



Inland Wetlands and Watercourses Agency

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Approved Minutes

Thursday, April 11, 2019, 7:30 PM
Canoe Brook Senior Center
11 Cherry Hill Road, Branford, CT

1. CALL TO ORDER:

- Chairman Peter Bassermann called the regular meeting of Branford's Inland Wetlands & Watercourses Agency to order at 7:30 P.M.

2. ROLL CALL:

- Commissioners Present: Chairman Peter Bassermann, Suzanne Botta, Eric Rose, Richard Greenalch, James Goggin, Sandra Kraus, Rick Ross
- Commissioners Absent: Jim Sette
- Staff Present: Inland Wetland Enforcement Officer Diana Ross, David McCarthy

3. APPROVAL OF MINUTES: March 14th Regular Meeting Minutes

- Chairman Peter Bassermann noted a correction to the Minutes:
 - o Strike the repetitive typo "walk the property" from the line: *Josh Onofrio informed the Commission that he walked the property with the State ~~walk the property~~ and that the said that they have no issues with it, but asked him to maintain the splash pad.*
- Comm. Kraus noted a correction to the Minutes:
 - o Strike the repetitive typo "only had" from the line: *Josh Onofrio informed the Commission that the original planting plan only called for ~~only had~~ two elderberries and the new plan is to plant seven along the waterway.*
- Comm. Greenalch motioned to approve the Minutes conditional to the corrections, Comm. Goggin second, Motion carried (4-0-3) with three Commissioners abstaining: Comm. Rose, Comm. Kraus, and Comm. Rose.

4. AMENDMENT TO THE AGENDA | POSTPONEMENT OF PUBLIC HEARING:

- Chairman Peter Bassermann sought Commission approval to change the order of the Agenda to address IW# 19.03.03 | 30 School St. | Construction of Garage – Filling of Wetland.
- Chairman Peter Bassermann informed the room that the Public Hearing was incorrectly noticed on the Agenda.
- Chairman Peter Bassermann - to preserve everybody's rights and to be compliant the State Statues, we are not going to open this Public Hearing at this meeting and we will hold it at next month's meeting.
- Chairman Peter Bassermann made sure this was OK with the Commission, then he apologized to the Public for the inconvenience.
- Comm. Goggin asked if the Applicant would have to update the sign in his yard.
- EO Ross - yes and all new notices will be sent out.

5. APPLICATIONS FOR RECEIPT:

IW# 19.03.05 | 100 Pine Orchard Rd. | Inground Pool

- Michael Martocci (Owner of Pool Scape and Spa) addressed the Commission and provided them with information regarding the project.
- EO Ross handed the Commission copies of the site plan.
- The Commission reviewed the plans.
- Chairman Peter Bassermann asked about the pool type and its materials.
- Michael Martocci informed the Commission that it's an 18x36 foot vinyl lined pool with a concrete base and a galvanized steel frame. He shared that the pool will use a cartage filtration system with no discharge or backwashing.
- Chairman Peter Bassermann asked about wastewater.
- Michael Martocci suggested using a wastewater pit.
- Sal Delucia (homeowner) pointed to the site plan to where he believed a dry well existed on the property, and where it discharged to.
- Michael Martocci informed the Commission that they plan on hauling the material off-site as they dig it and that they'll backfill from a small stockpile that will be wrapped in a silt fence and hay bales.
- The Commission reviewed the distance of the proposed pool to the neighboring wetland with the Michael Martocci and the Applicant.
- Comm. Kraus stated that it's about 60 feet.
- Chairman Peter Bassermann asked about the soil type.
- Michael Martocci informed the Commission that they haven't dug yet.
- Comm. Botta asked about the existing vegetation.
- Michael Martocci – grass.
- Comm. Kraus asked the Applicant if a lot of rock was hit when they dug to build the house.
- Sal Delucia – no.
- Comm. Botta recommended this permit to be issued by Agent Approval based on the fact that it's already a lawn and distant from the wetland.
- Chairman Peter Bassermann asked for the depth of the pool.
- Michael Martocci “were doing 6 feet, max.”
- Chairman Peter Bassermann stated that he was OK with EO Ross issuing this permit via Agent Approval under the condition that the wastewater goes into the dry well.
- Comm. Botta added that the site plan should include the discussed erosion plan (silt fence and hay bales).
- EO Ross informed Michael that the new plan will have to indicate all erosion controls.
- Comm. Rose inquired further about the wastewater and asked if it was a salt system.
- Michael Martocci – no, it's chlorine.
- Comm. Rose - with no backwash?
- Michael Martocci informed the Commission that it's a cartridge system with no backwash.
- Comm. Rose asked Michael if the system will discharge water when the pool becomes too full.
- Michael Martocci – yes, once or twice a year when there's excessive rain.
- Comm. Kraus asked about water discharge when closing of the pool for the season.
- Michael Martocci – “Typically now, we don't have to lower the water level.”
- Comm. Botta - will you drain to refresh?
- Michael Martocci – no.

