



# Inland Wetlands and Watercourses Agency

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## REGULAR MEETING MINUTES - REVISED

Inland Wetlands and Watercourses Commission  
Thursday, January 14<sup>th</sup>, 2020 at 7:00 PM

### CALL TO ORDER:

**Acting Chair Suzanne Botta** called the meeting to order at 7:00pm.

### ROLL CALL:

**Commissioners Present:** Acting Chair Suzanne Botta, Clarice Begemann, Eric Rose, Steven Sullivan, Richard Greenalch, and Sandra Kraus

**Commissioners Absent:** Chairman Peter Bassermann

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

### 1. APPROVAL OF MINUTES:

a. December 10<sup>th</sup>, 2020 Regular meeting minutes

**Comm. Rose made a motion to approve the December 10<sup>th</sup> meeting minutes.**

**Comm. Sullivan seconded the motion.**

**The motion carries unanimously. (Y-N-A : 4-0-0)**

**\*Comm. Greenalch joined at 7:03pm\***

b. December 22<sup>nd</sup>, 2020 Special meeting minutes

**\*Comm. Kraus joined at 7:05pm.\***

**Comm. Sullivan made a motion to approve the December 22<sup>nd</sup> meeting minutes.**

**Comm. Begemann seconded the motion.**

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

### 2. APPLICATIONS FOR RECEIPT:

a. IW#20.12.03 | 11 Ludlow Court | construction of an in-ground pool

- o **IW Agent Frederick** introduced the application, and noted that due to a need for more detailed plans, the applicant requested the Commission wait to discuss the application until the February meeting, when more details can be provided.

b. IW#21.01.01 | 24 Old New England Road | new single family home construction

- o **IW Agent Frederick** noted that the only outstanding part of the application is a soils report. **Jim Pretti** (engineer, Criscuolo Engineering) spoke on behalf of the applicant, describing the property and the plans for the house.
- o **Comm. Rose** questioned the use of the grass swale, to which **Pretti** responded. Further discussion was had regarding consistent language and defining the terms.

- **Acting Chair Botta** asked if there would be grading or stockpiling on site. **IW Agent Frederick** shared the site plans while **Pretti** discussed them. **Acting Chair Botta** noted there should be a silt fence around the stockpile and it should be on the plans.
  - There was discussion regarding runoff and the erosion control plan in reference to the anti-tracking pad and the existing driveway for the neighboring property, which Jim Pretti noted is gravel.
  - **[Later in the meeting, the Commission clarified, per the request of the engineer, that it is not eligible for administrative approval, and that the Commission will continue this application to the February 11<sup>th</sup> meeting.]**
- c. IW#21.01.02 | 290 Pine Orchard Road | new in-ground pool, retaining wall, replacement garage and other home improvements
- **IW Agent Frederick** introduced the application and shared the site plans. **Frederick** noted that the elevation data provided by the applicant is not what is required per the Agency regulations, and recommended the Commission determine if what was submitted is acceptable, or if additional information will be required.
  - **Andrew Kowolenko** (engineer, EnCon Consultants) was present to speak on behalf of the applicant. **Kowolenko** described the site work that would be taking place, noting that there is about 35' between the retaining wall and the edge of the pond.
  - **Comm. Rose** noted the property has some impervious surfaces are not shown on the plan. **Kowolenko** stated that can be surveyed and added to a revised plan set.
  - **IW Agent Frederick** shared the sediment and erosion control plan, noting the location of the silt fence and the location of the two stockpiles (imported material and topsoil). **Kowolenko** noted there would be about 500 yards of imported fill.
  - **Comm. Rose** questioned how the drainage would work and where it will be discharged. **Kowolenko** stated that he thought ground absorption would be sufficient, noting that rip-rap could be installed in any problem areas. **Comm. Rose** stated that given all the impervious surface, ground absorption may not be enough. **Acting Chair Botta** reiterated that the first inch of rainfall needs to be captured, per IW regulations. **Kowolenko** said he would be able to provide more details for the next meeting.
  - **IW Agent Frederick** noted that there are some details that have yet to be discussed, including whether the filtering system for the pool would be cartridge or backwash. **Kowolenko** had asked if that could be determined as a condition of approval. **IW Agent Frederick** also reminded the Commission of the issue of the elevation information provided, and if an A-2 and T-2 survey is required. The Commission determined that an A-2 and T-2 survey would be required for this application.
  - **Acting Chair Botta** suggested a site walk be conducted for this site. The Commission determined 10am Saturday, February 6<sup>th</sup> for a site walk.
  - **Comm. Begemann** questioned what the patio will be made of, and **Acting Chair Botta** noted that this could be a good place to try to reduce the impervious cover.
- d. IW#21.01.04 | 460 East Main Street | construction of a covered open parking structure
- **IW Agent Frederick** introduced the application and oriented the Commission to the site and the proposed plan.
  - **Mark Young** (surveyor, Waldo & Associates) was present on behalf of the Queach Corporation (applicant). **Young** noted the details of the project, including the flat roof, a crushed gravel ground, and the dimensions of the structure. **Young** noted there is a proposed infiltration trench to capture the first inch of water from runoff. **Comm. Rose**

