

Minutes of the Regular Meeting of the Inland Wetlands Agency on July 07, 2021.

A. Roll Call

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

Absent: Ranjit Bhawe, 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. **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 and Barry 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 is documented in the Land Records. At the 6/2/21 meeting the Agency upheld and modified the violation. At the 6/16/21 meeting the Agency modified the order to allow sufficient time for Ms. Held to have the erosion controls installed and to have her Wetland Scientist, Biologist and Surveyor complete their work. She visited the site on 6/29/21 and walked the property with Barry Held. The silt fencing and waddles were installed. There was a gap in the eastern end of the silt fencing, and she asked Mr. held to please install a hay bale or additional silt fencing to avoid siltation into the wetland near the debris. Ms. Held has submitted a soil report and the site survey which were in the links for this meeting. MaryRose did note that the survey shows a drain running from the driveway into the wetland area. There is a concern if vehicles are being maintained in the driveway oil or chemicals could enter the wetland. The Biologist was waiting on the survey to complete her work. Ms. Held is here this evening to answer any questions.

MaryRose reviewed the survey that Ms. Held submitted. Iron pins are proposed to delineate the conservation area. The silt fence area was reviewed and needs to be reinstalled so that it is all on the upland side (the other side of the wetland flags). Pictures that were taken on 6/29/2021 by

MaryRose were viewed. The catch basin should be protected, and the snow shelf stabilized. MaryRose stated that brake fluid, oil change material are concerns that could discharge into the catch basin. M. Connors asked if there were any pictures of the pipe. This was reviewed on the plans as well as the flow. It was noted that this was not on the original asbuilt.

Barbara Held, 6 Blossom Ln, Wallingford, CT, stated that the drain has been there since before she owned the property. Barry changed a tire in the driveway if she has to tell him that he cannot ever change tires in the driveway she can.

M. Connors questioned what the concern is and how to address it. MaryRose suggested working with an Engineer to find a way to protect the inlet from oil or chemicals getting into the pipe or wetland. Ms. held stated that she never knew about the conservation easement line. The deck is built through the line. She questioned how this was approved with the easement through it. She wonders about the deck approval and how to handle putting a fence there. MaryRose stated that working with Zoning and the City Attorney's office is needed to bring the deck / addition into compliance,

This evening the Agency may:

- Ask questions.
- Ask for further information.
- Modify the violation. (Items 1,2, & 3 have been completed)
- Release the Violation.
- Refer the Violation the City Attorney's Office for resolution

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

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

1. Properly install soil erosion and sedimentation controls upgradient of the wetland flags on the sites to prevent material from entering the wetland by *7/16/21*.
2. 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.
3. By *7/19/21* submit a detailed mitigation and planting plan using the information provided on the updated survey and wetland delineation report 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.
4. 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.

2. **IW-21-0023: 64 Quarry Road, Jeff Attolino** – proposed single family home with construction, stormwater improvements and grading work in and within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this is a proposal for a single-family house on an existing lot at 64 Quarry Rd by Jeff Attolino with work within 100' of a wetland in the Indian River Watershed. The proposal includes the construction of a home, driveway, grading, stormwater and a well within the upland review area. The plan has been revised and the closest grading work is now 10' from the wetland and the proposed house is now 25' from the wetland. We have received the City Engineers review. Mr. Attolino, his professional wetland scientist Bill Kenny, and Surveyor Paul Stowell are here this evening to present the proposal.

Jeff Attolino, applicant 25 Avalon Drive, stated that he pulled the house forward and gave more room in rear yard per Bill Kenny the Soil Scientist.

Munson stated that he feels that the applicant has made the changes discussed at the last meeting.

MaryRose stated that at this time, the Agency can:

- Ask questions.
- Take no action.
- Ask for further information.
- Schedule a site walk
- Schedule a Public Hearing (no petition has been received as of 6/16/2021, petition deadline is 6/30/2021).
- Approve the application with or without conditions and bond(s).
- Deny the application.

