



## Inland Wetlands and Watercourses Agency

TOWN HALL \* PO BOX 150 \* 1019 MAIN ST. \* BRANFORD, CT 06405  
203-315-0675 \* FAX 203-889-3172 \* [inlandwetlands@branford-ct.gov](mailto:inlandwetlands@branford-ct.gov)



### SPECIAL MEETING MINUTES

Thursday, September 26, 2019, 7:30 PM  
Canoe Brook Senior Center  
11 Cherry Hill Road, Branford, CT

Present: Peter Bassermann, Eric Rose, Chris Traugh, Sandra Kraus, Rick Ross, Suzanne Botta,  
Richard Greenalch

Absent: James Sette

#### 1. CALL TO ORDER

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

#### 2. ROLL CALL

#### 3. JUST CAUSE HEARING:

- Cease and Correct Order/CC#19.09.01/76-80 Pent Road/Clearing Along a Watercourse and Wetland

David McCarthy said the items that he distributed are the map (survey) that was referenced in the building permit for the house and a booklet of aerial photos from 1990 to the present. He said the map was signed by Diana Ross.

Chairman Bassermann said the reason for the meeting is that a Cease & Correct Order has been issued by regulation. This hearing gives the party an opportunity to present their case to the Commission.

David McCarthy then gave an explanation of what precipitated the Cease & Order. He explained he received a phone call from a neighbor who was concerned about clearing along a watercourse and a wetland. Upon investigation, he noticed there was clearing along the wetland and watercourse and he spoke with the homeowner. He documented the clearing and discovered there were prior Notice of Violations and Cease & Corrects for that property.

David said he had contacted the homeowner regarding the hearing tonight. The homeowner was not able to attend the hearing and his wife declined to attend. Ron Delvecchio (14 Clifford Terrace New Haven) was present to represent the homeowner. Lisa Muzzi asked him to attend for her and distribute materials to the Commissioners.

David noted this hearing is for the vegetation clearing on the western end of the property and the west side of the watercourse.

The Notice of Violation is for the land clearing behind the area of the silt fence in the southeastern portion of the property.

Chairman Bassermann asked David McCarthy if the delineation of the wetland, classifying the soil types, and preparing the soil report and map sketch had been completed. David replied no, none of those things were completed. He had gone to the site the previous Monday or Tuesday and he observed the silt fence wasn't towed in and had a large amount of soil on it. The homeowner

had spread straw on the soil and he noted that the piles of brush and debris that were from the clearing in the watercourse had been pulled out. He also said the homeowner was discussing using a small machine and he asked them to put wood down and make sure they stayed on the outside of the property and didn't go close to the wetland.

David noted if you view the 2016 map it shows significant clearing right up to the watercourse at the Southern and Eastern corner. He noted all the vegetation on the western side is gone (right up to the watercourse).

Chairman Bassermann asked David what the recommended solution was. David replied that the homeowner has ceased and stopped clearing and they are receptive to the Commissions requests. They have secured a soil scientist. David noted that what had been requested to date was to cease the clearing, and attend the meeting. Also, a silt fence was requested and they complied as well as tow it in more. They have been compliant so far.

Comm. Rose stated that after the wetland area is flagged, the Commission will do a site walk.

David noted that he is assuming before the site walk that a soil report will be complete and submitted to him as well as a planting plan.

Chairman Bassermann said that a reasonable time frame for completion of the items is before the next regularly scheduled meeting on October 10, 2019. He stated that the work then needs to be completed by next week (October 4).

The Commission discussed possible dates for a Site Walk.

David reviewed again that the items needed are: original silt fence staked out and to have the soil report completed and the wetlands flagged.

He also stated that they are piggybacking the site walk for the Cease & Correct and the Notice of Violation.

Chairman Bassermann asked David McCarthy to contact the homeowner by Certified mail and regular mail as well. The Commission then discussed other possible forms of communication and it was decided that David would email and call the homeowner as well.

Comm. Suzanne said the function of the hearing is for the property owner to contest the Cease and Correct. It does not appear that the property owner is contesting it. So, they have engaged in due process and the hearing can be closed. The Cease & Correct will stand as is until the Commission lifts it.

Chairman Bassermann spoke of a restoration plan and thought they had requested one.

Ron Delvecchio said the suggestion was since the work has been done, the homeowner can use the prior plan and go back to the person who drew it up and have them review it and put a new date on it and resubmit it.

Chairman Bassermann reminded David that should be notated in the correspondence that is being sent to the homeowner.

Comm. Suzanne said that what's been done in the past is to put in some type of permit markers (stakes) with some type of plaque notating "conservation area" or similar wording. Also, a notation to that effect was put on the property records so if the property changes hands, that information will come up in the deed search.

Chairman Bassermann noted that this can be added to the Commissions requests to the homeowner.

David McCarthy said another good reason to have the wetlands redeliniated was perhaps erosion and disturbance may have taken place and the wetland may have been reduced in size so that the and plants aren't planted where the wetland was and they won't survive.

Comm. Eric Rose stated that the wetlands should be flagged to tell the Commission whether significant grading operations have occurred and the soils that once existed don't anymore. The only reason the boundaries may have changed is if a backhoe or a bulldozer was used.

David McCarthy asked if the Commission wanted to schedule a Site Walk but they decided to wait to do that.

**Commissioner Suzanne Botta made a motion that the Cease & Correct Order #19.09.01 having received information from the property owner and they are not contesting this Cease & Correct and thus far are showing a good faith effort to come into compliance and the Inland Wetland Commission will close the Just Cause Hearing and leave the Cease & Correct order in effect.**

**Commissioner Eric Rose seconded the motion which passed unanimously.**

**The meeting adjourned at 8:03 p.m.**

**Submitted by Michelle Martin (clerk)**