

**A. Roll Call**

Present: Brendan Magnan, Daniel Bedeker, Ranjit Bhawe, Jim Connors, Dave DeFlumeri, Heather Donaldson-Gladue, Steve Munson, Gerry Panico and Lisa Tryon.

Absent: Matthew Connors.

Also Present: MaryRose Palumbo, Joe Griffith and Lisa Streit

Received by Inland Wetlands Agency  
**Milford DPLU**  
01/12/2022

Streit 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, she 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 Munson, seconded by Donaldson-Gladue to nominate Panico Vice Chairman. There being no further nominations, they were closed. Streit cast one vote deeming **Panico** 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 Magnan, seconded by Connors to nominate Munson Parliamentary. There being no further nominations, they were closed. Streit cast one vote deeming **Munson** Parliamentary.

A motion was made by Connors, seconded by Donaldson-Gladue that the Compliance Officer acts as the Designated Agent for the Agency. The motion carried unanimously. MaryRose's resume is on file in the Agency office.

Magnan thanked everyone and welcomed back Commissioners Bedecker, Bhavé, Jim Connors and Matthew Connors. Magnan 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.

### **E. Old Business**

#### **1. Violation IWC-21-0055: 35 Prospect St. – construction of a terrace and landscaping within 150' of a wetland in the Wepawaug River Watershed without a permit.**

MaryRose reported that this is a violation issued 8/25/21 to Par Falls, LLC and their Contractor for work within 150' of a wetland without a permit. The planting plan requested by the Agency was received and reviewed at the 12/01/21 meeting. At that time the Agency required that the following information be submitted by 1/05/22:

- A design for environmental signage along the parking lot railing to notify / educate that the area is a wetland and stormwater retention area.
- Topography be added to the plan in the area of the patio and wetland.

We received the proposed signage and landscaping plan with the topography yesterday and they are in the link on the Amended Agenda.

The questions before the agency tonight are:

- Is the draft sign acceptable to the Agency? If not, what would you like to see?
- Is the planting plan with the topography as shown acceptable to the Agency?
- Does the Agency feel that a planting and mitigation bond is required? If so, does the Agency want a 2- or 3-year monitoring period with reports twice a year in spring and fall report from the applicants Professional Wetland Scientist on the status of the plantings and any recommendations?

Bill Kenny was in attendance to answer any questions.

The Agency viewed pictures of the proposed signage as well as the planting plan.

This evening the Agency may:

- Take no Action
- Ask questions.
- Ask for further information.
- Modify the violation.
- Release the Violation.
- Refer the Violation the City Attorney's Office for resolution.

Munson moved that cease-and-desist order IWC-21-0055: 35 Prospect Street be modified and that the property owner:

- Submit a mitigation bond to be calculated for the installation of plantings on the plan entitled "*Planting Plan 35 Prospect Street, Milford, Connecticut*" by William Kenny Associates and monitoring of the plantings at installation and spring and fall for 2 years with reports by the professional wetland scientist or landscape architect submitted to the MIWA within a month of the site inspection. Bond to be submitted by 4/01/22.
- Install wetland plantings as shown on the above plans by 6/15/22.
- Install environmental signage along the parking lot railing to notify / educate that the area is a wetland and stormwater retention area by 6/15/22.

The motion was seconded by Donaldson-Gladue and carried unanimously.

## F. New Business

1. **IW-PA-21-0086: 1500 Windward Road, Milford River Associates** – proposed 6-building condominium expansion with construction, grading and drainage work within 100' of a watercourse in the Housatonic River Watershed.

MaryRose reported that this is for a 6-building condominium expansion at Caswell Cove Condominiums. The site is located along the Housatonic River. There is a retaining wall along a portion of the river on this property. The Agency jurisdiction runs from mean high water (MHW) landward 100' in this watershed. The work proposed within the 100' upland review area includes road construction, grading, stormwater system discharge and bioretention plantings. They have proposed silt fencing with fiber waddles for sedimentation and erosion control and haybales around

catch basins as constructed. The City Engineer has reviewed the plans and requested some plan revisions and additional information. MaryRose has requested a review when it is completed.

