



Inland Wetlands and Watercourses Agency
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Regular Meeting Minutes

Thursday, April 09, 2020, 7:00 PM
This meeting was held remotely, via ZOOM

This meeting was held in accordance with [Executive Order 7B](#) part 1 and all speakers were required to identify their name and title each time they spoke.

1. CALL TO ORDER:

- **Chairman Peter Bassermann** called the Regular Meeting of Branford's Inland Wetlands & Watercourses Agency to order at 7:05 P.M. He provided an opening statement noting tele-meeting protocol, Executive Order 7b requirements, and asked all attendees to state their name before speaking.
- **Enforcement Officer Jaymie Frederick** reviewed additional Zoom software features and noted that BCTV is recording and broadcasting.

2. ROLL CALL:

Commissioners Present: Chair Peter Bassermann, Suzanne Botta, Steven Sullivan, Eric Rose, Clarice Begemann, Rick Ross

Commissioners Absent: Sandra Kraus, Richard Greenalch

Staff Present: Inland Wetland Agent Jaymie Frederick, Enforcement Officer David McCarthy

- **Chairman Peter Bassermann** introduced Commissioner Begemann to Branford's Inland Wetlands Commission.
- **Commissioner Clarice Begemann** introduced herself.
- **Commissioner Ross** recused himself from deliberations for Application IW# 19.11.01 | 1151 West Main St. | Bank & Grocery Store.

3. APPROVAL OF MINUTES:

March 12th Regular Meeting Minutes

- **Commissioner Rose** Motioned to approve the March 12, Regular Meeting Minutes, Comm. Botta seconded, Motion carried (Yes-Abstained-No — 4-2-0).
- Commissioners Ross and Begemann abstained

March 17th Special Meeting Minutes

- **Commissioner Rose** Motioned to approve the March 17, Special Meeting Minutes, Comm. Botta seconded, Motion carried (4-2-0).
- Commissioners Ross and Begemann abstained

April 07th Special Meeting Minutes

- **Commissioner Rose** Motioned to approve the April 07, Special Meeting Minutes, Comm. Botta seconded, Motion carried (6-0-0).

4. APPLICATIONS FOR RECEIPT:

IW#20.03.01 | 58 East Industrial Rd. | Construction of New Building & Material Storage Area

- **IW Agent Frederick** announced that this application is for Receipt and asked which Commissioners would like paper copies mailed to them.
- **The Commission** reviewed the application.
- **Comm. Botta** asked if there was any proposed fill.
- **IW Agent Frederick** reviewed the proposed plans, noting no proposed inland wetland fill.

IW#20.04.01 | 367, 377, 373-375 East Main St. | Redevelopment of existing motel, restaurant, and bank to multi-family housing with commercial/retail space

- **Chairman Bassermann** noted that this Application is for Receipt, asked Staff for feedback.
- **IW Agent Frederick** informed the Commission that Enforcement Officer McCarthy noted that the Application's fees were insufficient.
- **Attorney John Knuff** noted that he was happy to deal with the inefficient fees early next week. He then reviewed the site, and its proposed development plans. He shared that the only direct inland wetland impacts are 150 square feet to remove a drainage-pipe within the wetland.
- **David Sacco – TPA Design Group New Haven - Civil Engineer for Applicant** – went into more detail about the proposed plans: reviewed EX-1 (survey), page 2 (drainage), and the existing limit of development on the site. He noted that there would be a reduction in impervious area and less runoff at every storm level with the addition of infiltration and stormwater management.
- **The Commission and the Applicant** discussed the proposed development.
- **Chairman Bassermann** asked if all the stormwater goes into the town's system and if this development will this be multi-phased?
- **David Sacco:** yes, and single-phase?
- **Comm. Botta** asked if there was any Public interest expressed in this project?
- **IW Agent Frederick** noted that the application was just received on Tuesday and that she does not think that many people have seen or heard about it yet. She said she let planning and zoning know that she received the application and that it's her understanding that the Applicant has met with various departments to guide their plan preparedness. She said she would share this at the P&Z early planning meeting to make sure everyone is aware.
- **Comm. Botta** noted that historically, large developments like this – with multi buildings – have gone to Public hearings.
- **The Commission** discussed the possibility of securing a third-party consultant to assist it, scheduling a Public hearing and a timeline should the Commission decide this is in the interest of the Public and set a Public hearing.
- **IW Agent Frederick** noted that the Public has 14 days to submit a petition for a Public hearing, and the Commission has 65 days from the date of Receipt (today) to set a Public hearing.

