

Minutes of the Regular Meeting of the Inland Wetlands Agency on April 20, 2022.

A. Roll Call

Present: Brendan Magnan, Daniel Bedeker, Gerry Panico, Steve Munson and Lisa Tryon.

Absent: Ranjit Bhawe, Jim Connors, Matthew Connors, Dave DeFlumeri and Heather Donaldson-Gladue.

Also Present: MaryRose Palumbo, Joe Griffith and Lisa Streit.

Magnan called the meeting to order at 7:30 p.m. and reviewed the guidelines in hosting remote meetings 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-A-22-0021: 883 North Street, Andreas Gavrielidis** – Proposed reconstruction and renovation for proposed Deli with construction and site work within 150' of wetlands in the Wepawaug River Watershed.

MaryRose reported that this is a proposal for renovation and reconstruction of an existing building for a deli with work within 150' of wetlands in the Wepawaug River Watershed. The property owner and his contractor started work on this building without City permits and are now working to get permitted to construct on the site. A portion of the building was removed and is now replaced. The gravel parking area and grassed area adjacent to the wetland are stable.

The applicants' consultants are working with the Health Department on abandonment options for the onsite septic system and the status of the existing well.

The City Engineer received plans for review on 4/07/22 and responded on 4/14/22. Doug Reich of Fuller Engineering submitted revised plans this afternoon in response to those comments. Mr. Reich submitted an email this afternoon stating he understood that it was unlikely the plan review could be completed this afternoon and they will be at the next meeting. The City Engineer and MaryRose have set up a meeting with Mr. Reich for next Tuesday to go over the plans so that any changes can be submitted in a timely manner for the 5/4/20 meeting. MaryRose recommended no action this evening.

Doug Reich, Landscape Architect, Fuller Engineering, felt that it was not a good use of the Commissioners time this evening to review the plan revisions point by point when the City Engineer and staff had not had sufficient time to review. He is looking forward to reviewing his revisions with the City Engineer and MaryRose next week.

This evening the Agency can:

- Ask questions.
- Take no action.
- Request additional information
- Schedule a site walk
- Schedule a public hearing (hearing would need to be opened by 5/20/22).
- Approve the application
- Deny the application

No action taken.

2. IW-A-22-0029: 238 Zion Hill Road, GAMS, LLC - Proposed 3-lot subdivision with one existing home. Construction and grading within 150' of wetlands and watercourses in the Wepawaug River Watershed.

MaryRose reported that this is a request for a three-lot subdivision, with one existing house, with work within 150' of a wetland in the Wepawaug River Watershed. There is no wetland on the property. There is a wetland on the opposite side of Southworth Street. The closest work proposed for this site is the required widening of the street to City standards. That work is approximately 85' from the wetland. This Agency approved a two-lot subdivision for this property in 2012 that was never built. Ron Wassmer of CT Civil Group was in attendance to present the proposal and 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 3/16/22. Petition deadline is 3/30/22).

Munson stated that he felt all questions were answered at the last meeting.

The following motion was made by Munson and seconded by Bedecker:

I move that after duly considering all relevant factors, to approve application IW-A-22-0029: 238 Zion Hill Road based on the plans entitled "*Re-Subdivision 238 Zion Hill Rd, Milford, CT*" by CT Civil Group, 9 sheets dated 12/09/21 rev 2/28/22, 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.

- 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.
- A bond of \$8,100.00 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.
- In construction or maintaining any structure or facility or conducting any activity authorized herein, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and watercourses. Best Management practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sedimentation Control as revised, 2004 Connecticut Stormwater Quality Manual*, Department of Transportation's *ConnDOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.
- 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 4/20/22 expires 4/20/27 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

3. Violation IWC-22-0010: 0 New Haven Ave., Anthony Monaco – clearing trees and brush, depositing chipped material within 100' of a wetland or watercourses in the Indian River Watershed without a permit.

