



Inland Wetlands and Watercourses Agency

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MEETING MINUTES

Inland Wetlands and Watercourses Commission
Thursday, February 11th, 2020 at 7:00 PM

CALL TO ORDER:

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

ROLL CALL:

Commissioners Present: Chairman Peter Bassermann, Clarice Begemann, Eric Rose, Suzanne Botta, Richard Greenalch, and Steven Sullivan (arrived at 7:16pm)

Commissioners Absent: Sandra Kraus

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

1. APPROVAL OF MINUTES:

- a. January 14th, 2021 Regular meeting minutes

Comm. Greenalch made a motion to approve the meeting minutes of January 14th.

Comm. Rose seconded the motion

Comm. Botta noted some areas for staff to review. Staff will prepare notes in response for review at the March meeting.

Comm. Greenalch modified his motion to ask that we table the approval of these minutes until the next meeting.

Comm. Rose accepted the modification.

There was a consensus to table the approval of these minutes until the March meeting.

- b. February 4th, 2021 Special meeting minutes

Comm. Rose made a motion to approve the February 4th meeting minutes.

Comm. Begemann seconded the motion.

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

- c. February 6th, 2021 Special meeting site walk minutes

Comm. Rose made a motion to approve the February 6th meeting minutes.

Chairman Bassermann seconded the motion.

The motion carried. (Y-N-A : 2-0-3) Comm. Begemann, Greenalch, and Botta abstained (not present at the site walk).

Comm. Bassermann announced he would recuse himself from discussion on item 3d, IW#21.01.02 for 290 Pine Orchard Road due to a personal connection with the family. Chairman Bassermann requested another Commissioner stand in as the Acting Chair. Comm. Botta volunteered.

2. APPLICATIONS FOR RECEIPT:

- a. IW#21.02.02 | North Ivy Street aka 132 Ivy Street | demolition of an existing building and site improvements, construction of a 8,671sf vehicle delivery building and associated parking areas, lighting, fencing, and landscape improvements
 - **Mike Ott** (engineer, Summer Hill Civil Engineers & Land Surveyors) was present to speak on behalf of the applicant. **Ott** discussed the project and noted that impervious surface is being reduced by 21%. **Ott** noted the wetland on the site plans.

Comm. Sullivan joined the meeting at 7:16pm

- **Chairman Bassermann** questioned if the Commission feels as though a site walk is necessary. **Comm. Rose** asked **Ott** about the wetland on site.
 - **IW Agent Frederick** noted that there was a wetland delineation on a neighboring property, and that will be seen in the site plans that will be sent out to the Commissioners ahead of the regularly scheduled March meeting.
 - **Comm. Botta** asked if the parking lot will drain into the wetland. **Mike Ott** discussed the drainage plans for the project. **Comm. Botta** then questioned if the calculations done are intended to capture the first inch of runoff, and that those calculations be provided at the March meeting.
 - There were Commissioner questions regarding the design and function of the infiltration trench proposed for the site. **Chairman Bassermann** again questioned if a site walk is required for this site. The Commission determined it was not.
- b. IW#21.02.03 | 243 Linden Ave | proposed demolition of the existing structures and construction of a new single family home
 - **John Gabel** (engineer, Connecticut Consulting Engineers, LLC) was present to speak on behalf of the applicant and gave the overview of the application. **Gabel** then pointed out the area towards the northwest of the property where Eversource needs an access way to access a utility pole.
 - **John Gabel** noted that they would like to remove bamboo and some other invasive species in the vegetated area of the property.
 - **Chairman Bassermann** questioned the stormwater drainage system for the house. **John Gabel** said an underground stormwater infiltrator will be located in the front yard.
 - **IW Agent Frederick** stated that the applicants have already received approval from Planning and Zoning, which is not the typical process, but that the applicant wasn't aware Inland Wetland approval was needed.
 - **IW Agent Frederick** then shared the soils report for 46 Maltby Ave done in May of 2011. **John Gabel** noted the topography of the site and noted that when the water main was installed, the area was disturbed.
 - **Comm. Botta** stated that a soils investigation should be done to confirm that there that there are no wetland soils there. **Comm. Botta** then questioned if the first inch of runoff was being retained, which **John Gabel** confirmed it was.
 - **IW Agent Frederick** questioned the commission if it is determined that it is a tidal wetland, if the Commission would like the application to return to the March meeting. There was a general consensus between the Commissioners that they would be comfortable with the agent handling it administratively.

