

Minutes of the Special and Organizational Meeting of the Inland Wetlands Agency on January 16, 2019.

A. Roll Call

Present: Brendan Magnan, Daniel Bedeker, Ranjit Bhawe, Matthew Connors, Ken Cowden, Dave DeFlumeri, Lily Flannigan and Steve Munson.

Absent: Jim Connors and Carol Dunn.

Also Present: DPLU Director Joe Griffith, MaryRose Palumbo and Lisa Streit

MaryRose noted that Bedeker has been sworn in by the City Clerk.

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

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B. Organizational Meeting

MaryRose reviewed Chairman responsibilities:

MILFORD INLAND WETLANDS

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 DeFlumeri to nominate Magnan Chairwoman. There being no further nominations, they were closed. Streit cast one vote deeming **Magnan** Chairman.

Magnan 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.

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

Magnan reviewed the Parliamentary responsibilities.

Bylaws 5.5

The Parliamentarian 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 Parliamentarian shall rule on questions of procedure in accordance with Robert Rules of Order.

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

A motion was made by DeFlumeri, seconded by Cowden 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 Dan Bedeker. 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. New Business

- 1. IW-A-19-004: 420 West River Street, The Milford Cemetery Association** – proposed construction of a new cemetery with a columbaria and ceremonial area with grading and filling of 1200 sq. ft. of wetlands for access in the Wepawaug River Watershed.

MaryRose reviewed that this is an application by the Milford Cemetery Association for a cemetery at 420 West River St. The Cemetery Association currently has an MIWA approval in place for this site from 2005. That approval will expire in April of this year. The Association received the approval in 2005 in anticipation of needing the cemetery space. They have not found a need to construct the project yet. Under the Statute there are no more extensions available for the permit and it will expire in April. The Association has decided that they would reapply with essentially the same layout. As more than 10 years has passed since the last flagging the soils were reflagged by Scott Stevens. The farming activity and associated buildings were removed from the site in 2005 / 2006. Mr. Stevens extended the wetland flagging into the area formerly occupied by farm structures. The site is currently mowed fields. The applicant is proposing to move the plantings that the Agency required in 2005 to the new wetland line. This evening Attorney Joe Kubic, Engineer Ron Wassmer and

Cemetery Board members Jim Beard, President of Cemetery Association and Ray Oliver, Vice-President are here to answer your questions.

Atty Kubic noted that there was a transposed number in the application. The disturbed wetland area is 2,100 not 1,200 square feet of disturbance for the access road. Atty Kubic requested a fee waiver for this non-profit association, which maintains Milford's graves back to the 1600s. In planning for the future the Association purchased the Aldo Farm property in 2005. The 2005 proposal was for 5323 grave sites and a columbaria. June 15, 2005 DPH approved the columbarium. In June 2005 P&Z approved the project and that approval expires in 2020. There has been a shift from burials and graves to cremation so they have not needed to start using this property as of yet. The new application is for 5056 grave sites which is a loss of 267 from the previous application. They are still disturbing .04 acres but will be improving .9 acres. Most of the activity is in the upland review area.

Ron Wassmer, Professional Engineer and Land Surveyor, spoke about sheet EX-1 and orientated the Agency to the site. He stated that it is an 11.4 acre site with 3.4 acres of wetlands. Sheet Sp-1 indicates the layout of all of the plots with a legend to describe the grave layout. There is an elliptical shaped road to West River St. They are proposing a maintenance /storage building and a few bins for storage of excavation material from the graves. Sheet U-G-1 shows the grading plan. There is no real need for excavation or filling other than in the columbarium area to have that flat. Adjacent to the label of Caron property is the area of filling for the access driveway near Matthewson School. Wetland Flags 8-10 are in the vicinity of the area to be filled. Wetland flags 12-16 were the historical wetland line. The new line is labeled 12a-f and is roughly in the area where the farm buildings were removed in 2005/2006. The area was excavated and those areas are now created wetlands in the amount of approximately 0.27 acres.

They are proposing underground electric and water service to the to the small maintenance building. There will be no need for a sanitary sewer or septic as this is primarily for storage. There will be no office building on site. There are a few catch basins proposed in the columbarium area. To the North of the building is the discharge pipe for the catch basins.

