

Minutes of the Special and Organizational Meeting of the Inland Wetlands Agency on January 15, 2020.

**A. Roll Call**

Present: Brendan Magnan, Matthew Connors, Ken Cowden, Dave DeFlumeri, Scott Marlow, Steve Munson and Jason Zammiello.

Absent: Ranjit Bhave, Daniel Bedeker and Jim Connors.

Also Present: MaryRose Palumbo and Lisa Streit

MaryRose noted that Bhave, Marlow, Munson and Zammiello have been sworn in by the City Clerk.

Streit called the meeting to order at 7:30 p.m. and deemed there was a quorum.

**B. Organizational Meeting**

MaryRose reviewed Chairman responsibilities:

*Bylaws Sec 5.2*

The Chairperson shall preside at all meetings and hearings of the MIWA and has authority that includes, but is not limited to:

- a. Calling special meetings;
- b. Directing or authorizing actions of the MIWA Designated Agent(s), when, in the judgment of the Chairperson or an Agent, action is required during the period of time between regularly scheduled meetings, or before a special meeting can be called;
- c. Appoint sub-committees for purposes and terms approved by the MIWA;
- d. Attend all sub-committee meetings as an ex officio member of each committee; and
- e. Attend significant city meetings as required to represent the MIWA.

*Bylaws Sec 5.3*

The Chairperson shall have the privilege of discussing and voting on all matters before the MIWA, but shall not move for or second any motion.

Streit called for nominations for **Chairman**: A motion was made by Munson, seconded by DeFlumeri to nominate Magnan Chairman. There being no further nominations, they were closed. Streit cast one vote deeming **Magnan** Chairman.

Magnan reviewed the Vice Chairman's responsibilities.

*Bylaws Sec 5.4*

The Vice Chairperson shall perform the duties of the Chairperson during the absence or incapacity of the Chairperson and such other duties as the Chairperson may direct.

Magnan called for nominations for **Vice Chairman**: A motion was made by Munson, seconded by Cowden to nominate DeFlumeri Vice Chairman. There being no further nominations, they were closed. Streit cast one vote deeming **DeFlumeri** Vice Chairman.

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Magnan reviewed the Parliamentary responsibilities.

*Bylaws 5.5*

The Parliamentary shall perform duties of the Chairperson and Vice Chairperson during the absence or incapacity of both the Chairperson and Vice Chairperson and such other duties as the Chairperson may direct. The Parliamentary shall rule on questions of procedure in accordance with Robert Rules of Order.

Magnan called for nominations for **Parliamentarian**: A motion was made by Cowden, seconded by DeFlumeri to nominate Munson Parliamentary. There being no further nominations, they were closed. Streit cast one vote deeming **Munson** Parliamentary.

A motion was made by Munson, seconded by Cowden that the Compliance Officer acts as the Designated Agent for the Agency. The motion carried unanimously. MaryRose's resume is on file in the Agency office.

Magnan thanked everyone and welcomed new Commissioners Scott Marlow and Jason Zammiello. Magnan encouraged board members to read Section 1.1 of the Regulations which is taken from the enabling statute. (Section 1.1 is what the Legislature intended when creating the Inland Wetland Agencies -a balance of rights of property owners and nature for this and future generations. Section 10 is the Criteria to be used in making a decision on an application.)

**C. Pledge**

All stood for the Pledge of Allegiance.

**D. Public Comments**

None.

**E. Old Business**

1. **IW-V-19-083: 48 Cambridge Avenue, Wayne Wyman** – filling and grading within 100' of a wetland in the Housatonic River Watershed without a permit.

MaryRose reported that this is a violation issued 12/13/19 to Wayne Wyman at 48 Cambridge Ave for fill within 100' of a wetland or watercourse without a permit. The lot is at the east end of a dead end street. There is a significant amount of fill to the south of the house. The Milford GIS shows wetlands within 100' of the fill. From the topography on the Milford GIS mapping, the grade change on the lot in the area of fill is approximately 12', the lot depth is approximately 92'.

At the 12/18/19 MIWA meeting the Agency upheld the violation and modified it to require the following by 2/15/19:

1. An A-2 survey with T-2 accuracy done by a Professional Land Surveyor licensed in the State of CT showing the following information at a minimum;
  - a. Wetlands line as delineated by a certified soil scientist or professional wetland scientist. Including both inland and tidal wetland lines (if present).

- b. Soil scientists signature
  - c. Property boundaries
  - d. Site Structures/improvements
  - e. Coastal Jurisdiction Line(CJL)
  - f. Mean High Water Line (MHW)
  - g. Limits of fill
2. Submit a report from an engineer licensed in the State of CT on the source, type and volume of fill, viability of slope.
  3. Impact report by a Professional Wetland Scientist, including any potential impacts to wetland and the existing tree canopy. A proposed mitigation plan must also be submitted.
  4. Proposed timeline for execution of the mitigation plan.

By no later than 1/9/20 the Property owner will install and maintain tiered erosion controls on the slope to prevent erosion into the wetlands until such time as the area is stabilized and the violation is released.

