

**A. Roll Call**

Present: Brendan Magnan, Daniel Bedecker, Ranjit Bhawe, Jim Connors, Matthew Connors, Steve Munson and Julie Valvo.

Absent: Heather Donaldson-Gladue.

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

Received by Inland Wetlands Agency

**Milford DPLU**

January 10, 2024

MaryRose called the meeting to order at 7:30 p.m. and deemed there was a quorum.

MaryRose reviewed: As we continue to host remote meetings, he wanted to take the opportunity to highlight a few guidelines to ensure business runs efficiently and that all statutory and administrative rules are followed:

1. In accordance with the Freedom of Information Act and Governor Lamont's executive orders, this meeting is being recorded and will be made available on the City of Milford website.
2. During this meeting, if members of the Inland Wetlands Commission would like to speak, please utilize the "raise your hand" feature via Zoom. All participants will be muted during the meeting unless recognized by the Chair.
3. After being recognized to speak, please state your name and address prior to making a statement.

**B. Organizational Meeting**

MaryRose reviewed Chairman responsibilities:

*Bylaws Sec 5.2*

The Chairperson shall preside at all meetings and hearings of the MIWA and has authority that includes, but is not limited to:

- a. Calling special meetings;
- b. Directing or authorizing actions of the MIWA Designated Agent(s), when, in the judgment of the Chairperson or an Agent, action is required during the period of time between regularly scheduled meetings, or before a special meeting can be called;
- c. Appoint sub-committees for purposes and terms approved by the MIWA;
- d. Attend all sub-committee meetings as an ex officio member of each committee; and
- e. Attend significant city meetings as required to represent the MIWA.

*Bylaws Sec 5.3*

The Chairperson shall have the privilege of discussing and voting on all matters before the MIWA but shall not move for or second any motion.

Streit called for nominations for **Chairman**: A motion was made by Munson, seconded by Connors to nominate Magnan Chairman. There being no further nominations, they were closed. Streit cast one vote deeming **Magnan** Chairman.

MaryRose reviewed the Vice Chairman's responsibilities.

*Bylaws Sec 5.4*

The Vice Chairperson shall perform the duties of the Chairperson during the absence or incapacity of the Chairperson and such other duties as the Chairperson may direct.

Streit called for nominations for **Vice Chairman**: A motion was made by Valvo, seconded by Connors to nominate Munson Vice Chairman. There being no further nominations, they were closed. Streit cast one vote deeming **Munson** Vice Chairman.

MaryRose reviewed the Parliamentary responsibilities.

#### *Bylaws 5.5*

The Parliamentary shall perform duties of the Chairperson and Vice Chairperson during the absence or incapacity of both the Chairperson and Vice Chairperson and such other duties as the Chairperson may direct. The Parliamentary shall rule on questions of procedure in accordance with Robert Rules of Order.

Streit called for nominations for **Parliamentarian**: A motion was made by Munson, seconded by Connors to nominate M. Connors Parliamentary. There being no further nominations, they were closed. Streit cast one vote deeming **M. Connors** Parliamentary.

A motion was made by Connors, seconded by M. Connors that the Compliance Officer acts as the **Designated Agent** for the Agency. The motion carried unanimously by roll call vote. **MaryRose's** resume is on file in the Agency office.

Magnan thanked everyone and encouraged board members to read Section 1.1 of the Regulations which is taken from the enabling statute. (Section 1.1 is what the Legislature intended when creating the Inland Wetland Agencies -a balance of rights of property owners and nature for this and future generations. Section 10 is the Criteria to be used in making a decision on an application.)

### **C. Pledge**

All stood for the Pledge of Allegiance.

### **D. Public Comments**

None.

### **D. Old Business**

1. **IW-23-0074: 57 New Haven Avenue, Founder's Walk, City of Milford** – Proposed relocation and removal of parts of Shipyard Lane, including reconfiguration of existing parking areas and storm drainage improvements with work within 150' of the Wepawaug River.

MaryRose reported that this is a proposal by the City of Milford for the relocation and removal of parts of Shipyard Lane, the reconfiguration of existing parking areas and storm drainage system improvements as phases of the Founders Walk project. The proposed work includes moving portions of Shipyard Lane east and creating a pedestrian walkway along the Wepawaug River; the replacement upgrades to some of the stormwater infrastructure and water quality improvements. The stormwater outfall repairs and replacements are being done under CT DEEP permitting. The Agency is reviewing the work proposed within 150' of the Wepawaug River and a small area of inland wetlands to ensure protection of the natural resources including sedimentation and erosion controls. The City Engineer's review is in the meeting documents.

