

A. Roll Call

Present: Brendan Magnan, Daniel Bedecker, Ranjit Bhawe, Brian Black, Jim Connors, Buddy Field, Steve Munson, Nick Ricci and Julie Valvo.

Absent: Matthew Connors.

Also Present: MaryRose Palumbo and Lisa Streit.

Magnan called the meeting to order at 7:30 p.m and deemed there was a quorum and welcomed new member Buddy Field as the voting alternate for this meeting.

Magnan reviewed: As we continue to host remote meetings, he 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. **IWC-23-0014: 68 Surf Ave and City of Milford Willow Street, Elizabeth M. McDonald** – improvements and material storage on site ad in the Willow Street City ROW in and within 100' of inland wetlands in the South Central Shoreline Watershed without a permit.

MaryRose reported that this is a violation issued 12/28/23 for work in a wetland and 100' upland review area without a permit at 68 Surf Ave. At the 2/21/24 meeting the Agency modified the violation to require a map/ sketch / drawing showing the structures / and improvements be submitted by 3/14/24 for determination if they are permittable under section 4 of the MIWA regulations as Uses Permitted as of Right. The Agency also asked that City Engineering review the Willow St ROW. The Agency needs to ensure that the improvements that they are being asked to permit are on the property at 68 Surf Ave. Engineering surveyed and staked the ROW line on 3/04/24.

On 3/13/24 MaryRose met with John Shea, Liz MacDonald's husband, who submitted a site sketch using maps from the adjoining properties as references. Mr. Shea acknowledged that the ROW stake set by Engineering is behind their shed and they are about 6' into the paper street. Mr. Shea said that they were interested in seeking abandonment of the paper street but will need to discuss it with the neighbors. The Engineering Chief's photos of the pins are in the meeting documents.

- The Agency cannot permit structures that are not on the applicant's property/without the owner's permission.
- The submitted sketch on the Codespoti & Associates survey for 74 Surf Ave shows the location of the tidal and inland wetland lines up to the right of way. The wetland locations on Ms. McDonald's property are unknown.
- The approximate locations of the structures in and within 100' of inland wetlands requires IWA review.
- The improvements in the tidal wetlands requires CT DEEP review.

The property owner, Liz McDonald, was in attendance to answer any questions.

Liz McDonald stated that she didn't have anything to add at this time; they would like to clarify what needs to be done to satisfy the situation.

Magan stated that the agency would need to defer until the paper street issue is resolved and can't permit the structures in the wetlands; they would have to be removed.

This evening the agency can:

- Ask questions.
- Take no action
- Modify the violation (*change the date that wetland flagging and mapping is required by*)
- Release the violation (*issue a JR for the structures that the Agency determines are allowable under Section 4, note IWA cannot issue approvals for structures not on the applicant's property*)
- Refer the violation to the City Attorney

Liz McDonald stated that they would move the shed and fence to expedite the resolution of the violation. She is concerned that acquisition of the paper street may take a long time, they could still do that in the future after this is resolved. She said that they are willing to eliminate the shed; they can't afford the survey or Soil Scientist.

Magnan – stated that the agency didn't seem to have issues in the past with the garden bed and pool.

Connors stated that moving the planting area and shed would be the simplest solution.

A discussion followed regarding the planting area being considered an allowable use under Section 4 of the MIWA Regulations and moving the fence to the property line.

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

I move that cease-and-desist order IWC-23-0014 68 Surf Ave and City of Milford Willow St ROW, be modified and that by 5/09/24 the property owner be required to:

- Remove the shed (12 X 7 X7 shed)
- Move the temporary shed (6 X 9 shed) and garden onto the McDonald Property
- Fence to be moved back to the property line.

That is my motion.

The motion carried unanimously.

E. New Business

1. **IW-23-0011: 149 Castle Lane, Frank Carangelo** – proposed 16' x 32' inground pool with work within 100' of a wetland or watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a pre-application at 149 Castle Lane for the installation of a 16' X 32' inground pool with a concrete surround and associated grading, and appurtenance work within 100' of a wetland in the South Central Shoreline Watershed by Frank Carangelo.

MaryRose visited the site on 3/14/23, her site walk notes and photos are in the meeting documents. The site is located next to wetlands associated with Calf Pen Meadow Creek; a freshwater creek that turns brackish to tidal in this area. There is no soil report or survey on file for the property. Mr. Carangelo has submitted sketches for the proposed pool location. The site walk photos show the proposed pool location staked behind the house. Mr. Carangelo is proposing to have the pool level with the existing concrete patio and using fill from the excavation to fill in / grade the area around the pool and yard. The silt fencing location in the photos is approximate as it is not properly buried per the CT DEEP 2023 Erosion and Sedimentation Controls Manual; it is only held down by concrete blocks.

