

A. Roll Call

Present: Brendan Magnan, Daniel Bedeker, Jim Connors, Scott Marlow and Steve Munson.

Absent: Ranjit Bhawe, Matthew Connors, Ken Cowden, Dave DeFlumeri and Jason Zammiello.

Also Present: MaryRose Palumbo, Joseph Griffith 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. 1. first. The motion carried unanimously.

E. Old Business

1. **IW-A-20-065: 161 West Rutland Road, Rhode Island Lights, LLC** – proposed 14 lot subdivision with a stream crossing and work in and within 150' of wetlands and Beaver Brook in the Housatonic River Watershed.

MaryRose reported that this is an application by Lenny Addario of Rhode Island Lights, LLC for a 14-lot subdivision with construction, grading and a stream crossing of Beaver Brook in the Housatonic River Watershed. The Agency has a 150' upland review area in this watershed and 8 of the 14 proposed lots are in the 150' upland review area. The Agency received this application at its 9/2/20 meeting and walked the site on 9/16/20. This is a 13.52-acre parcel with one existing dwelling, a barn and garage on the property. There is a farm culvert currently crossing Beaver Brook, a portion of the property is wooded, and the remainder is mowed.

Since the last meeting the applicant has submitted the following for your review:

- Documentation that they are proposing to create a homeowner's association to maintain the stormceptors proposed for the project.
- A Natural Resources inventory by the Project Engineer.
- A Recommended Management Plan for the Conservation Easement Area by the Professional Wetland Scientist.

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MILFORD INLAND WETLANDS

The City Engineer reviewed the plans and his comments were added to the folder this afternoon. MaryRose met with Mr. Addario, Mr. D'Amico and the City Engineer this afternoon to discuss the items in his review. It was determined that the items cited by the City Engineer could be reviewed and resolved as a condition of approval if the Agency chooses to do so.

The applicant, Lenny Addario, was in attendance to present the application and answer any questions along with his Engineer, Fred D'Amico and his certified professional Soil Scientist, Steve Danzer.

The recommended management plan was reviewed; the conservation easement was modified slightly (the concerns were that it was very large and encroachments were a concern). MaryRose showed sheet 6; lot 12 and the conservation easement were revised to allow residents space to have a deck, shed, etc. without encroachment.

Munson questioned if the Association would be responsible for the easement. D'Amico stated that the Association would maintain the galleys and stormceptors; Public Works did not want to take on this responsibility. The primary purpose is for the Association to be responsible for the maintenance. Munson questioned if the letter of 10/05 was reviewed. MaryRose stated that she met with the applicant and the City Engineer and reviewed the items in the letter. Magnan asked who is responsible for implementing the plan D'Amico stated that the builder and the engineer would be responsible during construction and once the homes are sold the Association would be responsible. If maintenance is not done, the City could do the work and charge the association and if need be, lien the property.

MaryRose stated that there would be immediate work and then a 4 year follow up period and questioned who would be responsible for the 4 years of maintenance and monitoring in the Recommended Management Plan for the Conservation Easement Area. D'Amico stated that the builder would be responsible until sold (he does not think all of the homes would be sold by 4 years) and after 4 years the Association will be responsible. There will be a construction bond as well as a mitigation monitoring bond.

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

I move that after duly considering all relevant factors, to approve application IW-A-20-065 161 West Rutland Road based on the plans entitled "*Miranda Meadows Willem Court, Milford, Connecticut*" by D'Amico Associates, 9 sheets, dated 6/15/20 rev 9/25/20, 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.
- An asbuilt showing the improvements, finished 2' contours and locating all site structures is required within 6 months of project completion.
- 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.

- Compliance with the City Engineers 10/05/20 memo.

The permit is issued 10/7/20 expires 10/7/25 unless otherwise provided by Statute.

A motion was made by Connors, seconded by Marlow to amend the motion to include:

- A permit construction bond to be calculated must be posted with the MIWA for S&E controls, border plantings, wetland boundary markers and the asbuilt showing the improvements, finished 2' contours and locating all site structures.
- A mitigation monitoring bond must be posted with the MIWA prior to site disturbance for compliance with the Recommended Management Plan for the Conservation Easement area 161 W. Rutland, Milford, CT.
- Conservation Easement signage and monuments to be installed.

That is my motion.

The motion and amendment both passed unanimously.

D. New Business

- 1. IW-A-20-0075: 553 West Avenue, Grillo Services, LLC** – proposed installation of a Stage 1 Turtle Barrier with work in and within 150' of wetlands and Beaver Brook in the Housatonic River Watershed.

Marlow stated that he is an Associate Pastor with the church that owns this property and he recused himself from participating in this application.