- **Attorney John Knuff:** if there were an appetite for a Public hearing on the basis of Public interest - not significant activity - we would be willing to conceive a Public hearing. He noted that they'd like to start preparing for a Public hearing, if there will be one. Regardless of a petition, he proposed "cutting to the chase" and just holding a Public hearing.
- **Chairman Bassermann:** given the fact that materials were just received, no one has had a chance to evaluate the materials fully. That said, the next Regularly Scheduled meeting would be the appropriate time to determine if there will be a Public hearing.

5. APPLICATIONS FOR REVIEW:

IW#20.02.01 | 41 Brainerd Road | Residential Lots (subdivision)

- **IW Agent Frederick** reviewed the newly submitted materials and noted that a revised site plan had been submitted since the last meeting that contains an updated inland wetland delineation. She noted that the letter of authorization from the second property owner has only been received digitally.
- **Chairman Bassermann** asked for Public comment: there was none.
- **Phil Bilides (Applicant) – Statewide Construction** - noted that the stockpiles of extra fill had been removed from the plan, and there will be no stockpiling onsite. The material will be taken off as the excavation takes place.
- **IW Agent Frederick** noted that a decision needs to be made this evening or that an extension needs to be granted. Then, she shared the plan over Zoom, discussed requests that were made, and noted what was completed.
- **The Commission and Staff** reviewed its requests from the Applicant, and what's been accomplished to date.
- **Comm. Rose** noted that they needed to reestablish the wetland boundary, and they have. He also noted that there's no proposed activity over the wetland line.
- **The Commission:** as part of a consistent, fair, and uniform practice, it discussed possible Conditions of Approval, including having lots return to the Commission as individual applications.
- **IW Agent Frederick** noted that the letter of authorization from 54 Kenyan street (the other property involved) has only submitted a scanned copy, and she recommends that the Commission requests an original copy prior to starting work.
- **Comm. Rose and Comm. Botta** discussed lots 2,3,4 coming back for individual plot plan approvals: noting that lots 3 and 4 are closest to the wetland and that lot 1 is completely outside the 100-foot upland review area.
- **Comm. Ross** stated that he was comfortable approving lots 1 and 2, but that lots 3 and 4 should come back to the Commission.
- **Comm. Ross** made A motion to approve lots 1 and 2 of application IW#20.02.01 | 41 Brainerd Road | Residential Lots (subdivision), with the condition that lots 3 and 4 have to come back for individual lot approval when they are ready to develop those lots, Comm. Botta Seconded. The Commission discussed Conditions of approval.
- **The Commission** discussed possible Conditions for approval and addendums.
- **Comm. Rose** proposed the idea of adding a limit of disturbance line to the site plan.
- **Comm. Ross** withdrew the Motion for the purposes of having an additional discussion to about adding more to the Motion.
- **IW Agent Frederick** noted that the Applicant did not submit a fee for the disturbance of the lots, only a subdivision fee. This application is not for a regulated activity; it's for the creation of the four lots and not the development of 4 lots. There has been a past practice

of deciding what lots need to come back, but it's not that you're approving the other lots, you're approving a subdivision and stating that certain lots don't need their own inland wetland permit.

- **Comm. Botta:** based on the site, the most pertinent lots are 3 and 4, and the as-built would be for those lots.
- **Comm. Rose** asked if the as-builts that would be submitted to P&Z would be sufficient.
- **IW Agent Frederick** noted that Inland Wetlands does not always get a copy of P&Z's as-built surveys.
- **Phil Bilides** asked if it would be better to build all four homes at once, not in pairs.
- **Comm. Rose:** the Commission does not want to motivate four foundations to get built.
- **Comm. Ross** made A motion to approve the subdivision and to require lots 3 and 4 to come back to the Commission and apply for inland wetland permits as well as provide the Agency with as-built drawings at the completion of the construction. Chairman Bassermann added a Condition of having the original letter of authorization from 54 Kenyan street be submitted for the file, Comm. Botta Seconded. Motion Passed (4-2-0)
 - **Commissioners Sullivan and Begemann** abstained
- **The Commission** discussed the requirement of a limit of disturbance for lots 3 and 4, that it would be a part of lots 3 and 4 when they came back for individual approval.