Wassmer reviewed the sedimentation and erosion control plan and details. Roadways will be a 22' wide gravel road with minimal use. It will remain as a cemetery there will be no change in the runoff from the site. The cemetery doesn't use any pesticides. Included in the package was the 2005 landscaping plan. He is proposing a change to L-1 to bring the wetland plantings to the 2018 wetland line edge on the water side of the wetlands line; this will create a physical barrier to the wetlands area. L-2 is the planting detail sheet. Last sheet is floor plan of the maintenance building and the columbarium. The sheds and greenhouses were removed from the 2005 plan and .27 acres of wetlands are to be created due to that action.

Wassmer submitted a set of 6 photos taken earlier this week.

1. From West River Street
2. About half way into the cemetery showing higher grasses
3. Upland but adjacent to the wetlands some flags in the area of wetland flags 12e-12c are visible.

4. Overlooking the wetland flags 21-23 area of terminus of the cul-de-sac towards the proposed maintenance building
5. Looking towards the wetland flags 8-10 area of filling for access drive
6. Near wetland flags 10/11 looking towards 6-7-8 the bulk of the photos include wetlands

Ray Oliver 3 Lafayette St, Architect, VP of Milford Cemetery Association reviewed the plan. The building proposed is a small maintenance building for storage of vehicles; no personnel will be operating from the building. There will be no office just vehicle storage (backhoe, etc). There will be water and power to the building – no sewer.

The proposed Columbarium is similar to the one at the Kings Highway cemetery with a reflective area. These are permanent niches, there are low and high areas so that services could be held there for the families when the remains are dedicated to the structure.

Magnan asked about the conditions of the past approval. MaryRose read them into the record:

- A permit condition bond to be calculated must be posted with the MIWA *prior* to the start of work for the construction and grading of the access roads, utility garage and storage area and columbarium. The bond may not be released until the site is stabilized, the asbuilt showing finished 2' contours and locating all site utilities and structures has been received and the site inspected and approved for compliance with the permit.
- A mitigation and monitoring bond to be calculated for the grading, planting and monitoring of the mitigation areas for a period of 3 years. The monitoring will include supervision and reports by a biologist or professional wetland scientist of the plant installation and twice a year for a period of 3 years to ensure the survival of the plantings and that the mitigation meets the goals of the design.
- The pond must be identified on the plans as a pond and those plans submitted prior to the start of construction on the site.
- A maintenance plan for the catch basins must be submitted and adhered to.
- Only natural pesticides and fertilizers may be used on the property.
- There will be no snowplowing or stockpiling of snow in the wetlands.
- No gravel from the gravel roads can enter the wetlands as a result of snowplowing.
- No salt may be used for the plowing and sanding.
- The permit issue date is 4/6/05 and now expires on 4/6/19.

Flannigan questioned when you prepare for a burial and you remove the earth; where would this go. She further stated that the older cemetery has a section near the railroad tracks with piles of debris and dirt and old trees. Oliver stated that there is an area near the maintenance building (the closest wetlands flag is #24) for excess material to be stored and over time to be used on site to fill plots or taken off site if there is excess. He further stated that at the old cemetery there isn't a place for the material, at Kings Highway there is a place and they planned for it here.

Magnan asked if there are any invasive species onsite. Wassmer stated that he didn't notice phragmites or knotweed; he did see some milkweed, but did not go into the wooded area. He also noted that he is not a Botanist and he is just giving the Agency the information of what he noted on the site. Ray Oliver noted that after they acquired the property they planted mixed conifers along the highway. The Agency viewed a colored rendering from the 2005 file.

M. Connors stated that this is a new kind of application for him to understand. He asked about embalming fluids and potential impacts to the wetlands. And he asked Wassmer if, in his opinion, the wetland that expanded between 2005 and 2018 will expand further. Atty. Kubic stated that the caskets are placed in concrete vaults that seal the casket inside. Wassmer stated that in his opinion the wetlands were created by the applicant when the farm buildings were removed and would not further expand.

Munson asked if there was filling in the original plan. Wassmer stated that the filling has not expanded from last approval. Munson noted that the Agency previously held a public hearing for this project.

