

A. Roll Call

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

Absent: Dave DeFlumeri and Lisa Tryon.

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.

A motion was made by Connors, seconded by Munson to reorder the agenda to hear item E.4. first. The motion carried unanimously.

E. New Business

- 4. IW-A-21-0049: Florence Avenue Right of Way – City of Milford** – proposed extension of Florence Ave including a snow shelf, retaining wall and a drainage swale with work within 100' of a wetland in the Housatonic River Watershed.

MaryRose reported that this is a proposal for an extension of the end of Florence Ave to include sufficient area to plow and pile snow as well as safely turn around and to provide for drainage. The agency approved a drainage project for this area in 2019 which included infiltration and a riprap swale leading down the slope for stormwater discharge.

The proposed work includes a reinforced earth modular block wall, infiltration, and enlargement of the rip rap slope area for stormwater discharge. The closest work to the wetland is the extension of the rip rap area. It is proposed within 4' of the wetland. It is currently approximately 8' from the wetland line as was approved in 2019. This project is on the agenda for the first time this evening. Angelo Lisi and Ron Wassmer, the Design Engineer were in attendance to present the proposal and answer any questions.

Wassmer reviewed that there has been a lengthy discussion between the Developer and the City of Milford regarding the extension of the road. Earlier this year, the Developer, the City and himself

met on site to iron out the road extension and from this drew up conceptional plans. He proceeded to review where the road ends and three homes that have been built and sold. An alternate that was considered was a proposed wall close to the top of the slope. Some utilities have already been installed; the wetlands boundary was viewed on the plans. The profile view plan was viewed showing the gutter lines, slope and proposed retaining wall as well as the guiderail and modular concrete blocks. A 31' snow shelf was proposed by the City and this work will be done and paid for by Angelo Lisi.

MaryRose showed photos of the site from today. The manhole was viewed, some neighborhood yard waste dumping and pictures of the wetlands flag area. The 2019 approval areas were viewed. Bhave asked about the slope. Wassmer stated that it is 2:1 existing. The goal is to build the wall from the top side to not destroy the slope. It is stable now with no erosion. Bhave asked about protection of the disturbed area. Wassmer stated that rip rap downhill can be a condition. The reinforced modular wall with geo grid behind the wall to avoid going down the hill. Bhave asked about excavation to install the geo grid. Wassmer reviewed this on the plan.

Magnan questioned if there was any risk of construction debris going into the wetlands. Wassmer stated that that project can be built in 2 weeks, so exposure would be minimal and they would like to begin as soon as possible. Munson stated that signage would be important. Magnan asked about room for the driveway. Wassmer reviewed this on the plans.

MaryRose reviewed that this is on the agenda for the first time and 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 10/6/2021; petition deadline is 10/20/21).

No action taken.

D. Old Business

- 1. 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 is documented in the Land Records. At the 9/15/21 meeting the Agency required that Ms. Held:

1. Submit a \$8,234.48 monitoring bond for planting and mitigation monitoring by 9/30/21. Bond to be posted to guarantee that the shrubs live for two years and that monitoring reports are completed and submitted in a timely manner. Bond calculation to include plants and planting, mitigation monitoring, and asbuilt.

Bond has not yet been submitted – Ms. Held did email a pdf of a non-executed copy of the surety bond form on 9/29/21. She said that she was waiting for the original in the mail. It was not received as of 4pm today.

2. Begin to remove material from the wetland and conservation easement by 10/01/21.
3. Installing the plantings and stabilizing the disturbed area as required in the mitigation plan by 10/13/21, Each planting in the wetland should be identified with a 4' high stake painted at the top.

Ms. Held's contractor, Sean Hoekenga of 3B Lawn Care called 9/30/21 and stated that he has removed woody and concrete material from the wetlands and was planning on receiving the plants by 10/06. We scheduled a site walk for today (10/6) including Jen Beno of SSES.

The wetland area was holding water from Monday nights (10/4/21) storm. After discussion the planting configuration was altered to accommodate the water elevations in the wetland. 15 plants were installed in the wetland, the seed mixture was spread in the wetland and in the 2' area along the wetland line. The 6 remaining plants were to be picked up this afternoon and installed tomorrow. 3B Lawn Care stated that they will stabilize the remainder of the upland review area with a tri-rye to try and stabilization the remaining disturbed area before winter.

4. Installing markers for the conservation easement.

MaryRose did not observe these markers onsite today.

5. Maintaining soil erosion and sedimentation controls upgradient of the wetland flags on the site to prevent material from entering the wetland until the site is stabilize.
6. Maintaining fiber logs in the wetland at the limit of disturbance to prevent material from entering the wetland until the site is stabilized.

The silt fencing and coir fiber logs remain in place on the site.

The remaining items included the long-term care and monitoring of the mitigation area and the reinstallation of the fence and submission of the asbuilt.

No action taken.

2. **Violation IWC-21-0055: 35 Prospect St., Par Falls LLC.** – Construction of a terrace and landscaping within 150' of a wetland in the Wepawaug River Watershed without a permit.