MaryRose reported that this is the violation issued 3/28/22 for work in and adjacent to wetlands associated with Turtle Creek in the Indian River Watershed without a permit. At the 4/6/22 meeting the Agency upheld and modified the violation to change the dates for compliance:

This afternoon MaryRose spoke with attorney Kevin Curseaden who has now been retained by Anthony Monaco. Attorney Curseaden apologizes that he could not be here this evening. Mr. Monaco has retained him and has given him authorization to hire consultants to flag the wetlands and survey the property. He is waiting on a call back from consultants and asked that the deadlines be pushed forward one month to give his client time to comply.

MaryRose checked the site this week and the woodchips blown back onto the site have added stability and there was not a significant amount of erosion. She recommended modifying the violation to move the deadlines as follows:

- Properly install soil erosion and sedimentation controls by 5/02/22_(had been 4/12/22)
- Hire a certified soil scientist or professional wetland scientist by 5/17/22_(had been 4/19/22)
- Submit the required A-2 survey with T-2 accuracy by 5/31/22_(had been 5/02/22)
- Submit a detailed mitigation and planting plan for review and approval by 5/31/22 (had been 5/02/22)

This evening the agency can:

- Ask questions.
- Uphold the violation
- Release the violation
- Modify the violation

The following motion was made by Munson and seconded by Bedecker that cease-and-desist order IWC-22-0010: 0 New Haven Av, be upheld and modified to require the property owner to complete installation or submit the information required in the order by the following dates:

1. Properly install soil erosion and sedimentation controls by 5/02/22
2. Hire a certified soil scientist or professional wetland scientist by 5/17/22
3. Submit the required A-2 survey with T-2 accuracy by 5/31/22
4. Submit a detailed mitigation and planting plan for review and approval by 5/31/22

The motion carried unanimously.

- 4. Violation IWC-22-0011: 918 Wheelers Farm Road, Freedom Vines, LLC** – excavation, deposition and pollution in and adjacent to Turkey Hill Brook with work in and within 100' of a watercourse/wetland in the Housatonic River Watershed.

MaryRose reported that this is the violation issued 3/30/22 for work in and adjacent to Turkey Hill brook without a permit. At the 4/6/22 meeting the Agency upheld and modified the violation after speaking with Raymond Testo of Freedom Vines and Ron Wassmer of CT Civil Group. The Violation was modified to require:

- Properly install soil erosion and sedimentation controls by 4/14/22. MaryRose walked the site this morning with Ron Wassmer and Jake DelGuidice of CT Civil Group. The former driveway area for 918 wheelers Farms Road has been enlarged and is no longer disturbed dirt it is covered in process stone. The grass area adjacent to the stream is now part of the parking / driveway area with an approximate 1.5-2' strip of disturbed soil between the hay bales and the parking area. The hay bales were installed on their sides and are not tightly packed. There is evidence of erosion between the bales running toward Turkey Hill Brook. The rocks that had been dumped in the Brook at my 3/21/22 site visit have been removed. Mr. Wassmer stated that he will ask Mr. Testo to install woodchips in front of the hay bales to dissipate the flow through the hay bale gaps.
- Hire a certified soil scientist or professional wetland scientist by 4/14/22
Mr. Wassmer informed MaryRose that Mr. Testo hired Bill Kenny of William Kenny Associates. She viewed the wetland flagging on the majority of the site on 4/20/22. She does not know if Mr. Testo has contracted with Mr. Kenny for the mitigation and planting plan.
- Submit the required A-2 survey with T-2 accuracy by 5/13/22
Today on the site walk Mr. Wassmer stated he hopes to work on the field work for the survey in the next few days and have the survey completed for the 5/13/22 submittal.
- Submit a detailed mitigation and planting plan for review and approval by 5/13/22
Mr. Wassmer will check with Mr. Testo & Mr. Kenny on the status of the mitigation and planting plan.

It is MaryRose's understanding that the site survey is in process for our 5/13/22 required submission date. There is currently no need for further action for this violation at this time. Wassmer concurred with MaryRose and stated that he was on site today, Mr. Testo was out of state, and he will follow up with him tomorrow.

No action taken.

E. New Business

1. **IW-A-22-0035: 589 Bridgeport Avenue, CDP Milford, LLC;** Proposed redevelopment for residential units with demolition, construction, stormwater improvements and grading within 100' of wetlands and watercourses in the Housatonic River Watershed.