Stephen Bellis of the Pellegrino Law Firm, Jeff Gordan of Codespoti & Associates were in attendance to answer questions.

This is on the agenda for the first time this evening and can be heard but no action can be taken until the next meeting.

Stephen Bellis of the Pellegrino Law Firm representing Primrose Companies, the owner of the property is Caswell Cove Association Inc. They have an approval for these units however are required to file with P& Z an amendment to the special permit to add these units and anytime you apply for a special permit inland wetlands is required to write a report to zoning for review. There are no wetlands on the property where the project is going to be constructed. The law is clear that you are allowed to have activity in the upland review area, but the IWA has to determine if the activity will have any impact on the Housatonic River. He is not aware of any evidence that would cause any adverse impact to a wetland or watercourse.

Jeff Gordan, Codespoti Associates Environmental Planner and Landscape Architect, stated that he has been with this project for a number of years. This had been approved for 264 units of which 204 were built. The applicant is coming in with a downsized proposal for 40 units. The land has laid fallow for a number of years and has invasive species.

The site has changed over the years; the bulkhead area was reviewed. They are working to create a stable fringe to prevent additional erosion. Photos of the area were viewed. The proposed cul-de-sac and fire lane areas were reviewed. The drainage system was reviewed as well as the discharge and grading around the cul-de-sac. Originally there was parking proposed, but that is no longer required. Erosion control measures were reviewed, and it was noted that the City Engineer's input has been incorporated into the plan. Silt fencing and fiber waddles were reviewed. A temporary sediment basin has been added. A stockpile area for during construction was shown. A construction phasing plan was submitted. Pictures were viewed of the site as well as the bulkhead area along the river. A CAM application has been filed. They feel they have addressed 90% of the City Engineer's input.

MaryRose showed an aerial photo of the site. Munson clarified that this plan is before the IWA for the first time. MaryRose clarified that the original application predated the IWA; the original approval was in 1987 and the IWA was established in 1989. This was originally approved by the DEP. MaryRose further clarified that work within 100' of a watercourse is to be reviewed by the MIWA.

Tryon stated that the land is mostly trees and a bulkhead that needs work – She is an avid kayaker and very familiar with this area and there is water going behind that bulkhead with a lot of energy and this seems like a lot of buildings for that size piece of land and she is concerned how the run off will impact the river and endangered species.

Gordan stated that the original design had structured parking and midrise buildings, this is town houses and handicapped accessible units. They are proposing to only build on 45-50% of the area outside of the review. 44 units are proposed when there could be 60.

Magnan stated that the number of buildings are not the concern. The concern is impact of stormwater and treatment. Gordon stated that the water quality structures and infiltration handle

runoff and detention basin. Stormwater retention is different. Tryon stated that this was approved 30 years ago and does not apply now. Silt and sediment during construction to the Housatonic is a concern. Gordon stated that silt fencing and fiber waddles and haybale filters are proposed and the drainage report addresses the stormwater management. Water quality flow is the basis of the design. There is a hydrodynamic separator for water quality enhancement that has been calculated and formulated to meet the goal of the state handbook and this plan exceeds the 80% goal. Gordon reviewed the stormwater report and design. He spoke to the sheet SP8 reviewing the proposed multi-layer plan for water quality mitigation during and after construction.

Tryon stated that she would like to review City Engineers input.

Munson questioned what the stormwater retention system was like for the existing buildings to the north. Gordon stated that Codespoti & Associates didn't do the engineering for that project has not been done for that; that was 35 years ago and the requirements are different now. Munson asked if there is a proposed maintenance schedule for the system. Gordon stated that they are working on that with the City Engineer and it will be finalized when the other concerns are addressed in time for the next meeting.

