

A. Roll Call

Present: Brendan Magnan, Jim Connors, Daniel Bedeker, Heather Donaldson-Gladue and Dave DeFlumeri.

Absent: Ranjit Bhawe, Matthew Connors, Steve Munson, Lisa Tryon and Julie Valvo.

Also Present: MaryRose Palumbo and Lisa Streit.

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

Magnan 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.

D. Public Comments

None.

E. Old Business

1. **IW-A-23-0015: 32 Alexander Road, Alex Perini** – construction of a one-story addition to a single-family dwelling within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that This is an application by the Alex Perini of 32 Alexander Rd for a one-story addition within 100' of a wetland and watercourse in the Indian River watershed. The proposed addition is within 52' of Karl's Brook. The applicant has silt fencing proposed between the work and the Brook to protect the resource. The Agency heard the application at the 4/5/23 meeting and MaryRose's site walk notes with photos, the soil report and the site plans are in the document links.

Alex Perini was in attendance to answer any questions.

Magnan noted that the presentation was at the last meeting and that there were no additional questions. 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 the 4/19/23 deadline.)
- Approve the application with or without conditions and bond(s).
- Deny the application.

The following motion was made by Donaldson-Gladue and seconded by DeFlumeri: Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-23-0015: 32 Alexander Road based on the plans entitled “Zoning Location survey prepared for Alex Boris Perini, 32 Alexander Road, Milford, Connecticut” by Richard W. Plain Jr., 2 sheets dated 2/08/23 and “32 Alexander Road M 108/ B 836/ L 92 Milford, Connecticut” by Nafis & Young Engineers, Inc. 2 sheets dated 3/07/23 rev 3/22/23, 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.
- 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.
- Stormwater treatment must be installed as approved on the plans unless any changes are approved in writing prior to making that change.
- a bond of \$4,750 must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt showing finished 2’ contours and locating all site structures.
- 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 4/19/23 expires 4/19/28 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously by roll call vote.

- 2. IW-A-23-0009: 40 Moorehouse Avenue, Cheryl Quinlin and Thomas Lockwood** – proposed elevation in place for a single-family home with construction and work in and within 100' of a wetland and watercourse in the South-Central Shoreline Watershed.

MaryRose reported that this is an application by Cheryl Quinlan to elevate a single-family home in place at 40 Morehouse Ave with decks and stairs for access within approximately 52’ of a wetland and approximately 58’ of a watercourse in the South-Central Shoreline Watershed. At the last meeting Ms. Quinlan and Mr. Lockwood described the project and the Agency requested an updated survey and stormwater plan. Ms. Quinlan reported to MaryRose that she has retained a firm to do the survey.

Ms. Quinlan and Mr. Lockwood were in attendance to give an update on the progress of their consultants working towards submitting the survey and stormwater report.

Quinlan reported that they have done the soil study and they hired someone to do the survey and soil erosion plan. She said that they are really desperate to move forward. She asked if there is any new information needed other than the information asked for at the last meeting.

The consensus was that once the documents come in it can then be discussed further.

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 4/05/23. Petition deadline would be 4/19/23)
- Approve the application.
- Deny the application.

No action taken.

F. New Business

A motion was made by Connors and seconded by DeFlumeri to hear items F1 and F2 together. The motion carried unanimously by roll call vote.

- 1. IW-23-0021: 112 Merwin Avenue, Peter Dreyer & Kerryann OMalley** - Proposed grading alterations to existing parking area with drainage and grading work within 100' of a wetland and watercourse in the South-Central Shoreline watershed.
- 2. IW-23-0022: 106 Merwin Avenue; 106 Merwin Avenue** - Proposed grading alterations to existing parking area with drainage and grading work within 100' of a wetland and watercourse in the South-Central Shoreline watershed.

MaryRose reported that these are two applications for one project that spans the properties of 106 and 112 Merwin Avenue. The proposed project is for grading alterations to the existing parking area to reduce ponding of water and to provide positive drainage to Merwin Avenue and the rear of the properties. No filling or alteration of inland wetlands is proposed as part of this project, work is proposed within 100' of a wetland in the South-Central Shoreline watershed.

