



**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



**UNAPPROVED MINUTES**  
**Thursday, January 11, 2018 7:30 PM**  
**Canoe Brook Senior Center**  
**11 Cherry Hill Road, Branford, CT**

**RECEIVED**  
 2018 JAN 18 P 3:24  
 TOWN CLERK'S OFFICE  
 BRANFORD, CONNECTICUT

Present: Peter Bassermann, Suzanne Botta, Jim Goggin, Richard Greenalch, James Sette, and Sandra Kraus (Kraus arrived late, around 7:38pm).

Absent: Eric Rose and Rick Ross.

Staff Present: IWEO Diana Ross & IW Asst. Jaymie Frederick

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

All Commissioners present were seated.

Chairman Bassermann motioned to add discussion of after the fact permitting to the agenda, Comm. Botta seconded. Motion passed unanimously (5-0-0).

**APPROVAL OF MINUTES:**

Comm. Sette motioned to approve the minutes of last month [December 14, 2017];

Comm. Greenalch seconded. Motion passed unanimously (5-0-0).

**APPLICATIONS FOR RECEIPT: none**

**OLD BUSINESS:**

**IW#17.11.02 – 288 Pine Orchard Rd – driveway and garage expansion, walkway and associated grading**

Mark Young, land surveyor from Waldo & Associates representing the property owner. Submitted revised plans, authorization letter and photos of the sloped area. The slope will be terraced with boulders, much like it is now; overall it is a 2-1 slope.

*Comm. Kraus arrived at 7:38 PM*

M. Young stated they will replant existing plants and will select any additional plantings from a list provided by EO Ross.

Comm. Botta stated that she would like to see a condition of approval that erosion controls are inspected after any rain event of an inch or more to ensure that the erosion controls are still in good condition.

Comm. Greenalch motioned to approve IW#17.11.02 for 288 Pine Orchard Rd with a driveway and garage expansion, walkways and associated grading, as presented on the latest plan received Jan. 11 and that a condition of approval that the erosion controls are checked periodically to make sure it does the proper job during the course of construction. Comm. Botta modified “after an inch of rainfall or greater”. Comm. Greenalch accepted the amendment. Comm. Botta seconded. Motion passed unanimously (6-0-0).

**IW#17.11.01 – 529 Leetes Island Rd – remove 36 trees from south edge of lawn to allow more sunlight**

- TABLED

**IW#17.07.05 – 250 & 244 North Main St – proposed retail development and driveway connection**

Chairman Bassermann asked for each Commissioner to indicate whether they were present at all of the proceedings or they reviewed the record of any sessions that were missed.

All Commissioners present stated that they were present or have reviewed all materials.

Chairman Bassermann affirmed that all Commissioners are seated for this deliberation. Stated that there is a draft resolution that staff has prepared that the Commission can revise.

Commission reviewed draft resolution:

Chairman Bassermann stated the “be” in the last whereas doesn’t need to be there.

EO Ross stated there should be an “and” between those two sentences as they both apply to below.

Commission determined to add to item 2 on page 1 that the area will be replanted.

Chairman Bassermann pointed out a typo in spelling of functions on page 2, #8a.

EO Ross stated she made some corrections to item 10. Proposed new language: “A bond per Section 13 of the Regulations is required to ensure that the erosion controls and storm water management systems are properly installed and function as designed; amount to be approved by the Inland Wetland Agent.” Stated applicant would estimate the amount and she will compare it with records to confirm it is reasonable.

EO Ross stated number 4 on 2<sup>nd</sup> page should read “Wetland 7 – Plan GD-1 dated 12/1/17 is approved; the addition of a retaining wall in this plan reduces the area of wetland impact compared to the originally proposed plan by 2,925 square feet.”

EO Ross stated that the “to” should be removed from item 4 on page 3.

Commission determined breakdown in the conditions should restart at 1 for each section.

Commission discussed the bonds, currently two bonds are in the draft – one for mitigation and invasive species and a separate one for erosion controls and storm water management.

Comm. Greenalch identified that “and” should be removed from the third line in #11.

Comm. Kraus identified error in #9; “does” should be “do”.

