

Minutes of the Regular Meeting of the Inland Wetlands Agency on May 18, 2022.

A. Roll Call

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

Absent: Matthew Connors and Dave DeFlumeri.

Also Present: MaryRose Palumbo and Lisa Streit.

Magnan 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 application was received to by the MIWA and presented on 3/16/22. The 65-day review period runs until this Friday, 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. While the Agency has not requested an extension of time the Applicant has submitted a letter granting an additional 14 days to review the application which would allow a decision to be made at the 6/01/22 meeting instead of this evening.

Doug Reich, Landscape Architect Fuller Engineering 525 John St in Bridgeport, stated that they added a new patio on the southside for picnic tables and chairs as well as a covered porch replacement with new steps, a new handicapped ramp with steps and a new concrete curb, apron, and sidewalk (they are seeking a waiver for the sidewalk). He feels he has encapsulated everything to complete this application. Standard City details have been added.

Magnan questioned if this was complete as it has been before the IWA six times. Reich stated that it is, he has met with the State and met on site with a favorable review of the well and they know what has to be done to activate it. He submitted a memo from the DOT regarding the opinion on curbing and right of way. MaryRose noted the added documentation and the 2-week extension granted.

Magnan stated that he would need time to review the material that has just been received. Munson agreed and that the City Engineer and City Health Department responses were needed as well.

This evening the Agency can:

- Ask questions.
- Request additional information and an extension
- Approve the application
- Deny the application
- Deny the application without prejudice as incomplete

A motion was made by Connors, seconded by Donaldson-Gladue to accept the 14-day time extension submitted by the applicant for review of IW-A-22-0021 883 North Street. All information required for review must be submitted by 5/24/22. The motion carried unanimously.

- 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 information submission dates for this violation to 5/31/22 at the April meeting. At the last meeting, action was postponed on the sedimentation and erosion controls until Bill Kenny, the professional Wetland Scientist, had visited the site. Mr. Kenny's recommendation for mitigation and stabilization has not yet been received. MaryRose spoke with Attorney Curseaden this afternoon and he stated that the Surveyor was working onsite today. She recommended no action.

This evening the Agency can:

- Ask questions.
- Modify the violation
- Release the violation
- Refer the violation to the City Attorney for non-compliance
- Take no action

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 on 5/4/2022. The mitigation plans were due on 5/13/22 but it has taken longer than anticipated to complete them. Wassmer asked that they be allowed to submit the mapping and mitigation plans together for the 6/1/2022 meeting.

MaryRose recommended modifying the violation to require the survey and mitigation plans be submitted by 5/31/2022.

This evening the Agency can:

- Ask questions.
- Modify the violation
- Release the violation
- Refer the violation to the City Attorney for non-compliance.

The following motion was made by Connors and seconded by Donaldson-Gladue:

I move that cease-and-desist order Violation IWC-22-0011: 918 Wheelers Farm Road, be modified to require the property owner to submit the information required in the order by the following dates:

1. Submit the required A-2 Survey with T-2 accuracy by 5/31/2022.
2. Submit a detailed mitigation and planting plan for review and approval by 5/31/2022.

The motion carried unanimously.

4. **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 wetland, 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 now 2.3',
- retaining wall is 53',
- grading is 63',
- the building is 100'

At the 5/4/2022 meeting, the Agency had questions on the stormwater outfall, wetland boundary markers and educational signage for the area of the retaining wall. MaryRose's field report and the Engineering review are in the documents link. She proceeded to review the photographs from the field report:

Photo 1 Facing northwest from front of property towards rear. Warehouse building on adjacent parcel is to the left, 690 New Haven Ave is under construction to the right. Remnants of cleared buildings from this lot and knotweed are visible onsite.

Photo 2 Facing northwest. Walking down right side of property: Knotweed on site; Warehouse building on adjoining lot; Furniture Row buildings to rear; Phragmites associated with Turtle Creek is in center; Erosion controls for #690 to right.

Photo 3 Facing southwest proposed retaining wall approx 5' closer to wetlands than warehouse on adjoining property.