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

After duly considering all relevant factors, I move to approve application IW-21-0023: 64 Quarry Rd based on the plans entitled "Plot Plan on Parcel No. 101-807-9D, 64 Quarry Road, Milford, Connecticut" by Paul J. Stowell, 2 sheets, dated 9/27/20 rev 6/28/21, 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.
- Soil Erosion and Sedimentation controls as outlined on the plans and in the CT DEP "2002 Erosion and Sedimentation Control Guidelines" must be installed and maintained on the site until the property is stabilized.
- 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.
- If the permittee/owner chooses to change the professionals on the project the resumes and C.V.'s of the proposed new professionals must be reviewed and approved by the Agency to ensure that the professional is familiar with and understands the permit conditions.

- Compliance with the City Engineers requirements for stormwater as stated in his 7/01/21.
- A 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.
- Removal any invasive species within 10 feet of the wetland line as necessary in the wetland and upland review area replanting with natives, as necessary.
- 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 7/07/21 expires 7/07/26 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

E. New Business

- 1. Notice of Violation IWC-21-0011 63 Westmoor Road, Oakdale Avenue, Evan & Eva Haley -** Gazebo, concrete patio, inground pool, stockade fence, lawn, and piles of yard waste within 100' of wetlands in the South-Central Shoreline watershed without a permit. Violation release request.

MaryRose reported that this is a violation issued in March for encroachments onto City open space that were there when they purchased the home. Mr. Haley worked with the city to remove the encroachment and to provide stabilization. She visited the site on 6/29/21 and found it to be in compliance with the Agency's order and recommended release of the violation.

A motion was made by Connors, seconded by M. Connors to release the cease-and-desist order at 63 Westmoor Road. The motion carried unanimously.

- 2. IW-A-16-045: 553 West Avenue, Grillo Services, LLC –** proposal for 342 apartments in two buildings with associated parking, access drives and parking with work in and within 150' of wetlands in the Beaver Brook watershed. [permit expires 9/21/21] Request for extension.

MaryRose reported that this is a request for a permit extension. The permit was granted 9/21/16 for 342 apartments in two buildings with a parking garage, stormwater infrastructure, access drives, and grading with work in and within 150' of wetlands in the Beaver Brook watershed. The MIWA can extend a permit up to 10 years, and in some cases the permit can run longer under the Statutes. Since the MIWA approval the applicant has gone through lengthy permitting processes at both CT-DEEP and USACE. There has been no significant change to the plans, Statutes or Regulations. She recommended that the permit be extended five (5) years to 9/21/26.

A motion was made by Connors and seconded by Munson that permit IW-A-16-045: 553 West Avenue be extended to 9/21/26 unless otherwise provided by Statute. The motion carried unanimously.

- 3. IW-PA-21-0028: 110 Fairview Street, Jeff Doornweed –** proposed removal of existing 3 season porch and construction of an addition with work within 100' of a wetland in the Housatonic River Watershed.

Magnan acknowledged that he knows the applicant from the gym.

MaryRose reported that this is a pre-application by Jeff Doornweed to remove the existing 2nd story 3-season porch and replace it with garage, 2nd story room with deck and stairs. The area under the 3-season porch is currently a patio / play area with a fence on the south side. The portion of the lot to the south of the fence is a steep slope that is overgrown. Photos were attached to the link on the agenda. Wetlands were located off the property by Steve Danzer, Professional Wetland scientist on 2/1/21. Dr. Danzer identified the wetland located near the property boundary as a fringe of marsh flanking Beaver brook. Work is proposed approximately 40' from the wetland line. Mr. Doornweed is here this evening to answer your questions.

MaryRose stated that at this time, the Agency can:

- Ask questions.
- Take no action.
- Ask for further information.
- Require a full application.
- Approve the pre-application.
- Deny the pre-application.

Doornweed stated that the room is sinking, and he feels like the deck was finished as a room and he would like to make it safe.

After a brief discussion and review of the site photos and site plan, the following motion was made by Connors and seconded by Munson:

I move that the Designated Agent issue a Jurisdictional Ruling for pre-application IW-PA-21-0028: 110 Fairview Street for the construction of an addition as shown on the plans entitled "*Property of Erica Volker 110 Fairview Street, Milford, Connecticut*" by Cardinal Engineering Associates, 1 sheet dated 6/17/21. *This action will/ will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses*" That is my motion.

