

A. Roll Call

Present: Brendan Magnan, Daniel Bedecker, Ranjit Bhavé, Brian Black, Jim Connors, Matthew Connors, Buddy Field, Steve Munson and Nick Ricci.

Absent: Julie Valvo.

Also Present: MaryRose Palumbo and Lisa Streit.

Magnan called the meeting to order at 7:30 p.m. and deemed Buddy Field as the voting alternate for this meeting.

Magnan 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. Pledge

All stood for the Pledge of Allegiance.

C. Public Comments

None.

D. Old Business

1. **IWC-23-0014: 68 Surf Ave and City of Milford Willow Street, Elizabeth M. McDonald** – improvements and material storage on site ad 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. At the 3/20/24 meeting the Agency modified the violation to require the property owner to complete the following work and call for an inspection by 5/09/24:

- Remove the shed (12 X 7 X7 shed)
- Move the temporary shed (6 X 9 shed) and garden onto the McDonald Property
- Move the fence back to the property line.

The City Engineering Bureau located the rear boundary of the Willow Street ROW the week of 3/25/24.

No action is recommended this evening.

This evening the agency can:

- Ask questions.
- Take no action
- Modify the violation (*change the date that wetland flagging and mapping is required by*)
- Release the violation (*issue a JR for the structures that the Agency determines are allowable under Section 4, note IWA cannot issue approvals for structures not on the applicant's property*)
- Refer the violation to the City Attorney.

No action taken.

2. IW-23-0011: 149 Castle Lane, Frank Carangelo – proposed 16' x 32' inground pool with work within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is an application at 149 Castle Lane for the installation of a 16' X 32' inground pool with a concrete surround and associated grading, and appurtenance work within 100' of a wetland in the South Central Shoreline Watershed by Frank Carangelo. The Agency received this application at the last meeting.

A soil report by James Sipperly, Certified Soil Scientist and a site plan by CT Land Surveying, LLC were submitted by Mr. Carangelo and are in the document links. The property owner has staked out the proposed pool location and approximate silt fencing location. The silt fencing location in the photos is approximate as it is not properly buried per the CT DEEP 2023 Erosion and Sedimentation Controls Manual; it is only held down by concrete blocks. Based on the submitted plan the silt fencing will need to be adjusted 1 to 4' east for the project. Wetlands associated with Calf Pen Meadow Creek are shown on the plan to be approximately 32' from the proposed pool with grading proposed approximately 20' from the wetlands.

MaryRose visited the site on 4/02/23, her site walk notes and photos are in the meeting documents. Due to field conditions the flag and stake locations did not show very well in the photos. The locations of the wetland flags have been highlighted, where visible, with a blue dot and the pool corner stakes are highlighted with an orange dot.

Frank Carangelo was in attendance to answer any questions.

This evening the Agency can:

- Take no action.
- Request additional information.
- Schedule a site walk
- Schedule a Public Hearing (no petition has been received as of 4/3/24. Petition deadline is 4/3/24)
- Approve the application.
- Deny the application.

Field reviewed the grade changes and feels that they are not significant and that the applicant did a nice job with the survey and layout. He then questioned which three sides the patio would be on. Carangelo stated that there will not be a walkway on the side closest to the wetland. They are proposing a minimum of concrete to the rear allowing to start the grading from the edge of the pool, maybe a foot or so of the concrete to allow the winter cover to be connected to concrete.

Field stated that now that there is a plan to view, along with the wetland scientist recommendations to add vegetation to the rear, we can see what is proposed and that it is workable.

Connors agrees that it is a workable plan but suggests that they go 3' for the cover then add shrubs to add stabilization and it will also, aesthetically, look better next to the pool fence.

M. Connors questioned the pool being in the flood zone. MaryRose stated that the flood zone location is of AE11' and suggested a check valve at bottom of pool to relieve the hydrostatic pressure. The flood administrator doesn't consider pools to be an issue in a flood zone. Covering the bottom of the pool with vermiculate cement will alleviate problems. Carangelo agreed and stated that this was in the plan.

