

**A. Roll Call**

The following Commission Members were present:

Alternate Commissioner Nathan J Buchok, Commissioner Jim Connors, Commissioner Carol Dunn, Vice Chairman David Deflumeri, Commissioner Steve Munson, Commissioner Lily Flannigan, Chairman Brendan Magnan and Commissioner Daniel Schopick

Others present: Compliance Officer MaryRose Palumbo and Mr. Joseph Griffith

Absent: Commissioner Ken Cowden and Commissioner Philip Zetye

Chairman 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.

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**C. Public Comments**

None

MILFORD INLAND WETLANDS

**D. New Business**

- D.1.** IW-A-15-038: 273 Cherry Street, Map 77, Block 813, Parcel 24; Milford Cemetery. Proposed equipment garage and compost / recycling bins within 100' of a wetland or watercourse in the Indian River Watershed. Modification to approval for drainage pipe. [7/5/17||9/8/17]

Compliance Officer Palumbo reported that this is a modification to an approval for a garage and storage bins at the Kings Highway Cemetery, 273 Cherry St. The original plan called for a 34' X 45' garage within 110' and 5 storage bins within 30' of the wetlands on site. The project was constructed with the garage 115' from the wetlands and 3 storage bins 45' from the wetland. The permittee and their engineer added a 12" perforated PVC pipe for drainage to intercept flow that runs across the cemetery to the southeast towards Spruce Street. The storm water enters the pipe through rip rap at a flared end and exits to a rip rap forebay with a check dam within 45' of the wetland. She said that she has visited the site after large rain events and there is no evidence of scour below the check dam, which indicates that the water is dissipating without causing erosion. They also increased the number of plantings on the site (17 approved 52 installed), although several are stressed and may need to be replaced. In your mail this evening is a letter from the project engineer, Bob Hiza and the field report. The field report noted that there was a pile of landscape debris outside of the bins, it has been removed.

There is a question about the proximity of the drainage pipe inlet to the septic system meeting State Health Code. We are waiting on a report from the Health Department to determine if it would impact our modification.

Ray Oliver of Architectural Services, 3 Lafayette St, Milford, also on the Cemetery Association gave an overview of work for the columbarium, garage and bin area with drainage from the upper part of the cemetery engineered by Bob Hiza in 2001. Due to the costs the columbarium and garage and bin area were done separately. They came back to P&Z and MIWA in 2015 for special permit amendment and approval. He explained the evolution of the site plans. When they were doing borings for approval of the septic system, they learned it had to be moved from original plan location. That change was approved by City Planner David Sulkis. They did all work according to the special permit. When moving the bins to the



southwest side they determined it would be better to add a pipe and avoid the swale. There was concern that a swale may overtop into the neighbors property on Spruce Street. There is an entry berm on the northern end of the pipe to contain the water until it can enter the pipe in a measured way. He referred to the asbuilt from 4/4/17, which included a detail for the drainage swale pipe construction.

Chairman Magnan clarified that the modification before the Agency this evening is for the drainage design to ensure the water doesn't flow downhill onto the neighbors' properties.

Mr. Oliver stated that they significantly increased the number of plantings as mentioned and reviewed the plan with the commissioners. Commissioner Flannigan asked if the drainage pipe was a perforated pipe. Mr. Oliver said the bins are made of block walls with the perforated pipe behind, the pipe runs to gravel that can drain.

Chairman Magnan noted that Compliance Officer Palumbo's report mentioned a brush pile and invasive Japanese knotweed. Mr. Oliver said that Arboreta Landscaping removed as much Japanese Knotweed as they could. Compliance Officer Palumbo confirmed the brush pile is removed.

Compliance Officer Palumbo said that the Agency is ruling on the modifications for the drainage pipe. That pipe location hasn't been approved by the Health Department so we need to wait until the Health Department approval has been received.

Mr. Oliver summarized that the stormwater system is 18' from the septic system, where 25' is required. The project engineer and surveyor, Bob Hiza can survey the exact distance and discuss solutions, if necessary, with the Health Department. Mr. Hiza will be getting a plan with the measurements to the Health Department. Vice Chairman DeFlumeri asked if the drainage pipe was properly sized to deal with large precipitation events. Item 1 of Mr. Hiza's letter from 6/27/17 addresses the design of the drainage pipe.

