change the MIWA bylaws to allow anyone to speak during the rebuttal portion of a public hearing and not limiting it to just the people that spoke initially. The purpose of the proposed change is to ensure that everyone gets a chance to speak if they would like to on a public hearing item. Under Section 19 of the bylaws the item was posted on the Agenda for 5/17/17 and can be voted on this evening. The proposal requires a 2/3 vote to be adopted

Flannigan clarified the omission of "those who previously spoke for or against the application." Schopick clarified that the public can speak even if they didn't speak previously and that he looked into this with the City Attorney and it is an appropriate change.

The following motion was made by Schopick, seconded by Munson:

After duly considering all relevant factors, I move to approve the changes as proposed to Section 12.8 of the MIWA bylaws. The motion carried unanimously.

**C. Public Hearing**

Magnan reviewed the following:

- 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 all cell phones.

- Explanation of the Rules: The applicants will present any additional information, when they are finished the public may speak 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 then may speak again *to the issues that were covered in the rebuttal*. Then 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. This public hearing is for a modification to an existing permit. The Agency is reviewing the modification request only. I will ask you to stay on the topic of wetlands and the modification before the Agency this evening or will ask that the next speaker be given the floor.

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

MaryRose reported that the Certificates of Mailing have been received and are in the file. The file contents list is updated and is available for viewing in the Inland Wetland Office.

Attorney Lynch reviewed that the IWA approved this application for 342 multifamily units. They then went for a special permit with Planning & Zoning and received approvals from all city departments. On 2/22/17 Gary Baker and Bernard Begley from the Fire Department took issue with the fire road. The applicant has made changes per their requests and on 3/16/17 the Fire Department issued their approval. Based on these changes; which they feel is a minor amendment, due to the prior Public Hearing, this was scheduled.

Fred Mascia, Senior Project Manager with Tighe and Bond, stated that an 18' wide fire access road was proposed with grass paver blocks along the side for fire access. The Fire Department would not approve this; they require a 28' wide roadway as truck and equipment need this clearance. He proceeded to review plan C2.01; the road can be narrower at the corners of the building—The deed restriction plan was reviewed and they are holding to the previous approval. A water main under the roadway is proposed for hydrants and access to the entire building in the event of a fire. Typical cross sections were shown. The deed restriction is shown on the left hand side. A portion of the fire road will have a retaining wall. The other section view shows area that doesn't need a retaining wall. A 6' paved area and a 6' grass paver was the previous plan; porous asphalt is now proposed for the entire area. Any water will infiltrate into the ground. A piece of porous asphalt was distributed for review.

Aris Stalis, Landscape Architect, he prepared the amended landscaping plans based on the revised fire access road. The porous pavement doesn't ice up but leaches down even in the cold winter months; therefore doesn't require salt and sanding that standard pavement does. He referenced a study of porous asphalt in Chicago. Previously they had proposed pockets of trees and native seed mixes along the fire road. The pockets were pushed towards the development line. The work along the edge of disturbance has remained as it was proposed and approved previously with a restoration seed mix to choke out the invasive species that grow on the property.

A call for those **IN FAVOR:**

None.



A call for those AGAINST:

**Frank Ellison, 8 Lucius Court** – lives right across the street from this project and has been to every meeting. Everyone in the area bought their homes for the environment. He is emphatically opposed to the entire project and the now additional encroachment. If the Fire Department says that the project can't go through without modification, then it shouldn't go through. Why do they get more chances? All of the neighbors are opposed; if the plan doesn't work, it shouldn't go forward.

**Irene Ellison, 8 Lucius Court** – she moved here this past August. It is a community for people 55 years of age or older and she thought she would have peace of mind. This project is huge; there are no sidewalks on West Avenue. Are sidewalks going to be put in? She doesn't understand the project and feels it was shoved down their throat. The area is already congested and there will need to be traffic lights and sidewalks. It is a small area, the sewer system already smells. She asked who will benefit from this, not them and she asked if the developers would move into this area.

