

**A. Roll Call**

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

Absent: Dave DeFlumeri and Heather Donaldson-Gladue

Also Present: MaryRose Palumbo and Lisa Streit.

Magnan called the meeting to order at 7:30 p.m. and deemed there was a quorum and deemed M. Connors the voting alternate.

Magnan reviewed: As we continue to host remote meetings, she wanted to take the opportunity to highlight a few guidelines 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. **IWC-23-0005: 1 Avalon Drive; Woodmont Road Owner, LLC** – clearing of trees disturbing the natural and indigenous character of the wetlands and watercourse with work in and within 100' of a wetland and watercourse in the Indian River Watershed.

MaryRose reported that this a violation issued 7/17/23 to Merion Residential for clearing work in and within 100' of a wetland and watercourse in the Indian River Watershed. At the 7/19/23 meeting the Agency upheld the order and required that the property owners remove the stockpile onsite and topsoil, straw, and seed to stabilize the site. This has been done. The Agency required that the property owners retain a certified soil scientist or professional wetland scientist by 8/10. MaryRose received an email from Alan Shepard, PE of NOK Associates on 8/15 that they have been retained to do the survey work and Jim McManus of JMM Wetlands Consultants will flag the property. The Agency required that the property owners submit an A2/T2 survey and a wetland mitigation plan by 9/14/23. MaryRose received an email from Alan Shepard stating that they have done the survey and they expect to have the information for the next MIWA meeting on 9/20/23. MaryRose saw the site today and it is stabilized.

This evening the agency can:

- Ask questions.
- Take no action.

- Modify the violation.
- Release the violation.

No action taken.

- 2. IW-23-0047: 13 Yale Ave Ma13 Yale LLC** – Proposed Removal of invasive vegetation, replanting native plants within wetlands, fine grading lawn with work in and with within 100' of a wetland and watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal by the property owners to remove overgrown and invasive species from the yard area on this lot and a portion of the adjoining lot owned by the Morningside Homeowners Association. The work proposed is in and within 100' of a wetland in the South Central Shoreline Watershed. An authorization to apply from the Morningside Homeowners Association has been received. The yard slopes from the intersection of Yale and Market Place back towards Edgefield Avenue. There is approximately a 6' grade change from the intersection to the rear property line. There is an intermittent watercourse that runs just over the property line along Edgefield Avenue. At the last meeting Professional Wetland Scientist Steve Danzer reviewed the wetland location and the proposed work.

At the last meeting the Agency requested:

Clarification of the planting types

Confirmation that the work will not impede or create another water problem

Clarification on the amount of fill proposed

A letter from the Landscape Architect with responses to the Agency's questions, the Landscape Architect's plans, the soil report, the Morningside Homeowners Association authorization letter and MaryRose's site walk notes with photos from 5/3/23 are in the document links.

The application is presented by Tracy Chalifoux, Landscape Architect and Steve Danzer, Professional Wetland Scientist. Bradley Baumann is representing the property owner is also present.

Tracy Chalifoux, Tracy Chalifoux LLC, Landscape Architect, shared the site plan revised 8/29/23, listed native plants for the wetland areas native tree, wetland plants and shrubs all for the area along the intermittent watercourse, along the existing fence on the property line adding native plants with habitat value. The amount of topsoil is 4", just enough to promote a healthy lawn in the stippled area and to backfill holes and irregularities to even out and support a healthy new lawn which will help to slow runoff.

Chalifoux stated that the lay of the land will stay the same except for the skimming of topsoil; they are not changing the grade. There will be a nice thick lawn and native plantings to slow the stormwater. The grade will be as exists to the southwest corner where a river birch and native Arrowwood Viburnum are proposed. She feels the plan is better for the drainage pattern and the habitat value. They do not expect any changes to the drainage patterns on the Morningside parcel either.

M. Connors questioned if there is any maintenance plan or are they just removing invasives and planting natives. Chalifoux stated that note #7 in the restoration narrative is proposing a 3 year monitoring for the invasives with review twice a year for 3 years. If invasives are found, then they

will be removed by roots and disposed of offsite. After 3 years the natives should out compete the invasive species.

MaryRose asked if the proposed design diverts additional water to the adjacent properties and will it have any impact on the adjacent property owners and how will the swale be protected during construction. Chalifoux reviewed the silt fence location on the plan and its location will also be determined per field conditions. The work is to be done during low flow conditions to prevent erosion issues. They could also add fiber logs if necessary. Chalifoux further stated that nothing that is proposed will exasperate or increase runoff to neighboring properties. She cited the notations on the site plan for the Contractor to maintain the existing grade. She will note no runoff increase to Market Place as well.

