

**A. Roll Call**

Present: Steve Munson, Daniel Bedeker, Ranjit Bhawe, Jim Connors, Heather Donaldson-Gladue, and Julie Valvo.

Absent: Matthew Connors and Brenden Magnan.

Also Present: MaryRose Palumbo and Lisa Streit.

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

Munson 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.

**C. Public Comments**

None.

**D. Old Business**

1. **IWC-23-0005: 1 Avalon Drive; Woodmont Road Owner, LLC** – clearing of trees disturbing the natural and indigenous character of the wetlands and watercourse with work in and within 100' of a wetland and watercourse in the Indian River Watershed.

MaryRose reported that this a violation issued 7/17/23 to Merion Residential for clearing work in and within 100' of a wetland and watercourse in the Indian River Watershed. At the 7/19/23 meeting the Agency upheld the order and required that the property owners remove the stockpile onsite and topsoil, straw, and seed to stabilize the site. This has been done. The Agency required that the property owners:

- Retain a certified Soil Scientist or professional Wetland Scientist by 8/10. They hired Jim McManus of JMM Wetlands Consultants who flagged the property. *His mitigation plan was submitted 9/13/23.*
- Submit an A2/T2 survey and a wetland mitigation plan by 9/14/23. *They submitted a plan with T2 accuracy of a portion of the site based by NOK on 9/13/23. That plan is based on the original site plans.* MaryRose visited and walked the site yesterday with Jim Capra of Merion Residential. The site is stable.

Mr. Capra stated that Merion Residential would like to:

- Seed again in the fall when they install plantings.
- Maintain the area that was cleared and put benches or Adirondack chairs there for the residents to utilize.
- Remove the vines from the trees.

- Clear the overgrown vegetation on the opposite (south) side of Woodmont Brook and maintain the slope as grass.

Initially Mr. Capra had stated they would be replacing the approximately 58 original plantings cleared in the upland review area. The submitted plan is proposing to plant 28 plants, the report calls for 29. Neither the report nor the plan has a proposal for restoration of the vegetation removed in the wetland. Aerial photos from 2004, when the site was under construction, show that the wetland and immediate upland review area were not disturbed for construction. Aerial photos through early 2023 show the area as heavily vegetated.

MaryRose spoke with David Sulkis, the City Planner today, who stated that the plantings that were on the site had been part of the Court Stipulated Agreement for this project's approval. Changing the original planting plan will require approval from Planning and Zoning.

MaryRose's notes, the mitigation plans and reports are in the meeting documents.

Jim McMannus of JMM Wetlands Consulting was in attendance to present the mitigation plan and answer any questions.

Jim McManus CPWS, JMM Wetlands Consultants, stated that on August 30, 2023 he over delineated – went beyond the area of disturbance and also reviewed the area and the site for the planting plan. Essentially, they are proposing to plant red maples and pin oaks along the wetland edge, then 25 shrubs, then a wildlife conservation mix and mow that twice per year to keep the woody invasives down.

The site currently looks like lawn where dense vegetation was removed. It was densely vegetated with invasive species. McManus is sure that there were a number of invasives there. They are also looking to monitor the planting plan for two growing seasons and would recommend starting next year to see how it is doing after planting this fall; so monitor fall 2024 and 2025. He was unaware of court cases and was just looking to establish something along the wetland edge. He was looking for an attractive seed mix that will look good outside the offices and helps with bees and butterflies etc.

MaryRose asked about wetland area plantings and invasives. McManus stated that they would need to educate the maintenance staff to cut and remove the vines as they grow to try and eliminate them.

Munson questioned if the A2 Survey is needed. MaryRose stated that she spoke to Alan Shepard and it is based on the A 2 Survey from the original construction, otherwise they would have had to survey the entire site. The topography was updated. Munson clarified that the proposal has not been approved by Planning & Zoning. Connor stated that he felt what has been done to date is a good job; the site is stabilized and attractive as he drives by the site every day.

MaryRose reviewed pictures of the site, showing a stone channel installed as well as the silt fence and lawn area. McManus stated that some of the lawn area will be planted with a wetland mix and final planting locations will be determined on site. MaryRose reviewed a picture of a tree invaded with vines. McManus stated that he believes the tree is dead.

Munson asked about a bond calculation. MaryRose stated that that is typically submitted and then reviewed. McManus stated that he and Alan Shepard will calculate the bond estimate. He further stated that the growing season ends on 10/15 and he would like to get the seed mix down now and then do more if required by Planning & Zoning at a later date. There was discussion on existing vegetation verses what is required by approval. The site was approved in 2004 and they are now trying to make it aesthetically pleasing and were overzealous.

Valvo stated that she thinks that the idea of getting plantings in now, even if more sparse, may be easier to manage the invasives and feel plantings now would be a benefit. Connors agreed.

This evening the agency can:

- Ask questions.
- Take no action.
- Modify the violation.
- Release the violation.