6. DELIBERATIONS:

IW# 19.11.01 | 1151 West Main St. | Bank & Grocery Store

- **Chairman Bassermann** opened the deliberations with an opening statement that noted the Application's history and timeline. Should the Commission conclude its deliberations tonight, it will ask Staff to consolidate those discussions into a document to be reviewed at a to be scheduled Special Meeting. If the Commission does not conclude deliberations tonight, it will ask the Applicant for an extension.
- **Chairman Bassermann** asked if there are any Commissioners that need to recuse themselves from the deliberations and noted that Commissioner Ross has already recused himself.
- **Chairman Bassermann** asked if there were any Commissioners that will be able to participate in tonight's deliberations: they must have been present for all meetings or have listened to the recording of those meetings. He then polled the Commissioners:
 - **Commissioner Ross** recused himself.
 - **Commissioner Rose:** I listened to the recordings and I've read the meeting minutes and I am prepared to vote.
 - **Comm. Begemann** – no
 - **Comm. Sullivan:** I listened to the recordings and I am prepared to vote.
- **Chairman Bassermann** noted that there was a Quorum to vote.
- **IW Agent Frederick** clarified with Commissioner Begemann that she is recusing herself from this agenda item.
- **IW Agent Frederick** noted that either way a continuance would need to be granted and reviewed continuance options: Applicant approval, or utilization of the extension option available through the Executive Order.
- **IW Agent Frederick:** we should set a Special Meeting Date.

- **Chairman Bassermann** asked if there was a summary of key-points that surfaced during the Public hearing that the Commission should address?
- **IW Agent Frederick:** we did not prepare a summary because that was not asked for. She suggested that the Commission review and discuss the application through the lens of section 10:2 of the Regulations: Considerations for Decision.
- **Chairman Bassermann** said that it was helpful on the last application to go through 10.2a-f of the Regulations to make sure that it felt comfortable in making a decision. He noted the he's not sure that the Commission will get that feeling for this application until it goes through 10.2a-f.

Inland Wetland Regulations – Section 10.2a:

- **Chairman Bassermann** does the Applicant make a case that they are not negatively impacting the wetlands and watercourses. Is the mitigation enough?
- brought up Public comments regarding why touch an existing wetland.
- **Commissioner Rose** reviewed his thoughts of the application. He stated that in trade for making one inland wetland smaller – “the puddle on a rock” - were going to get an improvement to an area in a larger wetland environment that I think is really improving the land in the back and certainly making a great addition to the town. I think it's a good plan, and I think they addressed issues raise by the Public and I think we have a good result.
- **Chairman Bassermann** reminded the Commission that members of the Public raised the questions of why touch the existing wetland in the back at all. To preserve that area, we could not require the same area of mitigation. He noted that he's not sure if this case has merit and asked the Commission to discuss it.
- **Commissioner Rose:** They're creating an environment that can contribute more to filtration. I can't see argument against doing all of what they proposed and ending up with a better-quality environment when the cost is the reduction of a puddle on top of a rock ledge. We're getting a better wetland in the back by getting all the mitigation we're intitled to.
- **IW Agent Frederick:** referenced exhibit-62 – a peer review comment regarding the mitigation area - “the peer reviewers’ response was that there were no other areas on the site for mitigation.”
- **Comm Botta:** reminded the Commission that it's “tasked with ensuring that there is as little fill occurring in wetlands as possible.” Expert testimony has indicated that this is really the best option for this site. This addresses Inland Wetland Regulations - 10.2a and possibly 10.2b

Inland Wetland Regulations – Section 10.2b:

- **IW Agent Frederick** reviewed the submitted alternatives.
- **The Commission** reviewed Alternative 2 – “moving the bank” (exhibit 14), and the peer reviewer's comments (exhibit-18).

