



Inland Wetlands and Watercourses Agency

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SPECIAL MEETING MINUTES

Thursday, January 30, 2020, 7:00 PM
Joseph Trapasso Community House
46 Church Street, Branford, CT

1. CALL TO ORDER:

Chairman Peter Bassermann called the Special Meeting of Branford's Inland Wetlands & Watercourses Agency to order at 7:03 P.M.

2. ROLL CALL:

Commissioners Present: Chair Peter Bassermann, Richard Greenalch, Chris Traugh, Rick Ross, James Goggin, Suzanne Botta, Eric Rose

Commissioners Absent: Sandra Kraus

Staff Present: Inland Wetland Agent, Jaymie Frederick, and David McCarthy

3. PUBLIC HEARINGS:

IW# 19.10.02 | 779-803 East Main St. & 21 Sycamore Way | Laboratory Building

- **Chairman Peter Bassermann** read an opening statement into the record that recapped the IW Commission's authority, the application's timeline, public hearing procedure, and that the application's public hearing has been continued to today. He noted that the purpose of the public hearing is a fact-finding mission and that the Branford IW Commission examines applications for "activities that have a direct impact or effect on inland wetlands or watercourses." The order for the Public Hearing's proceedings will be as follows (IW Commission may ask questions after each party has concluded their remarks):
 1. Applicant (15-20Minutes)
 2. Application's expert witness (10-15 Minutes)
 3. Commission's expert witness (10-15 Minutes)
 4. Public comment (those in favor, those against, and those nether for and nor against) (5-10 mins each)
- **Commissioner Botta** reminded the Commission and the Public of the Branford IW Regulations criteria for decision making (beginning on section 10.2) and read a few sections into the record to set the scope and lens for Commissioner Decision making.
- **The Commission and Staff** reviewed the newly submitted materials, per section 8.6 of the IW Regulations that were received sooner than 5 business days before the date of the Public Hearing, to conclude what would be considered substantive and to determine if the newly submitted materials could be discussed tonight: exhibit items 31, 32, & 33.
- **Comm Ross:** I would find a revised full plan set to be substantive.
- **The Commission** reviewed its considerations of what is meant by substantive.
- **The Commission and Chris Gagnon – Engineer (BL Companies) on Record for this Project** discussed/reviewed the newly revised plan-set and its differences from the previously submitted plan set.

- **Bob Russo, certified soil scientist (CLA Engineers, located in Norwich, CT) — the Town’s peer review consultant**, referred the Commission to pages 2-3 of the CLA letter dated January 22nd, 2020 (exhibit item 29), and called attention to two things:
 1. Mitigation has yet to be planned
 2. An additional pollution control measure to be used: a swirl technology or vortex
- **Comm. Botta asked Bob Russo** if he’s indicating that the changes to the new plan set do not directly impact wetlands and watercourses. That the changes are indirect.
- **Bob Russo:** “that is correct.”
- **EO Frederick** asked the Applicant to speak to the lacking mitigation plan.
- **Chris Gagnon:** “We are already on the record with multiple potential mitigation areas that for various reasons have ... not been perfect, for a number of reasons.” Our proposed mitigation plans and locations have not been agreed upon, nor are they ideal. We believe a significant part of the discussion today will be about appropriate mitigation for the disturbance that we are proposing: restoration vs. inland wetland creation.
- **The Commission and Chris Gagnon** discussed the history of previous mitigation plans.
- **Chris Gagnon** noted that mitigation vs. restoration is still up for discussion.
- **Chairman Peter Bassermann** asked if any of the Commissioners felt as though it was appropriate to discuss the newly submitted materials.
- **Comm. Greenalch** noted that the new plan set was made to reflect to the peer review’s comments and that he does not consider them substantive.
- **Comm. Greenalch** made a Motion that the Commission accepts the newly submitted plan set as non-substantive (exhibit 33), because the new plan set was made to reflect comments from Town officials and the Commission’s peer reviewer, Jim Goggin seconded, the Commission entered Discussion:
 - o **Comm. Botta:** based on peer review comment from Bob Russo, the newly submitted plan set does not propose inland wetland impacts, therefor, at this time, there is no indication that the changes are of substantive nature.
 - o **The Commission and Chris Gagnon** discussed the application’s proposed impervious area.
 Motion passed (7-0-0).
- **The Commission** affirmed that exhibits 31, 32, and 33 are permitted for discussion.
- **Chris Gagnon** recapped the last week’s timeline regarding comments from the peer review and the Town’s Engineer, as well as comments from a meeting with the Town’s Fire Marshall. He then shared what has changed and what hasn’t with the newly submitted plan set. He noted that restoration might be the most successful way to enhance the resources on the site.
- **Comm. Greenalch** noted concerns on the culvert’s design, the roadway, and referred to the Town’s engineer’s letter: for roads to be transferred to the Town. “I just want to make sure that the plans provide something that will be acceptable for the Town.”
- **Comm. Botta:** referred to the Town’s Engineer letter: modular walls. The commission and Chris Gagnon discussed the modular wall.
- **Chris Gagnon:** there is no change to the culvert’s design. It’s just the walls that catch the grade.
- **Comm. Greenalch** questioned the sequence of construction and asked Chris Gagnon if they would build the culvert before they started construction of the building?
- **Chris Gagnon:** we will do both at the same time.
- **Comm. Greenalch** expressed his concerns over both being constructed at the same time, with regard to trucking operations over the inland wetlands, and protections of inland wetlands. “I am not comfortable with the plans for a temporary facility to get the rock material across without impacting the inland wetlands.
- **Chris Gagnon:** trucking operations for rock excavation would not use the temporary bridge.
- **Enforcement Officer Frederick** asked the Applicant to double-check the construction sequence of events, regarding offsite roadway improvements, (page EC2).

