

Minutes of the Regular Meeting of the Inland Wetlands Agency on May 04, 2022.

**A. Roll Call**

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

Absent: Brendan Magnan.

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

Panico called the meeting to order at 7:30 p.m. and reviewed the guidelines in hosting remote meetings 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. **IW-A-22-0021: 883 North Street, Andreas Gavrielidis** – Proposed reconstruction and renovation for proposed Deli with construction and site work within 150' of wetlands in the Wepawaug River Watershed.

MaryRose reported that this is a proposal for renovation and reconstruction of an existing building for a deli with work within 150' of wetlands in the Wepawaug River Watershed. The property owner and his contractor started work on this building without City permits and are now working to get permitted to construct on the site. A portion of the building was removed and is now replaced. The gravel parking area and grassed area adjacent to the wetland are stable.

The City Engineer and MaryRose met with Doug Reich the Landscape Architect from Fuller Engineering and the property owner on 4/26/22 to review the plans revisions. Revised comments and plans were submitted in response to that meeting on 4/28/22. The City Engineer and MaryRose responded to that submittal this week. Several items remain outstanding. Joe Griffith, DPLU director and MaryRose reviewed the application status, outstanding items and the entire permitting process with Andreas Gavrielidis, the property owner this morning.

This application was received by the MIWA on 3/16/22. The 65-day review period runs until 5/20/22. Prior to the 65th day the MIWA needs to determine if an application is complete and can be decided upon or if there is outstanding information required for a decision.

Doug Reich, Landscape Architect Fuller Engineering 525 John St in Bridgeport, stated that there have been three submissions and revisions mostly taking into account the City Engineers comments, allaying his concerns and strengthen the documents. He believes that the application is complete, and it could be voted on this evening. Reviewed onscreen his comment response memo from 5/2/22 that was received by email at 4:30pm today, 5/4/22. He agreed to do anything from an engineering standpoint to the City Engineers satisfaction.

Reich reviewed his written responses to the City Engineers' comments:

- Item B they will modify the plan to incorporate the data contained within the soils report.
- Item C discussion of soil types; the soil designations utilized are based on the NRCS Soil Map and soil group ratings and have been observed and recorded by the Soil Scientist.
- Item H the 2 x 10 frame is under construction and are for the rebuilding of the existing deck structure. There is no change in the deck layout proposed; only support joists have been repaired
- Item L is Zoning Issues, concrete curbing sidewalks and driveways. There is no evidence of concrete curbing within the vicinity of the project site, and they have requested to waive this requirement and be submitted to DOT for review.
- Item M Existing Dry well in parking area. Absent of digging it up and analyzing, they are unable to determine its function. They have shown an area on the plans dated 4/27/22 that alternate stormwater infiltration could be located. Water level after the last two rain events appeared to be working (visual observation only).
- Item N Plans have been updated to show grease trap instead of oil water separator they will add H-20 loading to the plans.
- Item R Comments on soil types. They will rely on their Soil Scientists testing and report.
- Item 2 values are the same showing different things, they will address this.
- Item 3 interpretation of cover vs. canopy pre and post conditions will remain the same; no effect on reporting, happy to make those changes as well, anything based on the approval will be made a condition of approval and will be shown on the plans.
- Item Z Dry well they did review it and spoke to City Engineer on a call yesterday about their findings. A backup drainage system is to be included should the drywell fail.
- Item 1 test holes will be taken – outside of upland review area; they have modified the drainage structure to move outside of the upland review area except the sanitary sewer and grease trap. Test holes will be done to ensure the proposed system will function.
- Possible City Engineer was looking at old plan.
- No issue with acknowledging that they won't create a nuisance onto Route 121, which will be under DOT review.
- Item 5 & 6 Milford Health Department issues. He is to have written confirmation for connection.

- Item 7 soil types will be added to the survey.
- Item 8 will make those changes requested by City Engineer.
- Item 9 & 10 acknowledges as in items above.
- Please allow us to come back and get an office approval if the state requires curbs and sidewalks.

MaryRose stated that the plan can not be approved if items are not on the drawings or are to be submitted later.

Reich stated that notes will be corrected regarding applicable conservation district on sheet C41. They will route all roof leaders to the subsurface storm drainage system once the downspout locations are determined. The maintenance plan will be added to the plan. They will continue to work with the Health Department as required to secure the required permits.

