

**A. Roll Call**

Present: Brendan Magnan, Daniel Bedeker, Ranjit Bhawe, Jim Connors, Dave DeFlumeri, Heather Donaldson-Gladue, Steve Munson, Gerry Panico and Lisa Tryon.

Absent: Matthew Connors.

Also Present: MaryRose Palumbo 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. **VIOLATION IWC-21-0011 63 Westmoor Rd, Evan and Christina Haley** - Gazebo, concrete patio, inground pool, stockade fence, lawn, and piles of yard waste within 100' of wetlands in the South-Central Shoreline Watershed without a permit [issued 2/25/21|| upheld 3/03/21||deadline 7/31/21].

MaryRose reviewed that this is a violation issued 2/25/21 to the property owners for work in the upland review area without permits. When Evan Haley applied for a garage permit in January of 2021 his site plan showed improvements extending onto the property to the rear of his lot owned by the City of Milford. Mr. Haley has said that the improvements were on the lot when he purchased it. After reviewing with the Open Space Agent and City Attorney's office it was determined that the encroachments would be removed and the area stabilized. On 3/3/21 the Agency moved that cease-and-desist order IWC-21-0011 63 Westmoor Rd, be upheld and the violator be ordered to:

1. Properly install soil erosion and sedimentation controls on the site to prevent material from entering the wetland during the removal and stabilization.
2. Remove the encroachments on the City of Milford property in the upland review area.
3. Submit a plan for review and approval to the MIWA Office prior to 4/15/21 or work beginning, to stabilize the disturbed area with native salt tolerant vegetation and seed mix to the Inland Wetland Office.
4. Stabilize the disturbed area, watering as necessary for the plantings to survive.
5. Submit an asbuilt showing that the encroachments have been removed by 7/31/21.

6. 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 concrete patio, gazebo, and swimming pool.

Mr. Haley submitted an email on 4/20/21 notifying the Agency that once the concrete patio is removed, he plans on seeding the disturbed area with a New England Erosion Control Mix from New England Wetland Plants. He stated that he will be covering the seed with weed free straw as recommended by New England Wetland Plants.

This item is on the Agency this evening to check on the progress of compliance. There is no action required from the Agency at this time, the removal and stabilization work is to be completed by 7/31/21:

Magnan reviewed that the Agency can:

- Ask questions.
- Ask for further information.
- Modify the violation.
- Release the violation.
- Refer the violation to the City Attorney's Office for resolution.
- Take no action.

Evan Haley, 63 Westmoor Rd. stated that he has been working with MaryRose. He put the fence up because landscapers and neighbors were dumping there from 2016 until now. He has been removing what was back there and maintaining the yard out of his pocket and at his expense.

MaryRose reviewed the maps and photos. Haley has worked with Stephen Harris in Zoning for the permit for the garage which includes the swimming pool. MaryRose will issue a Jurisdictional Ruling for the pool when the violation is closed out.

No action taken.

## **E. New Business**

1. **IW-PA-21-0022 734 Naugatuck Ave, Devon Power LLC** - Proposed engineered control stone cover with work within 100' upland review area of the Housatonic River Watershed.

MaryRose reported that this is a pre-application request by Devon Power Plant at 734 Naugatuck Av for minor work within the 100' upland review area in the Housatonic River Watershed. They are proposing an engineered control stone cover on the north portion of the site that is a continuation / completion of a closure plan for the site with CT DEEP. The other portions of the project have been approved at various stages by either MaryRose issuing a Jurisdictional Ruling with the Chair's approval or by the Agency.

This proposed work is for regrading and stabilization work within about 12' of the Housatonic River that has been approved by DEEP. The Agency's review is to ensure protection of the River during the work with the erosion and sedimentation controls. The applicant has proposed to ensure that no soil or stone enters the River with the installation of staked haybales along the western edge of the work area.

Andrea Steel, APTIM consultant for Devon Power and NRG. Speaking to figure 3 explained that the area shown in pink is the planned work area. The aerial shows the lighter white areas that have already been closed. This area will be closed in a similar fashion.

MaryRose stated that she feels that this falls under Section 4.2a of the Regulations as the work is only in the upland review area and is stabilizing to prevent erosion into the Housatonic River.

## **SECTION 4 PERMITTED USES AS OF RIGHT & NONREGULATED USES**

### **4.2 Nonregulated Uses Permitted as of Right**

The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

a. Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Such operation or use may include, but is not limited to, minor work to control erosion, or to encourage proper fish, wildlife, and silviculture management practices.

This item is on the Agenda as a pre-application, the Agency can:

Ask questions.

Ask for further information.

Ask for a full application.

Approve the pre-application as a Jurisdictional Ruling.

Take no action.

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

I move that the Designated Agent issue a Jurisdictional Ruling for pre-application IW-PA-21-0022 734 Naugatuck Av, for installation of an engineered control stone cover with work within 100' upland review area of the Housatonic River Watershed as shown on the drawing in the file. This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses. That is my motion.

The motion carried unanimously.

## **F. Minutes**

It was noted on the minutes of 04/07/2021 that Zammiello was absent when he has resigned from the Agency. A motion was made by Donaldson-Gladue, seconded by DeFlumeri to approve the minutes as amended. The motion carried with Bhave and Connors abstaining.

## **G. Staff Report**

- The office continues to be busy. Taft Clark, from Planning and Zoning, has taken the position in the IWA office. There are several complaints that she is working on that the Agency should see in the next few months. Online applications for Inland Wetland permits are being worked on through the new permitting software, Municipity.

Site Status:

- Flax Mill Lane Bridge construction is complete. Some reseeding may be required.
- 0 Tanglewood Circle – mitigation monitoring is ongoing we have received 3/10 reports (monitoring anticipated through 2023). Minor work to remove invasives was required from the December 19 monitoring report. Next report is due in Fall 2020. Removal of invasive was recommended by the

site monitor. Permit holder removed but they grew back. He said he would remove them again and ensure the tree gets replanted to be reported on in the November inspection. Waiting on report.

- Terrace Rd is ongoing
- Wheelers Woods – ongoing.
- Beaver Brook Boardwalk – boardwalk and parking lot complete. Rain garden to be completed in the spring. There have been some issues with the fence; please report any issues seen so that it can be fixed as soon as possible.
- Florence Av is ongoing – stone swale and galleys are installed waiting on asbuilt.
- French Drive Fields – ongoing
- Lansdale Av Fields – ongoing
- 30 Bridgeport Av – ongoing
- 17 Maddox Av – ongoing
- 31 & 33 Pearl St – ongoing
- Sewer lining under Stonebridge Pond – minor work on manholes will complete the project.
- Gulf Pond Pump Station maintenance – ongoing.
- 63 Westmoor Road – ongoing.
- 51 Westmoor Road – ongoing.

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

## **H. Chair Report**

Commissioners and staff introduced themselves to the new members.

The next meeting will be May 05, 2021 via ZOOM.

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 Connors and seconded by DeFlumeri to adjourn at 8:10 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.