

**A. Roll Call**

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

Absent: Dave DeFlumeri, Gerry Panico and Lisa Tryon.

Also Present: MaryRose Palumbo and Lisa Streit

Magnan called the meeting to order at 7:30 p.m. and deemed M. Connors the voting alternate and 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. Pledge**

All stood for the Pledge of Allegiance.

**C. Public Comments**

None.

**D. Old Business**

1. **IW-PA-21-0086: 1500 Windward Road, Milford River Associates** – proposed 6-building condominium expansion with construction, grading and drainage work within 100' of a watercourse in the Housatonic River Watershed.

MaryRose reported that this is for a 6-building condominium expansion at Caswell Cove Condominiums. The site is located along the Housatonic River. There is a retaining wall along a portion of the river on this property. The Agency jurisdiction runs from mean high water (MHW) landward 100' in this watershed. The work proposed within the 100' upland review area includes road construction, grading, stormwater system discharge and bioretention plantings. They have proposed silt fencing with fiber waddles for sedimentation and erosion control and haybales around catch basins as constructed. The City Engineer has received the revised plans. MaryRose has requested a review when it is completed.

This morning a petition was received signed by 66 citizens requesting a public hearing for this application.

At the last meeting the Agency had scheduled a site walk for 1/11/22. That site walk was canceled due to the significant cold wave and high winds. MaryRose walked the site on 1/12/22 with Joe Codespoti, Jr. and that report is in the meeting links. She also took several videos of the site and will share them.

Stephen Bellis of the Pellegrino Law Firm, Jeff Gordan of Codespoti & Associates were in attendance to answer questions.

This evening the Agency can:

- Ask questions.
- Request additional information
- Schedule a public hearing (a petition was received as of 1/19/22).

The following motion was made by J. Connors, and seconded by Munson:

Due to the receipt of a petition with 66 signatures, I move that a public hearing be scheduled for application IW-A-21-0086: 1500 Windward Road for February 16, 2022. The motion carried unanimously.

If commissioners have any questions, please get them to MaryRose individually and she will compile them and get them to the applicant so they will have time to address them before the public hearing.

A site walk was discussed, and the consensus was that viewing a video of the site would suffice.

2. **IW-PA-21-0084: 1 Smith's Point Road, James and Julie Blakeman** – proposal to raze existing house and construct a raised single-family home with work within 100' of a watercourse in the Housatonic River Watershed.

MaryRose reported that this is a proposal to raze an existing house and build a flood complaint home at 1 Smith's Point Road by James Blakeman. The site is located between the Housatonic River and Long Island Sound. The Agency jurisdiction runs from mean high water (MHW) landward 100' in this area. For this site MHW is at the retaining wall that runs along the access driveway to the north and along Long Island Sound to the south as shown on the site drawings. Mr. Blakeman has proposed silt fencing along the perimeter of the property. MaryRose visited the site on 1/12/22 with the City Engineer; that report and the City Engineer's review are in the meeting links.

MaryRose discussed her site walk memo from 1/12/22, the requested notes that were added to the site plans and PWS Steve Danzer's review and opinion that there will be no significant or detrimental impacts to the Housatonic Estuary or Long Island Sound water bodies from this proposal.

Mr. Blakeman, Attorney Bellis and his engineer Fred D'Amico were in attendance to answer any questions.

Attorney Stephen Bellis stated had they had to come to wetlands Agency in order to have the Agency give a report to the Planning and Zoning commission. This application was presented at the last meeting.

M. Connors stated that he had concerns about the location of trash cans given the house will be raised. MaryRose stated that this is not something that the IWA can regulate.

Magnan stated that 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 01/19/22).
- Approve the application.
- Deny the application.

