



## Inland Wetlands and Watercourses Agency

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### REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

This meeting was held Thursday, March 11<sup>th</sup>, 2021 at 7:00 PM remotely, via ZOOM:

#### CALL TO ORDER:

**Chairman Peter Bassermann** called the meeting to order at 7:00pm.

#### ROLL CALL:

**Commissioners Present, seated:** Chairman Peter Bassermann, Clarice Begemann, Richard Greenalch, Eric Rose, Steven Sullivan, and Patricia Lynch

**Commissioners Absent:** Suzanne Botta and Sandra Kraus

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

#### 1. APPROVAL OF MINUTES:

a. January 14<sup>th</sup>, 2021 Regular meeting minutes

**Comm. Greenalch made a motion to approve the January 14<sup>th</sup> meeting minutes as modified by staff.**

**Comm. Sullivan seconded the motion.**

**Chairman Bassermann took a roll call vote. Motion carried. (Y-N-A : 6-0-0)**

b. February 11<sup>th</sup>, 2021 Regular meeting minutes

**Comm. Rose made a motion to approve the meeting minutes from February 11<sup>th</sup>.**

**Comm. Begemann seconded the motion.**

o **Comm. Greenalch** said when he was briefly absent from the meeting, it was recorded that he seconded a motion for IW#21.01.05. **IW Associate York** said the change will be made.

**Comm. Rose withdrew his motion.**

**The approval of these minutes have been tabled until the April 8<sup>th</sup> meeting.**

#### 2. APPLICATIONS FOR RECEIPT:

a. IW#21.02.04 | 5 Meadow Wood Road | 27' above ground pool

o Staff briefly introduced the application, noting that it has not yet been approved, the pool is about 35 feet from the wetland, and that it will be using a cartridge system. Commission stated they are okay with agent approval.

b. BRIW#21.02.01 | 747-749 E. Main St. | building addition/improvements to Animal Shelter

o **John Hoeffler** (Town Engineer) discussed the proposed activity at the animal shelter and proposed improvements to water quality. Staff noted a site visit to inspect the site conditions and the drainage swale. The site plans were reviewed and the proposed activity regarding the drainage swale and the other drainage features were discussed.

- **Jim Pretti** (engineer, Criscuolo Engineering) shared the landscaping plan currently being prepared. **Pretti** noted that the drainage swale collects debris and that in removing the swale, water would be redirected through a hydrodynamic separator.
  - The Commission discussed the issue of animal waste. Staff said a note would be added to the permit stating that animal shelter employees and volunteers should pick up any animal waste, and an informational pamphlet created by the engineering department would also be included. The Town Engineer stated concerns with the splash pad and that they are working with East Shore District Health Department to find a solution.
  - There was a consensus among the Commissioners for this to be an agent approval.
- c. IW#21.03.01 | 32 Flat Rock Road Ext. | above ground pool
- Staff shared that this is an above ground pool and there is minimal grading proposed. Staff will confirm filter type information is on file. There was a consensus among the Commissioners for this to be an agent approval.
- d. IW#21.03.02 | 37 Burban Drive | construction of a new, single family home
- Staff introduced this application, noting that no one was present to represent it, and that the applicant would be available for a site walk after March 22<sup>nd</sup>.
  - Commissioners asked if the site is difficult or if there is room to change the site plans. Staff shared the plans and noted the distance to the wetland, the proposed grading, and the plantings and rain garden proposed. Commissioners shared that they are concerned with the proximity to the wetland and how little room will be left for a yard.
  - A site walk was scheduled for Saturday, April 3<sup>rd</sup> at 10am, and staff noted that those attending the site walk should park at 68-88 Burban Drive [due to no parking on site].

