

Minutes of the Regular Meeting of the Inland Wetlands Agency on December 01, 2021.

A. Roll Call

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

Absent: Ranjit Bhawe, Matthew Connors and Dave DeFlumeri.

Also Present: MaryRose Palumbo, Lisa Streit and Joe Griffith.

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-21-0055: 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 10/06/2021 meeting the IWA required that the following information be submitted by 12/01/2021:

- 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.

The mitigation and planting plan was received on 11/30/21 and it was added to the agenda link.

MaryRose needed clarification from the Agency as to what they would like to see on the signs to be placed along the parking lot railing to notify / educate the public about the stormwater retention area and wetland. Katie Hass of William Kenny Associates has mocked up a sign for review this evening.

The questions before the agency tonight are:

- Is the proposed planting plan acceptable to the Agency?
- Is the draft sign acceptable to the Agency? If not, what would you like to see?
- Does the Agency want to have wetland boundary markers along the wetland line by the patio in addition to the educational signage?

- Does the Agency feel that a planting and mitigation bond is required? If so, does the Agency want a 2- or 3-year monitoring period with reports twice a year in spring and fall report from the applicants Professional Wetland Scientist on the status of the plantings and any recommendations?

Bill Kenny, William Kenny Associates, LLC located in Fairfield reviewed the proposed planting plan dated 11/30/21. Considering the location of the wetland and the patio, they eliminated all the lawn to the right (south) of the existing walkway. They used a variety of large native shrubs. Rhododendrons (8-12' tall) are shown along the walkway. Along the new patio is a hedge of evergreen holly and then rows of Flowering Chokecherry & Smooth Hydrangea and then 3 additional Rhododendron. Mr. Kenny stated that it appears the initial development had a robust planting plan that is doing quite well with little deer browse. He proposed a dense vegetative buffer and habitat that will augment the wetland.

Munson questioned what type of holly is proposed. Kenny stated that all of the proposed plants are Connecticut natives. This is a shrub form native of holly that will be 4-5' tall, located at the base of a 1-2' wall. He stated that there are railings on both the patio and walkway for safety and that will keep people from wondering into the wetlands in addition to the proposed dense plantings.

The location and type of markers were discussed. David Parisier representing PAR Falls LLC stated that he walked the site recently and feels that no one who doesn't live here will find this patio. The only access is a fitness center and storage bins. They would like to propose relevant educational signage to make people aware of the plantings and that they shouldn't tread on them. He stated that it is a leap to get from the patio to ground below. They would like an educational opportunity as well as a deterrent. They can prepare and submit something for review at the January meeting.

Panico stated that from the photos and description he understands the different levels of the patio, but it is important to show those in the drawings for future reference. Parisier asked if a rough topography is sufficient. They will work with Mr. Kenny and Ron Wassmer, their surveyor, to put rough topography on the plans.

It was discussed if the Agency wanted to take action on the planting plan this evening or wait until the environmental signage is submitted for review in January. This item will be picked up at the January meeting.

MaryRose reviewed that this evening the Agency may:

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

No action taken.

E. New Business

- 1. IW-A-21-0050: 0 Quarry Road, Black Lab Investments, LLC** – proposed 3-lot subdivision construction, grading and drainage within 100’ of a wetland in the Indian River Watershed. Modification to approved permit.

MaryRose reported that this is a modification request by Jeff Attolino for permit IW-A-21-0050 0 Quarry Rd, a 3-lot subdivision at 0 Quarry Rd issued by this Agency on 10/20/21. When this proposal went to Planning & Zoning it was determined that lots 2 and 3 did not have sufficient road frontage. When the lot frontage was corrected Lot 1 lost width, causing the house to be moved 2.3’ closer to the wetland than had been approved by this Agency. The Agency approved the house on lot 1 - 18.4’ from the wetland line. The modification request is to allow the house to be 16.1’ from the wetland line. The original plan submitted for the application proposed the house 8.9’ from the wetland line.

The site grading on Lot 1 has also been modified to direct water to the rain garden as proposed at the 10/20/21 meeting by Bill Kenny, Professional Wetland Scientist. The split rail fencing required by the Agency has been added to the plans on the front portion of Lot 1.

Jeff Attolino, 136 Research Dr, Milford, said that Lots 2 & 3 were undersized for the requirements of Planning & Zoning. Adjusting the lots made the house on lot 1, closer to the wetland by 2.3’

Munson stated that he felt that the Agency would have approved it at this distance. Tryon and Panico agreed. Magnan clarified that the Agency required the split rail fencing only on lot 1 as is shown on the plan before us this evening. He feels that there is no significant impact with this modification.

This evening the Agency can:

- Ask questions.
- Take no action.
- Request additional information
- Approve modification of the permit as proposed or with additional conditions
- Deny modification of the permit.

The following motion was made by Connors, seconded by Donaldson-Gladue:

I move to approve the modification to permit IW-A-21-0050: 0 Quarry Road based on the plans “*Quarry Road Subdivision Map 101, Block 807, Lot 9R, Quarry Road, Milford, Connecticut*” by *Atlantic Coast Surveying, LLC, 10 sheets dated 9/30/21 rev 10/29/21*, 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.
- The existing permit conditions and bonds remain.
- The permit was issued 10/20/21 expires 10/20/26 unless otherwise provided by Statute.

The motion carried unanimously.

F. Minutes

A motion was made by Munson, seconded by Donaldson-Gladue to approve the minutes of the 10/19/2021 site walk as presented. The motion carried with Panico abstaining.

A motion was made by Connors, seconded by Donaldson-Gladue to approve the minutes of the 10/20/2021 regular meeting as presented. The motion carried unanimously.

G. Staff Report

A reminder that the terms of Commissioners Bhave, Bedeker, Jim Connors and Matt Connors are up this December. Please let the Mayor's office know if you are interested in being reappointed or send the office an email and it will be forwarded to let them know for you.

The annual CT Association of Conservation and Inland Wetland Commission Conference was held on 11/06/21 via Zoom. There was some great information presented and when it becomes available, MaryRose will share it with the Commissioners. Attorney Janet Brooks and Darcy Winther from CT DEEP did the legal review and reminder everyone that:

- *The Wetlands Statute is a balance statute – not a requirement to protect wetlands and watercourses at all costs*
- *Regulations are a compromise of what was passed by the legislature it is important to have them and the Statutes with you at every meeting.*

MaryRose spoke with Darcy Winther at the meeting and the DEEP Commissioners Training should be moved over to the new platform and ready for use in early 2022.

The office has been busy. We continue to work with Municipality, the permitting software vendor to incorporate the MIWA applications into the online permitting request system, City Squared. MIWA pre-applications can now be submitted online through City Squared.

Site Status:

- 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 – a modified permit has not been taken out.
- 17 Maddox Av – waiting on bond release.
- 114-122-124-128 Merwin Ave – ongoing; the berm has been installed.
- 31 & 33 Pearl St – ongoing, waiting on bond release.
- Terrace Rd is completed; waiting on asbuilt review.
- 161 West Rutland Rd – ongoing.
- Wheelers Woods – ongoing, completion anticipated in February; plantings are in and doing well.
- Milford Cemetery – 420 West River Street – plantings were installed and site has been stabilized for winter.

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

G. Chair Report

The next regular meeting will be on December 15, 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 Donaldson-Gladue to adjourn at 8:15 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.