

A. Roll Call

Present: Brendan Magnan, Daniel Bedeker, Ranjit Bhawe, Jim Connors, Dave DeFlumeri, Heather Donaldson-Gladue and Steve Munson.

Absent: Matthew Connors, Gerry Panico and Lisa Tryon.

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. **IW-PA-22-0091: 45 Woodmont Road, 45 Woodmont, LLC** – proposed tree and vegetation clearing for building addition with work within 100' of wetlands and watercourses in the Indian River Watershed.

MaryRose reported that this is a pre-application request by the property owner to allow clearing of trees and vegetation within 100' of wetlands and watercourses in the Indian River Watershed for a future addition project.

She met with the property owner and Attorney Curseaden on 12/06/22 and the applicant is working on finalizing the information requested by the Agency. While they work on finalizing their information, they have asked for a Jurisdictional Ruling under Section 4 of the Regulations to remove debris on the site. They acquired the property over the summer and are now finding that there has been dumping etc. on the site that they would like to clean-up and remove. Some of the debris is large and will require use of a machine.

A Jurisdictional Ruling would only cover the removal of debris from the site with the understanding that:

- Removal of trees and vegetation requires additional permits from the MIWA.
- Any debris presently within the Regulated Area shall be removed in such manner as creates the minimum disturbance to the existing topography and vegetation.
- Any open soil created by removal of debris will be stabilized with a seed mixture and straw.

- Proper erosion and sedimentation controls as described in the CT DEEP 2002 Erosion and sedimentation control Manual are to be utilized to avoid impacts to wetlands and watercourses on and off the property.

This evening the Agency can:

Ask questions.

Take no action.

Request additional information

Require a full application

Approve the pre-application

Deny the pre-application

Munson questioned where the debris is located. MaryRose stated that there is windblown debris in some areas reviewed on the plans but stated that she can clarify this on site later this week or early next week. The owner of the property stated to her that there is some large debris of landscaping material.

Magnan stated that he is not comfortable with a Jurisdictional Ruling, and he would like a full application. He would like to know what the plan is, what the impact to the wetlands would be based on the amount of work.

Connors agreed stated that there was to be tree removal and then debris removal and the Agency needs to know what the plan is.

Bedecker stated that it sounds like some unforeseen debris is onsite once the season changed and leaves came down and he would like to know what is to be removed and where and what kind of machinery would be used.

No action taken.

2. **Modification IW-A-16-045: 553 West Avenue, Metro 553, LLC** – Proposal for modification from 342 apartments to 189 and eliminating wetland crossing with associated parking, access drive, and grading work within 150' of wetlands in the Beaver Brook Watershed.

MaryRose reported that this is a modification request for the 342-unit apartment complex that was approved in 2016 for 553 West Avenue. The new owner is proposing to modify the project to a 189-unit apartment complex with stormwater, parking, and grading within 150' of wetlands in the Beaver Brook watershed. This proposal eliminates 0.09 acres of wetland filling and the access drive to School House Road that was approved by the Agency in 2016.

The plans have been reviewed by the City Engineer and the applicant has agreed to his stormwater recommendations. The City Engineer noted that there was a typo in his memo that mentioned wetland filling. No wetlands are proposed to be filled with this modification.

Attorney Chris Smith was in attendance to present the modification request.

Attorney Smith reviewed that this request is for modifications to density, 342 units to 189 units. Through redesign of the plan, they have eliminated the need for the access driveway to School House Road, no longer need an Army Corps permit due to the reductions, are enhancing visual impact to the boardwalk and walking trail network and are staying within the scope of the original

approval. There had been a question on the landscape plan, which was submitted, and they did get a memo from the City Engineer and there have been no issues. They are not proposing any new regulated activities. The plan does not result in an adverse impact on a wetland or watercourse and complies with CGS Section 22a-41. At the previous meeting there had been questions on the planting plan and the infiltration and bioswale. He introduced Dave Golebiewski to address those concerns.

Dave Golebiewski, Landscape Architect; Speaking to the illustrative site plan explained that at the last meeting there was discussion about landscaping at the stormwater outfalls and energy dissipaters in the area of buildings C-D-E-F. He shared photos of the existing area to describe where the discharge will be below building B where the stormwater discharges are. It is about 195' from Beaver Brook which is typical to the existing grade. Each stormwater outfall is through an energy dissipater for a non-erosive velocity.

MaryRose reviewed Mr. Popp of Environmental Land Solutions, 11/15/22 recommendations included removal of the stand of Japanese Knotweed and planting of an evergreen stand of 20 American hollies and or Red Cedar on the south side of the development's new road for food source and year-round wildlife cover. They will also add screening to the Beaver Brook pedestrian trail. This plan is a considerable downsize from the approval therefore, some conditions are not needed or applicable.

Bhave questioned if a hydraulic analysis was done for Beaverbrook regarding flooding due to the increase in impervious area. Attorney Smith stated that this is a modification to the previous approval. Dave Sacco, TPA Design, submitted a complete stormwater analysis to the City Engineer and they are at or less than the conditions existing today and there were no issues with the plan. There is no increase in runoff due to stormwater infiltration. They are providing compensatory volume for flood storage and there is no increase in flooding elevation. Bhave stated that the approval was from 6 years ago and FEMA has changed their criteria. Sacco stated that the plans use the most recent FEMA flood mapping and modeling, and the stormwater analysis uses the most recent NOAA information for rainfall rates.