Calf Pen Meadow Creek and associated wetlands appear to be less than 40' from the proposed pool location with grading between the elevated pool and the silt fencing. There is a hedgerow behind the silt fencing. Between the hedgerow and Calf Pen Meadow Creek there appear to be wetlands. The approximate elevations from the City GIS system show the Calf Pen Meadow Creek at elevation 4' and the area of the proposed pool to be at 10'. MaryRose reviewed the photos taken in her site walk.

Lynn & Frank Carangelo were in attendance to answer any questions.

This evening the Agency can:

- Ask questions.
- Take no action.
- Request additional information
- Require a full application.
- Approve the pre-application.
- Deny the pre-application.

Lynn & Frank Carangelo stated that they will do whatever they have to do to get the pool approved. The **barrier barrier** is up to show what they plan on doing. If there is anything else required, they will do it.

Connors questioned how big the patio would be around the pool and how high the pool would sit above the ground. Also, what is the elevation difference between the rear of the house and the end of the grading and could a retaining wall be considered behind the pool to avoid the fill.

Carangelo said that the concrete will be 6' from the house and maybe 3' off the pool. The pool will be 3' deep on one end to 4' in the middle and 5' in the deep end. It is a shallow pool to avoid hitting water if they go deeper. The elevation change is 1' - 2'. They are trying to limit expenses and avoid a retaining wall. They will taper it down to the hedges but could move the property line if need be.

Field suggested that they consider doing a survey to show what is proposed and what is existing as this would help protect the applicant so they know what they will be getting and the approval would be clear. He explained that it is better to make a mistake on paper than out in the field and there are many Engineers out there that could do a survey. Connors further explained that a survey will address elevations so the applicant will know what the grades will be. When they are in a flood plain, they wouldn't want any issues where fill is placed, impacting the applicant or their neighbors.

Magnan stated that there is enough concern by the Agency to have a full application. MaryRose reviewed the options; a full application with plantings and stabilization addressed verses a Jurisdictional Ruling which would have no conditions. She recommended a full application in order for conditions to be made.

Magnan stated that a land survey and a properly engineered plan would be expected. Ms. Carangelo questioned if the City Engineer could do this work; she also did not want to delay the process and would like to be on the next agenda. Magnan explained that the City cannot do work on private property. The IWA cannot design an application but can give directions in that a design plan that is commensurate with the complexity of the application is needed.

Magnan stated that it doesn't make sense for the agency to consider the project until there is a proper design. So, while this may be on the Agenda, a decision could not be made without the proper information.

No action taken.

F. Minutes

A motion was made by Black, seconded by Field to approve the minutes of 03/06/24 as presented. The motion carried, by roll call vote, with Munson abstaining.

G. Staff Report

The office continues to answer inquiries, minor reviews, and submit reports to other departments. Citizens have been noting higher water levels in the streams and ponds. This is most likely due to the higher than average rainfall over the winter.

Vernal Pool training and Beach Association Presentation in April

MaryRose sent out an email for Vernal Pool training on 4/06/24 in Greenwich and CT DEEP Beach Association Guide to Coastal Activities and Permitting presentation on 4/04/24 virtually and in Fairfield. The links are in the email and in her draft meeting notes.

You can register here :

[Register: Vernal Pool Training 4.6.24 - Connecticut Audubon Society \(ctaudubon.org\)](#)

CT DEEP Beach Association Guide to Coastal Activities and Permitting presentation, RSVP to Perzanowski, Kathleen Kathleen.Perzanowski@ct.gov

Training for IWA Commissioners.

Milford is fortunate in that the IWA staff and majority of Commissioner have received training Certificates from DEEP and several members and Staff have completed UConn Land Use Academy (LUA) Training. If anyone would like to take LUA training there are several virtual and physical training options coming up. As always the CT DEEP IWA Commissioner training is available online [Training](#)

[for Inland Wetlands Agencies \(ct.gov\)](#). There are links for training in the draft meeting notes and on the IWA Commissioner Page. Commissioners Black and Ricci recently completed their training and have received their certification.