- **Comm Botta** recited a line from the peer reviewer's comment letter on this alternative:
 - exhibit-18 – Page-5: the claim that it is not prudent due to the bank pad proximity to residential area and distance to the road is not incongruent with the intended use. Banks are not impulse purchases based on-road visibility as might be a fast-food restaurant. These are destinations often linked to the primary user ... the proximity argument could be mitigated by moving the pad site to the flat area adjacent to watercourse-1.
 - It is unclear as to why this is not financially prudent as there appears to be significant site work submitted and in alternate plans; none seems more advantageous than the other.
- **IW Agent Frederick:** identified that exhibit-39 is the secondary review on this topic: it has the Applicant's response and the peer reviewers follow response:
 - **Applicant:** the narrative explains (exhibit-12) while the alternative is feasible, it was deemed not prudent given that the proposed bank tenant requires adequate visibility from the street, which is not achieved by Alternative-2.
 - **Peer reviewer:** the Commission can determine if other uses aside from a bank would render suggestions prudent or not.
- **The Commission** reviewed the feasible and prudent alternative analysis (exhibit 57).
- **Chairman Bassermann** stated that he did not think the Commission has the authority to dictate for the Applicant what type of building they should be using. They provided a plan with a bank on it and that's the plan that we need to evaluate.
- **Comm Botta:** it is the Commission's purview to determine if the Applicant has met their requirement by having submitted a feasible and prudent alternative. It's not self-determining by the Applicant, it's determined by the Commission. The technical guidance that our peer reviewer has given us is what we can make our decision from.
- **Comm. Rose:** telling them that they need to find another tenant is way outside the bounds of what we're discussing. It's not relevant to what's reasonable and prudent within our jurisdiction. He discussed the feasible and prudent alternative to the originally proposed plan: getting a beneficial wetland in place of a puddle on top of the rock. He stated that he found this alternative to be very reasonable and prudent, to substitute a more functional and beneficial wetland in place of a puddle on top of a rock.
- **Comm. Botta** noted that CT-DEEP does not put a quality measurement as use for determination: there is no definition for those things. It's our responsibility to ensure that, if we are going to allow fill in wetlands – which Part of the purpose of the Regulations in the state of Connecticut is to protect wetlands from the death of a thousand cuts (a little bit of fill here and there) - that we not look at wetlands as being good or bad. It's the footprint that matters. The first question, devoid of what's inside of the buildings, is the footprint, and where they're putting that footprint.
- **Comm. Botta:** We need to take very seriously the responsibility of setting precedent, again, that fill is OK in wetlands, in Branford. I don't think that dismissing it as a rock pool; it's still a wetland/watercourse that falls under our jurisdiction to protect.
- **Comm. Rose:** I say it bluntly ... the value of that watercourse vs.. something else. The Statue exists for us to allow what they're proposing, to substitute mitigation something