Bhave asked about the temporary basin and what the plan is for after completion. Gordon stated that they plan on scarifying and then bring in compost and stone to wind up with a pond bottom and then substantial plantings.

Magnan questioned what is to prevent the lawn from creeping into that basin. MaryRose stated that it would be maintained by the Association and that signage might be appropriate for this. Gordon stated that they usually put signage in on either end to identify it as a biofiltration basin. Donaldson-Gladue asked about snow removal/storage. Gordon stated that there would be wide shelves along the driveway for snow and it would need to be a condition of the Association to not use salt products. Connors stated that he thinks that insurance companies mandate salt due to liability.

Magnan stated that the cul-de-sac/turn around area is a concern and asked if there was a plan to stabilize the bulkhead. MaryRose stated that there is no application for work on the bulkhead but she can reach out to the DEEP to inquire about it.

Tryon stated that the wall concerns her a great deal as it seems to be in rough shape. The area where the proposed runoff will go is sandy silty water and she is concerned that drainage may push the soil and anything in the water will enter the river. MaryRose stated that usually the DEEP regulates bulkheads.

Panico stated that the turn around area is a concern; it seems like a steep slope and is within the 100' review area. Magnan asked if any prudent and feasible alternatives where the buildings did not cross the 100' upland review line were considered. He would like input from a Soil Scientist and if alternatives were considered. DeFlumeri agreed with Tryon with the condition of the bulkhead and concern with more erosion.

The agency requested that the following information be submitted for review of application IW-PA-21-0086:1500 Windward Road:

- Location of snow plow areas
- Any alternatives
- Additional plantings and environmental signage
- PWS review of potential impacts to the wetlands and watercourses

As this application is before us for the first time this evening the Agency can:

- Ask questions
- Take no action.
- Ask for further information.
- Schedule a site walk
- Schedule a public hearing (*no petition has been received as of 1/5/22. Petition deadline is 1/19/22*)

A motion was made by Munson and seconded by Donaldson-Gladue that a site walk be scheduled for application IW-PA-21-0086: 1500 Windward Road, on January 11, 2022 at 3:30 PM. the motion carried unanimously.

**2. IW-PA-21-0084: 1 Smith's Point Road, James and Julie Blakeman** – proposal to raze existing house and construct a raised single-family home with work within 100' of a watercourse in the Housatonic River Watershed.

MaryRose reported that this is a proposal to raze an existing house and build a flood complaint home at 1 Smiths Point Road by James Blakeman. The site is located between the Housatonic River and Long Island Sound. The Agency jurisdiction runs from mean high water (MHW) landward 100' in this area. For this site MHW is at the retaining wall that runs along the access driveway to the north and along Long Island Sound to the south as shown on the site drawings. Mr. Blakeman has proposed silt fencing along the perimeter of the property. The City Engineer will forward a copy of his review once it is completed.

Mr. Blakeman, Attorney Bellis and his engineer Fred D'Amico were in attendance to answer any questions.

MaryRose oriented the area to site plans.

Attorney Bellis stated that the applicant currently lives in the home. The house is in disrepair and the plan is to remove the exiting house, leaving the patio and pool. The house is currently a 4 bedroom home and they are proposing a 3 bedroom home with no change in the garage area. This is a site plan that gets approved by P & Z as long as it meets all the zoning regulations. There are no wetlands per-say, they are not asking for any regulated activities. Their Soil Scientist Steve Danzer reviewed the property and in his opinion, there are tidal wetlands along the Housatonic River and those tidal wetlands are in the upland review area where you can have development but the commission is to look at and determine if there is going to be any adverse impact on the wetlands and then send the report to the zoning. There does not seem to be any findings that there is any adverse impact. This homeowner is an experienced builder in Shelton, he understands S&E and that he needs to be careful.

MaryRose clarified that this application is within the IWA review authority as per the City Attorney and training from the State.

