



## Inland Wetlands and Watercourses Agency

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### MINUTES

Inland Wetlands and Watercourses Commission  
Thursday, October 8<sup>th</sup>, 2020 at 7:00 PM  
The meeting was held remotely, via ZOOM:

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This meeting was held remotely 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:**

**Acting Chair Suzanna Botta** called the meeting to order at 7:01pm.

2. **ROLL CALL:**

**Commissioners Present:** Suzanne Botta, Clarice Begemann, Steve Sullivan, Sandra Kraus, and Richard Greenalch

**Commissioners Absent:** Peter Bassermann and Eric Rose

**Staff Present:** Jaymie Frederick – IW Agent, Abby York – IW Associate

3. **APPROVAL OF MINUTES:**

- a. September 10<sup>th</sup>, 2020 Regular Meeting minutes

**Comm. Greenalch made a motion to approve the minutes for the meeting.**

**Commission Sullivan seconded the motion.**

**After no discussion, motion passed unanimously. (Y-N-A : 5-0-0)**

4. **APPLICATIONS FOR RECEIPT:**

- a. IW#20.10.01 | 65 Dorchester Lane | construction of single family house
- **IW Agent Frederick** noted that she had sent questions to the applicant regarding slope and drainage that needed to be addressed during this meeting.
  - **Roger Nemergut**, the project engineer with Nemergut Consulting and **Jay Gauvin**, the owner, were present. Gauvin gave explanation to commissioners of the location of the project. Nemergut explained the project, including the layout of the proposed project. He noted efforts to minimize wetland area disturbance. Nemergut then addressed the comments relating to the slope, the vegetation for the mitigation plan, and other project details.
  - **Acting Chair Botta** recommended that the applicant provide the Commission with a planting plan as discussed.
  - **IW Agent Frederick** confirmed that the owner is aware that a variance would be required and of few modifications to plan that would be required.
  - **Acting Chair Botta** recommended that the commissioners do a site walk. After a short period of deliberation, the seated commissioners scheduled a site walk with Nemergut and Gauvin for October 15<sup>th</sup> at 5pm.

- b. IW#20.10.02 | 37 Applewood Rd | in-ground pool, pool house, residential addition and associated drainage, grading and landscaping
  - **IW Agent Frederick** reviewed application details with commissioners. She recommended the Commission and applicant discuss the tree that fell into a wetland and its removal. **IW Agent Frederick** shared her screen of the application details, including maps and other relevant material.
  - **Matthew Popp**, landscape architect and professional wetland scientist for Environmental Land Solutions in Norwalk. Popp oriented the commissioners to the general location of the site and provided information about the property, including the general landscaping and the wetland areas. He noted that site plans for building and drainage were prepared by Redniss & Mead, while he had prepared the wetland mitigation plans. Popp explained the positioning of the pool, addition, and pool house in relation to the wetland. He also reviewed the alternative plans for the site. He then fielded questions from the commissioners.
  - **Acting Chair Botta** proposed this be included in the October 15<sup>th</sup> site walk. All seated commissioners agreed to the site walk addition, and requested application material be made available to them.
  
- c. IW#20.10.03 | 287 East Main St (aka River Walk) | modification and repair of the approved spillways and additional activities that may exceed standard maintenance
  - **IW Agent Frederick** introduced the application and explained that the River Walk Homeowner's Association took over full maintenance of the property from the developers, after a transition of ownership. **IW Agent Frederick** briefly explained the area of the proposed projects to the commissioners.
  - **Rob Sonnichsen**, a registered professional engineer with Waldo and Associates, was speaking on behalf of the applicant. Sonnichsen gave background of project, noting that the original approval for the water quality basin construction was in 2004. He also referenced a report he wrote in February and the maintenance recommendations given to River Walk. He discussed repairs and modifications to drainage areas and basins, including removing dead vegetation, installing rip rap (to replace an erosion control map), and clearing overgrown outflow areas to re-establish the wetland water course.
  - **Sonnichsen** requested a fee reduction, which was then discussed.
  - **Comm. Greenalch made a motion to approve the reduction of the fee to \$500 because in dealing with the Homeowners Association, they are not the people that were responsible for any delay in maintenance**  
**After brief discussion, Comm. Greenalch withdrew his motion.**
  - Commission discussed rationale for fee reduction and 19.7 of the regulations was read for consideration. **IW Agent Frederick** clarified the requested fee reduction was for \$500, so the reduced fee would be \$460 if granted.
  - **Comm. Greenalch made the motion to approve the reduction of the fee to \$465 based upon the section of the regulations read by IW Agent Frederick [19.7a].**  
**Comm. Sullivan seconded the motion.**  
**Acting Chair Botta amended that the fee reduction is for \$460 and the regulation is 19.7a and added 19.7b.**

