



Inland Wetlands and Watercourses Agency

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Meeting Minutes

Thursday, November 12th, 2020 at 7:00 PM
Inland Wetlands and Watercourses Commission

This meeting was held remotely via ZOOM in accordance with Executive Order 7B part 1 and all speakers were required to identify their name and title each time they spoke.

CALL TO ORDER:

Chairman Peter Bassermann called the meeting to order at 7:02pm.

ROLL CALL:

Commissioners Present: Chairman Peter Bassermann, Sandra Kraus, Clarice Begemann, Suzanne Botta, Steven Sullivan, Richard Greenalch

Commissioners Absent: Eric Rose

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

Commissioner Greenalch joined at 7:04pm

Chairman Bassermann asked if there were changes to the agenda. **IW Agent Frederick** noted two items under “Applications for Review” (d & e) can be moved to “Agent Approvals” and that the CACIWC virtual conference should be added to “Correspondence and Announcements”.

Comm. Botta made a motion to make the changes recommended by staff to the agenda.

Comm. Sullivan seconded the motion.

The motion carried unanimously. (Y-N-A : 6-0-0)

1. APPROVAL OF MINUTES:

a. October 8th, 2020 Regular Meeting minutes

- o **Chairman Bassermann** pointed out a typo under “Applications for Receipt,” section a., 4th bullet, where “a” should replace “of”. **IW Associate York** noted the change.

Comm. Greenalch made a motion to approve the minutes of the October 8th meeting.

Comm. Botta seconded the motion.

Comm. Greenalch modified the motion to include the changes.

Comm. Botta accepted the modification.

The motion carried unanimously. (Y-N-A : 6-0-0)

b. October 15th, 2020 Special Meeting Site Walk minutes

Comm. Kraus made a motion to accept the meeting minutes for the site walk that covered the three sites that we visited.

Comm. Sullivan seconded the motion.

The motion carried. (Y-N-A : 5-0-1) Botta abstained.

- c. October 22nd, 2020 Special Meeting minutes
 - **IW Agent Frederick** noted that **Comm. Kraus** was listed as present and absent when she was in fact absent and recommended a change be made.

Comm. Greenalch made a motion that we approve the special meeting minutes of October 22nd with amendment from staff.

Comm. Botta seconded the motion.

The motion carried. (Y-N-A : 5-0-1) Kraus abstained.

- d. October 29th, 2020 Special Meeting minutes

Comm. Sullivan made a motion to accept the minutes for October 29th special meeting.

Comm. Botta seconded the motion.

The motion carried. (Y-N-A : 4-0-2) Comm. Greenalch and Kraus abstained.

2. APPLICATIONS FOR RECEIPT:

- a. IW#20.11.01 | 46 Parish Farm Road | construction of detached garage and associated grading with relocation of existing shed
 - **Chairman Bassermann** asked **IW Agent Frederick** if she had information to share. **IW Agent Frederick** noted the location of the wetland relative to the activity.
 - **Marc and Robin Reed**, the applicants, were present to explain the scope of the project, the construction of a 30x30 garage and relocation of a tool shed.
 - **IW Agent Frederick** noted that the applicant has an application in with Planning and Zoning and that they expressed an interest in an administrative approval from IW.
 - **Comm. Botta** requested clarification on the limit of disturbance, the wetland boundary, and other items on the site plans. **IW Agent Frederick** shared photos of the property.
 - **Marc Reed** noted that the relocated shed will sit on gravel. **Reed** stated that the shed won't store lawn mowers or anything that could leak into and contaminate the wetland.
 - **Comm. Kraus** questioned the plumbing for the apartment and **Marc Reed** noted that the apartment will be in the existing house, so no new plumbing will be needed.
 - **Comm. Botta** recommended moving the shed or turning it 180 degrees to move it further from the wetland. **Marc and Robin Reed** said they would be willing to rethink the location of the shed, if it's what the Commission wanted.
 - **Chairman Bassermann** asked if there was any pooling of water, and the applicants confirmed there were no areas of pooling. **Comm. Greenalch** noted that the soils in the report are well-draining soils.
 - **Comm. Greenalch** stated he believes this would be okay for an agent approval. There was a general consensus among the Commissioners.
- b. IW#20.11.02 | 30 Lomartra Lane (lot 8) | Construction of a new single family home
 - **Chairman Bassermann** requested that **IW Agent Frederick** share the application materials on the screen. **IW Agent Frederick** noted that lot 8 is outside of the 100ft Upland Review Area. **IW Agent Frederick** also noted the spillway that exists on the backside of this property. The history of the spillway was discussed.
 - **Chairman Bassermann** asked if staff recommends administrative approval. **IW Agent Frederick** stated that she would be comfortable with that after minor E&S revisions, as long as the Commission was. There was no further discussion, and a general consensus was reached to make this application an administrative approval.