The following motion was made by J. Connors and seconded by Donaldson-Gladue:

After duly considering all relevant factors, to approve IW-A-21-0084: 1 Smiths Point Road based on the plans entitled “*Proposed Site Plan James Blakeman, 1 Smith Point Road, Milford, Connecticut*” by D’Amico Associates, 2 sheets, dated 8/01/2021 rev 1/14/2022, the information in the file and presented this evening, for the following reasons:

- *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.
- Property owner shall be responsible for ensuring any disturbed area 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.
- Compliance with the City Engineers requirements for stormwater.
- A permit condition bond to be calculated must be posted with the MIWA for S&E controls and an asbuilt showing finished 2’ contours and locating all site structures.
- Stormwater treatment must be installed as approved on the plans unless any changes are approved in writing *prior to making that change*.
- 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 is issued 1/19/22 expires 1/19/27 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

**3. IW-PA-21-0066: 16 Marsh Street, 49 Bridgeport Ave, LLC** – proposal to raze existing house and construct a raised single-family home with work within 100’ of a watercourse in the Housatonic River Watershed.

MaryRose reported that this is a proposal to raze an existing house and detached garage and build a flood complaint home at 16 Marsh St by David Plaskon. The site is located behind the tide gate and there is a retaining wall at the rear of the property. The Agency jurisdiction runs from mean high water (MHW) landward 100’. Mr. Plaskon has proposed silt fencing along the perimeter of the property and has noted on the plans that no soil will be stockpiled to the rear of the site and that dewatering will be through appropriate measures and not directly into the wetlands. Stormwater is proposed to be handled by rain barrels and has been reviewed by the City Engineer.

David Plaskon was in attendance to answer any questions.

Plaskon stated that he is looking to build a flood complaint home for his family

Magnan reviewed information from the last meeting. Munson stated that he felt everything was covered for this application at in the last meeting J. Connors agreed

This evening the Agency can:

- Ask questions.
- Take no action.
- Request additional information.
- Approve the application.
- Deny the application.

The following motion was made by J. Connors and seconded by Donaldson-Gladue:

After duly considering all relevant factors, to approve IW-A-21-0066: 16 Marsh Street based on the plans entitled “49 Bridgeport Avenue LLC on 16 Marsh Street, Milford, Connecticut” by Paul J. Stowell Land Surveying, 3 sheets, dated 3/28/2021 rev 12/16/2021, the information in the file and presented this evening, for the following reasons:

- *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.
- Property owner shall be responsible for ensuring any disturbed area 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.
- Compliance with the City Engineers requirements for stormwater.
- A permit condition bond to be calculated must be posted with the MIWA for S&E controls and an asbuilt showing finished 2’ contours and locating all site structures.
- Stormwater treatment must be installed as approved on the plans unless any changes are approved in writing *prior to making that change*.
- 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 is issued 1/19/22 expires 1/19/27 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

**4. IW-PA-22-0002: 7 Smith Avenue, JMAK Properties, LLC – proposal to construct a raised single-family home with work within 100’ of a watercourse in the South-Central Shoreline Watershed.**

MaryRose reported that this is a proposal to build a flood complaint home on a vacant parcel at 7 Smith Avenue by JMAK Properties LLC. The site is located along the beach with Mean High Water (MHW) at the retaining wall on the southern property boundary. The Agency jurisdiction runs from mean high water (MHW) landward 100’. They have proposed silt fencing along the perimeter of the property. Stormwater is proposed to be handled by infiltration galleys and has been reviewed by the City Engineer.

Philip Krebs of JMAK Properties and his surveyor Ron Wassmer were in attendance to answer any questions.

Ronald Wassmer PE, CT Civil Group, Philip Krebs stated they are present and happy to answer any questions from the commission not answered at the last meeting

Munson stated that he feels that they have explained what they are proposing at the last meeting.

This evening the Agency can:

- Ask questions.
- Take no action.
- Approve the application.
- Deny the application.

