

Minutes of the Regular Meeting of the Inland Wetlands Agency on October 20, 2021.

A. Roll Call

Present: Brendan Magnan, Daniel Bedeker, Dave Deflumeri, Heather Donaldson-Gladue, Steve Munson and Lisa Tryon.

Absent: Ranjit Bhawe, Jim Connors, Matthew Connors and Gerry Panico.

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. **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. At the 09/16/21 meeting the Agency approved the mitigation and monitoring plan. At the 10/6/21 meeting MaryRose reported that the only outstanding items for this year were the submittal of the bond and the planting of 6 upland shrubs. She has received the notarized surety bond and the 6 upland review area shrubs were installed later in the afternoon on 10/06/20 after her site visit. The site biologist/wetland Scientist report for Fall 2021 on the existing conditions and planting installation inspections held on 10/6 and 10/12/21 has been received and is in the links on the agenda.

The Agency required that:

- Soil erosion and sedimentation controls upgradient of the wetland flags on the site be maintained to prevent material from entering the wetland until the site is stabilize
- All planted areas are watered twice a week unless otherwise directed in writing by the professional wetland scientist.
- Two (2) years of *twice* a year mitigation monitoring and reports occur and will be submitted to the Agency within one (1) month of inspection.

- The stockade fence upland of the wetland line will be reinstalled after the monitoring by a professional wetland scientist familiar with the plan and the Wetlands Compliance Officer have completed the final wetland inspection.
- Upon completion of work an asbuilt A2 survey with topography to T2 accuracy by a professional licensed Land Surveyor be submitted. The survey must show the wetland line, plantings, all site improvements, and conservation easement limits and conservation markers.
- The conservation easement limits must remain visible on the property

At this time, Ms. Held has complied with the Agency's modified order of 9/17/21 for cleanup and planting installation, the remaining items are to be submitted over the next two years with completion anticipated in Fall of 2023. MaryRose recommended that the item be removed from the Agenda, and she will update you as the monitoring reports are received in late spring and fall 2022 and 2023.

Ms. Held was in attendance for any questions.

This evening the Agency may:

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

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. At the 10/06/21 IWA meeting the Agency required that mitigation information be submitted by 12/01/21. She recommended no action at this time.

No action taken.

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.

The Agency walked the property on 10/19/21 at 5pm the weather was clear and seasonable. Commissioners Bedeker, Jim Connors, Chairman Magnan, Commissioner Munson, and Commissioner Tryon were in attendance. The commission reviewed the proposed and alternative house locations on Lot 1, the culvert near wetland flag 46 on Lot 2 and the wetland in the rear of lot 3 by flag 40.

Revised plans submitted today and uploaded to the link show that on Lot 1 the proposed house is within 18.4' with the grading within 49' of the wetland. They have also shown a split rail fence 10' off of the wetland line. 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.

There have been no inquiries or petitions on this application other than the submission of photos of Eastern Box Turtles in the farm field area. Mr. Attolino was informed of the box turtle sighting and the necessity of adding a DEEP turtle exclusion plan to his plans.

Jeff Attolino and Bill Kenny, Professional Wetland Scientist were in attendance to answer any questions. Munson asked if the City would require a sidewalk; pertaining to two trees along the road. However, he is not sure of what protection they would be to the wetlands. He is ok with the plan. Bedecker asked if there were any drawings from the front of the house. Attolino stated that it is a box colonial with a 1 car attached garage. Bedecker was considering the hill. Attolino stated that there is to be a dry well to pick up roof drains and showed this on the plans. They are very deep lots and Bedecker questioned where the grass will end and where it will grow natural. Attolino stated that there would be 60' – 70' off the back of the house for lawn. Magnan questioned the drainage proposed and the effect on the wetlands. Kenny stated that the infiltration system proposed behind each house is a positive thing; he showed the connection underground and the proposed drywell and stated that it is good for quality and quantity and provides plenty of storage. He further stated that there is an opportunity for a rain garden in front of lot 1. Magnan asked about a split rail fence. The location was shown on the plans. MaryRose stated that there should be boundary markers along the fence as well as beyond to the wetland and noted that if the potential owner wanted to access the garden area in the rear, they would have to come back before the IWA for some kind of crossing.

Magnan asked Kenny to review the wetlands. Kenny reviewed the rear wetland area, drainage flow, vegetation and stormwater management. He further stated that the project will not adversely affect the wetlands.

This evening the Agency can:

- Ask questions.
- Take no action.
- Request additional information
- Schedule a public hearing (no petition has been received as of 10/06/21. Petition deadline is 10/20/21)
- Approve the application as proposed or with conditions
- Deny the application

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

Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-A-21-0050: 0 Quarry Road based on the plans "*Quarry Road Subdivision Map 101, Block 907, Lot 9R, Quarry Road, Milford, Connecticut*" by *Atlantic Coast Surveying, LLC, 9 sheets dated 9/30/21 rev 10/20/21*, the information in the file and presented this evening, for the following reasons:

- This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.

