

Minutes of the Regular Meeting of the Inland Wetlands Agency on July 06, 2022.

**A. Roll Call**

Present: Brendan Magnan, Daniel Bedeker, Ranjit Bhawe, Jim Connors, Heather Donaldson-Gladue, Steve Munson, Gerry Panico 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. **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 6/15/22 meeting the Agency modified the order to give Mr. Testo two (2) more weeks to post the mitigation bond because he had not submitted the bond by the 6/15/2022 required date. The new bond submission date was 6/29/22. Mr. Testo did not submit the bond by that 6/29/22. At the 6/15/22 meeting the Agency extended the date the mitigation work was to be done from 6/30/22 to 7/13/22 with monitoring reports at planting and in the fall.

Mr. Testo sent an email on 6/20/22 requesting to set up a "bank account bond". MaryRose was away and had out of office notices on her email with instructions to contact Taft Clark if the matter was urgent. When she returned, she corresponded with Mr. Testo by email on 7/1/2022 informing him that the Agency does not accept "bank account bonds" and that he had missed the date for the mitigation bond submittal. She informed him by email that the matter would be discussed by the Agency this evening, with a link to the zoom meeting. She had not received the mitigation monitoring bond as of 1:00 pm this afternoon.

Ron Wassmer stated that he spoke with Mr. Testo this evening and he will not be attending the meeting; he has been in contact with Attorney Tom Lynch and the City Attorney Bercham. MaryRose stated that she spoke to Attorney Lynch, and they were looking into getting a bond.

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 referred to the City Attorney's office for lack of compliance. The motion carried unanimously by roll call vote.

**2. IW-A-22-0041: 553 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 revised plans, documents and a memo from the City Engineer are in the meeting document link. At the last meeting the Agency had questions on:

- The snow storage plan – which has been included in the plans as sheet SS
- The status of the DOT stormwater outfall –sheet GR shows a rip rap pad added for both the DOT and proposed site stormwater outfall
- The velocity of the water at the proposed stormwater outfall – see sheet GR
- Will the pavement area remain in the lower portion of the project – See sheet LS, pavement to be removed and a New England Conservation/Wildlife mix is proposed.
- 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. See Megan Raymond's memo dated 6/14/22 proposing hand cutting of Japanese Knotweed, planting of 12 Red Maples and monitoring for 3 years
- The City Engineers 7/01/22 memo stated that the revised plans were satisfactory and that there are no outstanding Engineering concerns.

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, felt that they have addressed all of the Commission and City Engineers comments.

Magnan feels that this is a well conceived plan and a good presentation from Megan Raymond, and it is an improvement over the current site.

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

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-22-0041: 1553 Boston Post Rd based on the plans entitled "*Splash Car Wash Milford, 1553 Boston Post Road, Milford, CT*" by SLR, 17 sheets dated 10/15/21 last rev 6/22/22 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.
- A permit construction bond to be calculated 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.
- A mitigation monitoring bond 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 at the start of mitigation and then 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 7/06/22 expires 7/06/27 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously by roll call vote.

3. **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 a proposal 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 MaryRose walk the site last December prior to the house being removed to view the flagging. The 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. The revised plans are in the document links. The applicant has addressed the following concerns brought up at the last meeting:

- Excavated soils are to be removed offsite. This note has been added to the revised plans.
- The proposed seed mixture has been revised to a New England Coastal Salt Tolerant grass mix.
- Temporary dewatering basins have been added to the rear of each lot for dewatering if necessary.
- Attorney Curseaden has agreed that wetland boundary markers will be shown on the plans for permit.

Kevin Curseaden, Esq Curseaden & Moore, 3 Lafayette St. said that the property now has been split into two lots #67 & #69. MaryRose explained that the lot was split after this application process had begun. The IWA permit can be 'shared' between the two lots (67 & 69) in the permitting system. Mr. Hatfield can either pull both permits together or individually.

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 6/29/22).
- Approve the application with or without conditions.
- Deny the application.

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-22-0048: 67 Cooper Av based on the plans entitled "*67 Cooper Avenue Lots 27, 28 & 29 Artisan Homes Restorations, LLC Milford, CT*" by Codespoti & Associates, P.C., 4 sheets, dated 11/22/21, sheet SV rev 5/31/22, sheet SP1 & SP2 rev 6/20/22 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.
- A \$6,572.00 permit construction bond 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.

- 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.
- Four (4) Wetland Boundary Markers (two on each lot) to be installed on appropriately anchored PVC posts along wetland line.
- The permit is issued 7/06/22 expires 7/06/27 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously by roll call vote.

Commissioner Panico recused himself from participating in the discussion/action on item 4 as he knows the owner.