MaryRose explained that the project was approved last year and this is just a modification for the fire road. Mrs. Ellison stated that she didn't understand and asked where the entrance will be and if there will be sidewalks. MaryRose stated that these are not IWA issues. She doesn't understand what wetlands are to ask the question, but is opposed to this application.

**Anthony SanMarco, 27 Lucius Court** - said he understands the fire department wanted the road expanded. He is new to the area and would like to understand where his condominium is in relation to the project. He is concerned about traffic and water. He asked where the entrance and exit is as there is only one way in and out of Gloria Commons. He is opposed to the project and would like to see a park there walking path, bike riding etc.

**Jacqueline Sanford, 4 Alana Drive** – stated that she doesn't know how this project got this far and that this is dealing with the quality of life of people. They didn't consider the animals and they are coming over to Gloria commons and not going to be living on that parcel any longer. She is new to Milford and is appalled. MaryRose reviewed that the IWA must abide by State Statute, not just what they would like or not like. Fox and deer are not wetland dependent.

**REBUTTAL: None.**

**MaryRose** asked the applicant to please address orientation issues. Attorney Lynch oriented the site plans and building locations. This project is 8/9 acres out of a 42 acre site. The entrance and exits are on West Avenue and Schoolhouse Road.

**Zetye** stated that the only way this modification could be denied would be based on the porous asphalt and there is a letter from an expert on file that states this improves drainage from the previous proposal.

**Fred Mascia** stated that the University of New Hampshire wrote a book on porous asphalt. The Park Avenue campus of Bridgeport Hospital has porous asphalt in the parking lots, not the driveways. Similar to this site, the fire road is porous asphalt not the driveways. Zetye asked how many years has it been used. Fred stated about 10 years.

**MaryRose** asked how snow would be dealt with on the fire road. Aris Stalis stated that it would be plowed regularly but would not include de-icing or sanding. This asphalt has been utilized for 20 years now; at UCONN, it has been used in Ithaca which has heavy snow.



**Magnan** read the letter from Matt Davison dated 4/28/17; who is a Professional Wetland Scientist, stating that it is his professional opinion the proposed modification is within the limits of approval and will not adversely affect the wetlands or watercourses.

**Frank Ellison** stated that this is a modification to the wetlands, not just material. MaryRose explained that the IWA is charged with reviewing areas within 150' of wetlands and this modification request is not filling any wetlands.

- Magnan stated that this project is enhancing the wetlands in the area per public record and expert testimony.
- Munson stated that he felt that Matt Davidson's letter was the most important information – that there will be no adverse effects and is actually an improvement.
- Connors stated that he is in favor of the modification. The fire access is for public safety and porous asphalt is an improvement.
- Flannigan agreed.
- Zetye agreed.
- Buchok agreed
- Schopick agreed.
- Cowden agreed and stated that these changes are for the better of the wetlands.
- Magnan stated that the landscape design has been enhanced as well.

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

After duly considering all relevant factors, I move to approve the modification to permit 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, 8 sheets dated 2/08/2017 revised 3/20/2017, the information in the file and presented this evening, for the following reasons:

1. A feasible and prudent alternative does not exist because:
  - a. The applicant provided convincing documentation that this modification to the size and construction of the fire access road would not increase the impact.
2. After duly considering all relevant factors:
  - a. The short-term impacts during the construction phase shall be mitigated by the following conditions in addition to the conditions on the original approval:
    - The work on the road will be done during the dry season from July to September
    - A construction performance bond to be calculated must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt by a professional licensed in the State of Connecticut showing finished 2' contours and locating all site structures. The asbuilt must be received for the release of this bond.
    - A mitigation bond to be calculated will be held for a minimum period of three years with monitoring reports twice a year by the professional wetland scientist to the MIWA. If the benchmarks for success of the mitigation areas are not met by year three, two 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.
    - Any changes to the plan must be reviewed by the MIWA for compliance with this approval.
    - The permit was issued 9/21/16 and expires 9/21/21 unless otherwise provided by CT Statute.