The proposal shows a stone filter strip along Merwin avenue, a drainage swale on the west side of 106 Merwin Avenue and a stormwater quality area along the rear of both lots to pre-treat runoff from the gravel parking areas. The proposed drainage swale is approximately 1.5-2' off of the wetland line on the east part of the site.

The site has been flagged for wetlands by Bill Kenny of William Kenny Associates. The plans for the project have been surveyed and designed by Codespoti & Associates. MaryRose's site Walk notes with photos, Mr. Kenny's report and the site plans are in the document links. Attorney Curseaden and Mr. Wheway also submitted photos of the sites during and after storm and tidal events.

Attorney Curseaden, Attorney Lynch, Robert Wheway and Bill Kenny were in attendance to answer any questions.

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 4/19/23. Petition deadline would be 5/03/23)

Curseaden reviewed that this project is to deal with flooding from storm water and tidal flooding on these two properties. The State has not maintained and kept up their drainage in Merwin Avenue and the outfall. The Condominium Association next door has flood gates that were to be maintained and have not been. Now CTDEEP rules on the tide gates have changed. These three properties, 106, 112 and 114 were all impacted by flooding. The IWA recently approved 114 which Kenny was also involved in.

There are Actions against 114 and the City of Milford. What they have banded together to do is resolve the issue by elevating these remaining two properties to alleviate the issues on these sites. They feel that this is a potentially long-term semi-permanent solution for these two lots which could potentially be developed in the future.

Lynch stated that as Curseaden, summarized that it is a bad flooding situation on Merwin Ave. His client Cal Mooney has developed four houses with City permits. The presentation tonight is an effort to resolve the litigation. It is a well thought out plan to bring a global solution to alleviate the situation on the two lots. There has been derelict attention to this area by the State and flood gate issues with the condominium that have not been maintained for 25 years. Those flood gates are in a rusted situation. The State has not been responsive to the Public Works Director's requests for maintenance.

Magnan thanked the Attorneys for context.

Bob Wheway, PE, principle of Codespoti & Associates has been retained by 106 & 112 Merwin Ave to address common flooding issues that is a result of rainfall and tidal events that backs up in the drains on Merwin Ave and backs up onto Merwin Av and comes onto 106 & 112 Merwin Ave. Speaking to SP1 he oriented to the sites.

Property 106 has no inland wetlands; there is a pocket of wetlands on 112 on the northeastern portion of the property flagged by Bill Kenny. The 100' review area is shown on the drawings.

Property 106 is 0.17 acres with no wetlands; 5,633 of site area to be disturbed, 1384 of which is in the review area. Property 112 is 0.2 acres of land area and has approximately 1950 sq ft of wetlands, 9000 sq ft of site area of that 9,000 will be disturbed. 5,950 of the disturbance is in the review area. He noted that both 106 & 112 had houses on them in the past and are now gravel and used for parking.

On SP1 he reviewed that there is less than a foot elevation change across both site areas. There were several low areas where water ponds until it evaporates. Most of the flooding is adjacent to the retaining wall. Prior to construction it would have flowed onto 114 Merwin. The area of flooding is depicted on the drawing. Mr. Wheway reviewed photos. The photos submitted today show water ponding from a 12/23/22 storm. The second photo was taken at 10:30 coincident with high tide which converted to

NVGD 88 was 4.3. He reviewed photos showing flooding from catch basin to Merwin Av and then onto 112 and 106. The 3rd photo showed flooding on 112 adjacent to the retaining wall. The 12/27/22 photo – shows ice buildup that was surveyed and depicted on Sheet SP1. Historical flooding photos were shown.

Working with Tom Lynch and Cal Mooney they came up with this plan to mitigation and eliminate the ponding on the properties. They will not be able to eliminate the flooding because both properties are in FEMA AE11 & AE12. For the more common tidal events properties will be flooded but once it recedes there will be no standing water on the property.

They would bring the ridge line about 2' up grading to front and rear where it will drain to the water quality structure. Since it is in a flood zone, it doesn't need to contain the peak rate, it needs to deal with the water quality aspect. They are introducing an 8' wide 12-18" deep of 1" stone to intercept the water prior to reaching Merwin Ave. There is a berm on the far-left side to collect the stormwater and will pretreat the water running off the sites in compliance with MS4. There is a swale along 106 which will collect runoff from Surf Village. The Erosion and Sedimentation controls are shown on SP1.

