

*Inland Wetlands Agency*

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**APPROVED MINUTES**

**Canoe Brook Senior Center, 11 Cherry Hill Road, Branford, CT  
Thursday, September 14, 2017 7:30 PM**

RECEIVED  
2017 OCT 18 A 9:04  
TOWN CLERK'S OFFICE  
BRANFORD, CONNECTICUT

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

Absent: Mark June-Wells and Rick Ross.

Staff Present: IW Agent Diana Ross & IW Assistant Jaymie Frederick

Chairman Bassermann called the meeting to order at 7:33pm.

All Commissioners present were seated.

**APPROVAL OF MINUTES:**

Comm. Greenalch motioned to approve the minutes of the regular meeting on August 10, 2017.

Comm. Goggin seconded. Motion passed (5-0-2); Comm. Sette and Kraus abstained due to absence.

Comm. Rose motioned to approved the Wednesday Special meeting minutes of August 30, 2017

Comm. Greenalch seconded. Motion passed (4-0-3); Comm. Botta, Sette and Kraus abstained due to absence.

Comm. Greenalch motioned to approve the minutes of the special meeting site walk on September 7, 2017. Comm. Goggin seconded. Motion passed (4-0-3); Comm. Botta, Sette and Kraus abstained due to absence.

**OLD BUSINESS:**

**IW#17.08.01 – 37 Arrowhead – 16x32 inground pool**

EO Ross handed out pictures of the site and aials with the approximate location of the fence sketched on them.

Mike Martocci with Poolscape Pool & Spa, stated that they are proposing an inground pool. There was an aboveground pool there some time ago. The new pool is actually a little bit further away from the wetland. There is no backwash, it is a cartridge filter. There won't be any grading involved, material will be hauled away while excavating, they will not stockpile on site. Probably the closest activity to the wetlands is about 18ft.

EO Ross ask if the silt fence is at the top of the slope.

M. Martocci affirmed yes.

Comm. Goggin motioned to accept [application IW#17.08.01] Comm. Rose seconded. Motion passed unanimously (7-0-0).

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

Andrew Campbell stated they have submitted an alternatives analysis, a statement from DEEP relative to the NDDB stating that the project would have no impact, and authorization from Bart Wasiolek for portion of activities proposed on his property.

David Lord overviewed his 9/13 letter. The area is ideal for this type of installation; area is relatively bare with canopy overgrowth that will prevent invasive species growing in. There are no trees of significant size that would need to be taken out. The project proposes a 24" trench. Did three soil borings along crossing and identified soil strata. Proposed installation sequence calls for separation

of soil layers and placement of soils in proper orientation when backfilling the trench. There won't be any permanent impacts to the wetland function. Disturbed area in wetland will be reseeded with wet mix. Alternative to route northerly around wetland would involve removal of dense saplings and could introduce sunlight to the northern end of the wetland potentially making it susceptible to invasives moving in. Does not think that this is a prudent alternative. Work will be done in a very short period of time. For proposed plantings on the end of water line wetland crossing, silky dogwoods and arrowwood viburnums would be very good choices; calling for 6-8 shrubs at either end along a length of approximately 20ft.

Chairman Bassermann asked if the alternative increases the impact to the wetland.

D. Lord stated that alternative would stay out of the wetland but would require impact to woody vegetation. Thinks the overall impact is less with the proposed route [through the wetland] because the existing conditions are more likely to be unchanged. The type of material will not be compacted going back into the trench and would maintain hydrological flow through the wetland.

Comm. Rose asked about the two trees near the proposed trench and whether there is going to be an effort to hand dig in the proximity of the roots.

Richie Baldwin, contractor, stated that the damage won't be extensive; soil will be temporarily removed for a short period of time.

Comm. Botta asked if the plantings have been incorporated into the plan.

Atty. Campbell stated if it is a condition of approval they would be happy to comply with it.

Comm. Botta stated as they make the motion they need to clarify, within section 22a-41, the finding of no feasible and prudent alternatives.

Comm. Greenalch motioned to approve application IW#17.07.04 for water main connection at 564 Leetes Island Rd and that it is conditioned on excavation done generally in accordance with the second paragraph of item one in the Soil Resource Consultant letter of September 14 and that the plantings suggested in item three of the same letter be added to the application and that the Commission has reviewed the alternates that have been possibly proposed and made a finding of no feasible alternate to the wetlands; and that this is not a filling of the wetlands, it is really a disturbance but it is only a temporary disturbance and under the circumstances should have minimal impact upon the wetlands. Comm. Rose seconded. Motion passed unanimously (7-0-0).