- else to end up with a greater good which is their vision as an economic activity, not for us to comment on. Where they put it is entirely for us to comment on.
- **Comm. Rose:** were not protecting soils, were not protecting water entering the ground, we literally have a puddle created by people that comes and goes and does not recharge the ground. That would be the case with the offered mitigation. These are told that the statue provides so that we can end up with a good result. They're reducing the watercourse by taking away rock and creating a boundary, but it will exist. No evidence was offered to suggest that a smaller watercourse in that location is a diminution of anything that it provides to nature, when in fact the mitigation that's being offered in place of what would be lost on that rock is a significant expansion of what is useful in terms of water quality.
 - **Chairman Bassermann:** that being said, the success of manmade mitigation efforts are all over the line. Hopefully, it's an improvement, but that remains to be seen in all of the mitigation cases.
 - **Comm. Rose:** fair enough, but I would argue that that's an issue of supervision and oversight.
 - **EO McCarthy:** noted that there was evidence that while watercourse-1 did not provide any infiltration, it did provide stormwater retention. He noted there were very few wetlands left in this watershed and that this watercourse had the ability to withhold water from a 100-year storm.
 - **Comm. Rose:** their drainage calculations, their 100-year storm events are unchanged by the presence of watercourse-1 vs.. the mitigation. The same amount of water is going to fall, and they've dealt with it. That is our problem to ensure, and their problem to protect their own investment, and they have done that with their designs. While watercourse-1 did provide that limited function, by way of design, they have addressed all of the potential water they are going to have to confront on that property in the absence of watercourse-1.
 - **IW Agent Frederick:** located the document that EO McCarthy was referencing: wetland assessment report submitted by Davidson Environmental (exhibit-9). It currently does not overtop in the 100-year, and I believe that to be true with their designed stormwater drainage using the calculations they provided. I know there was a Public comment regarding their calculations, but the Commission did not ask for more information regarding that.
 - **Chairman Bassermann:** regarding prudent and feasible alternatives, is the bank's location at critical point here? or here their other issues regarding prudent and feasible?
 - **Comm. Botta:** The bank's location is my primary concern with the prudent and feasible alternative analysis; there is not a secondary issue that I have.
 - **Chairman Bassermann** noted that he was struck by the second to last sentence on page 5 of the peer reviewer's comments (exhibit-18): "neither seems to be more advantageous than the other."
 - **Comm. Botta:** If we were to approve this, accepting this as the alternative, we need to be very clear in our wording our rationale because we're allowing fill, to be clear as to why this is an acceptable alternative. She noted that Commissioner Rose spoke at length about this. "I'm not super comfortable with it." I don't believe that they've given a sufficient argument as to why that has to be in that way. In our past practices, we've been very

conservative with when it comes to allowing for fill, and I don't know that they've really met that bar. If this application is approved, we need to be very clear as to why we're making an exception to our regulations to grant this permit.

- **Chairman Bassermann:** when we conclude deliberations, that Staff listen to the recording and capture the relevant points that Comm. Rose and Botta have made.
- **Comm. Botta:** That's a good idea. To help illustrate this, I recommend referencing the last application where filling was approved to shine the light on the differences: it had a road that was 2000 feet vs.. 9000 feet. That really stood out as to why it was feasible, but not prudent. "The argument that the bank does not like it there ... is not an argument that rises to the issue of prudence."
- **IW Agent Frederick:** asked Chairman Besserman's for clarity on his request to Town
- **Chairman Bassermann** asked Town Staff to capture the concerns illustrated by Commissioner Botta (filling the wetland) and the significant difference between the fill approved for the Sycamore Way application. In this case, according to the peer reviewer, there was not a big difference between the alternatives. If there's a justification for filling the wetlands, it needs to come out from whatever evidence was presented in the hearings, as well as whatever discussion took place here tonight. He requested Staff to capture that and put that in a document so the Commission can determine its justification.
- **The Commission and Staff** discussed the review.
- **IW Agent Frederick:** noted her hesitancy in the review that the Commission is requesting of the Staff - "it's up to the Commission to decide what is feasible and prudent."
- **Comm Botta** clarified that this is not a request to go back and look at the application, but rather it's a request to go back and look at this part of the conversation and pull out the main points to help serve the Commissions ultimate determination: From when Comm. Rose, gave his points as to why this is the best alternative, till Comm. Botta offered her perspective on the prudence of this alternative in comparison to the sycamore way application.
- **Comm. Rose:** in this case, were not talking about more or less fill, were talking about one approach vs. another.
- **Chairman Bassermann:** It's to look at the comments made by Comm. Rose's as to why this is a prudent and feasible alternative.
- **Chairman Bassermann:** to Commissioner Botta's concern, how do we look at our track record, and note what fill we allowed and for what reasons? This is an application that involves fill, and we will need to be clear on why we took the action that we did.
- **IW Agent Frederick:** I want to make it clear that Staff and Commissioners will not be working on a document outside the Public forum.
- **Chairman Bassermann** recalled the points made by the Branford Land Trust, as well as Public comment related to watercourse-1 and the 100-year storm.
- **IW Agent Frederick** noted that they do have an emergency spillway that's designed to direct water in a certain direction if it overtops.

Inland Wetland Regulations – Section 10.2c:

- **Chairman Bassermann** asked about notes for stormwater device maintenance.
- **The Commission and Staff** discussed the notes on the plans, the stormwater report, and the definition of short and long-term impacts/monitorization.
- **Chairman Bassermann** asked about the criteria for the created mitigation area: plant survival, water quality.
- **IW Agent Frederick** noted section Inland Wetland Regulations 7.10 and the boilerplate conditions – 85% survival of plantings.

