



Inland Wetlands and Watercourses Agency

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Regular Meeting Minutes

Inland Wetlands and Watercourses Commission
Thursday, December 10th, 2020 at 7:00 PM via ZOOM:

CALL TO ORDER:

Chairman Bassermann called the meeting to order at 6:59pm and reminded participants to identify themselves each time they speak.

ATTENDANCE:

Commissioners Present: Chairman Peter Basserman, Richard Greenalch, Clarice Begemann, Eric Rose, Suzanne Botta, and Steven Sullivan

Commissioners Absent: Sandra Kraus

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

1. APPROVAL OF MINUTES:

- a. November 12th, 2020 Regular Meeting minutes

Comm. Greenalch made a motion to approve minutes from the November 12th meeting. Comm. Sullivan seconded the motion.

The motion carried. (Y-N-A : 4-0-2) Comm. Rose (due to absence) and Botta abstained.

2. APPLICATIONS FOR RECEIPT:

- a. IW#20.11.04 | 312 East Main St | Building a playground adjacent to existing building
 - o **IW Agent Frederick** discussed the application, including the location of site and the proposed plan. She pointed out an area of concern in the drainage plan to the Commissioners. She then shared photos from a site visit on 11/30/2020.
 - o **Chairman Bassermann** asked a few questions, which **Tom Edwards** (architect, Nelson Edwards Company Architects, LLC) answered on behalf of the applicant.
 - o **Edwards** noted a proposed change in the drainage perpendicular under the playground area to ensure that the flow of water remains similar to the way it is now.
 - o **Comm. Botta** noted that she would not want the time of concentration to increase, as it discharges right into the wetlands. **Comm. Botta** then stated that it is likely that a new plan will need to be seen. **Comm. Rose** noted that even though the building is preexisting, the Commission should not overlook the fact that this likely would not have been approved, and a more current solution may be needed.
 - o **Chairman Bassermann** reiterated that the Commission needs to see a new plan and additional materials before they can process it. **Chairman Bassermann** stated that he doesn't believe this would be ready for Agent Approval; **Comm. Greenalch** agreed.
 - o **Comm. Botta** advised that the applicant look to the future in terms of their plans for the site so that there will be no need to retrofit the original plans that get approved with the application. **Comm. Botta** then spoke to her previous comment about increase speed of the water and concentration, per request of **Chairman Bassermann**.

- b. IW#20.12.01 | 8 Sawmill Road | Construction of a single family home
- **Chuck Mandel** (representative for the applicant) asked **IW Agent Frederick** to share the letter sent to the Commission on 12/10/2020. **Frederick** read the letter, in which the applicant requested that the permit be considered for administrative approval, based on the previous approvals for this site and the reduced impact the new plans will have.
 - **IW Agent Frederick** then shared the approved plans from IW#08.09.05 dated 09/24/08. **Mandel** noted the changes that were made in relation to the plans for IW#20.12.01 dated 12/03/2020. The plans were then reviewed.
 - **Chairman Bassermann** asked what the full scale of disturbance would be, to which **Mandel** responded, and again, noted the differences between the two plans.
 - **IW Agent Frederick** shared the language that allows for an administrative approval.
 - **Comm. Greenalch** questioned if this would be to amend the current permit or if it were a new application. **IW Agent Frederick** confirmed it was the latter. **Mandel** noted that if an amendment is possible, he would prefer to do that to speed the process along.
 - **Comm. Rose** noted that there is very little grading and topography on the plan dated 12/03/2020, than on the plans dated 09/24/08. **Comm. Rose** stated that the differences in the formats make the plans difficult to interpret. The plans were further reviewed.
 - **Comm. Botta** noted that if this were a modification instead of a new application, it is the Commission's past practice to grant this as an administrative approval. **Bassermann** stated that with the reduced impact and the time restriction for IW#08.09.05, this would be appropriate for an administrative approval.
 - **IW Agent Frederick** shared the conditions from IW#08.09.05 for Commission consideration in approving the modification, noting two clarifications that can be made.
 - **Comm. Botta** asked how to change from a new application to a modification. **Botta** noted that we should consider providing clarity for these instances in our regulations.
 - **Comm. Rose** questioned if the language in the letter dated 12/10/2020 would allow for a modification, since it makes no mention of IW#20.12.01.

Comm. Greenalch made a motion to add a new item to the agenda to cover the modification to the existing permit for 8 Sawmill Road.

Comm. Begemann seconded the motion.

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

3. OTHER BUSINESS:

- a. IW#08.09.05 | 8 Sawmill Road | modification of plans for the existing permit
- Chairman Bassermann reminded the Commission of the two items that needed to be addressed in the motion, regarding the bond and the deed restriction.

