



Inland Wetlands and Watercourses Agency

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REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, May 9th, 2024 at 7:00 PM

This meeting was held remotely, via ZOOM.

CALL TO ORDER: Meeting was called to order at 7:00 pm by Chairman Peter Bassermann

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

1) **MINUTES FOR APPROVAL:**

- a) April 25th, 2024 Regular Meeting Minutes-Commissioner C. Begemann indicated that she was misquoted in the minutes and requested they be revised. K. Blanchette will revise the minutes and will present for approval on May 23.
- b) May 7th, 2024 Special Meeting Site Walk Minutes-Commissioner S. Botta made a motion to approve the minutes. Commissioner D. Goclowski seconded. Motion carried unanimously. (5-0-0)

2) **DELIBERATIONS:**

- a) IW#24.01.02 | 38 Howard Ave | pervious patio and landscape retaining walls and shed - Chairman Bassermann reminded all parties present that the public hearing was closed at the last meeting and no other information could be submitted. The discussion during the evening's meeting was for the commission to begin deliberations. IW Agent J. Frederick provided the Criteria for Decision, which is section 10.2 of the Town of Branford Inland Wetlands and Watercourses Regulations. (Section 10.2 has been added as an addendum to the minutes). Commissioner S. Botta recommended starting with 10.2a and the commission working its way through the criteria for decisions. Commissioner M. Ormrod stated that based upon the testimony that there has been no impact to the wetlands, it doesn't account for what may happen in the future. The structural integrity of the wall is based upon photos and not plans, so there is concern about catastrophic failure of the wall. If it collapses, it could end up in the wetlands. And also indicated that there will never be a high-level understanding of how construction impacts the rainwater drainage. Commissioner S. Botta indicated that impacts must be likely to occur, not just a possibility to occur, in order for it to be considered. Regarding section 10.2b, Commissioner S. Botta indicated that no prudent and feasible alternatives were presented, however, prudent and feasible alternatives are only required if there was going to be impacts to the wetlands. Since the applicant indicated on multiple occasions by multiple experts that there were no impacts to the wetlands, no prudent and feasible alternatives needed to be considered. Commissioner C. Begemann stated that regarding item 10.2c, if there were no short-term impacts to the wetlands, how can long term impacts be determined? Especially long-term impacts that are not just possible, but likely. There was no irreversible or irretrievable loss of wetlands or watercourses, so the commission determined that 10.2d was also not applicable to the application. In regards to 10.2e, the commission was uncertain as to whether "The character and

degree of injury to, or interference with, safety, health, or the reasonable use of property which is caused or threatened by the proposed regulated activity” expanded beyond the subject property, or if it was just in reference to the subject property and whether the impacts to health and safety of property is limited to effects from the impact to the wetlands. Town Council will investigate this matter further and give guidance to the commission before the next regularly scheduled meeting.

Commission requested that IW Agent J. Frederick write up a draft resolution, and would like the following to be addressed in the draft resolution: a) address wall cap; b) address the erosion control concerns regarding the wattles (location may need to be moved if the wattles cannot be staked in the proposed location due to ledge); c) stock pile location shown on plans, OR if proposed to be trucked off site it should be indicated on the plans and d) details on how the wall will be lowered and whether or not it will be done by hand or machinery, and how they are planning to accomplish the lowering without going onto the property of 34 Howard Ave. Commissioner S. Botta makes a motion to continue to the May 23rd meeting with continuing deliberations. Commissioner C. Begemann seconded the motion. Motion carried unanimously (5-0-0).

3) ENFORCEMENT:

- a) Notice of Violation | 38 Howard Ave | retaining wall & associated activities
- b) Consider whether to issue cease and correct orders relative to Regulated Activity conducted without a permit at 34 Howard Ave and 38 Howard Ave (activity subject to notice of violation sent on April 24th, 2023) -Chairman P. Bassermann made a motion to table items 3a) and b) until deliberations on the application are complete. Commissioner D. Gocłowski seconded. Motion carried (4-0-0) Commissioner Botta was absent for the vote at 9:04 pm due to technical difficulties.