Inland Wetland Regulations – Section 10.2d:

- **Chairman Bassermann** noted to Staff that when they create the document for Deliberations, to merge section 16 of the boilerplate with section 7.10 so that it's clear that we can continue to monitor until established.
- **IW Agent Frederick** noted that the document will also be shared with Town Council and that it can't be extended beyond the life of the permit, 5-years. She noted she'd look up the history of applications regarding extended monitoring.
- **EO McCarthy** noted the possibility of irreversible and irretrievable loss of the watercourse-1 resource via blasting the Rockledge as proposed by Alternative-2. He asked if there were methods/Conditions that the Commission could implement that ensure the watercourse would continue to hold water.
- **IW Agent Frederick** noted that this concern was raised at the Public Hearing that watercourse-1 could be dewatered. The Applicant submitted information that suggested this wouldn't happen and noted a possible Conditions of Approval addressing:
 - Having an inspection to discuss the current conditions and status
 - Should there be a Condition that outlines what should happen if the watercourse becomes permanently dewatered?
- **Comm Rose:** They could expand the depression so that it contains as much water as it does now.
- **The Commission and Staff** discussed the phase of reducing the since of the watercourse – They are proposing to install the berm first, then they will blast out the area to be removed.
- **IW Agent Frederick:** the concern is what will happen if the blasting causes cracks that permanently dewater the wetland.
- **Comm Rose.** We're taking a low functioning watercourse and expand a more highly functioning wetland. They don't know – and they couldn't know – whether their blasting work could provide fishers in the rock that drains the pond. This is another layer to Commissioner Botta's concerns. There is a real risk that they can create or encounter fishers that could drain the pond: fishers could be grouted, and that can only work temporarily. They can create and or encounter conditions that could drain this pond forever.
- **IW Agent Frederick:** the peer review team asked for more information regarding this concern, and it seemed satisfied with the Applicant's response. The proposed possible

- condition could be more of a flag identifying that there could be further approvals/steps. Identifying it as a concern might be appropriate.
- **Chairman Bassermann:** can we make this Condition of approval – that if the pond drains out, then the work stops, and we re-evaluate.
 - **Comm Rose.** Part of the year, that area is dry as a bone. While its more likely than not that we would create or encounter fishers, that does not mean we would see where the water goes. Just because they did not present to use the real possibility that conditions could occur that would keep that watercourse drained forever, I don't think we should ignore the prospect that it really could happen.
 - **The Commission** discussed Inland Wetland Regulations – Section 10.2d.
 - **EO McCarthy** noted that the proposed wetland mitigation area's 2:1 ratio was based on the area of the total area of planned disturbance. Should this watercourse no longer hold water post-approval, the approved mitigation area would no longer be 2:1.
 - **Comm Rose:** This is a real possibility; it could never hold water again. Should that happen, we may need to reject the Permit.
 - **The Commission** discussed the topic.
 - **Comm. Rose.** We're presented with these risks, whether it's on the record or not, these are facts, and it's not crazy to be talking about this.
 - **Comm Botta:** these facts may exist, but they're not part of the record, so I don't think that we can be incorporating them into the deliberations in the way that they help us make a Decision. A remedy we could put into place is if a fisher were to occur and watercourse-1 were to drain, then they would no longer be in compliance with their Permit. They would have the then, provide a remedy.
 - **Comm Botta:** We could put in a condition for a contingency plan. If this did occur, we would not be at a loss of recourse.

The Commission recessed 9:54 and resumed 9:57

- **Comm Botta:** if there is no prudent and feasible alternative, then there is going to be filling and impact, but the mitigation ensures there is not an irreversible and irretrievable loss of wetland because there will be wetland gained through the wetland mitigation/creation.
- **Chairman Bassermann:** questioned if wetland resources in section 10.2d can be interpreted to include the totality of the resources on-site, as opposed to individual resources.
- **Comm Botta:** if you don't read it that way, then there would never be an Application that we can permit fill.
- **The Commission** discussed 10:2.d in relation to this Application.