The motion carried unanimously.



A motion was made by Schopick, seconded by Buchok to hear items C2 and C3 together. The motion carried unanimously.

Magnan reviewed the following:

- 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 all cell phones.
  - Explanation of the Rules: The applicants will present any additional information, when they are finished the public may speak 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 then may speak again *to the issues that were covered in the rebuttal*. Then 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. I will ask you to stay on the topic of wetlands before the Agency this evening or will ask that the next speaker be given the floor.
2. **IW-A-17-015: 20 Westmoor Road, Sharlene Adams** – proposed single family home with construction and grading within 100' of a wetland in the South Central Shoreline Watershed.
  3. **IW-A-17-016: 16 Westmoor Road, Sharlene Adams** – proposed single family home with construction and grading within 100' of a wetland in the South Central Shoreline Watershed.

**Bob Wheway, PE, Codespoti and Associates**, submitted the certificates of mailing as well as the letter that was sent. He proceeded to review Sheet EC showing the existing conditions of the site. This was part of the Merwin Estates from 1927; these lots have been in existence since then. He submitted a copy of this subdivision from 1927 showing the lots. He then reviewed the existing 60" RCP storm water drainage pipe that drains to LI Sound and is 5/6' above existing grade. The wetlands location was reviewed on the plan. The lots are presently overgrown with Japanese knotweed. The existing topography was reviewed on the plan; the site generally slopes northerly to northwest. There are no wetlands on either of the 2 lots. The wetlands were flagged by Otto Theall in October 2015 and his report was submitted. Both lots are within the 100 year FEMA flood zone. Codespoti has been involved with the project for a number of years. This started out as two lots but Westmoor Road was unimproved. Zoning would not issue permits because of the unimproved street. In 2007 the City Attorney acknowledged that the Right of Way was owned by the City and certificates of Zoning compliance were issued. With that a letter was issued that Westmoor Road be required to conform to City Standards prior to any Zoning or Building permits. Subsequently he met on 11/03/15 with Compliance Officer Palumbo and DPW Director Chris Saley who did not want a City street developed to serve just two lots. Based on this, a plan for a 16' private driveway was submitted to P&Z who referred it under 8-24 to the Board of Alderman, who agreed on 9/29/16 and the approval was filed on the land records.

Wheway submitted public hearing items PH5 & PH 6 Linda Stock Certificate of Zoning Compliance for each lot dated 10/6/06 and PH7 City Clerk recording of BOA agreement dated 9/29/16. Wheway stated that the proposed houses will be 24' x 50' with 1,200 sq. ft. footprint. Plans show connection to a private sanitary sewer line, existing water main and proposed grading for the driveway. Drainage for the driveway is 0.25' cross slope, a stone lined infiltration trench that wraps around the hammerhead driveway and terminates at the wetland area. It will collect sheet flow off of the



driveway and will be the storm water quality system for the driveway. A series of drywells are proposed and will be inter connected with the yard drainage system. The south east of #16 an inlet pipe is proposed to intercept runoff and then discharge to a level spreader.

Sheet SP3 was reviewed with sedimentation and erosion control plans. A report from Matt Popp dated 6/5/17 addressed proposed mitigation measures and procedures for control and eradication of knotweed. Mr. Popp noted in his professional opinion that there would be no significant impact on the wetlands as the project is proposed.

A number of alternatives were considered:

No build – this was considered not prudent as these are two existing building lots and the owner has the right to pursue development.

Impacts of developing Westmoor Road as a standard city street were considered. Reducing pavement from 30' to 16' was looked at. By going to this proposed plan, the impact was reduced by 40-50% over a standard city street. Activity within the right of way was minimized.

Looked at lowering the driveway grading but it would not be prudent given the flood zones. The Fire Department wanted this handled similar to the other side of Westmoor Road; no more than 2' of water will be over the access way in a flood situation for safety and access for emergency vehicles.