3. APPLICATIONS FOR REVIEW:

- a. IW#20.12.01 | 8 Sawmill Road | new single family home

- **IW Agent Frederick** introduced the application, noting that there is already a permit issued that cannot be further extended. **Frederick** noted this application, if approved, would provide more time for activities to be completed. **Chuck Mandel** (engineer, Thomas A. Stevens & Associates) was present to speak on behalf of the applicant.
- **Chairman Bassermann** questioned the use of a silt fence for this location, given the rock ledge. **Chuck Mandel** stated that this is a best management practice, and he believes it will be effective. **IW Agent Frederick** noted that there are some sections of silt fence that will be backed by hay bales.
- **IW Agent Frederick** shared that the office had received public comments of a neighbor of 8 Sawmill who is concerned about the development of this property, as his property already floods. **Chuck Mandel** stated that given that they are capturing the stormwater and that the neighbor's house is at elevation 30. **Frederick** shared with the Commission a GIS map of the wetland delineation and the wetland soils for 8 Sawmill Road and the neighboring properties.
- **Comm. Rose** questioned if 100% of the stormwater will be captured on site. **Chuck Mandel** stated that they will be capturing 90%. **Comm. Rose** said that he is concerned that the neighbor previously experienced flooding and with the development of this house, the flooding will worsen. **Mandel** stated that they are only adding 2% impervious surface, noting the driveway will be gravel to minimize impervious surface.
- **IW Agent Frederick** shared a staff report the Commission.
- **Chairman Bassermann** asked if two copies of the plans are required with all application. **IW Agent Frederick** said that the office typically requests two plans.
- **Comm. Botta** noted a member of the public who had requested to speak in the chat. After confirming that the Commissioners were okay with the proposed conditions as set forth in the staff report, **Chairman Bassermann** gave the neighbor the floor.
- The homeowner from 21 Old Quarry Road voiced his concerns about the displacement of water in laying a foundation and installing a 1,000 gal. septic tank. He stated that he is concerned about increased flooding, and the threat that would pose to his property.
- **Chuck Mandel** addressed the comments made by the neighboring property owner. **Mandel** stated that he does not think that the development at 8 Sawmill will worsen the flooding at the neighboring property and that is it just a problematic area.
- There was discussion regarding the size of the pipe and the drainage issues. **Comm. Botta** stated that the issue the neighbor is facing likely can reach some better solutions with the town. The homeowner reiterated some of his concerns. **Chuck Mandel** stated that he agreed with **Comm. Botta** in that this seems like a public works issue.
- **Chairman Bassermann** said he did not think that there was anything in the regulations that allow the Agency to set aside funds from this development for any potential flooding. **IW Agent Frederick** stated that the Commission needs to make a decision based on expert testimonies, not on speculation.
- **Comm. Rose** stated that he thinks the applicant addressed all of the issues the Commission typically brings up and they shouldn't be help up over something like this.

Comm. Greenalch made a motion to approve the application #20.02.01 for 8 Sawmill Road in accordance with the application and plan submitted and include special conditions 2, 3, 4, 5 and 6 that the agent drafted specifically for this application in addition to all of the other general conditions of approval. This approval is made on the basis that there was a previous approval for this activity at 8 Sawmill Road and this application is an improvement upon the last.

Comm. Botta seconded the motion.

Comm. Greenalch amended his motion to include special condition number 1 regarding submitting two plans to the Inland Wetland office.

Comm. Botta accepted the amendment.

The motion carried. (Y-N-A : 5-1-0) Comm. Sullivan voted no.

- **Comm. Botta** thanked the neighbor for coming to the meeting to voice his concerns. **Comm. Botta** said that the Commission has to rule in accordance with our regulations, but she believes that he should relay the issues he is facing on his property to the Town.
- b. IW#20.12.03 | 11 Ludlow Court | construction of an in-ground pool
 - **IW Agent Frederick** noted that the applicant is not present and that she plans to approve it administratively. **Frederick** noted that she is just awaiting clarification further details about the possible high water table and how it will be dealt with.
- c. IW#21.01.01 | 24 Old New England Road | new single family home construction
 - **Jim Pretti** (engineer, Criscuolo Engineering) was present to speak on behalf of the applicant. **Pretti** addressed the outstanding items, including the soils report, location of the stockpiles, and noted that the language regarding grass swales was removed. **Pretti** then shared the site plans on the screen. Discussion regarding the soils report was had.
 - **Chairman Bassermann** asked if there were staff recommendations for conditions of approval. **IW Agent Frederick** shared the staff report drafted for the application.

