



Inland Wetlands and Watercourses Agency

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MINUTES

Thursday, September 12, 2019, 7:30 PM
Canoe Brook Senior Center
11 Cherry Hill Road, Branford, CT

Present: Peter Bassermann, Eric Rose, Jim Goggin, Sandra Kraus, Chris Traugh, Rick Ross,
Suzanne Botta (arrived at 8:09 p.m.)

Absent: Richard Greenalch, James Sette

1. CALL TO ORDER-

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

He noted all the Commissioners present are seated. .

David McCarthy said an application was received in the office today for 99 Todds Hill Road subdivision. He asked if this item can be added under other business and be discussed at the next meeting.

2. ROLL CALL

3. APPROVAL OF MINUTES:

Commissioner Jim Goggin made a motion to approve the minutes of the 8-8-19 regular meeting.

Commissioner Sandra Kraus seconded the motion. Commissioner Ross abstained.

4. APPLICATIONS FOR RECEIPT:

- IW# 19.09.01 | 8 Orchard Ave | Replace Deteriorated Culvert-

David McCarthy stated this application has been WITHDRAWN by the applicant.

The applicant is requesting a refund of the fees paid. The Commission discussed this briefly and Chairman Bassermann suggested looking at the the Commissions history regarding refunds.

They decided the applicant will either receive a credit or a fee reduction for their next application.

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- IW# 19.09.02 16 Lomartra Ln - Construction of a Single Family Home

David McCarthy said this is part of the Gould Lane development (Lot 2).

The Applicant is requesting an agent approval for this. David noted the vegetation is established.

Chairman Bassermann stated this item will be TABLED until after the agent item is Discussed.

5. APPLICATIONS FOR REVIEW:

- BR# 19.07.06 | 45-81 Short Rocks Rd. | Watercourse Restoration
- The Commission has asked for an Engineer Report. David McCarthy stated he could not reach the Applicant.
- This item will be discussed at the next meeting.

6. AGENT APPROVALS ISSUED:

- IWAA#19.08.01 | 32 Montgomery Pkwy. | Addition to Deck and Small Terrace
D. McCarthy said this was D. Ross last agent approval before her retirement. He has visited the site and noted the silt fence wasn't towed in but there is no cause for concern.

7. ENFORCEMENT:

- 103 Sunset Hill Drive. | Clearing & Filling of a Wetland
David McCarthy explained that this enforcement started with an anonymous phone call stating that someone was digging and filling in the wetland. David then spoke to the property owner who said he didn't know the location of the wetland. David read a letter aloud that the property owner (Leonard Juliano) wrote since he could not be present at the meeting. The letter explained that when he purchased the property in 2016 the property had sat abandoned for over 7 years with no upkeep. The entrance to the driveway was extremely overgrown with pricklers and poison ivy. He then contracted Lyme disease and was not able to address the overgrowth. In the spring of 2018 he spread wood chips and cleaned the area. Then in the spring of 2019 more chips were added and more of the poison ivy was trimmed. He noted that his neighbors did not object to his clearing, they felt it was an improvement. He is open to suggestions or recommendations from the IW department.
David McCarthy described the site to the Commission and they discussed it briefly. The Commission said that the appropriate plantings would restore the wetland and the property owner should have a professional planting plan to submit to the Commission.

The Commission instructed D. McCarthy to send a letter to the property owner advising him to obtain a professional to compile a planting plan to restore the wetland. Also, a surveyor is needed to stake the flag boundaries of the area that needs to be restored. After some discussion, they noted that the letter is a notice of violation.

Commissioner Rick Ross made a motion to send a Notice of violation to the homeowner.

Commissioner Eric Rose seconded the motion.

- 76-80 Pent Rd | Clearing Along a Watercourse & Wetland
The homeowner was present .
David McCarthy explained this was also an anonymous phone call stating there was digging and earthwork around the wetland. David said the area was significantly cleared. The homeowner stated that he bought the house in 2011 and he wasn't aware he needed to notify the Commission of the clearing. The area consisted of invasives and pricklers. He wants to do plantings but he is unsure of what to plant.
D .McCarthy said that clearing is a regulated activity. He reviewed the past history of this lot. There was a previous notice of violation and two cease and corrects. He noted there is an area that should be maintained as a meadow but it's not.
The Commission discussed this at length and asked the homeowner a few questions.

Commissioner Eric Rose made a motion that the Commission issue a Cease & Correct Order for the wetland and watercourse region that is west of the house and that a qualified soil scientist be engaged to reflag the wetland in that part of the property which is referred to in the original permit of May 2002 IW-02.05.08 which established a 25 ft. protective boundary from wetlands on both sides of the

watercourse and that subsequent to the wetland being flagged, a restoration plan be submitted for the Commissions review and approval.

