

**A. Roll Call**

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

Absent: Matthew Connors, Heather Donaldson-Gladue and Jason Zammiello.

Also Present: Joseph Griffith, 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**

A motion was made by Munson, seconded by DeFlumeri to re-order the Agenda to hear items D.1 and then item E.3. The motion carried unanimously.

- 1. IW-21-0010: 0 French Drive, City of Milford** – construct public rest rooms in support of approved athletic fields with work within 100' of a wetland or watercourses in the South-Central Shoreline Watershed.

MaryRose reported that this is a proposal by the City of Milford for a restroom and equipment building at 0 French drive with work within 100' of a wetland in the South-Central shoreline watershed. The 18' X 30' building is proposed 1' off the wetland line with the silt fencing located about 12' into the wetland area. As proposed, there would be impact to approximately 180 sq ft of wetlands if the silt fencing is installed as proposed. The difficulties on the site are the location is in a flood zone requiring elevation of the building and a ramp for ADA access, an existing 24" storm sewer line and the proximity of the wetlands to the road. At the last meeting it was reviewed that other locations are also in or adjacent to wetlands and present safety hazards crossing French Drive. The Agency requested that a vegetative buffer or fencing with educational signage be considered for the rear of the building and that the invasive species in the area of those plantings be addressed to ensure survival. DPW Director Chris Saley is here this evening to answer any questions.

MaryRose stated that this evening, the Agency can:

- Ask questions.
- Ask for further information.

- Schedule a site walk.
- Schedule a public hearing (no petition has been received as of 3/17/2021. Petition deadline is 3/17/2021).
- Approve the application as is or with conditions.
- Deny the application.
- Take no action.

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

After duly considering all relevant factors, I move to approve application IW-21-0010 0 French Dr based on the plans entitled "*Proposed Restrooms an Equipment storage Building Kelly Martin Tighe Field French Drive, Milford, CT*" By City of Milford Engineering Bureau, 1 sheet dated 2/26/21, rev 3/01/21, the information in the file and presented this evening, for the following reasons:

- The applicant has presented information that this location will have the least impact to the wetland due to site constraints.

This action will not have a negative 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.
- The Permittee will install a vegetative hedge or barrier with educational signage for the adjacent wetland at the rear of the building. Plants must be native.
- Invasive control in area of plantings for a minimum of three (3) years to ensure that the plantings survive.
- The Permittee must submit an asbuilt within 3 months of completion of the project with a certification by the Project Engineer that the completed project meets the design intent of the approval.
- The permit is issued 3/17/21 expires 3/17/26 unless otherwise provided by Statute.

The motion carried unanimously.

## E. New Business

2. **IW-PA-21-0016: 780 North Street, City of Milford** – proposed construction of a 30' x 30' outdoor stage with construction within 100' of wetlands or watercourses in the Indian River Watershed.

MaryRose reported that this is a pre-application proposal under Section 4 by the City of Milford for a 30' X 30' outdoor stage at the lower field in Eisenhower Park at 780 North St with work within 150' of a wetland in the Wepawaug River watershed. The Stage would be like the designs in the links on the Agenda with a timber base and would take approximately 1 week to construct. This area is currently mowed, and no additional clearing is proposed. The stage would also require an electrical conduit from existing utility pole by the sidewalk to the stage.

DPW Director Chris Saley and Paige Miglio, Executive Director of the Milford Arts Council, were in attendance to answer any questions. Miglio stated that the stage would be for small events and awards ceremonies and would have very little impact. The area is mowed currently. Miglio further

stated that as COVID began, outdoor space was sought out and became very well received. They feel this would be a more permanent area but not invasive.

MaryRose stated that this could be a Use Permitted as of Right as outdoor recreation. The wetlands locations were reviewed. This is the third alternative considered; a location closer to the wetlands. A storage area was included and this plan where the structure would be brought in and removed for events. The site and existing rest room locations were reviewed.