Called for those **IN FAVOR**:

**Tyler Lewis, 11 Earle Street**, in an effort to expedite this would like to submit photos. Mr. Lewis submitted PH item 8 – a photo copy of the Milford sewer asbuilt. PH 9 & 10 – aerial Photographs from the State of CT (two of same photo) PH11 an enlarged photo of water in a yard. Mr. Lewis stated that he grew up in this area and played in this area. It used to be a pond - he fell through the ice when he was a child. There used to be a marsh between the houses. He currently lives here. The area had tall grasses and the northeast part of the pond was full of cattails. He stated that he knows there was debris in the marsh including an abandoned bus. When the City put the 60" storm water drain in, you can see the manhole. The City drained the area and filled it in. He knows that the Agency has to go by what the Soil Scientist says but the map shows where the pond was in the 1960s. At the last meeting he wanted to talk about dealing with knotweed. He is an Arborist and Plant Pathologist. Knotweed is an imported invasive, its roots go down 10-11'. In its native environment it grows on the side of volcanoes and grows through the lava when it has hardened. He was an Arborist for the City of Milford and it is his professional opinion that the Knotweed grows down to 10' each year it breaks off and builds up. It is brought in by fill spoils and any small piece left behind will grow into a field like it is on this lot. He wants to make people aware of this. The Agency went over and looked at the site. He has provided them with the information that he has but it is hard to see when there is 6-8' of knotweed. Look at the map from the 60s that shows the area was filled in since the 60's where the Agency walked was a trench. The old map shows the edge of the pond. His concerns are that he doesn't want to get flooded. There have been contractors that have dumped in there. There should be a higher spot in front of the house. If #20 is the lowest spot, why is it all water is below house #16? It's because it has been filled; a direct problem from illegal filling. The 1964 aerals show where the wetlands used to be.

Call for those **AGAINST**:

**Barbara Lewis, 11 Earle Street** – is neutral and thanked the IWA for their time. She has watched Ms. Adams fill in land and the City's and it changes the environment and caused flooding that wasn't there before. The data today is due to filling. Use the state statutes for your decisions.

**Tim Runyon, 21 Earle Street** - only problem is the grading and effect it is going to have on the plants. He asked if the pipes are in the ground and if it floods where are the soil contaminants going



to go. What about the heavy metals; the houses are extremely close to the wetlands - closer than the plans shows.

## REBUTTAL

**Bob Wheway** - . They can take the steps laid out in Mr. Popp's report but they can't control the knotweed off the site. The act of mowing on the lots will control the knotweed but they have no control over knotweed on the City parcel. Wheway addressed the question on heavy metals. The driveway for 2 houses is negligible. Heavy metals don't move from soil particles; typically they get caught up in slope areas of the driveway. He can't attest to the grades in 1960 / 65. Topography is field verified by a survey crew. The drawings are accurate. Both properties; Westmoor Road properties and adjacent properties are in the flood zone. His responsibility is to ensure proposed houses are outside of the flood zone and that there are no negative impacts off site from this application. He is sure that there was filling in this area in the past. The city put in the 60" RCP; there is a public water main. He is not sure if the knotweed was brought in at that time. The purpose of the drain line was to remove water from adjoining properties. Ms. Adams has indicated that she has not done filling on the property.

Magnan said there was a concern raised with re-grading and filling.

Sharlene Adams, 188 Point Beach Drive, stated that there has been no re-grading. Trees were planted but no filling. There was top soil for grass; but not filing.

Magnan asked that the issue of tanks being in the ground be addressed.

Wheway stated that they are not tanks but shallow 18" storm water infiltration galleys. They will be located around elevation 13-14'. The elevation where the wetlands are is about 5.5'.

**Tyler Lewis** stated that he knew both of the contractors that did filling on the property. They cut all of the trees. Before he bought his property he checked and he would have had to bring in thousands of yards of fill to develop the property. Hayes construction knocked all the trees down and re-graded the hill and Westmoor Road and it drained fine. The presence of knotweed is an indication of filling she didn't do that but it allowed the knotweed. The emphasis on the eradication of the knotweed is impossible. In other countries it is so invasive you can't get financing for the lots. You can't even burn it.

