

A. Roll Call

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

Absent: Brendan Magnan and Matthew Connors.

Also Present: MaryRose Palumbo and Lisa Streit.

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

A motion was made by Munson, seconded by Donaldson-Gladue to suspend the rules and to hear item D.3 and then item D.4. The motion carried unanimously.

- 3. IW-A-21-0045: 0 Edgewater Pl, TONA, LLC** – proposed single family residence with construction within 150' of a wetland and watercourse in the Wepawaug River Watershed.

MaryRose reported that this is a proposal by TONA, LLC for a single-family home at 0 Edgewater Place. The site is currently mostly covered in gravel and used as a parking area. The applicant is proposing to construct a 19.67' X 38' structure, add lawns and planters as shown on the plans and have a gravel parking area between the structure and the road. The west side of the proposed structure is 34.25' from the Mean High Water Line (MHW) which is the Agency's jurisdiction line in this area of the Wepawaug River. The east side of the structure is 30.7' to a small inland wetland (±230 sq. ft.) along the road. She has walked the site with the applicant and their consultants. Attorney Kevin Curseaden and William Kenny Professional Wetland Scientist were in attendance to present the application.

This evening the Agency may:

- Take no action
- Ask questions
- Ask for further information
- Approve the application

- Deny the application

Pictures were reviewed from the last meeting. MaryRose oriented the pictures to the plan. Munson reviewed that there is no real way to improve the functions and values of the small wetland. He feels is a straightforward well thought out application, Connors and Donaldson-Gladue agreed. DeFlumeri felt the plans are well laid out with no impact to the wetlands. MaryRose reviewed Mr. Kenny's testimony from last meeting on how these wetlands were likely formed.

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

I move to approve application IW-A-21-0045: 0 Edgewater Pl based on the plans entitled "Site Plan, 0 Edgewater Place, Milford, Connecticut" by Ct Civil Group, Paul Stowell Land Surveying and John Wicko Architect cover and 8 sheets submitted 8/25/21 rev 8/31/21, the information in the file and presented this evening. 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.
- 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 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 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 9/15/21 expires 9/15/26 unless otherwise provided by Statute.

The motion carried unanimously.

4. **IW-A-21-0046: 201 Kings Highway, Michael Iacono** – proposed installation of a 15' x 65' inground pool with work within 100' of a watercourse in the South Central Shoreline Watershed.

MaryRose reported that this is a proposal for a 15' X 65' inground pool within 17.5' of the Mean High Water line (MHW) which is the Agency's jurisdiction line along Long Island Sound. In the attachments are the application, photos submitted by Michael Iacono of Signature Pools and the site plan. The photos have the approximate pool location highlighted. The retaining wall is noted for perspective. Silt fencing will be installed landward of the retaining wall (about 10' from MHW) to protect the waterbody during construction. All excess material is proposed to be disposed of offsite. Mr. Iacono estimates that there will be open soil on the site for 6-8 weeks during which time they will maintain the silt fencing.

At the last meeting the Agency reviewed the photos of the proposed pool location and the site plan. Michael Iacono of Signature Pools was in attendance to answer any questions.

This evening the Agency May:

- Take no action
- Ask questions

- Ask for further information
- Approve the application
- Deny the application

DeFlumeri questioned if the tree is impacted for the piping of the pool if it would be replaced. Iacono stated that they would be open to replacing the one tree. The second tree is no longer healthy and needs to be removed. They will try to move their piping to avoid impact to the tree if deemed necessary by the committee they will replace the one tree.

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

After duly considering all relevant factors, I move to approve application IW-A-21-0046: 201 Kings Highway based on the plans entitled *“Improvement Location Survey-Proposed prepared for Heidi & Jay Dworkin 201 Kings Highway, Milford, Connecticut”* by Godfrey Hoffman Hodge, LLC, 1 sheet dated 7/11/2000 rev 6/04/2021, the information in the file and presented this evening: *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.
- A bond of \$5,630.00 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 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 9/15/21 expires 9/15/26 unless otherwise provided by Statute.

The motion carried unanimously.

- 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.
- Tabled at the 7/18/21 meeting to review the map from the 1995 deck approval; to review ability for the MIWA to allow the deck in the conservation easement, and to receive a description of how the conservation easement will be marked.

As requested at the 9/1/2021 meeting, Ms. Held today submitted by email:

1. The revised mitigation monitoring plan.
2. A proposed timeline for execution of the mitigation plan to remove material, plant and stabilize the disturbed area including monitoring by a professional wetland scientist. MaryRose questioned if the Agency would like to require twice per year monitoring or annual monitoring.
3. An outline of responsibilities of property owner for watering and maintenance of plantings to ensure survival.