DeFlumeri questioned how much space this would take up during an event. It was determined that the circles on the plans were not structures but were delineations for social distancing and would be painted. Saley stated that this would be environmentally safe as they paint ballfields. It may not need to be painted.

Bedecker asked if any fertilizers would be used. Saley stated there would not be, it would be just mowed and not heavily used. It would be used maybe 10-15 times per year.

Bhave stated that he feels this is a good use of property for the community. Magnan agreed. Signage and markers were discussed. Saley stated that he would work with MaryRose regarding this.

This item is on the Agency is a pre-application, the Agency can:

- Ask questions.
- Ask for further information.
- Schedule a site walk.
- Ask for a full application.
- Take no action.

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

I move that the Designated Agent issue a Jurisdictional Ruling for pre-application IW-PA-21-0016 780 North St for the construction of a 30 X 30 stage and electrical service as shown on the drawing in the file. This action 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.

A motion was made by Munson, seconded by DeFlumeri to hear items D.2. and D.3. together. The motion carried unanimously.

- 3. IW-21-0008: 122 Merwin Ave, CP Mooney LLC** – proposed construction of a single-family home with wetland creation and other work within 100' of wetlands in the South-Central Shoreline watershed.
- 4. IW-21-0009: 124 Merwin Ave, CP Mooney LLC** – proposed construction of a single-family home with wetland creation and other work within 100' of wetlands in the South-Central Shoreline watershed.

MaryRose reported that these applications are proposals for single family houses on two lots in an existing subdivision. The Agency approved permits for lots A & D in October with conditions. Those lots are currently under construction.

These proposals are for 2 similar houses with a 3:1 wetland mitigation to filling ratio. The applicant is proposing to fill 1,437 sf of wetlands on lots B & C and create 710 sf of wetlands on Lot D and

3,742 sf of wetlands on lots A & B for a total of 4,452 sf of created wetlands. The mitigation plan was designed by William Kenny & Associates.

At the last meeting, the IWA requested information on:

- The height of the proposed berm
- The proposed fencing
- A copy of the long-term maintenance plan for the mitigation area and the invasive species on the lots to be submitted to the IWA and included in the property deed and given to the property owners.

Mooney has submitted the site plans for both lots along with the proposed mitigation plan and these were in the amended Agenda links.

Mooney stated that the berm can be 2' in height. He is proposing pressure treated wood for the split rail fence. A copy of the long-term maintenance agreement for homeowners as well as maintenance of the stormwater management plan has been submitted. He spoke to the City Engineer and hired a Civil Engineer to design these plans with the City Engineer's approval/input.

MaryRose briefly reviewed the plans. Mooney stated that with the berm, the fence, and the yard size this will deter encroachment.

Munson stated that he was good with the proposal. Bhave questioned if homeowners used weed killer and its effects to the wetlands. Kenny reviewed that the land is flat and will have good infiltration and then any flow will go through the berm and vegetation and will protect the wetlands from anything used on the lawns.

Magnan asked if this plan has less impervious area than the present conditions. Mooney stated that it does; there is a huge parking lot and a 4-car garage existing. Magnan asked about the functions and values of the wetlands. Kenny stated that there will be a 3:1 increase in wetlands function, they are removing the phragmites and this will be a net benefit to the wetlands with a higher function. It was deemed that a definitive height of the berm would be 2'.

This evening, the Agency can:

- Ask questions.
- Ask for further information.
- Schedule a site walk.
- Schedule a public hearing (*no petition has been received as of 3/03/21. Petition deadline is 3/17/21*)
- Take no action.

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

After duly considering all relevant factors, I move to approve applications IW-21-0008 122 Merwin Ave & IW-21-009 124 Merwin Ave based on the plans entitled:

- "Plot Plan based on Boundary / Topographic Survey on Address No 122 Lot 2 Merwin Avenue, Milford, CT prepared for C.P. Mooney, LLC" by Paul J. Stowell, 1 sheet dated 9/15/20 rev3/11/21.
- "Plot Plan based on Boundary / Topographic Survey on Address No 124 Lot 3 Merwin Avenue, Milford, CT prepared for C.P. Mooney, LLC" by Paul J. Stowell, 1 sheet dated 9/15/20 rev3/11/21.