- c. IW#20.11.03 | 65 Gould Lane (lot 20) | Construction of a new single family home
 - **IW Agent Frederick** used the site plan to orient the Commissioners to the lot, and noted the relative location to the wetland. **IW Agent Frederick** requested minor E&S revisions, such as extending the anti-tracking pad to the full 50 feet.
 - After some questioning, **Chairman Bassermann** asked the Commission if they were comfortable with an agent approval. A general consensus was reached to make this application an administrative approval.

3. APPLICATIONS FOR REVIEW:

- a. IW#20.10.01 | 65 Dorchester Lane | construction of single family house
 - **IW Agent Frederick** shared the site plan on the screen.
 - **Jay Gauvin** (owner), **Matt Davison** (soil scientist and professional wetland scientist), and **Jason Nemergut** (Site Engineer, Nemergut Consulting) were present. **Nemergut** noted the changes to the plan, such as the slope, changes to the retaining wall, the 15-foot access way, and the planting plan.
 - **Matt Davison** spoke about the wetland mitigation plan noting where the areas are located on the plans. **Davison** recommended two years for monitoring planting success.
 - **Chairman Bassermann** asked about the stockpile on site. **Nemergut** stated that it is temporary and that the topsoil is from the site.
 - The issue of runoff was brought up. **Nemergut** noted the large pond that most of the runoff would go into. **Comm. Greenalch** stated that the water coming off the roof goes directly into the lawn, so there likely won't be much of a change in the runoff.
 - **IW Agent Fredrick** asked if the Commission would like to see the staff report, including potential conditions for approval. The conditions were discussed, including if a bond should be required. **Comm. Botta** noted that a bond may be necessary for this application and that the monitoring period should be the full five years.

Comm. Greenalch made a motion that we approve application IW#20.10.01 at 65 Dorchester lane, construction of a single family home, in accordance with the plans submitted, and including the conditions that were submitted by staff, and that a bond would be required and I believe that would be determined by Jaymie [IW Agent], based upon amount of plantings that we're talking about, the value of them.

Comm. Kraus seconded the motion.

Comm. Botta amended the motion to include the conditions in the document entitled 65 Dorchester Lane Staff Report under possible conditions for considerations.

Comm. Greenalch amended the motion to make the review period of the monitoring of the mitigation planting area to be five years instead of two

Comm. Kraus accepted the amendments.

The motion carried unanimously. (Y-N-A : 6-0-0)

- b. IW#20.10.02 | 37 Applewood Rd | inground pool, pool house, residential addition and associated drainage, grading and landscaping
 - **Matt Popp** (Landscape architect/professional wetland scientists, Environmental Land Solutions) gave an overview of the site, noting the mitigation plan he had prepared.
 - **Comm. Greenalch** asked how the fallen tree in the wetland would be removed. **Matt Popp** stated that it would be removed manually and that any disturbed areas would be seeded. **IW Agent Frederick** stated that the applicant was not charged for activity

within a wetland, since it was a temporary activity, would be minimal disturbance, and historically, that is what the Commission has done. The Commission agreed.