MaryRose stated that she could not confirm with the Health Department that this has been reviewed; they have not seen the plans, it is not in the permitting system, and they do not have an application. Reich stated that he has spoken to them on the phone and submitted drawings online but has not submitted an application. They are just trying to bring the building up to code. The well is relatively new, it looks freshly painted and installed. They are seeking not to do major construction of a new well unless health department decides that it is necessary.

Tryon stated that there seems to be a lot that still needs to be finalized and questioned if it is premature to take action.

Reich stated that the drainage system as designed reduces drainage; there is no change in impervious cover. They have improved the drainage conditions and the health of the wetlands, and he stands by that the work does not impact the wetlands. MaryRose questioned if this was his professional opinion or on behalf of the Soil Scientist. Reich stated that it is his opinion on the site as a whole. MaryRose stated that she would like to rely on the City Engineers' input and recommendations as she is not an Engineer nor is Mr. Reich an Engineer.

This evening the Agency can:

- Ask questions.
- Take no action.
- Request additional information
- Schedule a site walk
- Schedule a public hearing (hearing would need to be opened by 5/20/22).
- Approve the application
- Deny the application

Connors moved to take no action until all of the questions are answered and plans and reviews from the Health Department and City are complete. Munson seconded the motion and it carried unanimously by roll call vote.

No action taken.

2. **Violation IWC-22-0010: 0 New Haven Ave., Anthony Monaco** – clearing trees and brush, depositing chipped material within 100' of a wetland or watercourses in the Indian River Watershed without a permit.

MaryRose reported that this is the violation issued 3/28/22 for work in and adjacent to wetlands associated with Turtle Creek in the Indian River Watershed without a permit. The Agency modified the submission dates for this violation to 5/31/22 at the last meeting.

MaryRose spoke with attorney Kevin Curseaden this afternoon. Mr. Monaco has retained William Kenny Associates to flag the wetlands and is working to retain a surveyor. They have requested that they be allowed to submit an A-2 survey for the front portion of the property along New Haven Av where the violation occurred and that a Class D survey be allowed for the remainder of the property. The remainder of the property is a mix of inland and tidal wetlands associated with Turtle Creek that runs north to Furniture Row and east towards Pepe's Farm Rd. If this is acceptable to the Agency, once the surveyor has been retained and distances have been determined in the field the Agency can review and modify the violation for those dimensions.

Mr. Curseaden and MaryRose also discussed that the erosion controls have not been updated. MaryRose reviewed the site and the existing wood chips are adding stabilization to the area. With Bill Kenny anticipated to flag and evaluate the property in the next two weeks, she is comfortable with waiting for Mr. Kenny's recommendation for mitigation and stabilization of the site. MaryRose recommended no action at this time.

No action taken.

3. **Violation IWC-22-0011: 918 Wheelers Farm Road, Freedom Vines, LLC** – excavation, deposition, and pollution in and adjacent to Turkey Hill Brook with work in and within 100' of a watercourse/wetland in the Housatonic River Watershed.

MaryRose reported that this is the violation issued 3/30/22 for work in and adjacent to Turkey Hill Brook without a permit. At the 4/6/22 meeting the Agency upheld and modified the violation after speaking with Raymond Testo of Freedom Vines and Ron Wassmer of CT Civil Group. Mr. Wassmer has submitted some preliminary information and anticipates the survey and mitigation plans are to be submitted by 5/13/22 as required. No action required this evening.

No action taken.

4. **IW-A-22-0035: 589 Bridgeport Avenue, CDP Milford, LLC**; Proposed redevelopment for residential units with demolition, construction, stormwater improvements and grading within 100' of wetlands and watercourses in the Housatonic River Watershed.

MaryRose reported that this is an application by CDP Milford, LLC for redevelopment of the Kmart site at 589 Bridgeport Ave with work in and within 100' of a wetland in the Housatonic River Watershed. The applicant is proposing to remove and replace the Kmart building with residential units and to renovate the exterior of the remaining retail areas on the site. They are proposing to do work in 1.62 acres of the upland review area with a temporary disturbance of 330 sq ft during construction. The areas proposed to be disturbed will have the invasive species removed and will be re-planted and stabilized with native species after construction for 330 sq ft of wetland enhancement/creation. This application was received by the agency at the 4/20/22 meeting. At the 4/20/22 meeting, the Agency requested information about educational signage, wetland boundary markers and snow storage areas. The updated plans were added to the links addressing those items. Presenting the application this evening will be John Knuff, of Hurwitz, Sagarin Slossberg & Knuff; John Schmitz, and Sagan Simko, of BL Companies.

