



# Inland Wetlands and Watercourses Agency

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## REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, February 9, 2023 at 7:00 PM

This meeting was held remotely, via ZOOM.

**CALL TO ORDER:** 7:07 pm by Acting Chairman S. Botta

**ROLL CALL:** Chairman P. Bassermann, Commissioners C. Begemann, M. Steinberg, M. Funaro, S. Botta, M. Papantones. **Also Present:** IW Agent J. Frederick, IW Associate K. Blanchette

### 1) **MINUTES FOR APPROVAL:**

- a) January 12, 2023: Commissioner M. Steinberg makes a motion to approve the minutes of January 12, 2023. Commissioner M. Papantones seconds. Motion carried unanimously.

### 2) **APPLICATIONS FOR RECIEPT:**

- a) IW#23.02.01. | 9 & 33 Elm Street | modification to site plan at 9 Elm St to include 33 Elm St-IW Agent J. Frederick- received in response to a cease and correct order. Erosion controls are up and site is stable.

### 3) **APPLICATIONS FOR REVIEW:**

- a) IW#22.11.01 | 6 Partridge Lane | grading/clearing, lawn establishment & recreational features-Commissioner Papantones has recused herself as well as Commissioner Funaro. IW Agent J. Frederick-Draft Resolution was drawn up and sent out to all parties and commissioners No comments were received. Commissioner Begemann-makes a motion to approve the resolution as written. Bassermann Seconds.

Roll Call vote:

Commissioner C. Begemann-Aye

Commissioner M. Steinberg- Aye

Chairman P. Bassermann-Aye

Commissioner S. Botta abstains.

Motion passes (3-0-1)

Commissioners Papantones and Funaro are reseated.

- b) BRIW#22.12.01 | 45-81 Short Rocks Rd | Erosion Mitigation –IW Agent J. Frederick- applicant has been working to obtain authorization from surrounding property owners, have received some via email. Town council has stated that email authorization is sufficient. Richard Shanahan-has gotten verbal authorization from all

the property owners. Waiting on one written authorization. Tabled until special meeting on 2/15/23 at 7:30 pm in order to obtain last needed written authorization.

- c) IW#23.01.01 | 11 Howd Ave | residential addition-IW Agent J. Frederick-plan is to tie into the existing drainage system. No wetlands on the property. Does not seem like the drainage pipe discharges in the wetland offsite. Steve Consolo, property owner-small excavator will be used to do the work, and equipment will access the area via the existing driveway. Commission discussed the application and would like to view staff recommendations. Will continue until the March 9<sup>th</sup> meeting to review staff recommendations.
- d) IW#23.01.02 | 76 Greenfield Ave | regrading & expansion of driveway (after the fact)-IW Agent J. Frederick-was in response to NOV-driveway expansion towards rear of property near wetlands. At previous meeting commission asked for dimensions of driveway and whether there was drainage modifications. Received approximate measurements but nothing on drainage. Observed site from RWA property. Does not seem to be any direct wetland impact nor are any erosion controls in place. Chairman Bassermann-commission still has outstanding questions in regards to the application. Recommends waiting on making a decision until the information is submitted before the next meeting. The property owner or a representative should be in attendance at the next meeting. Commissioner S. Botta -recommends adding shrubs to the plans at the end of the driveway to try and prevent creep even closer to the wetland. Continued to March 9<sup>th</sup> meeting.

4) **Jurisdictional Ruling Request:**

- a) IWJR#23.02.01 | 69 Damascus Rd | replacement of stonewall-. IW Agent J. Frederick believes that it falls under 4.1 C - work will be done when its dry Commissioner Botta makes a motion that the work being done on 69 Damascus road on a historical rock wall is an As of Right activity based upon section 4.1C as there is no removal or deposition of materials. Commissioner C. Begemann seconds. Roll Call Vote:  
Chairman P. Bassermann-aye  
Commissioner M. Papantones-aye  
Commissioner M. Funaro-aye  
Commissioner M. Steinberg-aye  
Commissioner S. Botta-aye  
Commissioner C. Begemann-aye  
Motion carries unanimously.

5) **ENFORCEMENT:**

- a) CC# 22.07.01 | 6 Partridge Lane | Clearing and earthwork within a Conservation deed restricted area-Commissioners M. Papantones and M. Funaro again recuse themselves from this item.
  - i) Just cause hearing continued from July 28<sup>th</sup>, 2022 –IW Agent J. Frederick-this matter had been tabled to review the now approved application. There was discussion amongst the commission regarding whether or not the permit addresses the issues with the cease and correct order, and whether they can have enforcement of items outlined in the permit, as there is no guarantee that once a permit is issued, that those activities will actually happen.