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

I move to accept the mitigation monitoring plan and report entitled "Wetland Mitigation Plan prepared for Merion Residential One Avalon Drive, Milford, Connecticut" by NOK, 1 sheet dated 9/13/23 and "Wetland Restoration Mitigation/ Planting Plan" by JMM Wetland Consulting Services, LLC dated 9/11/23 for cease-and-desist order IWC-23-0005 1 Avalon Drive, and that the order be modified to require that the property owner:

1. By 11/15/23 obtain and submit approval from the City Planner / Planning and Zoning Board for this change to the plan approved by the stipulated agreement.
2. By 10/14/23 submit the required mitigation monitoring bond.
3. By 10/15/23 install the plantings and seed as required in the mitigation monitoring report.
4. Submit mitigation monitoring reports by a professional wetland scientist at planting installation and twice a year for three (3) years by June 30<sup>th</sup> and November 30<sup>th</sup> on the status of the plantings and any invasive control that is required.
5. By 10/01/23 Submission of a mitigation monitoring bond calculation
6. The Agency will modify this order if needed based on the Planning and Zoning review.

The motion carried unanimously by roll call vote.

#### E. New Business

1. **IW-23-0060: 85 Viscount Drive, Heritage Sound Condominium, Inc.** – proposed removal of existing tennis course with work within 100' of a wetland and watercourse in the Housatonic River Watershed.

MaryRose reported that this is a proposal by Heritage Sound Condominium, Inc to remove the existing tennis courts and fencing and replace with loam, seed, and hay. She visited the property in August and met with members of the Execuvite Board and the Grounds Committee. The Association has voted and they would like to remove the courts and convert the area to grass. The work is proposed within about 50' of the pond on the property. They are proposing silt fencing and an anti-tracking pad and sweeping/ catch basin protection if necessary. They would like to do the work this fall. She walked the site yesterday and her notes and photos are in the documents link. Photos of the site were viewed; the courts are cracked and some grass can be seen growing through them. The tennis court is currently being used for raised garden boxes. The tennis court has not been able to be used for some time.

The Association President could not be in attendance, board member Wayne Medoff was present to answer any questions.

Wayne Medoff, 85 Viscount Dr, stated that he is the Treasurer of the Heritage Sound Association and felt that the summary given was sufficient.

Connors stated that he sees no problems as this would be less impervious surface. Valvo agreed.

This 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

No action taken.

2. **IW-23-0061: 104 Edgewater Place, Brenton and Deidra Artz** – proposed construction of a single-family dwelling within 150' of a wetland and watercourse in the Wepawaug River watershed.

MaryRose reported that this is a proposal by Brenton & Deidra Artz for construction of a single family home within 150' of inland wetlands in the Wepawaug River Watershed. The wetlands are located offsite on the City of Milford Right of Way in Edgewater Place. These wetlands were identified and located in April 2004 by Roy Shook as a concave depression with phragmites. In 2005, the MIWA approved access to this lot over the unimproved City Right of Way. On 4/17/23 William Kenny Associates flagged the wetlands and identified it as a small, isolated phragmites dominated wetland.

MaryRose walked the property on 9/19/23. The property currently has a gazebo, deck, shed, boat ramp and a gravel parking area. Her notes and photos are in the document links showing the wetland area in relation to the existing site improvements.

Attorney Kevin Curseaden, John Wicko, Architect, and the property owners Brenton & Diedre Artz were in attendance.

Attorney Kevin Curseaden, Curseaden & Moore, representing the Brenton & Deidre Artz for 104 Edgewater place, stated that the applicant is looking to build a single-family house. As can be seen in the photo, there is a small area of wetlands in the small right of way. 94 Edgewater Place is next door, which the IWA approved. He reviewed that this will go before Planning and Zoning and that the City Engineer has reviewed the stormwater and this is in the files. The site has been developed for 30 or 40 years with a gravel driveway, docks and a wooden structure. Ron Wassmer did do a stormwater report which the City Engineer reviewed. There are Tidal Wetlands along the edge of the property. The Artz's would move here as a primary residence, to enjoy with the grandkids.

The City would need to apply if they were to improve the road. The same professionals are being used as was for #94. Per William Kenney's report, this is not a significant wetland and this application will have no impact on it.

John Wicko, Project Engineer, stated that this is a 2439 sq. ft. home and would be 2.5 stories and be elevated to meet the flood zone requirements. The slab is set at 6.5 which requires minimal changes to existing topography and the finished floor at 15.5. He reviewed the demolition drawing and reviewed the architectural drawings.

MaryRose reviewed her site walk notes and photos from 9/19/23 showing the inland and tidal wetland areas and the access driveway / City right of way. She reviewed the CT Civil Group erosion and sedimentation control plan showing the proposed silt fence location and agreed with the City Engineers memo requiring erosion controls around the wetland in the City right of way. The proposed sanitary sewer line connection is about 10' from the inland wetland.

This 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).

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

I move that the following information be submitted for review of application IW-23-0061: 104 Edgewater Place:

- A plan showing erosion control protection for the offsite wetlands.

The motion carried unanimously by roll call vote.

## **F. Minutes**

MaryRose noted that Magnan's name was misspelled on the last page. A motion was made by Connors, seconded by Valvo to approve the minutes of 9/06/2023 as amended. The motion carried with Donaldson-Gladue abstaining.

