



Inland Wetlands and Watercourses Agency
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MINUTES

Inland Wetlands and Watercourses Commission
 Thursday, September 10th, 2020 at 7:00 PM
 This meeting will be held remotely, via ZOOM:

Join via	Meeting ID	Password
Online: https://us02web.zoom.us/j/85082642250	850 8264 2250	211718
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Please note this meeting will be held in accordance with [Executive Order 7B](#) part 1 and all speakers will be required to identify their name and title each time they speak. Materials related to the agenda items can be found on the Agency’s webpage or [here](#).

Please “Raise Hand” if you would like to speak and your line is muted:

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1. **CALL TO ORDER:** The meeting was called to order at 7:01 pm.

2. **ROLL CALL:**

- a. **Clarice Begemann – present**
- b. **Suzanne Botta - present**
- c. **Peter Bassermann - present**
- d. **Eric Rose - present**
- e. **Steven Sullivan - present**
- f. **Richard K. Greenalch - present**
- g. **Sandra Kraus - present**
- h. **Jaymie Frederick – present, Town Staff**

A recommendation was made by IW agent to add two new applications to the agenda. A motion was made by the chair motion to add the first application to the agenda, commission Sullivan seconded – discussion regarding information provided on application? IW agent informed the commission that documents uploaded to the drop box regarding the added applications. Amendment to the motion was made to address all applications for addition, Sullivan seconded. (Yes – 7 no-0, abstained -0).

Request was made to discuss the 41 Brainerd rd request to be addressed until after the P&Z call end if possible. There was a general consensus for the request.

3. **APPROVAL OF MINUTES:**

- a. August 13th, 2020 Regular meeting minutes – **Motion by Com. Rose, seconded by Com. Begemann. Passed Yes- 7 , No-0 , Abstained-0**
- b. September 3rd, 2020 Special meeting minutes – chairman noted a recommended change/edit item 3, fifth bullet on insert “rather” after permits. **Motion by Com. Basseman with the change noted above, seconded by Com. Kraus. Passed Yes- 7 , No-0 , Abstained-0**

4. **APPLICATIONS FOR RECEIPT:**

- a. IW#20.08.06 | 41 Brainerd Rd, lot 3 | construction of single family house – Jim Galagan presented the plot plans from LOT 3 as requested by the commission. There have been no changes to the plan and the plan is to move forward with the subdivision as previously approved. IW agent request that silt fence be used and limits of grading shouldn’t exceed the lot lines. Noted that the deed restriction has added that prohibits any encroachment on the wetlands per the previous. General consensus for administrative approval.
- b. IW#20.08.07 | 41 Brainerd Rd, lot 4 | construction of single family house – Jim Galagan presented an overview of the fourth lot of a development. The plan was approved previously by the commission. Presenter is making a recommendation to move the silt fence away from wetlands flag 9. The developer is willing to make modifications to the drawing only demonstrating the individual lot and resubmit to the commission. The commission is ok with the recommended drawing modification being made, the additional of visual signs to identify the area of disturbance and recommended for administrative approval. General consensus for administrative approval.
Public question - Tricia Anderson – the area for the development above is on a hill and nearby residents are concerned about flooding. The question was asked “what is the price points for these houses going to be?” Co. Botta informed the group that pricing is not a topic allowed to be discussed by the commission according to bylaws.
- c. IW#20.08.08 | 22 Lomartra Lane (lot 5) | construction of single family house Michael Di Gioia presented the request for agent approval – there was a brief presentation on the status of the land preparation. Minor repairs were in progress on the site according the IW agent. Any issues that had been identified previously by the agent were being addressed, there were no reported responses from neighbors regarding sediment. The retention basin was performing as designed and there was no concern about the water appearance. Chairman recommended moving forward to allow time for seeding the land and was comfortable with the administrative approval. General approval was passed unanimously by the commission.
- d. IW#20.09.01 | 99 Todds Hill Rd (lot 7) | construction of single-family house – Jeremy Gannon presented a brief background on the project. There was discussion regarding an additional grass swale added to the site plan, which would bring the project closer to the wetlands. The swale also considered a detention area for water the Commission identified as a concern for residential single family lots. A request was made for an evaluation of the percolation rates for this area. It was explained that this area was designed to capture roof runoff on the property. The commission noted that additional water flow from other areas of the property could potentially

flow in the same direction since there is a depression on the ground of a downward slope. There was a question for the presenter about what type of soils are present in the grass swale area, and the commission requested further clarity on the percolation rate and on the advancement of grass moving closer to the wetlands. There was a discussion regarding similar applications to other lots in the development that used a similar grass swale or depression/retention pond. It was concluded that the commission was not ready to accept the application with administrative approval.