The Project Engineer, Don Smith submitted a letter that is in the documents addressing the City Engineers' questions. MaryRose spoke with Mr. Smith and Greg Pidluski and they agree on the stormwater as proposed on the plans. There have been no other outstanding questions from the Agency since the presentation on 12/20/23.

This evening the Agency can:

- Ask questions.
- Take no action.
- Request additional information
- Schedule a site walk
- Schedule a public hearing (no petition has been received as of 01/03/24. Petition deadline is 1/03//24)
- Approve the application (with or without conditions and bond).
- Deny the application.

M. Connors asked MaryRose's opinion. MaryRose reviewed the area along the river on the plans as well as the planting plan and referenced Jen Beno's report. Munson asked about the invasives being removed; Mr. Wing stated that they would be monitored per the last meeting. It was reviewed that this shouldn't be a problem in the shaded area as it is not yet well established. Munson was ok with Mr. Wing's plan. MaryRose stated that there was not an invasive plan in the design but that it could be a condition.

Magnan stated that he felt it was a very well-designed plan. Connors agreed. The following motion was made by Munson and seconded by Valvo:

After duly considering all relevant factors, I move to approve application 57 New Haven Ave - Founder's Walk based on the plans entitled "Founders Walk Phase 2, Shipyard Lane. Milford, Connecticut 06460" by Silver Petrucelli Associates, 29 sheets, submitted 12/04/23, 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 "2022 Erosion and Sedimentation Control Guidelines" must be installed and maintained on the site until the property is stabilized.
- Compliance with the City Engineers requirements for erosion controls and stormwater.
- Stormwater treatment must be installed as approved on the plans unless any changes are approved in writing prior to making that change.
- Stormwater Maintenance Manual to be submitted within 90 days of final project approval.
- Permittee must monitor and remove invasive species as appropriate per the project landscape architect.
- Submission of a permit construction bond estimate for sedimentation and erosion controls, site plantings, and an asbuilt showing finished 2' contours and locating all site structures and improvements.
- A construction bond to be calculated must be posted with the MIWA for S&E controls, site plantings, and an asbuilt showing finished 2' contours and locating all site structures and improvements.

- 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 1/03/24 expires 1/03/29 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously by roll call vote.

## **E. New Business**

- 1. IWC-23-0014: 68 Surf Ave and City of Milford Willow Street, Elizabeth M. McDonald** – improvements and material storage on site and in the Willow Street City ROW in and within 100' of inland wetlands in the South Central Shoreline Watershed without a permit.

MaryRose reported that this is a violation issued 12/28/23 for work in a wetland and 100' upland review area without a permit at 68 Surf Ave. Based on a complaint, she visited 68 Surf Avenue on 12/27/23 with the Zoning Enforcement Officer. They found two sheds, a deck, wood storage and piles of miscellaneous yard waste and material piles in and within 100' of wetlands in the South Central Shoreline watershed. These improvements appear to be on 68 Surf Avenue and the unimproved portion of Willow Street, both of which abut Silver Sands State Park to the rear. Based on information in the file for 74 Surf Ave, which the Agency approved in 2018, and the City wetland and GIS mapping there appears to be work in and within 100' of a wetland at 68 Surf Ave and the City Willow Street ROW.

The ZEO and MaryRose spoke with a man on the site who claimed the land was his. The property owner of record is Elizabeth M/ McDonald. Certified mailing was sent on 12/28/23. MaryRose has not been contacted by Ms. McDonald but she is here this evening.

This evening the agency can:

- Ask questions.
- Uphold the violation
- Release the violation
- Modify the violation
- Refer the violation to the City Attorney

Liz McDonald, owner 68 Surf Av, stated she was honored to participate in the yearly elections. She is recently married and John is her husband. She has been a 22 year resident of Milford, works fulltime for Subway and has never had an issue, so this is a new process for her and she is looking to learn how to bring the property into compliance. She would like more details about what the problem is and how to resolve it.

Magnan thanked her for her introduction and explained that she is sitting among volunteer citizens. Ms. McDonald stated that she was unaware of permitting requirements, the deck is a movable structure, the pool is one you put up and take down yourself, the greenhouse is movable, nothing is connected to the ground. They are movable for storms. She did not realize they needed permits since nothing is tethered down. When they received the letter, they worked over the holiday weekend to move the wood pile and the debris has been cleared. One of the boats has been removed from the front yard, the other one closest to the neighbor belongs to the neighbor, Aaron West of 74 Surf Ave.

MaryRose reviewed a rough plan and stated that the wetland line needs to be found. This is typically done by a Wetland Scientist or a Soil Scientist. She questioned if Ms. McDonald had the original plans and this may be with that. The IWA is looking for stabilization of the resources and proper permitting. Violations stand until the site is in compliance.