- Comm. Botta suspects that the pool's proximity to the wetland might attract, trap, and drown tree frogs and advised the Applicant to install a type of floating device that can allow the tree frogs to exit the pool.
- Chairman Peter Bassermann asked the Commission if they were OK with an Agent approval for this permit.
- Comm. Goggin – “sounds good.”
- The Commission agreed.
- EO Ross then asked if she should include the mentioned conditions on the Permit.
- Chairman Peter Bassermann said yes, the wastewater, hay bales, and silt fence.
- Comm. Rose sought for clarification on term ‘wastewater.’
- The Commission discussed the terms wastewater and decided the term should be excess water. They then discussed where it would discharge.
- Sal Delucia informed the Commission that there is a big pit/plastic tub underground filled with crushed stone that could possibly store the excess water.
- Michael Martocci – if need be, with excessive rain, we can discharge excess water into this infiltration system.
- Comm. Rose – “we’re asking them to create a mechanism that allows them to take a hose and put it into those two infiltrators.”
- Chairman Peter Bassermann – the condition is to use the existing infiltrators to discharge excess pool water.
- Chairman Peter Bassermann – motioned for Agent approval with the two conditions (erosion controls and discharging excess water into the existing infiltrators), Comm. Krous seconded it, Motion carried (7-0-0).

IW# 19.04.01 | 23 Lomartara Lane | Construction of a Single Family Home | for Agent Approval

- Chairman Peter Bassermann asked if this was one of the Gould Lane projects.
- EO Ross said yes and reminded the Commission that it listed this one for administrative approval and that it was approved it today.

6. APPLICATIONS FOR REVIEW:

IW# 19.03.01 | 45-55 Alex Warfield Rd. (The Shore Line Trolley Museum) | Invasive Species Management / Control

- Chairman Peter Bassermann reminded the Applicant that this application was received at the last meeting and that no decisions could be made at that time. He then asked if there were any changes and or updates since last month's meeting.
- John Proto (Applicant) informed the Commission that they did an initial mowing to combat the Mugwort and they are waiting for the application's approval to move forward.
- Chairman Peter Bassermann asked if there was an issue with the application fee
- EO Ross – yes, I believe we do.
- John Proto (Applicant) informed the Commission that they are remediating and not building anything.
- EO Ross informed the Commission that this application proposes 2.46 acres of disturbance, then reminded it of the Commercial fee structure.
- The Commission discussed the application and the fee structure.
- Chairman Peter Bassermann – “ultimately, the project is a good thing.”
- Chairman Peter Bassermann asked the Commission if they were uncomfortable assessing the fees, per the regulations, for something that's good.

- Comm. Greenalch - “I would be, yeah.”
- EO Ross – the Applicant can request a fee reduction.
- Chairman Peter Bassermann – confirmed with the Commission that they were all in favor of reducing the application fee.
- Comm. Greenalch – we should decide on a fee reduction right here.
- John Proto requested a fee reduction.
- The Commission discussed the fee reduction.
- Chairman Peter Bassermann – 50%?
- Comm. Rose – 50%
- Comm. Botta asked if there was a De minimis.
- EO Ross – we don’t have that anymore.
- Comm. Botta asked if there was anything that took its place.
- EO Ross – no.
- Chairman Peter Bassermann requested that the record notes that Commission should look at the fee structure the next time it looks at the Regulations.
- EO Ross – yes, and we should come back in not too long of a period of time with something new.
- Chairman Peter Bassermann – we can’t keep doing one-offs, there ought to be something that everyone understands.
- Comm. Botta requested that the record notes that the Commission should reintroduce the De minimis fee within the fee schedule.
- EO Ross – reminded the Commission that changes made to the Regulations would require a Public Hearing.
- Comm. Kraus questioned if there was a fee reduction made for work done at Juniper Point and if that would have set a precedent.
- Comm. Goggin– I think we did.
- Comm. Botta - Can we look back for the next meeting?
- Chairman Peter Bassermann – Absent data, we can’t figure this out tonight. If there’s a precedent set by what we did for Juniper Point that may be good to keep a level playing field.
- EO Ross – do we want to continue this then?
- Comm. Botta – yes.
- Chairman Peter Bassermann asked if any Commissioners were opposed to continuing it.
- Comm. Rose – no.
- Comm. Goggin – no.
- The Commission agreed to continue it.
- Comm. Botta asked the Applicant if this poses a particular hardship him at this time.
- John Proto – no.
- Chairman Peter Bassermann asked for any further discussion on this application.
- The Commission and the Applicant did not signify the need for any further discussion.

