

A. Roll Call

Present: Brendan Magnan, Daniel Bedeker, Ranjit Bhawe, Jim Connors, Matthew Connors, Steve Munson, and Lisa Tryon.

Absent: Dave DeFlumeri, Heather Donaldson-Gladue and Gerry Panico.

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 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. This item was tabled at the last meeting while the applicant and their consultants reviewed the proposal with the City Engineer. Revised plans and the City Engineer's review are in the document links. MaryRose recommend that an IWA approval include a condition of compliance with the City Engineers memos of 6/9 and 6/14/22. Doug Reich is here this evening to present the revision and answer any questions.

Doug Reich, Landscape Architect Fuller Engineering & Land Surveying, 525 John St in Bridgeport. Thanked the Commission for patience on this project while working with City Departments and feels that the plans meet the criteria and feels they are ready to move forward to Planning and Zoning. He feels the plan meets the burden to protect the wetlands.

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

The following motion was made by Connors, seconded by Munson:

After duly considering all relevant factors, moved to approve application IW-A-22-0021: 883 North Street based on the plans entitled, "*Proposed Deli 883 North St, Milford, CT prepared for Andres Gavrielidis*" by Fuller Engineering, 4 sheets dated 2/20/22 Revised: C-2.1, C-3.1, C-6.1 5/17/21, C-4.1 5/31/22, 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.
- Documentation of compliance with the City Engineers requirements.
- If additional site disturbance is necessitated for compliance with the Health Departments requirements or other permitting agencies additional permit review will be required from the MIWA.
- A bond of \$6,470 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.
- 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.
- Documentation of compliance with the City Engineers requirements and recommendations from 6/9 & 6/14/2022.
- 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 6/15/22 expires 6/15/27 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously by roll call vote.

- 2. 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 6/1/22 meeting the Agency reviewed the submitted plans, wetland and mitigation proposal and modified the violation. Requiring the following submission of a

mitigation monitoring bond to be submitted by 6/15/2022 and the mitigation work to be done by 6/30/2022 with monitoring reports at planting and in the fall.

The mitigation monitoring bond has not been received as of 5:00 pm this afternoon. Mr. Testo was notified of the mitigation bond timelines for compliance by US mail, certified mail return receipt requested and by email. All certified mailings have been returned unaccepted.

Ron Wassmer, PE LS, CT Civil Group, Research Drive in Milford, stated that Mr. Testo did not participate in the meeting two weeks ago and he did not realize the bond was required. His experience is that it will take several weeks to obtain a surety bond if he is doing other than a cash bond. He is supposed to meet with Mr. Testo in the near future. He will encourage him to reach out to MaryRose.

Magnan advised Wassmer that if the applicant is not responsive the violation would be referred to the City Attorney's office.

MaryRose stated that the Agency could modify the violation to allow until 6/30/22 for the bond and either 7/06 or 7/13 for the plantings. Some of the plantings proposed are saplings that are already planted but need to be relocated. It will be important that the plantings area is watered as we go through the summer. There is a concern about the manure located above Herbert Brook and having that removed sooner rather than later to avoid runoff into the Brook.

A discussion followed regarding if waiting will be an issue for plantings and if compliance will be forthcoming since the certified mails are not being accepted. Options of immediate referral to the City Attorney's office or allowing Mr. Testo two weeks to comply with the Agency's order.

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 Munson:

I move that cease-and-desist order Violation IWC-22-0011: 918 Wheelers Farms Road, be modified to require the property owner to:

- Submit mitigation monitoring bond for plantings and monitoring reports by 6/29/22.
- Complete the mitigation planting and stabilization as described in the William Kenny Associates report dated 5/31/22 by 7/13/22.

That is my motion.

The motion carried unanimously by roll call vote.