- questioned the details of the trench. **Young** elaborated and said that the details in the plan will be revised.
- **Comm. Begemann** asked what the grade for the whole site looked like, **IW Agent Frederick** shared the site plan and the contours were discussed.
  - **Acting Chair Botta** asked the Commission if they believed this would be appropriate for an agent approval. **Comm. Rose** and **Sullivan** stated their support. **IW Agent Frederick** noted the proximity to the wetland. This was discussed by the Commission.
  - **Acting Chair Botta** stated for the record that the application is not creating a new parking lot; the lot is already there. They are simply covering it and capturing the runoff from the roof. As such, this is appropriate for administrative approval. There was a general consensus among the Commissioners.
- e. IW#21.01.05 | 17 Whitewood Drive | removal of leaning trees within a wetland area
- **IW Agent Frederick** explained the application, noting that while the trees are leaning towards the house, none are an immediate threat, according to a hired arborist. **Frederick** noted that proposed the trees to be removed that would be cut to a height of 10'. **Frederick** then shared the submitted sketch and photos taken from a site visit.
  - **Gerald** and **Linda Livolsi** (applicants, homeowners) were present to speak on their application. **Gerald Livolsi** noted some comments made by their arborist and that the proposed shed and greenhouse will be placed on crushed gravel, just to make it level.
  - **Acting Chair Botta** questioned if there was a report done by the arborist stating the trees were an immediate threat. **Linda Livolsi** noted that the arborist said it's difficult to determine the immediate threat a leaning tree may pose. **Linda** and **Gerald Livolsi** said that while it may be difficult to determine the threat level, it does concern them.
  - **Acting Chair Botta** asked if there were Commissioner questions and if this should be added to the site walk. **Comm. Begemann** and **Rose** said they did not believe so.
  - **IW Agent Frederick** reviewed past practice and the Agency's tree removal guidelines with the Commission, which addresses hazard tree situations.
  - **IW Agent Frederick** stated that the applicants were charged the base fee of \$135 and asked if the Commission thought that was appropriate, given there would be no ground disturbance with the tree removal and the homeowner's concern regarding safety The Commission affirmed that the application fee shall be based only on the ground disturbance for the shed and greenhouse.
- f. IW#21.01.06 | 56 Stony Creek Road | installation of a replacement septic system
- **IW Agent Frederick** introduced the application and explained the location of the project, noting the new wetland delineation that had been done for a recent project.
  - **Jim Pretti** (engineer, Criscuolo Engineering) was present to speak on behalf of the applicant. He explained how the replacement septic system would work in the proposed location, and noted that the East Shore District Health Department has approved the new system. **Pretti** stated he thinks the project will likely only take a week or two.
  - **Jim Pretti** pointed out two potential locations for a stockpile, either in the parking lot or in the grass island. **Acting Chair Botta** requested it be added to the plans.
  - **IW Agent Frederick** stated the Commission's past practice has allowed replacement septic systems to be administrative approval, but, again, noted the proximity to the wetland. **Comm. Greenalch** said he wouldn't have a problem with this application being an administrative approval, to which **Comm. Rose** agreed. The Commission determined this would be acceptable for administrative approval.