Bill Kenny, William Kenny & Associates, stated that he was hired to investigate the two properties and identified the wetlands on 11/17/22. Noted that he worked on 114 – 128 Merwin to the east in 2020. This property can be tricky with wetland mapping because you are on the boundary, in the area of tidal/inland plus water coming from the catch basin in the road complicates matters. For the 114-128 Merwin we cooperated with DEEP which made the determination that the wetlands were not tidal. Perhaps 100 years ago these may have been tidal but with the history of homes and changes to the area, these are inland wetlands with dominant phragmites marsh. He has reviewed the plans that Codespoti put together and in many ways, it is similar to the ones on the adjacent properties at 114-128 Merwin, water is being cleaned before it goes into the wetland. It is an improvement to the property to pretreat the water before it enters the wetland.

Connors feels it is a good solution. Magnan feels it is a well-conceived design.

Bedeker asked about a site walk noting that it is a complicated situation.

DeFlumeri asked about a formal determination from CT DEEP in writing.

Curseaden talked to MaryRose that it was sent to DEEP in the past, they wanted to see it when this plan was completed. There is email documentation from DEEP when 114-128 Merwin went before this agency saying they were taking no interest in it. Not sure if MaryRose sent this to DEEP. MaryRose will be sending it to CT DEEP. DEEP came down and reviewed the area for 114-128 Merwin and determined they would not be permitting.

There was a discussion regarding having a site walk. DeFlumeri stated that he would like information from DEEP on flooding and potential flooding. MaryRose stated that the site is in a flood zone.

Bedeker stated that it sounds like there are unresolved issues with other parties.

Nuisance flooding and major flooding with the filling on Mr. Mooney's properties took care of the nuisance flooding. Likewise, the condominiums are elevated to address the nuisance flooding. The sites remain in the flood zone.

Magnan stated that this plan is similar to the approval at 114 Merwin Ave.

Curseaden and Wheway also submitted photos of the sites during and after storm and tidal events.

A motion was made by Bedeker and seconded by DeFlumeri to hold a site walk for this application. The motion failed with Connors, Donaldson-Gladue and Magnan against.

No action taken.

G. Minutes

A motion was made by Donaldson-Gladue, seconded by Connors to accept the minutes of 04/05/23 as presented. The motion carried by roll call vote.

H. Staff Report

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 reporting. We will have a table at Earth Day this Saturday 4/22/23 to talk about runoff. We are accepting digital applications through the online permitting request system, City Squared, and processing them in the. We continue to work with Joe Griffith and the provider on issues getting the IWA fully incorporated into the Muncipity permitting software.

Site Status:

Project Site	Status	Monitoring Reports	
		Last Received	Final Due By
1553 Boston Post Road	Ongoing		
30 Bridgeport Ave	Ongoing		
0 Cherry St/Jefferson Park	Ongoing trees tagged, invasives cleared, sidewalk staked out		
67-69 Cooper Ave	Ongoing		
94 Edgewater Place	Ongoing		
201 Kings Highway	Ongoing		
104 Lavery Lane	Plantings in, seeded, not yet established. Will need reseeding.		
16 Marsh Street	Ongoing		
114,122,124,128 Merwin Ave	Ongoing		
690 New Haven Ave	Ongoing		
33 Pearl Street	Revised asbuilt received; under review		
8 Pepe's Farm Road	Ongoing monitoring. There was an issue with erosion from parking in the snow shelf and debris removal from the rear yard. They have installed erosion controls and are trying to determine what can be done in this area.	Nov. 2022	Nov 2023
0 Quarry Road	Ongoing		
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	Waiting on reports	
Wheeler's Farms Rd	Waiting on final review		
523 Wheeler's Farms Rd	Ongoing.		

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

H. Chair Report

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 May 3rd via ZOOM. Please let the office know if you cannot attend.

There being no further business to discuss, a motion was made by Donaldson-Gladue, seconded by Connors to adjourn at 8:40 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.