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 the 11/30/22 petition deadline).

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

Mr. Chairman, I move that permit IW-A-16-045: 553 West Avenue be modified as shown on the plans entitled "*Beaver Brook apartments, 553 West Avenue, Milford, Connecticut*" by TPA Design Group, cover and 22 sheets submitted 11/10/22 based on the information in the file and presented this evening, for the following reasons:

- The applicant has decreased the wetland impacts from 0.52 Acres to 0 Acres.
- The applicant has decreased the disturbance in the upland review area by 4.34 Acres.
- This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.

With the conditions including:

- As a condition of approval, within 90 days of receiving final approvals to proceed with construction of the proposed development, the applicant / owner agree to prepare and file with the Agency's staff, for its review and approval,
- Mitigation monitoring plan with benchmarks for success; Mitigation monitoring is to include but not be limited to stabilization, plant survival and herpetofauna.
- An updated modified turtle protection and relocation plan in coordination with the CT DEEP.
- Stormwater maintenance plan including clean-out schedule for the stormwater system, structures, plunge pools and forebays. This maintenance plans must be added to the City of Milford Land Records prior to the permit condition bond being released.
- The applicant / owner agrees, as a condition of approval, that tenant rules and regulations will prohibit free roaming of pets, and the washing of vehicles on the site.
- The applicant / owner with the Agency, as part of its landscaping installation and maintenance in the residential development area, a plan to control and limit the use of pesticides and herbicides within the proposed residential development area. Because such a plan will provide for removal of invasive plants and other potential disturbances, it will not apply within the other Conservation Easement Areas on the site without additional review and approval.
- The Permittee must submit a construction plan *prior* to taking out the permit.
- Any changes to the plan must be reviewed by the MIWA for compliance with this approval.
- 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.
- 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.
- A permit condition bond to be calculated must be posted with the MIWA prior to any site disturbance for sedimentation and erosion controls, wetland boundary markers, and an as-built showing finished 2’ contours and locating all site utilities and structures to ensure that the site development was completed according to the approved design. The as-built must be by a licensed surveyor and include certification by a registered Engineer that the facilities meet the design intent of the approval. The bond may not be released until the site is stabilized, the as-built has been received and the site inspected and approved for compliance with the permit.
- A mitigation bond to be calculated will be held for a minimum period of three (3) years with monthly reports during construction and the growing season by the professional wetland scientist to the MIWA on the status of the site and recommended amendments to the mitigation plan for best stabilization of the site. Once the benchmarks for success have been reached and final wetland professional report has been reviewed and approved the mitigation bond may be released.
- 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 9/21/16 and expires 9/21/26 unless otherwise provided by CT 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 accept the minutes of the 11/16/2022 Regular Meeting as presented. The motion carried by roll call vote with DeFlumeri and Donaldson-Gladue abstaining.

G. Staff Report

- A reminder that three Commissioners are up for reappointment in 2023: Commissioners Munson, Panico and Tryon. Please let the Mayor's Office know if you are interested in reappointment. There is an alternate Commissioner vacancy if anyone knows of someone who may like to serve on the Agency. Please ask them to call their Alderman or Justin Rosen at the Mayor's Office 203-783-3201 jrosen@milfordct.gov
- As always, the training links have been included in her draft notes and motions if anyone has not completed the DEEP or UCONN training. Please let the office know if either training is completed. If you have completed the Inland Wetland Commissioner Training Course, please be sure that the office has a copy of your certificate. 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>
- She is still working on the 2023 Hazard Mitigation Plan update and will send an email with a link to the website to take the survey for input on the Hazard Mitigation Plan
 - **HMP23 Public Participation and outreach Survey**
 - English <https://www.surveymonkey.com/r/SCRCOG2023>
 - Spanish <https://www.surveymonkey.com/r/SCRCOG2023espanol>
 - To learn more about the HMP23, please visit the project web page at: <http://scrcog.org/regional-planning/regional-hazard-mitigation>
- 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.

Site Status:

- 30 Bridgeport Av – ongoing.
- 1553 Boston Post Road – work is ongoing, site is stable, binder course of pavement is down, and vegetation is partially established.
- 67-69 Cooper Ave – ongoing.
- 114-122-124-128 Merwin Ave – ongoing.
- 201 Kings Highway – ongoing.
- Wheelers Woods – project completed, waiting on final review.
- Milford Cemetery – 420 West River Street – ongoing monitoring, early release request.
- 16 Marsh St. – ongoing.
- 690 New Haven Ave – ongoing, site is stable.
- 8 Pepe's Farm Road – ongoing monitoring.
- 33 Pearl Street – ongoing, proposing change to stormwater runoff, proposed waiting on Engineering and DEEP review.
- 0 Terrace Road – waiting on final review.
- 161 West Rutland Road – ongoing.

- 104 Lavery Lane – plantings in, seeded, not yet established.
- 0 Quarry Road – ongoing, lot 2 is completed, fencing is in with markers.

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

H. Chair Report

The next meeting will be December 21, 2022, at 7:30 p.m. 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. Those commissioners that terms are up for reappointment, please follow up with reappointment.

There being no further business to discuss, a motion was made by Connors, seconded by Munson 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.