- 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 reconstruct 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. The site plans have been revised to address concerns addressed by this Agency at the 6/15/22 meeting. Plans have been sent to the City Engineer for review. The Agency walked the site on 7/05/22 and viewed the proposed project area. The weather was overcast and seasonable. High tide was 6.5' at 4:31 pm. The Agency was oriented to the property by Ron Wassmer using the 6/30/22 revised plans color coded with the wetland flagging locations in the field.

The revised plans now show a proposed landscape wall about 2' off the wetland line and increasing the distance from the proposed construction to the wetlands from filling 193 sq. ft. of wetlands to 8.4' away at the closest point. There is 245 sq. ft. of wetland creation area and the slope between the house and the landscaping wall is proposed as a wetland buffer planting area. A picket fence is proposed with wetland boundary markers on 20' centers. Per the Public Works Director the road is proposed to extend about 22' with a rip rap bioswale discharging 22' from the wetland line.

A question for Mr. Kenny is what the impact will be on the wetland from the removal of the triple oak tree canopy and will the proposed 245 sq ft wetland creation area impact other tree canopies. If so, how will that impact the wetlands.

Ron Wassmer of Ct Civil Group was in attendance to answer any questions before the public hearing that will be held at the next meeting. Wassmer has submitted a video of the property for review. <https://www.dropbox.com/s/amqvr39cltsui2o/33%20Howard%20Court%2020220607.mp4?dl=0>

Wassmer stated that he discussed Commissioners concerns with his client, so they have modified the plan and he is happy to answer any questions.

Magnan requested information on the double tree shown on the plan to be discussed at the public hearing:

A) impact on loss of canopy and roots on the adjacent slope and wetlands are there any potential future impacts

B) have you considered moving the house so that tree is not impacted.

He has a concern and would like to understand any impacts from the tree removal.

MaryRose had a question on the health of the double 40" tree and what would be the impacts of removal of the 10" tree in addition to removing the 40" double tree. Also, if the tree was left would the house construction impact the tree health.

The Agency called for a public hearing at the 7/20/22 MIWA meeting for this application. If there are any additional questions or additional information is needed, please email, or call the office so that MaryRose can get your questions to the applicant, and they can have answers at the hearing.

This evening the Agency can:

- Ask questions.
- Take no action.
- Request additional information

No action taken.

## **E. New Business**

**1. IW-M-22-0035: 589 Bridgeport Avenue, CDP Milford, LLC** - Proposed modifications to approved 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 a modification request received this evening for 589 Bridgeport Avenue. The Agency approved development on this site 5/04/22 and the Applicant has found that they need to modify that approval. This evening Attorney Sara Sharp and the Engineer John Schmitz from BL companies are here to present the proposed modification.

Attorney Sara Sharp, Hurwitz Sagarin, Slosberg & Knuff on behalf of CDP Milford, stated that after they received approval in May found existing leases with a tenant that precludes the project. They have shifted slightly closer to the wetlands. Overall, they have expanded the area that they are removing invasive species and native plantings, reduced the impervious surfaces and put in a stormwater system, where there is none now.

John Schmitz, BL Companies 355 Research Dr, Meriden, speaking to sheet SP-0 oriented to the site then to SP-2. There are 6 buildings now vs 7 buildings. The 3 areas of impacts were reviewed near buildings 4 and the corner of 3 and parking area between buildings 3 & 2. They held a 20' distance off of all three buildings and looked at how to get around with minimal impacts. The areas of temporary impact would have temporary log matting and then they will be restored at the end. There will be 1,299 sq. ft. of temporary disturbance and 2,314 sq. ft. of permanent disturbance.

Mr. Schmitz stated that today the site has no stormwater quality; all runoff is picked up and drains out to Lansdale Avenue without treatment. They will maintain the stormwater out to Lansdale but will be treating and cleaning the stormwater by running it through hydrodynamic separators and infiltrating the first inch of runoff onsite as well as volume reduction. They are still increasing green space by 40,000 sq. ft. which helps contribute to stormwater improvements.

Sagan Simko, BL Companies, Wetland Scientist, stated that the previous application only had temporary impacts but now have permanent impacts. They have increased the amount of wetland plantings along the buffer area, speaking to plan LL2, with increased native shrub plantings to create a natural buffer. This will also prevent people from getting into or dumping trash into the wetlands.

Attorney Sara Sharp stated that they are happy to answer any questions and that over all she feels the plan is a vast improvement to the site.

Magnan asked Simko to discuss the modifications in total for a net positive effect to the wetlands. Simko stated that the Kmart building is abandoned and there is no restriction to potential dumping. This project would have the invasives removed and barrier plantings; so, he feels that this will help overall to protect this natural stormwater basin that this is.

Connors asked where the snow would be plowed to on this new plan. Sharp stated that there will be no snow push/ plowing of snow signs as before and there is a snow storage plan.

