

Inland Wetlands Agency

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APPROVED MINUTES

Canoe Brook Senior Center, 11 Cherry Hill Road, Branford, CT

Thursday, July 13, 2017 7:30 PM

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

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

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

All Commissioners present aside from Alt. Rick Ross were seated.

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APPROVAL OF MINUTES:

Comm. Greenalch motioned to approve the minutes of the June 8, 2017 meeting

Comm. Goggin seconded. Motion passed (6-0-1).

Comm. Botta abstained due to absence.

APPLICATIONS FOR RECIEPT:

IW#17.06.01 – 6 Kenyon St – pool & shed after the fact application

EO Ross stated that the pool and shed were constructed; the owner came in and applied for a permit right away. She checked the site for wetlands, there is a clear demarcation where the phragmites is growing and the soil is compacted. She put the general location of the shed and pool on map. The site is highly impacted and was filled historically. Applicant is seeking after the fact approval. She doesn't think that any harm has been done to the wetland. They did cut the vegetation; asked that they cut the vegetation no more than once a year or so. The owner did clean up the property some.

Commission determined given the EO's comments the application can be processed administratively.

IW#17.07.01 – 39 Blackstone Ave – fountain/pond aerator in pond

EO Ross passed out letter written by applicant.

Comm. Botta asked if this is something the Commission regulates. It seems like it is pre-existing and is needed to keep the pond aerated.

EO Ross asked if there is a circumstance where an existing fountain would need a permit. Looking at how the new regulation applies moving forward. Asked does the regulation regulate existing fountains and aerators if it is put in and out seasonally or is that pre-existing.

Comm. Botta asked about any previous fountain permits. She would like to review the regulations and history. Doesn't want to set precedence.

Comm. Greenalch stated the nature of the pump requires it to be taken out so that it isn't damaged.

Comm. Rose asked if there is anything as to how an aerator may harm a pond. The only reason the Commission is having this conversation is because aerator is on a list.

Chairman Bassermann stated that there are aerators that sit on top of a pond and add oxygen and then there are also structures – the putting in of the structure can have implications.

Comm. Rose stated perhaps distinguish position between a floating aerator and something constructed in the pond.

EO Ross read 9/11/14 minutes comments provided by professionals on the use of aerators in ponds.

Commission tabled item until later in the meeting.

IW#17.07.03 – 35 Old Quarry Rd – new house and septic

Erin and Jeff Szymczak, property owners, presented that there is an existing house that is over 100ft from the wetland. The septic is closer to the wetland and that is the only spot they can put a new septic. The house that they would like to build would be same footprint as the existing and the septic would be in the same location as well. The system they are proposing to replace was not engineered. Commission determined that the application can be processed administratively with the condition that if there will be a stockpile onsite that the necessary information is located on the plan.

IW#17.07.04 – 564 Leetes Island Rd – water main connection

EO Ross stated that is just for receipt, they will have a presentation next time.

IW#17.07.05 – 250 North Main St – proposed retail development and driveway connection

John Mancini, Principle at BL Company, and the project engineer were present. Mancini recapped that about a year and a half ago they received a permit to begin phase I excavation of the property. They disturbed about 5,000sqft of wetlands and did mitigation in excess of 2:1. Phase I was the entrance and placement of the retaining walls. The Commission wanted to see how well the creation would work; their environmental specialists feel that the wetlands are functioning well. The material in phase I was removed and went to a brownfield site in West Haven. The clearing has created a lot of interest for the site. They are proposing to relocate the central wetland (for parking needs, ~7000sqft) and there is a high likelihood that for sightline reasons they will require bypass lanes and a turning lane (~4000sqft of impact along the roadway). They are mitigating 2:1 at minimum in the same area as before and are confident they can do that again. They will also need Corps approval. They are moving the left property line and making a connection to the neighboring parking field. They are extending the previously created wetland and connecting the fragmented wetlands in the front. They can create a color exhibit that will show what is existing and what is proposed additional activity. Comm. Botta stated that this is a very significant impact.

Chairman Bassermann stated that they may want to have a site walk.

Comm. Greenalch motioned that the Commission consider that this has a significant impact and should set a public hearing for August 10th; Comm. Botta seconded. Motion passed unanimously (7-0-0). [Note: date of the public hearing was changed later in the meeting.]