Magnan stated that he would prefer a two stage process here, in order to give the homeowner time to gather information and then review it and see what the status of the site is given the work Ms. McDonald said they did over the weekend. He feels what needs to be done under the balance statute is to give the homeowner time to work with the Compliance Officer to come back with a clear understanding of the situation on any required mitigation,

M Connors had concerns that without a wetland line shown on the plan, the Agency will not be able to appropriately balance the statue. MaryRose stated that in CT only a Certified Soil Scientist can delineate a wetland line and suggested that Ms. McDonald may have this information from 8 or 9 years ago.

This evening the Agency can:

- Ask questions.
- Uphold the violation.
- Release the violation.
- Modify the violation.
- Refer the violation to the City Attorney.

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

I move that cease-and-desist order IWC-23-0014 68 Surf Ave and City of Milford Willow St ROW, be upheld and that homeowner be required to work with the Compliance Officer to review what information she has and what is necessary to bring the work into compliance. Such information has to be brought to the Agency for review at the 1/17/24 meeting.

M. Connors moved to amend the motion to include the submittal of photographic evidence of the current status of the site.

Both the original motion and the amendment carried unanimously by roll call vote.

## **F. Minutes**

A motion was made by Connors, seconded by Valvo to approve the minutes of 12/20/2023 as presented. The motion carried with M. Connors abstaining.

## **G. Staff Report**

### **Commissioners Terms Expiring:**

Reminder that if your term is expiring 12/31/23, please respond to the Mayor's office inquiry if you would like to be reappointed. The annual information sent out on education and legal updates is in the link [HERE](#). MaryRose will review the information at the meeting on 1/17/24.

### **Community Rating System (CRS) FEMA Reporting**

MaryRose will be working on the City's annual CRS reporting for the 2/01/24 deadline. This is an annual report sent to FEMA to remain in the Community Rating System (CRS). The objective of CRS is

to recognize communities that are doing more than meeting the minimum National Flood Insurance Program (NFIP) requirements to help their citizens prevent or reduce flood losses. The CRS also provides an incentive for communities to initiate new flood risk reduction activities.

#### **MS4 (Municipal Separate Storm Sewer System)**

MaryRose continues to work on the MS4 Committee with Engineering and Public Works. The draft annual report will be published on the City website by 2/15/24.

#### **FOI Training**

The City hosted a Freedom of Information Act workshop on 11/08/23. There is a link to the FOI Commission website in the draft meeting notes if you would like to review the Act or have specific questions: [The FOI Act](#)

#### **MIWA reference page**

MIWA Clerk Taft Clark has created a reference page for you all to access. The link is [HERE](#) . The page contains:

- MIWA meeting dates (first and third Wednesday at 7:30 pm)
- MIWA Regulations
- MIWA Bylaws
- Milford Ethics Commission Guide
- Past memos from the City Attorney's office on Inland Wetland legal questions and cases
- Training opportunities with CT DEEP and UConn for land use commissioners.
- MIWA webpage
- Milford YouTube page (MIWA meeting videos are available here)
- MIWA meeting Zoom link

The office has been working on a number of inquiries, complaints, minor reviews, and other reports.

Site Status:

Project Site	Status	Monitoring Reports	
		Last Received	Final Due By
1553 Boston Post Road	Asbuilt received		
30 Bridgeport Ave	Waiting on asbuilt		
0 Cherry St/Jefferson Park	On hold		
67-69 Cooper Ave	Ongoing		
94 Edgewater Place	Asbuilt received		
201 Kings Highway	Ongoing		
104 Lavery Lane	Ongoing		
114,122,124,128 Merwin Ave	Ongoing	8/29/23	
40 Morehouse Rd	Ongoing, adding 2 <sup>nd</sup> story – no change to footprint		
690 New Haven Ave	Construction bond released; mitigation bond remains through 6/26 monitoring report.	6/23	6/26
8 Pepe's Farm Road	Ongoing monitoring, final fall monitoring postponed until June 2024 by property owner.	June 2023	June 2024

0 Quarry Road	Ongoing, lot 1 & 2 completed, lot 3 under construction		
0 Terrace Road	Waiting on final review.	Spring 2022	Complete
161 W Rutland Rd	Ongoing-several lots have been sold off and individual owners are coming in with minor modifications to the proposed sites. In all cases no work has been proposed in the conservation wetland areas. Issue with stormwater association to be worked out with developer/lot owners before bond release.	Waiting on reports	
Wheelers Farms Rd	Waiting on final review		
523 Wheelers Farms Rd	Ongoing.		
260 Old Gate Lane	Ongoing		

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

## H. Chair Report

The next meeting will be a Regular Meeting on January 17, 2024 via Zoom.

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 and seconded by M. Connors to adjourn at 8:25 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.