**Tim Runyon** stated that he didn't explain to me when the property floods how they will prevent the pesticides in the basin from getting into the wetlands.

Wheway stated that there will be no flooding of the houses. They are not proposing basements. It will be a 3- level house with the garage on the first level. The living space will be above elevation 12'. Wheway summarized the proposed drainage Best Management Practices for the underground galleys for the protection of the water. Mr. Popp's report stated that we have incorporated BMPs in the design.

## Call for Agency members questions

- Buchok asked if the applicant will be using the recommendations as outlined in Matt Popp's report. Wheway stated that they would.
- Schopick asked if there would be a reduction in impact to the wetlands if the house were reduced in size. Wheway stated that the house footprint is small to begin with. The building runs from zoning setback line to zoning setback line. House #20 was reviewed with the architect and they



configured the garage to keep the hammerhead an additional 5' from the wetlands. We have worked and pulled back to keep the design elements as far as possible from the wetlands.

- Schopick asked if they considered combining the lots and building one house. Wheway stated that they have a 1927 subdivision and separate lots in chain of title to that time and position. The property owner is looking to exercise her rights to build on these individual lots.
- Cowden asked if a condition could be added to restrict pesticides on the lots. MaryRose stated that it could and deed restrictions can be made but it may need to be acknowledged that pesticides may be needed to control knotweed. Wheway stated that using the plan by the Professional Wetland Scientist to control knotweed from the onset should reduce the invasives. He feels that the knotweed will need to be removed and burned so it is not composted and spread. Weekly mowing should help to control the further establishment of knotweed on the sites.
- Cowden asked about the snow shelf and chemical snow control. Wheway stated that they left a bit of shelf and will only be plowing 16' as opposed to 30'.
- Zetye stated that he is concerned about the integrity of the wetlands boundary. The wetlands boundary was different in the 60's and questioned if this should be reviewed. Magnan stated that based on training; boundaries are defined by Soil Scientists and not by photographic evidence.
- Munson stated that Theall delineated the wetlands in 2015, which is recent enough. Clearly the property has changed since the 1960's. He is comfortable with the delineation as shown. He would like to make a point that whatever has happened on the property in the 1960's he is inclined to think that the houses to some degree may protect the wetlands from what is there now.
- Flannigan stated that all of her questions have been answered. She agreed that putting the houses in will somewhat control the invasives. That they may have issues with flooding is not in our purview. She has no other questions or concerns.

Wheway said that no trees are to be removed. The property was cleared of knotweed 1.5 years ago for the topographic survey and Otto Theall's soil survey.

Magnan said that he agrees with the comment by Mr. Munson that the plan design will remove the knotweed.

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

After duly considering all relevant factors, I move to approve application IW-A-17-15 20 Westmoor Road based on the plans entitled "*Proposed Site Development Plans #16 & #20 Westmoor Road, Milford, Connecticut*" by Codespoti & Associates, cover & 5 sheets dated 4/6/2017, 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.
- As a condition of approval, within 90 days of receiving final approvals to proceed with construction of the proposed development and prior to taking out the permit, the applicant / owner will file with the Agency's staff, for its review and approval.
- A stormwater maintenance plan including clean-out schedule for the stormwater system, structures, swale and stone filter strip. This maintenance plan must be added to the City of Milford Land Records with a copy to the MWIA prior to the permit condition bonds being released;



- 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.
- Bonds to be calculated must be posted with the MIWA for S&E controls, plantings, wetland boundary markers and an asbuilt showing finished 2’ contours and locating all site structures including boulders.
- 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.
- Boulders will be placed at the end of the driveway adjacent to the wetland line to prevent snow-push to the wetland.
- The permit is issued 6/7/17 expires 6/7/22 unless otherwise provided by Statute.

The motion carried unanimously.