Inland Wetland Regulations – Section 10.2e:

- **The Commission** noted that 10.2e had been satisfied by the Applicant.

Inland Wetland Regulations – Section 10.2f:

- **The Commission** discussed 10:2.f and the proposed drainage system, noting that it ties into the State system.

Town Staff Comments

- **The Commission** asked for relevant Staff Comments.
- **IW Agent Frederick** does the Commission want a site visit to review the current status of watercourse-1 preconstruction?
- **IW Agent Frederick** noted that EO McCarthy uncovered an inconsistency with the groundwater dewatering plan. Note 13 on the landscaping plan, a temporary sediment trap would be used, but on EC-2, it says filter bag in one note and temporary ground dewatering bags. She offered that perhaps, the Commission makes those notes connect a little more.
- **The Commission** discussed the incongruence.
- **Comm. Rose:** they're establishing with their subcontractor that whatever contingency occurs, they're covered. They should refer to the State regulations and the wetland regulations. A possible Condition could be we add the regulations that they need to comply within the case that they come across this issue.
- **IW Agent Frederic** stated that our Regulations reference the State's manual as a guidance document. She also stated that she thinks the note on the landscaping page is OK because it's open-ended and provides for onsite adjustments.
- **The Commission** discussed the incongruency between noted dewatering methods on the landscaping page and the erosion control page.
- **The Commission and Staff** discussed onsite meetings between Staff and the Applicant - erosion control inspections for phase-1 and phase-2.
- **Chairman Bassermann:** I think it would be appropriate for Town Staff to draft a document that provides Staff's role of what's involved in a construction phase of a permit for review at the to be scheduled Special Meeting.
- **Comm. Rose and Chairman Bassermann** discussed having the contractor decide which method to use when the time comes and informing the Agency of the decision so it can be done under the Agency's supervision.
- **Chairman Bassermann** asked for these points to be added to the document to be reviewed at the to be scheduled Special Meeting.
- **Comm. Rose:** if we come up with the right language, we can add that to all Standard Conditions moving forward.
- **Commissioner Botta** stated that she seconded that. This rule can be added to our boilerplate conditions.
- **IW Agent Frederick** stated that an Approval should not be reliant upon the Conditions.
- **Commissioner Botta:** this is a logistical issue of ensuring that things match.
- **Chairman Bassermann** asked if there were sufficient information and clarity to provide a document to deliver to the Commissioners at to be scheduled Special Meeting?

Boilerplate Conditions and Bonding:

- **IW Agent Frederick** advised the Commission to review the Boilerplate Conditions, and possible erosion control bonds.
- **Comm. Botta:** I agree, we have a history of establishing bonds for sites of this size: stormwater, sediment erosion controls, planting plans.
- **Chairman Bassermann:** what about a price?
- **IW Agent Frederick:** that can be decided at a later date. It can be submitted, reviewed, and Staff can approve it.
- **Comm. Rose** spoke to pricing a bond and noted that in his experience, tend to fall short. He argued that it would be beneficial to discuss the types of events that can trigger the bond and asking for the bond once the event has occurred. He stated that what we ask for today may not cover the event, should one occur. It's better to have a process that allows you to react to a circumstance, identify the real potential cost, and get a bond in place.
- **Comm. Rose** reviewed the present process. She stated that under this process, the Agency would have the ability though language that would allow it to increase the bond, should it need to — language that allows you to react to individual circumstances.
- **Comm. Rose:** he suggested adding to our Conditions of approval that the Agency can increase the Bond at will by the addition of another bond, if it needs to, when/if issues occur in the future.
- **Comm. Botta: have you seen Town's do that?**
- **Comm. Rose:** yes. It's impossible to bond what might happen. The Town attorney could comment on this, so we can end up with Bonding that's meaningful and can address the potential things that happen.
- **IW Agent Frederick** stated that she's not familiar with this practice and that often times bond amounts are not often what the need to be, and that she's not familiar with a bond being pulled since her time with the Town. IF the Commission is interested in getting Town Councils' opinion, we can do that.
- **Comm Botta:** we've pulled at least two bonds. Stated that she was curious about incorporating language that Commissioner Rose has suggested. This is worth looking into.
- **Comm. Rose:** "I will see what I can come up with."
- **IW Agent Frederick:** asked the Commission if they wanted the bond to cover sediment and erosion controls, stormwater, and plantings?
- **Comm Botta:** sediment and erosion controls more than stormwater systems.
- **Commissioner Bassermann** requested a document that lists the appropriate boilerplate Conditions, consolidating tonight's discussion of concerns and potential Conditions, and the Commissions discussion of section 10.2 to be reviewed by Town Council and discussed at the to be scheduled Regular Meeting.
- **Chairman Bassermann:** asked to have the document emailed out to Commissioners prior to the meeting.
- **IW Agent Frederick:** noted that it would also be placed online to be made accessible to the Public.