The outstanding items on this violation are:

1. By 9/15/2021 submit a draft planting and mitigation monitoring bond calculation. Bond to be posted to guarantee that the shrubs live for two years and monitoring reports are completed in a timely manner. Ms. Held was waiting on her contractors for information. If the agency chooses to approve the mitigation and planting plan this evening, MaryRose can calculate the bond based on information to be submitted for plantings, installation of plantings, mitigation monitoring and reporting and an asbuilt.
2. Determination of mitigation and restoration plan for the wetland area
 - a. Removal of debris from the wetland. SSES 7/19/21 report recommends hand removal of soil and material and large cut vines from the wetland. Ms. Held's contractor has asked if he may use a small machine cleaned before it is brought to the property and before it is removed, to avoid bringing invasive species onsite.
A compromise of initially using hand tools and then using a machine, if necessary, seems reasonable.
3. Determination of mitigation and restoration plan for the upland review area including the conservation easement.
 - a. Installing the fencing taken down on the upland side of the wetland line. MIWA approved fence location on 11/13/1991. The mitigation report recommends leaving the fencing down until the two-year monitoring period is over for watering and inspecting the wetland area then re-installing the fencing upland of the wetlands as flagged in June 2021.
 - b. Stabilizing the conservation easement. *Ms. Held's consultant has recommended leaving as a grassed and mowed area.*
4. Determination of markings for the Conservation easement
 - a. Marking the conservation easement area so that current and future property owners will not disturb the easement. *Ms. Held's surveyor has proposed iron pins along the curves and at the ends of the easement line.*
5. Protections for the drain in the driveway to prevent oils and chemicals from discharging to the wetland.
 - a. Addressing concerns about oils and chemicals potentially entering a driveway drain and discharging to a wetland. *Ms. Held has stated in an email that they will not change oil in the driveway.*
6. Status of the rear deck and stairs in the conservation easement
 - a. Removing or legalizing the portions of the deck and stairs that are in the conservation easement. *At the 9/1/21 meeting, the Agency reviewed this and appeared to be willing to allow the deck encroachment into the conservation easement to remain.*

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 Donaldson-Gladue:

I move that the Agency approve the timeline submitted on 9/15/21 for the execution of the *Wetland Restoration Planting Plan Recommendations 8 Pepe's Farm Road, Milford, CT* by Soil Science and Environmental Services, Inc. dated 7/19/21 rev 9/10/21 Plan. I move that cease-and-desist order IWC-21-0040: 8 Pepe's Farm Road, be modified to require that the property owner be ordered to implement the above referenced plan including:

1. Submitting a monitoring bond to be calculated 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.
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.
4. Installing markers for the conservation easement.
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.
7. Ensuring that all planted areas are watered twice a week unless otherwise directed in writing by the professional wetland scientist.
8. Ensuring that two (2) years of twice a year mitigation monitoring and reports occur and are submitted to the Agency within one (1) month of inspection.
9. Re-installing the stockade fence upland of the wetland line after the monitoring by a professional wetland scientist familiar with the plan and the Wetlands Compliance Officer have completed the final wetland inspection.
10. Upon completion of work submit an asbuilt A2 survey with topography to T2 accuracy by a professional licensed Land Surveyor showing the wetland line, plantings, all site improvements, and conservation easement limits and markers. Conservation easement limits must remain visible on the property.
11. The Agency accepts the location of the deck patio and stairs as shown on the site plan entitled "*Improvement Location Survey Prepared for Barbara Held 8 Pepes Farm Road, Milford, Connecticut*" by CT Land Surveying, 1 sheet dated 7/02/21.

The motion carried unanimously.

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 10/01/2021. At the last meeting the Agency upheld the violation and modified it to require information to be submitted by 10/01/2021.

No action taken.

E. Minutes

A motion was made by Munson, seconded by Tryon to approve the minutes of 9/01/2021 as presented. The motion carried with Connors and Donaldson-Gladue abstaining.

F. Staff Report

The office continues to be busy. There have been several complaints and issues due to the recent heavy rains. We have been particularly having issues with debris and yard waste that people have placed along the streams in their yard being transported by the heavy rains and clogging culverts, backing up the streams. The Fire Department public information office sent out information on social media requesting people keep their catch basins clear before Storm Ida that was picked up News12 and State Rep Kathy Kennedy. More public education is needed for this. Citizens can bring yard waste to the transfer station on Oronoque Rd, and it can be picked up for bulk pick up if bagged or bundled according to DPW requirements on their website.

MaryRose has met regarding several new projects and projects that you have already permitted that are getting ready to start and others that are preparing to come in for permits. We continue 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 to commence next 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. The Permittee has stated that he will contact MaryRose for the walk.
- 30 Bridgeport Av – ongoing.
- Florence Av is ongoing – stone swale and galleys are installed waiting on asbuilt.
- Gulf Pond Pump Station maintenance – ongoing.
- 17 Maddox Av – waiting on asbuilt review.
- 114-122-124-128 Merwin Ave – ongoing.
- 31 & 33 Pearl St – ongoing.
- Terrace Rd is completed; waiting on asbuilt review.
- 63 Westmoor Rd – foundation asbuilt received 6/16/21, waiting on garage construction.
- 161 West Rutland Rd – ongoing.
- Wheelers Woods – ongoing.

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

G. Chair Report

The next meeting will be October 06, 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 Connors and seconded by Donaldson-Gladue to adjourn at 8:30 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.