## **PUBLIC HEARING:**

### **IW#17.07.05 – 250 & 244 North Main St – proposed retail development and driveway connection**

Chairman Bassermann opened the public hearing, stated the purpose of the hearing and a general overview of the process. The Commission is not an environmental review board or zoning, they look at wetland impacts only. At the July meeting the Commission determined that the application would likely to have a significant impact on the wetlands and scheduled tonight's hearing. Upon initial review the Agency determined outside expertise was needed and appropriate to fully evaluate the proposed project. Consultant was approved at the August 10<sup>th</sup> meeting. The Commission conducted a site walk of the property on September 7<sup>th</sup>.

John Schmitz, civil engineer with BL Companies, overviewed project; what has been done and what is proposed. Another wetland identified at the site walk that has been flagged, they are in the process of adding it to revised plans. New area identified became wetland during the construction period.

Scott Stevens, registered soil scientist with Soil Science and Environmental Services. In 2004 the firm originally flagged the wetlands on the site. Since that time there have been disturbances so they were asked to go back and reflag areas where there were changes to the wetlands, mainly along the access road. On September 7<sup>th</sup> the Commission had a site walk and a wetland area was discovered where some disturbed aquents have formed, obligate wetland species are present and good hydrology. Area has been flagged (flags 200-210).

Comm. Rose asked what should have happened in the area where the wetland formed.

BL Companies Schmitz stated that there was to be a slope that would extend down to the wetlands; there wouldn't be a swale in the full build condition.

EO Ross asked if the wetland that had silt fence cut through it was re-flagged. It needs to be re-flagged and silt fence needs to be place around it. Wetland should be assessed to see what the impacts were and whether anything needs to be done in response to the sediment that has gone into the wetland.

BL Companies Schmitz acknowledged EO's comment an continued overview of project. Impacts proposed are for parking and along route 1 to accommodate traffic signal. The later impact is assumed to be required by DOT based on proposed retail use. Determined that they could put a retaining wall on their property which would result in an impact of just over 4,000sqft of impact for the roadway widening. There is a small area of impact proposed for sewer line. The new wetland does affect their plans; they need to tweak grading and sewer line. They are going over plans now and updating what they have to respond to comments and clarify proposal.

Brendan Maurer, senior engineer at BL Companies, designed drainage for the site. For phase II they decided to amend the work that was done during phase I. Based on initial counter review it doesn't look like they are going to change impact to wetlands. There are two existing surface ponds under phase I and a proposed third in phase II, there will an underground system. Underground system will be metered out slowly to feed wetland 4. There is a hydrodynamic separator located below the ponds.

BL Companies Schmitz stated response to reviewers comments, they plan to provide an operation maintenance manual.

BL Companies Maurer stated that the ponds are the primary method of treatment.

Chairman Bassermann asked about the change in wetland impact for the proposed sanitary sewer.

BL Companies Maurer stated that they got better topographic information in that area so they had to revise the grading.

Rachel Highland, BL Companies staff scientist, overviewed wetlands on the site. The wetland in the center they are proposing to fill is not the greatest quality. The existing creation on site is successful so far. The proposed mitigation builds off of the existing created wetland areas. The reviewer recommended that the creation area should have more trees to better match existing conditions and that the slope area should contain plantings.

BL Companies Schmitz stated that they will upgrade the plan with trees and ponding areas.

BL Companies Highland stated a large portion of the area proposed for impact along the road has invasives so it could be an opportunity to do some invasive control. The basins feed the wetland the wetland mitigation areas.

BL Companies Maurer stated the basins are designed to retain the water quality volume (1" storm), larger storms will start to discharge. Discharge from the underground system will feed the western central wetland that will remain (currently fed via pipe by proposed to be filled wetland to the north).

BL Companies Schmitz overviewed some of the peer review comments that they are addressing. Revised plans will show access to maintain stormwater basin 1. He doesn't know there is opportunity to create a larger crossing under the access drive given the access has already been constructed. The erosion issue is something they will need to address to make sure that the wall will hold up. There shouldn't be a problem changing proposed plant species to reflect recommendations. Have spoken with IW Agent about identifying trees that should be removed as part of the rock cut process. There will be a rock ledge steep slope at the edge of blasting range with rock catch at bottom.