With conditions including:

- The Permittee must submit a construction plan *prior* to taking out the permit.

- Soil Erosion and Sedimentation controls as outlined on the plans and in the CT DEP “2002 *Erosion and Sedimentation Control Guidelines*” must be installed and maintained on the site until the property is stabilized.
- Wetland notification to be placed on the asbuilt and in the property deed to give notification to property owners that permits are required from the MIWA to work on the site. Documentation to be submitted to the MIWA office prior to bond release.
- If the permittee/owner chooses to change the professionals on the project the resumes and C.V.’s of the proposed new professionals must be reviewed and approved by the Agency to ensure that the professional is familiar with and understands the permit conditions.
- Compliance with the City Engineers requirements for stormwater.
- Stormwater treatment must be installed as approved on the plans unless any changes are approved in writing *prior to making that change*.
- A vinyl split rail fence is to be placed 10’ from the wetland line as shown on the plans. Wetland boundary markers are to be placed at 24’ intervals along the fence and shown on the asbuilt.
- a bond to be calculated must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt showing finished 2’ contours and locating all site structures.
- 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.
- The permit is issued 10/20/21 expires 10/20/26 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

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.

As was reviewed at the 10/06/21 meeting 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 to be within 4’ of the wetland. It is currently approximately 8’ from the wetland line as was approved in 2019. This project was presented at the 10/06/21 meeting. Since that meeting the project engineer, Ron Wassmer, conducted a test pit in the vicinity of the proposed wall and revised the plans with the results. Those plans were uploaded to the agenda link. Mr. Wassmer’s email with the revised plan stated:

“I conducted a test pit (DT#3) in the vicinity of the proposed wall.

The results are on the plan. In summary it is fill gravel, concrete and blacktop to a depth of 6 feet or greater.

This material will be over excavated and backfilled with compacted granular fill per CDOT specifications to a depth as directed by the engineer.

Notation as such is now included on the plan. See page 2 of 2.

I added a note requiring rip rap to be installed along the front face of the retaining wall as directed by the engineer.

I will be inspecting construction as the area is excavated, and the wall constructed.”

Ron Wassmer, the Design Engineer was in attendance to answer any questions.

MaryRose reviewed that at this time 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).
- Approve the application as proposed or with conditions.
- Deny the application.

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

Mr. Chairman, after duly considering all relevant factors, I move to approve application IW-A-21-0049: Florence Avenue Right of Way based on the plans entitled "*Road Extension prepared for Angelo Lisi, Florence Ave, Milford, Connecticut*" by CT Civil Group 2 sheets dated 11/12/19 rev 10/18/21, the information in the file and presented this evening, for the following reasons:

- *This action will not have an impact or effect on the physical characteristics of the adjacent wetlands and watercourses.*

With conditions including:

- The Permittee must submit a construction plan *prior* to taking out the permit.
- Soil Erosion and Sedimentation controls as outlined on the plans and in the CT DEP "2002 *Erosion and Sedimentation Control Guidelines*" must be installed and maintained on the site until the property is stabilized.
- If the permittee/owner chooses to change the professionals on the project the resumes and C.V.'s of the proposed new professionals must be reviewed and approved by the Agency to ensure that the professional is familiar with and understands the permit conditions.
- Stormwater treatment must be installed as approved on the plans unless any changes are approved in writing *prior to making that change*.
- a bond of \$5,870.00 must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and an asbuilt showing finished 2' contours and locating all site structures.
- The Engineer of records inspection reports of the wall construction must be submitted in a timely manner prior to the bond being released.
- 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.
- The permit is issued 10/20/21 expires 10/20/26 unless otherwise provided by Statute.

That is my motion.

The motion carried unanimously.

E. New Business

- 1. Proposed meeting dates for 2022.** A motion was made by DeFlumeri, seconded by Connors to approve the meeting dates for 2022 as presented. The motion carried unanimously.

F. Minutes

MaryRose noted that there was an error in the minutes under item D.2. the motion was amended and should have read:

Commissioner Munson moved that cease-and-desist order IWC-21-0055: 35 Prospect St, be modified and that by 12/01/21 the property owner require that by December 1, 2021

- *Submit a planting plan for the lawn areas adjacent to the parking lot and terrace walls including*
- *Guidance for wetland boundary markers along the accessible wetland edge.*
- *Guidance for environmental signage along the parking lot railing to notify / educate that the area is a wetland and stormwater retention area.*

A motion was made by Connors, seconded by DeFlumeri to approve the minutes of 10/06/2021 as amended. The motion carried unanimously.

G. Staff Report

- Last Week MaryRose sent out information on the annual CT Association of Conservation and Inland Wetland Commission Conference to be held via Zoom on 11/6/21 from 8:45 to 2:30pm. Please let the office know asap if you would like to attend.
- 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 – ongoing. The infiltration berm went in last week.
- 31 & 33 Pearl St – ongoing.
- Terrace Rd is completed; waiting on asbuilt review.
- 63 Westmoor Rd – 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 regular meeting will be on November 03, 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 8:35 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.