Commissioner Begemann makes a motion to overturn the Cease and Correct Order. Commissioner M. Steinberg seconds. Roll Call Vote:

Commissioner C. Begemann- aye

Commissioner M. Steinberg-aye

Commissioner S. Botta- nay

Chairman P. Bassermann-nay

Motion does not carry.

There was further discussion amongst the commission and staff regarding whether the application/permit was enough to be able to overturn the Cease and Correct Order. The options to uphold, uphold and modify, or overturn were again taken under consideration with review of the regulations and statutes. After reviewing the options, the commission felt they had enough information to proceed. Commissioner M. Steinberg-makes a motion to overturn CC#22.07.01. Commissioner Begemann seconds.

Roll Call Vote:

Commissioner M. Steinberg- aye

Commissioner S. Botta-aye

Chairman P. Bassermann-aye

Commissioner C. Begemann-aye

Motion carries (4-0-0)

- b) CC#22.06.01 & 2<sup>nd</sup> NOV | 20 Huntington Drive | removal of trees and placement of debris
  - i) Report/restoration plan- JF-property owner still undergoing some health related issues. Someone did come by and purchase wetland signs. Signs have been placed around the wetland edge but was just posted on debris, not actual posts. Tried to reach him to see if the signs were placed on the posts yet and did not get a response. Not aware of any additional activity that was done. Chairman Bassermann recommends working with the land owner to get some additional items resolved by the next meeting or the cease and correct order will be filed on the land records. Stress attendance at the next meeting, emphasize that activities in the rear are prioritized. Commission concurred.
- c) CC#22.11.01 | 9 & 33 Elm Street | noncompliance with permit IW#20.04.02, including clearing & grading beyond approved limits of disturbance onto 33 Elm Street
  - i) Just cause hearing-submitted a new application. Tabled to review new application
- d) CC#22.12.01 | 21 Brainerd Road | Construction without permits
  - i) Just cause hearing-JF-zoom meeting is a challenge for property owner as well as English not being his first language. Removed trash and ~~installed the silt fence.~~ ~~There is a silt fence although not properly installed, and~~ ~~A~~agent instructed property owner on how to properly install it. A lot of trash has been pulled out of the woods however it's still piled on site. Homeowner stated he hired Waldo and Associates. Also has violations with the building department, zoning department, and ESDH. Commission requested staff look into whether interpreter services were available.

- e) CC#22.12.02 | Valley Road | Vegetation removal and ground disturbance within wetland without permits
    - i) Just cause hearing-tabled until March 9<sup>th</sup> meeting.
  - f) NOV | 76 Greenfield | expansion of driveway within upland review area-tabled to review application
  - g) NOV | 92 Flax Mill Rd | removal of trees within the 100 ft. upland review area-tabled
- 6) a) IW#19.11.01 | 1151 West Main | construction of bank and grocery store and associated improvements
  - i) Monitoring report & permit compliance
  - ii) Bond return request - No report yet. Will send out another letter to all parties indicating it needs to be acted on in March.
- b) IW#18.02.01 | 7 Juniper Point Rd | invasive species management
  - i) Permit renewal request-Permit issued in 2018 for invasive species management. Shrubby upland vegetation and phrag. Were successful with shrubby veg but still getting control of phrag. Have had good success thus far. Commissioner S. Botta makes a motion to extend the permit another five years. Commissioner M. Funaro seconds. Roll Call:  
 Commissioner C. Begemann-aye  
 Commissioner M. Steinberg-aye  
 Chairman P. Bassermann-aye  
 Commissioner M. Papantones-aye  
 Commissioner M. Funaro-aye  
 Commissioner S. Botta-aye  
Motion passes unanimously.

7) AGENT APPROVALS

- a) IW#23.01.03 | 124 Village Lane | reinforcing existing porch

8) CORRESPONDENCE AND ANNOUNCEMENTS:

- a) Ben Callahan Sports Complex-Boston Post Road, Guilford-property within 500' of town of Branford. No red flags upon initial review. For IW permit consideration there is no conflict with adjacent project.
- b) Amtrak vegetation-vegetation control plan-was submitted as an FYI
- c) CAWS meeting-being held March 9, 2023. Commissioner Botta expressed interest in attending.

**ADJOURNMENT:**

Commissioner S. Botta makes a motion to adjourn at 947 pm. Commissioner M. Funaro seconds. Motion carries unanimously.

Respectfully Submitted,

Katy Blanchette  
IW Associate