



Inland Wetlands and Watercourses Agency

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MINUTES

Thursday, July 11, 2019, 7:30 P.M.
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: Chair Peter Bassermann, Richard Greenalch, Eric Rose, Chris Traugh

Commissioners Absent: Rick Ross, James Goggin, Suzanne Botta, Sandra Kraus

Staff Present: Inland Wetland Enforcement Officer Diana Ross, Inland Wetland Staff David McCarthy

3. APPROVAL OF MINUTES:

- **Comm. Greenalch** Motioned to approve the June 13th Regular Meeting Minutes, Comm. Traugh seconded, Motion passed (in favor - not in favor - abstained) (4-0-0).

4. APPLICATIONS WITHDRAWN:

BR# 19.05.01 | 45 Short Rocks Rd – Supply Ponds | Placement of Concrete Block on the Edge of Pine Gutter Brook to Repair Bridge

- The Commission acknowledged that the application has been withdrawn.

5. APPLICATIONS FOR RECEIPT:

- **Chairman Peter Bassermann** asked the Commission to add an item to the Agenda: **IW# 19.07.04 | 56 Stony Creek Rd | Existing Structure Remodel**. The application was received by IW Staff yesterday, July 10, 2019, but it was too late to formally add to the Agenda. Comm. Greenalch made a Motion to add it to the Agenda, Comm. Rose seconded, Motion passed (4-0-0).

IW# 19.07.04 | 56 Stony Creek Rd | Existing Structure Remodel

- **Leigh Small (Applicant)** introduced himself and reviewed the plan to remodel the school and turn it into a childcare center. He affirmed that all work would be outside of the wetlands. He stated that he is seeking approval from this Agency so that he can move forward with his Planning and Zoning Application.
- **The Commission** took a look at the plan and discussed previous applications for the property regarding fire exits and walkways.
- **Leigh Small** noted that they have been installed.
- **Chairman Peter Bassermann:** This meeting is for receipt, at the next meeting we will be able to go through this application and review the plan.

IW# 19.06.01 | 509-545 East Main St. (Shoreline Trailer Park – Lot 71) | Proposed Restoration Plan

- **The Commission** noted that this Application was added and officially Received at June's Regular Meeting.
- **EO Ross** confirmed that the application was officially received by IW Staff the day of the last meeting, June 13th, 2019. However, it was too late to be officially added to the Agenda, so the Commission agreed to add it.
- **Discussion of this Application** will be moved from Applications for Receipt, into Applications for Review (see below).

IW# 19.07.01 | 21 Lomartra Lane | Construction of a New Single Family Home

- **The Commission** decided to discuss and consider all three of these applications as one group:
 - o **IW# 19.07.01 | 21 Lomartra Lane | Construction of a New Single Family Home**
 - o **IW# 19.07.02 | 19 Lomartra Lane | Construction of a New Single Family Home**
 - o **IW# 19.07.03 | 17 Lomartra Lane | Construction of a New Single Family Home**
- **Attorney Timothy M. Herbst (Applicant's Attorney)** of Counsel to Cohen and Wolf noted that he was here on behalf of his client, DonMar Development and that he was with Michael DiGioia, Vice President of DonMar Development, and Ryan McEvoy, and Lead Project Engineer and Civil Engineer with Milone and Macbroom.
- **Attorney Timothy M. Herbst** expressed his desire for these applications to be reviewed and approved administratively.
- **Ryan McEvoy** spoke to the three lots for receipt (10, 11, 12): grading, minor changes in the shape of the homes, house placements are about 25-30 feet from the roadway, the rear grades are pitched to a series of yard drains on lots 11 and 9 that connect to roadway drains.
- **Ryan McEvoy** informed the Commission that they are proposing erosion control measures on the roadside of these three lots and reminded them that these lots are 200 feet from the nearest wetlands. With that distance, he expressed interest for these applications to be granted administrative approval.
- **Chairman Bassermann** asked about access to the lots for excavation.
- **Ryan McEvoy** informed the Commission that they will be accessed from the top/rear of the lots, and that grade removed will be stockpiled up top and taken off-site via an access road.
- **Comm. Rose** asked about the stockpiling of the foundation materials.
- **Ryan McEvoy** informed the Commission that the goal is to get all the materials off-site.
- **Comm. Rose** stated that there was a discussion at the Site Walk to add silt protection around the catch basins and that he didn't see that reflected in the site plan.
- **Ryan McEvoy:** it's part of our overall sediment and erosion control plan for this subdivision.
- **Comm. Greenalch** expressed interest in protecting the catch basins from silt runoff.
- **Chairman Bassermann:** when would reseeding would take place, should the existing seed not germinate?
- **Ryan McEvoy:** the seeding was done as a temporary measure, once the lots go into the construction phase, a lot of the materials will be excavated. The goal is to keep a vegetated buffer along the roadway. Once the foundations are in...
- **Michael DiGioia:** about 45 days.
- **Ryan McEvoy:** then stabilization of the lots can be completed.
- **The Commission and Ryan McEvoy** spoke about home build time and final grading.

