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MILFORD INLAND WETLANDS

Minutes of the Regular Meeting of the Inland Wetlands Agency on June 16, 2021.

A. Roll Call

Present: Daniel Bedeker, Jim Connors, Heather Donaldson-Gladue, Steve Munson, and Lisa Tryon.

Absent: Brendan Magnan, Ranjit Bhav, Matthew Connors, Dave DeFlumeri and Gerry Panico.

Also Present: MaryRose Palumbo, Lisa Streit and Tom Ryder, Acting Staff, LandTech

Munson 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. New Business

1. **IW-21-0023: 64 Quarry Road, Jeff Attolino** – proposed single family home with construction, stormwater improvements and grading work in and within 100' of a wetland or watercourse in the Indian River Watershed.

MaryRose reported that this is a proposal for a single-family house on an existing lot at 64 Quarry Rd by Jeff Attolino with work within 100' of a wetland in the Indian River Watershed. The proposal includes the construction of a home, driveway, grading, stormwater and a well within the upland review area. The closest grading work is 9' from the wetland and the proposed house is 18' from the wetland. Mr. Attolino, his professional Wetland Scientist Bill Kenny, and Surveyor Paul Stowell are here this evening to present the proposal.

Attolino oriented the site plan and reviewed the wetland location and stated that the house can be moved further away from the wetlands. Bill Kenny stated that in April he marked out the wetlands on site. There is an existing house adjacent to the wetland on the left and right. The left is a well-developed swamp, and the right is a narrow drainage corridor that drains east and then at the rear drains west. He feels that moving the house closer to the road is a good idea to help protect the wetland. The proposed gravel driveway and roof drainage will recharge and infiltrate into the soil. The corridor is a much lower quality wetland. The left of the property is much more functional. Although a lower quality, moving the house would be a good idea. The house would be on slab, so the disturbance would be fairly limited and will allow good drainage to recharge the system in front.

MaryRose stated that if the applicant is going to use the alternate plan, the IWA will need to see that plan.

Bedecker asked to see the right corner of the location map. MaryRose reviewed the existing homes in the area with Rose's Mill Road around the corner.

MaryRose stated that this item is on the agenda for the first time and the Agency can:

- Ask questions.
- Ask for further information.
- Schedule a site walk
- Schedule a Public Hearing (no petition has been received as of 6/16/2021, petition deadline is 6/30/2021).
- Take no action.

MaryRose stated that she was on the site a year or two ago and reviewed the drainage flow on the location map. There are no wetlands proposed to be filled.

No action taken.

2. **Notice of Violation IWC-21-0040: 8 Pepe's Farm Road, Barbara Held** – clearing and disturbance of a wetland, clearing and disturbance within a conservation easement and grading work in and within 100' of a wetland or watercourse in the Indian River Watershed without a permit.

MaryRose reported that this is a violation issued 5/26/21 to Barbara Held and Barry Held for work in and within 100' of a wetland in the Indian River Watershed without permit. This property also has a conservation easement as shown on the asbuilt and documented in the Land Records. At the 6/2/2021 meeting, the Agency upheld and modified the violation. The Certified mailing for the 5/26/2021 MIWA meeting was returned to the Agency as unable to forward. The certified mailing upholding and modifying the violation was sent to both Barbara Held, the property owner and Barry Held who is occupying the property. Ms. Held called on 6/14/21 and asked for time to install the erosion and sedimentation controls as she had just received the order. She also stated that she would be hiring the professional wetland scientist and surveyor as required in the order and would attend tonight's meeting.

MaryRose visited the site today with Stephen Harris, the Zoning Enforcement Officer. The miscellaneous debris that was in the photos of the yard appeared to be moved from the north side of the house adjacent to the wetland. The excavator and machines did not appear to be in the wetland. The yard looks to have been regraded and top soiled with no vegetation established. She did not see any erosion controls installed on the site. Photos from today's site visit show the side yard and the disturbed snow shelf and sedimentation in Pepe's Farm Rd were shown.

Tom Ryder of LandTech Consultants represented the City of Milford for the initial investigation of this complaint and is here this evening as Staff to answer your questions. Mr. Ryders reports were in the links on the agenda. Ms. Held is here this evening to answer your questions regarding the violation.

Ms. Held stated that her brother and his 2 kids moved into the home under stressful/emergent circumstances. She had had a tenant in this home, so this created a huge financial loss for her. Her brother told her that the yard was a mess, and he was going to clean it up and seed it; it was mud.

The excavator slid into the fence. She did not receive the first letter. She addressed a blight complaint with Zoning and called 3 Land Surveyors and the closest date available was to begin in the middle of August. Scott Stevens, Soil Scientist, is to come out the end of next week. She is hoping to fix what needs to be fixed and is asking for leniency as far as the cost for the professionals.

MaryRose stated that Ms. Held would be contracting with them and they can call the IWA to make sure that the scope of the work is done. The pictures from today were reviewed; the site needs erosion controls in as quickly as possible and then the Soil Scientist can advise what is to be planted for stability. Limited things can happen in the conservation easement which is in the deed. The goal is to protect the resource and prevent anything from going into the wetlands. The snow shelf is all dug up, sedimentation is going into the creek and there is broken concrete on site.