Panico asked about the foundation elevation. MaryRose stated that the IWA does not regulate that, the applicant has reviewed the application with the flood administrator and the zoning board and are working with them it to ensure that the plan is in compliance with flood requirements. She asked if soil would be stockpiled on site and if so, where is the soil stockpile proposed to be located and how will it be protected.

MaryRose further stated that the construction schedule calls for monthly review of erosion and sedimentation controls by a site monitor and asked if the contractor would be instructed to review daily and after significant precipitation events.

Magnan stated that the Soil Scientist report was very generic and that there was no opinion about the design not having any impact. MaryRose stated that she would ask for input. Bhav asked about the existing leaching system and if it is to remain. D'Amico stated the new septic system has been designed and approved by the Health Department. The existing system will be abandoned per the State Health Code and the new system will be installed with new material below that. There is no increase in impervious area so there is no stormwater system planned

Magnan stated that he sees no need for a site walk.

The commission requested the following information be submitted for review of the application:

- MEP notes for dumpsters dewatering stockpiling
- Steve Danzers' opinion on the impact to the resources

This is on the agenda for the first time this evening and can be heard but no action can be taken until the next meeting. No action taken.

**3. IW-PA-21-0066: 16 Marsh Street, 49 Bridgeport Ave, LLC – proposal to raze existing house and construct a raised single-family home with work within 100' of a watercourse in the Housatonic River Watershed.**

MaryRose reported that this is a proposal to raze an existing house and detached garage and build a flood complaint home at 16 Marsh St by David Plaskon. The site is located behind the tide gate and there is a retaining wall at the rear of the property. The Agency jurisdiction runs from mean high water (MHW) landward 100'. Mr. Plaskon has proposed silt fencing along the perimeter of the property and has noted on the plans that no soil will be stockpiled to the rear of the site and that dewatering will be through appropriate measures and not directly into the wetlands. Stormwater is proposed to be handled by rain barrels and has been reviewed by the City Engineer.

Plaskon and his surveyor Paul Stowell were in attendance to answer any questions

This is on the agenda for the first time this evening and can be heard but no action can be taken until the next meeting.

MaryRose oriented the commission to the site. She reviewed site plans and showed photos of the front and rear yards and the concrete retaining wall.

Plaskon stated that this is his family's home he would like to elevate it to make it flood compliant.

Tryon asked about parking. Plaskon stated that there is a 2 car garage underneath.

This is on the Agenda for the first time 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 6/16/21. Petition deadline is 1/19/22)

No action taken.

4. **IW-PA-22-0002: 7 Smith Avenue, JMAK Properties, LLC** – proposal to construct a raised single-family home with work within 100' of a watercourse in the South-Central Shoreline Watershed.

MaryRose reported that this is a proposal to build a flood complaint home on a vacant parcel at 7 Smith Avenue by JMAK Properties LLC. The site is located along the beach with Mean High Water (MHW) at the retaining wall on the southern property boundary. The Agency jurisdiction runs from mean high water (MHW) landward 100'. They have proposed silt fencing along the perimeter of the property. Stormwater is proposed to be handled by infiltration galleys and has been reviewed by the City Engineer.

Philip Krebs of JMAK Properties and his surveyor Ron Wassmer were in attendance to answer any questions

Ron Wassmer CT Civil Group representing JMAK properties oriented the site and explained that there had been a house on the site that was lost in the recent past. MHW comes up to the wall. The top of wall is approximately elevation 8', MHW is approximately 4'. The site is bounded east by Smith Av partially which is paved and then sand. There are homes to the north and west.

There are no wetlands on the property there is also a sea wall that runs along a portion of Smith Ave. He sees no adverse impact with minimal potential for erosion during construction. There will be infiltration galleys in accordance with 2004 SW manual parking on ground floor. Wassmer reviewed the stormwater galleys and roof drainage.

Munson asked if the proposed house is the same as the previous house. Wassmer stated that he was not certain; the house proposed is 43' x 40' and is consistent with the neighborhood. Magnan asked about stormwater. Wassmer reviewed roof leaders to underground galleys. There will be one drywell catch basin on site, no runoff issues, there is all sandy soil.