**Comm. Greenalch and Comm. Sullivan accepted the amendment.  
The motion carried unanimously. (Y-N-A : 5-0-0)**

- Commissioners discussed adding the River Walk site to the site walk. Provided that daylight allows, this site would be tentatively added to the site walk agenda.

**5. APPLICATIONS FOR REVIEW:**

- a. IW#20.09.01 | 99 Todds Hill Rd, lot 7 | construction of single family house
  - **IW Agent Frederick** introduced the application and noted that the application had been received at the last meeting (9/10/2020), but commissioners requested a further discussion of this application.
  - **Jim Pretti**, engineer from Criscuolo Engineering, was representing the applicant. Since last meeting, percolation tests were completed, and Pretti made a recommendation to switch from a grass swale to a rain garden.
  - Commissioners commented on plan and asked Pretti questions regarding effectiveness and plant choice for the rain garden.
  - Commissioners decided that this would be an agent approval, provided the applicant does not plant invasive species and they are given access to relevant planting information (UConn invasive species list or the CT raingarden tool).
- b. Pending Agent review per Commission discussion at September 10<sup>th</sup>, 2020 meeting
  - i. IW#20.08.06 | 41 Brainerd Rd, lot 3 | construction of single family house
  - ii. IW#20.08.07 | 41 Brainerd Rd, lot 4 | construction of single family house
  - iii. IW#20.09.02 | 99 Todds Hill Rd, lot 14 | construction of single family house
  - **IW Agent Frederick** confirmed that the three items above were received at the last Commission meeting (9/10/2020), but are still pending agent approval, as additional information is needed from applicant. No commissioner questions.

**6. ENFORCEMENT:**

- a. 76-80 Pent Rd, to be discussed jointly:
  - i. CC#19.09.01 | 76-80 Pent Rd | Clearing Along a Watercourse & Wetland
  - ii. NOV | 76-80 Pent Rd | Clearing of Vegetation and Establishment of Lawn Beyond Permitted Area
  - **IW Agent Frederick** gave an overview of the project and discussed a site visit (September 2020) where she saw the new plantings and the progress of the area.
  - Presented photos taken from that visit to update commissioners. Photos included location of silt fence, new plantings (flagged by owner), progress on the ground stability near intermittent stream, and the surrounding area.
  - No commissioner questions or concerns for **IW Agent Frederick** or the property owner. Per previous commissioner discussion, a follow-up will be conducted in June 2021 for further updates.

**7. OTHER BUSINESS:**

- a. Permit modification request | IW#19.10.01 | 21 Summit Place | multi-story building with community center and parking
  - **IW Agent Frederick** discussed background of application, including that the project was approved in December 2019, following a public hearing. She noted that all requested modifications are outside of the upland review area.

