

A. Roll Call

Present: Dave DeFlumeri, Daniel Bedeker, Jim Connors, Matthew Connors, Heather Donaldson-Gladue, Steve Munson, Gerry Panico and Lisa Tryon.

Absent: Ranjit Bhawe, and Brendan Magnan.

Also Present: MaryRose Palumbo and Lisa Streit

Received by Inland Wetlands Agency

Milford DPLU

07/28/2021

DeFlumeri 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. This property also has a conservation easement as shown on the asbuilt and is documented in the Land Records. This violation was:

- upheld by the Agency at the 6/2/21 MIWA meeting
- modified at the 6/16/21 MIWA meeting to allow sufficient time for Ms. Held to have the erosion controls installed and to have her Wetland Scientist, Biologist and Surveyor complete their work.
- Modified at the 7/07/21 meeting to allow sufficient time for the Wetland Scientist, and Biologist complete their work.

Mrs. Held submitted a revised survey on 7/08/21 to correct an errant line on the original submittal. She submitted the mitigation and planting plan on 7/19/21 for the IWA to review and was in attendance to discuss. She has asked about the need for plantings other than grass in the conservation easement as that was the way it was when she purchased the property.

MaryRose researched the property and determined that it was approved as part of a 3-lot subdivision by this Agency in 1989. That approval of the 3-lot Pepe's Farm Rd subdivision required a fence on

the conservation easement line. In reviewing the minutes from the MIWA for the project in 1991 the MIWA first denied then allowed on appeal for the fence location to be moved from the conservation easement line to along the wetland line, requiring plantings upland of the fence. Those plantings are not apparent onsite.

Mrs. Held questioned how the rear deck was approved in the conservation easement. MaryRose reviewed the Zoning and IWA files and determined that she applied for the deck in 1995 and it was proposed and approved outside of the conservation easement line.

The outstanding items on this violation are:

- Determination of mitigation and restoration plan for the wetland area.
- Determination of mitigation and restoration plan for the upland review area including the conservation easement.
- Determination of markings for the Conservation easement
- Protections for the drain in the driveway to prevent oils and chemicals from discharging to the wetland.
- Status of the rear deck and stairs in the conservation easement.

Mrs. Held's Landscaper asked that we let them know about the plantings prior to August 1st, because there is difficulty getting plantings right now. MaryRose would suggest that they put the plantings as specified on the submitted mitigation plan on reserve to have them for planting this fall. And further suggested that the Agency table final disposition of this item to review the status of the rear deck.

Barbara Held, 6 Blossom Ln, Wallingford, CT said that there were no trees in the easement on all 3 properties when she moved in. She questions if the easements are being maintained on the adjoining properties. Ms. Held feels that the number of plantings specified in the mitigation planting plan is excessive. When she moved in there were no trees. She agrees with the plantings for the wetland but not in the conservation easement. She asked if she can have her Surveyor put the pins along the conservation easement line.

M. Connors stated that he felt it best to uphold the decision made by the Agency in 1991. It seems that only the last two steps of the deck are crossing the conservation easement line he would stick with the pins but feels we should discuss the shrubbery in the actual wetland area.

Bedecker stated that he feels the deck is the stickiest situation in the whole thing and asked what is under the deck. Ms. Held said that under the deck there is concrete patio directly below the deck and the stairs come onto a slab of stone there are cement footings outside of the patio. She stated that the existing fencing needs to come out slightly because the wetlands are in front of the fence. She asked if she needs to move the fence forward to enclose the new wetlands flagging.

Ms. Held said that she is not concerned so much about the plantings on the east side She is more concerned about the ones on southwest side and loss of yard. She didn't have them before, and she doesn't want them now.

Munson stated that he is not sure we can change what has been approved before on the deck. He feels we might need a legal opinion. MaryRose will check and make sure we are not violating anything because the deck was put in incorrectly. As far as the plantings, the combination of bushes and or grass, perhaps Jennifer Beno can find a way to mitigate the cost with fewer bushes and still

stabilize. We can give her a few weeks to do that. That is up to the professionals. As far as plantings in the wetlands, first the debris needs to be removed and the area stabilized. He feels we should table action until the details can be straightened out. As far as marking the conservation easement, it might be good to get more specifics as to how that is going to be done so it complies with the deed. For those reasons to help iron out the detail, he would rather not pass something tonight that we may have to change. If we can't approve the mistake for the deck, they may have to change something else so that needs to be ironed out.

Panico stated that in the matter of the planting in the conservation easement area, if they ask the professional to specify what is the native vegetation that they can propose and how that is going to mitigate the area combined with grass so that we can understand what we are going to do there.

M. Connors questioned what powers the IWA has to change the deck approval. MaryRose stated that normally there would be a modification. However, the deck going over the conservation easement requires more changes. Bedecker stated that photos are usually good, but he questioned if a site walk should be considered.

MaryRose will have the 1995 deck application for the next meeting.

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

The following motion was made by Munson and seconded by M. Connors:

I move to table violation IWC-21-0040: 8 Pepe's Farm Road until the next meeting.

The motion carried unanimously.

E. Minutes

Tryon stated that at the 7/7/2021 meeting she abstained from voting on the 553 West Avenue application. A motion was made by Munson, seconded by Donaldson-Gladue to approve the minutes of 7/07/2021 as amended. The motion carried unanimously.

F. Staff Report

- The office continues to be busy. 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:

- 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. Mr. DePaulo has asked if the Agency

would consider releasing his bond early as the mitigation areas have been stable for the last 3 reports. If the Agency wants to consider it, she will add to the next MWIA meeting Agenda for review.

- Terrace Rd is completed, waiting on asbuilts.
- 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.
- 30 Bridgeport Av – ongoing.
- 17 Maddox Av – ongoing.
- 31 & 33 Pearl St – ongoing.
- Gulf Pond Pump Station maintenance – ongoing.
- 63 Westmoor Rd – foundation asbuilt received 6/16/21, waiting on garage construction.
- 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 August 4, 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 Munson and seconded by Donaldson-Gladue to adjourn at 8:30 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.