### 3. APPLICATIONS FOR REVIEW:

- a. IW#21.01.07 | 101 & 115 North Branford Road | proposed brewery with tasting room
- **Jim Pretti** (engineer, Criscuolo Engineering) was present at the meeting and addressed the outstanding items from the February 11<sup>th</sup> meeting. Staff noted discussion with the **Pretti** regarding Japanese Barberry [invasive]. The landscape architect said the cultivar proposed [Concorde Japanese Barberry] is not considered invasive. **Jim Pretti** stated that if this will be an issue, he will have the landscape architect use a different plant.
  - The prepared staff report and the potential conditions for approval were reviewed.
  - Commissioners asked if a bond for plantings is typically required. Staff said it is within past practice and that the Commission should also determine if a bond for erosion controls will be required.

**Comm. Greenalch made a motion to approve IW#21.01.07 for 101 + 115 N. Branford Road with the conditions that have been presented by staff, and included that a bond be required for the landscaping and erosion control.**

**Comm. Sullivan seconded the motion.**

- Commissioners asked if the motion should state which document is being referenced.

**Comm. Greenalch clarified that the referenced document is the staff report prepared for the March 11<sup>th</sup>, 2021 Inland Wetlands meeting for 101 + 115 N. Branford Road revised March 10<sup>th</sup>, 2021, on pages 3-5 under conditions for consideration.**

**Chairman Bassermann took a rollcall vote. The motion carried (Y-N-A : 6-0-0)**

**\*Comm. Greenalch recused himself from the discussion of 3b. IW#21.02.02 – 132 North Ivy Street, as his company will be involved in the project.\***

- b. IW#21.02.02 | 132 North Ivy St aka 132 Ivy St | 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
- **Michael Ott** (Engineer, surveyor, Summer Hill Civil Engineers and Land Surveyors, P.C.) was present to discuss the application. **Ott** shared the revisions made to the site plans, as seen in the plans dated 3/10/2021, and discussed the calculations for retaining the first inch of rainfall, the changes to the stormwater management, and the landscape plan. **Ott** stated the reason he proposed a perimeter infiltration trench is to avoid creating a point discharge, as there is no existing point discharge.
  - Commissioners asked about the maintenance for the stormwater management system. **Ott** stated that he can add the standard maintenance procedures to the site plans. **Ott** said that the maintenance includes the removal of sediment, leaves, and other debris from the surface of the trench, observing the trench to ensure that it is functioning properly, and, if required, removing the top layer of stone if it becomes clogged and replacing it. Staff asked if there is overflow for the roof drainage. **Ott** noted that there is no proposed overflow, as he doesn't want to create a point discharge.
  - Staff noted that while the applicant did get an updated delineation, they were not required to, as the wetlands are offsite and do not extend to their property.
  - The staff report and the potential conditions of approval were shared. Staff added that the Commission should consider adding a condition that the standard maintenance as discussed at the meeting be added to the site plan and reviewed by staff.
  - Commission asked if bonds aren't being discussed because the wetlands are off site. Staff noted that this is a demolition and reconstruction within the same footprint and that the site is relatively flat with low erosion potential, but if the Commission feels it is appropriate, a bond for erosion controls could be required.

**Comm. Rose made a motion to approve IW#21.02.02 – 132 Ivy Street aka 132 N. Ivy Street as presented, that we include the staff report conditions in the document prepared by staff dated March 11<sup>th</sup>, 2021 (rev. March 10<sup>th</sup>, 2021) pages 1-3, and include that a maintenance plan be added to the site plan as discussed at this meeting. Comm. Sullivan seconded the motion.**

**Chairman Bassermann took a rollcall vote. The motion carried. (Y-N-A : 5-0-0)**

**4. ENFORCEMENT:**

- a. CC#20.12.01 | 41 Brainerd Road | clearing prior to pre-construction meeting and clearing beyond approved limits of disturbance per Inland Wetland permits
- Staff said the revised planting plan was received and that the soil scientist is present at the meeting. Staff stated that the Commission could require the plantings be added to an as built to confirm that they were planted in accordance with the proposed density.
  - Commission asked if a bond was required initially. Staff said that while no bond was required, there is a permit modification request on the agenda, and the Commission could consider adding a condition of approval, stating that plants shall be planted in accordance with section 7.10 of the regulations and if they will require a bond.
  - The Commission asked if it was staff recommendation that the Cease and Correct order (CC) not be lifted. Staff stated a CC stays in place until the terms have been completed.