- **The Commission and Chris Gagnon** discussed the roadway construction
- **Comm. Rose:** the road needs to be widened by 6 feet and that pushes you further into the wetlands. It makes no sense for a project of this size to use nothing but the finished road once the stream has been protected, “anything short of that is just asking for trouble.”
- **The Commission and Chris Gagnon** discussed the width of the road.
- **Comm. Botta:** where did the 6 feet come from?
- **The Commission:** the Town Engineer.
- **Chris Gagnon:** the wall to wall it’s over 45 feet.
- **Chairman Peter Bassermann** asked why not a bridge?
- **Chris Gagnon** noted that the hydraulics is what governs the size of these things. He then recapped the previous plans and flow of the stream. “The length of the bridge required to have zero filling is over 170 feet long,” which is not a prudent use of resources nor would the Town want to maintain that type of structure.
- **The Commission and Chris Gagnon** discussed the application’s proposed culvert, inland wetland protection, and its construction (page DN7 on the newly submitted plan set).
- **Comm. Traugh** asked Chris Gagnon about the outstanding responses to the Town Engineer’s letter.
- **Chris Gagnon** noted that most are not Inland Wetland impact-related and are more important to P&Z.
- **The Commission and Chris Gagnon** discussed the application’s proposed temporary bridge and the length of time it will be used.
- **Comm. Botta:** how long will the proposed dewatering process last?
- **Chris Gagnon:** as long as the hole is open, plus or minus three days.
- **Comm. Botta:** how long is the stream running through diversion as opposed to its normal path?
- **Chris Gagnon:** 3-5 weeks.
- **Comm. Botta:** best case scenario, what time of year will you get started?
- **Chris Gagnon:** as soon as we can.
- **The Commission and Chris Gagnon** discussed construction and water diversion.
- **David Lord – Professional Soil Scientist of Soil Resources Consultants out of Meridian, CT** - Representing the Applicant - introduced himself and referred the Commission to Sheet Three of EX-1 of the newly submitted plan set.
- **David Lord** informed the Commission that he walked the site recently to look for areas of wetland creation. He pointed to a highlighted version of page EX-1 of the newly submitted plan set (Exhibit 33) and walked the Commission through the delineated inland wetlands on the site. He noted areas that are dominated by phragmites as compared to areas that are full of native wetland species. He proposed taking out the phragmites and replacing them with native ground cover and shrub vegetation, as a restoration measure to meet the provisions in the Regulations.
- **David Lord** asked the Commission for feedback regarding inland wetland restoration in the form of phragmites removal and planting of native vegetation, as the compensation for the proposed development’s disturbance.
- **The Commission and David Lord** discussed the potential inland wetland restoration plan (not yet finalized nor submitted) to prevent phragmites from returning to the site.
- **Comm. Botta:** What’s the total area of the potential restoration plan, and what’s it’s ratio to the proposed inland wetland fill?
- **Chris Gagnon:**
 - o Approx. 4,000 square feet of proposed impacts
 - o 75,000 (a little over 1.5 acres) of restoration:
 - o 18.75:1
- **The Commission, David Lord, Chris Gagnon, and Bob Russo** discussed the site’s inland wetland delineations, and what monitoring and inspections would look like for the potential restoration plan.

- **EO Frederick** noted that the dewatering exceeded the limit of disturbance
- **Chris Gagnon** said that it may have been a line type that he missed, and that he will respond.
- **Chris Gagnon** we would like a restoration plan to be proposed rather than mitigation.
- **Bob Russo of CLA Engineers – The Town’s peer review consultant** noted that CLA has not reviewed the most current plans that were just presented.
- **Bob Russo** went through CLA’s comment letter dated 01.22.2020, (exhibit 29) highlighting areas of concern:
 - o **Item 3** – “Construct the box culvert and gain access first.”
 - o **Item 6** – Restore the streambed immediately after the diversion, and provide a detailed plan to recreate a natural streambed.
 - o **Items 10, 11, 16, & 20** are all covered under what Mr. Lord discussed, restoration as opposed to inland wetland creation. CLA does not recommend creating an inland wetland by removing mature wooded upland. David Lord’s phragmites plan sounds like a suitable for this site but does require a detailed plan.
 - o **Item 17** - Recommend a swirl technology unit to remove some of the pollutants that come off the road that comes down from existing Sycamore Way. There’s already one on the plan for another side of the site.
- **The Commission and Bob Russo** discussed CLA’s comments.
- **Bob Russo** noted that CLA has not reviewed the most recent plans and has does not have any comments. The outstanding issue remains to be mitigation.
- **Bob Russo** requested a copy of the Town Engineer’s letter, just to have as a matter of information.

