

Minutes of the Public Hearing and Regular Meeting of the Inland Wetlands Agency on July 20, 2022.

Received by Inland Wetlands Agency  
**Milford DPLU**  
July 27, 2022

**A. Roll Call**

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

Absent: Matthew Connors, Dave DeFlumeri, Steve Munson, 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. Public Hearing**

Magnan reviewed the rules of a Public Hearing:

- As a public hearing there was a sign list for speakers. When it comes to the public hearing portion, we will recognize those individuals who signed up to speak on the public hearing list on the website and then will recognize individuals by raise of hand (found in the controls on the Zoom screen or by hand)
- We would like to have a civil discourse. We expect everyone who is participating to conduct themselves in a civil and respectful manor. Everyone will have a chance to be heard. Those who are not respectful of others or disrupt the meeting will be ejected from the meeting.
- Please remain muted if you have not been recognized by the Chairman.
- **YOU MUST GIVE AND SPELL YOUR NAME AND ADDRESS FOR THE RECORD.**
- Please speak only to items in the jurisdiction of the Inland Wetland Agency. These include work in or within 100' of - wetlands, brooks, rivers, and wetland habitat landward of the Mean High-Water Line (MHW) and flooding of inland wetlands and watercourses. Zoning Issues and tidal wetland issues are not under our review.
- If necessary, we will interrupt and remind you to please keep your comments to the matters before this Agency.
- If someone before you has stated what your concerns are or what you wished to say you can agree with their statement instead of having to restate the point.
- Under Section 8.14 of the Milford Inland Wetland Agency Bylaws, the Chairperson may limit the time frame for public comments to five (5) minutes per speaker.

1. **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. The site plans have been revised to address concerns expressed by the Agency at the 6/15/22 meeting. Plans have been sent to the City Engineer for review his comments have been received and are in the documents. The Agency walked the site on 7/05/22.

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 constructing a wall of varying height approximately 2' off the wetland line. The applicant is proposing to create 245 sq. ft. of wetland area.

The new slope between the house and the landscaping wall is proposed as a wetland buffer planting area with a picket fence with wetland boundary markers on 20' centers. The 245 sq. ft. mitigation area is proposed to be planted with a New England Coastal Salt Tolerant Grass Mix.

The Public Works Director has required that the road be extend about 22' with a rip rap bioswale discharging 22' from the wetland line.

Ron Wassmer of Ct Civil Group and Bill Kenny of William Kenny Associates are here this evening to present the project and to answer any questions.

Ct Civil Group has submitted a video of the property for your review.

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

Wassmer reviewed the existing conditions; the site is 0.76 acres with 0.51 acres of wetlands. The wetlands have been flagged by William Kenny. Wassmer proceeded to review sheet SP1 which showed the wetlands, proposed house and proposed improvements. The proposed road extension is a result from meeting with the Public Works Director. The initial plan was to fill some of the wetlands. Since then, they have moved the house to avoid filling. They also oriented the house differently as another alternative. There will be a bioswale for run off for the road extension and will provide treatment for the run off as well. He feels this bioswale serves the purpose of an energy dissipater that was recommended by the City Engineer. The landscape and mitigation plans were reviewed.

They had proposed mitigation work to create wetlands but that work would impact a mature oak tree so they are now proposing to mitigate by removing invasive vines that are smothering the existing trees. They are also proposing four (4) new pin oaks 30' on center within the wetlands as mitigation for the removal of the 40" oak tree.

GDU-1 shows that the site is gently sloping to a knoll then downward to the wetland. There is a 3' drop-off to the wetlands. The proposal is to construct a wall, 2' off of the wetland, topped by a picket fence with wetland makers on 20' centers.

ES-1 shows storm runoff and groundwater recharge will be with 12" galleys to compensate for a 25 year storm. This meets or exceeds the CT State requirements. Detail sheets were reviewed.

Alt 1 Shows the house parallel to the street. This plan requires significant filling of wetlands.

Alt 2 The initial proposal had 190+ sq. ft. of wetland filling. This approach was replaced by the approach we have now.

William Kenny stated that he became involved with the project over a year ago and has reviewed the previous designs where there were direct impacts. The site is challenging with a large portion of the property being wetlands. The northeastern portion of the property is a woodland wetland and as you move south is a meadow wetland and to the south there is mostly common reed Phragmites. One way to control phragmites is shade. With regard to the preferred design, no development is proposed within the wetland and includes sedimentation and erosion control and stormwater measures as discussed by Ron Wassmer. It is important when working next to a wetland to trap silt, and with proper installation and maintenance this project can be done without impact to the wetlands. Existing runoff water is not being treated from impervious surfaces. This plan includes stormwater treatment and addresses the increase in impervious surfaces. This will prevent long term impacts. The proposed retaining wall with a picket fence along the top will add a demarcation feature to prevent intrusion into the wetland area.