- **Comm. Botta** stated for the record that this is an exception to the general practice of the Commission, in that when activity is this close to a wetland, it does not typically go to the agent for approval. The system is also approved by the ESDHD. Additionally, the wetland is a grassy lawn, which makes the Commission more comfortable in allowing administrative approval. **Acting Chair Botta** also requested staff ensure the notation of the stockpile and surrounding silt fence is seen on the plans.
- g. IW#21.01.07 | 101 & 115 North Branford Road | proposed brewery with tasting room
  - **IW Agent Frederick** introduced the application, noting that **Jim Pretti** (engineer, Criscuolo Engineering) was present to speak on behalf of the applicant.
  - **Jim Pretti** noted that some of the parking areas will be pervious material (grass pavers) to limit the amount of impervious surface. **Pretti** pointed out the grass swale, the planting areas, and some other drainage details. **Pretti** then gave the details of the pervious paving plan that is proposed.
  - **Acting Chair Botta** asked the Commission if they would like for this to be added to the February 6<sup>th</sup> site walk. The Commission determined 10:45am would work for a site walk. **Jim Pretti** noted that as the property is abandoned, there is not an issue if a Commissioner needs to stop by at a different time. **Acting Chair Botta** requested that the perimeter of the parking be staked out. **Pretti** noted that the growth is thick and may be difficult to pass in some areas.

### 3. APPLICATIONS FOR REVIEW:

- a. IW#20.11.04 | 312 E. Main Street | building a playground adjacent to an existing building
  - **IW Agent Frederick** introduced the application, noting the concern of the stormwater drainage management from initial discussion at the December 12<sup>th</sup> meeting. **Frederick** then noted the Inland Wetland office has received a revised plan set.
  - **Tom Edwards** (architect, Nelson Edwards Company Architects LLC) was present to speak on behalf of the applicant; he noted the changes in the drainage system, including the semi-pervious material used for the playground. **IW Agent Frederick** shared comments from the town engineer, which stated that the changes to the proposed plans are an improvement.
  - **Acting Chair Botta** asked what the material parking spaces 10-26 will be. **Edwards** stated that it will remain processed stone and gravel.
  - **Acting Chair Botta** confirmed with **IW Agent Frederick** that the application is actionable at this meeting. **Acting Chair Botta** then questioned if the Commission felt comfortable with the information presented.
  - **Comm. Greenalch** stated that based off the town engineers comments, he feels there is no reason to not go forward with this application.

**Comm. Greenalch made a motion that we approve the plans submitted for IW#20.11.04 at 312 East Main Street with the idea that the proposed playground will reduce the amount of impervious surface and overall be an improvement to the site.**

**Comm. Begemann seconded the motion.**

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

- b. IW#20.12.01 | 8 Sawmill Road | new single family home
  - i. TO BE TABLED - applicant request to table to the February 11<sup>th</sup> meeting
    - There was no discussion regarding this item.