Schmitz stated that they are adding 40,000 sq. ft. of green space and the landscape islands have been increased in the commercial portion of the site. There are additional areas along the perimeter of that lot that could be used. In the residential areas they will primarily be using landscaped areas and islands for snow. For larger events snow will be removed from the site. Sharp stated that the buildings still act as a barrier to snow being pushed into the wetlands on site.

Bhave questioned how many square feet of wetlands will be impacted and how that would be mitigated; if the parking lot is being repaved and has permeable pavement been considered. Schmitz stated that there will be 1,299 sq. ft. of temporary disturbance that will be restored and 2,314 sq. ft. of permanent disturbance. They are proposing mitigation of invasive species removal along the edges of the site and replacing those areas and the perimeter with native wetland plantings. For pavement, the buildings will come down, a portion of the parking will be removed, the front area will be milled and overlaid with new pavement. On the residential side, all of the pavement and the building will be removed. They will be reusing some of the stormwater pipes and catch basins but will be replacing some commercial catch basins and all new catch basins in the residential area. No new wetlands are proposed at this time.

Simko addressed the functions for this wetland – it is basically a natural stormwater basin. There will be an overall net benefit to the wetlands by removing the invasives and protecting the wetlands with restoration plantings of 4-500 linear feet, 4-5' wide, roughly 2,000 sq. ft.

Sharp stated that there is a significant decrease in impervious surfaces, an increase in green space, infiltrating water on the site and cooling the water that runs off of the site. They are removing invasives and the potential dumping.

Magnan stated that there is typically a 3:1 ration for fill/replacement. The restoration/buffer is an attractive improvement. He asked if there was any replacement considered. Simko stated that there

was not too much emphasis on creation as there is not really room to do that and he feels this project is an overall improvement.

MaryRose stated that there is typically a 3:1 ratio for mitigation but quantitative factors are also considered; per Simko he didn't see significant value to the wetland creation. This is not an area to walk, etc. The project is creating a buffer or living edge and the value of stormwater being treated is significant.

Connors stated that he feels this is a big improvement to what is there now. Munson stated that this is a minor adjustment to the overall project and has overall improvements.

This is a modification request, this evening the agency can:

- Take no action.
- Ask questions.
- Ask for additional information
- Schedule a site walk
- Schedule a public hearing
- Approve the modification.
- Deny the modification.

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

I move that permit IW-M-22-0035: 589 Bridgeport Avenue be modified as shown on the plans entitled "Land Development Plans for Proposed Mixed Use Development 589 Bridgeport Avenue, Milford, Connecticut", by BL Companies, 40 sheets dated 4/19/22, revised 6/30/22 based on 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 the original and conditions and including:

- The Permittee must submit a construction plan *prior* to taking out the permit.
- 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.
- A 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.
- Wetland Educational signage to be placed near the wetland area.
- 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 by roll call vote.



**2. IW-M-21-0012: 230 Old Gate Lane, Bridge Haven Ford Truck Sales, Inc.** – proposed modifications to approved building redevelopment, grading, and stormwater system with work within 100’ of wetlands or watercourses in the Indian River Watershed.

MaryRose reported that this is a proposal to modify the permit issued 4/07/21 for modifications to an existing building with grading and stormwater improvements within 100’ of a wetland in the Indian River Watershed. This permit modification request is for work greater than 100’ from the inland wetlands on the site and there are no changes to the stormwater system. Attorney Jesse Langer and John Schmitz of BL Companies are here this evening to present the modification.

Attorney Jesse Langer stated that this is a relatively minor modification to the approval. Primarily eliminating an expansion to the NE portion of the building; so, it is a reduction from 40,960 sq. ft. to 36,160 sq. ft.

Schmitz stated that the reduction in building expansion was to square off the building. There will be no increase in impervious area, no increase in impacts and will be providing water quality improvements overall.

This is a modification request, the agency can:

- Take no action.
- Ask questions.
- Ask for additional information
- Schedule a site walk
- Schedule a public hearing
- Approve the modification.
- Deny the modification.

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

I move that permit IW-M-21-0012: 230 Old Gate Lane be modified as shown on the plans entitled “Land Development Plans Issued for Inland Wetlands Approval, 230 Old Gate Lane, Milford, Connecticut” by BL Companies, cover and 18 sheets, dated 02/23/21, revised 7/01/22, based on the information in the file and presented this evening, for the following reasons

- The proposed changes do not impact the wetlands and watercourses on the property
- *This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.*

With the original and conditions and including:

- Compliance with the City Engineers requirements for Stormwater
- A \$9,000 bond to 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 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 was issued 4/7/21 expires 4/7/26 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously by roll call vote.

**F. Minutes**

A motion was made by Connors, seconded by Munson to approve the minutes of the 06/15/2022 regular meeting as presented. The motion carried by roll call vote with Donaldson-Gladue and Panico 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.
- Please let the office know if you have any questions or need additional information on any items before you and information will be requested from the appropriate consultants.
- 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 20, 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 8:50 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.