Connors moved that the condition be added that Matt Popp’s recommendations be incorporated into the plans. Schopick seconded the motion and it carried unanimously.

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

After duly considering all relevant factors, I move to approve application IW-A-17-016, 16 Westmoor Road based on the plans entitled “*Proposed Site Development Plans #16 & #20 Westmoor Road, Milford, Connecticut*” by Codespoti & Associates, cover & 5 sheets dated 4/6/2017, 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.
- As a condition of approval, within 90 days of receiving final approvals to proceed with construction of the proposed development and prior to taking out the permit, the applicant / owner will file with the Agency's staff, for its review and approval,
- A stormwater maintenance plan including clean-out schedule for the stormwater system, structures, swale and stone filter strip. This maintenance plan must be added to the City of Milford Land Records with a copy to the MWIA prior to the permit condition bonds being released;
- 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.
- Bonds to be calculated must be posted with the MIWA for S&E controls, plantings, wetland boundary markers and an asbuilt showing finished 2’ contours and locating all site structures including boulders.
- 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.
- Boulders will be placed at the end of the driveway adjacent to the wetland line to prevent snow-push to wetland.
- Matt Popp’s recommendations be incorporated into the plans
- The permit is issued 6/7/17 expires 6/7/22 unless otherwise provided by Statute.

The motion carried unanimously.



**D. Public Comments**

None.

**E. New Business**

1. **Modification IW-M-17-030: 0 Tanglewood Circle, Lot 28, April Culver** - Proposal to relocate proposed septic tank and pump chamber per the requirements of the Milford Health Department for approved single family with work within 100' of a wetland in the Housatonic River Watershed.

MaryRose reported that this is modification request for a change in location for the septic tank and pump chamber on the approved single family house lot at Lot 28 Tanglewood Circle. There is no change in the size of either structure. The Health Department approval required a larger separation distance from the structures to the storm water infiltration area approved under the driveway.

Bob Wheway, representing the applicant, stated that this is a simple request to move the septic tank and pump chamber 20' to the SE where it was approved by the Health Department. They are the same size as this Commission previously approved the proposed modification will not change any of the activity in the upland review area.

MaryRose stated that the septic tank moves out of the approved fill area and is an improvement.

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

After duly considering all relevant factors and based on the plans entitled "*0 Tanglewood Circle prepared for April Culver Lot 28 'Rustic Acres' Section IV, Milford, Connecticut*" by Codespoti & Associates, 2 sheets, dated 5/31/16, revised 5/23/17, the information in the file and presented this evening I move to approve modification request IW-M-17-030 for the following reasons:

A feasible and prudent alternative does not exist because:

- a. The applicant provided convincing testimony and documentation that this proposed modification does not change the size of footprint, and the minor change in location of the footprint does not change the impact.

The conditions on the original approval remain including:

- The permit was issued on 8/3/16 expires 8/3/21 unless otherwise provided by Statute.

The motion carried unanimously.

2. **Modification IW-M-17-031: 0 Tanglewood Circle, Lot 29, April Culver** - Proposal to relocate proposed septic tank and pump chamber per the requirements of the Milford Health Department for approved single family with work within 100' of a wetland in the Housatonic River Watershed.

MaryRose reported that this is a modification request for a change in location for the septic tank and pump chamber on the approved single family house lot at Lot 29 Tanglewood Circle. There is no change in the size of either structure. The Health Department approval required a larger separation distance from the structures to the storm water infiltration area approved under the driveway.

Bob Wheway, representing the applicant, stated that this is similar to Lot 28; a simple request to move the septic tank and pump chamber 20' to the SE from where it was approved by this commission. It is the same size as this commissioner previously approved the proposed modification will not change any of the activity in the upland review area.