MaryRose visited the site on 1/14/2020; the site walk notes were in your mail this evening. Mr. Wyman has not yet installed the tiered erosion controls. She spoke with him and his contractor this afternoon and they will be adding erosion controls on the slope this week. Mr. Wyman also stated that he has a Surveyor lined up but had difficulty getting a Soil Scientist. He anticipates getting the Soil Scientist onboard this week and then he will know when he should have the survey the Agency required.

As this is a violation with an order for compliance by 1/9/20 for silt fencing and 2/15/20 for submission of a survey and a soil report, this evening the Agency can:

- Ask questions
- **Modify the violation** (if evidence is presented showing when the material can be submitted and needs time extension OR if the information has been submitted and reviewed and the property is in compliance)
- Release the violation
- Take no action

MaryRose reiterated to Mr. Wyman today what was required. He is taken aback at the cost and thought this was a simple job of expanding the driveway. He has been cooperative and the silt fence has been installed.

Magnan showed pictures of the site to the new members and reviewed that this came in as a complaint to Planning & Zoning; there is significant fill. Cowden asked if building permits were obtained for the interior work. MaryRose stated that they were and this was not addressed. There are many sign offs throughout the year for minor encroachments; bay windows, furnaces, etc. A survey is needed before the IWA can go out to the site. Marlow asked what outcome is expected. MaryRose stated that the focus is to protect the resources; the slope needs to be stabilized, there is a flood zone on site and a survey of the wetlands is needed. It appears that the applicant wants to lessen the slope and it needs to be stabilized long term.

No action taken.

**F. Minutes**

A motion was made by Munson, seconded by Cowden to accept the minutes of 12/18/19 as presented. The motion carried with M. Connors, Marlow and Zammiello abstaining.

**G. Staff Report**

MaryRose welcomed everyone and noted a few annual reminders

- You cannot talk about an application that is before you with anyone but staff outside of the meeting room. If you are approached by concerned citizens please refer them to MaryRose or to a public hearing so that whatever their concerns are they can be presented to the entire Agency. This is to ensure that everyone is making decisions on the same set of facts and information with no outside bias.
- MaryRose has the Milford Ethics brochure here if anyone needs a copy, the book has not changed. She gave the annual handouts to Commissioners Marlow & Zammiello including past correspondence from the City attorney's office on ex parte communication and individual research by Commissioners. Please let her know if there are any questions.
- She said she would email the Commissioner Synopsis sheets and asked if they would mark them up and return them with any changes. She asked that everyone be sure we have their correct email and phone numbers.
- The City sponsored a FOIA workshop this evening from 5:30- 6:30. MaryRose, M. Connors and DeFlumeri were able to attend. As Commissioners it is good to know your limits and requirements under FOIA.
- The Town of Stratford will be hosting a *Land Use Academy: Basic Training* for land use commissioners on Tuesday March 31, 2020 from 6:30-8 pm. The Academy Basic Training is for local land use commissioners who are new to their positions and for experienced commissioners who want to continue their education on more recent topics. The training will be held in Stratford Town Hall Council Chambers. Bruce Hyde, from UCONN's Center for Land Use Education & Research will be the training moderator. Bruce keeps the session interactive, casual and fun.
- She checked with Darcy Winter of CT-DEEP and she said that the State's Inland Wetland Commissioner training course pilot run was finished in early December and should be up and running in the next several weeks.

**Site Status:**

- Welch's Point Rd Pump Station is completed; the rear of the station is planted and has almost 80% stabilization – waiting for spring growth.
- 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 Spring 2020.
- 24 Cooper Ave – ongoing. Mr. Schettino appears to have constructed his home without rain gutters and roof leaders to a rain garden as was on the approved plan. This project is nearly

complete. MaryRose will review with the City Engineer for compliance with the Stormwater requirements.

- Ford St / Bailey Ln –houses, landscaping and fencing are complete – waiting for last area of grass to grow for bond release.
- Terrace Rd is ongoing 2 of the 4 homes are completed.
- Wheelers Woods – ongoing.
- Eastern Steel Rd – Rail Road Culvert – construction complete, minor corrections to site work and final stabilization to be completed in spring.
- Beaver Brook Boardwalk – Boardwalk complete, parking area will be done in phase 2.
- 63 Chester St is ongoing.
- Westmoor Rd is ongoing.
- Sailor’s Lane pump station is nearing completion stabilization in the spring.
- Daniels St (Stonebridge patio) is ongoing.
- Florence Av is ongoing – stone swale and galleys are installed.
- Platt Lane is ongoing.

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

## H. Chair Report

Magnan reiterated no exparte communication. There is no pre-determination on applications and the IWA takes great pride in the process.

Munson asked about looking at subcommittees; there are a lot of new members that have not been included in them. Magnan stated that this could be put on the Agenda.

The next meeting will be February 6, 2020 in Conference Room B. Please let the office know if you cannot attend.

There being no further business to discuss, a motion was made by DeFlumeri, seconded by Munson to adjourn at 8:10 p.m.

Respectfully submitted,

Lisa Streit

These minutes have not been accepted or approved