- “Wetland Mitigation Plan prepared for C.P. Mooney, LLC 114-128 Merwin, Connecticut” by William Kenny Associates, LLC.

the information in the file and presented this evening, for the following reasons:

- The applicant has presented information showing that the proposed wetland creation and mitigation will restore, enhance, and create wetland functions and values on the site.
- 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 the stormwater system.
- Stormwater treatment must be installed as approved on the plans unless any changes are approved in writing *prior to making that change*.
- Permit Construction Bonds to be calculated must be posted with the MIWA for S&E controls, wetland boundary markers and an asbuilt showing finished 2’ contours and locating all site structures.
- Mitigation monitoring bonds to be calculated for each lot must be posted with the MIWA prior to site disturbance for mitigation plantings and a minimum of 5 years of mitigation monitoring by a professional wetland scientist with reports to the MIWA twice a year for a minimum of 5 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. Reports must be submitted to the MIWA office.
- 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.
- A copy of the Long-Term Maintenance Plan for the mitigation area and the invasive species on the lots to be submitted to the Agency and included in the property Deed and given to the property owners.
- A copy of the Stormwater Maintenance system requirements will be included in the Deed and given to the property owner.
- Plant stock shall be from a native seed source and be salt tolerant.
- The permit is issued 3/17/21 expires 3/17/26 unless otherwise provided by Statute.

That is my motion.

5. **IW-A-21-0012: 230 Old Gate Lane, Bridge-Haven Ford Truck Sales, Inc.** – proposed grading and stormwater system with work within 100’ of wetlands or watercourses in the Indian River Watershed.

MaryRose reported that this is a proposal for grading, stormwater, and parking lot improvements in conjunction with a building renovation at 230 Old Gate Lane in the Indian River Watershed. Bridge-Haven Ford Truck Sales is proposing to renovate the site for a new facility. This work will

include an updated stormwater system and reduction in impervious surface. This evening Jesse Langer is here to present the application and answer your questions along with Chris Gagnon of BL Companies and the owner Paul Avvento.

Jesse Langer, Esq – Updike & Kelly – briefly reviewed the plan that this is a reduction in impervious area and an overall improvement to the site and introduced Chris Gagnon, PE, and Paul Avvento.

Commissioner Bhavre recused himself from discussion on this proposal/application and left the meeting. Gagnon reviewed the plans. They are reducing the impervious area and improving the stormwater quality. They did a video walk through of the site to show the existing conditions and oriented the site location. They showed the area of asphalt to be removed and the area where the water quality swale would be. This is a ½ acre reduction of impervious area proposed. The above ground fueling system is to remain. One building is to be removed and they will be re-working the front of the site. The landscape plan was reviewed. Paved leak off and yard drains are proposed in the landscaped area which will be a considerable positive improvement. The stormwater management system was reviewed as well as the yard drains, water quality swale and separator. The flow of the site was reviewed as well as the reduction of runoff rates.

DeFlumeri questioned if the rear is all parking. Gagnon stated that there is a loading dock and maintenance of tractors and parking for stock as well as standard parking. DeFlumeri questioned the storage of oils and maintenance. Gagnon stated that any waste oil is interior to the building where there is a waste system and floor drains with oil/water separator and does not go to the stormwater system; it goes to the City sanitary system.

Bedecker stated that this was used by CT Limo and Durham Bus so lots of old vehicles were here and asked if new vehicles are proposed. Gagnon stated that there will be a sales and rental service and the old pavement would be removed and new pavement put down.