Ms. Held stated that the erosion controls can be completed by the 29th and she does not have a date for a surveyor. She asked if she could just do the survey for that side for now due to the expense.

Tom Ryder stated that there are 2 areas that need protection; the S & E controls should be done tomorrow, and the entire yard is top soiled and cannot be allowed to migrate into wetland. The silt fencing needs to go in around the wetland, so the soil doesn't go into the vegetated areas. For the survey – the conservation easement and the wetland boundary need to be staked and is the key feature for resolving the violation.

MaryRose showed the pictures of these locations. The S & E fence needs to be buried 6" deep and at the limits of vegetation and needs to be inspected by MaryRose. She can be called to come out. Ms. Held asked if she could have until Friday. Richard Plain, Surveyor, said the end of August and Scott Stevens said 6/29/21 at the latest.

MaryRose stated that at this time the Agency can:

- 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 Donaldson-Gladue:

I move that the cease-and-desist order IWC-21-0040: 8 Pepe's Farm Road, be modified to require that the property owner be ordered to:

1. Properly install soil erosion and sedimentation controls on the sites to prevent material from entering the wetland by **6/18/21**.
2. Hire a Certified Soil Scientist or Professional Wetland Scientist to determine the current limits of the wetlands on the property including both Connecticut and Tidal as may be present.
3. By **8/01/21** submit an A-2 survey with T-2 accuracy performed, signed, and sealed by a Professional Licensed Land Surveyor in the State of CT showing the following information at a minimum:
 - a. Existing site improvements
 - b. Property boundaries including all easements.
 - c. Wetlands line as delineated by a certified soil scientist or professional wetland scientist including both Connecticut and Tidal wetlands as present.
 - d. Limits of recent wetland disturbance.

- e. Coastal Jurisdiction Line (CJL) and Mean High Water line.
- f. FEMA Flood Zone Line.
4. Have the professional licensed Land Surveyor stake the limits of both the Conservation Easement and the approved fencing location so they are and will remain visible on the property.
5. By **7/01/21** submit a detailed mitigation and planting plan using the information provided on the updated survey and wetland delineation report for review and approval by the MIWA to restore the wetland. Plan to be designed by a Professional Wetland Scientist and include at a minimum:
 - a. Stabilization of soil and hummocks created by equipment in wetland.
 - b. Planting of native shrubs back into the disturbed area.
 - c. Proposed timeline for execution of the mitigation plan to remove material, plant and stabilize the disturbed area including two years of twice a year monitoring by a Professional Wetland Scientist.
 - d. Draft planting and mitigation monitoring bond calculation. Bond to be posted to guarantee that the shrubs live for two years, and monitoring reports are completed in a timely manner.
 - e. Outline of responsibilities of property owner for watering and maintenance of plantings to ensure survival.
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 site work.

The motion carried unanimously.

E. Minutes

A motion was made by Connors, seconded by Donaldson-Gladue to approve the minutes of 6/02/2021 as presented. The motion carried with Connors abstaining.

F. Staff Report

- MaryRose attended a mid-year CACIWC meeting on 6/12. Rep. Mary Mushinsky updated the group on recent environmental legislation and Attorney Janet Brooks and Darcy Winter of the DEEP Land & Water Resources Division reviewed some hypothetical applications and the importance of ensuring: Experts are testifying on their area of expertise (i.e., a Land Surveyor saying there is no impact to the wetland is not the same as a Professional Wetland Scientist saying that there is no impact on the wetland). The decision made is based on the Regulations and Statutes.
- The legislature is considering extending the ability of Commissions to continue using Zoom, but it has not yet been decided. Please look for information on how and where the next meeting will be held.
- The office continues to be with busy. Taft Clark the new IWA Clerk and MaryRose are catching up on items that needed attention while she was out. She has met regarding several projects that you have already permitted that are getting ready to start and others that are preparing to come in for permits. We continue to work with Municipity, the permitting software vender to incorporate the MIWA applications into the online permitting request system – City Squared.

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 May 2021 monitoring report. Next report is due in this November / December. The consultant has stated that the two lots are stabilized with a 94% and 100% stabilization.
- Terrace Rd is ongoing.
- Wheelers Woods – ongoing
- Beaver Brook Boardwalk – boardwalk and parking lot complete. Rain garden to be completed in the fall.
- Florence Av is ongoing – stone swale and galleys are installed waiting on asbuilt.
- French Drive Fields – completed.
- Lansdale Av Fields – completed
- 30 Bridgeport Av – ongoing.
- 17 Maddox Av – ongoing.
- 31 & 33 Pearl St – ongoing.
- Sewer lining under Stonebridge Pond - completed
- Gulf Pond Pump Station maintenance – ongoing.
- 63 Westmoor Rd – ongoing, waiting on review of asbuilt received 6/16/21.
- 51 Westmoor Rd – ongoing.
- 161 West Rutland Rd - ongoing

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

G. Chair Report

The next meeting will be July 07, 2021. MaryRose will notify you if the meeting will be held via ZOOM or in person.

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 Donaldson-Gladue to adjourn at 8:30 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.