**Comm. Rose made a motion to combine the two items below regarding 41 Brainerd Road.  
Comm. Greenalch seconded the motion.**

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

**4. ENFORCEMENT (/MODIFICATION REQUEST PER ABOVE MOTION):**

- 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
  - b. IW#20.02.01, IW#20.08.06, IW#20.08.07 | 41 Brainerd Road | permit modification request
    - Per the above motion, **IW Agent Frederick** introduced the two items for 41 Brainerd Road. **Frederick** then shared the Soils Report by **David Lord** (soil scientist, Soil Resource Consultants) submitted by the permit holder and the proposed plantings.
    - **IW Agent Frederick** shared some photos of the disturbance with the Commission, noting the site hasn't been grubbed, so the root systems are stabilizing the sediment.
    - **IW Agent Frederick** led the Commission in a discussion about the modification of the existing permits. **Frederick** shared the permits for the subdivision and lots 3 and 4.
    - **David Nafis** (engineer, Nafis & Young Engineers) stated that the reason for the modification request was that the permit holder is trying to move this process along so that the development may proceed.
    - **IW Agent Frederick** reviewed both the sketch and the narrative from the provided soils report by **David Lord** with the Commission. **Comm. Rose** asked what the total quantity of plants proposed is, then questioned if that would be sufficient.
    - **IW Agent Frederick** clarified that this does not need to be acted on tonight, if the Commission feels as though they require more information.
    - **Acting Chair Botta** confirmed that the first step is to determine if the proposed planting plans are sufficient for the amount of disturbance. **Comm. Rose** noted that typically more information has been requested by the Commission, so he would like to see more details of the planting plan. More discussion was had regarding this.
    - **Comm. Rose** said the best way to proceed would be for the permit holder to return with a more detailed planting plan for the Commission to discuss and act on at that time.
    - After Commission discussion, it was determined that the Commission would require the permit holder to return in February so a clear determination can be made. **Acting Chair Botta** said that both CC#20.12.01 and the modification request for IW20.02.01, IW#20.08.06, IW#20.08.07 would be continued at the next meeting.
    - **IW Agent Frederick** confirmed with the Commission that per discussion at the previous meeting, if the erosion controls are inspected by staff, they can move forward to work on select lots. **Comm. Rose** clarified that the work was to be done on one lot at a time and ensure the area was stabilized before moving on.
- \*The Commission took a short break between 10:06pm and 10:10pm\***

**\*Commission Greenalch left the meeting at 10:09pm\***

**5. AGENT APPROVALS:**

- a. IW#20.11.02 | 30 Lomartra Lane (lot 8) | construction of a new single family home
- b. IW#20.11.03 | 65 Gould Lane (lot 20) | construction of a new single family home
  - **IW Agent Frederick** noted that the above two applications were brought to the Commission and was okayed for agent approval after minor modifications were made. After the revisions were received, **Frederick** approved the two applications.

- c. IW#20.12.02 | 20 Tanglewood Drive | installation of a shed
  - **IW Agent Frederick** stated that the approval for this application was issued.
- d. IW#20.11.01 | 46 Parish Farm Road | construction of detached garage and associated grading with relocation of existing shed
  - **IW Agent Frederick** noted that after staff received the minor revisions per request of the Commission, the application was approved administratively.
- e. IW#21.01.03 | 11-21 School Ground Road | 5 new mobile homes and associated slabs
  - **IW Agent Frederick** noted the minimal ground disturbance and the existing lawn areas where the slabs would be going, and that this was approved administratively. **Frederick** stated that she had requested a delineation for a watercourse on site.

## 6. OTHER BUSINESS:

- a. DEEP Permit AQUA-2020-237 | Mirror Lake Site ID 1499671
  - i. Application to re-introduce pesticides into state waters
    - **IW Agent Frederick** stated that a notice was brought to the Commission for any comments. **Frederick** clarified that this is a recurring permit reviewed by DEEP.
- b. North Branford notice of application received for regulated activity on property that is located within 500' of Branford | 67 Totoket Rd North Branford | replacement of roof and drainage improvements
  - **IW Agent Frederick** noted that this notice was received from the wetlands enforcement officer in North Branford and while the property itself is within 500' of the Branford border, the activity is further away.