- **IW Agent Frederick** shared the staff report prepared for this application.
- **Chairman Bassermann** noted that there needs to be clear parameters for monitoring and asked if a five year monitoring plan is appropriate. **Popp** said that after the first two years, the trees should survive, so he was hoping for a two year monitoring period.

Commissioner Botta left at 8:37pm

- **Comm. Greenalch** stated two years would be suitable. There was a general consensus.

Comm. Greenalch made a motion to approve IW#20.10.02, 37 Applewood Road for construction of an inground pool, pool house, residential addition, and associated drainage, grading, and landscaping per the plans submitted and including the conditions set forth by the wetlands agent and that the requirement be for two years. I don't have any reason to require a bond, so I'm going to leave that out of the motion.

Comm. Sullivan seconded the motion.

IW Agent Frederick requested confirmation that “conditions by staff” refers to the staff report for 37 Applewood Road and that per condition #2 the time period would be 2 years and a bond would not be required. **Comm. Greenalch** confirmed that was the intention of the motion.

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

- 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** noted that per her request, the applicant provided supplemental information about vegetation removal, which was then shared on the screen.
 - **Rob Sonnichsen** was present to speak for the applicant. **Sonnichsen** discussed the areas of disturbance for basins 7 + 8. **Sonnichsen** noted that any disturbed areas that don't have rip-rap will be seeded and that herbicides will not be applied at this stage.
 - **Rob Sonnichsen** also reminded the Commission of the long-term scope of this project, noting similar repairs to other basins and stating that an annual report will be done.
 - **Chairman Bassermann** questioned how the spillway will be maintained after the invasive plants have been removed. The diagram of the basin was shared on the screen while **Sonnichsen** shared details on how the spillway will be maintained.
 - **Chairman Bassermann** asked **IW Agent Frederick** if potential conditions were prepared for this application, which were then shared. There was no discussion.

Comm. Greenalch made a motion that we approve IW#20.10.03 for 287 East Main Street known as River Walk for the modifications and repair to the approved spillways and additional activities that may exceed the standard maintenance and that the conditions as set forth by staff be included as a condition of approval.

Comm. Kraus seconded the motion

IW Agent Frederick clarified that “conditions set forth by staff” are the conditions in the staff report for 287 East Main Street revised 11/12/2020. **Comm. Greenalch** confirmed.

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

4. OTHER BUSINESS:

- a. IW#20.07.01 | 434 East Main St | construction of office building & associate site improvements
 - **IW Agent Frederick** introduced the bond request and noted that the applicant is present to speak and answer questions. It was also noted that clarification was gained from Town Council for what can be accepted as surety. The estimates were then shared.
 - **Vincent Giordano Jr.** (applicant, Giordano Construction) addressed the discrepancies in their estimates compared to the town's, noting that they were 20% off for some of the items. **Giordano** then shared the rates they were given for each item.
 - **Vincent Giordano Jr.** shared the history of the project, noting that they've maintained the stockpile to prevent erosion. **Giordano** requested that the bond be reduced and that the percentage that can be in surety be increased above the 50% per IW regulations.
 - **Comm. Greenalch** asked **IW Agent Frederick** if Planning & Zoning requires a bond and if the two bonds would cover the same things.
 - **Chairman Bassermann** noted that per the IW Regulations, there is no flexibility for surety. **IW Agent Frederick** shared the language that supports this.
 - **IW Agent Frederick** explained IW practice in getting the estimates came from the Engineering Department, and that the prices the applicant can get is not indicative of the prices the Commission would be able to get in order to complete to job.
 - **Vincent Giordano Jr.** stated that he believes that the instances under which the Commission should consider a bond should only be for emergency situations.
 - **IW Agent Frederick** stated that if the Commission were to adjust the town minimum for this project, it may be difficult to uniformly assess other projects moving forward.
 - **Chairman Bassermann** suggested that the bond be reduced by \$5,000.