3. **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 Splash Car Wash to construct a facility at 1553 Boston Post Road with 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 City Engineer and MaryRose have met with the applicant and his consultants to review the plans. The revised plans and a memo

from the wetland scientist are in the meeting document link, the City Engineer did not receive them in time to review for tonight's meeting. At their last review the Agency had questions on:

- The snow storage plan.
- The status of the DOT stormwater outfall,
- The velocity of the water at the proposed stormwater outfall
- The pavement area that will remain in the lower portion of the project
- If grasses or wildflower/ conservation mix were proposed for the formerly developed areas and what the mowing schedule was for those areas.
- The status of the invasive vegetation on the site.

Several of those items were addressed in the revised plans. This evening Glen Sheely of Splash Car Wash and Darin Overton and Megan Raymond of SLR were in attendance to present the application.

Darin Overton, PE, SLR, Cheshire CT, reviewed changes to plan GR. They have a phased stormwater and erosion control plan. Discharge pipe has been extended to the DOT headwall and they are proposing to put a flared end and a rip rap for scour protection, which is typically required by DOT. They are sending the plans to DOT for review in the hopes that all comments from DOT will be received as they are going through the City's process. He spoke to the Commission's concern with compliance with the DEEP erosion controls manual section 5-10-6 which is regarding energy dissipaters. While it talks about an outlet above the receiving channel, he feels that he has more than addressed this with the change to the plan. Main areas for snow storage reviewed on a sheet that was not yet submitted to the Agency. He will submit the snow removal graphic to the Agency.

Megan Raymond, SLR PWS SS CFM at SLR delineated the site 2 years ago and looked at it recently. She submitted a memo for that visit last evening. Vegetation composition on the site was in the wetland report. 2.5 acres previously disturbed and developed. Speaking to the existing aerial with previous building she noted the increase in ecological significance as we approach Clark Pond and the Indian River.

Raymond reviewed the site of 0.5 acres of a woodland edge as a buffer between the previous development and the River and Pond there is a slight amount of Japanese knotweed interspersed with the native palette. They are electing to address in two ways Now they will remove the remnant asphalt in the rear of the property and seed with a conservation mix and red maple saplings and they are now proposing more saplings along the woodland edge; they will help with shade. They are proposing to cut the knotweed, and in areas where possible, dig out the root systems. She stated there is success with persistent cutting for a 3 year time period. The 3 years monitoring and removal is important to actively monitor the buffer for successful mitigation and establishing the buffer. In general, how the invasives exist today is not a problem but they want to work at keeping the invasive area from enlarging in the future.

Observations about the DOT outlet; there was a question that it is not a wetland resource. She stated that she did not see the requisite criteria for it to qualify, no soils, didn't see the intermittent watercourse features and feels that the source is truly just stormwater outletting. She feels that there is no persistent flow to provide wetland functionality. William Kenny also looked at the site in 2017 and he did not pick that up either. There is an opportunity on the site to provide a buffer to Clark Pond with this project and this will not impact the functionality of the wetland. This project will have a net decrease in impervious area and will not adversely impact the wetlands.

Tryon stated that she is delighted with the improvements but feels action should wait for the City Engineers' review.

Magnan agreed and complemented the design revision but felt that the Agency should give the City Engineer time to respond. J. Connors and Munson agreed.

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 6/01/22. Petition deadline is 6/01/22)
- Approve the application with or without conditions
- Deny the application

No action taken.

E. New Business

- 1. IW-PA-22-0048, 67 Cooper Ave., Artisan Home Restorations, LLC** – proposal for two single family homes with construction, within 100' of wetlands and watercourses in the South Central Shoreline Watershed.

MaryRose reported that this is the pre-application for two single family homes where one home was recently removed at 67 Cooper Av in the South-Central Shoreline Watershed. Inland wetlands were flagged on the site by Scott Stephens of Soil Science and Environmental Service. Joe Codespoti requested that she walk the site last December prior to the house being removed to view the flagging. MaryRoses' site walk notes and photos from 12/01/21 are in the document links. The City Engineer review is in the document links and has a condition for testing prior to installation of the drainage system. Items she noted on the plans are:

- Soil piles are shown to the rear of the proposed houses. Typically, in this area we have required no soil be stockpiled on site to avoid filling in the wetland areas and increased height in the flood zone.
- No landscaping plan was submitted but planting notes are included on sheet SP2. A portion of the proposed seed mixture may not be salt tolerant (Kentucky bluegrass is salt sensitive)
- No provision has been noted for dewatering if necessary. How will the contractor handle dewatering if necessary for the foundation?
- Markers should be included at the inland wetland line to notify homeowner of wetland location.