- **Comm. Greenalch:** EO Ross can approve the applications administratively when all sediment controls are in place and complete for EO Ross to inspect. We don't want any work in the site to impact any of the other problems that we've had on the site in the past.
- **Comm. Rose** added that Administrative Approval can be granted once site prep pre-excavation is done, and would like to include that the grading on the rear of the lots is above lot access. All of this should be complete for EO Ross to inspect before she Administratively Approves these three applications.
- **Comm. Greenalch** Motioned to authorize EO Ross to approve the following applications administratively with Conditions:
 - o **IW# 19.07.01 | 21 Lomartra Lane | Construction of a New Single Family Home**
 - o **IW# 19.07.02 | 19 Lomartra Lane | Construction of a New Single Family Home**
 - o **IW# 19.07.03 | 17 Lomartra Lane | Construction of a New Single Family Home**
 - o The Conditions to Authorize EO Ross to administratively approve the three applications are: all soil erosion control measures need to be in place for inspection, the swale in the behind the lots of proposed development need to in place and working, and soil erosion protections need to be installed around the two catch basins in the road. Once EO Ross is comfortable with them, she can approve the applications Administratively, Comm. Greenalch added that they can be approved independently of one another, Comm. Rose seconded, Motion passed (4-0-0).

IW# 19.07.02 | 19 Lomartra Lane | Construction of a New Single Family Home

- Reviewed above.

IW# 19.07.03 | 17 Lomartra Lane | Construction of a New Single Family Home

- Reviewed above.

6. APPLICATIONS FOR REVIEW:

IW# 19.06.01 | 509 – 545 East Main St. | Restoration of Disturbed Wetland Area

- **The Commission** conferred and concurred that it was officially Received at the last meeting, June 13, 2019, and they can act on it at this meeting.
- **Jim Pretti Engineer** from Criscuolo Engineering LLC reviewed the plan to restore the wetland, repair the stone swale, and add trees/plants to the disturbed area to restore it.
- **Comm. Greenalch** Motioned to approve application IW# 19.06.01 | 509 – 545 East Main St. | Restoration of Disturbed Wetland Area, Comm. Rose Seconded, Motion passed (4-0-0).

7. OTHER BUSINESS:

- **IW#13.06.03 | 47 Gould Lane Sub Division | Sediment & Erosion Control | Review of Site Walk on July 10th**
- **Attorney Timothy M. Herbst (Applicant's Attorney):** The erosion control concerns raised at both the prior site walks have been addressed and we will be reviewing progress made through the report just handed in on July 11, 2019.
- **Ryan McEvoy:** DonMar has engaged with Milone and Macbroom's soil scientist who's reviewed the wetland, and how it responded to sedimentation. "His findings are that the vegetation in the wetland is surviving and in some cases thriving." It's his opinion that removing the sediment could be more detrimental than beneficial. Although, he is in concurrence with BLT's expert that ongoing monitorization should continue.
- **Ryan McEvoy** shared the progress that's been made in establishing vegetation on the site.
- **Ryan McEvoy** reviewed temporary sediment trap structures.
- **Ryan McEvoy** informed the Commission that they have made a lot of progress removing accumulated silt from the water catch basin.