- e. IW# 20.09.02| 99 Todds Hill Rd (lot 14) | construction of single family house
There was a presentation briefly on the layout of the lot 14 which has a similar layout to the previous discussed lot 7. The grass swale in this lot is located at the bottom of the slope in a flat plateau area and the distance to the wetlands is further away measuring roughly 65'. No excavation has happened yet to determine if there is dry or wet soil in the grass swale area, which is recommended by the commission. There was a request by the commission for a maintenance plan that meets the administrative approval. There was a general consensus that the application IW# 20.09.02 is approved for administrative approval with a required maintenance measures and plan.

5. ENFORCEMENT:

- a. NOV | 103 Sunset Hill Drive | Clearing & Filling of a Wetland – there was a recent report done by soil scientist hired by property owner recommending next steps. Scientist recommended two dogwood and two winterberry plants be planted after the removal of woodchips that previously were used to fill the wetland area by former owners. Legal representative for the owner stated that the work, if approved, could be completed within the next three weeks by one of the local Branford landscapers. It was recommended by the commission to move forward with the plan, and monitor any activities happening in the adjacent land or reestablishing on its own. The commission requested to be informed that actions were executed and being monitored.
Action – Move forward with the plan. Spring follow up report providing info on the success of the plants and what is starting to establish and current state, and for the following fall. Passed unanimously by general consensus.
- b. NOV | Thimble Isle (M/B/L: B8/3/9) | Filling and Clearing in the Upland Review Area – Officer summary - asphalt fillings have been removed, seeded the area and now is starting to take. Establish a stone pad at the top of the disturbance. There are fallen trees from the recent storm which are on the Town's open space. Placing fence along the curb and parking area to discourage dumping behind the dumpster and crushed stone to level area for dumpster. The commission was pleased with the progress.
- c. NOV | 20 Huntington Drive | Vegetation removal in upland area
The IW Agent provided the Commission with update on the site – planting plan was to be submitted. There were areas of concern that had started reestablishing this summer which was positive progress. A site visit scheduled for tomorrow to discuss what is under consideration to be removed (tree removal from recent storm damage). Part of the removal plan would include the planting plan.

6. OTHER BUSINESS:

- a. Permit extension request | IW#08-09.05 | 8 Sawmill Rd | construction of single family house - permit can be extended up to 2 more year 2022. Virginia Borgia, owner. **Motion to approve by Rose, seconded by Greenlach. Passed Yes- 7, No-0, Abstained-0**

- b. Request to remove trees damaged in 8/27 storm event from Conservation Restriction area | 14 Lomartra Lane (lot 1) – Michael DiGioia request to remove trees damaged or uprooted on property. The intent is to only remove trees that are laying down or that have been topped off to 10-12” in height from the previous storm. No additional drainage issue would occur because the ground would be not disturbed during the removal process. Recommended by the commission that the downed tree and topped off trees be removed while also considering the leaning trees that have potential to fall. Recommended by the commission that the developer not to go beyond the property line onto the conservation lands and recommended to leave snags and trees alone that are in the conservation lands. Wetlands impacted by the storm; conservation areas impacted by the natural disaster needs to be managed in some ways.

