

Inland Wetlands Agency

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TOWN CLERK'S OFFICE
BRANFORD, CONNECTICUT

APPROVED MINUTES

**Canoe Brook Senior Center, 11 Cherry Hill Road, Branford,
Thursday, April 13, 2017 7:30 PM**

Present: Peter Bassermann, Suzanne Botta, Jim Goggin, Richard Greenalch, Sandra Kraus, James Sette and Rick Ross.

Absent: John Rusatsky, Merle Berke-Schlessel and Eric Rose.

Staff Present: Enforcement Officer Diana Ross & Inland Wetland Assistant Jaymie Frederick

Chairman Bassermann called the meeting to order at 7:30 p.m.

All Commissioners present were seated.

Chairman Bassermann asked if there are any proposed changes to the agenda.

EO Ross stated that 10 Fitzgerald Lane needs to be added to the agenda as an application for receipt and that the 275 Northford Rd request for return of bond will be postponed to the May meeting.

Comm. Greenalch motioned to amend the agenda to drop the item under violations and add the item for 10 Fitzgerald Lane under Agent Approvals. Comm. Kraus seconded. Motion passed unanimously (7-0-0).

MINUTES:

March 9, 2017 minutes: Chairman Bassermann stated there was a spelling error on page one. Comm. Goggin motioned to approve the minutes [as amended], Comm. Sette seconded. Motion passed (4-0-3) Comm. Botta, Comm. Greenalch and Comm. Ross abstained due to absence.

March 13, 2017 site walk minutes: Comm. Sette motioned to approve the minutes, Comm. Goggin seconded. Motion passed (3-0-4) Comm. Botta, Comm. Greenalch, Comm. Ross and Comm. Kraus abstained due to absence.

April 5, 2017 site walk minutes: Commission discussed that these do not need to be voted on as the meeting was never called to order. They were filed, if anyone sees any errors let the EO know.

APPLICATIONS FOR RECIEPT:

IW#17.03.03 – 101 & 115 North Branford Rd – Proposed Industrial Building

Mike Bennett, professional land surveyor and principle with the firm of Bennett & Smilas Associates, present to represent the application. Also present is one of the property owners, Lawrence Coassin. The property was previously a farm with one house and 12 outbuildings (about 9,200sqft in coverage). Wetlands were delineated in June 2016. Proposal is to construct an industrial building in the center of the property and associated parking. Four water quality basins are proposed to handle sheet flow from the parking areas. They are filling 208sqft for grading the parking lot, propose removing invasive species and planting to restore those areas to help compensate for wetland impacts.

Comm. Botta asked for clarification as to why wetlands need to be filled and why it is unavoidable. M. Bennett stated they could avoid impact by installing a small retaining wall around the wetland. The area of impact has a lot of remnants from the farming use and is so disturbed that they didn't think that the impact would be significant.

Comm. Botta stated that historically the Commission has not approved filling when avoidable.

M. Bennet stated they can come back with an alternate sketch showing a retaining wall.

Chairman Bassermann asked for more information on the basins.

M. Bennett stated they are designed for water quality and receive sheetflow from all of the parking areas and drainage from roof leader. Riprap located at entrance to basin and the emergency overflow which drains towards the wetlands. Nothing ties into the municipal system. The basins will be infiltrating, perc rates were submitted. Drainage to wetlands would be for overtopping during large storms. Believes basins are designed for the 25 year storm but will check for the next meeting. EO Ross stated she thinks they need to add something to keep vehicles from going off of the paving. Comm. Botta asked if the site drains to the Branford River.

M. Bennett indicated the culvert on the plan that the water flows through.

Commission determined to set a site walk on Thursday May 4th at 6 pm.

IW#17.03.04 – 48-86 Tabor Drive – Solar City 1,312.11 kW (DC) / 960 kW (AC) solar photovoltaic (PV) project

Matthew Justin, wetland soil scientist representing the Tabor property solar project stated that the project has gone through the Selectman and the site has been approved for commercial solar use. The site is mostly flat, altered and degraded. With him is Joe Peragini from Weston & Sampson, project engineer and Justin Paradise from solar city, construction manager.