All material presented was reviewed and after some discussion, the following motion was made by Connors and seconded by Field:

After duly considering all relevant factors, I move to approve application IW-23-0011:149 Castle Lane based on the plans entitled "Improvement Location Survey Prepared for Frank J. Carangelo 149 Castle Lane, Milford, Connecticut" by CT Land Surveying, LLC, 1 sheet dated 4/01/24, 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 DEEP "2023 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 to give notification to property owners that permits are required from the MIWA to work on the site. Documentation to be submitted to the MIWA office prior to bond release.
- A 3' concrete patio to the rear of the pool
- A 6' concrete patio on remaining 3 sides of the pool
- Plantings no greater than 5' on center and vegetation for slope stabilization adjacent to the 3' concrete patio to the rear.
- Compliance with the City Engineers requirements for stormwater.
- a bond of \$4,100 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 permit is issued 4/03/24 and expires 4/03/29 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously by roll call vote.

E. New Business

- 1. IW-24-0026: 4 Willem, R & R Living Trust** – proposed single family home with work within 150' of a wetland or watercourse in the Beaver Brook Watershed.

MaryRose reported that this is an application at 4 Willem Court for the construction of a single family home with construction and grading within 150' of wetlands associated with Beaver Brook by R & R Living Trust. The Agency approved a single family home on this lot at the time of the Miranda Meadows subdivision. The proposed house has a different configuration than what was approved.

The subdivision developer offered a conservation at the time of the subdivision application and the subdivision was approved with the conservation easement along Beaver Brook. The conservation states that the property owner is required to obtain permission from Inland Wetlands or Zoning to do work in the easement.

The proposed plan has work 12" from the easement with no work in the easement.

In his purpose and description statement on the application, Mr. Rizza has asked for approval to remove the split rail fence where it prevents access for construction and maintenance and to excavate 12" into the conservation easement at the rear corner of the house and approximately 10' south to provide safety for construction and workers. It is unclear from Mr. Rizza's application if he is proposing to replace the split rail fencing along the conservation easement line once removed.

The Agency is receiving this application this evening and cannot make a decision until the 14 days required by statute have passed. The Agency will need to determine:

- 1) if the work is proposed in the conservation easement or not
- 2) If work is proposed in the conservation easement, will the Agency allow construction in the conservation easement.
- 3) If the proposed plans match the stated intent in the application or need revision.
- 4) Clarify the intention of the property owner after construction for the split rail fencing and conservation easement that were approved in the original approval.

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 4/03/24. Petition deadline is 6/07/24)

Connors questioned if a basement is proposed and this needs to be clarified. MaryRose reviewed the aerial photos. A cape style house was in the original approval and a much larger house is being proposed. M. Connors stated that there needs to be more specifics; why the fence removal, clarification of the easement intrusion and what type of vegetation is in the easement.

MaryRose stated that the site is cleared and showed the original approval plans of the house size proposed versus what was approved.

Field stated that he is extremely familiar with the area as he built a house across the street from this site and feels being only 12" off of the easement, with a full basement and the brook being at 109, the house would be in the ground 3-4' and it would be tight. The property owners knew what was

approved when purchased. At least 3' of work space would be needed and he questioned if trees were in the easement and maybe the site should be seen. The conservation easement was designed for a reason, and it matters if it is just grass or if there are trees there and what kind of repair they will be proposing post construction. The Commissioners may want to go walk the site to see where the impacts will be beyond the fence into the conservation easement.

Magnan stated that the applicant needs to give the rationale for requesting the change to the original approval and why the house needs to be significantly bigger than the approved house. He agreed that the conservation easement should be respected. The original house was approved with a distance of 33' to the conservation easement line.

Mr. Rizza, the applicant, repeatedly tried to join the meeting via ZOOM as well as by telephone and was unsuccessful. Magnan deemed that due to technical difficulty the discussion could not continue and advised Mr. Rizza to contact MaryRose in the morning and to attend the next regular meeting.

No action was taken.

F. Minutes

A motion was made by Connors, seconded by Ricci to approve the minutes of 03/20/24 as presented. The motion carried, by roll call vote, with M. Connors abstaining.

G. Staff Report

The office continues to answer inquiries, minor reviews, and submit reports to other departments. Citizens have been noting higher water levels in the streams and ponds. This is most likely due to the higher than average rainfall over the winter.