<https://clear.uconn.edu/training/land-use-commissioner-training/>
Land Use Commissioner Training Calendar



CT Land Use Commissioner Training	
Today	Thursday, February 29
Thursday, February 29	
7:00pm	Putting Community Puzzle Pieces Together - Virtual
Thursday, March 21	
12:00pm	Basic Training Webinar Series - Virtual/online
Thursday, April 18	
12:00pm	Basic Training Webinar Series - Virtual/online
Saturday, April 27	
8:30am	CLEAR Land Use Academy - Basic Training
Showing events until 4/30. Look for more	

There is a bill before the state legislature concerning the establishment of riparian buffers and revision of certain inland wetlands provisions. To develop buffers and setbacks from waterways and wetlands and require certain inland wetlands training and materials. The text and the tracking information for those bills are in the draft meeting notes.

Tracking:

https://www.cga.ct.gov/asp/CGABillStatus/cgabillstatus.asp?selBillType=Bill&bill_num=HB5218

Text of the Bill: <https://www.cga.ct.gov/2024/TOB/H/PDF/2024HB-05218-R00-HB.PDF>

This bill was reviewed in a public hearing on February 28 by the Environment Committee. There was considerable testimony submitted, almost all in support, which can be viewed here:

https://www.cga.ct.gov/asp/CGADisplayTestimonies/CGADisplayTestimony.aspx?bill=HB-05218&doc_year=2024

Community Rating System (CRS) FEMA Reporting

MaryRose submitted the Elevation Certificates and permit list from the Floodplain Manager to FEMA CRS/ISO for the annual CRS reporting 2/01/24 deadline. This is an annual report sent to FEMA to remain in the Community Rating System (CRS). The objective of CRS is to recognize communities that are doing more than meeting the minimum National Flood Insurance Program (NFIP) requirements to help their citizens prevent or reduce flood losses. The CRS also provides an incentive for communities to initiate new flood risk reduction activities. MaryRose is collecting the annual report data in preparation for Milford's 5 year cycle visit. At the visit, the FEMA representative will review the work that is being done and evaluate if the City can achieve a higher ranking, remain the same or retrograde. FEMA has asked for revision of some of the submitted materials. The City currently has a CRS rating of 9 which gives citizens with flood insurance a 5% discount on their flood insurance premium.

MS4 (Municipal Separate Storm Sewer System) Public Works is working on this with Engineering. MaryRose has supplied the data as requested.

MIWA Reference Page

MIWA Clerk Taft Clark has created a reference page for you all to access. The link is [HERE](#) . The page contains:

- MIWA meeting dates (first and third Wednesday at 7:30 pm)
- MIWA Regulations
- MIWA Bylaws
- Milford Ethics Commission Guide
- Past memos from the City Attorney's office on Inland Wetland legal questions and cases
- Training opportunities with CT DEEP and UConn for land use commissioners.
- MIWA webpage
- Milford YouTube page (MIWA meeting videos are available here)
- MIWA meeting Zoom link.

The office has been working on a number of inquiries, complaints, minor reviews, and other reports.

Site Status:

Project Site	Status	Monitoring Reports	
		Last Received	Final Due By
50 Bolt Lane	Permit taken out		
1553 Boston Post Road	Asbuilt received		
30 Bridgeport Ave	Waiting on asbuilt		
0 Cherry St/Jefferson Park	On hold		
67-69 Cooper Ave	Ongoing		
94 Edgewater Place	Bond released		
201 Kings Highway	Ongoing		
104 Lavery Lane	Ongoing		
114,122,124,128 Merwin Ave	Ongoing	8/29/23	
40 Morehouse Rd	Ongoing, adding 2 nd story – no change to footprint		
690 New Haven Ave	Construction bond released; mitigation bond remains through 6/26 monitoring report.	6/23	6/26
8 Pepe's Farm Road	Ongoing monitoring, final fall monitoring postponed until June 2024 by property owner.	June 2023	June 2024
0 Quarry Road	Ongoing, lot 1 & 2 completed, lot 3 under construction		
0 Terrace Road	Waiting on final review.	Spring 2022	Complete
161 W Rutland Rd	Ongoing-several lots have been sold off and individual owners are coming in with minor modifications to the proposed sites. In all cases no work has been proposed in the conservation wetland areas. Issue with stormwater association to be worked out with developer/lot owners before bond release.	Waiting on reports	
Wheeler Farms Rd	Waiting on final review		

523 Wheelers Farms Rd	Ongoing.		
260 Old Gate Lane	Ongoing		

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

H. Chair Report

- Magnan thanked Black and Ricci for completing the Commissioner Training as well as thanking Connors and Field for their participation and expertise on the items on the agenda this evening.
- The next meeting will be a Regular Meeting on April 03, 2024 via Zoom.

There being no further business to discuss, a motion was made by Connors and seconded by Field to adjourn at 8:45 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.