Magnan asked about the demarcation of the existing wetlands and if there will be wetland markers in this area. Chalifoux stated that currently the wetland is lawn over wetlands with significant invasives. It will be maintained as lawn, but they are adding plants to the south along the property line as mitigation in addition to the work on the Morningside Association Property.

Connors and Munson felt that the plan is well mitigated. Chalifoux stated that they are proposing 2,500 sq. ft. of mitigation which is six times more mitigation than maintaining the lawn. The lawn area is approximately 200 sq. ft.

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 9/6/23. Petition deadline was 8/30/23)
- Approve the application with or without conditions and bond(s)
- Deny the application.

The following motion was made by Connors and seconded by M. Connors:

After duly considering all relevant factors, I move to approve application IWC-23-0047: 13 Yale Ave based on the plans entitled "*Wetland Plan prepared for Joan Vaillancourt, 13 Yale Avenue, Milford, CT*" by Tracy Chalifoux, LLC, 1 sheet dated 7/24/23 rev 8/29/23, the information in the file and presented this evening, for the following reasons:

- The applicant has demonstrated that the proposed invasive removal and native plantings can be done with minimal impact and will have a positive impact on the wetlands on and offsite
- 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.
- The Permittee must submit a mitigation planting bond calculation for review prior to taking out the permit.
- The Permittee must submit a maintenance plan for the site and mitigation work, the plan will be filed on the land records with 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.
- Permittee is to ensure that the proposed work will not impede or create any water problems or drainage issues on 13 Yale Avenue or the adjoining public and private properties.
- A mitigation monitoring bond to be calculated for native 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 the 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. If the site has not met the criteria as outlined in the plan by or at the end of year 3, this bond may be held for an additional 3 years or until such time as the site meets the design criteria, whichever is later, with reports continuing twice a year to confirm status.
- The Permittee must submit a certification by the Project Architect that the completed project meets the design intent of the approval prior to bonds being released.
- The permit is issued 9/06/23 expires 9/06/28 unless otherwise provided by Statute.

The motion carried unanimously by roll call vote.

#### E. New Business

1. **IW-23-0053: 37 Brewster Road, Matthew Imperato** – proposed 16’ x 20’ pool deck with work within 100’ of a wetland in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal by the property owner, Matthew Imperato, for a 16’ X 20’ pool deck with work within 100’ of a wetland in the South-Central Shoreline Watershed. The agency approved a pool for this location in 2021. Construction of the deck should not have a significant impact on the adjacent wetlands if proper sedimentation and erosion controls are used for any open soil conditions and any soil from the footings is properly disposed of outside of the wetland area. Her site walk notes are in the document links along with the applicant’s site sketch. The pool currently is accessed only by a ladder, the Imperato’s would like to have better access to the pool when the kids are swimming. MaryRose visited the site this morning and reviewed pictures of the stie.

Matthew Imperato was in attendance to answer any questions.

This is on the Agenda for the first time this evening the Agency can:

- Ask questions.
- Take no action.
- Issue a Jurisdictional Ruling
- Request additional information
- Schedule a site walk
- Require a full application

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

I move that the Designated Agent issue a Jurisdictional Ruling for pre-application IW-23-0053 37 Brewster Rd for construction of a 16' X 20' above ground pool deck based on the information in the file and presented this evening. This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.

The motion carried unanimously by roll call vote.

- 2. IW-23-0050: 810 West River Street, City of Milford** – proposed bog bridge on Solomon Woods trail with work in and within 100' of a wetland and watercourse in the Wepawaug River Watershed.

MaryRose reported that this is a proposal by Eagle Scout candidate, Mead Franz to protect a portion of the trail at the City's Solomon Woods open space area with a bog walk. The trail crosses an intermittent watercourse where it becomes muddy. Hikers have used limb etc. as a makeshift trail crossing. Mead is proposing to build a bog walk to make the area easier to cross and to prevent repeated disturbance to the intermittent watercourse causing siltation to downgradient areas. The proposed plans and her site walk notes with photos of the area are in the document links.

Eagle Scout candidate Mead Franz and Jeremy Grant the Open Space and Sustainability Manager were in attendance.

Mead Franz stated that he met Mrs. Palumbo and Mr. Grant on the site to look at the spacing. He could use the 8 X 8 boards which are more stable but will take up more space or he could use 6 X 6 but they won't be as stable. Connors reviewed the size and width of the proposed walk and material to be used. The walk would be 2' wide and 32' long.

