

Minutes of the Regular Meeting of the Inland Wetlands Agency on June 01, 2022.

A. Roll Call

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

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

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. **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 a request has been received to table this item until the 6/15/22 meeting. The applicant has given the Agency an extension letter until 6/15/22

This evening the Agency can:

- Ask questions.
- Request additional information and an extension
- Approve the application
- Deny the application
- Deny the application without prejudice as incomplete

A motion was made by Connors, seconded by Munson to accept the 14-day time extension submitted by the applicant for review of IW-A-22-0021 883 North Street to 6/15/22. All information required for review must be submitted by 6/08/22.

The motion carried unanimously by roll call vote.

- 2. 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. The Agency required a map and wetlands report with recommendations for mitigation and stabilization. The property owner has submitted an A-2 level survey for the portion of the property adjacent to New Haven Avenue with wetland flagging by William Kenny Associates. That information was in the documents. She spoke with Mr. Kenny this morning and the site appears stable as it is. Attorney Kevin Curseaden and Bill Kenny are here this evening to answer any questions.

Bill Kenny William Kenny Associates shared the site map and oriented the Agency. He stated that the focus of his delineation was the area of the recent clearing and that he delineated the site with Alex from his office and reviewed conditions related to the clearing that occurred. He spoke to the Paul Stowell site plan and reviewed photos of the site from his site walk.

There is a large phragmites wetland and likely a tidal wetland to the north. There is another wetland area to the south by the sump from a drainage pipe that appears to have a large flow. This large flow has collected a tremendous amount of road sand and trash over time. He thinks that there was a channel from the western edge of the property that has built up with sand deposited in the area of elevation 10. The swale gets clogged from time to time with trash and debris. When recently cleared they left the roots in the ground which has allowed the area to revegetate quickly.

MaryRose stated that she feels that the site is stabilized at this time.

Attorney Kevin Curseaden stated that he had nothing further to add and had been waiting on Mr. Kenny's report to see what should be done. Mr. Monaco is evaluating his options on this difficult site and will return with an application.

This evening the Agency can:

- Ask questions.
- Modify the violation
- Release the violation
- Refer the violation to the City Attorney for non-compliance

A motion was made by Connors, seconded by Munson that cease-and-desist order IWC-22-0010, 0 New Haven Avenue be released. The motion carried unanimously by roll call vote.

- 3. 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 Agency required a site plan and a mitigation monitoring plan be submitted by 5/31/22 both of which were in the meeting links. The mitigation plan proposes removal or relocation of fill in three (3) areas with stabilization and replanting to protect the wetlands and watercourse. It is also her understanding that

Mr. Testo is working on a manure handling plan for better disposal options in the future. Mr. Testo, Mr. Wassmer, and Mr. Kenny are here this evening to answer your questions.

MaryRose recommended modifying the violation for the mitigation plans to be implemented by 6/30/22 with mitigation monitoring reports at the time of planting and in the fall, with a watering plan for all vegetation. If the Agency deems it necessary, they may also want to bond for the mitigation work.

Ron Wassmer, PE LS, CT Civil Group, Research Drive in Milford, speaking to the topographic survey reviewed the 3 areas where there were issues noted A) The area of work near the driveway that prompted the violation, B) An area west along Turkey Hill Brook near the barn and C) The area on the west of the property where Herbert Brook is.

Bill Kenny William Kenny Associates shared his screen and reviewed his proposed mitigation plan as submitted.

- Area A: Just west of Wheelers Farms Road and north of Turkey Hill Brook is where some clearing occurred, and a gravel driveway was expanded. They are proposing pulling back the driveway slightly and building an 18" soil berm of loamy sand. This berm will give the ability for water to slowly move through it and clean it before it enters the brook. The property owner has planted some very small fruit trees in this area. He is proposing to move those and plant them in the berm for the roots to stabilize and further filter the runoff. On the back side of the berm, he is proposing a staggered row of native shrubs on the banks of the stream. These shrubs have aggressive roots to help stabilize the bank and help clean the water as it moves towards the brook.
- Area B: where the animal pen is on the southwest portion of the plan. Between the fence and the brook is a vegetative buffer. There was recently some grading of the animal pen and soil was dumped over the fence. The pile is roughly a 10' diameter area. They are proposing removing the soil from that area, stabilizing with woodchips, and allowing the native vegetation to take over. Because of the animal pen, he is proposing another mound as a filter berm to have the runoff from the animal pen filtered before it enters the buffer and wetland areas.
- Area C: Is located just east of Herbert Brook in a steeply sloping wooded area on the west side of the plan with a fence running north and south. They have been removing a portion of the fence and dumping manure and soil in this area. They are proposing that some of that area be carefully removed to avoid damaging the trees in the area and because of those trees, just put down woodchips to stabilize. This will allow the tree roots to continue to stabilize the area and woodchips to stabilize the surface. While this work is happening a silt fence will be installed just below the work area to prevent material from falling down the slope.

