



Inland Wetlands and Watercourses Agency

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MINUTES

Inland Wetlands and Watercourses Commission
Thursday, May 14, 2020 at 7:00 PM
This meeting was held remotely, via ZOOM:

The 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 Wetland & Watercourses Agency to order at 7:00 P.M. He provided an opening statement noting tele-meeting protocol, Executive Order 7b requirements, and asked all attendees to state their names 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, Richard Greenalch, Eric Rose, Clarice Begemann, Steven Sullivan.

Sandra Kraus arrived late (approximately 8:00 pm)

Commissioners Absent: Rick Ross

Staff Present: Inland Wetland Agent Jaymie Frederick, Clerk- Michelle Martin

3. APPROVAL OF MINUTES:

- April 09th Regular Meeting Minutes

Chair Bassermann motioned to approve the April 9, Regular Meeting Minutes, Comm. Sullivan seconded, Motion carried (Yes-Abstained-No—5-1-0). Comm. Greenalch abstained.

- April 23rd Special Meeting Minutes

Commissioner Sullivan motioned to approve the April 23, Special Meeting Minutes, Comm. Begemann seconded, Motion carried (5-1-0) Comm. Greenalch abstained.

4. APPLICATIONS FOR RECEIPT:

- IW# 20.04.02 | 9 Elm. St. | Expansion of existing parking lot and associated drainage system

J. Petti (Criscuolo Engineering) briefly highlighted the application and explained this is an expansion of an existing parking area.

The Commissioners asked a few questions.

There was no action taken on this application.

- IW#20.05.01 I 15 Lomartra Lane -- Construction of a 20x24 garage

~~IW#20.05.01 I 15 Lomartra Lane -- Construction of a 20x24 garage~~

Michael DiGioia (Don Mar Dev) spoke and explained this is a request for an administrative approval by Inland Wetland Agent Jaymie Frederick to construct a 20x24 garage on Lot 9 (aka 15 Lomartra Lane).

The Commissioners asked M. DiGioia some questions. He agreed to install erosion controls as requested by IW Agent Jaymie Frederick prior to the approval. Chairman Bassermann asked the Commission if they were comfortable with this application having an administrative approval. A few Commissioners had concerns which they discussed. M. DiGioia addressed their concerns. IW Agent Jaymie Frederick reviewed the conditions of approval for this application and answered the Commissions questions.

The Commission agreed that they would defer to IW Agent Jaymie Frederick for approval.

Comm. Botta made a motion that 15 Lomartra Drive be moved for agent approval with the stipulation that such items such as street sweeping, installation of silt fence adjunct to stockpiles, addition of hay bales and silt fences are added as well as stone at the construction entrances are added to the satisfaction of the Enforcement Officer and additional other site conditions that might prohibit additional construction not be started until sediment and erosion measures are to the satisfaction of the Enforcement Officer, whether it is 15 Lomartra Drive or other lots.

Comm. Rose seconded. Motion passed (7-0-0).

5. APPLICATIONS FOR REVIEW:

- IW#20.03.01 | 58 East Industrial Rd. | Construction of new building & material storage area
J. Pretti (Criscuolo Engineering) represented the applicant and reviewed the application explaining this is a 3 ¼ acre parcel with site slopes, public sewers, water and gas. Fischer Excavating will develop and occupy the site with a small 6000 sq. foot building housing office space. There will be 2 retaining walls in the center of the parcel with plantings in between. He noted that part of the site will be used for storage of material. He then reviewed the storm water system.

The Commission asked a few questions. IW Agent Jayme Frederick advised the Commission to wait before approving this application since she is awaiting additional information from David Lord.

David Lord then spoke briefly saying he visited the site recently and dug test holes and compared them to the 2004 line. He believes that between 2004 and now the fill material has migrated away and moved down from the toe of the slope. He then reviewed photos of the site.

The Commissioners had a brief discussion. IW Agent Jaymie Frederick reminded the Commission that the Sycamore Way ~~application has not yet been approved~~[authorization for the application has not yet been submitted](#) and approval for this application should wait.

Chairman Bassermann agreed that this approval should wait until the next meeting.

- 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

Attorney John Knuff (Cherry St, Milford) represented the applicant and said this application was received at the last meeting. This is the old Days Inn site. His client is proposing a development with 143 residential units and retail space. There is a state of the art storm water plan and landscaping plan.

David Sacco (TPA) and Matt Popp (Landscape Architect/Professional Wetland Scientist) were present.

David Sacco spoke first and reviewed the plans, starting with the current conditions. He then

talked of landscaping, storm water plan.

Matt Popp reviewed the present site conditions. He reviewed his recommendations that are on the landscape plan. He felt this project will have no adverse effect on the wetlands.

The Commission asked about the phasing of the construction and the storm water system.

After some discussion, the Commission decided this item did not require a public hearing. Chairman Bassermann suggested the Commission review the details of the plan that require further discussion.

6. DELIBERATIONS:

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

Chairman Bassermann asked Comm. Kraus if she had listened to the meeting audio for the meeting she had previously missed and she attested that she had.