Commission set a site walk for August 1st at 5:30 pm [date amended later in meeting].

Comm. Botta asked if they need outside support because the Commission is no longer equipped academically to assess this level of application; thinks a second opinion is in the best interest of the Commission.

Chairman Bassermann stated it is a good size project with a lot of fill; he would endorse a third party.

J. Mancini stated drainage isn't complicated; important to understand wetland creation and mitigation.

Comm. Greenalch agreed that the expert should be in the wetland creation and wetland type issues.

J. Mancini stated that their biologist will be at the meeting.

Comm. Botta stated they would need someone that could look at wetland mitigation and creation, review the stormwater and hydrological connections to the wetland and review prudent and feasible alternatives.

Chairman Bassermann added review existing created wetlands to assess if they are functioning well.

J. Mancini stated the large impact along the road needs to be done for the safety.

Comm. Botta stated that generally comes up in the analysis. If it is the only way then it is what it is. She would like to see the minutes and discussion form the site from the earlier approval.

Commission raised concern about selecting a reviewer by the August meeting.

Comm. Botta motioned to change the public hearing date for 244 and 250 North Main St to September 14th, 2017. Comm. Kraus seconded. Motion passed unanimously (7-0-0).

Commission changed the site walk to September 7th at 5:30pm.

VIOLATIONS:

EO Ross stated that she wants to postpone these three items.

CC#08.10.01 – 74 Pasture La – consider lifting order

CC#03-08.01 – 616 East Main St – consider lifting order

CC#04.06.03 – 573 East Main St – consider lifting order

PETITION TO INTERVENE FOR RECEIPT:

Review petition to intervene relative to notice of violation at 290 Pine Orchard Rd

Comm. Rose recused himself from the issue.

EO Ross stated that before the wetland commission revised the regulations there was a concern about fountains that was brought to the Commission. Recently she received a letter requesting that she send a cease and correct order to the property owner at 290 Pine Orchard Rd for a fountain. She contacted the Town Attorney and issued a notice of violation instead. Since then Attorney Peritto has submitted an intervention petition for two of the neighbors.

Comm. Greenalch recused himself.

EO Ross read a part of the statutes that pertains to petitions to intervene. The Commission needs to determine whether to accept the petition.

Comm. Botta, after allegations were read, stated that she feels the Commission is obligated to grant intervenor status.

Comm. Botta motioned that the Commission grant intervenor status to F. Vining Bigelow residing at 38 Blackstone Ave in Branford and Charles Shelton Jr. residing at 29 Blackstone Ave in

Branford, based on Statute 22a-19 and as of receipt by the verified petition to intervene. Comm.

Sette seconded. Motion passed (5-0-0). (Commissioners Rose and Greenalch recused on issue.)

J. Mancini, resident of Branford, stated aerating a pond makes a lot of sense. In the case that you're dealing with now (referring to 39 Blackstone) you might do more harm by not letting him aerate. If grounding, trenching etc., that would need a permit.

EO Ross stated that the Attorney (290 Pine Orchard) requested that they wait to discuss the matter until the August meeting.

AGENT APPROVALS:

IW#17.07.02 – 49 Alps Rd – shed in upland review area - Permit has been issued

APPLICATIONS FOR RECEIPT (cont.):

39 Blackstone Ave (cont.)

Comm. Botta stated that not putting in the aerator right now could have a deleterious effect.

Bigelow, property owner, stated that he had an aerator since he purchased the property in 94. Since there is a new regulation applied for a permit. Has never had algae problems. Thinks it does the fish in the pond good. Typical usage is May – November. The pond is a manmade pond about 8ft deep.

There is an outlet and timer for operation. It is strung between two posts on the edge of the pond.

Comm. Botta stated if applicant is not in a rush the goldfish in the pond should be able to survive and the Commission can hold off until the next meeting to make a determination.

Commission agreed, item will be continued at next meeting.

CORRESPONDENCE & ANNOUNCEMENTS:

1. CACIWC Habitat Newsletter; Spring 2017

ADJOURNMENT: Comm. Greenalch motioned to adjourn the meeting at 9:19p.m.; Comm. Botta 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