- **IW Agent Frederick:** asked for clarification, this is a guidance document, not a draft Resolution.
- **Chairman Bassermann:** correct.
- **Chairman Bassermann:** given the discussion tonight, the Commission asked the Applicant for an extension.
- **Attorney John Knuff** granted the extension.
- **IW Agent Frederick** requested notification via email.
- **The Commission** set a Special Meeting Date of Thursday, April 23, at 6:00 PM to continue the Deliberations associated with IW# 19.11.01 - 1151 West Main Street.

7. ENFORCEMENT:

Commissioner Bassermann made a Motion to table all enforcement orders until May’s Regular Meeting, Comm. Botta seconded, Motion passed (6-0-0).

CC#19.09.01 | 76-80 Pent Rd | Clearing Along a Watercourse & Wetland

- Tabled to May’s Regular Meeting

NOV | 76-80 Pent Rd | Clearing of Vegetation and Establishment of Lawn Beyond Permitted Area

- Tabled to May’s Regular Meeting

NOV | 103 Sunset Hill Drive. | Clearing & Filling of a Wetland

- Tabled to May’s Regular Meeting

20 Huntington Drive | Clearing of Trees &Vegetation within Upland Review Area

- Tabled to May’s Regular Meeting

8. OTHER BUSINESS:

Recent water main replacement at 1025-91 West Main Street – as of right or regulated activity without a permit

- Not discussed

Permit Extension | Request | IW# 15.01.01 | 271 Brushy Plain Rd.

- Not discussed

9. AGENT APPROVALS:

IW#20.01.02 | 63 Gould Lane | Construction of New Single-Family Home

- Approved

IW#20.01.01 | 16 Sybil Creek Place | Invasive Species Management Services

- Approved

IW#20.01.03 | 57 & 61 East Industrial Rd. | Construction of two new industrial buildings with associated appurtenances

- Approved

10. CORRESPONDENCE & ANNOUNCEMENTS:

Letter from Kate Galambos RE 250 North Main and Gould Lane Projects dated 1.18.2020

- IW Agent noted that these materials are in the Agency's drop box. If the Commission has any questions, please let Staff know so that this item can be carried over to the next meeting.

Notice of intent to modify DEEP permit for application of chemical controls to pond located at 18 Whiting Farm Rd

- IW Agent noted that these materials are in the Agency's drop box. If the Commission has any questions, please let Staff know so that this item can be carried over to the next meeting.

CAWS was canceled and may be rescheduled

- IW Agent noted that these materials are in the Agency's drop box. If the Commission has any questions, please let Staff know so that this item can be carried over to the next meeting.

General permit to conduct repairs and alterations to Branford Supply Ponds Dam (45-81 Short Rocks Road)

- IW Agent noted that these materials are in the Agency's drop box. If the Commission has any questions, please let Staff know so that this item can be carried over to the next meeting.


47 Gould Lane Property Development, outlet plan & sediment accumulation assessment and removal recommendation from associated subdivision developer's Environmental Scientist forwarded to IW Agent

- IW Agent noted that these materials are in the Agency's drop box. If the Commission has any questions, please let Staff know so that this item can be carried over to the next meeting.

11. ADJOURNMENT:

Commissioner Botta Made a Motion to Adjourn the Regular Meeting of Branford's Inland Wetlands & Watercourses Agency at 11:04 P.M., Commissioner Rose seconded, Motion Carried unanimously.

Respectfully Submitted,


David E. McCarthy