The former garage was located 10.7' from the Mean High Water line (MHW) line and the former house was located 15' from the MHW line. The proposed houses are shown as 21.2' and 21.0' from the MHW line. The existing and proposed site plans were reviewed.

Attorney Kevin Curseaden was in attendance to present the project.

Kevin Curseaden, Esq. representing Artisan Homes, stated that they would be moving the homes as described and will also be applying for a coastal area management permit.

A discussion followed regarding staff reviews and they will be taken into consideration and address concerns. The stockpile is more of a backfill pile for the foundation. After some discussion, it was deemed that a site walk would not be necessary. MaryRose discussed that this application may need to be separated into two – one for each of the lots.

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 6/15/22. Petition deadline is 6/29/22)

No action taken.

- 2. IW-PA-22-0050: 45 Woodmont Road, Franbard Milford, LLC** – proposed parking area Expansion with construction, grading and stormwater improvements within 100' of wetlands and watercourses in the Indian River Watershed.

MaryRose reported that this is a Pre-application submitted by Franbard Milford, LLC for the Agency's review and recommendations prior to full application submittal. The applicant is proposing to expand the existing parking area for storage and display of machinery for sale. This work would require the filling and grading for construction of the parking lot area. Wetlands were flagged on the site by Bill Kenny of William Kenny Associates. The applicant and their consultants would like input from the Agency on their proposal. MaryRose reviewed an existing aerial of the property. Presenting this evening are Attorney Kevin Curseaden, Soil Scientist Bill Kenny of William Kenny Associates and Stephen Santacroce PE of Rose Tiso & Co, LLC.

Stephen Santacroce PE, Rose Tiso & Co, LLC 35 Brentwood Av Fairfield CT speaking to plan showed the driveway and grayed area is the proposed parking lot expansions. They are proposing compensatory mitigation in the southern portion of the site with a change from Contour 14-8' change in elevation to compensate for the dark dashed lines that delineate the flood area. They are proposing a new flood area which will be compensation for filing in for a portion of the parking area. They have preliminary stormwater considerations; a gravel swale to capture the water coming off of the pavement to catch debris and spills and provide some preliminary stormwater quality treatment. Then they are proposing a subsurface drainage system and a 'punchbowl' to collect stormwater drainage.

Munson questioned if there is a snow removal plan in place or contemplated. Santacroce stated that they could create one as there is plenty of room along the pavement that will not be impeded by structures, they would just push it along the site.

Munson further asked if the newly paved area would be for vehicle storage and approximately how many vehicles would be there. Curseaden stated that this plan is being done with an overall change in use that will require extensive zoning applications and potential changes to the zoning regulations. This may also be potential storage for equipment sales. Client is purchasing the property tomorrow and he may or may not decide to relocate a business here. This pre-application is to get any questions the Agency may have so that they can be addressed in the full submissions.

Bhave questioned the basis for creating so much of a parking lot area and if the applicant considered any alternatives or alternative surfaces that could infiltrate water. Santacroce stated that they are considering bituminous pavement as the client requested. This vehicle storage will be for sales as well so the client wants it to look a certain way. They may be open to other surfaces.

Magnan stated that he would be interested in seeing plans that you have contemplated; the proposal with the least amount of impacts on the wetlands and watercourses.

Tryon questioned why so much asphalt is proposed next to the river, what type of vehicles and what the impact in a flood zone is. She would like to know more about the vehicles are they new or old, and if they will be parked year round or seasonally.

MaryRose had questions on alternatives that may have been considered for the location of the parking area and if there will be a hydrodynamic separator and cleanout rows for the stormwater system.

Magnan stated that he would support a site walk. Bhave stated that he felt the plans are busy and difficult to follow and asked that they please be clarified.