Jim Beard, Wheelers Farms Rd, President of the Milford Cemetery Association, said that the property was established as a cemetery in the 1920's. The developer dropped the grade all the way around the cemetery to create the housing. This is a drainage problem that they have lived with and spent thousands of dollars on over the years. A problem that the Cemetery Association has is that the neighbors on Home Acres Av are dumping into the swale and wetland at the rear of the property which impacts the Association. He said that the Association can't stop that, but believes the Association has done the right thing to protect the neighbor's interest being that their property 10' higher than the neighbors.

## MOTION

No Action

## E. Old Business

- E.1. Violation IW-V-16-027: 1646 New Haven Avenue, Map 82, Block 793, Parcel 8. Judith K. Rosehill. Deposition of soil and material with work in and within 100 ft. of a wetland or watercourse in the South Central Shoreline Watershed without permit.

Compliance Officer Palumbo said that there is no new information.

Vice Chairman DeFlumeri asked how long this violation has been on the Agenda. Compliance Officer Palumbo stated 13 months. The property owner has been working with the MIWA, Zoning and CT-DEEP-OLISP. He has gotten approval for some intermediate steps but is still working with DEEP to determine if enough fill has been removed and what plantings he can use to stabilize the area.



Discussion of the alternatives to getting the violation resolved. Commissioner Schopick asked that Compliance Officer Palumbo try to speak with John Gaucher and if that is not effective then ask the Mayor's office to intercede.

### MOTION

No Action

- E.2. IW-A-17-010: 41 James Street, Map 27, Block 455, Parcel 25. Cathy and John Mortimer. Proposal to build 6.9' x 7' deck extension with 3' x 19' stairs, 3' x 5' vinyl shed under existing deck, garden and gravel walkway with work in and within 100' of a wetland or watercourse in the South Central Shoreline Watershed. [6/21/17||7/05/17||8/25/17]

Compliance Officer Palumbo passed out larger maps as the submitted maps were too small to be legible. This is a proposal by Cathy & John Mortimer to add a 6.9' X 7' deck, a 3' X 19' set of stairs and a 3' X 5' vinyl shed to their property at 41 James Street. The Agency approved the construction of the elevated home in February 2015 with conditions that a shed be removed and there be no work within 8' of the wetland line. The wetland line here is flagged as a tidal wetland line, but it is a tidal wetland line above elevation 2.9' which leaves the wetland in the MIWA's jurisdiction. This area is behind the tide gate.

There is a discrepancy on the plan submitted for this property. The 2014 Codespoti & Associates plan shows the wetland line 20' from the rear property line as flagged by Scott Stevens of Soil Science and Environmental Services. The 2017 plan shows the wetland line 17' off the rear property line on the north side and 15' from the rear property line along the remainder of the rear property line as per the Milford GIS. As the GIS is advisory only, she would defer to the wetland line as flagged in 2014. There were originally stairs on the plan, Mrs. Mortimer opted to make the deck larger but now finds she would like the stairs.

Commission Dunn asked about the tidal wetlands line. Compliance Officer Palumbo explained that the DEEP regulates to the Coastal Jurisdiction Line (CJL) in this area which is elevation 2.9'.

Commissioner Connors asked about the gravel walkways in the wetlands. Compliance Officer Palumbo said that Mrs. Mortimer wants to put a garden there and reviewed Section 4 of the MIWA Regulations. The Agency needs to determine if what is proposed is an allowable use under Section 4.

Chairman Magnan clarified the distance from the rear property line to the wetland line is 20'. The distance from the wetland line to the deck that was approved is 7'. The approval had required an 8' non-disturbance line. Using the distance from the Codespoti plan, that would make the 6.9' X 7' addition to the deck at the wetland line. The stairs would be approximately 4' off the wetland line.

Commissioner Schopick noted that it appears to require a public hearing because it is right on top of, if not over the wetlands. Commissioner DeFlumeri suggested that we do a site walk.

Commissioner Dunn asked if DEEP would still have to review due to tidal wetlands, Compliance Officer Palumbo said that DEEP has not taken jurisdiction of wetlands over elevation 2.9' behind the tide gate.

Chairman Magnan asked that the applicant correct the plan as there are items that are incorrect on the plan. There was discussion of the date of the wetland line and why Surveyor Neil Jain would have used the Milford GIS line instead of using the actual line as flagged by SSES from the Codespoti & Associates plan.