John Knuff, Esq., of Hurwitz, Sagarin, Slossberg & Knuff, 147 Broad St in Milford representing CDP owners of 589 Bridgeport Ave. Knuff stated that they did their presentation at the 4/20/22 meeting and it was well received, and requests/provisions were made.

John Schmitz, Engineer, BL Companies 355 Research Parkway, Meriden reviewed sheet SP2 that showed the boundary markers along the wetlands every 25' or so. He proceeded to review the detail sheet of the medallion attached to a 4 x 4 pressure treated post. The snow storage was addressed and the SS1 plan was submitted. The plan was reviewed and showed perimeter areas, areas adjacent to the parking and some areas by the pool location. Buildings 5 and 6 were reviewed; the lower floors would have a small patio fenced in so there will be no direct access to the wetlands. Atty Knuff stated that they would be happy to implement educational signs and showed some samples of such.

Connors stated that he did not feel that the snow shelf was big enough as it is a very large parking area and not enough in those small areas based on his experience. Knuff stated that the snow would not be going directly into the resource area. Bhav stated that the parking seems excessive and questioned if it could be reduced. Knuff stated that per Planning & Zoning requirements this is not an overabundance. Bhav asked about alternatives. Knuff stated that they are not intruding into the resources and have a small temporary disturbance and will restore with non-invasive species as an improvement to the site. M. Connors questioned the snow areas. Schmitz showed that the locations would run thru the drainage system and would be temporarily stored in the parking spaces until it could be removed.

MaryRose stated that she feels this is a complete, thorough presentation and it will remove some invasives and replace with natives, will provide educational signage, boundary markers and snow storage has been addressed. This brings stormwater up to standards and is decreasing the impervious area as well.

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 5/04/22, petition deadline is 5/4/22).
- Approve the application with or without conditions and bond(s).
- Deny the application.

The following motion was made by Connors and seconded by M. Connors:

After duly considering all relevant factors, I move to approve application IW-A-22-0035: 589 Bridgeport Ave based on the plans entitled "*Land Development Plans for Proposed Mixed Use Development 589 Bridgeport Avenue, Milford, by BL Companies*, 39 sheets dated 4/19/22, sheets, sheets SP-2, DN-2 & SS-1 revised 4/26/22 the information in the file and presented this evening, for the following reasons:

1. 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.

- 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. Documentation to be submitted to the MIWA office prior to bond release.
- Compliance with the City Engineers requirements for stormwater.
- A permit condition bond to be calculated must be posted with the MIWA for S&E controls, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.
- Wetland Educational signage to be placed near the wetland area.
- Mitigation monitoring bonds to be calculated must be posted with the MIWA prior to site disturbance for mitigation plantings and a minimum of 3 years of mitigation monitoring by a professional wetland scientist with reports to the MIWA twice a year for a minimum of 3 years. Report to include the status of the site and any recommended corrective actions or amendments to the mitigation plan for best stabilization of the site. If there is recommended corrective action, there must be an inspection and a report by the professional wetland scientist within 1 week of the corrective action being taken.
- In construction or maintaining any structure or facility or conducting any activity authorized herein, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourses. Best Management practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sedimentation Control as revised, 2004 Connecticut Stormwater Quality Manual*, Department of Transportation's *Conn DOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.
- 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 5/04/22 expires 5/04/27 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

## E. New Business

1. **IW-A-22-0038: 668 New Haven Avenue, Hassenmayer Enterprises, LLC** – proposed mixed use building with construction, stormwater improvements and grading within 100' of wetlands and watercourses in the Indian River Housatonic River Watershed.

MaryRose reported that this is a proposal by Hassenmayer Enterprises to construct a mixed-use building with work within 100' of an inland wetlands, including grading, a retaining wall, and a stormwater discharge. She has walked the site and stated that it is fairly disturbed and is adjacent to 690 New Haven Avenue. The approximate distance from the proposed site improvements to the inland wetland line are:

- dissipater pad for the stormwater overflow outfall is 22',
- retaining wall is 53',
- grading is 63',
- the building is 100'

This evening the application is presented by Mark Davis of Westcott and Mapes.