This is on the Agenda for the first time this evening the Agency can:

- Ask questions.
- Take no action.
- Issue a Jurisdictional Ruling
- Request additional information
- Schedule a site walk
- Require a full application

Magnan stated that he thought it was a terrific project that has the support of the Open Space and Sustainability Manager.

The following motion was made by Connors and seconded by M. Connors:

I move that the Designated Agent issue a Jurisdictional Ruling for pre-application IW-23-0050: 810 West River Street for construction of a 32' long bog walk at Solomon Woods based on the information in the file and presented this evening. This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.

The motion carried unanimously by roll call vote.

## **F. Minutes**

A motion was made by Connors, seconded by Munson to approve the minutes of 8/16/2023 as presented. The motion carried with Valvo abstaining.

## G. Staff Report

The Community Development Director, Julie, Nash, sent an email and an invitation to all boards and commissions to a stakeholder meeting on the economic development strategic plan to help guide economic development for Milford. The session will be an opportunity for you to provide thoughts and suggestions regarding Milford's economic future. The City's has hired consultants, Goman & York to help shape the plan. The meeting Wednesday, 9/20/23 at 6:30 PM in City Hall Auditorium. This is the same night as our next meeting. MaryRose let Ms. Nash know that the MIWA meets that night and she said that they will be happy to accept written thoughts as well.

The Department of Agriculture is working on the Spotted Lantern Fly Program in CT. Spotted Lantern Fly (SLF) is an invasive species. Large numbers of SLF have been found in Milford in recent weeks. MaryRose was contacted to let you know they are advising citizens to remove most of the preferred food source, Ailanthus altissima (tree of heaven), leaving one or two standing to treat with a systemic insecticide. This method in theory forces the adults to feed on the treated trees or disperse elsewhere. Tree of Heaven can be found in wetlands and marshes. She asked that anyone with concerns contact her to let her know they are taking the trees down on advice of USDA to avoid concerns with clearcutting.

**There are links in the notes to information on Tree of Heaven [Tree-of-Heaven \(Ailanthus altissima\)](#) | [Connecticut Invasive Plant Working Group \(uconn.edu\)](#) and the [Spotted Lantern Fly CT Spotted Lanternfly](#)**

MIWA Clerk Taft Clark has created a reference page for you all to access. The link is [HERE](#) . The page contains:

- MIWA meeting dates (first and third Wednesday at 7:30 pm)
- MIWA Regulations
- MIWA Bylaws
- Milford Ethics Commission Guide
- Past memos from the City Attorney's office on Inland Wetland legal questions and cases
- Training opportunities with CT DEEP and UConn for land use commissioners.
- MIWA webpage
- Milford YouTube page (MIWA meeting videos are available here)
- MIWA meeting Zoom link

The office has been working on a number of inquiries, complaints, minor reviews, and other reports. Site Status:

Project Site	Status	Monitoring Reports	
		Last Received	Final Due By
1553 Boston Post Road	Asbuilt received		
30 Bridgeport Ave	Ongoing		
0 Cherry St/Jefferson Park	Ongoing		
67-69 Cooper Ave	Ongoing		
94 Edgewater Place	Ongoing		

201 Kings Highway	Ongoing		
104 Lavery Lane	Plantings in, seeded, not yet established.		
32 Alexander Drive	Ongoing, changing to a rain garden		
16 Marsh Street	Bond released		
114,122,124,128 Merwin Ave	Ongoing	8/29/23	
40 Morehouse Rd	Ongoing		
690 New Haven Ave	Asbuilt received, monitoring reports due through 6/2026	6/23	6/26
33 Pearl Street	Bond released		
8 Pepe's Farm Road	Ongoing monitoring.	June 2023	Nov 2023
0 Quarry Road	Ongoing, lot 1 & 2 completed, lot 3 under construction		
0 Terrace Road	Waiting on final review.	Spring 2022	Complete
161 W Rutland Rd	Ongoing-several lots have been sold off and individual owners are coming in with minor modifications to the proposed sites. In all cases no work has been proposed in the conservation wetland areas. Issue with stormwater association to be worked out with developer/lot owners before bond release.	Waiting on reports	
Wheeler Farms Rd	Waiting on final review		
523 Wheeler Farms Rd	Ongoing.		
260 Old Gate Lane	Ongoing		

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

## H. Chair Report

Chairman Magnan said that Commissioner Lisa Tryon has resigned and thanked her for her service to the IWA and City.

The next meeting will be a Regular Meeting on September 20, 2023 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 seconded by Munson to adjourn at 8:30 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.