



Inland Wetlands and Watercourses Agency

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SPECIAL MEETING MINUTES

Inland Wetland and Watercourses Commission
Thursday, February 4th, 2021 at 7:00 PM
This meeting was remotely, via ZOOM.

CALL TO ORDER:

Chairman Peter Bassermann called the meeting to order at 7:01pm.

ROLL CALL:

Commissioners Present: Chairman Peter Bassermann, Clarice Begemann, Steven Sullivan, Suzanne Botta, and Eric Rose

Commissioners Absent: Sandra Kraus and Richard Greenalch

Staff Present: IW Agent Jaymie Frederick and IW Associate Abby York

DISCUSSION:

- a. Bond requirements and possible relief - Letters to Commission regarding bond process from Queach Corporation/Vincent Giordano Jr. and responses from Town Counsel
IW#19.11.01 – 1151 West Main Street
 - **Chairman Bassermann** read through section 13 of the Inland Wetland regulations, then highlighted the materials for discussion.
 - **IW Agent Frederick** shared with the Commission the responses from Town Counsel in regards to the questions formed at the Inland Wetlands meeting on January 14th, 2021. **Frederick** then shared possible language for the Commission to use, should they allow for phased bond payments.
 - **Comm. Rose** stated he recalled from Town Counsel notes a reference to the “applicant”, and he is concerned that the developers are not posting the bond.
 - **Vincent Giordano III** stated that they are posting the bond for the permit because they are the ones doing the work. **Chairman Bassermann** questioned if the phased payments would be helpful. **Giordano III** confirmed that it would be helpful, but given that it is winter, he believes the restoration items (plantings, etc.) shouldn’t be included in Phase 1. **Giordano III** further explained his reasoning.
 - **IW Agent Frederick** noted that the reason she had suggested restoration items be included in Phase 1 was to ensure that if development begins and then the project is abandoned, the Commission would have the money to restore the disturbed areas.
 - **Comm. Botta** asked if the phase breakdown existed in the original permitted application. **IW Agent Frederick** stated that phase 1, as originally approved, was split by the seasonal accommodation that the Commission granted in November.
 - **Comm. Botta** stated that the bond for mitigation should come first to ensure that if something within the development goes awry, the Commission can fix it to ensure the wetlands and watercourses are protected. **Comm. Botta** recommended that the mitigation work in its entirety be included in Phase 1. **IW Agent Frederick** then noted that her recommendation is based on the past practice of the Commission.
 - **Comm. Rose** again noted the unusual circumstances in which the contractors are putting up the bond instead of developers. **Comm. Rose** said that the regulations shouldn’t be changed in response to that, as, again, it is an unusual circumstance.

- **Chairman Bassermann** reiterated that based on what Town Counsel said, there is nothing that can change now that will help the contractors for the current project, and that the best thing the Commission can do to lessen the burden on the contractor at this point in time is implement the phased bond payments.
- **Comm. Begemann** said that the Commission should be cautious of what precedent they are setting and agreed with **Chairman Bassermann** and **Comm. Botta**. There was a general consensus between the Commissioners.

Comm. Botta made a motion that the Commission add a condition to #4 of permit IW#19.11.01 – 1151 W. Main St. that they are allowed to modify the required bond to be submitted in two phases based on the approved plans. An initial bond must be submitted prior to the start of any work and shall cover the phase 1 sediment and erosion control measures, the restoration/mitigation area work and the monitoring reports. The additional bond funds for Phase 2 sediment and erosion controls must be submitted prior to start of any site work associated with the Phase 2 as outlined in the approved plans. At least 50% of each bond must be submitted in the form of cash, check, or certified check, the remaining 50% may be submitted as a surety bond consistent with section 13 of the Regulations. Surety must be reviewed and approved by Town Staff and Town Counsel. Starting work on Phase 2 prior to the submission of the corresponding bond funds is a violation of the permit terms and will result in a stop work order until the bond has been submitted. Additional enforcement action as provided for in Section 14 of the regulations and Chapter 196 of the Town Ordinance may be taken at the discretion of the Agency or its Duly Authorized Agent. This motion is being made after careful consideration of past practice, the nature of the work, the nature of the cost of business here in town while being mindful of our regulation and of guidance from the Town Attorney.

Comm. Begemann seconded the motion

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

IW#20.07.01 – 434 East Main Street

- **Vincent Giordano III** explained the reasoning behind this request, noting the erosion controls are in place, and that they wanted to see if it was possible to apply the bond that is already posted to the 1151 West Main Street project. **Giordano III** then said that based off the conversation tonight, he understands that that is likely not going to be possible. Discussion on this item was ended.

Continued discussion in reference to bond language in the IW regulations

- **Chairman Bassermann** then asked the Commissioners if there were questions or comments for staff in terms of revising the bond language in the IW regulations.
 - **Comm. Rose** noted that perhaps language should be included in our regulations that precludes anyone except the applicant from posting the bond.
- b. Permit modification request | IW#19.11.01 | 1151 West Main Street | construct proposed bank and grocery store, including parking and storm drainage
- **IW Agent Frederick** introduced the request and shared with the Commission details of the silt sock as well as the comments made by the Town engineer.
 - **Vincent Giordano III** explained why this request was made, as well as the benefits of using a silt sock as opposed to a silt fence, noting that they are biodegradable.

- **IW Agent Frederick** noted that the permit requires weekly monitoring reports, as well as reports after each rain event, which will allow for any issues that may arise to be addressed quickly. **Frederick** then shared language that was drafted for the modification if the Commission were to approve it.
- **Vincent Giordano III** noted that these are installed with steel stakes, which are much easier to get into the frozen ground, whereas you would not be able to properly install a silt fence if the ground were frozen.
- **Comm. Botta** requested **Vincent Giordano III** share the maintenance plan. **Giordano III** stated that the silt socks come pre-filled and last longer than a silt fence. **Giordano III** noted that it is easy to replace if there is a breach.
- **Comm. Botta** stated that she feels comfortable with modifying the permit to allow the use of silt socks in place of the silt fence.

Comm. Botta made a motion to modify Phase 1 of permit IW#19.11.01 – 1151 West Main Street to use silt socks in lieu of silt fence. Silt sock and other erosion control measures shall be inspected at the frequency outlined in the plans and permit condition number 8. In addition to routine maintenance requirements, requests for modifications to the erosion controls by the Inland Wetland Agent, Project Engineer, and/or erosion control inspector deemed necessary in their professional opinions shall be implemented as soon as possible. This motion is made after consideration of the pros and cons of silt fences verses silt socks and also based upon the comments made by the Town engineer and that it is approved by the Connecticut Department of Transportation for use in Connecticut.

Comm. Begemann seconded the motion.

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

CORRESPONDENCE & ANNOUNCEMENTS:

- a. Site walk February 6th, 2021 - confirm site walk or cancel
 - **Chairman Bassermann** questioned that given the weather we've had and that is expected later this week, if the Commission should reschedule the site walk. **IW Agent Frederick** shared the agenda for the site walk.
 - There was a general consensus among the Commissioners to keep the site walk scheduled for Saturday, February 6th beginning at 10am at 290 Pine Orchard Road and continuing on to 101 + 115 North Branford Road.

ADJOURNMENT:

Comm. Botta made a motion to adjourn the meeting.

Comm. Rose seconded the motion.

The meeting was adjourned at 8:16pm.

NO OTHER BUSINESS WAS CONDUCTED.

Respectfully submitted,

Abby York

Inland Wetland Associate