The Commission recessed 9:20 – 9:28

- **Chairman Bassermann** opened the period for Public Comment for the application. Those who wish to speak in favor of the application are to speak first.
- **Ken Waterman** introduced himself as the founder of Free Think Technologies, the company the proposed lab on the site is for. He noted that they’re already in Branford, wish to expand, and consider themselves to be an environmentally friendly company. “We care about the environment, we’re not the enemy.” “We want to bring in good jobs and help Branford grow, we think this is good for the Town and the State.”
- **Pam Roy:** Noted that she’s in support of the application, but that she’s also in support of the inland wetlands. She asked how the building, that’s been moved over, can be built without damaging the adjacent inland wetlands.
- **Chris Gagnon** responded, noting that the grade for the building needs to be lowered: making the site flatter. He explained that the construction sequence will be to construct the walks after the sediment barrier is put in, and then retaining walls that will act as a clear divide.
- **Al Secondino of Secondino & Son, Inc. (general contractual for the project)** introduced himself, noted that he’s the third-largest taxpayer in Branford. Then, he recapped his work history, stated that he takes pride in his work and that he’s very interested in this project.
- **Janet Riesman** referenced the letter that she submitted to the Commission (Exhibit 31 - received 01.27.2020), and noted that she’s an abutter. She stated that the stream for which the proposed box culvert goes over originates on her property.
- **Janet Riesman:** “I am here tonight to emphasize that the health and continued maintenance of my stream and the drainage of my land is of vital importance to me.” She noted that her 40-acre property has remained intact for nearly 300 years, has been farmed since the early 1700s, and that her land is a registered farm under the Connecticut Public Act 490 Tract 448.
- **Janet Riesman** walked the Commission through her letter and the photos contained within it: stressing that the ability for her land to be farmed for years to come is of vital concern to her.

- **Janet Riesman** informed the Commission that she intends to perpetuate farming on her property by means of a foundation that will have her land and buildings serve as a farming heritage and public education center.
- **Janet Riesman** stated that she does not want to see her land damaged by clogged streams, and highlighted three points from her letter:
 1. Requested a bridge not a box culvert.
 2. Requested clarification of the mitigation area.
 3. Requested a more careful review of the proposed reconfiguration of the sycamore way road crossing and possible future developments.
- **Bill Horne (Branford Land Trust (BLT) Application Intervener)** presented the IW Agency with a letter (exhibit 34) dated 01.30.2020 and emphasized the importance of creating and maintain vegetative buffers for stormwater management.
- **Bill Horne** stated that the BLT appreciated that the building was moved 18 feet away from the inland wetland, and encouraged the applicant to strengthen sediment and erosion controls down-slope of the proposed building.
- **Bill Horne** stated that detention and retention facilities typically prolong peak flows, but was not able to find total volume leaving the site within the application. He noted that detention basins without infiltration do not do much to improve water quality and that the BLT encourages the applicant to pursue infiltration.
- **Bill Horne:** the BLT supports CLA's comments on improving existing wetlands vs creating new ones.
- **Lauren Brown (BLT)** addressed Ken Waterman's comments, sharing that she would love to see improvements in the medical field as well as more jobs in Branford, but reminded the Commission of the Charge read by Commissioner Botta's opening comments. She stressed a win-win situation that protects the inland wetlands.
- **Chairman Peter Bassermann** asked the applicant for an extension. He noted that the next Regular Scheduled meeting is scheduled for February 13th.
- **EO Frederick:** the Public Hearing cannot be continued after February 17th.
- **The Commission** discussed the CT Statues, timeframes, and possible extensions.
- **The Commission** asked Chris Gagnon when the wetland restoration plan can be generated.
- **Chris Gagnon** said one week and asked if the Town's consultant and intervenor can be part of the process and attend the field walk to accomplish this in an efficient manner.
- **Bob Russo:** "I can accommodate that."
- **Chairman Bassermann** cited a letter by land-use attorney Mark Brance noting Public Hearing timelines and extensions, for a total of 65 days of extensions.
- **Comm. Botta** reminded the Commission and the applicant that the application's prudent and feasible alternatives - that must be considered as part of a complete application – are factors of decision and must have less fill/impact on the inland wetlands than the original plan.
- **Chris Gagnon** told the Commission he will submit feasible and prudent natives.
- **The Commission and Staff** sought to clarify the peer reviewer's scope of work and funding.
- **The Commission** continued the Public Hearing to February 13th, 7:00 PM, at the Joseph Trapasso Community House.

4. ADJOURNMENT:

- Commissioner Greenalch, made a Motion to adjourn the Regular Meeting of Branford's Inland Wetland & Watercourses Agency at 10:24 P.M., Comm. Botta Seconded, Motion passed, (7, 0, 0).

Respectfully Submitted,

David E. McCarthy