The motion carried unanimously.

- 4. Notice of Violation IW-V-13-022 37 Lakeside Road, Brad Frederick & Britnei Artz.** – Clear cutting trees and stockpiling material without a permit within 100' of a wetland and watercourse in the South-Central Shoreline watershed. Violation Release Request.

MaryRose reported that this is a violation that was issued in 2013 for clearing within 100' of Walker Pond in the South-Central Shoreline Watershed. In 2013 and 2014 the Agency had required plantings, stabilization, a survey, a fence, and a mitigation monitoring bond. Tom Ryder reviewed the site; his report is in the link. Open Space and Conservation would like to see a survey of the western border with monuments and signage at (5-4- total) to demarcate the property.

MaryRose stated that the applicant has put more plantings in, and the slope has stabilized over the years. Pictures of the site were viewed. MaryRose was on the site with Jeremy Grant, Open Space and Natural Resource Agent yesterday, and he would like a boundary established between the properties and stakes to show the delineation of City property.

MaryRose reviewed Tom Ryders report dated 6/6/21 which stated that he found the site to be stable, the debris has been removed from the slope, bushes and trees have been installed; it is well vegetated. The monitoring bond was never posted. Fencing has not been installed to determine the

rear property boundary. This was referred to the City Attorney on 7/3/14 for non-compliance and he would like the invasive pear tree to be removed.

Britnei Artz stated that she got divorced 3 years ago and has been asking for a release for a while and has been trying to release this over the last year. Her ex-husband removed all of the trees and it is now her issue to deal with. She has moved out of state and needs to sell the house. She stated that she had a survey done and remembers paying for it but does not have any paperwork for it. She is asking for a modification to allow posts verses a fence. Connors stated that the survey is needed to know where the actual line is located. MaryRose stated that there is no record of a survey, and she has no knowledge of there being one.

Britnei's mom, Diedre lives locally and stated that there is a closing on the house scheduled for next week and that she and her husband can see that it gets done if an additional survey is needed. She does not want this to impact the sale of the house. They are willing to put up posts and signs and remove the pear tree and whatever they can do to get this violation released.

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

I move that cease-and-desist order IW-V-13-022 37 Lakeside Road, may be released by the Compliance Officer upon receipt of:

- a survey satisfactory to the Chairman and Inland Wetland Agent.
- installation of boundary markers along the western property border on 4 X 4 posts
- removal of the invasive pear tree.

The motion carried unanimously.

E. Minutes

A motion was made by Connors, seconded by Tryon to approve the minutes of 6/16/2021 as presented. The motion carried with M. Connors and Magnan abstaining.

F. Staff Report

- The office continues to be with busy. We are still catching up on items that needed attention while I was out. I have met regarding several projects that you have already permitted that are getting ready to start and others that are preparing to come in for permits. We continue to work with Municipity, the permitting software vender to incorporate the MIWA applications into the online permitting request system – City Squared.

Site Status:

- Flax Mill Lane Bridge is completed.
- 0 Tanglewood Circle –mitigation monitoring is ongoing we have received 3/10 reports (monitoring anticipated through 2023). Minor work to remove invasives was required from the May 2021 monitoring report. Next report is due in this November / December. The consultant has stated that the two lots are stabilized with a 94% and 100% stabilization.
- Terrace Rd is completed, waiting on asbuilts.
- Wheelers Woods – ongoing
- Beaver Brook Boardwalk – boardwalk and parking lot complete. Rain garden to be completed in the fall.
- Florence Av is ongoing – stone swale and galleys are installed waiting on asbuilt.
- 30 Bridgeport Av – ongoing.

- 17 Maddox Av – ongoing.
- 31 & 33 Pearl St – ongoing.
- Sewer lining under Stonebridge Pond - completed
- Gulf Pond Pump Station maintenance – ongoing.
- 63 Westmoor Rd – foundation asbuilt received 6/16/21, waiting on garage construction.
- 51 Westmoor Rd – completed.
- 161 West Rutland Rd - ongoing

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

G. Chair Report

The next meeting will be July 21, 2021. MaryRose will notify you if the meeting will be held via ZOOM or in person.

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 Tryon to adjourn at 9:05 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.