



Inland Wetlands and Watercourses Agency

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Unapproved Minutes

Thursday, October 11, 2018 7:30 PM
Canoe Brook Senior Center
11 Cherry Hill Road, Branford, CT

2018 OCT 15 P 3:07

TOWN CLERK'S OFFICE
BRANFORD, CONNECTICUT

Present: Peter Bassermann, Richard Greenalch, James Sette
and Rick Ross; Suzanne Botta arrived during discussion of Gould Ln.
Absent: Jim Goggin, Sandra Kraus and Eric Rose.

Chairman Bassermann Called the meeting to order at 7:32pm.
All Commissioners present are seated.

Chairman Bassermann asked if there changes to the agenda.

EO Ross stated there is a request from Bill Horne to allow him to speak on Gould Lane.

Comm. Greenalch motioned to allow that to be added to the agenda, Comm. Ross seconded.

Motion passed unanimously (4-0-0).

EO Ross stated that she would also like for the Commission to look at revision to an outlet structure on the Gould Lane site.

APPROVAL OF MINUTES:

Comm. Greenalch motioned to approve the minutes of the September 13th regular meeting,
Comm. Ross seconded. Motion passed (3-0-1).

DISCUSSION ON GOULD LANE:

Bill Horne, 246 Pleasant Point Rd, here to discuss something that involves Land Trust property but he is not here representing the Land Trust. The Land Trust hasn't talked about this, he has recently become aware of. He visited the site back in April and the whole slope essentially down to the wetland was destabilized. There were a couple of days of heavy rain and were rivulets of fine sediment washing down the hill, a lot ended up in the wetland. In May he was involved in clearing a path along the edge of the property so they could monitor it; at that time he spoke with DiGioia about the problem. It was expressed that this was an unusual situation and he knows measures were taken to improve the controls. He has been back and seen improvement to the silt fence measures. Had not been back to the site for a while. Assumed things were ok other than the fact that there was clearly a lot of mud that was escaping form the site uphill where the entrance was and ponding down at the foot of the hill where the catch basin that drains down onto the Land Trust property. Had seen before that there was a sediment bag in there and figured that it was exceeding the capacity. Was in town hall and mentioned status to IW Asst. Frederick earlier this week, was told staff have been in touch with them on that and they were told the street had been cleaned. He stopped by to check site later that day, the sediment had been cleaned from the site access down to the catch basin, they hadn't cleaned sediment on the other side of the catch basin that had built up for 10-15ft. Discovered from IW Asst. Frederick that at least one other instance occurred where there was a washout, he thinks it was a detention basin that resulted in overtopping of silt fence allowing more sediment travel. Explored a bit when he went to look at the storm basin, there is easily visible sediment

downstream from the storm basin. It is not hard to find sediment just sitting there. Clearly the site design and the impacts of destabilizing the entire hillside and a couple of really significant rain events, the measures are not working. The original permit was phased so that phase I would be the area for the road. The work they did exceed the permit and the consequences have been that several erosion controls were not adequate.

Chairman Bassermann asked about the nature of the sediment in the wetland.

Horne stated that it is fine grain. He is not asking to have the wetland area that has been impacted remediated as going in there will cause more disturbance than anything else. He is asking that the developers be told that they have to stabilize the slope in any areas they are working outside of the permit on. The wetlands are clearly being impacted by this.

Chairman Bassermann asked staff about site visit earlier today and any additional information on site condition.

IW Asst. Frederick stated that she was primarily checking the road. There was some sediment at the bottom of the hill in Gould Ln where the water outlets right into the wetland essentially. Doesn't know if it came from the site recently or if this is the sediment that Bill Horne was referencing and that it ended up at the low point with all the rain that occurred. Did not see any evidence of new sediment leaving the site today, but there was sediment at the catch basin above the outlet making the road flood

B. Horne stated that there are no longer sediment controls in the catch basin.

IW Asst. Frederick stated that the problem with the silt bag was that it was clogging up the flows such that the road was flooding and overtopping and still getting into the wetland. We have been working with the contractor to keep the water out of the road so that there is not a problem at the catch basin.

Chairman Bassermann asked what is on the table to correct the situation. Does the contractor agree with the situation?

EO Ross stated that Di Gioia submitted a letter, all Commissioners have a copy.

Chairman Bassermann stated the tone of the letter recognizes that there are some issues on the site. The Commission needs to deal with this the specifics of this site to the extent of having recommendations for the developer tonight. The Commission should think about when considering applications of a large tract, pay even more attention to phasing and erosion controls, particularly when there are slopes. Asked EO if she has spelled out what is necessary to alleviate the immediate concerns.