IW# 19.03.02 | 119 Cedar St. | Installation of Retaining Wall

- Joshua Onofrio (Applicant) noted that the Commission walked the site yesterday.
- Joshua Onofrio informed the Commission that he believed the question left over from last month’s meeting was about stabilizing the erosion control around the wall and that his soil scientist David Lord made some suggestions about how to stabilize those soils.
- Comm. Rose – when we were at the site, we had a map we could not rely on. He then asked the Applicant, “Where are we now?”

- Joshua Onofrio presented the Commission with a new as-built survey and noted that his Engineer is currently on vacation.
- Joshua Onofrio informed the Commission that this is the same as-built survey that was dropped off at the Inland Wetlands office earlier today.
- EO Ross and Chairman Peter Bassermann noted that the Survey was dated April 4th.
- Comm. Greenalch noted that they may not have changed the date, then asked if they made any changes to the survey at all.
- The Commission reviewed the latest as-built survey, the previous as-built surveys, and the originally proposed plan.
- Comm. Greenalch noted that the new as-built survey shows the wall moved back a little bit further when compared to the survey that the Commission had at the site walk yesterday.
- Chairman Peter Bassermann asked the Applicant if that was the only change to the plan.
- Joshua Onofrio – no, a couple of the measurements are different. He pointed to one building on the survey and shared that its measurements remain in question.
- Chairman Peter Bassermann asked about the new planting plan.
- Joshua Onofrio – “we have an idea, we don’t have it in writing yet. That’s what David was going to provide.”
- David Lord said he was working on the details for the stabilization for the pad outside the retaining wall.
- EO Ross – “What did you say about the accuracy of this plan, you’re working on a revision, right?”
- Joshua Onofrio – “Yes, they’re working on a revision.”
- Joshua Onofrio pointed to areas on the as-built survey and shared which dimensions he believed to be accurate and which he believed may not be. He then stated that he lost a parking space for the handicap ramp, from two to three.
- EO Ross – I believe that they did not change the dimensions of a building on the survey to include its new dimensions as it was widened during construction and now includes stairs.
- Joshua Onofrio – originally, the building always stairs.
- EO Ross – but, they were outside.
- Joshua Onofrio – they were covered, but it was shown as an addition.
- Chairman Peter Bassermann - the latest as-built is not accurate. We need an accurate plan and a new planting plan to evaluate the project.
- Comm. Greenalch – the new plan should also contain some dimensions - the length of the wall would be important.
- EO Ross – showed the Commission what was originally approved compared to what was constructed.
- The Commission reviewed the plan comparison.
- Comm. Rose – “this has been pushed way out.”
- EO Ross stated that the outlet pad is on State property and that the State said the property owner will have to have a maintenance agreement of the splash pad.
- Joshua Onofrio – they were ready to do that today, but...
- EO Ross – I told them to hold off until it was seen by the Wetland Commission
- EO Ross stated that she believes that this has to go before Zoning as well and that she’s not sure how that’s going to go.
- Comm. Greenalch asked the Applicant if he was having a problem getting an occupancy permit for the building and if there was a deadline that he was up against.