## **G. Staff Report**

### **SCROG Training**

MaryRose forwarded an email that SCRCOG will be teaming up with UConn's CLEAR institute to offer a hybrid 4-hour training workshop for **Land Use Commissioners on October 12, 2023, from 4pm - 8pm**. The training will consist of the 3 hours on Land Use Academy Basic Training including *The Legal Requirements & Procedures, Roles & Responsibilities and The Fundamentals of Reading Plans* which will cover three (3) credits of the required CGS Sec. 8-4c training. These sections will be presented by Renata Bertotti, AICP, Assistant Extension Educator in LU Planning and Climate Resilience, UConn CLEAR & CAHNR Department of Extension. At the same event, Ben Lovejoy, SCRCOG Director of Regional Planning, and David Fink, former Policy Director at Partnership for Strong Communities and SCRCOG Regional Housing Consultant, will present a session on Fair and Affordable Housing Policies **which will cover the one (1) required credit on Fair and Affordable Housing Policies required for Zoning and ZBA Commissioner's**. The training will be structured as 4 individual one-hour sessions. Details are in the meeting notes including the link to register:

### **In-Person Attendance:**

SCRCOG Offices (ample onsite parking available)  
127 Washington Avenue, 4th Floor West  
North Haven, CT 06473

*\*Maximum Capacity is 45 In-Person attendees - Registration is required and seats will be reserved for SCRCOG Member Municipalities*

### **Online Attendance via ZOOM**

[Link to Register](#) - *(same link is used for in-person and online attendance)*

Be aware that for those who are unable to attend, all four hours of the training will be recorded and available to watch online within 2 weeks of completion. The registration link will ask attendees how they plan to attend (in-person or online) and all registrations are subject to approval. While this training is designed for the SCRCOG region, it is open to the whole state so I will be reserving the in-person seats for SCRCOG region commissioners on a first come first serve basis.

### **CACIWC Annual Meeting is 11/11/23**

The registration is not open yet for the 2023 CACIWC Meeting. I will send out the information as soon as I receive it. I put the link to the CACIWC website in the meeting notes. Past issues of the Habitat are available online. [Connecticut Association of Conservation and Inland Wetland Commissions \(caciwc.org\)](#)

### **Spotted Lantern Fly**

The Department of Agriculture is working on the Spotted Lantern Fly Program in CT. Spotted Lantern Fly (SLF) is an invasive species. Large numbers of SLF have been found in Milford in recent weeks. I was contacted to let you know they are advising citizens to remove most of their preferred food source, *Ailanthus altissima* (tree of heaven), leaving one or two standing to treat with a systemic insecticide. This method in theory forces the adults to feed on the treated trees or disperse elsewhere. Tree of Heaven can be found in wetlands and marshes. I asked that anyone with concerns contact me to let me know they are taking the trees down on advice of USDA to avoid concerns with clearcutting.

### **What to Do If You Find SLF**

First, and most important – if you think you have observed spotted lanternflies, do not attempt to move any wood or other potentially infested material from the site. Instead, you should:

- Report potential sightings of this invasive pest. If you suspect you have found a SLF, snap a picture of it and fill out this [SLF Reporting Form](#).
- Kill any spotted lanternflies you find immediately.
- Follow these [tips for dealing with spotted lanternflies](#).

### **Tree of Heaven**

I have added links in the notes to information on Tree of Heaven [Tree-of-Heaven \(\*Ailanthus altissima\*\) | Connecticut Invasive Plant Working Group \(uconn.edu\)](#) and the Spotted Lantern Fly [CT Spotted Lanternfly](#)

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 reports.

Site Status:

Project Site	Status	Monitoring Reports	
		Last Received	Final Due By
1553 Boston Post Road	Asbuilt received		
30 Bridgeport Ave	Ongoing		
0 Cherry St/Jefferson Park	Ongoing		
67-69 Cooper Ave	Ongoing		
94 Edgewater Place	Ongoing		
201 Kings Highway	Ongoing		
104 Lavery Lane	Plantings in, seeded, not yet established.		
32 Alexander Drive	Ongoing, changing to a rain garden		
16 Marsh Street	Bond released		
114,122,124,128 Merwin Ave	Ongoing	8/29/23	
40 Morehouse Rd	Ongoing		
690 New Haven Ave	Asbuilt received, monitoring reports due through 6/2026	6/23	6/26
33 Pearl Street	Bond released		
8 Pepe's Farm Road	Ongoing monitoring.	June 2023	Nov 2023
0 Quarry Road	Ongoing, lot 1 & 2 completed, lot 3 under construction		
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. Issue with stormwater association to be worked out with developer/lot owners before bond release.	Waiting on reports	
Wheeler Farms Rd	Waiting on final review		
523 Wheeler Farms Rd	Ongoing.		
260 Old Gate Lane	Ongoing		

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

## H. Chair Report

The next meeting will be a Regular Meeting on October 04, 2023 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 seconded by Donaldson-Gladue to adjourn at 8:45 p.m. The motion carried unanimously by roll call vote.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.