Commissioner Suzanne Botta seconded the motion.

Commissioner Suzanna Botta made a motion that the Commission issue a Notice of Violation for 76 Pent Road to come into compliance with the conditions of the original permit, that the limit of clearing only extends to include grading for the house and septic as identified by the silt fence and that the silt fence needs to be flagged in the field for Commissioners and Staff to view on a site walk and that it be restored to the map job #102298 sheet 1 of 1, and that the area over the septic system be maintained as a meadow(no more mowing more than twice per year and only during the time frame between late fall and early spring.) and the limit of lawn area on the South side of the house will not be any further than the proposed silt fence on the plan.

Commissioner Eric Rose seconded the motion.

David McCarthy said the Just Cause Hearing has to be 10 calendar days from the issuance .

The date of the hearing will be September 26, 2019 at 7:30 p.m.

Commissioner Suzanne Botta made a motion to set the Just Cause hearing for 9-26-19 at 7:30 pm.

Commissioner Jim Goggin seconded the motion.

Chairman Bassermann said the Site Walk will be scheduled at the next meeting to ensure the flags are installed.

8. OTHER BUSINESS:

- IW#13.06.03 | 47 Gould Lane Sub Division | Sediment & Erosion Control | Status Update
D. McCarthy distributed the latest soil and erosion control report to the Commission. He mentioned the large slope behind the lots that were being excavated. The developer Michael Di Gioia said his time frame for working on the reduction of the slope is approximately 8 working days.
D. McCarthy noted he visited the site after a recent rainstorm and there was no sediment on the roads (Gould Ln. & Lomartra).
M. DiGioia said he is hydro seeding the lots as he goes.
D. McCarthy reported that all the issues the Commission has seen in the past have been rectified ad the current installations have withstood the recent storms. He also said that stone berms have been installed as well as anti-tracking pads, hay bales and silt fences. He also noted that the drain plug at the base of the retention pond has been pulled. He has also met with M. Di Gioia and the engineer at the site and they reported that everything that has been installed so far is working. M. Di Gioia also said he is working to address the large slope that has previously been talked of.

Lauren Brown—She spoke as an interested citizen. She said she was sent a video on August 28 in which it showed sediment on the road but she understands it's been corrected since then.

- Inland Wetland Agent

Chairman Bassermann noted that Diana Ross retired last month. She was named an agent of the Commission many years ago to deal with the Notice of Violations and Cease & Corrects. He said; if you look around Ct. some Commissions have designated agents and some have a Commission member as an agent. Generally, the larger towns thru a vote by the Commission assign an agent, which is what this Commission did years ago when they assigned D. Ross.

Chairman Bassermann explained that issuing permits in the upland area requires certification from DEEP. Currently, David McCarthy is not certified but the certification course will be offered online shortly and he will become certified as soon as the training is available. Chair Bassermann noted the First Selectman is looking at land use in the town and what is the right organizational structure to administer the land use. Items such as tree warden and open space administration are being reviewed.

The First Selectman (Jamie Cosgrove) has recommended that Jaymie Frederick (who is certified) will review the conditions when it becomes necessary to issue a permit. The recommendation is that the Commission appoint her as the agent during this interim period.

David McCarthy will continue with the work he currently does but is something requires a signature and review by a certified party then that person will be Jaymie Frederick.

Chair Bassermann noted there needs to be two people in the department and there is only one currently. He asked David McCarthy to keep track of his time spent on tasks.

The Commission then had a brief discussion.

Commissioner Eric Rose made a motion that the Commission vote to make David McCarthy an agent to launch enforcement actions such as Notice of Violations & Cease & Correct.

Commissioner Sandra Kraus seconded the motion.

Chairman Peter Bassermann made a motion to appoint Jaymie Frederick as the interim Inland Wetland agent for purposes of permitting in the upland review area.

Commissioner Eric Rose seconded the motion.

Chairman Bassermann returned to the 16 Lomartra Lane item that was previously tabled. The Commission had a brief discussion and decided to TABLE this item until the October meeting.

9. CORRESPONDENCE & ANNOUNCEMENTS:

- Staff Update on Fee Schedule Research & Analysis, and Proposed Regulation Changes
D. McCarthy spoke of a problem with the fee structure. He referred to Gould lane. Commissioner Botta asked him to look at prior projects and the history of the fees. He agreed and said he would present the information at the next meeting.

The Commission voted and added the 99 Todds Hill Rd. Subdivision was added to the agenda under "Other Business".

D.McCarthy introduced the proposed development and spoke of the difficulty in charging fees. The Commission asked David to review past Subdivision for examples.

10. ADJOURNMENT

The meeting adjourned at 10:16 p.m.