Mark Davis, PE, and Owner of Westcott & Mapes, PC, 142 Temple St., New Haven, oriented the site speaking to colorized plan submitted 5/04/22. The lower level will be a walk out basement and

would be used as a private parking garage for vehicle storage of approximately 6,200 sq. ft. The upper level will be approximately 12,000 sq. ft and will be metal/woodworking shops. The storm drainage system was reviewed and will have catch basins and hydrodynamic separator. The outlet pipe is laid very flat for a design of 0.3'/second to avoid erosion.

The rear of the site (light green area on the plan) is tidal wetlands, and the darker green is a band of inland wetlands, the dotted line is the 100' upland review area. There is also Flood Zone AE11, which is why they proposed a retaining wall to keep filling out of the flood zone.

MaryRose reviewed the site location on an aerial map and stated that the site is currently stable, although heavy with invasives. The plan will be cleaning and pretreating the water to protect the resources. The retaining wall is an excellent idea to keep grading away from the wetland. The application is just being received and has not been reviewed by the City Engineer yet.

Tryon asked about the retaining wall and how high it is or if there will be a drop off. Davis stated that it will be a maximum of 4' and will vary from 2 – 4'. Tryon questioned if it would be a business and if kids would be able to use the wall, a potential hazard. Davis stated that they will be renting out the garages for classic car storage and there will be a guardrail a top of the wall. Tryon questioned having demarcation to protect the wetlands. Davis stated that they could do that.

Panico asked about a planting plan or buffer to the wetlands. Davis stated that they would remove the invasives, but it would remain natural. Bhave asked about the velocity of the stormwater. Davis stated that it would be 0.3' per second, so very slow. Bhave asked about the level spreader. Davis stated that it would be rip rap at the outlet and that a level spreader would be more disruptive and that stormwater storage under the parking lot would serve that purpose. Bhave asked about storm drain or retaining wall with vegetation on top. Davis stated that he would be hesitant to do this and risk it getting into the drain. They could use a seed mixture and educational signage.

Panico stated that he would like to see photos of the site.

This item 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 5/4/22 Petition deadline is 5/18/22)

No action taken.

## **F. Minutes**

A motion was made by Munson, seconded by Panico to approve the minutes of the 04/20/2022 regular meeting as presented. The motion carried with Connors, Bhave, M. Connors, DeFlumeri and Donaldson-Gladue abstaining.

## **G. Staff Report**

The office continues to be busy with inquiries, bond release requests and minor reviews and other reporting.

MaryRose reported that the legislature is extending Zoom meetings indefinitely and must be roll call votes.

The celebration of the 50<sup>th</sup> Anniversary of the CT Inland Wetland and Watercourses Act and its relationship with the State Water Plan continues. Registration for the State Water Plan Outreach and Education subgroup's May 11th virtual webinar from 12-1pm on *Wetlands and Climate Change Resiliency* is now open. [Register Here for Wetlands and Climate Change Resiliency Webinar](#)

Registration has not yet started for the June 8<sup>th</sup> webinar from 12-1pm which will discuss *Rivers & Watercourses: The Importance of Riparian Zones* I will send out sign up information as it is available.

MaryRose also wanted to remind anyone that hasn't completed the CT Inland Wetland Commissioner Training Course that it is available: [CT DEEP Municipal Inland Wetland Agency Comprehensive Training Program](#).

#### Site Status:

- 0 Tanglewood Circle – the owner has stated he will contact MaryRose for the walk.
- 30 Bridgeport Av – waiting on asbuilt.
- Florence Av – a modified permit has not been taken out.
- 114-122-124-128 Merwin Ave – ongoing.
- 33 Pearl St – ongoing,
- Terrace Rd is waiting on bond release.
- 161 West Rutland Rd – ongoing.
- Wheelers Woods – project completed, waiting on bond release.
- Milford Cemetery – 420 West River Street – first spring inspection was completed, minor issues with invasives and ATV's.
- 16 Marsh St. – ongoing.
- 690 New Haven Ave – ongoing.
- 201 Kings Highway – ongoing.

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

#### G. Chair Report

The next regular meeting will be on May 18, 2022, 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 Donaldson-Gladue to adjourn at 9:20 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.