Comm. Greenalch made a motion to approve as a modification of 8 Sawmill Road of the existing permit by modifying it and the drawing prepared by Thomas A. Stevens and Associates dated 12/3/2020 that we see up on the screen, and that we require a bond for the landscaping which can be set by the IW Agent Frederick when the landscape estimate is presented, and that we should make sure that the area of the deed restriction is clearly identified on the plan and on the site as a condition of approval.

Comm. Botta seconded the motion.

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

4. APPLICATIONS FOR REVIEW:

- a. Applications reviewed at November 12th, 2020 meeting that were okayed for review/approval by the Inland Wetland Agent waiting on revised materials:
 - i. IW#20.11.01 | 46 Parish Farm Road | construction of detached garage and associated grading with relocation of existing shed
 - o **IW Agent Frederick** noted that while a revised shed location was received, after discussion with Planning & Zoning, there may be additional revisions, which may require more updated materials, so she will be waiting until then.
 - ii. IW#20.11.02 | 30 Lomartra Lane (lot 8) | Construction of a new single family home
 - iii. IW#20.11.03 | 65 Gould Lane (lot 20) | Construction of a new single family home
 - o **IW Agent Frederick** noted that although she hasn't yet reviewed the revised plans received on 12/09/2020, she noted that she likely has what she needs in order to issue the approvals for both IW#20.11.02 and IW#20.11.03.

5. ENFORCEMENT:

- a. CC#20.12.01 | 41 Brainerd Rd | clearing prior to pre-construction meeting and clearing beyond approved limits of disturbance per Inland Wetland permits
 - o **IW Agent Frederick** introduced the Cease & Correct order and shared the site plan for the subdivision and lots 3 & 4 and the photos taken after the clearing occurred.
 - o **Jim Galligan** (Nafis & Young) explained why the clearing had taken place, stating that the clearing occurred during the removal of garbage on the site. **Galligan** also requested that the Commission provide him with direction on how the site can be cleared of garbage and invasive vegetation. **Galligan** then pointed out some areas on the photos where there are still items that need to be removed, per **Comm. Rose's** request.
 - o **IW Agent Frederick** shared with the Commission the Cease & Correct order that was issued, noting repairs that still need to be made, as well as a planting plan that needs to be created. **Chairman Bassermann** asked **Jim Galligan** if the conditions of the Cease & Correct order are acceptable. **Galligan** confirmed that they are.
 - o **Comm. Rose** recalled that the applicant stated they would clear and grade each lot as they were ready to build, not all at once. **IW Agent Frederick** noted that there may have been verbal representation of what **Comm. Rose** recalled. **Phil Bilides** (Statewide Development, LLC.) assured that all foundations will be put in immediately.
 - o **IW Agent Frederick** noted that although there wasn't a pre-construction meeting to discuss clearing, the limits have since been staked out. **Frederick** noted that the meeting to discuss erosion controls on site should be taking place soon.
 - o **Comm. Rose** asked if the clearing and grading needs to be done all at once, noting that there are circumstances that may interfere with their plan. **Bilides** confirmed that they wouldn't grub lots 1 & 2 until they reach that point in the construction process.
 - o **Comm. Rose** questioned that if the planting plan were a modification to the permit, a bond could be applied. **Comm. Botta** noted that the enforcement mechanism would then be lost. **Rose** clarified that the Cease & Correct order would remain in place until requirements were complied with.
 - o **Comm. Botta** said that the minutes from this discussion should be paired with the permit, so that if it is needed to be referenced, there is a written record.
 - o **Chairman Bassermann** questioned how extensive the planting plan is going to be. **Frederick** noted that guidance was not provided, but she recommended that the soil scientist attend the January 14th meeting to answer questions. **Comm. Botta** noted that this may be an opportunity to make the area more attractive and clear remaining debris.

- **Jim Galligan** said they would submit a planting plan as a modification to their permit, provided that the Commission allows them to move forward with laying the foundation. There was a general consensus among the Commissioners that site work can begin after the erosion control inspection for each lot is done by **IW Agent Frederick**.

Comm. Botta made a motion that we uphold Cease & Correct order #20.12.01 and that we keep the order in place until the criteria within the order are upheld. If the permit holder wishes to do more within that area, they may do so potentially by proposing a modification to the existing application which would be heard by the Commission.

Comm. Sullivan seconded the motion.