The following motion was made by J. Conners and seconded by Donaldson-Gladue:

After duly considering all relevant factors, to approve IW-A-22-0002: 7 Smith Avenue based on the plans entitled "*Site Plan 0 Smith Ave, Milford, Connecticut*" by CT Civil Group, 3 sheets, dated 11/17/2021, the information in the file and presented this evening, for the following reasons:

- *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.
- Property owner shall be responsible for ensuring any disturbed area 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.
- Compliance with the City Engineers requirements for stormwater.
- A permit condition bond to be calculated must be posted with the MIWA for S&E controls and an asbuilt showing finished 2' contours and locating all site structures.
- Stormwater treatment must be installed as approved on the plans unless any changes are approved in writing *prior to making that change*.
- 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 is issued 1/19/22 expires 1/19/27 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

## **E. New Business**

1. **Notice of Violation IWC-2022-0003 615 Plains Rd., 615 Plains Rd, LLC** – School bus storage, maintenance, and dispatch facility w/outdoor fueling station with work completed within 100' of an inland wetlands or watercourses in the Housatonic River Watershed without a permit. MaryRose reported that this is a violation issued Andrew and Jason Julian for work within 100' of a wetland without a permit on their property at 615 Plains Rd. Mr. & Mr. Julian were in the process of obtaining permits to renovate their property to make it a bus storage, dispatch and maintenance facility with an outdoor fueling station. In reviewing the proposal for their Planning and Zoning

application MaryRose visited the site and found the work to be essentially completed including work adjacent to an intermittent watercourse. She does not know if the erosion controls were established when the site work was done. A large portion of the site is paved and stable, however, she does not feel that the slopes adjacent to the intermittent watercourse are sufficiently stabilized and issued a violation and ordered that:

1. By **1/19/22** install proper soil erosion and sedimentation controls on the slope adjacent to the intermittent watercourse
2. By **2/1/22** submit a detailed mitigation and planting plan for review and approval by the MIWA to restore the wetland. Plan to be designed by a professional wetland scientist and include at a minimum:
  - a. Stabilization of soil.
  - b. Planting of native shrubs back into the disturbed area.
  - c. Proposed timeline for execution of the mitigation plan to remove material, plant, and stabilize the disturbed area including two years of twice a year monitoring by a professional wetland scientist.
  - d. 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.
  - e. Outline of responsibilities of property owner for watering and maintenance of plantings to ensure survival.

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.

Jason Julian owner of 615 Plains Road and Ron Wassmer, PE, CT Civil Group were in attendance.

Magan asked why they did not come before the MIWA prior to the work being done.

Wassmer stated that he was under the impression that there were no wetlands on the property. The drainage on Raton drive is completely non-functional. Every catch basin and every pipe was full of sediment. The catch basin was cleaned by the applicant because the water was almost 2' deep in Raton drive during the rains this summer, mainly because of other properties in the area with unstabilized soils. The intermittent watercourse didn't really exist prior to this project. The Julian's cleaned out the catch basins, after checking with the City to clean the street.

Wassmer stated that the plans for this project were submitted to P&Z as far back as December 2020. They were revised as requested by the City Planner and then resubmitted by June 30, 2021. The majority of the site is paved and stabilized and there is only about 25' of this drainage ditch. They were not trying to avoid wetlands, but that drainage ditch was non-existent prior to the Julian's clearing the street.

Wassmer stated that there was silt fencing up, there is not now, it was removed by the contractor. They did seed the slope, but it was late in the season. They talked to the site contractor today who is willing to install waddles or silt fence back in place. They would like a meeting with staff to ensure it is located as the Agency would like. In his opinion the turbidity is not caused by this property.

Jason Julian, property owner and long-term property holder, stated that they did have silt fencing up on day 1. They had a 3<sup>rd</sup> party engineer and various inspections on site. There were waddles, silt sacks in the catch basins, etc. on site. They had McVac clean the City's catch basins. They

have documentation including pictures and videos of silt coming into the street from the dirt bike track across the street. Seed was put down late in the year and didn't get a good chance to germinate, over the years they have seen that swale fill. Happy to comply with whatever the Agency would like for erosion controls. They have upgraded to an A-1 building for the bus company that serves the city, who will be going into this site.

