



Inland Wetlands and Watercourses Agency

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APPROVED MINUTES

Thursday, September 13, 2018 7:30 PM

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

2018 OCT 15 P 3: 06

TOWN CLERK'S OFFICE
BRANFORD, CONNECTICUT

Present: Peter Bassermann, Richard Greenalch, Suzanne Botta, and Rick Ross

Absent: Sandra Kraus, Jim Goggin, Eric Rose and James Sette

Staff Present: IWEO Diana Ross & IW Asst. Jaymie Frederick

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

All Commissioners present were seated.

APPROVAL OF MINUTES:

Comm. Greenalch motioned to accept the meetings of the August 9th, 2018 regular Meeting, Comm. Botta seconded. Motion passed (4-0-0).

APPLICATIONS FOR RECEIPT:

OLD BUSINESS:

IW#18.08.02 – 191 Short Beach Rd – subdivision referral for 3 residential lots

Chairman Bassermann stated there was a presentation last meeting. Stated he had an ex-parte discussion after the last meeting where Dave Cioffi made anecdotal comments about dump material located on the site.

EO Ross stated there is fill on the site and anecdotal comments about dump materials on the site. She called to the state to see if they had anything on it, they did not. She spoke with engineer Jim Pretti the contractor and they are trying to decide what to do next. Read email from Pretti [9/12/18] requesting the item be tabled, they are waiting to hear back from the seller before moving forward. She contacted Pretti and explained the Commission needs to move forward to make sure they don't miss timeframes. Commission needs to determine whether they want to hold a public hearing and/or site visit.

Chairman Bassermann stated they need to schedule the public hearing tonight if they are going to have one to meet the statutory requirement. Thinks they need to establish a date for the public hearing and site walk and see what happens moving forward. There is no petition, but from the email as well as comments regarding what this site might have on it, it seems like it would be in the public interest to schedule a public hearing.

Comm. Botta mentioned that if the Commission may need additional support on and put out a bid for someone to look at the project that should come up now so that could be part of the full disclosure of the application process.

EO Ross stated the State said a Phase I, Phase II and Phase III assessment would be required; the Commission wouldn't conduct that sort of thing.

Comm. Botta stated thinking her concerns are the timing: get an RFP out, get replies, make a decision and have time for the consultant to look at whatever needs to be submitted, as well as full disclosure of the cost of the application.

Comm. Greenalch stated he thinks they can do it at the public hearing if the applicant goes ahead and the information presented indicates they should do that. Thinks the developer will have interest in doing their own investigating into these matters as it may affect sale of the lots. Comm. Botta explained since there is no one on the Commission with that formal expertise, whatever an expert of an applicant would hire puts forward, if that is the only testimony that is provided, that is the only thing under which they can render a decision. By hiring a peer review they can ensure they are getting the questions answered specifically that they want and if there is disagreement between the information from the professionals, it is up to the Commission to determine which information is going to be used to render a decision.

Commission discussed the there isn't enough information to determine what the review would be if needed.

The Commission will hold a public hearing on the basis of public interest associated with potential conditions that exist on the site that have recently come to light. The public hearing will be opened at the October 11, 2018 meeting.

Commission determined to hold a site walk Saturday October 6th at 10am.

OTHER BUSINESS:

Regulations – discussion pertaining to staff compiled notes

EO Ross overviewed comments. Preservation doesn't fit the definition of Compensation.

Commission didn't have any issues with this removal.

EO Ross stated section 7.10 of the regulations gets a little odd when implementing. Depending on when they plant the current language may be appropriate. Would suggest: a report right after the plants are installed confirming what was installed and identifying whether there were any issues, at end of the first growing season and after the next growing season for the next four or five years. So it is based on the growing season.

Comm. Ross asked if they should define growing season.

EO Ross that language could be added.

EO Ross stated that the definition of Agency doesn't include staff, need to make sure that areas that are meant to include staff, staff are included.

Commission stated that sounds ok.

EO Ross stated section 13.1 of the regulations states "Agency may approve"; asked if the intent is 'Agency' or 'Agency and staff' and does the Commission want to use 'may' or 'will'.

Comm. Botta stated they want it to come back to the record.

Commission discussed the 'may' provides flexibility that the Commission may need to use. Determined no changes to 13.1 of the regulations.

IW Asst. Frederick referenced that other places in the regulations state the Commission 'will state on the record', asked if they wanted to add language to this regulation stating that the Commission will state the reasons why they were denying the request if the request is denied.

Commission determined adding that language was not necessary.

Chairman Bassermann stated the fees are the same problem as last time. There are a whole bunch of different drivers on establishing fees. Last time a smaller group looked at the fees. Asked if this is pertinent to do in this case as well.

EO Ross stated that the 2007 regulation fees were much easier to calculate. The current fees seem almost random. She has samples from other towns that she can send out. There is no standard way of setting up fees.

Comm. Bassermann stated lets have the review and see how far off everyone is at the next meeting to see if a smaller group is needed to look at this.

Commission discussed information provided relative to section 19.7 of the regulations.

IW Asst. Frederick indicated it is general information provided, section c. as provided for in the model regulation was removed in the last revision and no reason was provided for its removal.

Commission determined to put it back in.

IW Asst. Frederick pointed out the De-minimums fee was removed. Not sure why, it was used quite a bit.

EO Ross stated the fee was \$25 for sheds and aboveground fees.

Commission will review this in their review of the fees.

ADMINISTRATIVE APPROVALS ISSUED:

IW#18.08.01 – 52 Valley Brook Rd So – aboveground pool

IW Asst. Frederick stated they got a soil scientist and a wetland sketch, showed it was not in the wetland.

Per Commission discussion at las meeting application was processed administratively.

IW#18.08.03 – 15 Lomartra Lane – new single family home &

IW#18.08.04 – 25 Lomartra Lane – new single family home

EO Ross stated these are part of the Gould Lane subdivision; plans were consistent with the subdivision plan.

CORRESPONDENCE & ANNOUNCEMENTS:

Connecticut Invasive Plant Working Group (CIPWG) Symposium; October 4th, 2018

ADJOURNMENT: Comm. Botta motioned to adjourn the meeting at 8:08 PM, Comm.

Greenalch seconded. Motion passed unanimously (4-0-0).

Respectfully Submitted,



Jaymie Frederick