The site needs a sediment and erosion control plan, planting plan, and other measures once the storm debris has been addressed. **Rose made a motion in respect to lot 1, 14 Lomartra and the conservation area, proposed that one, the developer immediately mark the property corners to clearly delineate the conservation easement area on the west side of the retaining wall and that the developer immediately undertake the work required by the existing conservation easement which contemplated removing of soil and erosion control measures installed a long time ago, that we authorize and ask that they begin immediately to do the work, to have their engineer and wetland scientist review what should be done to remove those original erosion controls, to allow developer to remove debris from the storm that inhibits the removal of those erosion control or the engineer’s ability to assess the work that should be done after the removal of those controls, to include the removal of at least the two trees in the photograph, the leaning tree and one of the two and to the extent that there are other naturally occurring snags but might be deemed by the Agent to require removal for safety reasons that should be able to do that in the field and that this work begin immediately and developer’s engineers immediately visit the site to put a plan together that our Agent can approve in the field, motion seconded by Greenlach amended to add that the work be done by hand on the west side of the retaining wall and that the only equipment used other than by hand and chainsaws would be stationed on the east side of the retaining wall reaching over the wall but not entering the conservation area, that would be done manually. Passed Yes- 7, No- 0, Abstained- 0.**

Another motion made by Comm Rose to the conservation easement itself that extends behind lots 1 and 2 on Lomartra Lane, that the work required of that conservation easement across those properties be authorized to proceed and the conditions that we set in our prior motion that was approved be incorporated into this motion, applied in the same way to the limit of the conservation easement that extends behind property #2 and again that all of the work to be done is only within the property lines of the developer and that the work be manually by hand on the west side of the retaining wall and that the only equipment used other than chainsaws would be heavy equipment on the east side of the retaining wall reaching over and the only debris or other vegetation to be removed would be for the purpose of achieving the ends of the conservation easement itself and what’s required by the developer’s engineers and approved by our wetland Agent. Commission Greenlach seconded Passed Yes- 7 , No- 0, Abstained- 0.

- c. Schedule time to continue discussion on regulation revisions and boilerplate conditions/deliberation guidance document(s) – recommendation by chair Basserman to incorporate a special meeting for the discussion for Oct 22, 2020 at 7pm

7. AGENT APPROVALS:

- a. IW#20.06.03 | 14 Lomartra Lane (lot 1) | new single family residence
- b. IW#20.07.02 | 67 Gould Lane (aka Louisa Court/lot 21) | construction of open-space development
- c. IW#20.07.04 | 28 Lomartra Lane (lot 7) | construction of a single family house
All three were reviewed for agent approval.

8. PENDING APPLICATIONS FOR AGENT APPROVAL:

- a. Waiting for clarification on owner authorization/transfer of property
 - i. IW#20.08.01 | 99 Todds Hill Rd, lot 9 | construction of single family house
 - ii. IW#20.08.02 | 99 Todds Hill Rd, lot 12 | construction of single family house
 - iii. IW#20.08.03 | 99 Todds Hill Rd, lot 13 | construction of single family house
 - iv. IW#20.08.04 | 99 Todds Hill Rd, lot 15 | construction of single family house
 - v. IW#20.08.05 | 99 Todds Hill Rd, lot 8 | construction of single family house

9. CORRESPONDENCE & ANNOUNCEMENTS:

- a. Correspondence from Branford resident – presentation regarding use of native plants in town available for Commission to review in meeting materials. IW agent informed the commission that presentation is available for review.
- b. Notice pursuant to §16-50j-40(a) – petition filed with CT Siting Council by Eversource Energy RE modifications to existing wireless communications facility at 272-276 East Main St -notice received regarding the property across from Hornet’s Nest, looking to make modification to antennas and fence. Reached out to the contact person for plan, as of now the plan is in the early stages, no plan yet.
- c. Southwest Conservation District – letter RE request for financial contribution – SWCD has been used in the past as a resource to help reviewing application. In recent years the district was not active, it is recently be restarted and are providing commissions with guidance on applications. It was not budgeted for this year.
- d. Connecticut Invasive Plant Working Group (CIPWG) VIRTUAL Symposium Wednesday Oct. 7th, 2020 – Com. Rose & Basserman would like to participate in the symposium.

- 10. **New Business** - Property on East Main St approved at last meeting– don’t know the ultimate use of the building was going to be. Agent- building was purposed as an office building. It was represented that it was going to be an office building. If the purposed use changes then it should come before the commission again.

11. ADJOURNMENT: Time, Motion by Com. Botta, seconded by Com. Rose. Passed Yes-7 , No-0, Abstained-0

**Respectfully submitted,
Diana McCarthy-Bercury**