MaryRose agreed with Wassmer's assessment and showed pictures of the site; everything slopes from Raton Drive to Plains Road. Some stabilization is needed.

This evening the Agency may:

- Ask questions.
- Ask for further information.
- Uphold the violation as is
- Uphold and modify the violation.
- Release the Violation.
- Refer the Violation the City Attorney's Office for resolution

The following motion was made by J. Connors and seconded by Donaldson-Gladue:

I move that cease-and-desist order IWC-2022-0003 615 Plains Rd, be upheld and modify the order to have erosion controls installed by 2/1/22 and professional wetland scientist report in by 2/28/22.

The motion carried unanimously.

## **F. Minutes**

An error was noted on page 2, second bullet of item 1 should read – Topography **to** be added to the plan in the area of the patio and wetland. A motion was made by Munson, seconded by J. Connors to accept the minutes of 01/05/22 as amended. The motion carried with M. Connors abstaining.

## **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. Taft emailed the annual information prior to the last meeting 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.
3. CT DEEP IWA Commissioner training is available online. MaryRose will send the information for it when it is available. She forwarded the educational information links to the past CT DEEP IW training page where there is past training information and videos as well as UCONN Land Use Academy training.
4. The CT Conference of Municipalities (CCM) is offering a free webinar for elected and appointed officials on ethics, FOIA and conducting public meetings on January 20, 2022, from 1:00 – 3:00pm.

the City of Milford is a member of CCM, and all elected and appointed officials are encouraged to attend. Use the following link to sign up.

### **ETHICS, FOIA & PUBLIC MEETINGS**

Thursday, January 20<sup>th</sup>

1:00 – 3:00pm

**Overview:** This session will provide an overview of the Freedom of Information Act (FOIA), ethics and how to run a legal and effective public meeting.

*Presented by Kari Olson (Partner, Murtha Cullina) and Joseph Szerejka (Associate, Murtha Cullina)*

5. MaryRose will also sent out the Commissioner Synopsis sheets. If you could mark them up and return them by email with any changes that would be very helpful.
6. Please be sure we have the correct email and phone numbers for you.
7. 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.
8. The office continues to be with busy with inquiries, bond release requests and minor reviews and other reporting. We continue to have flooding complaints come in and are working through them to address the concerns. We are now digitally accepting applications through the online permitting request system City Squared into Muncity the permitting software.

#### Site Status:

- 0 Tanglewood Circle –waiting on the permittee to schedule meeting to walk the site and take photos for review at an upcoming meeting. He has stated he will contact MaryRose for the walk.
- 30 Bridgeport Ave – waiting on asbuilt.
- Florence Ave – modified permit has not been taken out.
- 17 Maddox Av – waiting on bond release.
- 114 – 122 – 124 – 128 Merwin Ave – ongoing. The berm has been installed behind 122 & 128.
- 31 Pearl Street – waiting on bond release.
- 33 Pearl Street – ongoing.
- Terrace Rd is completed, waiting on asbuilt review.
- 161 West Rutland Rd – ongoing.
- Wheelers Woods – ongoing, completion anticipated in February, plantings are in and doing well.
- Milford Cemetery – 420 West River St – plantings were installed, and site has been stabilized for winter.

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. MaryRose has sent the link to the training on Ethics and Exparte Communication that is tomorrow from 1:00 – 3:00 and you can still sign up if you would like to attend.



Magnan also encouraged commissioners to read:

\*Section 1.1 of the IWA Regulations which is what the Legislature intended when creating the IWA's – 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.

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 February 02, 2022, via ZOOM. There will be a Public Hearing on 2/16/22. Please let the office know if you cannot attend.

There being no further business to discuss, a motion was made by Connors, seconded by Donaldson-Gladue to adjourn at 8:50 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.