Comm. Greenalch made a motion that we set the bond amount to \$45,500 and that the applicant is allowed to provide 50% of that amount in a surety bond since we obviously can't change our regulations and allow any more than that in a surety bond; we don't have the power to do it.

Comm. Sullivan seconded the motion.

Comm. Greenalch amended the motion that the bond be set to \$45,000 even.

Chairman Bassermann stated his support.

The motion carried. (Y-N-A : 4-0-1) Comm. Begemann abstained.

- **Vincent Giordano Jr.** asked that in the future, the commission consider modifying the regulations to accept a letter of credit, especially for bigger projects. **Chairman Bassermann** acknowledged the comments.
- b. IW#19.11.02 | 1151 West Main St | Construction of bank and grocery store
 - **John Knuff** (Attorney, Hurwitz Sagarin Slossberg & Knuff), **John Schmitz** (engineer, BL Companies), and **Vincent Giordano III** (applicant, Giordano Construction). **Knuff** stated they would like to determine the bond amount and modify condition #6 of the permit, considering the seasonal restrictions.
 - **IW Agent Frederick** introduced the bond request and plans provided by the applicant. **Vincent Giordano III** shared some details of the plan including where the discrepancies in the estimates came up.
 - **IW Agent Frederick** noted that given the timing of the submission of the bond request, clarity was not gained prior to the meeting, but a new estimate can likely be given.

- Frederick** stated there are other discrepancies in the estimates, and if the Commission were to revert to the applicant's estimate, the cost would be greatly reduced.
- **Vincent Giordano III** said that he believes the silt fence shouldn't be 100% bonded for because it is the first step in the process and will never have to get fully reinstalled.
 - **Comm. Kraus** stated that there needs to be consistency when determining bond estimates and asked if a precedent had already been set. **Chairman Bassermann** agreed and noted that that the Commission should wait for the estimate revisions from the engineering department before any decisions are made.
 - **John Knuff** stated that per IW regulations and their permit, **IW Agent Frederick** can set the bond, and asked the Commission to consider allow her to do so. The language was reviewed. The Commission confirmed that **IW Agent Frederick** would be able to grant the bond approval. **Frederick** stated that any reduction the applicant requests beyond the town minimums would need to be brought back to the Commission. **Vincent Giordano III** stated he would accept the town's revised estimates.

Comm. Greenalch made a motion that we approve the submission of a surety bond for 50% of whatever amount is determined by Jaymie [IW Agent] and set an amount.

Comm. Sullivan seconded the motion.

Clarification was made that bond amount is to be set by **IW Agent Frederick**, per discussion.

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

- **IW Agent Frederick** introduced the proposed modification to condition 6, noting that the request is due to the season and that they would be doing the direct wetland impacts in the winter months, when the wetlands would likely be in a drier state.
- **John Knuff** noted that the proposed modification says the planting shall take place when seasonably appropriate.

Comm. Greenalch made a motion that the section 6 or provision 6 of the conditions of approval [IW#19.11.02] regarding the phasing of the development plans, that the provision for mitigation does not need to occur prior to wetland impact, but should be completed as soon as practical, based on the weather conditions.

Comm. Begemann seconded the motion.

Chairman Bassermann modified the motion to state "seasonably appropriate" for the proper planting time.

Comm. Greenalch and Comm. Begemann accepted the amendment.

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

- c. Regulation fee subcommittee – last call for members
 - **Chairman Bassermann** asked if there were any additional members that wanted to commit to the subcommittee. No other Commissioners volunteered.
 - **Comm. Begemann** questioned if the bonds would also be under these revisions, to which **Chairman Bassermann** stated that would likely be for a later date.
 - **IW Agent Frederick** stated that per executive orders, a remote option would still need to be offered for an in person meeting. It was recommended that the meetings for the subcommittee occur remotely, especially given rising cases of COVID-19.