Photo 4 Facing west. Vegetation at rear of parcel, pink wetland flags highlighted with red arrows. Phragmites associated with Turtle Creek in center of photo and Furniture Row building in rear of photo.

Mark Davis of Westcott and Mapes has submitted a revised plan showing:

An extended outlet pipe and providing riprap has been added to the plans to satisfy the requirements from the *DEEP Guidelines for Soil Erosion and Sediment Control manual*.

Davis has proposed a wildflower seed mixture mix suitable for use in Connecticut to be applied to disturbed areas. Seed shall be applied in the quantities and using methods recommended by the supplier and shall be reapplied as needed or directed by the MIWA to establish a robust vegetative cover.

Davis has stated that they will install an informational sign appropriate for the site, similar to those that the Agency has recently approved. The sign would be installed along the retaining wall/ guard rail area.

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

Mark Davis, PE, and Principal of Westcott & Mapes, PC added seed mixtures and information signage, extended stormwater outlet pipe to 0% slope outlet pipe. Manhole in parking lot is 3" deeper but there will be no velocity erosion of the soils. The City Engineer reviewed the plans and he had 6 recommended conditions which they will do. MaryRose stated that per the City Engineer, these conditions will not change any review for the IWA.

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 5/18/22 Petition deadline is 5/18/22)
- Approve the application with or without conditions and bond(s).
- Deny the application.

Panico asked if there were any changes from two weeks ago. Davis stated that the only changes were for what was requested. MaryRose reviewed the revisions on the plans and noted that timber guard rail was added for safety. Magnan asked about invasives and that he would like a condition to be a plan to review invasive control in the area where the seed mixture is proposed.

The following motion was made by Connors and seconded by Donaldson-Gladue:

After duly considering all relevant factors, I move to approve application IW-A-22-0038: 668 New Haven Ave based on the plans entitled "Submission to the City of Milford Inland Wetlands Agency Proposed Mixed-Use Building 668 New Haven Avenue, Milford, Connecticut" by Westcott & Mapes, Inc. cover and 10 sheets dated 4/20/22 rev 5/10/22 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.
- 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.
- \$7,130.00 permit condition bond must be posted with the MIWA for S&E controls, seed mixture, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.

- Wetland Educational signage to be placed near the retaining wall / wetland area.
- 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.
- Wetland scientist review and plan invasive control on the site where the seed mixture is proposed for stabilization for staff review.
- The permit is issued 5/18/22 expires 5/18/27 unless otherwise provided by Statute.

The motion carried unanimously.

E. New Business

- 1. IW-A-22-0041: 1553 Boston Post Road, Splash Car Wash Inc.** – proposed lot consolidation and car wash with stormwater improvements and grading within 100' of wetlands and watercourses in the Indian River Watershed.

MaryRose reported that this is a proposal by Jason Frank to construct a Splash Car Wash at 1553 Boston Post Road with a stormwater discharge within 100' of a wetland in the Indian River Watershed. The site is currently vacant but was developed in the past. There is a CT DOT stormwater easement along the eastern portion of the site discharging into Clarks Pond. The application has been submitted to the City Engineer for review. This evening and Darin Overton of SLR are here to present the application and orient you to the site.

Darin Overton, PE, SLR, Cheshire CT, reviewed the existing conditions. The site is 2.5 acres. He showed a colored plan of proposed over existing conditions. The site is 2 parcels; one is 2 acres and the other is .5 acres. The site is surrounded by existing commercial development.

Megan Raymond, Professional Wetland Scientist, delineated and flagged the site. There are no wetlands on site, but it is adjacent to Clark Pond. She reviewed the topography and elevations of the site. In 2017 William Kenny delineated the site and it was similar to her delineation. The wetland is a fringe forested and becomes emergent. Its functions are fish, habitat, and nutrient removal.

The site plan was reviewed. There is a one-way circulation through the site; employee parking and vacuum stalls were reviewed. Then entrance and exit will be by the Boston Post Road. There will be public sewer and water and utilities will come from the Boston Post Road. Trash pickup accommodations were reviewed as well as the overall landscaping plan. The stormwater basin and discharge were reviewed. There will be 410 sq. ft. of disturbance of the 100' review area. The stormwater collection system was reviewed. There will be 1.6 acres of total disturbance. Sedimentation and Erosion Control measures were reviewed as well as a picture/rendering of the finished product.