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

- **Comm. Botta** again noted that the minutes from this meeting are to be forever associated with this permit for clarification purposes.
- b. CC#20.12.02 | 10 Kenyon Street | clearing and earthwork within inland wetland upland review area, and possibly within wetland area, without an inland wetland permit
- **IW Agent Frederick** introduced the Cease & Correct order, noting the location of the site, and the wetland delineations from neighboring properties. **Frederick** noted the correspondence she had with the property owner. Pictures from a site visit on 12/08/2020 were then shared. **Frederick** noted the wetland boundaries on the property.
 - **IW Agent Frederick** stated that the owner was instructed to set up a silt fence, and had complied, but due to a shortage, it has not been fully completed.
 - **Paul Riccio** (property owner) was present. **Riccio** explained the process of clearing the site, noting the removal of garbage from the site and leveling the disturbed soil after.
 - **IW Agent Frederick** requested that a wetland scientist be brought out to the site to delineate the wetland, to fully understand the impact of the filling. **Frederick** then noted that the violation was for the removal of vegetation and earth disturbance/grading within an Upland Review Area, and possibly within a wetland.
 - **Paul Riccio** questioned the Commissioners about the next steps in the process, and then asked if a decision of any kind could wait until the wetland is delineated.
 - **Comm. Botta** suggested that the exposed soil be seeded with winter rye or something similar to provide the site with stability until a soil scientist can go to the property.
 - Clarifications were made by **Comm. Botta** about the expectations for the property owner for the January 14th meeting. It was recommended that the Commission extend the deadline to the February meeting to allow the property owner more time.

Comm. Botta made a motion that we uphold and amend Cease & Correct order #20.12.02 10 Kenyon St. We will uphold the Cease & Correct #1, #2 we will uphold, # 3 we are going to amend to say to hire a soil scientist to complete an on-site soil investigation for on-site inland wetland soils and further sediment stabilization measures, which may go forward with agent approval. Design a remediation plan for the activities that occurred without a permit, submit the soils report, remediation plan, and a site plan by February 4th for the February 11th meeting 2021, and everything else would remain as is.

Comm. Greenalch seconded the motion.

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

- c. CC#11.08.01 | 54 & 60 North Main Street | storage of fill piles within 100 feet of an Inland Wetland and Watercourse
- **IW Agent Frederick** outlined the Cease & Correct order and shared the original enforcement letter with the Commission. **Frederick** then shared photos of the site from site visits on both 12/22/2010 and 12/09/2020.
 - **IW Agent Frederick** noted while there is still debris on the site, that was not why the Cease & Correct order was issued. **Frederick** then asked if the Commission was satisfied that the conditions of the Cease & Correct order were met. **Chairman Bassermann** asked **Frederick's** opinion, who then noted that based off her site visit, she believed all of the stockpiles have been removed, but again noted the debris.
 - **John Brasile** (owner) was present to speak on his behalf. **Brasile** noted that there has been a lot of dumping from people driving by. **Brasile** then stated that **Diana Ross** (previous IW Agent) had signed off on lifting the Cease & Correct order in 2013.
 - **Comm. Botta** said she believes that there doesn't need to be a modification to the order, and the current language would suffice for enforcing the cleaning of the lot.
 - **IW Agent Frederick** noted that a special meeting would be needed to lift the order prior to the next regularly scheduled meeting. **Comm. Rose** recommended a site walk after the owner is able to clean the property. **Chairman Bassermann** noted that even if a site walk takes place, a meeting would need to be held in order to vote.
 - The date for an inspection by Agent and a special meeting were discussed by the Commission. **Brasile** said that the site could be cleaned by December 22nd. **IW Agent Frederick** noted that she would be willing to meet **Brasile** on site if has questions.

A consensus was reached to schedule a special meeting for December 22nd at 7pm in order to discuss the Agent inspection of the site and consider lifting the Cease & Correct order.

6. CORRESPONDENCE & ANNOUNCEMENTS:

- a. CACIWC (Connecticut Association of Conservation Inland Wetlands Commissions) virtual conference, December 5th, 2020
- **Chairman Bassermann** noted that he, **Comm. Begemann**, **Comm. Rose**, **IW Agent Frederick**, and **IW Associate York** attended the CACIWC Conference.
 - **Chairman Bassermann** stated that there is potentially another virtual conference for CACIWC that may be happening in the spring.
- b. First meeting of the fee revision subcommittee – scheduled for December 17th at 3pm
- **IW Agent Frederick** noted that each meeting would be scheduled as a special meeting and that the next meeting should be established at the end of each meeting. The meeting would also need to be noticed following the same timeline as all special meetings.

ADJOURNMENT:

Comm. Botta made a motion to adjourn the meeting.
Comm. Greenalch seconded the motion.

The motion carried unanimously. (Y-N-A:6-0-0) The meeting was adjourned at 10:07pm.

Respectfully submitted,

Abby York
Inland Wetland Associate