Munson asked about snow removal. Avvento stated that there is a snow area designated in the rear of the site. Gagnon stated that there is enough room and will convey through the treatment system. Munson asked about heavy snowfall and at what volume would snow be hauled off site. Gagnon stated that he would look into this.

It was deemed that a site walk would not be needed based on the info presented. Magnan asked about any alternative plans considered as well as the construction process and stabilization. Gagnon stated that they would remove the pavement related to the treatment swale and install the stormwater area first to minimize site disturbance and will include the sequencing in the plans.

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

Ask questions.

Ask for further information.

Schedule a site walk.

Schedule a public hearing (*no petition has been received as of 3/03/21. Petition deadline is 3/17/21*)

Take no action.

No action taken.

6. **IW-A-21-0015: 51 Roses Mill Road, 51 Roses Mill Road, LLC** – proposed reconstruction of mixed-use building with grading, stormwater system and landscaping with work within 100' of wetlands or watercourses in the Indian River Watershed.

MaryRose reported that this is a proposal for reconstruction of the building at 51 Roses Mill Rd. The building burned down last year, and they are proposing to use the existing foundation, increase the stormwater maintenance system to comply with today's standards and decrease the impervious near Karl's brook. Ray Paier of Westcott & Mapes is here this evening to present the application and answer your questions.

Ray Paier, Project Engineer, stated that this is a 6,000 sq. ft. mixed use building with businesses on the first floor and apartments on the 2nd and 3rd floors with parking underneath. The site location was reviewed. There will be a decrease in impervious area and an increase in pervious area as well as a reduction in parking. They will be adding to the existing a water quality system. The flow of drainage on site was reviewed. They will be providing additional stormwater recharge and clean up the vegetative debris. Mitigative plantings will be added and there will be minor grading and repaving. They will be curbing the entire site and have zero increase in runoff. Photos of the site were reviewed and were taken on 3/1/2021.

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

Ask questions.

Ask for further information.

Schedule a site walk.

Schedule a public hearing (*no petition has been received as of 3/17/21. Petition deadline is 3/31/21*)

Take no action.

A discussion followed regarding a site walk. MaryRose stated that she would video the site. Munson questioned the fire on site and the uncertainty. MaryRose stated that the fire occurred last year, and the building was taken down immediately after. There is foundation and pavement on the site; the debris has been removed. Connors stated that the building had been unoccupied for many years before the fire. An invasive species management plan was requested.

No action taken.

## **F. Minutes**

No action taken.

## **G. Staff Report**

- The office continues to be with busy. DPLU is assisting with phones and clerical support until Barbara's position can be replaced. There are several complaints that she is working on that the Agency should see in the next few months. Online applications for Inland Wetland permits are being worked on through the new permitting software, Muncicity.

Site Status:

- Flax Mill Lane Bridge construction is complete. They will likely need to reseed the area in the spring.

- 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 December 19 monitoring report. Next report is due in Fall 2020. Removal of invasive was recommended by the site monitor. Permit holder removed but they grew back. He said he would remove them again and ensure the tree gets replanted to be reported on in the November inspection. Waiting on report.
- Terrace Rd is ongoing
- Wheelers Woods – ongoing
- Beaver Brook Boardwalk – boardwalk and parking lot complete. Rain garden to be completed in the spring.
- Florence Av is ongoing – stone swale and galleys are installed waiting on asbuilt.
- French Drive Fields – ongoing
- Lansdale Av Fields – ongoing
- 30 Bridgeport Av – ongoing
- 17 Maddox Av – ongoing
- 31 & 33 Pearl St – ongoing
- Sewer lining under Stonebridge Pond – ongoing; should be starting in the next two weeks.
- Gulf Pond Pump Station maintenance – ongoing.
- 63 Westmoor Road – permit taken out.

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

## H. Chair Report

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.

The next meeting will be April 07, 2021 via ZOOM. Please let the office know if you cannot attend.

There being no further business to discuss, a motion was made by Connors, seconded by Munson to adjourn at 9:40 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.