Chairman Bassermann asked about the vegetation in the area proposed for wetland creation.

BL Companies Schmitz stated that the existing vegetation will be removed so that they can re-grade area lower to get closer to ground water.

BL Companies Schmitz addressed alternatives. With regards to the road widening, the alternative would be to have a slope which would result in the more impact. For the sewer line, they haven't been able to determine an alternate route. The central wetland, they have provided sketch alternates. The reviewers identified areas where the required parking could go. What they are left with is a plan

that is feasible, they can engineer it to save the wetland and provide some upland grass areas; question is, is it prudent to save the isolated wetland pocket surrounded by parking or is it a bigger public benefit to create wetland that would be continuous with the existing wetland to the south? It is their opinion that it is more prudent to go with the larger wetland than to have the isolated pocket. BL Companies Highland stated surrounding the wetland with pavement will result in loss of the wetland buffer; it further isolates the wetland from all the others. The wetland doesn't offer much benefit by itself, it has a lot of invasives in it, there are concerns that it will become too dry or too wet. They propose 2:1 mitigation and they have had a lot of success with creation that has been done so far. Extending wetland creation area will offer more habitat for species on site and allow for more invasives removal.

BL Companies Schmitz reiterated that it is feasible but it is their opinion that it is not prudent; obviously the Commission makes that decision.

Comm. Botta asked if it is possible to put some parking in reserve.

BL Companies Schmitz stated he would check.

EO Ross asked if they have looked at the southeastern area of the site and considered doing mitigation in that area. Stated they might be able to get a better buffer if they pull some of the creation back from the steep slope created by the development and they might be able to improve situation for wetland in the area where cars park in southeastern corner.

Comm. Botta asked about surface ponds and underground system.

BL Companies Maurer stated surface ponds will retain water quality volume; the underground detention system is in rock so it won't infiltrate or reach water quality volume. The outlet control structure lets water slowly drain out.

BL Companies Schmitz stated that they can add to the underground system if needed so that the surface ponds don't have to increase in size.

Chairman Bassermann asked that there is still additional information that needs to be provided.

BL Companies Schmitz stated yes. They need to address the drainage and additional comments. They will be submitting revised plans.

Comm. Rose asked how grading for creation area may impact hydrology for newly identified wetland.

BL Companies Schmitz stated they are revising the plans to make it work.

Chairman Bassermann asked peer reviewers to present their findings.

Robert Wheway, professional engineer, principal with Codespoti & Associates, reviewed stormwater management plan and calculations. Overlooked main elements of report dated September 5<sup>th</sup>. When reviewing stormwater management plan, look at the size of the watershed, soil conditions for runoff curve number and time of concentration to determine volume of runoff and peak runoff. The reports identified watershed area that extends to the south side of route 1; information was not submitted for this area. Rainfall amounts used were old values that were used during Phase I prior to implementation of new rainfall amounts adopted by DOT. The rainfall amounts are dramatically increased in the new rainfall standards. Questioned composite runoff curve number for existing and proposed conditions. Thinks that they over estimated the runoff curve number for existing conditions which impacts delta; walked site, which solidified his opinion. Applicant should re-assess or provide further justification for numbers. What they have addressed with the drainage may not be enough if delta is off. Before implementation of phase I site conditions were a lot different then they are now.

BL Companies Schmitz stated they can add underground storage if they find it is necessary during the process of reviewing the comments received.

Eng. Wheway, stated in terms of volume there is sufficient volume for the one inch. As far as routing calculations they assumed that basins were dry, no information on whether that would be the case. There was no information to support whether the basins are capable of draining; if not calculations should be based on low level outlet. There were a couple of other discrepancies in pre and post development soils conditions. Noted that current methodology recommends maximizing sheet flow

at 100ft. Lengthening out sheetflow length provides a longer time of concentration which affects delta. In assessing feasible and prudent alternatives, looked at reducing fill to northern wetland. Thinks that it is feasible, Commission will have to look at whether it is prudent. Commission has 2:1 mitigation in regulations; can't guarantee that creation will be 100% effective.