MaryRose reported that this is an application by CDP Milford, LLC for redevelopment of the Kmart site at 589 Bridgeport Ave with work in and within 100' of a wetland in the Housatonic River Watershed. The applicant is proposing to remove and replace the Kmart building with residential units and to renovate the exterior of the remaining retail areas on the site. They are proposing to do work in 1.62 acres of the upland review area with a temporary disturbance of 330 sq ft during construction. The areas proposed to be disturbed will have the invasive species removed and will be re-planted and stabilized with native species after construction for 330 sq ft of wetland enhancement/creation. This application was received yesterday and referred to the City Engineer for review. Presenting the application this evening will be John Knuff, of Hurwitz, Sagarin Slossberg & Knuff; John Schmitz PE, and Sagan Simko, PWS of BL Companies.

John Knuff, Esq., of Hurwitz, Sagarin, Slossberg & Knuff, 147 Broad St in Milford representing CDP owners of 589 Bridgeport Ave. The property is currently owned by the Casey family. They have been before Planning and Zoning for zoning amendments for residential use and improvements of the façade of the buildings that will remain as well as additional landscaping and plantings and significantly upgrading of the stormwater system for the site.

John Schmitz, Engineer, BL Companies 355 Research Parkway, Meriden orientated the Commission to the site using a Google map of the area, noting that the overall site is 20.4 acres and currently holds Walgreens, Taco Bell, Ocean State, Dollar Tree and Kmart. He stated that there are 1.8 acres of wetlands on the site. Currently the stormwater from the parking area is collected and discharged untreated across Lansdale Av to Beaver Brook. The pavement area behind Kmart is curbed and currently discharges to Beaver Brook. There is currently no direct discharge to the existing wetlands.

Speaking to a colored rendering of the overall site plan he showed 7 residential buildings and 1 amenity building, a pool and dog park. There will be 417 parking spaces for the 136 residential units. The commercial area site to the front of the site will have the same access to Bridgeport Ave and Lansdale Ave.

The Kmart building will be removed, and they anticipate three minor impacts to wetlands totaling 330 sq. ft during construction. The completed project will have an 8,800 sq. ft increase in green space over the current site.

They are proposing to maintain the existing stormwater paths but are proposing to put in a hydrodynamic separator to reduce the total suspended solids by 80% and an infiltration system for a reduction of the runoff. They are proposing to increase the green space in the buffer behind Kmart by 17,500 sq ft and are proposing work in accordance with the 2002 *Connecticut Guidelines for Soil Erosion and Sedimentation Control as revised*, 2004 *Connecticut Stormwater Quality Manual*, Department of Transportation's *ConnDOT Drainage Manual*. The wetlands on the rear of the site currently drain towards Milford Point Rd and is separate from the rest of the site drainage.

Sagan Simko, Professional Wetland Scientist BL Companies, stated that there is a 1.85 acres wetland on the property. The functions and values for that wetland are ground water storage and

recharge, sediment storage and nutrient uptake. The wildlife values are reduced due to the developed setting.

They are proposing three small areas of wetland impact totaling 330 sq. ft, on completion of the project mitigation will be done by removal of nonnatives and invasives and the planting of native species. This will increase the quality of the wetland. They are also proposing creating no mow zones to be planted with buffer species such as coastal sweet pepper bush. By planting a hedgerow of these species, they will try to keep out the invasive and intrusion by pets etc.

Tryon asked about the educational signage for the residents to explain the buffer / green space / wetlands and asphalt reduction. Magnan asked about wetland signage and if there is a fence proposed. Schmitz stated they usually propose adding boundary markers at 50' intervals on posts and there is no proposal for a fence at this time; they are proposing a vegetative buffer. Simko stated that the vegetative buffer would discourage intrusion.

Munson asked about the plan for snow removal. Schmitz stated that they are proposing to put snow in an area that when it melts it will still be treated through the collection system before discharge. He does not have a snow removal plan to show this evening but will have it for the next meeting.

Magnan asked that the applicant elaborate on the three areas to be impacted during construction. Simko reviewed that there are three very small areas along the rear of the site where they transition. Currently the area has invasive species such as autumn olive and bittersweet. They are proposing to disturb the area by removing the invasive species and upon completion of construction replacing them with native wetland species. Yes, they are disturbing the wetlands but will be replacing with native species with more value for the wetland.