Commission took a brief recess at 9:06 pm and the meeting resumed at 9:09 pm with all 5 commissioners present (Bassermann, Gocłowski, Begemann, Botta and Ormrod)

4) 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
 - i) Peer review selection- IW Agent J. Frederick indicated that they received a letter from Attorney Tim Lee requesting a fee reduction due to the cost of the Peer Review. Attorney Lee and Applicant Doug Anderson feel as though the application fee should be reflective of the cost to review the application. And if a peer reviewer is doing that, that means that there is less for the IW Staff to do. Commissioner S. Botta made a motion to table discussion of the fee reduction until the start of the public hearing on June 13. Commissioner Bassermann seconded the motion. Motion carried unanimously (5-0-0)

Peer Review Discussion: IW Agent J. Frederick indicated that only one firm submitted a proposal out of the 8 companies that we requested proposals from. The total cost of that review from CLA Engineers is \$8,800. The Applicant would have to submit those funds to Inland Wetlands office and the staff would create a purchase order. Applicant Doug Anderson indicated that he already paid \$12,000 in application fees, and now commission is requesting \$10,000 for peer review. He also felt that since there was already a project approved there with similar disturbance, the application shouldn't need this much review. Requesting to use Application fee funds to pay for peer review.

IW Agent J. Frederick indicated that there is not a past practice of the commission doing that. Commissioner Botta made a motion that the commission use the services of CLA Engineers [for \$8,800]. Commissioner Gocłowski seconded the motion. Motion carried unanimously (5-0-0)

- ii) Public hearing to be scheduled for June 13th meeting.
- b) IW#24.04.01 | 200-206 North Main St | New Service Building for Premier Kia-IW Agent J. Frederick stated that revised materials are forthcoming, and that this discussion is to be tabled until May 23.
- c) IW#24.03.03 | 22 Howard Avenue | replacement of crumbling retaining wall
 - i) Possible agent review pending authorization from 2 Rustic Rd -Item was tabled due to incomplete application (authorization not yet obtained from the property owner at 2 Rustic Rd)
- d) IW#24.04.03 | 4 Liesl Lane | site improvements due to change in use-TABLED
- e) IW#24.04.04 | 33 Flax Mill Rd | paving existing gravel surface for school bus parking, drainage improvements and lighting-Commissioner Botta Recused herself from the application discussion as she is an employee of Branford Public Schools (which the busses would be used for). Engineer Jim Pretti, Criscuolo Engineering, gave an overview of the plan. Oil Water separator for floor drains within the existing building has already been installed. The plan calls for adding underground detention, thereby decreasing the runoff from the site. Upon reviewing the proposed landscaping plan, the commission requested that a snow storage location be indicated on the plans to avoid having all the snow be directed towards the wetlands. The commission also suggested adjusting the landscaping to have areas of lawn swapped out with a conservation seed mix. Chairman P. Bassermann makes a motion [to approve] the application with the standard conditions and provisions of all permits and the additional conditions that the lawn area be changed from grass to a conservation seed mix or other landscaping approved by IW Agent, and that a designated snow storage be shown on the plans and with signage on the site. Commissioner C. Begemann seconded, and added a friendly amendment that conservation mix just be substituted in the southern area adjacent to the wetland. Chairman P. Bassermann accepted the amendment. Motion carried unanimously (4-0-0)

5) ENFORCEMENT cont'd:

- a) Notice of Violation | 142 Chestnut Street | removal of vegetation and earthwork without a permit to conduct regulated activities-waiting on soils report. Tabled until May 23 meeting.

Chairman P. Bassermann makes a motion to add CC#24.05.01-30-60 and 90 Red Hill Road to the Agenda. Commissioner C. Begemann seconded. Motion carried unanimously (5-0-0)

- b) CC#24.05.01 | 30-60, 90 Red Hill Rd | Clearing of trees within the wetland and upland review area-IW Agent J. Frederick drove by the site will on another site visit and noticed that a substantial number of trees had been cleared. Upon speaking with the owner, it was learned that the trees were removed due to the concern of safety for the house. When site visit with the owner was conducted, it was noted that some of the trees removed were on the neighbor's property. Both owners have been very cooperative and responsive. Commission reviewed photographs of the areas of removal and discussed the next steps. The Commission would like to see a replanting

plan, and to have the stumps and felled trees left in place. Homeowner Christopher Parrish stated that the wood is all piled on top of each other and that is why he wanted to remove it. The Commission suggested he spread out the wood and have it not be piled up and then it would make a more natural habitat for wildlife. IW Agent J. Frederick will work with the owner to come up with a plan and will report back to the commission at the July 25th meeting, unless problems arise earlier than that.

- 6) **OTHER BUSINESS:** none
- 7) **APPLICATIONS FOR RECEIPT:** none at time of Meeting
- 8) **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
- 9) **CORRESPONDENCE AND ANNOUNCEMENTS:** none
- 10) **ADJOURNMENT:** Chairman Bassermann Adjourned the meeting at 10:42 pm.

Respectfully Submitted,

Katy Blanchette