

A. Roll Call

Present: Brendan Magnan, Daniel Bedeker, Jim Connors, Matthew Connors, Heather Donaldson-Gladue, Steve Munson and Jason Zammiello.

Absent: Ranjit Bhawe, Dave DeFlumeri and Scott Marlow.

Also Present: MaryRose Palumbo and Lisa Streit

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MaryRose noted that DeFlumeri, Donaldson-Gladue and Magnan have been sworn in by the City Clerk.

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

MaryRose 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. Organizational Meeting

MaryRose reviewed Chairman responsibilities:

Bylaws Sec 5.2

The Chairperson shall preside at all meetings and hearings of the MIWA and has authority that includes, but is not limited to:

- a. Calling special meetings;
- b. Directing or authorizing actions of the MIWA Designated Agent(s), when, in the judgment of the Chairperson or an Agent, action is required during the period of time between regularly scheduled meetings, or before a special meeting can be called;
- c. Appoint sub-committees for purposes and terms approved by the MIWA;
- d. Attend all sub-committee meetings as an ex officio member of each committee; and
- e. Attend significant city meetings as required to represent the MIWA.

Bylaws Sec 5.3

The Chairperson shall have the privilege of discussing and voting on all matters before the MIWA but shall not move for or second any motion.

Streit called for nominations for **Chairman**: A motion was made by Munson, seconded by Connors to nominate Magnan Chairman. There being no further nominations, they were closed. Streit cast one vote deeming **Magnan** Chairman.

MaryRose reviewed the Vice Chairman's responsibilities.

Bylaws Sec 5.4

The Vice Chairperson shall perform the duties of the Chairperson during the absence or incapacity of the Chairperson and such other duties as the Chairperson may direct.

Streit called for nominations for **Vice Chairman**: A motion was made by Munson, seconded by Connors to nominate DeFlumeri Vice Chairman. There being no further nominations, they were closed. Streit cast one vote deeming **DeFlumeri** Vice Chairman.

MaryRose reviewed the Parliamentary responsibilities.

Bylaws 5.5

The Parliamentary shall perform duties of the Chairperson and Vice Chairperson during the absence or incapacity of both the Chairperson and Vice Chairperson and such other duties as the Chairperson may direct. The Parliamentary shall rule on questions of procedure in accordance with Robert Rules of Order.

Streit called for nominations for **Parliamentarian**: A motion was made by Magnan, seconded by Connors to nominate Munson Parliamentary. There being no further nominations, they were closed. Streit cast one vote deeming **Munson** Parliamentary.

A motion was made by Munson, seconded by Connors that the Compliance Officer acts as the Designated Agent for the Agency. The motion carried unanimously. MaryRose's resume is on file in the Agency office.

Magnan thanked everyone and welcomed new Commissioner Heather Donaldson-Gladue. Magnan encouraged board members to read Section 1.1 of the Regulations which is taken from the enabling statute. (Section 1.1 is what the Legislature intended when creating the Inland Wetland Agencies -a balance of rights of property owners and nature for this and future generations. Section 10 is the Criteria to be used in making a decision on an application.)

C. Pledge

All stood for the Pledge of Allegiance.

D. Public Comments

None.

E. Old Business

- 1. IW-V-20011 0 Orange Avenue**, Josh Miller; Work and ATV/dirt bike paths on City of Milford park land in and within 150' of wetland in the Wepawaug River Watershed without a permit.

MaryRose reported that this is a violation issued 12/31/19 to Josh & Nicole Miller of 11 Terrell Drive for work and ATV/dirt bike paths on City of Milford property at 0 Orange Av 100' of a wetland or watercourse without a permit.

Based on an anonymous complaint Open Space and Natural Resource Agent Jeremy Grant and MaryRose visited the site at 0 Orange Av on Monday 12/14. They found dirt bike tracks off Kozlowski Drive into the Milford and possibly State of CT properties. They also found damage to the City property adjacent to Orange Av with tracks leading to Terrell Dr but ending in the street.

On the 0 Orange Av property there were circular tracks that appeared to be made by an ATV / quad entering from Orange Av. There were no people on or near the property at that time.

On Tuesday 12/15 at 2:15pm Mr. Grant and MaryRose returned to the area. As she was driving through the neighborhood, she saw a teen boy washing a dirt bike in the driveway of 11 Terrell Dr. They parked on Orange Av in front of the property and two (2) youths were riding ATVs/quads on the site. They attempted to flag them down to speak to them. One youth drove back into the woods the other drove off towards Terrell Dr. The youth in the woods came out of the woods and drove past MaryRose while she asked him to stop to talk and then drove toward Terrell Dr.

They went to the home at 11 Terrell Dr. where all three (3) youths were and asked to speak to their parents. Nicole Miller came out and said that they were her kids and that she would stop them from riding on the property. They gave her their business cards and explained it is City property and they are damaging the environment. She said that they would stop riding on the property and that her husband, Josh Miller, would call MaryRose.