MaryRose reported that this is an application by Grillo Services LLC to install a turtle barrier as was approved by the Agency in its 2016 approval of the apartment project for this parcel. The installation of the turtle barrier will require work in and within 150' of wetlands and Beaver Brook in the Housatonic River Watershed. It is on the Agenda for the first time this evening. This is a 57.336-acre parcel and the proposed work will temporarily impact (6.670 sf) of upland review area with 0.006 ac (277 sf) permanently altered. Approximately 0.01 ac (500 sf) of wetland will be temporarily disturbed and 0.0004 ac (21 sf) will be permanently disturbed. The purpose of this work is to install a stage 1 turtle barrier to allow a spring relocation of the threatened and endangered eastern box turtle per the original MIWA approval that has since received DEEP and ACOE approval. The Agency approved the necessity and approximate location of the barrier in the 2016 approval. This is the proposed location of that barrier.

This evening the Grillos are here to present the application along with their Engineer Fred Mascia, and herpetologist Dr. Michael Klemens.

Grillo stated that this project will have a very small impact; they are looking to do this in the fall as designed by Dr. Klemens. They are to relocate turtles for next spring. This is the first step before construction and there is a very small window of opportunity to accomplish it.

Mascia stated that this process began 2016 and got approved in June 2017 by the IWA and Planning & Zoning in December 2017. State and Federal Permits, Traffic, FEMA, Army Corps and CT DEP process started in February 2018 and there was final sign off in June 2020. He

proceeded to review the site plan and oriented the project location. This is a 57.3-acre site. Beaver Brook runs through the site. There are some permanent deed restrictions on the property (40 plus acres) and the majority of the wetlands are within that. This is stage one of the turtle fence; the location was reviewed on the plan. An aerial photo of the site showing the proposed project was viewed. The detail of the turtle barrier and its construction was reviewed; a trenching machine on a small tractor with light flotation tires will be used. These tires will leave no imprint. It will be a 1200' long fence; the location may slightly vary on site; the intent is to not remove trees. Permanent impact is the fence area that is a 5" wide trench up to 50' long.

Dr. Klemens stated that he has been involved in this project for some time; there are eastern box turtles in the area, and they want to relocate them; it is not a large population. Long term viability is questionable. The turtles have a 50-75 years lifespan. Relocation is difficult as they tend to try to return. The plan is to create a relocation so that they cannot return. They are not aquatic and will not go into the brook; they will follow the fence configuration and there needs to be some latitude on site. It may be prudent to dig small portions by hand. He would like the fence to extend 15' and a lateral return could be put in; it will have to be sorted out in the field. There is to be a field visit with MaryRose, Steve Johnson and Fred Mascia. In the area that is inundated in the wetlands; the fence does not have to be buried. He has no problem with the proposed machine to be used; it works well. There needs to be some field flexibility.

Magnan asked how will the turtles be transported. Dr. Klemens stated that he thinks based on the design, the turtles will stay at the new place. The relocation needs to be done in the early spring and there is about a month window. A dog is trained to sniff out turtles and Dr. Klemens is trained to locate them. They will be captured and assigned code and be transported to the other side and let go near the upland area and it will take 4 to 5 visits to get the turtles.

MaryRose stated that there will be a site visit next week with Steve Johnson, herself, Dr. Klemens and Fred Mascia. Dr. Klemens stated that a good portion of the impact will be temporary and the end of the fence will only need to be 10-15' into the inundated area to protect the turtles from getting onto the railroad tracks; not visibly obtrusive, not high, other habitat (frogs, small mammals) will be able to cross it.

A motion was made by Connors and seconded by Munson that the Designated Agent issue a Jurisdictional Ruling for IW-JR-20-0075: 553 West Ave, based on the plans entitled "*Grillo Services, LLC, The Preserve at Beaver Brook, 553 West Avenue, Milford, CT -Turtle Relocation*" by Tighe & Bond, 2 sheets, dated 9/30/20, the information in the file and presented this evening. The motion passed unanimously.

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

MaryRose reported that this is an application by Cal Mooney of CP Mooney LLC for a single-family home with construction, grading and stormwater within 100' of a wetland in the South Central Shoreline Watershed. It is on the Agenda for the first time this evening. This is a 0.27-acre parcel with 0.05 acres (2,100 sf) of wetlands. Currently there is an old garage and asphalt and concrete slabs used as a parking area on the property. The 1934 aerials show structures on the parcel and in 1995 the MIWA approved a 14-unit condominium on this and the 3 adjoining parcels. That permit has expired. Mr. Mooney is proposing to remove the garage for safety reasons within the next few

weeks. Mr. Mooney is here this evening with his Professional Wetland Scientist Bill Kenny, and his surveyor Paul Stowell to present the project and answer your questions.

Mooney stated that he has been a builder for 35 years and lives in Milford. He bought the property in August and would like to put a 2,600 sq ft home here. It would be 45' from the street so there will be enough parking and the foundation will be 41' long with a second-floor deck. There will be 70' from the foundation to the wetland line and 57' from the deck. He felt a rain garden would be best for run off. This is a neglected property with a dilapidated 4 car garage, asphalt, garbage, mattress, etc. and phragmites coming around the back. $\frac{3}{4}$ of the property is asphalt now; this project will be half of this impervious area. He feels it would be an improvement to the lot and neighborhood.