MaryRose reported that this is a violation issued 8/25/21 to Par Falls LLC and their contractor Bruce Ullerup of Shore Haven Landscaping for work within 150' of a wetland without a permit. Attorney Tom Lynch submitted a letter stating that they would have the site plan submitted by 10/01/21. The Agency upheld the violation at the 9/01/21 meeting and modified it to require information to be submitted by 10/01/21. The site plan and soil report have been received and were uploaded in the agenda link.

At the closest point the constructed terrace is about 9' from the new wetland line as delineated in the field by Bill Kenny. This work was completed without permit from the MIWA.

The Property Manager had contacted the DPLU in November 2020 to construct patios at three of their apartment complexes in Milford. Two of the complexes did not require IWA permits or review. This property required both P&Z and Wetland review. A misinterpretation of an email stating no permit was required for the two other properties led the owner to install the patios at the other two properties and the terrace at this site.

As shown on the plan dated 10/04/21 by CT Civil Group the terrace is 9' from the wetlands identified by Bill Kenny on 10/04/21. The original approval required boulders upland of the wetland boundaries. Those boulders can be seen on the plans.

MaryRose visited the site today and the area has been stabilized, grass has come in in the disturbed area. There was standing water in the wetland from the heavy rains on Monday. The terrace appears completed except for a safety railing. David Parisier Par Falls LLC, Ron Wassmer from CT Civil Group and Bill Kenny, Professional Wetland Scientist were in attendance to answer any questions.

David Parisier, Par Falls, LLC, apologized for the misunderstanding and stated that per the professionals, there has been no adverse impact and they would like to cure this issue.

MaryRose reviewed pictures of the site showing silt fencing, stabilization and reviewed the site plan to the photos.

Wassmer reviewed the existing conditions as approved in 2007. The site was flagged in 2005 and constructed in 2012 except for the patio. The patio was recently constructed. He showed an overlay of the wetland delineations from 2005 and 2021. Wassmer stated that he first saw this site in 2005. Signage would be appropriate and was overlooked. The patio does not intrude into the wetlands nor the silt fence.

Kenny, Professional Wetland Scientist and Landscape Architect, stated that he flagged the site this week. The parking lot area is a little different regarding wetlands. He showed pictures and oriented to the site. The wetlands are densely vegetated and very healthy. There is opportunity to expand the natural vegetation up to the wall and up to the patio to buffer the wetland area and he recommends signage.

MaryRose reviewed that his evening the Agency may:

- Ask questions.
- Ask for further information.
- Take no action
- Modify the violation
- Release the Violation.

Munson moved that cease and desist order IWC-21-0055: 35 Prospect St.be modified and that by 12/01/21 the property owner:

- Install wetland boundary markers along the accessible wetland edge.
- Install environmental signage along the parking lot railing to notify / educate that the area is a wetland and stormwater retention area.
- Submit a planting plan.

The motion was seconded by Connors and carried unanimously.

A motion was made by Munson and seconded by Connors to hear items E.1 and E.2 together. The motion carried unanimously.

E. New Business

1. **IW-A-20-0076: 114 Merwin Avenue, CP Mooney, LLC** – proposed single family home with construction, grading and stormwater improvements within 100’ of wetlands in the South Central Shoreline Watershed. Modification of stormwater.
2. **IW-A-20-0077: 128 Merwin Avenue, CP Mooney, LLC** – proposed single family home with construction, grading and stormwater improvements within 100’ of wetlands in the South Central Shoreline Watershed. Modification of stormwater.

MaryRose reported that this is a modification request by Cal Mooney to create a biofiltration berm with native meadow for site stormwater to replace the infiltration galleys and a rain garden on each lot as approved by this Agency. In the spring, the Agency reviewed and approved the biofiltration berm with native meadow for site stormwater on the two central lots of the four lots that Mr. Mooney is developing. At the time of the reviewed plan, it was understood that the 4 lots would follow the biofiltration design as shown on the plan by William Kenny dated 3/02/21. This modification request is to formalize approval of the berm and mitigation for the two end lots, 114 and 128 Merwin. Mr. Mooney submitted photos of the project showing the house in stages of construction and the status of the mitigation area. Previously this area was a stand of invasive phragmites. Mr. Mooney, Richard Fontaine, PE, and Bill Kenny are here this evening to answer your questions.

Mooney reviewed the plan and oriented the plan to the pictures and stated that they are working on the phragmites area. There is no change, just progress. The plan is to landscape lots C and D this year and do the berm across all 4 lots.

MaryRose reviewed that this is a modification request for an existing permit, this evening the Agency can:

- Take no action.
- Ask questions.
- Ask for further information
- Approve the modification.
- Deny the modification.

