

A. Roll Call

Present: Brendan Magnan, Daniel Bedeker, Ranjit Bhawe, Steve Munson, Gerry Panico and Lisa Tryon.

Absent: Jim Connors, Matthew Connors, Dave DeFlumeri and Heather Donaldson-Gladue

Also Present: MaryRose Palumbo, Lisa Streit and Joe Griffith.

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. **Notice of Violation IWC-21-0040: 8 Pepe's Farm Road, Barbara Held** – clearing and disturbance of a wetland, clearing and disturbance within a conservation easement and grading work in and within 100' of a wetland or watercourse in the Indian River Watershed without a permit.

A motion was made by Munson, seconded by Tryon to remove this item from being tabled. The motion carried unanimously.

MaryRose reported that this is a violation issued 5/26/21 to Barbara Held and Barry Held for work in and within 100' of a wetland in the Indian River Watershed without permit. This property also has a conservation easement as shown on the asbuilt and is documented in the Land Records. This violation was:

- upheld by the Agency at the 6/2/21 MIWA meeting
- modified at the 6/16/21 MIWA meeting to allow sufficient time for Ms. Held to have the erosion controls installed and to have her Wetland Scientist, Biologist and Surveyor complete their work.
- Modified at the 7/07/21 meeting to allow sufficient time for the Wetland Scientist, and Biologist complete their work.
- Tabled at the 7/18/21 meeting to review the map from the 1995 deck approval; to review ability for the MIWA to allow the deck in the conservation easement, and to receive a description of how the conservation easement will be marked.

Mrs. Held submitted a revised survey on 7/08/21 to correct an errant line on the original submittal. She submitted the mitigation and planting plan on 7/19/21 for the IWA to review and was in attendance to discuss. She has asked about the need for plantings other than grass in the conservation easement as that was the way it was when she purchased the property.

The outstanding items on this violation are:

1. Determination of mitigation and restoration plan for the wetland area
 - a. Removal of debris from the wetland. SSES 7/19/21 report recommends hand removal of soil and material and large cut vines from the wetland. Ms. Held's contractor has asked if he may use a small machine cleaned before it is brought to the property and before it is removed, to avoid bringing invasive species onsite.
Bedecker questioned what type of machine would be used and is concerned with it getting stuck as the previous use was. Magnan voiced concern as well as Munson. Ms. Held stated that her brother did the previous work and she is hiring a professional now.
 - b. Stabilizing the disturbed wetland area with plantings and a wetland seed mixture. SSES 7/19/21 report recommends 15 native plantings and NEWP disturbed wetland seed mixture.
2. Determination of mitigation and restoration plan for the upland review area including the conservation easement.
 - a. Installing the fencing taken down on the upland side of the wetland line. MIWA approved fence location on 11/13/1991. SSES 7/19/21 report recommends moving the fence in slightly in the disturbed area to include wetlands flagged in June of 2021.
 - b. Removing any fill from the conservation easement.
 - c. Stabilizing the conservation easement. *Conservation easement calls for 'native vegetation'. MIWA approved plantings along the fence line 11/13/1991. SSES has recommended 15 plantings and a conservation / wildlife or wildflower seed mixture. Ms. Held has stated that she would prefer grass for use as a yard area as this is the way the property was when she took ownership. An online search shows the side yard has been lawn for a number of years. The Agency can make a determination as to whether the grassed portions of the conservation easement can be allowed by considering any further harm from leaving the area as lawn or requiring plantings in the Conservation Easement area. Options to consider include:*
 - a. *Leaving as a grassed and mowed area.*
 - b. *Leaving as a grassed and mowed area and requiring plantings along the fence line for nutrient uptake. Jen Beno to recommend vegetation plantings. Tryon stated that if the wetland mix is not being used, the 15 plantings would be needed. The purpose is to collect runoff and uptake nutrients, and both should not be eliminated.*
 - c. *Using the SSES submitted remediation plan for plantings on the slopes of the easement and a conservation seed mix in the center area of the easement.*
 - d. *Requiring native plantings in the entire conservation easement*
3. Determination of markings for the Conservation easement
 - a. Marking the conservation easement area so that current and future property owners will not disturb the easement. *Ms. Held's surveyor has proposed iron pins along the curves and at the ends of the easement line.*
4. Protections for the drain in the driveway to prevent oils and chemicals from discharging to the wetland.

- a. Addressing concerns about oils and chemicals potentially entering a driveway drain and discharging to a wetland. *Ms. Held has stated in an email that they will not change oil in the driveway.*
5. Status of the rear deck and stairs in the conservation easement
 - a. Removing or legalizing the portions of the deck and stairs that are in the conservation easement. *The Conservation Easement states "No permanent or temporary structure or building shall be constructed, maintained or permitted within the Easement unless otherwise excepted herein or as may be approved from time to time by the appropriate municipal agencies or commissions including the Milford Inland Wetlands Agency" The Agency can make a determination as to whether the portions of the deck over the conservation easement line can be allowed by considering any further harm from leaving or removing the work from the Conservation Easement area.*

Munson questioned if the City Attorney was ok with the deck and stairs. MaryRose stated that they were; the City Attorney reviewed the conservation easement and the IWA can make a determination as to whether the portions of the deck over the conservation easement line can be allowed by considering any further harm leaving or removing the work from the conservation easement area.