Tryon asked about the concrete patio. Wassmer stated that there is a retaining wall to the back of the house and this was reviewed on the plan.

This is on the Agenda for the first time this evening the Agency can:

- Ask questions.

- Take no action.

- Request additional information

- Schedule a site walk

- Schedule a public hearing (Petition deadline is 1/19/22)

No action taken.

## **F. Minutes**

A motion was made by Munson, seconded by Connors to accept the minutes of 12/1/21 as presented. The motion carried unanimously.

## **G. Staff Report**

MaryRose welcomed everyone and noted a few annual reminders:



1. Commissioners cannot talk about an application that is before you with anyone but staff outside of the meeting room. If you are approached by concerned citizens, please refer them to MaryRose or to a public hearing so that whatever their concerns are they can be presented to the entire Agency. This is to ensure that everyone is making decisions on the same set of facts and information with no outside bias.
2. Taft emailed the annual information to commissioners including:
  - a. Milford Ethics brochure here if anyone needs a copy, the book has not changed.
  - b. Past correspondence from the City Attorney's office on ex parte communication and individual research by Commissioners.
3. CT DEEP IWA Commissioner training is not yet available online. MaryRose will send the information for it when it is available. She will forward the educational information links to the past CT DEEP IW training page where there is past training information and videos as well as UCONN Land Use Academy training.
4. The CT Conference of Municipalities (CCM) is offering a free webinar for elected and appointed officials on ethics, FOIA and conducting public meetings on January 20, 2022, from 1:00 – 3:00pm. the City of Milford is a member of CCM, and all elected and appointed officials are encouraged to attend. Use the following link to sign up.

### **ETHICS, FOIA & PUBLIC MEETINGS**

Thursday, January 20<sup>th</sup>

1:00 – 3:00pm

**Overview:** This session will provide an overview of the Freedom of Information Act (FOIA), ethics and how to run a legal and effective public meeting.

*Presented by Kari Olson (Partner, Murtha Cullina) and Joseph Szerejka (Associate, Murtha Cullina)*

5. MaryRose will also sent out the Commissioner Synopsis sheets. If you could mark them up and return them by email with any changes that would be very helpful.
6. Please be sure we have the correct email and phone numbers for you.
7. Please let MaryRose know what your preferred method of plan review is. If you would like a paper set of plans on all applications or just larger applications so that she can get you what you need to review the proposals.
8. The office continues to be with busy with inquiries, bond release requests and minor reviews and other reporting. We continue to have flooding complaints come in and are working through them to address the concerns. We are now digitally accepting applications through the online permitting request system City Squared into Muncicity the permitting software.

#### **Site Status:**

- 0 Tanglewood Circle –waiting on the permittee to schedule meeting to walk the site and take photos for review at an upcoming meeting. He has stated he will contact MaryRose for the walk.
- 30 Bridgeport Ave – waiting on asbuilt.
- Florence Ave – modified permit has not been taken out.
- 17 Maddox Av – waiting on bond release.
- 114 – 122 – 124 – 128 Merwin Ave – ongoing. The berm has been installed behind 122 & 128.
- 31 Pearl Street – waiting on bond release.
- 33 Pearl Street – ongoing.

- Terrace Rd is completed, waiting on asbuilt review.
- 161 West Rutland Rd – ongoing.
- Wheelers Woods – ongoing, completion anticipated in February, plantings are in and doing well.
- Milford Cemetery – 420 West River St – plantings were installed, and site has been stabilized for winter.

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

## **H. Chair Report**

Magnan reiterated no exparte communication. There is no pre-determination on applications and the IWA takes great pride in the process.

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.

The next meeting will be January 19, 2022, via ZOOM. There will be a site walk on 1/11/22 at 3:30 pm. Please let the office know if you cannot attend.

There being no further business to discuss, a motion was made by Connors, seconded by Donaldson-Gladue to adjourn at 9:40 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.