Bill Kenney, Soil Scientist and Milford resident stated that this project would be an improvement with substantially less impervious area. It is a disturbed lot with a lot of fill. The project would be a good balance of protecting the wetlands while allowing the project to be built.

Magnan asked about the rain garden. Mooney stated that it will be piped and underground drainage pipe to the rain garden and reviewed this on the plans.

It was the consensus to not have a site walk. Bedecker asked if this house would be raised. Mooney stated that it would be 13-14' with a garage underneath. Bedecker asked about the flood zone. Mooney stated that it was AE11 and the first floor has to be 11' and anything below 13' has to be flood resistant.

This application is on the agenda for the first time; no action taken.

3. **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.

MaryRose reported that this is an application by Cal Mooney of CP Mooney LLC for a single-family home with construction, grading and stormwater within 100' of a wetland in the South-Central Shoreline Watershed. It is on the Agenda for the first time this evening. This is a 0.17-acre parcel with 0.15 acres (653 sq. ft). Currently the property is covered with vegetation. The 1934 aerials show structures on the parcel and in 1995 the MIWA approved a 14-unit condominium on this and the 3 adjoining parcels. That permit has expired. Mr. Mooney is here this evening with his Professional Wetland Scientist Bill Kenny, and his surveyor Paul Stowell to present the project and answer your questions.

Mooney stated that he bought this in the middle of August and there is no structure on it now; there was a home at one time. This would be a 24' x 41' foundation 43' from the street. A 12' elevated deck is proposed 32' from the wetlands. The house will be on slab, 44' from the foundation to the wetlands and a rain garden makes sense for this site. There are a lot of phragmites in the rear and he would like to mitigate that and plant in the rain garden.

Kenney stated that this is a reasonable use of the property without adversely affecting the wetlands.

This application is on the agenda for the first time; no action taken.

4. Proposed Inland Wetland Agency Meeting Dates 2021

This is the proposed MIWA meeting calendar for 2021. The IWA meets on the 1st and 3rd Wednesdays of the month at 7:30 p.m. There are no holidays that would require a change or to skip meetings next year. Once the schedule is approved, Meeting Room A will be requested for in person meetings for the size of the room and so that there will be access to the large screen for presentations.

A motion to approve the meeting calendar as presented was made by Connors and seconded by Munson. The motion carried unanimously.

E. Minutes

A motion was made by Connors, seconded by Marlow to accept the minutes of the 09/16/2020 Regular Meeting and the 09/16/2020 Site Walk as presented. The motion carried unanimously.

F. Staff Report

- The office continues to be busy with inquiries, bond release requests and minor reviews for additions, sheds and pools.
- We are working with Muncity, the permitting software vender to incorporate the MIWA applications into the online permitting request system – City Squared.
- The CT DEEP Commissioner Training program is moving to a new platform and will be down for a month or so. If you were able to sign in and start your class you can continue. If you have not logged on yet you will likely need to wait for the new year to take the class.
- Bruce Hyde from the UConn Center for Land Use Education and research (CLEAR) has put the portions of the Land Use Academy training for local land use officials online. She sent the email out in September and will include the link in the meeting minutes. This is a very helpful class for all Land Use Officials. <https://clear.uconn.edu/lua/index.htm>
- Please let the office know what your preferred method of plan review is. If you would like a paper set of plans on all applications or just larger applications so that we can get you what you need to review the proposals

Site Status:

- Flax Mill Lane Bridge is ongoing
- 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 December 19 monitoring report. Next report is due in Fall 2020. Removal of invasive was recommended by the site monitor. Permit holder removed but they grew back. He said he would remove them again and ensure the tree gets replanted to be reported on in the November inspection.
- Terrace Rd is ongoing
- Wheelers Woods – ongoing
- Beaver Brook Boardwalk – ongoing

- 63 Chester St waiting on bond release inspection.
 - Westmoor Rd– waiting on final plantings and asbuilts
 - Sailor’s Lane pump station has some stabilization and will be reseeding in the fall.
 - Daniels St (Stonebridge patio) waiting on bond release inspection.
 - Florence Av is ongoing – stone swale and galleys are installed waiting on asbuilt.
 - Platt Lane is ongoing.
 - Live Oaks School parking area waiting on asbuilt.
 - French Drive Fields – ongoing.
 - Lansdale Av Fields –ongoing.
 - 30 Bridgeport Av – has started.
 - 17 Maddox Av – has started.
- Please remember to call or email me if you are unable to attend a meeting.

G. Chair Report

The next meeting will be October 21, 2020 at 7:30 p.m. via ZOOM. Please let the office know if you cannot attend.

There being no further business to discuss, a motion was made by Connors, seconded by Munson to adjourn at 9:05 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved.

