

**A. Roll Call**

Present: Steve Munson, Daniel Bedeker, Ranjit Bhawe, Jim Connors, Matthew Connors, Heather Donaldson-Gladue, and Julie Valvo.

Absent: Brenden Magnan.

Also Present: MaryRose Palumbo and Lisa Streit.

Munson called the meeting to order at 7:30 p.m. and deemed there was a quorum.

Munson reviewed: As we continue to host remote meetings, he 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**

MaryRose reported that the applicant had an earlier commitment and may be late and asked that the agenda be reordered for IWC-23-0005, 1 Avalon Drive. A motion was made by Connors and seconded by Donaldson-Gladue to reorder the agenda. The motion carried unanimously by roll call vote.

- 2. IW-23-0060: 85 Viscount Drive, Heritage Sound Condominium, Inc. – proposed removal of existing tennis course with work within 100' of a wetland and watercourse in the Housatonic River Watershed.**

MaryRose reported that is a proposal by Heritage Sound Condominium, Inc to remove the existing tennis courts and fencing and replace it with loam, seed, and hay. She visited the property in August and met with members of the Executive Board and the Grounds Committee. The Association has voted and they would like to remove the courts and convert the area to grass. The work is proposed within about 50 'of the pond on the property. They are proposing silt fencing and an anti-tracking pad and sweeping/ catch basin protection if necessary. They would like to do the work this fall. At the 9/20/23 meeting the Agency reviewed the project proposal and photos of the site from her 9/19/20 site walk.

This evening President Andy Pol and Treasurer Wayne Medoff of the Heritage Sound Homeowners Association were in attendance to answer any questions.

Andy Pol, 85 Viscount Dr., stated that the Association voted 7 to 2 to remove the tennis courts as they have not been used for about 10 years. They may make a garden but at this time they would like to remove it.

MaryRose stated that this is an unusual application in that they are removing a structure and re-vegetating the area. Typically, the Agency requires a permit condition bond for site work that calls for an asbuilt survey by a licensed land surveyor. In this case the result of the permit will be a grassed/ vegetated area. MaryRose questioned if the Agency wanted to require a bond for this application.

M Connors, Donaldson-Gladue and Connors felt that moving from an impervious to a pervious surface on this site is an improvement.

This evening the Agency can:

- Ask questions.
- Take no action.
- Request additional information.
- Schedule a site walk.
- Approve the application.

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

After duly considering all relevant factors, I move to approve application IW-23-0060: 85 Viscount Drive based on the site sketch and the information in the file, and presented at the meetings, for the following reason(s):

- *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.
- This approval does not include additional fill above the existing elevation.
- The permit is issued 10/04/23 expires 10/04/28 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously by roll call vote.

3. **IW-23-0061: 104 Edgewater Place, Brenton and Deidra Artz** – proposed construction of a single-family dwelling within 150' of a wetland and watercourse in the Wepawaug River watershed.

MaryRose reported that this is a proposal by Brenton & Deidra Artz for construction of a single family home within 150' of inland wetlands in the Wepawaug River Watershed. The wetlands are located offsite on the City of Milford Right of Way in Edgewater Place.



These wetlands were identified and located in April 2004 by Roy Shook as a concave depression with phragmites. In 2005, the MIWA approved access to this lot over the unimproved City Right of Way. On 4/17/23 by William Kenny Associates reports this as a small, isolated phragmites dominated wetland.

At the last meeting the applicant gave his presentation and the Agency asked for additional erosion and sedimentation controls to be added around the offsite wetland to protect it during construction. The revised plans were received last week and are in the links along with Bill Kenny's no wetland impact statement. At the last meeting the Agency determined that a site walk was not necessary for this application.

Attorney Kevin Curseaden, William Kenny, Professional Wetland Scientist, Engineer Ron Wassmer, John Wicko, Architect and the property owners Brenton & Diedre Artz were in attendance.

Attorney Kevin Curseaden, Curseaden & Moore, representing Brenton & Deidre Artz for 104 Edgewater place, stated that he was available to answer any questions.

William Kenny, PWS, Landscape architect, William Kenny Associates, Fairfield, stated that he had no additional information to add.

Ron Wassmer, PELS CT Civil Group, Milford, CT stated that he prepared the engineering drawing, and the site is quite flat. On 9/19/23 the City Engineer asked for additional erosion and sedimentation controls along the harbor and around the wetlands on Edgewater Place. The revised plans presented reflect these changes.