At the southern tip of the house is a red oak tree that is proposed to be removed. The canopy affects the wetlands by casting shade to control spread of common reed. When leafed out it also intercepts rainwater falling on the wetland. This wetland's water source is primarily ground water and the large watershed that feeds this area. So the rainfall is not significant in the rain budget. The tree also provides upland wildlife habitat. Trees close to the coast of Long Island Sound provide habitat for insects and resting places for migrating birds. They are proposing to mitigate with four (4) pin oak trees. They are a great wetland tree and will provide diversity. They propose spreading them out on 30' centers along the wetland boundary to cast shade and in the future and help control growth of phragmites. There are trees in the wetland now that are impacted by invasive vines. They are proposing control of the vines as mitigation.

Kenny stated that the red oak is not a wetland tree, and it is unlikely its roots will extend into the wetland soils area. The majority of the roots are likely towards the upland and proposed house area. He is concerned with hazards due to the proximity of the tree to the house. That is why they are proposing to mitigate with wetland trees in the wetland area. They had proposed mitigation work to create wetlands but that work would impact a mature oak tree, so they are now proposing to mitigate by removing invasive vines that are smothering the existing trees.

Magnan questioned that the wetlands functions would not be adversely impacted. Kenny confirmed that they would not be adversely impacted. There was discussion whether 4 trees would be enough or maybe larger caliper trees. Kenny stated that it would be a stressful condition planting in a wetland and would have better luck with a smaller tree and could do 5 trees in case one doesn't make it.

Magnan called for those **IN FAVOR** of the application:

None.

Magnan called for those **AGAINST** the application:

None.

Connors stated that he feels the application was well presented, well thought out and all questions were answered. Magnan agreed. Tryon agreed based on the site walk and likes adding a 5<sup>th</sup> tree and feels over all the plan will work well. Bhavé stated that he appreciated the presentation.

MaryRose stated that this plan removes any fill and addresses the tree removal and questioned if a 3-year monitoring period would be appropriate. Kenny stated that that would be a great idea.

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-22-0052: 33 Howard Court based on the plans entitled "*Site Plan, 33 Howard Court, Milford, CT*" by CT Civil Group, 8 sheets dated 5/17/22, sheets T-1, SP-1, LS-1, GDU-1, D-1, AP-1 rev 6/30/22 sheet LS-1 rev 7/13/22, LS-2 rev 6/08/22, ES-1 rev 7/20/22 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 \$6,890.00 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.
- 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.
- Mitigation plantings will include 5 pin oaks equally spaced in the wetland running south and east of the house and mitigation as described in 7/20/22 William Kenny report.
- The permit is issued 7/20/22 expires 7/20/27 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously by roll call vote.

**F. Minutes**

A motion was made by Bedecker, seconded by Tryon to approve the minutes of the site walk of 07/05/2022 as presented. The motion carried by roll call vote with Donaldson-Gladue, Connors and Bhavé abstaining.

A motion was made by Connors, seconded by Donaldson-Gladue to approve the minutes of the regular meeting of 7/6/2022 as presented. The motion carried unanimously by roll call vote.

**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.
- The City is in the process of updating its Hazard Mitigation Plan, which is part of the South-Central Regional Council of governments Multijurisdictional plan. This plan is updated every five years (5) and the City is looking for public input on the plan through an online survey. MaryRose will send commissioners an email with a flyer and fact sheet and a link to the survey. She has also included a link to the survey in the notes.
- A direct link to the survey is here: <https://www.surveymonkey.com/r/SCRCOG2023>
- Also included in the training links is MaryRose's draft notes and motions if commissioners have not done the DEEP or UCONN training. Please let the office know once the training is completed and when your certificate is received.
- 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>

**Site Status:**

- 0 Tanglewood Circle – report was received 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 – The spring 2022 mitigation monitoring report has been received. The site is doing well, one plant is distressed, and some volunteer vegetation needs to be cut back to ensure the shrubs continue to grow. Ms. Held has stated by email that she would have the plant watered and the vegetation cut back from the planted shrubs.

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

**G. Chair Report**

- The next regular meeting will be on August 03, 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 8:20 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.