Matthew Pop, Landscape Architect and professional wetland scientist with Environmental Land Solutions (ELS), overviewed the three reports submitted by ELS. Plants used in the wetland mitigation area were appropriate. There should be more trees proposed in the wetland mitigation area. Concerned about lack of plantings on slope above mitigation area. There should be a wetland mitigation maintenance plan. Suggested shallow depressions for shallow ponding for wildlife. Identified Japanese knotweed that is not being controlled. The monitoring program stated that it will begin a year after the creation is made, should start as soon as the activity starts. There is an existing culvert under access way that doesn't provide for great wildlife movement between wetlands. The buffer around the eastern central wetland is primarily meadow, could be nice to enhance.

Landscaping plan was sparse, could fit more trees in islands. Dogwoods are a tough tree to plant in urban setting, should probably use shade trees. The erosion control comments can probably be addressed on the revised plans. Legend names and details were not consistent. There is some inconsistency with silt fence location and limit of disturbance. There should probably be a separate tree protection plan. Assessment report may understate functions of wetlands. Control of invasive species needs to be done now. Keeping wetland in the center is up to the Commission to decide. Would like to see more of an enhanced wetland corridor throughout the southern portion of the site to aid Commission in making determination.

Chairman Bassermann asked consultant how confident is he that they can establish mitigation in the proposed area.

M. Pop stated that he is pretty confident that they could get a wetland in that area.

Comm. Rose asked how important he would characterize the box culvert.

M. Pop the access way is basically a cut off for wildlife. It is too bad that the walls are already in.

Louis Attruia of 81 Manorwood Dr, asked about blasting.

BL Companies Schmitz stated that there is proposed blasting and overviewed the areas on the plan.

David Cioffi of 105 Standard Avenue, stated raingardens sound good but are not maintained.

Commented on R. Wheway's discussion on runoff curves. The initial couple of inches (above bedrock) absorbs water and there is a high cycling rate in the percable biomat in the tree roots. Past the capacity of the overlying percable material water runs off. In small storms there is no runoff or perc due to evapotranspiration. Not very comfortable that the wetland is near route 1 and the DOT does not need wetland approval. Wetlands are a three dimensional concept, building a wall disrupts the emergent part of that wetland and the function of that part of the wetland. Doesn't know that 2:1 mitigation is sufficient.

Chairman Bassermann continued the public hearing until Oct 12<sup>th</sup>, 2017.

## **APPLICATIONS FOR RECIEPT:**

### **IW#17.09.01 – 110-112 North Main St – proposed retail structure and associated parking and utilities; also consider 8/25/17 request to extend permit IW#07.07.07**

Joe Faughnan, attorney representing the owner, with him is Dan Kroeber, engineer for the project. The property was the subject of an application several years ago that was approved for a very similar project. EO Ross reviewed the revised plans and advised that a new permit be submitted. They are asking to have the existing permit extended that they continue to have an approval while the current application is processed.

EO Ross stated that the main issue here is that they submitted a revised plan and they need a new zoning permit. The zoning permit time governs inland wetland expiration date. The inland wetland permit can only be extended a max of four years, it gets messy.

Dan Kroeber, professional engineer, has been involved in the job since original approval. Overlooked differences and similarities to the 2007 approval. In the back of the property is a wetland system that drains southerly under the site and Route 1. The new application is the same in the drive through lane, the dumpster enclosure has been pulled back. They have changed the orientation of the driveway. There is a raingarden that will receive roof drainage and a portion of the driveway drainage. There is less impervious surface proposed. Plantings are similar to before. There will be five parking spots.

Commission determined that the application could be processed administratively and that they would extend the permit for the existing approval.

Comm. Greenalch motioned to extend the existing permit [IW#07.07.07] for two months. Comm. Sette seconded. Motion passed unanimously (7-0-0).

#### **OTHER BUSINESS:**

##### **Schedule a special meeting for Commission training**

Commission discussed dates and is looking to schedule the meeting for October 26<sup>th</sup>, will send out an inquiry to see what time works best for everyone and confirm time.

#### **CORRESPONDENCE & ANNOUNCEMENTS:**

**CACIWC Annual Meeting Saturday November 18<sup>th</sup>**: Please let staff know if you would like to attend by 9/22/17.

**ADJOURNMENT:** Comm. Botta motioned to adjourn the meeting at 10:36pm; Comm. Rose seconded. Motion passed unanimously (7-0-0).

Respectfully Submitted,



Jaymie Frederick, Inland Wetland Assistant