MaryRose asked Bill Kenny to speak to the quality of the wetland. Kenny reviewed the area on the plan; the area of the wetland, the site is pitched from the waters edge, back and doesn't drain. The wetland is surrounded by gravel; just a remnant area, very low grade. The wetland is 99% phragmites and is functioning somewhat as a rain garden. At this location the phragmites are a good water quality plant. Otherwise, due to the wetlands size and location it is not of great value.

Bhave asked if the wall along the harbor was existing. MaryRose stated that it is.

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 10/04/23. Petition deadline was 10/04/23)
- Approve the application with or without conditions and bond(s).
- 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-23-0061: 104 Edgewater Place based on the plans entitled "Brenton Artz, 104 Edgewater Place. Milford, Connecticut" by CT Civil Group, 4 sheets dated 8/09/23, Sheet ES-1 rev 9/25/23, the information in the file and presented this evening, for the following reason(s):

- *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.
- Compliance with the City Engineers requirements for stormwater.
- Stormwater treatment must be installed as approved on the plans unless any changes are approved in writing prior to making that change.
- A bond of \$6,175.00 must be posted with the MIWA for S&E controls, 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 is issued 10/04/23 expires 10/04/28 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously by roll call vote.

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 9/20/23 meeting the Agency required that the property owner:

1. Submit a mitigation monitoring bond calculation by 10/01/23: *Some information has been received we are waiting on the revised landscaping quote with the size and number of each species listed.*
2. Obtain and submit approval from the City Planner / Planning and Zoning Board for this change to the plan approved by the stipulated agreement by 11/15/23. *Jim Capra emailed the City Planner today. The City Planner stated that the original approved plantings need to be reinstalled per their approval. That original approval had approximately 53 plantings required where the JIMM plan presented to the Agency was for 29 plantings. The original approval did not permit clearing in the wetland area so there were no plantings proposed there as the natives were left in place. Jim McManus has recommended a New England Conservation Wetland seed mixture be applied in the wetland area.*
3. Submit the required mitigation monitoring bond by 10/14/23. *As the planting requirement has increased, what would the Agency like to do with the planting and mitigation bond requirement? The property owner would like it waived. The Agency normally requires a bond to ensure the plantings are installed and maintained for a minimum of 3 years with invasive removal as necessary for planting survival, and reports to the Agency on the status of the mitigation.*



4. Install the plantings and seed as required in the mitigation monitoring report by 10/15/23 *This will need to be amended to have the plantings as originally approved with the addition of the New England Conservation Wetland seed mixture in the wetland area.*
5. Submit mitigation monitoring reports by a professional Wetland Scientist at planting installation and twice a year for three (3) years by June 30th and November 30th on the status of the plantings and any invasive control that is required. *Jim Capra stated that they will be entering into a three year contract with JMM Wetland Consultants.*
6. The Agency will modify this order if needed based on the Planning and Zoning review. *The order will need to be modified to include plantings per original approval.*

When MaryRose spoke with Jim Capra of Merion Residential today, he stated that the plantings are going in this Friday and they are willing to sign a three year contract with JMM Wetlands Consulting but they would like to ask that the bond be waived. The Agency required the bonding for the plantings and three years of monitoring and reporting to ensure that the plantings are maintained and the monitoring and reporting are completed. After the three years of monitoring shows the site is stable the bond can be released. The initial bond estimates are \$11,168.30. The Agency receives bonds as surety (a type of insurance bond) or certified check.

Mr. Capra submitted a request today asking for a waiver of the planting and mitigation monitoring bond.

This evening the agency can:

- Ask questions.
- Take no action.
- Modify the violation.
- Release the violation.

Munson questioned what the \$11,168.30 includes; the approximately 53 plantings or 29. MaryRose stated that figure is only the 29 plantings, monitoring and reporting and seed mixture. Connors stated that this bond amount would be roughly half of the required bond. Valvo asked for clarification if they would need to come back to us to approve the plantings. MaryRose stated that they would not, they were approved by IWA and PZ in the original plan. Munson stated that a bond is a financial guarantee, if someone does not do what they are supposed to do and the IWA has to do it, the money comes from the bonding company then the bonding company gets the funds from the property owner.

Valvo, Munson and Connors felt that it is not in the City's interest to waive the bond.

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

I move that cease-and-desist order IWC-23-0005 1 Avalon Drive, be modified to require that the property owner be ordered to:

1. Submit a mitigation monitoring bond calculation by 10/10/23
2. Submit the required mitigation monitoring bond by 10/14/23
3. Install the plantings per the original approved plans and New England Conservation Wetland seed mixture as required in the mitigation monitoring report by 10/15/23

4. Submit mitigation monitoring reports by a professional wetland scientist at planting installation and twice a year for three (3) years by June 30th and November 30th on the status of the plantings and any invasive control that is required.