- **Steve Dietzko**, a professional engineer at Milone & MacBroom explained the details of the modification, noting that the minor changes made would not result in a change to the amount of runoff and they would be lower maintenance.
- **IW Agent Frederick** and Dietzko interpreted the plan for the commissioners. Commissioners then questioned Dietzko, in relation to the plan for plantings and effectiveness of the rip rap.
- **Comm. Greenalch made the motion that we approve the modification to the plantings as of now described on the plan dated Sept. 18 2020 – that we approve that modification.**

**Comm. Begemann seconded the motion.**

**The motion carried unanimously. (Y-N-A : 5-0-0)**

- b. Permit extension request | IW#08.06.02 | 26 Cherry Hill Rd | eight unit multi-unit housing and one single family lot

- **IW Agent Frederick** informed the commissioners that there has been a request for a three year extension. She noted the permit cannot exceed 14 years, so the maximum extension would be until October 9, 2022. There are no changes to the plans, and no enforcement actions or changes of circumstances have taken place for Commission consideration.

- **Comm. Greenalch made the motion to extend the permit IW#08.06.02 26 Cherry Hill Road to October 7, 2022.**

**Comm. Sullivan seconded the motion.**

**Following discussion, Acting Chair Botta offered the amendment that the extension date be changed to October 9, 2022.**

**Comm. Greenalch and Comm. Sullivan accepted the amendment.**

**No further discussion took place. Motion passed. (Y-N-A : 4-0-1)**

**Comm. Kraus abstained.**

- c. Review 2021 Meeting Schedule and determine whether to increase Regularly Scheduled meetings to twice a month

- **IW Agent Frederick** presented the commissioners with two draft schedules for differing meeting frequency for potential meetings in 2021. Commissioners discussed the benefits and downfalls of having meetings with increased regularity.

- **Comm. Greenalch made the motion that the Commission meetings will be on the second Thursday of each month, as what is set forth in what's on the screen [draft meeting schedule presented by IW Agent Frederick] – just an enumeration of the actual dates of each month that is the second Thursday.**

**Comm. Kraus seconded the motion.**

- Commissioner discussion ensued to discuss potential holiday conflicts.

- **Comm. Greenalch proposed an amendment to the motion that the Commission meetings would take place on the second Thursday of every month with the exception of November 11<sup>th</sup>, would be changed to November 4<sup>th</sup> [1<sup>st</sup> Thursday in November], that would be the clarification of his motion.**

**Comm. Kraus accepted the amendment.  
No further discussion. Motion carries unanimously. (Y-N-A : 5-0-0)**

- d. Reminder of special meeting to continue discussion on regulation revisions and boilerplate conditions/deliberation guidance document(s) on October 22<sup>nd</sup>, 2020 at 7pm, meeting will be remote
  - o **IW Agent Frederick** gave the reminder about the upcoming, remote meeting.

**8. AGENT APPROVALS:**

- a. IW#20.08.08 | 24 Lomartra Lane (lot 5) | construction of single family house
- b. IW#20.08.01 | 99 Todds Hill Rd, lot 9 | construction of single family house
- c. IW#20.08.04 | 99 Todds Hill Rd, lot 15 | construction of single family house
- d. IW#20.08.05 | 99 Todds Hill Rd, lot 8 | construction of single family house
- e. IW#20.08.02 | 99 Todds Hill Rd, lot 12 | construction of single family house
- f. IW#20.08.03 | 99 Todds Hill Rd, lot 13 | construction of single family house
  - o **IW Agent Frederick** noted that all applications above were decided by the commissioners to be agent approval and that all approvals have been issued.

**9. CORRESPONDENCE & ANNOUNCEMENTS:**

- a. Society of Soil Scientists of Southern New England – Registry of Soil Scientists online only this year – notice provided for posting with QR code
  - o **IW Agent Frederick** noted there is no printed copy this year, but people can visit their website using the QR code on the door of the IW office.
- b. Executive Order 7B extended to Nov. 9<sup>th</sup> per Executive Order 9A
  - o **IW Agent Frederick** gave the reminder that Executive Order 7B allows for remote meetings, and the current extension is only until November 9. Updates on November meeting locations and precautions for any in-person meeting will be provided as available.

**10. ADJOURNMENT:**

**Comm. Greenalch made a motion to adjourn meeting at 9:32 pm.  
Comm. Begemann seconded the motion.  
Motion carried unanimously (Y-N-A : 5-0-0).**

**Respectfully submitted,**

**Abby York  
Inland Wetlands Associate**