- **Ryan McEvoy** informed the Commission that they have installed two small sediment traps to the East of lots 16 and 17.
- **Ryan McEvoy:** the gradient slope behind lots 10, 11, and 12 is in progress and close to being completed. Our goal is to have this done as soon as possible.
- **Comm. Greenalch:** will the slope behind lots 10, 11, 12 be 3:1 and have loam and hydroseed?
- **Ryan McEvoy:** erosion control blankets (straw netting).
- **Chairman Bassermann:** what documentation captures the plans that were just discussed?
- **Ryan McEvoy:** The July, 10th letter submitted by DonMar Development has the timeframes.
- **Comm. Rose:** at the last meeting we were promised a plan, similar to what you just articulated. Do we have that plan?
- **Ryan McEvoy:** we didn't submit a plan, but we could.
- **Chairman Bassermann** added that it should have time frames.
- **Ryan McEvoy:** not a problem.
- **Comm. Traugh** noted that there was a silt fence along the west end behind the stormwater catch basin that was almost buried and asked that Ryan address it.
- **Ryan McEvoy:** In our last report, my recommendations were to remove them because they are no longer providing service. This silt fence is not critical, there are more important items like the catch basin. This can and should come out as soon as it's practical and feasible.
- **Comm. Rose:** there's no proof that the silt fence is no longer needed, it's substantially buried. What we're asking and expecting, is for the buildup to be cleaned out so we can see evidence that it's no longer being taxed.
- **Comm. Rose** asked if there were separate contractors and equipment for the site stabilization, such as the water catch basin, than that from the crew and equipment for construction of the homes.
- **Michael DiGioia:** this is far too important, there are separate crews.
- **Chairman Bassermann** asked the Commission if it is confident that these controls will work.
- **Comm. Rose:** I don't think we have the background to determine if this plan will work. We need the narrative, we need the plan. We need a report separated by area on the site. I think we should have that before we do anything.
- **Chairman Bassermann** asked the Commission if they think it needs an expert to look at their plan.
- **The Commission** concluded that it will decide that once it reviews the plan.
- **Peter Raymond (President of the Branford Land Trust (BLT)):** reminded the Commission that one of the three things the BLT requested was oversight of DonMar's final plan by an independent third party and that it was to his recollection that an RFP was to be produced before this regular meeting.
- **Comm. Rose:** we were questioning if the Commission had the capacity to evaluate DonMar's plan, and the discussion was whether the Commission would require a consultant to review recommendations regarding the off-site contamination.
- **Peter Raymond** reminded the Commission that the BLT's letter asked for the independent consultant to review the plan.
- **The Commission** discussed this issue and separated them into two: onsite erosion controls, and off-site sedimentation in the BLT's wetland.
- **Chairman Bassermann:** we don't have statutory jurisdiction to demand that the Applicant hires a consultant to review an off-site condition. This is a matter between the Applicant and the BLT. Hopefully a remediation/mitigation plan can get put together in a conversation between DonMar and the BLT. We cannot facilitate that as we do not have jurisdiction.
- **Peter Raymond** asked about ongoing monitoring of sediment exiting 47 Gould Lane subdivision and entering the BLTs property.

- **Chairman Bassermann:** that gets us back to the first issue, whether or not the Commission has confidence that the erosion control plan presented will work and how do we monitor them to make sure they're working.
- **Peter Raymond** asked if monitoring was happening now.
- **EO Ross:** yes, we get reports.
- **Comm. Rose:** staff is going on-site and monitoring what's going on.
- **Comm. Rose** noted that IW Staff made the same recommendations that Comm. Greenalch made about adding a silt fence in front of lots 10, 11, and 12, days before he did, and they were not implemented. IW Staff recommendations are not being followed through on. In an effort to provide Administrative Approval, the Commission needs to know that recommendations made by IW Staff will be acted on. That's important.
- **Comm. Greenalch:** when can we see this plan? I want to make sure we can read it before the next Special Meeting Site Walk.
- **Attorney Timothy:** we will have that plan early next week.
- **The Commission** scheduled a Special Meeting: Site Walk of 47 Gould Lane, Monday July 29, 2019 at 5:30 P.M to view site conditions.
- **Lauren Brown (Branford Land Trust)** asked the Commission for a clarification regarding the Agency's enforcement authority noted in section 14.5 of the Town of Branford's Inland Wetland Regulations.
- **Chairman Bassermann:** that would be for something on-site.
- **Matt Radulski (Branford Land Trust)** noted that he was surprised to see that the site was scraped clean and that he has not seen other construction sites like that in town. He then shared that there is about 1-2 inches of rain forecasted tonight, and asked if there was an immediate plan to keep silt from washing down into the wetlands.
- **Chairman Bassermann:** Yes, activities have commenced and we were just shown pictures. The proof will be with the plan that they will submit.
- **Comm. Greenalch:** There's been considerable vegetation that's occurred to reduce erosion on the west side of the road.

8. CORRESPONDENCE & ANNOUNCEMENTS:

- The Habitat (CACIWC)
 - o The Commission was made aware of the CACIWC meeting on November 23, 2019.

9. ADJOURNMENT

- Comm. Traugh made a Motion to adjourn the Regular Meeting of Branford's Inland Wetland & Watercourses Agency at 8:41 P.M., Chairman Bassermann Seconded, Motion passed, (4, 0, 0).

Respectfully Submitted,



David E. McCarthy