- **David Lord** (Soil scientist, Soil Resource Consultants) stated that he can answer any questions. **Lord** addressed the issue of density, as brought up by the Commission and clarified that the planting density is based off the area of disturbance divided by the suggested distance of planting for the proposed plants. **Lord** noted how the markings will be set up in the field so that the landscaper knows which plantings go where. Staff said the area of concern is lot 4, which is why this is where the plantings are proposed.
- Staff said the Commission should determine if they have sufficient information so that the permit holder may move forward with planting when the weather permits it.

**Comm. Greenalch made a motion to approve the plan as submitted so the permit holders can go ahead with the plantings.**

**Comm. Sullivan seconded the motion.**

- Commissioners asked if the additional items brought up by staff should be addressed within this motion or as part of the permit modification. Staff said that one thing that could be addressed in this motion is the as-built to confirm the planting density.

**Comm. Greenalch modified his motion to include that after the completion of the plantings, that an as built be required, showing the density of the plantings.**

**Comm. Sullivan accepted the modification.**

**Chairman Bassermann took a roll call vote. The motion carried. (Y-N-A : 6-0-0)**

- b. CC#21.03.01 | 143 Ivy St aka 143 North Ivy St | earth disturbance, drainage and vegetation removal within the upland review area
  - Staff gave the background of the activity that occurred. **Kimberly Lombard** (Regional Manager, RHP Properties, Inc.) was present at the meeting and discussed the drainage issues on the property, which led to a pipe being installed under the driveway. **Lombard** noted that per staff's request, they installed a silt fence and have a meeting scheduled with Rob Sonnichsen (engineer, Waldo & Associates) for next week.
  - Staff shared photos taken on the site of the activity, as well as photos after the silt fence has been installed. The original CC was then shared with the Commission, and it was suggested the Commission discuss item #3 of the order.
  - It was clarified that the discussion of this item is the just cause hearing, which allows the landowner to discuss the CC with the Commission.
  - Staff shared with the Commission the options the property owner has moving forward. The Commission discussed returning the property to its previous state. **Kimberly Lombard** asked if the driveway is returned to its preexisting state, would they need to address the drainage problem. The Commission said that while they do not have the jurisdiction to require it, the drainage problem should be addressed and reviewed by the appropriate agencies. Staff said that in restoring the property, the CC requires a plan be submitted, as it is a regulated activity that the Commission needs to review.
  - **Lombard** asked if there was a way to avoid restoring the driveway, just to potentially reinstall the pipe at a later date. Staff stated that if the engineer suggests a temporary fix for the drainage problem and it is reviewed by staff, the final plan could be reviewed by the Commission at the next meeting to avoid any additional disturbance.
  - **Robert Alvine** (Premier Auto Group, neighboring property) noted that it does not require a lot of rain to cause a problem; he offered to have his engineer **Michael Ott** work with the property owners at 143 Ivy Street to resolve this problem quickly.

- Commissioners asked if the pipe could be temporarily blocked, to allow time for the plan to be approved, without causing a greater problem. Staff noted that if a temporary measure is suggested by the project engineer, then it could be approved by staff.
- The Commission said it may be helpful to add a timeframe to the CC. Staff noted that the CC could be updated to say that the plan shall be submitted for the April 8<sup>th</sup> meeting and that any temporary erosion and control measures can be approved by the Agent.
- Staff suggested that a soil scientist be present at the site meeting on Tuesday. **Lombard** confirmed that she could request that through the engineer.

**Comm. Greenalch made a motion to uphold Cease and Correct order CC#21.03.01 and modify it to state that any prepared plans be submitted by April 1<sup>st</sup> for the Inland Wetlands meeting on April 8<sup>th</sup> and that any corrective action that the engineers recommend may be approved by IW Agent Frederick and allowed to be put in place. Comm. Rose seconded the motion**

**Chairman Bassermann took a rollcall vote. The motion carried. (Y-N-A : 6-0-0)**

**5. OTHER BUSINESS:**

- a. IW#20.02.01, IW#20.08.06, IW#20.08.07 | 41 Brainerd Road | permit modification request
  - Staff noted that it would only be appropriate to modify the permit for lot 4, rather than lot 3 or the subdivision. Staff shared the letter submitted to the Inland Wetlands office, and recommended the Commission address which permits are being modified and if they are being modified as requested or if the Commission will be adding anything else.