Bhave asked how much excavation there would be for the columbarium and if there would be cuts or fills. Also, will that have any impacts on the wetlands? The stormwater system is creating an area for concentrated discharge. If possible could they eliminate the stormwater system and let water sheet flow into existing wetlands instead of concentrated flow. Wassmer stated that the catch basin is proposed at elevation 59.5, the existing grade is at 58'. At the back of the columbarium the contour is 56 to 54. There is shallow excavation in the road to create a crown. There is more fill onsite then excavation. The stormwater system was requested by the former City Engineer in 2005. They could grade it differently. MaryRose deferred to City Engineer Greg Pidluski but stated that there is a potential for a rain garden along the side of the columbarium that could dissipate the flow.

Magnan questioned what the foot traffic would be around the columbarium. Wassmer stated that plantings from the woods edge to the wetland line will prevent foot traffic in that area.

Cowden stated that he has the same concern as Flannigan and suggested a few additional plantings to the right of the bin and a sign that says no filling in this area by the storage building. He is in favor of a rain garden.

DeFlumeri asked if there were any more plots proposed in the area to the west and if there was any testing done for contaminants. Atty. Kubic stated that there are no additional plots proposed other than what is shown; and that there was testing in 2003 by Delta Environmental when the Cemetery Association purchased the property; there were no special concerns. He will submit a copy of this report for the record.

MaryRose reported that this is an application that is before the Agency for receipt at this meeting. This evening the Agency can:

Ask questions

Ask for further information

Schedule a site walk

Schedule a public hearing

Take no action.

After some discussion, it was the consensus that there would not be a site walk or public hearing for this application.

No action taken.

G. Minutes

A motion was made by DeFlumeri, seconded by Flannigan to accept the minutes of 12/19/18 as presented. The motion carried with Bedeker, M. Connors, Cowden and Munson abstaining.

H. Staff Report

- MaryRose welcomed everyone and distributed is a draft synopsis of Commissioner Experience. Please mark up the synopsis and return it to MaryRose. She will update it and have it for the next meeting. The purpose of the synopsis is so that other Commission members and applicants will know what commissioners' areas of expertise are.
- A DRAFT contact sheet was distributed to make any corrections and return it to MaryRose this evening.
- A notice was distributed last week about the CT Bar Associations all day land use seminar on Saturday, March 23 at Wesleyan. This is a good education on both Zoning and Wetland Law. We do not have sufficient funds to send the entire Agency but we can send several members if you are interested please let the office know.

Annual reminders were reviewed:

- 1) That you cannot talk about an application that is before the Agency to 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) She had the Milford Ethics brochure available if anyone needs a new copy, the book has not changed.
- 3) She gave the annual handouts to Commissioner Bedecker including past correspondence from the City Attorney's office on ex parte communication and individual research by Commissioners.

Site Status:

- 33 Schoolhouse Rd, Original Ecosystems is doing the invasive management and basin plantings and monitoring for the site.
- Welch's Point Rd Pump Station is ongoing. The area is stabilized for the winter and will be seeded in the spring.
- Rock Lane Pump Station is ongoing. The area was seeded in the fall and will be reseeded in the spring.
- Forest Rd –waiting asbuilt.
- Great River Golf Course – waiting to receive the revised mitigation plan for planting.
- 0 Tanglewood Circle –asbuilts have been received. The mitigation will continue per the conditions.
- 24 Cooper Ave The property owner submitted plans for a new house using the same foot print. Per your approval last summer I authorized the change. He is still considering changing from a rain garden to rain barrels. He stated that he understands he will need his and the City Engineers approval before we can accept that change to the approved plans.

- 74 Surf Av – waiting on the asbuilt.
- Ford St / Bailey Ln – ongoing.
- Wheelers Woods – ongoing.
- Eastern Steel Rd – Rail Road Culvert – She attended the pre-construction meeting last week. The contractor is onboard and the work is expected to start this Spring. The existing culvert is fully blocked and they are currently piping the water over the tracks to avoid flooding out upstream property owners. They anticipate opening up the existing culvert prior to starting the new culvert work.

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

I. Chair Report

New member Daniel Bedeker was introduced and welcomed.

The next meeting will be February 6th in Conference Room B. Please let the office know if you cannot attend.

There being no further business to discuss, a motion was made by Munson, seconded by DeFlumeri to adjourn at 8:40 p.m.

Respectfully submitted,



Lisa Streit

These minutes have not been accepted or approved