IW Agent J. Frederick mailed out a 4 page draft resolution to the Commissioners based on their deliberations. The Commission then discussed the draft resolution.

Comm. Rose made a motion to adopt the 4 page Resolution dated 5-14-20 and approve application #19-11-01.

Comm. Sullivan seconded, motion carried (3-1-1) [Commissioners Bassermann, Sullivan and Rose voting in support of the motion, Commissioner Botta voting against and Commissioner Kraus abstaining.](#)

7. ENFORCEMENT:

- CC#19.09.01 | 76-80 Pent Rd | Clearing Along a Watercourse & Wetland
 - NOV | 76-80 Pent Rd | Clearing of Vegetation and Establishment of Lawn Beyond Permitted Area
- These two items are being discussed together.

IW Agent J. Frederick said this item had been tabled. The property owner had submitted a planting plan. The property owner is present. IW ~~Agent J~~ Agent J. Frederick noted she is not up to date on the history of this enforcement action, it was ongoing for some time before she started in the dept. She briefly reviewed the planting plan that was submitted for the Commission. The property owner, Lisa Muzzi spoke and said the western side of the property plantings are completed. The Eastern side is not yet completed. Her plan is to plant native shrubs 15 feet apart and native flowers in between the shrubs. She noted the work that was done was on the other side of the watercourse.

She stated that she is currently not working and was hopeful the Commission would approve the plan she submitted so she can start on the planting. She said she has the plants already and wants to get started.

The Commission discussed the need for a planting plan.

The property owner said she will work with the Commission and wants to cooperate so she can start as soon as possible.

The Commission had a brief discussion and advised the property owner to review the planting list that she submitted with IW Agent J. Frederick and start planting. The Commission will discuss this further at a future meeting.

The property owner thanked the Commission for their time and will meet with IW Agent J. Frederick.

Comm. Botta requested that photos be taken of the plantings and they be brought to the next meeting along with a better planting plan.

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

IW Agent J. Frederick stated that she received an email from the applicant and she would read it into the record.

It said the property owner's attorney was not able to attend the meeting so he sent the email to J. Frederick. It stated that photos of the area showing that vegetation is beginning to grow through the woodchips in the area in question are attached. He said the landscaper he wanted to hire but was told he could not due to the stop work order at the time told him that nature is taking its natural course and was reclaiming the area. The landscaper also indicated that given the season and warmer weather, by the end of the year the entire wetlands will have filled in with native vegetation. He referred to the photos and asked the Commission to continue the matter and he will allow for staff employees to periodically visit the property to ensure that no further work is being done in the wetlands.

He also noted that he is not challenging the wetland boundaries as set forth by the town records and map and perhaps there is no need for the area to be restaked out or need for a soil scientist or introduce new foreign vegetation to the area. He said with some patience nature will take its course and the native vegetation once again grow throughout the area.

He ended his email saying he is a small business owner and with the COVID virus and the ensuing lockdown it has taken a great financial toll. He asked the Commission to let nature take its course and table or close the matter and if needed, revisit the matter at a later date. Signed, John Grabarz.

Commissioner rose reviewed the history of this item and the reason why the Commission requested a soil scientist be hired. IW Agent J. Frederick then read the letter that was sent to the property owner telling him to halt work, a planting plan is needed as well as a soil scientist.

The Commissioners had a brief discussion and they are requesting that a soil scientist map the wetlands as they previously requested.

IW Agent J. Frederick will send the property owner a letter stating the previous requests are still valid.

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

IW Agent J. Frederick said she is waiting for a planting plan and noted the silt fence is incorrectly installed. She noted there is no official violation order now. She can follow up with the property owner or proceed per the Commission's request. She showed the Commission an aerial photo of the site.

After some Commission's comments, Chair Bassermann requested a NOV (Notice of Violation) be sent for this item.

8. OTHER BUSINESS:

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

IW Agent J. Frederick said per state statute this permit expires per the Planning & Zoning expiration date. The property owner has requested the Planning & Zoning Commission for a time extension as well. We will have to wait to see if the Planning & Zoning Commission grants it. She noted that the approval can't be extended past ten years. She will write a letter to the property owner clarifying this.

9. AGENT APPROVALS:

None.

10. CORRESPONDENCE & ANNOUNCEMENTS:

- Recent water main replacement at 1025-91 West Main Street

IW Agent J. Frederick said she has contacted the RWA and the property owner (Branhaven Plaza). She

explained in December 2019 there was a water main replaced and based on past practice the Commission has taken jurisdiction over that so she has requested an after the effect permit for this activity and she has been in touch with them regarding erosion controls and stabilization of the site. She will have more information at the next meeting.

Chair Bassermann then said some of the comments recently that the Commissioners have raised regarding the process and the authority of the W Commission prompted him to contact DEEP. A representative from DEEP (Darcy Winters) will spend an hour at the next meeting and give a presentation and answer any questions the Commissioners may have. He asked the Commissioners to forward any questions to IW Agent Jaymie Frederick so that we can use the hour with her effectively.

11. ADJOURNMENT:

Commissioner Rose motioned to adjourn the meeting, Commissioner Botta seconded. Motion passed unanimously.

The meeting adjourned at 10:53 pm