Magnan questioned if there is a designated area that is being proposed to have the manure deposited. He would like to know that there is a plan going forward. Ron Wassmer said he believes that Mr. Testo is proposing to take the manure offsite. He had a large dumpster onsite last week to remove it offsite. He believes that the manure that was deposited on the site was an incidental quantity.

Bedeker asked Mr. Kenny. Mentioning woodchips, are these treated woodchips or untreated. Kenny stated that he is proposing something from an Arborist that has been chipped and all natural and not dyed. The purpose is to protect the surface of the soil from erosion and mimic the surface of the forest where it is organic and natural while it stabilizes.

M. Connors questioned the use of silt fencing vs. woodchips; concerned with manure running into Herbert Brook. MaryRose referenced the CT DEEP manual for uses for silt fencing and woodchips, coir fiber logs. Only concern is potential for properly installed silt fencing to injure the root systems of the trees, piles of woodchips may erode down the steep slope they may want to consider using coir fiber logs.

Kenny stated that on the western side the intent is to remove the manure and eliminate the potential pollutants and let the ground surface stabilize. Wassmer – noted that the piles are about 10% manure, and the remainder is hay, and it is decomposing. Magnan questioned if the silt fencing is just as effective. Kenny stated that the silt fence is not to treat manure in that area in the long term. It is proposed just to protect the area while the manure is removed and until the ground is stabilized.

Magnan supported MaryRose's recommendation and asked if the Agency wanted to require a bond and stated that this evening the Agency can:

- Ask questions.
- Modify the violation
- Release the violation
- Refer the violation to the City Attorney for non-compliance.

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

I move that cease-and-desist order Violation IWC-22-0011: 918 Wheelers Farms Road, be modified to require the property owner to:

- Submit mitigation monitoring bond to be calculated for plantings and monitoring reports by 6/15/22
- Complete the mitigation planting and stabilization as described in the William Kenny Associates report dated 5/31/22 by 6/30/22
- Follow the watering plan for the mitigation plantings to be provided by William Kenny Associates to ensure survival of the plantings.
- Monitoring reports to be done by the Professional Wetland Scientist at time of planting, by 10/15/22 and within 2 weeks of any required remediation.
- Monitoring reports are to be submitted within 2 weeks of work and within 2 weeks of any required mitigation work.

That is my motion.

The motion carried unanimously by roll call vote.

- 4. IW-A-22-0041: 1553 Boston Post Road, Splash Car Wash Inc.** – proposed lot consolidation and car wash with stormwater improvements and grading within 100' of wetlands and watercourses in the Indian River Watershed.

MaryRose reported that this applicant requested that no action be taken this evening as they are reviewing the proposal with City staff. They anticipate providing the requested information and reviewing at the next meeting.

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 6/01/22. Petition deadline is 6/01/22)
- Approve the application with or without conditions
- Deny the application

No action taken.

5. 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 status report for the violation issued to Andrew and Jason Julian for work within 100' of a wetland without a permit on their property at 615 Plains Rd on 1/13/22. She visited the site at 615 Plains Road today, the site work appears to be complete. The site has been seeded with a wildflower seed mix as required by the MIWA and some volunteer species are visible. Photos of the seeding were submitted on 5/27/22 by Jason Julian. With appropriate watering, the site should be stabilized by the end of June. Ron Wassmer, Bill Kenny, and Jason Julian are here this evening to answer any questions.

Ron Wassmer, PE, CT Civil Group, stated that the wildlife seed mixture was installed last week and that the long-term plans is to minimally mow this portion of the site.

Jason Julian, stated that they have a portion of the company that goes there on a regular basis to ensure that the areas are being irrigated, seeded, and maintained. They will make sure that everything will be irrigated and maintained on a regular basis

This evening the Agency may:

Ask questions.

Ask for further information.

Modify the violation.

Release the Violation.

Refer the Violation the City Attorney's Office for resolution

The following motion was made by Connors and seconded by M. Connors:

I move that cease-and-desist order IWC-2022-0003 615 Plains Rd may be released by the Compliance Officer upon completion of the following items:

- Seed mix is grown in and stabilizing the bank

That is my motion.

The motion carried unanimously by roll call vote.