Joe Peragini, professional engineer with Weston and Sampson, overviewed the proposed clearing. The site is a very flat site so there won't be much regrading aside from taking existing piles down to grade. Erosion and sedimentation controls are right out of the Connecticut guidelines. There is an existing gravel road that will be used for construction access. Going to use silt fence along eastern and southern portions of the site, will use straw wattles for the remainder of the perimeter. Stock piles (2) are outside of the review area. Main access is from pine orchard road, existing road will be upgraded to 16ft wide gravel road with turnaround for fire access purposes. The project is about 4,300 panels which is about 1.3 megawatts [DC]. The development will be enclosed in an 8ft chain link fence. Racking system will be single axis, tilting from east to west to maximize exposure to sun. The ground surface will be seeded for high meadow grass growth which will offset any stormwater impacts. The only non-pervious cover is the 17x27ft equipment pad and the slightly impervious gravel road. Overall there will be a reduction in runoff.

M. Justin stated that there are nine total wetlands on/near the site. Wetland 1 is a large open water body, 2 is forested wetland and the remaining wetlands are all disturbed, isolated wetland pockets dominated by autumn olive and multiflora. There are no direct wetland impacts for the project.

Comm. Botta asked what the distance is between the ground and the underside of the panels.

J. Paradise stated that as a tracker system the panels are 2ft when perpendicular to the ground and goes up to 3.5-4ft when rotating. There will probably be an inch max between panels when parallel to the ground.

Comm. Botta asked if the panels will hold the rain and whether rain will get heated up by the panels.

J. Peragini stated that rain will runoff but as the panels are not connected the runoff does not concentrate. Historically have not seen erosion has not been an issue. They have had conditions that the site be monitored to see if erosion occurs. Surprised that grass grows really well in the shaded areas and does a good job of handling the runoff.

M. Justin stated that it has been studied and there is a negligible change in temperature, once water hits the ground any thermal change dissipates very quickly. Receiving waters do not have any thermal impacts.

Chairman Bassermann asked if they have a default position when there is no sun at night.

J. Paradise stated that he believes they are perpendicular.

M. Justin there are no known occurrences of rare or endangered species on the property. There will be no impact to the floodplain. This was one of the only configurations of the site that was economically feasible and did not have direct wetland impacts. Vernal pool in wetland 2 (offsite) is classified as tier 1. It appears that a ditch partially drains the wetland. Guidelines by Calhoun and Klemens suggest that 750ft from vernal pool should stay under 25% development. That area is at 40% development to start with, proposing a 7% increase. Site is suboptimal habitat for the

amphibians that utilize vernal pools, does not believe that the 7% increase will affect individuals that utilize the pool, but it may impact migrating individuals. They have set up a wetlands and vernal pool protection program. Erosion control will double as a barrier for migrating amphibians. There will be sensitivity training prior to the start of construction. Signage for protocols related to vernal pools will be posted. Because of the unavoidable impacts to upland review areas they propose to seed all the areas with a grass mix. Current site conditions are primarily invasives, clearing out invasives and installing native complex of grasses in understory is a net benefit. May have to increase mowing first couple of years to suppress shrubby invasives.

EO Ross asked about herbicides and the silt fence in the contaminated soil pile.

J. Paradise stated they will just maintain by mowing.

M. Justin stated there is no activity in soil pile, intent was to keep migrating amphibians out, they will modify.

Chairman Bassermann asked about filling and whether on site soils will be used.

J. Peragini stated if on site soils are suitable they will be used.

Comm. Botta asked if there are still milling piles on the site and when the silt fence will be removed.

M. Justin stated there are no milling piles within their site area; there are some small fill, debris and mulch piles. Silt fence will be removed after site is stable. Final report will be issued by the environmental compliance monitor.

Commission asked if there is any lighting or parking.

Applicants responded there is no lighting; technicians will probably park next to the equipment pad. Application continued to next meeting.