EO Ross stated that he needs to stabilize the entire site as soon as possible with seeding or erosion control matting. Probably more erosion control matting, biodegradable is preferable.

Comm. Greenalch stated seeding will not work unless it is matted, the slopes are pretty steep and the next good rain would wash the seed away.

EO Ross stated that they were supposed to have the engineer do weekly erosion control reports. She is looking to have that adhered to. In those areas where there is some sediment, thinks that they need to require that he have the soil scientist come back out, take a look at that and suggest what needs to be done to correct it. It has been discussed that when he is done he will have to go in by hand and dig out the sediment at the catch basin. Hadn't really decided on the rest of it. Went over the approved limits of disturbance relative to a google earth image from June 2018.

Chairman Bassermann asked if they are looking at a permit violation

EO Ross stated yes. The extra disturbance likely did have some impact. Discussed excess clearing along Gould that was not approved as part of phase I, the clearing is within the upland review area. Noted that the wetland is actually higher than the disturbance.

Comm. Greenalch commented that he rides Gould Lane regularly and has noticed the issues they have been having.

IW Asst. Frederick stated she checked that area today. There is a hill between the disturbance and the wetland. There is so much vegetation there that was really difficult to get in there [particularly with weather conditions at time of visit]. Some of the site has revegetated since the

Google image that the Commission is seeing, but not enough. The area does need to be vegetated and that will help reduce anything getting into the road.

Chairman Bassermann stated that they need to be very specific on what they want him to do.

EO Ross stated that she thinks it should be from the commission.

Comm. Ross stated the Milone & MacBroom memo is a good starting point.

EO Ross stated that has to be done. Just recently she has started getting these reports weekly which is what they are supposed to be. He needs to do that, the Commission should review it and see if anything is missing that they want to see.

Comm. Greenalch asked if there is a bond on this.

EO Ross affirmed that there is.

Commission reviewed the Milone & MacBroom memo.

EO Ross stated that the Commission may want to add a consequence and timeframe. The memo is the weekly erosion control inspection report. They state what needs to be done and the contractor is supposed to do it by the next week.

Comm. Ross stated that what he thinks is missing is the matting.

Chairman Bassermann stated that the memo really only addresses the area of the basin and not the entire site. Need to add that it needs to be the entire site.

Commission discussed importance of matting in all areas except where road construction is.

Comm. Ross asked if it is a single silt fence.

IW Asst. Frederick stated that there is a silt fence, it has/had hay bales, some have rotted out. They have installed additional rows of silt fencing and they have added earthen berm in a lot of sections and diversion swales. There have been some failures in those mechanisms that have resulted in some of the issues.

Comm. Greenalch stated normally they would require a double silt fence on a site like this he would think. Thinks at this point they should ask them to follow the recommendations of the Milone & MacBroom report and in addition to do the matting that the Commission talked about.

Chairman Bassermann stated that the memo is silent on any remediation work.

Comm. Greenalch stated the remediation probably needs to wait until the site is under better control but it should be one of the conditions that they are going to meet at some point.

Commission overviewed what they need to see:

1. Matting in all disturbed areas on the site except the road
2. Soil scientist is to make appropriate review and recommendations for remediation of wetlands and areas around the wetlands that were not to be impacted
3. All other steps identified in M&M memo dated 10/10/18

Seeding

Chairman Bassermann expressed concern relative to failures of erosion control measures, do those areas need repair?

IW Asst. Frederick stated that they have been repaired, there could be some more- has not been across the site since last Friday. There could be other improvements that need to happen. It requires continual maintenance. Stabilizing the site will help make it so that doesn't require as much maintenance.

Chairman Bassermann asked if the Commission should site walk this at some time.

Comm. Greenalch stated he thinks that they set a time for him

Commission discussed a time to have work completed, determined three weeks. Commission discussed whether a site walk would be called for.

Comm. Ross suggested that they ask Milone & MacBroom to provide a report on the completion of this work.

Commission determined that would be appropriate and the report should be available for the next meeting and be reflective of the site status at that time. Discussed that they can decide based on that report whether they set a site visit or not.

Chairman Bassermann introduced discussion of consequences.

Comm. Greenalch stated that they could call the bond to hire someone to correct the situation.

Comm. Botta stated they have also issued a desist order and they cannot continue with development until the items were fixed.

Commission discussed that could be done next month if they need to.