This evening the Agency may:

- Take no action.
- Ask questions.
- Ask for further information.
- Modify the violation.
- Release the Violation.
- Refer the Violation the City Attorney's Office for resolution

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

I move that cease-and-desist order IWC-21-0040: 8 Pepe's Farm Road, be modified to require that the property owner be ordered to:

1. Properly maintain soil erosion and sedimentation controls upgradient of the wetland flags on the sites to prevent material from entering the wetland.
2. By 9/15/21 submit a proposed timeline for execution of the mitigation plan to remove material, plant and stabilize the disturbed area including at plant installation, two years of twice a year monitoring by a Professional Wetland Scientist. Planting work must be completed in the fall 2021 planting season.
3. By 9/15/21 submit a draft planting and mitigation monitoring bond calculation. Bond to be posted to guarantee that the shrubs live for two years, and monitoring reports are completed in a timely manner.
4. By 9/15/21 submit an outline of responsibilities of property owner for watering and maintenance of plantings to ensure survival.
5. By 9/30/21 implement the detailed mitigation and planting plan entitled *Wetland restoration Planting Plan Recommendations 8 Pepe's Farm Road, Milford, CT* by Soil Science and Environmental Services, Inc. dated 7/19/21 Plan including:
a grassed and mowed area and requiring plantings or dense vegetation along the fence line for nutrient uptake.
6. Property owner shall obtain all permits, including, but not limited to, Inland/Wetland, Planning & Zoning and Building, that may be required to resolve and legitimize the site work.

7. Upon completion of work submit an asbuilt A2 survey with topography to T2 accuracy by a professional licensed Land Surveyor showing the wetland line, all site improvements, and conservation easement limits and markers. Conservation easement limits must remain visible on the property
8. Wetland boundary markers will be placed along the fence at 25' intervals
9. Fence to be reinstalled upland of the wetland line

This is allowing the current encroachment by the deck and stairs as shown on this site plan
The motion carried unanimously.

E. New Business

- 1. Violation IWC-21-0055: 35 Prospect St., Par Falls LLC.** – Construction of a terrace and landscaping within 150' of a wetland in the Wepawaug River Watershed without a permit.

MaryRose reported that this is a violation issued 8/25/21 to Par Falls LLC and their contractor Bruce Ullerup of Shore Haven Landscaping for work within 150' of a wetland without a permit. Acting on a complaint she visited the site on 8/18/21 and saw workman from Shore Haven Landscaping installing a patio / terrace on the south side of the property adjacent to the wetland area on site. She spoke with Mr. Ullerup who had thought he had received the necessary approvals. Attorney Tom Lynch submitted a letter on 8/31/21 stating that he will be representing Par Falls and that they anticipate being able to file the requested information within 30 days. MaryRose recommended that the Agency uphold the violation and amend the dates in the order from submission of information by 9/16/21 to submission of information 10/1/21.

This item is on the Agency this evening for the first time and the Agency may:

- Ask questions.
- Ask for further information.

This evening the Agency must:

- Uphold the violation or
- Uphold and modify the violation or
- Release the Violation.

Munson moved to uphold and modify the cease and desist order IWC-21-0055: 35 Prospect St. dated 8/25/21, which is in the file, to require that the property owner submit items 2 and 4 by 10/01/2021. The motion was seconded by Tryon and carried unanimously.

- 2. IW-A-21-0045: 0 Edgewater Pl, TONA, LLC.** - Proposed single family residence with construction within 150' of a wetland and watercourse in the Wepawaug River Watershed.

MaryRose reported that this is a proposal by TONA, LLC for a single-family home at 0 Edgewater place. The site is currently mostly covered in gravel and used as a parking area. The applicant is proposing to construct a 19.67' X 38' structure, add lawns and planters as shown on the plans and have a gravel parking area between the structure and the road. The west side of the proposed structure is 34.25' from the Mean High Water Line (MHW) which is the Agency's jurisdiction line in this area of the Wepawaug River. The east side of the structure is 30.7' to a small inland wetland (±230 sq. ft.) along the road. She has walked the site with the applicant and their consultants. Attorney Kevin Curseaden, Gary Montano and Ron Wassmer from CT Civil Group are here this evening to present the application.