They returned to the City property on Orange Av and documented the damage. Mr. Grant used his GPS to locate the trail that they had created, and MaryRose took photos of the site and the damage which were on the Agenda links. Josh Miller came to the site and they explained the damage to the unprotected soil and trees that had been done and why they could not ride on the property. MaryRose told him the area would need to be stabilized and restored to protect the resource. He said that he would restore the area with guidance from the Commission.

Mr. Miller called on 1/5/21 to say that he had stabilized the area with straw and asked for an inspection. Mr. Grant and MaryRose visited the property on 1/6/21 and found that the exposed areas had been well covered in straw. Photos in the link from this afternoon show the straw on the site.

As you are hearing this violation for the first time this evening the Agency can:

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

Mr. Miller and his son were in attendance and took responsibility for the damage. His son apologized stating that he did not know that this was not good and that he helped the Landscapers lay hay. MaryRose stated that they could possibly have them seed in the spring – would need to evaluate in April or May depending on when the weather changes. Jeremy Grant could have them remove debris that have accumulated on the site over the years.

Commissioners asked that DPW be asked to *promptly* erect signage noting no ATV/Quad/Dirt Bike riding on the property preferably both on Kozlowski Drive and Orange Av.

A motion was made by Connors, seconded by Donaldson-Gladue that cease-and-desist order IW-V-20-0011 0 Orange Av, be released. The motion carried unanimously.

2. **IW-A-20-0001 63 Westmoor Road, Evan Haley** – proposed 26' X 35' attached garage with storage above within 100' of wetlands in the South-central Shoreline Watershed.

MaryRose reported that this is a proposal by Evan Haley of 63 Westmoor Rd for a 26' X 36' garage with storage above with work within 100' of wetlands in the South-central Shoreline watershed. The Agency is receiving this application this evening. The proposed garage is 37' from the wetland line. There is no grading shown on the proposed plan. Mr. Haley submitted photos of the proposed garage location; they were added to the links this afternoon.

The survey required for the garage discovered an encroachment on to City land that existed prior to 2016 when Mr. Haley purchased the property. Mr. Haley is now aware of the encroachment and will be working with the Open Space Agent and the City Attorney's office to look at a resolution.

As this application is before us 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 1/6/21. Petition deadline is 1/2/21*)
- Take no action.

Haley stated that a 35' x 26' garage is proposed and that he was unaware of any encroachment and is working with the City Attorney.

Magnan stated that rain barrels are proposed, and he asked about the distance to the wetlands. MaryRose stated that it is 37' at the closest point. Magnan asked about the general conditions of the site. MaryRose stated that it was a fairly flat site and that the IWA did walk the site several years ago for the building of the adjacent homes. Magnan asked if the wetlands were flagged. Haley stated that they have been flagged a few weeks ago by Scott Stevens. Munson noted that the garage does not increase the impervious surface at all. M. Connors asked about maintenance of the rain barrels. MaryRose stated that they are to be emptied after each storm; there is a plug on the bottom and the water is to infiltrate into the ground or can be used to water the property. They are to be emptied and stored for the winter.

Commissioners agreed that a site walk was not necessary. No action taken.

F. Minutes

A motion was made by Connors, seconded by Munson to accept the minutes of 12/16/20 as presented. The motion carried unanimously.

G. Staff Report

MaryRose welcomed everyone and noted a few annual reminders:

1. Commissioners cannot talk about an application that is before you with anyone but staff outside of the meeting room. If you are approached by concerned citizens, please refer them to MaryRose or to a public hearing so that whatever their concerns are they can be presented to the entire Agency. This

is to ensure that everyone is making decisions on the same set of facts and information with no outside bias.

2. MaryRose will email the annual information to commissioners including:
 - a. Milford Ethics brochure here if anyone needs a copy, the book has not changed.
 - b. Past correspondence from the City attorney's office on ex parte communication and individual research by Commissioners.
 - c. Educational information links that were reviewed at last month's meeting.
3. Commissioner Synopsis sheets. If you could mark them up and return them by email me with any changes that would be very helpful.
4. Please be sure we have the correct email and phone numbers for you.
5. Please let MaryRose know what your preferred method of plan review is. If you would like a paper set of plans on all applications or just larger applications so that she can get you what you need to review the proposals.
6. The office continues to be with busy with inquiries, bond release requests and minor reviews. We have had a number of complaints come in and we are working through them to bring to you. Barbara Brown retired on Monday, so the Agency is currently without a Clerk. I hope to meet with Joe Griffith soon to review our staffing needs.
7. We are working with Muncity, the permitting software vender to incorporate the MIWA applications into the online permitting request system – City Squared.

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. The November report is overdue. The permittee has been reminded, there were also supposed to replace a tree this fall.
- Terrace Rd is ongoing
- Wheelers Woods – ongoing
- Beaver Brook Boardwalk – boardwalk and parking lot complete. Rain garden to be completed in the spring.
- Westmoor Rd –bond released.
- 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

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

H. Chair Report

Magnan reiterated no exparte communication. There is no pre-determination on applications and the IWA takes great pride in the process.

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 January 20, 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 8:20 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.