EO Ross asked about running the correspondence through the Chairman prior to sending it out.

Comm. Greenalch motioned to authorize EO Ross to convey to the owner the items the Commission discussed, the remediation is a problem and with the timeframe and other details involved, Jaymie has all that information, you can cover what we've talked about up to now in the motion. Comm. Sette seconded. Motion passed unanimously (5-0-0).

Commission briefly discussed a minor plan revision for a storm water outlet structure.

EO Ross stated that normally she would approve it on her own, just brought it tonight because of the other issues.

EO Ross asked if the Commission would like for her to send the letter out to everybody to take a look and comment directly to her. They cannot comment to each other.

It was determined that EO will send the letter out to everyone separately to ensure they don't risk a reply all.

APPLICATIONS FOR RECEIPT: none

OLD BUSINESS: none

OTHER BUSINESS:

Regulations – discussion pertaining to staff compiled notes

Chairman Bassermann recapped this was discussed at the last meeting. They made some changes, agreed not to make some changes in other areas. The thing that is still out there are the fees and the fee structure.

Commission discussed that the fees are awfully confusing.

Comm. Greenalch asked about samples of other towns

IW Asst. Frederick stated they did not get that sent out.

EO Ross stated they are a big range. If the Commission has an idea of the form they think it should be in it might be easier to narrow it down. The way they used to have it, the fee would increase based on square footage. The way it is in now it is just a random range.

Commission discussed what disturbance is based on. If there is a regulated activity it is total site disturbance, including outside of the upland review area.

EO Ross stated the breakdowns are kind of arbitrary.

Commission discussed issues are the break downs and whether fee is assessed on total area of disturbance. They don't have a de-minimums fee anymore which she liked for if someone came in for a shed or something.

Comm. Sette stated that it is his opinion that if the Agent takes in applications, if there is a way she wants to create the fee structure to make it easier for the applicant and the back office, why not come back next month with a proposal and the Commission can vote on it.

Commission discussed that makes sense as the Agent has a better handle on this, the Commission is not there on a day to day basis.

EO Ross stated that she is uncomfortable with the fees currently because she thinks that they are little arbitrary

Comm. Botta stated as an individual it may seem expensive, but if it takes staff an hour of time that \$25 is far gone. Want to keep the cost reasonable but there is no a reason for the general tax payer to subsidize someone that wants to put in a pool or a shed.

Comm. Greenalch supported having EO Ross take a review of the fees and propose a revision for the next meeting.

EO Ross stated if anyone has any comments to email her.

Comm. Sette stated the fee should cover the cost issuing and monitoring the permit.
Commission discussed term de-minimums and whether it is in the regulations.
IW Asst. Frederick will look up language in statutes that may parallel de-minimums so that commission can review whether that would be appropriate language.

Regular meeting schedule for 2019 – not reviewed

ADMINISTRATIVE APPROVALS ISSUED:

CORRESPONDENCE & ANNOUNCEMENTS:

CACIWC Annual Meeting & Environmental Conference – Saturday 11/17/18

Chairman Bassermann stated and email was sent out, if you are interested let staff know.

Commission briefly discussed replacement of Inland Wetland Assistant. EO stated that they will get a replacement but it will take a while.

Comm. Botta stated that the motion that was made for the property on Gould Lane, based on wetland trainings they probably didn't need a motion, but when they do make a motion it is important that it is enumerated what the motion is. In the situation that they were ever challenged on something that they made a motion and approved, it would be hard to stand by a motion that wasn't clearly articulated. Don't think that they can rely on notes from the staff that they can't see. In this case is probably neither here nor there but should be aware of. Want to ensure the Commission is controlling the language of the motion and that it doesn't get filled in later by staff. This is a good thing to be aware of with future language.

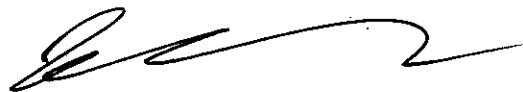
Chairman Bassermann stated that they need to articulate the motion better so that the record stands on that motion in case there is a challenger.

EO Ross stated that when you have a discussion everyone might be perceiving it a little differently, that is why it is important to have the actual language there that everyone agrees on.

Comm. Botta stated she doesn't think that this one will be an issue, but it is a good time to talk about it and determine what is their standard protocol.

ADJOURNMENT: Comm. Botta motioned to adjourn the meeting at 8:28pm, Comm. Greenalch seconded. Motion passed unanimously (5-0-0).

Respectfully Submitted,



Jaymie Frederick, Inland Wetland Assistant