Chairman Magnan asked why, if it was approved with a 2<sup>nd</sup> floor deck with stairs in 2015, and then the Mortimer's built a larger deck without stairs, they are now asking for a significant modification to what was previously approved to add stairs.

Commissioner Dunn asked if the wetland line was current when the plan was submitted on 6/15/17. Chairman Magnan noted it was done in 2014 by Soil Science and Environmental Services but was not shown on the plan submitted for this evening. It is shown on the survey by Codespoti & Associates from 2015.

#### **MOTION**

**MOTION:** Commissioner Connors moved to that a site walk be scheduled for application IW-A-17-010: 41 James Street, on July 19, 2017 at 6:30PM.

**SECOND:** Vice Chairman Deflumeri.

**Vote:** 7-0

**Yes:** Alternate Commissioner Buchok, Commissioner Connors, Commissioner Dunn, Vice Chairman Deflumeri, Commissioner Munson, Commissioner Flannigan and Chairman Magnan

**No:** None

**Abstained:** Commissioner Schopick

**Absent:** Commissioner Cowden and Commissioner Zetye

Motion passed.

Chairman Magnan would like the applicant to modify the plan to reflect the actual wetland line as flagged by the soil scientist in 2014.

#### **F. Consideration of minutes of previous meeting**

#### **MOTION**

**MOTION:** Commissioner Connors moved to accept the minutes from the June 7, 2017 Regular meeting as presented.

**SECOND:** Vice Chairman Deflumeri.

**Vote:** 8-0

**Yes:** Alternate Commissioner Buchok, Commissioner Connors, Commissioner Dunn, Vice Chairman Deflumeri, Commissioner Munson, Commissioner Flannigan, Chairman Magnan and Commissioner Schopick

**No:** None

**Abstained:** None

**Absent:** Commissioner Cowden and Commissioner Zetye

Motion passed.

#### **G. Staff Report**

1595 Boston Post Rd project is complete the office has received a digital asbuilt and a site walk needs to be scheduled with the engineer.

220 Rock Lane is completed waiting on an asbuilt.

605 Orange Av waiting on asbuilt.

33 Schoolhouse Rd is ongoing.

70 Kay Av is ongoing.

Welches Point Rd Pump Station - ongoing.

Rock Lane Pump Station – ongoing.

Edgefield Av Sewer Replacement – starting 7/6

73 Cooper Av house is down starting construction soon

38 Park Circle – starting soon, the silt fence is in

Great River Golf Course – There had been some issues with the erosion and sedimentation controls on the site. Compliance Officer Palumbo met with Westcott & Mapes and Sacred Heart, they are having an issue with phragmites taking over the newly planted area as approved by the Agency. They are working with Westcott and Mapes and Jen



Beno of SSES to rectify the problem. Westcott & Mapes is suggesting removing the plantings that were approved and putting them in an area adjacent another wetland onsite. They would then treat the phragmites and put a seed mixture on the area adjacent to the pond that can be mowed a few times a year to keep the phragmites in control. They have installed fiber logs and matting so it is stable now.

Commissioner Munson asked about the status of the Tanglewood Rd and Westmore Rd permits. Compliance Officer Palumbo stated that they have not been taken out yet.

Please remember to call or email me if you are unable to attend a meeting.

#### H. Chair's report and communications

The next meeting will be a Regular meeting in Conference Room A on July 19<sup>th</sup> 2017 with a site walk at 6:30pm that night for 41 James Street.

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.

#### I. Adjournment

##### MOTION

MOTION: Commissioner Connors moved to adjourn at 10:30 p.m.

SECOND: Commissioner Schopick.

Vote: 8-0

Yes: Alternate Commissioner Buchok, Commissioner Connors, Commissioner Dunn, Vice Chairman Deflumeri, Commissioner Munson, Commissioner Flannigan, Chairman Magnan and Commissioner Schopick

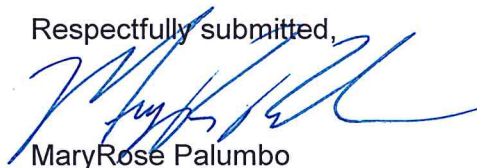
No: None

Abstained: None

Absent: Commissioner Cowden and Commissioner Zetye

Motion passed.

Respectfully submitted,



MaryRose Palumbo

These minutes have not been accepted or approved.