Munson asked about snow removal. Overton reviewed the areas for snow storage. The catch basins have 2' sumps so there will be no separator. Tryon asked about the discharge from washing cars.

Overton stated that there is a recycle system in the building for the wash water and some overflow to the sanitary sewer; it is all self-contained. Tryon questioned if the soap/water would not come out to the discharge pipe. Overton stated that it would not. Bhave questioned a 2' sump and asked if they could be 4' to capture sediment and questioned the outfall elevation verses the water body. Overton stated that he is not opposed to the last basin being larger and they could put hoods on the basins. Discharge is at elevation 16 and the pond is at elevation 11 and this was reviewed on the plans. The grade at discharge is 2-3%. Bhave asked about the velocity of water. After review, Overton stated that the discharge velocity at the outfall is 5.5 ft/sec and after the modified rip rap dissipater the velocity is less than 3 ft/sec.

Magnan asked about adverse impacts or improvement of functions to the wetlands. Raymond stated that Route 1 is a developed area and there is a very clear separation from Clark Pond; the site has been previously developed. They are focusing on improvements on the area closest to Route 1 and will maximize a buffer. There are no modifications to the functions and values. There are no wetlands on site. Magnan asked if there are any invasives that need remediation. Raymond stated there are pioneer weeds in reasonable shape, but she could take another look. Magnan asked about the snow plan/shelves and if she had any concerns with the locations. Raymond stated that she agreed with Overton that rear parking can be used. A car wash is usually seasonal. The plan is a net decrease in impervious cover.

Connors asked about a trash dumpster location and stated that there will be a need for more than 2 spots for snow. Overton showed the proposed dumpster area and that they could eliminate the proposed tree in the rear and increase the snow storage area. Applicant, Glen Sheely stated that at least half of the rear parking could be designated snow storage. Vacuum use is minimal in cold weather up front.

MaryRose questioned the maintained lawn in the rear and if that was necessary. Overton stated that the intent is to revegetate as is with no mowing. Raymond stated that she will look at the area and recommend planting. MaryRose further questioned windblown debris and if fencing was needed to keep trash out of the buffer and wetland area. Glen Sheely stated that no car doors will be opening on the rear portion of the site. Cars enter, pay at a kiosk, travel through the wash building, and exit to the vacuum area by the Boston Post Rd. They have an hourly check and cleaning schedule for the trash cans and vacuums in that area. Overton stated that the dumpster is an enclosed area on the south side of the site and the vacuum collection area is adjacent to that.

Agency concerns are:

- That the stormwater outfall is compliant with the CT DEEP Manuals for water velocity at the discharge outfall
- A snow storage plan
- Review of existing and proposed vegetation behind the proposed bioretention area for invasives and if there should be a planting plan for this area.

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 5/18/22. Petition deadline is 6/01/22)

No action taken.

F. Minutes

A motion was made by Connors, seconded by Donaldson-Gladue to approve the minutes of the 05/04/2022 regular meeting as presented. The motion carried with Magnan abstaining.

G. Staff Report

The office has been very busy with inquiries, complaints, bond release requests and minor reviews and other reporting.

The celebration of the 50th Anniversary of the CT Inland Wetland and Watercourses Act and its relationship with the State Water Plan continues.

The link below provides the video of the May 11 Seminar on Wetlands and Climate Change:

https://ctvideo.ct.gov/opm/WPC_Wetlands_2022-05-11_video.mp4

Registration has not yet started for the June 8th 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.

If you haven't completed the CT Inland Wetland Commissioner Training Course it is available: [CT DEEP Municipal Inland Wetland Agency Comprehensive Training Program](#)

The CT Land Use Academy also has some good online training for Land Use Commissioners at: <https://clear.uconn.edu/luu/index.htm>

Please let the office know if you take either training.

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 June 01, 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 8:45 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.