E. New Business

1. IW-PA-22-0047, 615 Plains Road, 615 Plains Road, LLC - Proposed school bus storage, maintenance, and dispatch facility w/outdoor fueling station with minor work proposed within 100' of an inland wetlands or watercourses in the Housatonic River Watershed.

MaryRose reported that this is the pre-application for IWA permit for the proposed school bus storage, maintenance, and dispatch facility w/outdoor fueling station with minor work proposed within 100' of an inland wetlands or watercourses in the Housatonic River Watershed. This item is

for an after-the-fact permit for the work done at 615 Plains Rd. The applicant is scheduled to go before the Planning & Zoning Board and needs a report out from IWA. This pre-application, if granted will permit the work and allow a favorable report to be issued to P & Z for their review. This evening Ron Wassmer of CT Civil Group is here to answer any questions.

MaryRose visited the site at 615 Plains Road on 6/01/22 at 1:30 pm, the weather was clear and seasonable. The site work appears to be complete, with finished paving and curbing installed. Catch basins are installed and appear to be functioning. Seven (7) stormwater manholes are located in the front parking area on either side of the entrance from Plains Road as shown on the proposed plans. The work on the northern portion of the site was within 100' of a drainage swale /intermittent watercourse on the adjoining property at 0 Raton Dr. The MIWA required seeding by 5/15/22. Site has been seeded and some volunteer species are visible.

Ron Wassmer stated that the stormwater system was designed for the City Engineering requirements for stormwater treatment and compliance. The City Engineer felt the system was adequate when reviewed and submitted 18 months ago. Work was done to allow the Bus company to move to this site from the Mall property. The Zoning hearing was delayed partially due to the IWA violation and the required traffic study. The fuel unit is a self-contained system managed by a third-party company and there is no underground storage of fuel onsite.

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.

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

I move that the Designated Agent issue a Jurisdictional Ruling for pre-application IW-PA-22-0047; 615 Plains Rd for the parking lot construction, grading, drainage, and landscaping as shown on the plans entitled: *"Site Plan 615 Plains Rd, Milford, Connecticut"* by CT Civil Group, cover and 12 sheets, sheets 1-3 and 5-10 dated 12/01/20, sheet 4 dated 5/24/21, sheets A-1 & FP-1 dated 5/24/21, sheet TP-1 dated 5/03/22; revised: sheets 1,2-7, 10 and TP-1 5/03/22, Sheets 3, 8,A-1, FP-1 5/24/21. *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 by roll call vote.

F. Minutes

A motion was made by Connors, seconded by Munson to approve the minutes of the 05/18/2022 regular meeting as presented. The motion carried with M. Connors abstaining.

G. Staff Report

The office has been very busy with inquiries, complaints, bond release requests, minor reviews and other reporting and City projects.

The celebration of the 50th Anniversary of the CT Inland Wetland and Watercourses Act and its relationship with the State Water Plan continues.

The link below provides the video of the May 11 Seminar on Wetlands and Climate Change:
https://ctvideo.ct.gov/opm/WPC_Wetlands_2022-05-11_video.mp4

The State Water Plan Education and Outreach Group will host a program on [Rivers & Watercourses: The Importance of Riparian Zones Webinar](#) on **June 8** (Noon-1:00 p.m.) in New Britain (and on Zoom), as part of the continuation celebration of the 50th Anniversary of the CT Inland Wetlands and Watercourses Act and its relation to implementation of the CT State Water Plan. Protecting riparian zones is important to maintain the health and water quality of our rivers, streams, lakes, reservoirs, and other water bodies and is essential for source water. [Registration form](#).

If you haven't completed the CT Inland Wetland Commissioner Training Course it is available: [CT DEEP Municipal Inland Wetland Agency Comprehensive Training Program](#)

The CT Land Use Academy also has some good online training for Land Use Commissioners at: <https://clear.uconn.edu/luu/index.htm>

Please let the office know if you take either training.

Site Status:

- 0 Tanglewood Circle – waiting for reports.
- 30 Bridgeport Av – waiting on asbuilt.
- Florence Av – a modified permit has not been taken out.
- 114-122-124-128 Merwin Ave – ongoing.
- Wheelers Woods – project completed, waiting on bond release.
- Milford Cemetery – 420 West River Street – first spring inspection was completed, minor issues with invasives and ATV's.
- 16 Marsh St. – ongoing.
- 690 New Haven Ave – ongoing.
- 201 Kings Highway – ongoing.
- 8 Pepe's Farm Road – waiting for mitigation monitoring report.

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

G. Chair Report

- The next regular meeting will be on June 15, 2022, 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 Munson 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.