M. Connors questioned what the proposal is for mitigation of the water coming off the high area slope for your cut area in the rear parking area. Santacroce described the proposed flow pattern from the new slope to the underground detention system.

This evening the Agency can:

- Ask questions.
- Take no action.
- Request additional information
- Require a full application.

It was the consensus that the IWA would like to hold a site walk.

No action taken

- 4. IW-A-22-0052: 33 Howard Court, Graham Wylie** – proposed raze and reconstruction of a single family home with construction, grading and associated infrastructure in and within 100' of wetlands and watercourses in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal to raze and reconstruction a single-family home with construction, grading, and associated infrastructure in and within 100' of wetlands and watercourses in the South-Central Shoreline Watershed. Inland wetlands were flagged on the site by Bill Kenny of William Kenny Associates. This has been sent to the City Engineer for review. Ct Civil Group has submitted a video of the property for your review. Presenting this evening are Engineer Ron Wassmer and of Ct Civil Group.

Wassmer oriented the Agency to the existing conditions plan; this is a 0.76 acres site with 0.52 acres of wetlands. Sheet Sp1 gives a view of the proposed conditions. They are proposing a house that will comply with FEMA regulations as they are in a flood zone. Proposing a practical approach to the construction and orientation of the house and access around the house. They are proposing 193 sq. ft of wetland filling with 628 sq. ft of wetland mitigation.

Sheet LS 1 shows a shallow excavation for mitigation off the southeast corner of the house. Sheet GDU shows the proposed grading and site utilities; they will have City sewer and water and have proposed a storm drainage system for roof and driveway runoff. Sheet ES shows the proposed erosion and sedimentation controls. Sheet AP-1 shows an alternate plan that has the same footprint with house squared to the road as it would normally be oriented. This alternative would require the filing of 1,923 sq ft of wetlands.

Wassmer stated that Bill Kenny can attend a public hearing on 7/20/22 and he will get dates that Mr. Kenny can attend a site walk.

MaryRose shared the video of 33 Howard Court taken by Linda Lewis of CT Civil group who was in the meeting.

<https://www.dropbox.com/s/amqvr39cltsui2o/33%20Howard%20Court%2020220607.mp4?dl=0>

Bhave asked if the applicant considered an alternative that has less wetlands impact and is feasible. Wassmer stated that the proposed fill is below the USACE threshold of filling 5000 sq. ft. The alternative is buildable, but they chose to go with a plan that is within the guidelines of this Commission. The plan proposes a 3:1 ratio of mitigation to filling which is what the Commission has accepted in the past.

Connors stated that he feels the proposed plan is functional and less intrusive on the wetlands than the alternative.

Wassmer stated that he is meeting with Chris Saley, DPW Director, tomorrow to discuss their requirements. Currently the City Street that was recently improved is on their property. The City Street encumbers the property. It is common for the City Engineer to require the road be improved to the end of the property. That would require much more filling of wetlands. The DPW Director can review that requirement in these circumstances. The outcome of that meeting may require changes to this plan.

There was discussion regarding a site walk, the Agency would like Mr. Kenny to attend.

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 6/15/22. Petition deadline is 6/29/22).

Commissioner Connors felt that a public hearing regarding application IW-A-22-0052 33 Howard Court would be in the public interest and moved that a public hearing be scheduled for July 20, 2022. The motion was seconded by Munson and carried unanimously by roll call vote.

A date and time for a site walk is to be determined.

F. Minutes

A motion was made by Connors, seconded by Munson to approve the minutes of the 06/1/2022 regular meeting as presented. The motion carried by roll call vote with Bhave abstaining.

G. Staff Report

- The office continues to be very busy with inquiries, complaints, bond release requests, minor reviews and other reporting and City projects.
- The celebration of the 50th Anniversary of the CT Inland Wetland and Watercourses Act and its relationship with the State Water Plan continues.
- 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 – report was received 6/14 for review, site is 92-96% stabilized.
- 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.
- 8 Pepe's Farm Road – waiting for mitigation monitoring report.

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

G. Chair Report

- The next regular meeting will be on July 06, 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 Munson to adjourn at 9:30 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.