

A. Roll Call

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

Absent: Matthew Connors and Lisa Tryon.

Also Present: MaryRose Palumbo, Lisa Streit and Tom Ryder, Acting Staff, LandTech

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. New Business

1. **Notice of Violation IWC-21-0040: 8 Pepe's Farm Road, Barbara Held** – clearing and disturbance of a wetland, clearing and disturbance within a conservation easement and grading work in and within 100' of a wetland or watercourse in the Indian River Watershed without a permit.

MaryRose reported that this is a violation issued 5/26/21 to Barbara Held for work in and within 100' of a wetland in the Indian River Watershed without permit. This property also has a conservation easement as shown on the asbuilt and documented in the Land Records. Tom Ryder of LandTech Consultants represented the City of Milford for investigation of this complaint and is here this evening as Staff to present and answer your questions. Mr. Ryder's reports were in the links on the agenda.

Tom Ryder, LandTech Consultants, acting for the City of Milford, reviewed his memo dated 5/14/2021 and pictures of the site. There is a small excavator stuck in the wetlands and some fencing has been removed. He spoke to Barry Held and he stated that he was filling in depressions in the lawn area and the track came off and went into the wetlands. Held was told that there were no permits for this work, and he stated that he was not aware there needed to be. Ryder told him that it is stated in the permit to build the home.

Ryder reported that vegetation was removed, and he did not see any debris of vegetation. Mr. Held stated that he was in the process of removing the small excavator and would call the office once it was removed. Ryder returned to the site on 5/17/2021 and found the wetlands and soil disturbed and the fencing removed; it had not fallen over. He knocked on the door and no one answered. The

excavator was removed, there was a lot of pit and mounding and the soil was wet indicating that it was a functioning system. He recommends that the wetlands be restored, silt fencing along the wetland and the wetland be regraded, re-seeded with a wet seed mix for stabilization before the dry season to get the area stabilized quickly and then silt fencing between the yard and wetland and a planting plan to be submitted for approval of the IWA. He also recommended that a survey be provided to show Mean High Water, the CJL, the property lines, the current wetland line, and the conservation easement.

MaryRose reviewed the map from the 1990's approval of the house that showed the conservation easement. The snow shelf is all beat up from the flatbed trucks leaving open soil conditions that can erode into the catch basin and into the stream. Ryder showed additional pictures of the site from his site visit. Donaldson-Gladue asked what the purpose of the clean up was. Ryder stated that he is not sure; the resident stated he was filling in depressions. MaryRose said that it appears from the photos that the fence was removed to get the excavator in. Mr. Ryder stated that is correct if the excavator fell in it would have been nestled into vegetation. The vegetation within reach of the excavator was all removed. DeFlumeri questioned how much of the wetlands has been disturbed. Ryder stated that he was unsure that is the reason for the survey request.

MaryRose recommended the violation be upheld and modified for the homeowner to provide a survey and hire a Soil Scientist to determine the wetland limits and submit a planting plan. Certified mail was sent out last Wednesday to the homeowner to attend this meeting and there has been no response.

MaryRose reported that this item is on the agenda for the first time and the Agency can:

- Ask questions.
- Ask for further information.

This evening, the Agency must do one of the following:

- Uphold the violation.
- Uphold and modify the violation.
- Release the violation.

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

I move that cease-and-desist order IWC-21-0040: 8 Pepe's Farm Road, be upheld and modified to require that the property owner be ordered to:

1. Properly install soil erosion and sedimentation controls on the sites to prevent material from entering the wetland by **6/09/21**.
2. Hire a Certified Soil Scientist or Professional Wetland Scientist to determine the current limits of the wetlands on the property including both Connecticut, Tidal and Federal wetlands as may be present.
3. By **7/01/21** submit an A-2 survey with T-2 accuracy performed, signed, and sealed by a Professional Licensed Land Surveyor in the State of CT showing the following information at a minimum:
 - a. Existing site improvements
 - b. Property boundaries including all easements.
 - c. Wetlands line as delineated by a certified soil scientist or professional wetland scientist including both Connecticut and Tidal wetlands as present.
 - d. Limits of recent wetland disturbance.
 - e. Coastal Jurisdiction Line (CJL) and Mean High Water line.
 - f. FEMA Flood Zone Line.

4. Have the professional licensed Land Surveyor stake the limits of both the Conservation Easement and the approved fencing location so they are and will remain visible on the property.
5. Submit a proposed mitigation planting plan using the information provided on the updated survey and wetland delineation report.
6. By **7/01/21** submit a detailed mitigation and planting plan for review and approval by the MIWA to restore the wetland. Plan to be designed by a Professional Wetland Scientist and include at a minimum:
 - a. Stabilization of soil and hummocks created by equipment in wetland.
 - b. Planting of native shrubs back into the disturbed area.
 - c. Proposed timeline for execution of the mitigation plan to remove material, plant and stabilize the disturbed area including two years of twice a year monitoring by a Professional Wetland Scientist.
 - d. Draft planting and mitigation monitoring bond calculation. Bond to be posted to guarantee that the shrubs live for two years, and monitoring reports are completed in a timely manner.
 - e. Outline of responsibilities of property owner for watering and maintenance of plantings to ensure survival.
7. Property owner shall obtain all permits, including, but not limited to, Inland/Wetland, Planning & Zoning and Building, that may be required to resolve and legitimize the site work.

The motion carried unanimously.

MaryRose will issue a letter to the homeowner, post it on the website on Friday and attempt to contact them on site to come to the next meeting.

E. Minutes

A motion was made by Munson, seconded by DeFlumeri to approve the minutes of 4/21/2021 as presented. The motion carried with Connors abstaining.

F. Staff Report

- The office continues to be with busy. MaryRose was unexpectedly out of the office for several weeks, the Office was covered by Joe Griffith, Taft Clark our new Clerk, and Tom Ryder of LandTech Consultants.
- She will have a full update on the status of the ongoing projects at the next meeting.

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

G. Chair Report

The next meeting will be June 16, 2021 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 DeFlumeri to adjourn at 8:05 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.