IW#17.04.01 – 171 Stony Creek Rd – re-grade yard

Greg Fedus, with Fedus Engineering, overviewed site conditions and proposed improvements.

Wetlands are majority tidal with inland wetlands adjacent. Drainage and most other improvements have already been done. Looking to terrace in-between road and existing retaining wall to create some flat areas. Proposing two four foot walls with a crushed stone footing.

EO Ross stated that this is would probably be taken in as a revised plan if the permit had not expired. The last report for the plantings was never submitted; however, the owner has retained a new soil scientist and the plantings should be completed.

Commission determined that IW Agent Ross can process the application administratively.

EO Ross stated that the silt fence needs to be revised.

G. Fedus stated he will complete the changes.

VIOLATIONS:

Notice of Violation: 113 Flax Mill Rd – clearing and grading in upland review area

EO Ross stated that the property owner is here, she met him out at the site. He has drawn up a restoration plan.

Miles Krischtschun, property owner at 113 Flax Mill Rd, stated he received a notice of violation on March 28th. He was unaware that he needed a permit. At that point he had installed erosion controls and stopped all work. On April 12th he met with Diana at the property and discussed what he needed to do to correct the action. He has marked on a GIS map where trees were removed, silt fence was installed, another location for proposed silt fence and proposed plantings. Trees were cut down and stumps were pulled. Trees overhanging the house and around the back were removed. Believes a bunch of the trees removed were tulip and birch. The planned restoration is to plant grass in a majority of the area, bushes along the 113/117 property line on five foot centers and to plant trees along the back edge of where the trees were removed.

Chairman Bassermann asked EO about whether plantings will be sufficient to handle water runoff.

EO Ross stated that the greatest impact is in the area of the drainage outlet. The Commission will need to determine what is required.

Comm. Botta asked if the site is stable.

EO Ross stated that there is a lot of water running off to the side where the drainage outlet is. It is damp in the back on the left where there is a wetland.

Commission determined to set a site walk. Altered the site walk set earlier in the meeting to start at 5:30 pm on May 4th to see both sites, starting with this site.

Barbara Barrette, 85 Flax Mill Rd, stated that they built their house 30 years ago. This is the third time a house in front has had their trees cut down in violation. Their property is wet all the time now. Also concerned about the other properties which also backfilled. Did not realize at the time the problem the backfill would cause.

EO Ross stated that 117 Flax Mill has a current violation. Thinks that filling that occurred in the past on 93 and 89 Flax Mill, likely had a big impact.

Comm. Botta stated that they can only work with something that is current. Can't go back and modify something already approved.

EO Ross stated that she does have an outstanding violation against one property, will look into the other two that have conducted activities to see what the status is.

Comm. Botta asked Barrett if the Commission can access their property for the site walk if need be.

B. Barrett stated yes.

EO Ross told the property owner to maintain the erosion controls, add additional seed mix or erosion controls by the outlet, may need to add hay bales where the property is draining to the stream.

Comm. Botta asked for what and how many plants are being planted where.

EO Ross stated that the planting line should be staggered.

Request for return of bond: 275 Northford Rd – re: CC#10.11.01 restoration plantings & invasives species control – postponed to May meeting

OLD BUSINESS:

IW#17.03.01 – 4 Hickory Hill Ln – drainage alterations

Michael Daddio, property owner, submitted plan and summary of what was done on the property. Recapped that there was existing pipe through the property, he would like to put the pipe back in. He is having erosion problems, everyone's property above him drains into his yard. Yard is a constant mud pit.

EO Ross passed around photos

Comm. Greenalch stated that he has read Don Ballou's report for drainage in the area; there are over 50 acres of water flowing across Daddio's property as both surface and underground flow.

Chairman Bassermann asked if the swale is capable of handling the water.

Comm. Greenalch stated that the size of the swale looks like it is pretty accurate to handle most storms. Doesn't think putting water in the ground will slow it down very much.

M Daddio stated his proposal is to put a pipe back in, put some stone around it, plant grass and maybe some trees.