Schmitz stated that they will keep a 20' distance from the wetlands with a double row of silt fencing. In these areas they will place timber mats to protect the soils. Once construction is completed, they will remove the matting and replant the areas.

Bedeker asked if they could elaborate on the dog park and how that will be constructed. Schmitz stated that it will be a fenced in area for resident's dogs to walk and run. There will be a stone dust path and there will be turf with a drain in the low point that will be collected by a drain and transported to the stormwater system. Some of the peripheral areas may drain towards the wetland.

Magnan asked if any tree canopy would be impacted by the construction. Schmitz said that no major trees will be removed from the wetlands. There will be tree loss along the eastern and western wetland sides. No trees are proposed to be removed in the wetland canopy areas. Speaking to the development plan he noted pine trees to be saved along the rear southwestern area and a few other significant trees on the southeastern end. The telephone poles and aerial lines will be removed as the utilities will be underground.

Magnan asked what thought has been given to prevent residents from dumping trash or leaves in the wetlands. Knuff stated that the site will be professionally maintained, educating the residents with signage or if the agency prefers a low 2' high fencing along that edge while the plantings are growing in may be possible. A fair point for consideration and they will look at it for the next meeting.

Simko explained that this is not a wetland that anyone will be walking in without sinking or ruining their shoes. It is not super wet, but it is a red maple swamp. Magnan asked Simko if the functions

and values of the wetland would be improved with this plan. Simko confirmed that yes, the main functions and value will improve. It has a high value for retaining water in a storm event and for nutrient uptake.

Munson stated that he feels that they have answered all questions thoroughly.

This item is on the agenda for the first time 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 4/20/22, petition deadline is 5/4/22)

No action taken.

F. Minutes

A motion was made by Munson, seconded by Bedecker to approve the minutes of the 04/06/2022 regular meeting as presented. The motion carried with Panico abstaining.

G. Staff Report

The office continues to be busy with inquiries, bond release requests and minor reviews and other reporting. MaryRose will look into other towns to compare thresholds for staff sign offs for pools.

MaryRose believes that the legislature is extending Zoom meetings through July. She will confirm this prior to the May 4th meeting. Please review your Agendas before the next meeting to confirm the location. *When* we return to in person meetings, we will be meeting at city hall auditorium to allow the taping of the meetings. At that time, you may consider bringing your iPad or laptops to City Hall for viewing the electronic submittals. If you would like paper copies of documents, please let the office know so that the applicants can get them submitted to us in a timely manner.

As a continuation of the 50th anniversary celebration of the CT Inland Wetlands and Watercourses Act the CT Water Planning Council will be doing several outreach and education events. May 11 from 12-1pm will be a session on *Wetlands and Climate Change Resiliency* and June 8 from 12-1pm will discuss *Rivers & Watercourses: The Importance of Riparian Zones*. Both sessions are via Zoom, and I will send out sign up information as it is available.

MaryRose also reminded anyone that hasn't completed the CT Inland Wetland Commissioner Training Course that it is available: [CT DEEP Municipal Inland Wetland Agency Comprehensive Training Program](#)

Site Status:

- 0 Tanglewood Circle – the owner has stated he will contact MaryRose for the walk.
- 30 Bridgeport Av – waiting on asbuilt.
- Florence Av – a modified permit has not been taken out.
- 114-122-124-128 Merwin Ave – ongoing.
- 33 Pearl St – ongoing,

- Terrace Rd is waiting on bond release.
- 161 West Rutland Rd – ongoing.
- Wheelers Woods – project completed, waiting on bond release.
- Milford Cemetery – 420 West River Street – plantings were installed, and site has been stabilized for winter.
- 16 Marsh St. – ongoing.
- 690 New Haven Ave – ongoing.
- 201 Kings Highway – ongoing.

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

G. Chair Report

The next regular meeting will be on May 04, 2022, via ZOOM.

Magnan thanked everyone for coming this evening and asking substantive questions. 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.

There being no further business to discuss, a motion was made by Munson and seconded by Bedecker to adjourn at 8:30 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.