**Comm. Greenalch made a motion to approve the modification for IW#20.08.07 – Lot 4, 41 Brainerd Road to incorporate the planting plan submitted March 3<sup>rd</sup> by David Lord and that the standard language regarding monitoring be included in the modification and that a bond be required.**

**Comm. Greenalch then withdrew his motion, per suggestion of staff.**

- Staff stated that this permit was an agent approval and should be modified as such. The Commission confirmed that is okay, provided that staff can require a bond.
- b. DEEP Permit AQUA-2018-332REV | 9 Totoket Road
  - Staff told the Commission that this is standard notification of a permit, and there are no proposed changes to the application for this one-year permit.
- c. Open Space projects
  - i. Consider letter of support for request for funding for Saltonstall project to help prevent ATV traffic on trails and through wetland areas
    - The Commission stated that they are okay a letter of support coming from staff.
  - ii. Initial thoughts on possible future treatment of the supply ponds for algae and any invasive species
    - Staff shared that there have been complaints regarding algae in the supply ponds and treatment for the ponds is being considered. The topic is being raised to see if the Commission would have any comments. The Commission stated that without a plan present, it is hard to determine if they have any concerns.

- iii. Pine Gutter Brook bridge replacement/repair (located on the Green trail)
        - Staff gave the Commission notice that an application may be received soon.
    - d. Discussion on minutes content
      - Staff said that they are looking to scale back on the minutes in an attempt to keep the summarizing to a minimum and asked for Commissioner feedback. Commissioners requested the amount of details remain, but that names of Commissioners be removed.
- 6. AGENT APPROVALS**
- a. IW#20.12.03 | 11 Ludlow Court | construction of an in-ground pool
    - Staff shared that this item was approved administratively and issued.
  - b. IW#21.02.03 | 243 Linden Ave | proposed demolition of the 2 existing structures and construction of a new single family home
    - Staff said that after receiving a report from the soil scientist, this was approved administratively, and is available in the Dropbox should anyone choose to review it.
- 7. CORRESPONDENCE & ANNOUNCEMENTS:**
- a. CT Bar Association Land Use Law Seminar – held 3/6/2021
    - It was noted that the seminar was held on Saturday and staff and several Commissioners were in attendance. Staff shared that all Commissioners who participated should receive follow up information soon, and to let staff know if they do not get the email.
  - b. IWWC Regulation Fee Revision Subcommittee
    - i. Last meeting was on 1/21/2021 – minutes to be approved at next subcommittee meeting
    - ii. Confirm next subcommittee meeting date (tentatively scheduled for 3/18/2021)
      - The Commission confirmed that the next subcommittee meeting will take place on March 18<sup>th</sup> at 3pm.
  - c. Amtrak 2021 Vegetation Control Program
    - Staff stated that staff will keep the Commission updated on this annual notice.
  - d. Southwest Conservation District – services letter
    - i. Consider letter of support
      - Staff introduced this item, noting that Chris Sullivan (Southwest Conservation District, SWCD) sent a letter to the Sustainability and Compliance Officer about the possibility of the Town contributing again and being a part of the SWCD. Staff noted that in regards to the Inland Wetlands and Watercourses Commission, they could aid in the review of applications.
      - Staff said that the SWCD letter submitted will be sent to Commissioners and a letter of support may be drafted for the Commission to review at the April 8<sup>th</sup> meeting, if the timeframe allows.

Commissioners asked about statement of expertise. Staff noted that this can be discussed at a later date.

**ADJOURNMENT:**

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

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

**The meeting was adjourned at 9:35pm.**

**Respectfully submitted,**

**Abby York  
Inland Wetlands Associate**