There is information in the notes about training opportunities, current bills in the legislature and project statuses. Tomorrow night CT DEEP is hosting a questions and answer session on their Beach Association Guide from 6-9. It will be both virtual and in person, details in the notes.

Vernal Pool training and Beach Association Presentation in April

MaryRose sent out an email for Vernal Pool training on 4/06/24 in Greenwich and CT DEEP Beach Association Guide to Coastal Activities and Permitting presentation on 4/04/24 virtually and in Fairfield. The links are in the email and in her draft meeting notes.

You can register here :

[Register: Vernal Pool Training 4.6.24 - Connecticut Audubon Society \(ctaudubon.org\)](https://ctaudubon.org)

CT DEEP Beach Association Guide to Coastal Activities and Permitting presentation, RSVP to Perzanowski, Kathleen Kathleen.Perzanowski@ct.gov

Training for IWA Commissioners.

Milford is fortunate in that the IWA staff and majority of Commissioner have received training Certificates from DEEP and several members and Staff have completed UConn Land Use Academy (LUA) Training. If anyone would like to take LUA training there are several virtual and physical training options coming up. As always the CT DEEP IWA Commissioner training is available online [Training for Inland Wetlands Agencies \(ct.gov\)](#). There are links for training in the draft meeting notes and on the

IWA Commissioner Page. Commissioners Black and Ricci recently completed their training and have received their certification.

<https://clear.uconn.edu/training/land-use-commissioner-training/>
Land Use Commissioner Training Calendar

| CT Land Use Commissioner Training | |
|--|--|
| Today | Thursday, February 29 |
| Thursday, February 29 | |
| 7:00pm | Putting Community Puzzle Pieces Together - Virtual |
| Thursday, March 21 | |
| 12:00pm | Basic Training Webinar Series - Virtual/online |
| Thursday, April 18 | |
| 12:00pm | Basic Training Webinar Series - Virtual/online |
| Saturday, April 27 | |
| 8:30am | CLEAR Land Use Academy - Basic Training |
| Showing events until 4/30. Look for more | |

There is a bill before the state legislature concerning the establishment of riparian buffers and revision of certain inland wetlands provisions. To develop buffers and setbacks from waterways and wetlands and require certain inland wetlands training and materials. The text and the tracking information for those bills are in the draft meeting notes.

Tracking:

https://www.cga.ct.gov/asp/CGABillStatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB5218

Text of the Bill: <https://www.cga.ct.gov/2024/TOB/H/PDF/2024HB-05218-R00-HB.PDF>

This bill was reviewed in a public hearing on February 28 by the Environment Committee. There was considerable testimony submitted, almost all in support, which can be viewed here:

https://www.cga.ct.gov/asp/CGADisplayTestimonies/CGADisplayTestimony.aspx?bill=HB-05218&doc_year=2024

Community Rating System (CRS) FEMA Reporting

MaryRose submitted the Elevation Certificates and permit list from the Floodplain Manager to FEMA CRS/ISO for the annual CRS reporting 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. MaryRose is collecting the annual report data in preparation for Milford's 5 year cycle visit. At the visit, the FEMA representative will review the work that is being done and evaluate if the City can achieve a higher ranking, remain the same or retrograde. FEMA has asked for revision of some of the submitted materials. The City currently has a CRS rating of 9 which gives citizens with flood insurance a 5% discount on their flood insurance premium.

MS4 (Municipal Separate Storm Sewer System) Public Works is working on this with Engineering. MaryRose has supplied the data as requested.

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 |
| 50 Bolt Lane | Permit taken out | | |
| 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 | Bond released | | |
| 201 Kings Highway | Ongoing | | |
| 104 Lavery Lane | Ongoing | | |
| 114,122,124,128 Merwin Ave | Ongoing | 8/29/23 | |
| 40 Morehouse Rd | Ongoing, adding 2 nd 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 | |
| Wheeler's 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

- Magnan thanked all for their participation and expertise on the items on the agenda this evening.
- The next meeting will be a Regular Meeting on April 17, 2024 via Zoom.

There being no further business to discuss, a motion was made by Connors and seconded by Field to adjourn at 8:35 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.