Comm. Botta made a motion to approve IW#21.01.01 24 Old New England Road with the plans revised 01/18/2021 with the conditions that the permit holder contact the staff to request inspections/site meetings for a pre-construction meeting, an initial erosion control inspection, a storm water drainage structure inspection, and a final inspection, in addition to the standard conditions applied to each permit.

Comm. Greenalch seconded the motion.

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

Chairman Bassermann recused himself from discussion of the next item. Comm. Suzanne Botta took over as Acting Chair.

- d. 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 item, noting the site walk on site on 2/6/2021. **Frederick** noted that since the last meeting, the applicant submitted a planting plan.
 - **Andrew Kowolenko** (engineer, EnCon Consultants) was present to speak on behalf of the applicant. **Kowolenko** gave an overview of the property, noting that they plan to add a retaining wall to create a level grade around the proposed pool. **Kowolenko** addressed the items requested at the last meeting, such as the location of the stock piles, the silt fence around the stock piles, and the survey that was done of the whole property.
 - **Acting Chair Botta** requested that **Andrew Kowolenko** share the planting plan. **IW Agent Frederick** noted that this planting plan is similar to a planting plan that was submitted prior to this application.
 - **IW Agent Frederick** shared photos taken on the site walk, using the photos to orient the Commissioners to the area of the infiltration trench and the planting area.

- **Comm. Greenalch** and **Rose** asked why an infiltration trench is proposed below the retaining wall. **Andrew Kowolenko** said that the homeowners did not want the trench close to their pool, and he thinks the layout in the plans dated 2/10/2021 will work well.
- **Acting Chair Botta** questioned if the Commission would like to take action tonight. **Comm. Begemann** asked if the new patios would be on granite as well. **Andrew Kowolenko** stated that while the existing patios are, the proposed patio would not be.
- **IW Agent Frederick** shared with the Commission potential conditions for approval.

Comm. Greenalch made a motion to approve IW#21.01.02 290 Pine Orchard Road in accordance with the plans submitted and the last revised planting plan, with the conditions that the IW Department be contacted for inspections/site meetings for an initial erosion control inspection, pre-planting meeting, plantings inspection, and final inspection, that the plantings be monitored and reports by the wetland scientist or other qualified professional shall be submitted by the end of the initial growing season and annually at the end of the growing season thereafter for two years documenting at least 85% survival rate of vegetation and control of invasive species, that certification by the project engineer that the stormwater system was installed per the approved plans be submitted to the Agency upon completion of the project, and that an as built be submitted at the conclusion of the construction, in addition to the standard conditions applied to each permit.

Comm. Begemann seconded the motion.

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

Chairman Bassermann had recused himself prior to the discussion of the application and returned to Chairman after vote was taken.

- e. **IW#21.01.04 | 460 East Main Street | construction of a covered open parking structure**
 - **IW Agent Frederick** shared her concerns regarding this application being processed administratively. **Frederick** noted that given the time frame of receiving the revised plans, she thought it would be best if the application be reviewed by the Commission.
 - **IW Agent Frederick** noted the changes on the revised plans, such as changing the infiltration trench to a level spreader, as well as changes to the floodplain and floodway.
 - **Chairman Bassermann** asked the Commission if they would like to act on it today.
 - **IW Agent Frederick** shared the possible conditions of approval for the application.

Comm. Greenalch left at 8:55pm

Comm. Botta made a motion to approve IW#21.01.04 460 East Main Street and would like to include the conditions that the disturbed area downslope of the level spreader towards the wetland shall be seeded with an erosion control or conservation seed mix upon completion of site work, that an as built survey and certification from the project engineer that the stormwater system was installed per the approved plans must be submitted upon completion of the project, and that the permit holder contact the IW department to request inspections/site meetings for an initial erosion control and a final inspection. Also, our standard conditions of approval shall apply.

Comm. Sullivan seconded the motion.

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

- f. IW#21.01.05 | 17 Whitewood Drive | removal of leaning trees within a wetland area
- **Linda and Gerald Livolsi** (homeowners, applicants) were present.
 - **IW Agent Frederick** introduced the application, noting that although this is minimal activity, some of the proposed trees for removal are within a wetland area, and as such, this cannot be approved administratively.
 - **IW Agent Frederick** then shared the potential language for conditions of approval.
 - **Chairman Bassermann** asked how the trees will be removed. **Gerald Livolsi** stated that the arborist will climb the trees and that no bucket truck will be used for removal.

Comm. Begemann made a motion to approve IW#21.01.05 17 Whitewood Drive with the condition that the IW department to request inspections/site meetings prior to tree removal and final inspection, and that the standard conditions a-f [staff report for 17 Whitewood, dated 2/10/2021] will also apply.