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



After duly considering all relevant factors and based on the plans entitled "*0 Tanglewood Circle prepared for April Culver Lot 29 'Rustic Acres' Section IV, Milford, Connecticut*" by Codespoti & Associates, 2 sheets, dated 3/11/16, revised 5/23/17, the information in the file and presented this evening I move to approve modification request IW-M-17-031 for the following reasons:

A feasible and prudent alternative does not exist because:

- a. The applicant provided convincing testimony and documentation that this proposed modification does not change the size of footprint, and the minor change in location of the footprint does not change the impact.

The conditions on the original approval remain including:

The permit was issued 4/6/16 expires 4/6/21 unless otherwise provided by Statute.

The motion carried unanimously.

## G. 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 there is no new information. No action taken.

2. **IW-A-17-017: 38 Park Circle, William Blanck** – proposed single family home with construction and grading within 100' of a wetland in the Indian River Watershed.

MaryRose reported that this is a proposal by William Blanck for a single family home within 45' of an inland wetland in the Indian River Watershed. Mr. Blanck has proposed a house with a walkout basement within 53' and an 8' deck within 45' of the inland wetland. The property is sloped from the street down to a tidal brook. There is a line of inland wetlands between the proposed construction and the tidal brook. The Agency held a site walk on 5/31 and I walked the site this morning with Commissioner Buchok when the weather was clear and seasonable. Mr. Blanck is here this evening to answer your questions.

Magnan stated that the Agency can take no action, request additional information, require a public hearing, approve or deny this application using the considerations for decision in Section 10.

- Munson asked if there was any interest from the public on this application. MaryRose stated that no one has been in the office or called on this application.
- Flannigan said that she has no questions and was favorably inclined at the site walk
- Connors stated that he has no issues feels it is a decent project.
- Zetye will abstain as he did not walk the site
- Buchok stated that he is in favor.
- Schopick stated that he is in favor.
- Cowden stated that he is in favor after the site walk.
- MaryRose stated that the applicant may wish to come back in the future to work on control of some invasives in the rear yard beyond the proposed silt fencing.
- Magnan stated as observed in the field there is a clear boundary line to delineate where the edge of the work will be and it is unlikely to infringe on the wetlands.

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



After duly considering all relevant factors, I move to approve application IW-A-17-017: 38 Park Circle based on the plans entitled "*Plot Plan Prepared for Bill Blanck 38 Park Circle, Milford, Connecticut*" by CCG, 1 sheet dated 3/07/2017, 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.
- Bond to be calculated 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 6/07/17 expires 6/07/22 unless otherwise provided by Statute.

The motion carried with Zetye abstaining.

## H. Minutes

It was noted that Buchok and Flannigan were not present at the 5/17/17 meeting. A motion was made by Connors, seconded by Schopick to approve the minutes as amended. The motion carried with Buchok and Flannigan abstaining.

A motion to approve the minutes of the 5/31/17 meeting as presented was made by Schopick and seconded by Connors. The motion carried with Buchok and Zetye abstaining.

## I. Staff Report

We still do not have any information on the DEEP legal training sessions normally held in June or the Inland Wetland Commissioners training. I have not heard from Darcy Winter to see when the training will be available.

### Site Status:

- Indian River Interceptor – a few items still need to be completed.
- 1595 Boston Post Rd project is complete waiting on asbuilt.
- 220 Rock Lane is completed waiting on an asbuilt.
- 605 Orange Ave is finishing up - awaiting asbuilt.
- 33 Schoolhouse Rd is ongoing.
- 70 Kay Ave is ongoing.
- Welches Point Rd Pump Station – starting
- Edgefield Av sewer replacement - starting
- Great River Golf Course – dredging is complete and the plantings are in but they need additional seeding and invasives management We have seen the PWS I am planning on visiting the end of this week or early next week to check on the progress with the recommendations



- Founders Walk – The walkway is expected to be finished the end of next week or early the following week. Several trees are in and the additional plantings should start soon.
- Please remember to call or email if you are unable to attend a meeting.

**J. Chair's Report**

Thanked all for their participation.  
The next regular meeting will be on 6/21/17.

There being no further business to discuss, a motion was made by Connors, seconded by Cowden to adjourn at 10:20 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.