## 7. CORRESPONDENCE & ANNOUNCEMENTS:

- a. IWWC Regulation Fee Revision – Meeting 12/17/2020 was cancelled
  - i. Next meeting is scheduled for 3pm on January 21<sup>st</sup>
    - **IW Agent Frederick** reminded the Commission of the next subcommittee meeting.
- b. Staff review of Inland Wetlands and Watercourses Regulations for consistency with Municipal Stormwater (MS4) requirements
  - **IW Agent Frederick** informed the Commission of the MS4 regulation revision that is due at the end of June, which will be discussed more at a later date.
- c. Upcoming Training Opportunities
  - i. CT Bar Association – CT Land Use Seminar – March 6<sup>th</sup>, 2021
    - **IW Agent Frederick** stated that the seminar is occurring on March 6<sup>th</sup> and if any Commissioners would like to be registered, to let staff know as soon as possible.
  - ii. Connecticut Association of Wetland Scientists (CAWS) annual meeting – typically occurs in March, may hold a virtual event this year – TBD
    - **IW Agent Frederick** pointed out that the annual meeting is normally in March and that staff will be sure to keep the Commission posted when the date is announced. **Acting Chair Botta** emphasized that the meetings hosted by CAWS are worthwhile and very informative and recommended that Commissioners register for the 2021 annual meeting when it is posted.

- d. Letter to Commission regarding bond process from Vincent Giordano Jr.
- **IW Agent Frederick** shared a letter from **Vincent Giordano Jr.** (VP, Giordano Construction Company, the Queach Corporation, and Branford Building Supplies).
  - **Vincent Giordano** spoke about the reasoning behind his sending the letter, in that he is involved in several projects in the Town that require bonds.
  - **Giordano** stated that his main reason for sending the letter is in the hopes for getting some relief for the bond required for the 1151 W. Main Street. **Giordano** was hoping for a reduction of the cash portion of the bond, staged payment, and a cash equivalent in the form of a letter of credit. **Giordano** noted that any or all of the above three items are just requests for consideration by the Commission.
  - **Acting Chair Botta** noted that some of the requests may be a decision that needs to be made by the Town rather than the Commission. **Acting Chair Botta** questioned if the type of bond is restricted. **IW Agent Frederick** stated that it is restricted per the IW regulations, which likely will not be revised before start of work for 1151 W. Main Street. **Frederick** provided further clarifications with language from the regulations.
  - **Acting Chair Botta** requested that **IW Agent Frederick** check in with **Town Counsel** for advice on moving a greater percentage of the bond to surety and if they can accept a cash equivalent, per request of **Comm. Rose**.
  - **Acting Chair Botta** then suggested that perhaps a bond only be applicable for certain stages of the development. **Giordano** confirmed that from a contractor stand point, phased payments would be helpful.
  - **IW Agent Frederick** suggested that the Commission create clear guidelines for the permit holder if the Commission plan to implement phased or delayed bond payments. **Frederick** then noted that she will check in with **Town Counsel** about the bonds and follow up with the Commission.
  - **Perry Maresca** (chair, Economic Development Commission) said that alternatives to the 50% cash bond should be considered, while being mindful of development.
  - **Comm. Rose** questioned if we would be able to get an answer for **Vincent Giordano** before February 9<sup>th</sup> (anticipated start of construction at 1151 W. Main Street). **Acting Chair Botta** stated that staff needs to do research and reach out to **Town Counsel** for more information, and if the timeline works out, a special meeting could be held in order to continue the conversation before February 9<sup>th</sup>, if possible. **Acting Chair Botta** questioned if a February 4<sup>th</sup> meeting would work for the Commission. A general consensus was reached to have a special meeting on February 4<sup>th</sup> at 7pm.
  - **Comm. Rose** requested **IW Agent Frederick** share the answer she gets from **Town Counsel** as soon as she is able.

**ADJOURNMENT:**

**Comm. Rose made a motion to adjourn the meeting.**

**Comm. Sullivan seconded the motion.**

**Meeting was adjourned at 10:58pm.**

**Respectfully submitted,**

**Abby York**  
**Inland Wetlands Associate**