Comm. Greenalch stated that there is no way to stop the water.

Comm. Sette stated that he went to the site walk and he doesn't have a problem with the plan.

EO Ross stated that her concern is the outlet. There needs to be a substantial stone pit, the pipe should be cut back and buried in stone.

Comm. Botta stated that they need a cross section that lets the Commission see what he is doing with the pipe and stone.

EO Ross will send Daddio a sample of what the Commission is looking for.

Raymond Lemney, representing Mr. Ferucci at 82 Mill Plain Rd - which is the adjacent property that the water flows to. Stated that no one knows if the plan will work. Wants the plan to be done under the guidance of an engineer and that will at least alleviate the problem for both properties.

M. Daddio stated that this has been done by an engineer previously. He is looking to replace what was there. He can't afford to have an engineer come out.

Continued to next meeting.

Commission discussed that water flows down, need to accept the water as long as there is no erosion. He is not designing a system; he is just repairing what was there. Need to make sure that repairs don't cause erosion problems.

IW#17.02.01 – Red Hill Rd Rear – bog walk: fee reduction request per letter dated Jan. 30, 2017, received Feb. 2, 2017

Chairman Bassermann read the fee reduction letter.

Comm. Botta stated that in the past the Commission has generally done fee reduction waivers for educational projects.

Comm. Greenalch motioned to reduce the fee to the \$60 DEP fee. Comm. Kraus seconded. Motion passed unanimously (7-0-0).

IW#08.06.02 – 26 Cherry Hill Rd – revised plans and drainage for multi housing project including clearing, grading, excavation and construction

EO Ross stated that this is a plan revision. The original approval had units down by the wetland, those units are no longer proposed but the drainage for the site has changed. The project and impact is scaled back.

Comm. Greenalch motioned to accept the revised plan, second by Comm. Goggin. Motion passed unanimously (7-0-0).

OTHER BUSINESS:

Regional Water Authority Timber Sale – as of right determination request

EO Ross presented that forestry is as of right unless there is direct wetland impact. The proposed activity doesn't have any direct wetland impact.

Comm. Botta stated that there are three vernal pools on the property.

EO Ross stated that she located one vernal pool within the site area that she asked about and it is an area where they are not doing any activity.

Comm. Greenalch motioned that the Commission determine that the forestry activity is a matter of right with the condition that it does not impact any wetlands or vernal pools identified by the Nobel Procter survey. Comm. Botta seconded. Motion passed unanimously (7-0-0).

Training

Chairman Bassermann stated that there is still some money for training but there aren't a lot of training options left for the year. A thought is to bring in a land use attorney to go over some inland wetland issues. Question is when would the Commission like to do that? If so when? If Commissioners have particular questions they should be submitted beforehand.

Commission discussed not at the May meeting because it is a full meeting. Possibly the June 8th meeting. One possible Attorney is Marjorie Shansky, will look for who is available. Will possibly start the meeting at 6:30pm so it doesn't interfere with normal business.

AGENT APPROVALS:

IW#17.03.02 – 39 Bayberry Ln – addition & porch within upland

EO Ross stated that this application has been approved.

IW#17.04.02 – 10 Fitzgerald Lane – residential addition

EO Ross stated that this is a proposed small addition. There is a wetland in the back and the subdivision approval established a limit for activity.

Commission discussed current site conditions and whether there may be clearing for lawn.

EO Ross stated that there is plenty of lawn and that there are some plantings but they don't necessarily match the plan.

Commission determined that EO Ross can handle the application administratively unless she encounters something that makes her want to bring it back.

CORRESPONDENCE & ANNOUNCEMENTS:

1. CACIWC Habitat Newsletter – winter 2017

ADJOURNMENT:

Comm. Sette motioned to adjourn the meeting at 9:59 pm, Comm. Ross seconded. Motion passed unanimously (7-0-0).

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Jaymie Frederick', with a long horizontal flourish extending to the right.

Jaymie Frederick, Inland Wetland Assistant