Comm. Greenalch seconded the motion.

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

- g. IW#21.01.07 | 101 & 115 North Branford Road | proposed brewery with tasting room
- **Jim Pretti** (engineer, Criscuolo Engineering) shared with the Commission the proposed activity associated with the application. **Pretti** shared the details of the proposed pavers, as well as the stormwater storage area.
 - Commissioners questioned the use of the facility and the outdoor courtyard area that will be used as an outdoor patio.
 - **Chairman Bassermann** stated he recalled based on the grade seen on the site walk, the project will require little grading. **Jim Pretti** said that there will be some grading.
 - **Comm. Rose** questioned if **Jim Pretti** was able to identify some of the vegetation seen on the site walk. **Pretti** said he wasn't able to, but in better weather, it would be easier.
 - **IW Agent Frederick** noted that the revised plans were received yesterday and that the Town Engineer was able to provide some comments regarding it.
 - **Comm. Botta** asked if waiting for further staff review, by Inland Wetlands and the Town Engineer, would be appropriate before making a decision. **Pretti** stated that postponing a decision to the March meeting likely would not impact the timeline of the project. **Pretti** then addressed some of the comments made by the Town Engineer.
 - There was a general consensus among the Commissioners to wait until the March 11th meeting to make a decision, until further review by staff can be done.

Comm. Greenalch rejoined at 9:25pm

4. ENFORCEMENT:

- a. CC#20.12.02 | 10 Kenyon Street | clearing and earthwork within inland wetland upland review area, and possible within wetland area, without an inland wetland permit
- **IW Agent Frederick** introduced the CC, noting that since the last meeting, the owner was able to have the wetlands flagged and submit a soils report.
 - After Commissioner questioning, **IW Agent Frederick** stated that the disturbance was all within the Upland Review Area, but that there was some debris removed from the wetland. **Frederick** then shared the soil scientist's report that was submitted.
 - **Chairman Bassermann** questioned if silt socks that could work in this situation, given the difficulty of getting a silt fence into the frozen ground. **IW Agent Frederick** stated that it may be difficult to get something like that in smaller quantities.

- **IW Agent Frederick** shared photos taken after the wetland areas was flagged. **Frederick** then shared the original Cease & Correct Order. **Frederick** stated that the Commission needs to determine the information they will require of the land owner.
 - **Paul Riccio** (land owner) stated that he thought the guidance given by the soil scientist would guide the Commission in determining what would be required. **IW Agent Frederick** noted that given that this is a violation, she is not sure what the past practice of the Commission would be to require. **Comm. Botta** said that the Commission needs to think about this in the sense of what would have been required for this activity.
 - **Chairman Bassermann** questioned **Comm. Botta** if she thought there was minimal grading, as he believes he saw in the photos **IW Agent Frederick** shared.
 - **Comm. Begemann** asked if the soil scientist addressed the soil around the base of the trees. **IW Agent Frederick** said she had a conversation with the land owner about this.
 - **IW Agent Frederick** noted that based off the discussion of the Commissioners, the emphasis seems to be placed on the planting rather than the grading.
 - **Chairman Bassermann** stated that the land owner should inquire about plantings to help the wetland recover. Commission discussed what direction the Commission should be giving the land owner. **Comm. Rose** asked if the Commission should require the plans submitted by the applicant to reflect the current grade.
 - **Paul Riccio** asked what the process is moving forward. **Comm. Rose** stated the Commission can only evaluate the soil scientist's comments, and he is concerned that the removal of items from the wetland area may have impacted the wetland functioning.
 - **Comm. Rose** recommended a site plan be submitted that reflects the grading that was done, the disturbed areas within the wetlands, the soil scientists' recommendation for plantings both within the wetland area, and the Upland Review Area. **Chairman Bassermann** agreed with the recommendation made by **Comm. Rose**.
 - Again, **Riccio** asked about the next steps in the process. **Comm. Botta** stated that staff will provide him with details from this meeting and a letter outlining what the Commission is looking for. **IW Agent Frederick** added if **Riccio** or the soil scientist wanted to reach out to staff, **Frederick** is willing to have a conversation with them.
 - **Comm. Botta** said that if **Paul Riccio's** surveyor is unable to complete the survey until April, that should not be an issue, but if it's ready for March, the CC can be brought back to the Commission. **Riccio** said that a deadline of April 8th would be reasonable.
 - **IW Agent Frederick** reviewed with the **Riccio** what the Commission is looking for, both for the April 8th meeting and to be completed as soon as possible.
 - There was a consensus of the Commission to accept a to-scale sketch done by his soil scientist, rather than a survey showing current grades.
- b. CC#20.12.01 | 41 Brainerd Rd | clearing prior to pre-construction meeting and clearing beyond approved limits of disturbance per Inland Wetland permits
- **IW Agent Frederick** noted that at the last meeting, there was a planting plan from **David Lord**, but that a spatial depiction of that planting plan has not yet been received. **Frederick** asked if there was more required of the permit holder for the next meeting.
 - **Comm. Botta** stated that the Commission needs a visual of the planting plan to make sense of what the planting plan will look like in the space.
 - After questioning, **IW Agent Frederick** noted that work on the lots has not yet started.
 - **Frederick** then asked if they Commission would like the permit holder to return for the March meeting or in April. There was a consensus between the Commissioners to have them return for the March meeting to submit their planting plan and it was recommended that the soil scientist be present to help answer any questions.

