



Inland Wetlands and Watercourses Agency

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REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, April 11th, 2024, at 7:00 PM

This meeting was held remotely, via ZOOM.

CALL TO ORDER: Chairman Bassermann called the meeting to order at 7:00 pm

ROLL CALL: Chairman P. Bassermann, Commissioners S. Botta, D. Gocłowski, M. Ormrod, M. Papantones, C. Begemann, M. Funaro. Also present was IW Staff J. Frederick and K. Blanchette

1) **MINUTES FOR APPROVAL:**

- a) March 28th, 2024, Regular Meeting Minutes-Commissioner Gocłowski made a motion to approve the minutes of March 28. Commissioner Papantones seconded. Commissioner Begemann made a friendly amendment to make some revisions, including the time that Commissioner Botta left the meeting, clarify the discussion by Mr. Aschettino, structural engineer. Commissioner Gocłowski withdrew his motion to approve. Revisions will be made to the minutes by K. Blanchette and reviewed during the March 25th meeting.

2) **APPLICATIONS FOR REVIEW:**

- a) IW#24.02.02 | 1-17 Beacon Hill Road and Beacon Hill Road (formerly part of property known as 83 Rose Hill Rd) | New Active Adult Residential Community-IW Agent J. Frederick reviewed the potential need for a public hearing as well as this application potentially meeting the threshold for a peer review. Chairman Bassermann indicated that due to the size and scope of the project, believes it's in the community's best interest to have a peer review done and a public hearing. The commissioners discussed what some of the peer review topics to be addressed in relation to the current Inland Wetland Regulations, including long- and short-term impacts, including an invasive plant removal and mitigation plan, direct impacts, storm water management design, wetland delineation, review of E and S measures, wetland mitigation and creation (5 year monitoring plan and REMA report). Per IW Agent J. Frederick, no prudent and feasible alternatives have been submitted as of yet. Doug Anderson-representative for the applicant-parcel has a previously approved application, new proposal is a common interest community as opposed to individual lots. Comprised of 22 total units spread out between 6 buildings. Doesn't feel a peer review is warranted because an application had already been approved for the property. The commission explained that it was a different plan than was presented before, different commissioners, and different regulations. Anderson indicated he would grant an extension of time to open the public hearing if that would be best for review of the application. Commissioner Botta made a motion to approve the list of third party review material. Commissioner Gocłowski seconded the motion. Roll Call vote:

Gocłowski-aye

Ormrod-aye
Botta-aye
Papantones-aye
Funaro-aye
Begemann-aye
Bassermann-aye
Motion carried unanimously. (7-0-0)

Commissioner Botta made a motion to approve the timeline as follows, and to move to a public hearing due to the potential for significant impacts: Peer Review Proposals selection to occur on May 9th. Peer Review Materials to be submitted by June 6th at noon. Public Hearing opens June 13. Commissioner Ormrod Seconded. Roll Call

Vote:
Goclowski-aye
Ormrod-aye
Botta-aye
Papantones-aye
Funaro-aye
Begemann-aye
Bassermann-aye
Motion carried unanimously. (7-0-0)

IW Agent J. Frederick indicated that she would send out the list of potential peer reviewers to all members of the application party to ensure that there are no conflicts of interest before sending out requests for Proposals.

- b) BRIW#24.03.02 | 45-81 Short Rocks Rd | pole bridge and associated trail work
 - i) Work had already started-IW Agent J. Frederick stated that an application was received back in the fall, but permit did not include this work in the scope. The site was inspected and currently looks stable. Bridge construction has already been started, along with some work on the trails leading to the bridge. Commissioner Botta makes a motion to approve the application with the condition that a final inspection be conducted, monitoring of trail conditions and the standard conditions and provisions of all wetlands permits. Commissioner Begemann Seconds. Commissioner Botta made an amendment to have a follow up report conducted in November of 2024, followed by yearly reports every April starting in 2025 for 2-3 years. Commissioner Begemann approves the friendly amendment. Roll Call Vote:

Goclowski-aye
Botta-aye
Begemann-aye
Papantones-aye
Ormrod-aye
Funaro-aye
Bassermann-aye
Motion carried unanimously.