Commission discussed condition 9 and that “storm event” was not defined and that there is no bond currently identified for that. Determined that language was ok and that they don’t need a bond to enforce. Determined that three years should be sufficient to determine whether the system is functioning properly.

Comm. Greenalch asked about status of checking with Codespoti on the maintenance bond.

EO Ross stated she wasn’t sure how that would work; that is why she added condition #11.

Comm. Greenalch stated the Agency has other options to enforce if there are any problems.

Commission determined to add “amount to be approved by the IW Agent” to condition #5 and have references added for vegetation information.

Comm. Botta referenced the 2018 working draft Boiler plate; she would like to add #3 to the permit: “All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments, or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in its modification, suspension, or revocation. Upon initiation of the activities authorized herein, the permittee thereby accepts and agrees to comply with the terms and conditions of this permit.” Would also like to add #2, bullet six: “The Permittee must submit a certification by the Project Engineer that the completed project meets the design intent of the approval prior to bonds being released”.

Commission reviewed condition about if site is cleared but there is no other work within one month. Reviewed draft boiler plate language, Regulation 11.11 and 7.7i.5. Determined this condition doesn’t really apply here as a large portion of the site has already been cleared.

Comm. Botta requested to have #13 from the 2018 draft boiler plate added to the permit: “All portable toilets located within 25 feet of a wetland or within 50 feet of a watercourse shall be anchored in such a manner as to insure that the portable toilet will remain upright under all circumstances, furthermore all said toilets shall be properly maintained. All said toilets shall have

a placard stating the chemicals used in the toilet holding tank. All portable toilet upsets shall be reported immediately to the Designated Agent of the Agency.”

Comm. Botta stated that they reference on LL-2 (#12) that any erosion control blankets will be made of straw fiber, thinks that is good to highlight.

Commission discussed updating the boiler plate and that the process of utilizing the boiler plate is something that should be done on a regular basis.

Comm. Botta stated #17 (on page 3) deals with a project that will be passed on from a developer to some other entity that will then manage the property. It provides for documentation to be handed over that specifies what the management plan is. As the property goes to sale for the first time, a copy the document that establishes the obligation of the association to follow the management plan is included at the front end of that documentation.

EO Ross stated that could be included near current proposed condition #11. The language would include develop a long term maintenance plan; submit for approval by the Agency. It should be specific to the landscaping and wetlands.

Commission agreed. Commission determined they are comfortable with the draft and with the changes and additions discussed.

Commissioner Greenalch motioned to approve application IW#17.07.05, 244 and 250 North Main St, applicant of Jeffery Shapiro, and that the approval should be written in the form of the resolution with the modifications that the Commission discussed and are on the record tonight and all the exhibits come into play. Comm. Botta seconded. Motion passed unanimously (6-0-0).

#### **MOTIONED TO BE ADDED:**

##### **After the fact permitting:**

Chairman Bassermann stated that he is a part of a group [CACIWC] that received letters from a couple of towns about whether penalties can be enforced for an after the fact application. Asked for Commission input and review of what the regulations say about the issue.

Comm. Botta stated that once a permit is issued they have the length of the permit to deal with what needs to be fixed and there isn't really a reason for them to fix it. If there is something that needs to be corrected that cannot be done through an after the fact application.

EO Ross stated that there are sometimes additional activities that are regulated that have to be conducted in order for them to get what they want. Thinks the argument that DEEP has is that you can't require them to complete a permit; but the Agency can through enforcement.

EO Ross read regulation Section 19.5f.

Commission discussed this only applies to applications required per a Cease and Correct order.

EO Ross sometimes an individual wants to do what they did and they could have gotten a permit for it. Questioned if CC order or NOV and is the best process for resolution. The fine is a one shot.

Commission determined that NOV would be a good first step; it informs them that you are aware of it and gives them an opportunity to respond.

#### **ADMINISTRATIVE APPROVALS: none**

#### **CORRESPONDENCE & ANNOUNCEMENTS: none**

**ADJOURNMENT:** Comm. Greenalch motioned to adjourn at 8:52 PM; Comm. Sette seconded. Motion passed unanimously (6-0-0).

Respectfully Submitted,



Jaymie Frederick