- c. CC#15.09.01 | 15 Research Drive | removal of vegetation in wetland and upland review area
 - o **IW Agent Frederick** introduced the CC and noted the request by **Al Ridinger** for the CC to be lifted. **Frederick** noted the correspondence between the owner and the Inland Wetlands Enforcement Officer. **Frederick** said that there were multiple times **Diana Ross** had made a note that it may be brought to the Commission, but it never was.
 - o **IW Agent Frederick** then shared photos from the site and the progression over the years, from the initial cutting of vegetation, up to photos taken out at the site yesterday.
 - o **Al Ridinger** (property owner) was present at the meeting.
 - o **Chairman Bassermann** questioned **IW Agent Frederick** if she recommends the CC be lifted. **Frederick** said that based off of **Diana Ross's** notes and the four years of monitoring done, she thinks this likely didn't get processed before **Ross's** retirement.
 - o **Comm. Begemann** stated she believed she saw mugwort in some of the photos. Those photos were reviewed. **IW Agent Frederick** noted that the CC did not require for the property owner to remove invasive species deeper within the wetland area.
 - o **Al Ridinger** noted that they did everything that they were asked to do, in dealing with any issues that were raised and hiring an engineer. **Ridinger** said that if there is anything else the Commission wants him to do, he will do it.

Comm. Rose made a motion that for CC#15.09.01 15 Research Drive the Notice of Violation be lifted.

Comm. Greenalch seconded the motion.

Chairman Bassermann amended the motion to say that a Cease and Correct Order is being lifted, not a Notice of Violation.

Comm. Rose and Comm. Greenalch accepted the amendment.

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

5. OTHER BUSINESS:

- a. DEEP Permit AQUA-2018-019REV | 214 Alps Road | South Village Pond
 - o **IW Agent Frederick** noted that the office received a notice of a DEEP permit for 214 Alps Road and, if any Commissioners have comments, to let staff know.
- b. CACIWC Habitat – newsletter distribution preference, provide feedback to CACIWC
 - o **IW Agent Frederick** noted that with COVID, they have moved to a digital newsletter, and are looking for guidance on which would be preferred.
 - o **Chairman Bassermann** questioned if anyone would want to receive a paper copy.
 - o **Comm. Botta** stated that if they were to move to a different platform, such as Twitter, to share links, she would be more likely to read what is being shared.
- c. Commission credentials list – update and/or corrections
 - o **Chairman Bassermann** requested that any changes or updates to the list be submitted to **IW Associate York**. **Chairman Bassermann** noted that this is something that should be done each year to keep it up to date.

6. AGENT APPROVALS:

- a. IW#21.01.06 | 56 Stony Creek Road | installation of a replacement septic system
 - o **IW Agent Frederick** noted that this application came to the Commission at the January 14th meeting and it was decided Agent Approval was okay, which has been completed.

- b. IW#21.02.01 | 14 Fitzgerald Lane | L-shaped addition to the west side of the existing house
 - o **IW Agent Frederick** noted that this application was for an addition about 60ft from the wetland and would likely have little impact, so it was processed administratively.

7. CORRESPONDENCE & ANNOUNCEMENTS:

- a. IWWC Regulation Fee Revision Subcommittee– Meeting 12/17/2020 was cancelled
 - o **IW Agent Frederick** noted that the last subcommittee meeting was on January 21st and the minutes are in the Dropbox and will be reviewed by the subcommittee at the next meeting, tentatively scheduled for February 25th.

ADJOURNMENT:

Comm. Botta made a motion to adjourn the meeting.

Comm. Rose seconded the motion.

Meeting was adjourned at 10:40pm.

Respectfully submitted,

**Abby York
Inland Wetland Associate**