The motion carried unanimously by roll call vote.

#### E. New Business

##### 1. Proposed IWA meeting dates for 2023

The meeting dates were reviewed and some potential rescheduling may be needed based on commissioner reappointments the first meeting of the year and holidays. These were reviewed and the consensus was that if dates needed to be changed or special meetings deemed, this would occur as needed. A motion was made by Connors and seconded by Donaldson-Gladue to approve the meeting date calendar as presented. The motion carried unanimously by roll call vote.

#### F. Minutes

A motion was made by Donaldson-Gladue, seconded by Connors to approve the minutes of 9/20/2023 as presented. The motion carried with M. Connors abstaining.

#### G. Staff Report

##### **Board and Commission Fair at City Hall on 10/11/23 from 6:30-8:30pm**

Mayor Smith is hosting a Board and Commission Fair at City Hall on 10/11/23 from 6:30-8:30pm. The event will feature presentations from current board and commission members who will provide insights into their roles, responsibilities, and the impact they have on the community". Chairman Magnan and MaryRose are going to go to present for Inland Wetlands. All are welcome at this event. A link for information about the event is here: [City of Milford to Host Boards and Commissions Open House | milfordct](#)

##### **CACIWC Annual Meeting is 11/11/23**

The registration is not open yet for the 2023 CACIWC Meeting. MaryRose will send out the information as soon as it is received. They still have not set a place or agenda. The Keynote speaker will be UConn Prof James O'Donnell. The link is here [CACIWC Annual Meeting 2017](#) (The link URL 2017 says but the date is 11/11/23 I put the link to the CACIWC website in the meeting notes. Past issues of the Habitat are available online. [Connecticut Association of Conservation and Inland Wetland Commissions \(caciwc.org\)](#) Please let the office know asap if you are interested in attending.

##### **SCROG Training**

MaryRose forwarded an email that SCRCOG will be teaming up with UConn's CLEAR institute to offer a hybrid 4-hour training workshop for **Land Use Commissioners on October 12, 2023, from 4pm - 8pm**. The training will consist of the 3 hours on Land Use Academy Basic Training including *The Legal Requirements & Procedures, Roles & Responsibilities and The Fundamentals of Reading Plans* which will cover three (3) credits of the required CGS Sec. 8-4c training. These sections will be presented by Renata Bertotti, AICP, Assistant Extension Educator in LU Planning and Climate Resilience, UConn CLEAR & CAHNR Department of Extension. At the same event, Ben Lovejoy, SCRCOG Director of Regional Planning, and David Fink, former Policy Director at Partnership for Strong Communities and



SCRCOG Regional Housing Consultant, will present a session on Fair and Affordable Housing Policies **which will cover the one (1) required credit on Fair and Affordable Housing Policies required for Zoning and ZBA Commissioner's**. The training will be structured as 4 individual one-hour sessions. Details are in the meeting notes including the link to register:

**In-Person Attendance:**

SCRCOG Offices (ample onsite parking available)

127 Washington Avenue, 4th Floor West

North Haven, CT 06473

*\*Maximum Capacity is 45 In-Person attendees - Registration is required and seats will be reserved for SCRCOG Member Municipalities*

**Online Attendance via ZOOM**

Link to Register - *(same link is used for in-person and online attendance)*

Be aware that for those who are unable to attend, all four hours of the training will be recorded and available to watch online within 2 weeks of completion. The registration link will ask attendees how they plan to attend (in-person or online) and all registrations are subject to approval. While this training is designed for the SCRCOG region, it is open to the whole state so MaryRose will be reserving the in-person seats for SCRCOG region commissioners on a first come first serve basis.

**Spotted Lantern Fly**

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 inform the Agency that they are advising citizens to remove most of their 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. MaryRose 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.

**What to Do If You Find SLF**

First, and most important – if you think you have observed spotted lanternflies, do not attempt to move any wood or other potentially infested material from the site. Instead, you should:

- Report potential sightings of this invasive pest. If you suspect you have found a SLF, snap a picture of it and fill out this SLF Reporting Form.
- Kill any spotted lanternflies you find immediately.
- Follow these tips for dealing with spotted lanternflies.

**Tree of Heaven**

MaryRose has added 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		
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
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's Farms Rd	Waiting on final review		
523 Wheeler's 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**

The next meeting will be a Regular Meeting on October 18, 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 Donaldson-Gladue, seconded by Connors to adjourn at 8:35 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Lisa Streit".

Lisa Streit

These minutes have not been accepted or approved.