- Joshua Onofrio stated that the Town Assessors office wants to tax him on business use, but that he cannot open the doors.
- EO Ross asked David Lord to speak to the flow of water that comes through the watercourse and about possible erosion issues. She stated that there's a lot of drainage water that comes through and that we no longer have a wide bank to plant in.
- David Lord passed out a set of recommendations for soil erosion and sediment control along the bank: topsoil, a seeding, and erosion control blanket along the entire length of the retaining wall.
- David Lord as for the two storm drainage outlets that come out of the retaining wall and on to the riprap, he recommended taking out the riprap, reshaping the area, putting down a Geotech fabric, then putting the riprap back to create a rock line swale area. "I think that's a long term, no maintenance stabilization of that area because you do have very quick, short, but powerful discharges when you have significant rainfall events."
- Comm. Botta asked if there was any way to mitigate temperature and velocity.
- David Lord "I don't think thermal is going to be that big a deal."
- Comm. Botta asked if the color of the plantings, rocks, and mulch could be lightened.
- David Lord – I can't change the rock color - it's standard.
- Joshua Onofrio agreed to change the color of the mulch to a lighter color.
- Chairman Peter Bassermann - asked if there were any additional comments.
- Comm. Rose – almost none of what's shown on the original approved plan is shown on - what reports to be - an as-built drawing.
- Comm. Rose - "Every single dimension and elevation that's shown on this original plan should be updated on that as-built. There should be no lack of information on the as-built that is presented here." All dimensions should be reflected.
- EO Ross – reminded the Commission that this is an after the fact application because it's noncompliant with the original approval.
- Chairman Peter Bassermann - told Josh that the Commission will see him in a month.

IW# 19.03.03 | 30 School St. | Construction of Garage – Filling of Wetland

- Per the amendment to the agenda mentioned above, this public hearing was postponed and will be heard at next month's meeting.

7. ADMINISTRATIVE APPROVALS ISSUED:

IW# 19.03.04 | 28 Old Hickory Lane | Replacement of Septic System

- EO Ross shared that she approved this permit administratively, that in the past the commission gave her authority to perform these type of applications administratively.

8. OTHER BUSINESS:

Fire Department- Routine maintenance of detention basin and stream – removal of cattails with approximately a foot of soil.

- EO Ross – believes that it did not require a permit because it's routine maintenance, but wanted to bring it before the Commission so it's aware of what's happening.
- EO Ross – the stormwater detention basin and stream have sediment in it that's building up and needs to be removed. There's also routine meadow mowing that need's to happen.
- Comm. Greenalch so it's ordinary maintenance?
- EO Ross – yes, and some of it will be in the watercourse.
- Chairman Peter Bassermann – asked if this was noted on the original plan?

- EO Ross could not recall but does not think so.
- Chairman Peter Bassermann asked about how the digging would be done.
- EO Ross – Public Works will probably use a bucket.
- Comm. Botta – suggested that Public Works holds off on mowing the meadow until November 1st.

RWA water chestnut harvest – Furnace Pond – As-of-Right Activity

- EO Ross informed the Commission that the regional water authority – as-of-right – will be mechanically extracting water chestnut from Furnace Pond.

9. CORRESPONDENCE & ANNOUNCEMENTS:

Recap of the Connecticut Land Use for Municipal Land Use Agencies, Boards, Commissions forum

- David McCarthy handed out a one page summary of the forum and conveyed the relevance the training was to municipal commissions, especially Inland Wetlands.
- Chairman Peter Bassermann asked David to see if the PowerPoint presentations could be accessed and distributed to the Commission.
- David McCarthy reminded the Commission that the Town of Branford will cover training costs for Commissioners.

Recap of the 2019 DEEP Volunteer Water Monitoring Conference

- David McCarthy shared his experience of the conference with the Commission. He conveyed the relevance of the science presented and its applicability to that of Inland Wetlands Agency and encourage the Commissioners to attend more training opportunities.
- Chairman Peter Bassermann noted that there are a number of conferences and training opportunities for Commissioners throughout the year and encouraged the Commissioners to take advantage of them.

10. AMENDMENT TO THE AGENDA | WORK BEING DONE AT THE SUPPLY PONDS

- Comm. Botta sought approval from the Commission to add an item to the agenda.
- The Commission agreed to add the item.
- Comm. Botta inquired about work being done at the Supply Ponds: new trails, crushed stone, and talk of a new parking lot. She noted that there's a lot of work that occurring and she does not recall permitting anything. She reminded the Commission that it's not an as-of-right area and that work there requires a permit.
- EO Ross said that she will check on all this, thinks that Parks and Opens Space may have made a bypass trail because the bridge is currently unsafe.
- Chairman Peter Bassermann asked if there were any further areas of discussion.

11. ADJOURNMENT

- Chairman Peter Bassermann motioned to adjourn at 8:32 P.M.; Comm. Greenalch seconded. Motion passed unanimously (7-0-0).

Respectfully Submitted,

David E. McCarthy