3) **ENFORCEMENT:**

- a) Notice of Violation | 142 Chestnut Street | removal of vegetation and earthwork without a permit to conduct regulated activities.
 - i) Continuing review of activity and review requested information-IW Agent J. Frederick stated that the soil testing results (soil composition) were received and indicated it appeared to be native soils with high iron and manganese levels. Water testing results also came back that there were higher levels of iron/manganese levels in the water coming into the site than flowing from it. Agent Frederick indicated that the wetlands report has not been received yet. Property owner Kevin O'Neil indicated that he had done what was requested by the commission and feels it is unfair that the commission is asking for more things. The water and soil tests indicated that the fill that was there has no impact on the water quality. IW Agent J. Frederick indicated that a wetlands report was always required and it was not new information that is being requested. Soil/Wetland Scientist Matt Davison from Davison Environmental indicated that he had been out to the site on March 14th with Kevin and Jim Pretti, PE. Investigation was to find out if any of the fill material was deposited on top of wetland soils. The soil below the fill was lacking a soil profile and had gray, anerobic soils that are typically found in a tidal system. Mr. Davison suspects that at some point, the spoils from dredging were deposited in that location, as it doesn't appear to be a natural condition. These soils were found less than 2 feet below the fill that was placed on top. Wetland investigation report is to be submitted and the discussion will be continued to May 9th.

4) OTHER BUSINESS:

- a) 1151 West Main Street | IW#19.11.01 | bank, grocery store & associated site improvements
 - i) mitigation area – request to modify plan-Matt Davison from Davison Environmental visited the site. He indicated that the issue with the failing creation site is that the wrong hydrology is present to support it. However, it was noted that due to the recent heavy rains that the site has had over the past few months, there has been some connectivity between the creation area and the naturally occurring wetlands, showing it has value in stormwater retention. He recommends planting the area as an upland area rather than a wetland and thinks gray dogwood would do very well in that area planted in natural clusters. Commissioner Botta requested that the plan for planting be written down and done with careful oversight by a wetland scientist or landscape architect. Chairman Bassermann noted that the monitoring requirements need to be restarted. Chairman Bassermann made a motion that the plan to modify be accepted, monitoring will restart for a period of 5 years by a wetland scientist. Commissioner Begemann seconded. Roll Call Vote:
Ormrod-aye
Goclowski-aye
Papantones-abstain.
Botta-abstain.
Begemann-aye
Bassermann-aye
Funaro-aye
Motion carries (5-0-2)

- b) IW#13.06.03 | 47 Gould Lane (at time of subdivision) | open-space residential development
 - i) Request for release of bond-Michael DiGoia, property developer, stated that the project was wrapping up and was requesting a release of his bond. IW Agent J. Frederick stated that the full 5 years of monitoring had not yet been completed (it had only been 1 year), and there were some other items outstanding, such as the as built of the conservation sign placements. Mr. Di Goia feels his work is complete and would at least like the surety portion (\$35,801.50) returned. Commissioner Botta made a motion to release \$27,284, pending confirmation that the conservation signage is correctly located. If the property owner wishes to submit the remainder of the surety into cash (\$8,517.50), they have the option to do so. The Commission is authorizing the release due to itemization of the original bond estimate and some of the work that was completed that is not part of the monitoring requirement, and therefore can be released. Chairman Bassermann seconded. Roll Call Vote:
Gocłowski-aye
Begemann-aye
Funaro-aye
Papantones-nay
Ormrod-aye
Botta-aye
Bassermann-aye
Motion carried (6-1-0)

5) **PUBLIC HEARINGS:**

- a) IW#24.01.02 | 38 Howard Ave | pervious patio and landscape retaining walls and shed.
 - i) Continued to April 25th, 2024, meeting – NO DISCUSSION

6) **APPLICATIONS FOR RECEIPT:**

- a) IW#24.04.01 | 200-206 North Main St | New Service Building for Premier Kia-Item is just for receipt and is not actionable. Will Discuss at next meeting on April 25.
- b) IW#24.04.02 | 91 Stannard Ave | raised garden bed-IW Agent J. Frederick gave an overview of the plan to install a raised garden bed in the vicinity of the wetlands. She was not sure if it would be deemed “as of right” because it’s on a raised bed not having plants just put in the ground. Commission determined that the raised garden bed fell into the scope of agent approval, while the installation of native plants in the ground was an as of right activity.

7) **AGENT REVIEWS:**

- a) IW#24.03.01 | 72 Parish Farm Road & 10 High Meadow Road | Grading and New Barn
 - i) Possible agent review per March 14th meeting pending revised plans-no discussion.
- b) IW#24.03.03 | 22 Howard Avenue | replacement of crumbling retaining wall.
 - i) Possible agents review pending authorization from 2 Rustic Rd -no discussion

8) **CORRESPONDENCE AND ANNNOUNCEMENTS:** None

9) **ADJOURNMENT:** Meeting Adjourned at 11:05 pm by Chairman Bassermann

Respectfully submitted,

Katy Blanchette