Attorney Curseaden stated that the applicant purchased the property about a year ago with the intention of constructing a boat house or boating support structure on the property. They have obtained a certificate of permission from CT DEEP to repair the existing docks. They have submitted a CAM application to Planning and Zoning and it is being reviewed by the City Engineer. This is Four (4) 10' wide lots together. They would like a structure that supports family boating activities; it is in as a single family house because while a boat house is allowed by special permit. The intention was a boat house that you could relax in after a day on the water, not necessarily a house or barn for a boat. The structure didn't change but the identified use in zoning is allowable. There are a number of professionals involved on this application.

Ron Wassmer, CT Civil Group, reviewed that the site plan was prepared by John Wicko, the survey was done by Paul Stowell. Wassmer oriented the Agency to the site plans and reviewed each sheet. They are in flood zone AE 11 and are constructing to FEMA standards.

William Kenny, Professional Wetland Scientist, shared photos of the area; the north and south side of the dock and from the back of the dock. The inland wetland is man made and is a fine texture and does not drain well. This is a lower quality system. Magnan asked if there were any opportunities to improve the functions. MaryRose stated that this is on the City's Right of Way and is a mostly gravel roadway adjacent to a sewer easement.

This item is on the Agenda for the first time and the Agency may:

- Take no action
- Ask questions
- Ask for further information

No action taken.

3. IW-A-21-0046: 201 Kings Highway, Michael Iacono – proposed installation of a 15' x 65' inground pool with work within 100' of a watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal for a 15' X 65' inground pool within 17.5' of the Mean High Water line (MHW) which is the Agency's jurisdiction line along Long Island Sound. In the attachments are the application, photos submitted by Michael Iacono of Signature Pools and the site plan. The photos have the approximate pool location highlighted. The retaining wall is noted for perspective. Silt fencing will be installed landward of the retaining wall (about 10' from MHW) to protect the waterbody during construction. All excess material is proposed to be disposed of offsite. Mr. Iacono estimates that there will be open soil on the site for 6-8 weeks during which time they will maintain the silt fencing.

The Agency can consider if this application falls under the exemptions in Section 4 of the Regulations and is a Use Permitted as of Right or a full application.

Michael Iacono of Signature Pools Norwalk CT, was in attendance to answer any questions and also has an engineered structured drawing of the pool if the agency would like to see. Munson asked how deep the pool would be and if he anticipates hitting rock. Iacono stated that it would be 6' at the deepest point and pitch to the center; it will be used for lap activities. He further stated that a man made retaining wall abuts stone material but there are no outcroppings. Tryon asked if there would be blasting if rock is struck. Iacono stated that if rock is found, they would have a hammer machine and would not blast. 6' is the goal, but if there is rock, they could do 5.5'. Tryon asked if there would be silt fence throughout. Iacono stated that there would be. Magnan asked about trees

to be removed. Iacono stated that there are 2 12' pines by the house and an existing shed to be removed. One of the trees may be able to be saved, he is not sure. MaryRose stated that pools are fairly quick and easy to go in, but with the potential for bedrock, it could take longer. A Jurisdictional Ruling would have no conditions, a full application would have a permit and conditions. The project came in as an application. The consensus was for this project to be a full application.

This item is on the Agenda for the first time and the Agency may:

- Take no action
- Ask questions
- Ask for further information
- Approve a Jurisdictional Ruling for a Use Permitted as of Right.

No action taken.

E. Minutes

A motion was made by Munson, seconded by Tryon to approve the minutes of 7/21/2021 as presented. The motion carried with Bhavé and Magnan abstaining.

F. Staff Report

- The office continues to be busy. MaryRose has met regarding several projects that have already been permitted that are getting ready to start and others that are preparing to come in for permits. She continues to work with Municipality, the permitting software vendor to incorporate the MIWA applications into the online permitting request system – City Squared.

Site Status:

- Beaver Brook Boardwalk – boardwalk and parking lot complete. Plants have been ordered, the rain garden is to be completed in the fall.
- 0 Tanglewood Circle – mitigation monitoring is ongoing. The Agency had required a 5-year monitoring period for this mitigation ending in 2023. The permittee has asked that the Agency consider releasing the mitigation bond early as the consultant has reported that the two lots are stabilized with a 94% and 100% stabilization for the last 3 reports. The permittee and MaryRose will be scheduling a meeting to walk the site and take photos for review at an upcoming meeting.
- 30 Bridgeport Av – ongoing.
- Florence Av is ongoing – stone swale and galleys are installed waiting on asbuilt.
- Gulf Pond Pump Station maintenance – ongoing.
- 17 Maddox Av – waiting on asbuilt review.
- 114-122-124-128 Merwin Ave – ongoing.
- 31 & 33 Pearl St – ongoing.
- Terrace Rd is completed; waiting on asbuilt review.
- 63 Westmoor Rd – foundation asbuilt received 6/16/21, waiting on garage construction.
- 161 West Rutland Rd – ongoing.
- Wheelers Woods – ongoing.

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

G. Chair Report

The next meeting will be September 15, 2021. MaryRose will notify you if the meeting will be held via ZOOM or in person.

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 Munson and seconded by Tryon to adjourn at 9:10 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.