5. ENFORCEMENT:

- a. CC#20.10.01 | 69 Chestnut Street | clearing and earth disturbance without a permit to conduct regulated activity
 - **Mike Bennett** (Surveyor, Bennett & Smilas) was present at the meeting. **Bennett** stated that the planting plan creates a shrub border between the lawn and wetland area. New England erosion control mixture was recommended for the wetland areas seeded as lawn. In reference to the disturbed area outside of the lawn, it was recommended that any unnatural materials be removed by hand and disposed in the dumpster on site.
 - **Bennett** pointed out a proposed change to the roof drain, which will discharge into a trench so as to prevent any erosion from the back corner of the house.
 - **IW Agent Frederick** mentioned that a dwarf highbush blueberry should not be used in place of the highbush blueberry, so as to create a border that will fully prevent any activity from expanding into the wetland.
 - **IW Agent Frederick** noted that the Commission may want to review the modifications to the stormwater drainage system to see if a permit is necessary. A discussion ensued and Commissioners came to a general consensus that this would be included as part of the corrective actions in the Enforcement Order. **Bennett** confirmed that the proposed activity has not yet occurred and explained the erosion control measures that will be put in place.
 - **IW Agent Frederick** shared photos of the site to show the difference between the current state of the site and the previous state of the site, noting that there has always been some extent of the backyard as being maintained as lawn.

Comm. Greenalch made the motion that regarding the enforcement of the correction at 69 Chestnut Street, that the submitted plan is approved as part of that correction and that the conditions set forth in letter of October 30th 2020 be included as part of such approval.

Begemann seconded the motion.

Comm. Greenalch amended that the plan dated March 3, 2020, as modified #3 on the date of 11/03/2020 be the plan we're referring to in the motion.

Begemann agreed to the amendment.

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

6. AGENT APPROVALS:

- a. BRIW#20.10.01 | Jeffrey Lane | repairing drainage area and removing vegetation
 - **IW Agent Frederick** introduced the town project based off of a resident complaint, noting a drainage area in need of repair and vegetation that needs to be removed.
- b. IW#20.09.01 | 99 Todds Hill Rd, lot 7 | construction of single family house
 - **IW Agent Frederick** stated this was approved based on commission discussion.
- c. IW#20.09.02 | 99 Todds Hill Rd, lot 14 | construction of single family house
 - **IW Agent Frederick** stated this was approved based on commission discussion.
- d. IW#20.08.06 | 41 Brainerd Rd, lot 3 | construction of single family house (Previously listed under Applications for Review)
 - **IW Agent Frederick** said the agent approval was issued on 11/12/2020.
- e. IW#20.08.07 | 41 Brainerd Rd, lot 4 | construction of single family house (Previously listed under Applications for Review)
 - **IW Agent Frederick** said the agent approval was issued on 11/12/2020.

7. CORRESPONDENCE & ANNOUNCEMENTS:

- a. Annual Report submitted to Town Clerk
 - o **IW Agent Frederick** noted the annual report for the IW Commission is in the Dropbox.
- b. Executive Order 9H – Remote Participation in Municipal Meetings – provides for the continuance of remote meetings and hybrid in person and remote meetings
 - o **IW Agent Frederick** stated that if the Commission chooses to go to an in-person meeting setting, a remote option would still need to be offered.
- c. CACIWC Annual Meeting
 - o **IW Agent Frederick** noted that the virtual conference date is December 5th and Commissioners should inform staff if they wish to attend.

ADJOURNMENT:

Comm. Greenalch made a motion to adjourn the meeting.

Comm. Sullivan seconded the motion.

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

The meeting was adjourned at 10:38pm.

Respectfully submitted,

**Abby York
Inland Wetland Associate**