The following motion was made by Connors and seconded by Donaldson-Gladue:
I move that permits IW-A-20-0076: 114 Merwin Avenue and IW-A-20-0077: 128 Merwin Avenue be modified as shown on the plans entitled:

“Plot Plan of Address No. 114 Merwin Avenue, Milford, CT AKA Lot ‘A’, Prepared for C.P. Mooney, LLC” by Paul J. Stowell Land Surveying, 2 sheets dated 9/15/20 rev 9/30/21

“Plot Plan of Address No. 128 Merwin Avenue, Milford, CT AKA Lot ‘D’, Prepared for C.P. Mooney, LLC” by Paul J. Stowell Land Surveying, 2 sheets dated 9/15/20 rev 9/30/21

“Wetland Mitigation Plan prepared for C.P. Mooney, LLC 114-128 Merwin, Connecticut” by William Kenny Associates, LLC. 1 sheet dated 3/02/21

based on the information in the file and presented this evening. The original and conditions remain, and the following conditions are included:

- A \$2,266 mitigation monitoring bonds for each lot must be posted with the MIWA for mitigation plantings and a minimum of 5 years of mitigation monitoring by a professional wetland scientist with reports to the MIWA twice a year for a minimum of 5 years. Report to include the status of the site and any recommended corrective actions or amendments to the mitigation plan for best stabilization of the site. If there is recommended corrective action, there must be an inspection and a report by the professional wetland scientist within 1 week of the corrective action being taken. Reports must be submitted to the MIWA office.
- 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.
- A copy of the Long-Term Maintenance Plan for the mitigation area and the invasive species on the lots to be submitted to the Agency and included in the property Deed and given to the property owners.
- A copy of the Stormwater Maintenance system requirements will be included in the Deed and given to the property owner.
- Plant stock shall be from a native seed source and be salt tolerant.
- The biofiltration berm will be 2' in height.

That is my motion.

The motion carried unanimously.

3. IW-A-21-0050: 0 Quarry Road, Jeff Attolino – proposed 3-lot subdivision construction, grading and drainage within 100' of a wetland in the Indian River Watershed.

MaryRose reported that this is a proposal by Jeff Attolino for a 3-lot subdivision on Quarry Rd with construction grading and drainage within 100' of wetland in the Indian River Watershed. The property has historically been farmed but was not farmed this year. On Lot 1 the proposed house is within 9' and the proposed grading is within 7' of the wetland. On Lot 2 the proposed house is within 120' and the proposed grading is within 59' of the wetland. On Lot 3 the proposed house is within 75' and the proposed grading is within 102' with the infiltration area within 38' of the wetland.

Today MaryRose received and photos stating that an Eastern Box Turtle was found on the site. She notified Mr. Attolino and referred the information to the Natural Diversity Database (NDDB). There have been no other inquires or petitions on this application.

Presenting this evening are Jeff Attolino, Ron Wassmer of CT Civil Group and Bill Kenny, Professional Wetland Scientist.

Attolino stated that the primary focus is lot 1, these are generic house plans and they are open for suggestions. The property was farmed right up to the wetlands. There is no fill proposed.

Kenny stated that he mapped the wetlands and reviewed the plans. He showed an aerial photo of the site from Google Maps and oriented the site. They are looking to stabilize the site.

Pictures that MaryRose took of the site today were viewed.

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 as of 10/06/21. Petition deadline is 10/20/21)

A motion was made by Connors, seconded by Donaldson-Gladue to schedule a site walk for 0 Quarry Road on 10/19/2021 at 5:00 p.m. The motion carried unanimously.

F. Minutes

A motion was made by Munson, seconded by Donaldson-Gladue to approve the minutes of 9/15/2021 as presented. The motion carried with Connors and Magnan abstaining.

G. Staff Report

- The office continues to be busy. There have been several complaints and issues due to the heavy rains. MaryRose has met regarding several projects that have already been permitted that are getting ready to start and others that are preparing to come in for permits. She continues to work with Municipity, the permitting software vender to incorporate the MIWA applications into the online permitting request system – City Squared.

Site Status:

- Beaver Brook Boardwalk – boardwalk and parking lot complete. Planting completed last week.
- 0 Tanglewood Circle – mitigation monitoring is ongoing. The Agency had required a 5-year monitoring period for this mitigation ending in 2023. The permittee has asked that the Agency consider releasing the mitigation bond early as the consultant has reported that the two lots are stabilized with a 94% and 100% stabilization for the last 3 reports. The permittee and MaryRose will be scheduling a meeting to walk the site and take photos for review at an upcoming meeting. He has stated that he will contact her for the walk.
- 30 Bridgeport Av – waiting on asbuilt.
- Florence Av discussed this evening.
- Gulf Pond Pump Station maintenance – nearing completion.
- 17 Maddox Av – waiting on asbuilt review.
- 114-122-124-128 Merwin Ave – discussed this evening.
- 31 & 33 Pearl St – ongoing.
- Terrace Rd is completed; waiting on asbuilt review.
- 63 Westmoor Rd – foundation asbuilt received 6/16/21, garage construction completed; waiting on bond release.
- 161 West Rutland Rd – ongoing.
- Wheelers Woods – ongoing, nearing completion. MaryRose has a site walk scheduled for next week.

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

G. Chair Report

The next meeting will be a site walk on Tuesday October 19th at 5:00 p.m.
The next regular meeting will be on October 20, 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 Munson to adjourn at 9:10 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.