



## Inland Wetlands and Watercourses Agency

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### REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, May 13<sup>th</sup>, 2021 at 7:00 PM

This meeting was held remotely, via ZOOM.

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#### CALL TO ORDER:

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

#### ROLL CALL:

**Commissioners Present:** Chairman Peter Bassermann, Richard Greenalch, Sandra Kraus, Eric Rose, and Steven Sullivan

**Commissioners Absent:** Clarice Begemann and Suzanne Botta

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

#### 1. APPROVAL OF MINUTES:

a. April 8<sup>th</sup>, 2021 Regular meeting minutes

**Comm. Greenalch made a motion to approve the regular meeting minutes.**

**Comm. Sullivan seconded the motion.**

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

b. April 29<sup>th</sup>, 2021 Special meeting minutes

**Comm. Greenalch made a motion to approve the regular meeting minutes.**

**Chairman Bassermann seconded the motion.**

**The motion carried. (Y-N-A : 3-0-2) Comm. Rose and Comm. Kraus abstained.**

#### 2. APPLICATIONS FOR RECEIPT:

a. IW#21.04.04 | 46 Parish Farm Road | installation of a new septic system

- Staff noted there was an application approved earlier this year that was approved administratively. **Marc and Robin Reed** (owners) shared that the proposed septic system installation has been approved by the East Shore District Health Department. **Marc Reed** said that the grading will not change from the previously approved plan. Any additional soil from the septic replacement will be put in the proposed garage area.
- Staff shared the site plans. Commissioners asked questions regarding the location of the wetlands and placement of the septic system. Staff pointed out the garage, grading, erosion controls, and shed placement that were approved in the previous application.
- The Commission confirmed this application could be processed administratively.

b. BRIW#21.05.01 | 32 Victor Hill Drive | installation of yard drain and pipe connection to existing catch basin

- Staff noted this is a Town project and staff has not yet been out to the site. Staff said given that the proposed activity is well away from the wetlands, they believe this can be processed administratively.

- Commissioners asked what the intended function of the area is and the distance that the pipe would be running, which staff noted is around 5 or 6 feet. It was determined this could be an agent approval. Staff emphasized this project is to ensure the water drains to the road
  - without erosion; the intent is not to drain any water from the wetland area.
- c. IW#21.05.01 | 18 Whiting Farm Road | installation of new water service and underground power service to existing garage
- **Jim Pretti** (engineer, Criscuolo Engineering) stated the proposed activity is to run new power and water service to a secondary structure on the property. **Pretti** noted there is a man-made pond near the structure and proposed activity.
  - The Commission determined this application could be processed administratively.

### 3. APPLICATIONS FOR REVIEW:

- a. IW#21.03.02 | 37 Burban Drive | construction of a new, single family home
- The Chairman noted this items is tabled until the Public Hearing, which is scheduled to open at the regularly scheduled Inland Wetlands and Watercourses Commission meeting on June 10<sup>th</sup>, 2021 at 7pm.
- b. IW#21.03.03 | 96, 102 & 104 Stony Creek Road | new single family home
- Staff said revised plans addressing concerns raised at the previous meeting and a report from David Lord (soil sciences, Soil Resources Consultants), clarifying the status of the wetlands on the property have been received. Staff said the anti-tracking pad is not on the site plans and some information regarding a new culvert on the site plans is missing. **Jim Pretti** (engineer, Criscuolo Engineering) addressed the missing items and discussed the information provided since the last meeting. **Pretti** stated he will propose moving the rain garden further from the culvert so the area doesn't fill up with water.
  - Commissioners questioned the purpose of the culvert. **Pretti** stated there is a low point and they are putting a pipe in so they can prevent water from ponding. Commissioners clarified the culvert will not outlet into the rain garden. **Pretti** confirmed it will not.
  - The staff report drafted for the 5/13/2021 meeting with potential conditions for approval was shared. Commissioners stated they believe the information provided is sufficient and there is not an issue with staff approving modifications suggested by the engineer. Potential conditions of approval from the staff report were discussed. It was then determined that a bond would not be required.

**Comm. Greenalch made a motion to approve IW#21.03.03 for 96, 102 & 104 Stony Creek Road and site plan prepared by Criscuolo Engineering, including the changes discussed with the drainage in moving of the rain garden and the extension of the drain pipe, and conditions 1-7 [staff report] be included in the approval, and that no bond is required.**

**Comm. Rose seconded the motion.**

**Comm. Greenalch amended his motion to include that the plantings in the rain garden shall be inspected at the end of the initial growing season and then annually thereafter for at least 3 years and document at least 85% survival rate of vegetation. The reports must be submitted to the Inland Wetlands Agency for each inspection and the Agent may waive the requirement for a report if the Inland Wetland Agent has been contacted to conduct the site inspection and finds the planting status to be compliant and that there will be an installation of wetland signs and posts.**

**Comm. Rose accepted the amendment.  
The motion carried. (Y-N-A : 5-0-0)**

- c. IW#21.04.01 | 46-52 & 45-55 Alex Warfield Road | installation of freestanding bathroom building and associated utility work
  - o The Chairman noted that this items is tabled, per the request of the applicant.

**4. ENFORCEMENT:**

- a. NOV | 41 Burban Drive | Removal of trees within inland wetland upland review area and within wetland area without an inland wetland permit
  - o Staff reminded Commissioners the NOV was issued after staff and Commissioners noted trees had been cut down within a wetland area on a site walk at 37 Burban Drive. Staff shared the planting plan was submitted and said they believe the planting plan appropriately addresses the concerns raised at the previous meeting.
  - o Commissioners asked where the wetland delineation is. Staff shared the site plan showing the wetland delineation on 41 Burban Drive. Staff said given it is prime planting season and the contact person has been responsive, if the Commission was comfortable with staff gaining any clarification needed, they could approve the planting plan. Commissioners noted the proposed planting of the willow trees will replace the function (shading) of the removed trees. Staff said the contact person for the property is willing to comply with the Commission's requests and while they may have initially been unaware they needed Inland Wetlands approval, they now know. The Commission said provided staff can gain clarity, they are comfortable with the plan being approved.
  - o A commissioner stated the property owner should be aware willows take up a lot of water, so having three in that area may nearly drain the pond. Staff also noted willows have shallow, expansive root systems. A commissioner suggested they maybe consider a swamp maple. Staff questioned if the Commission would be comfortable with the agent approving the trees proposed by the property owner and arborist. More discussion was had regarding what type of trees would meet the function of the removed trees. Commissioners confirmed if staff works with the arborist and property owner to find three replacement trees to plant in that area that would be okay.

**Comm. Rose made a motion to allow for agent approval of the final action of the NOV for 41 Burban Drive to require that three trees be planted of a species that are reviewed and that are ultimately approved by the agent, and of a caliper that is appropriate.**

**Comm. Greenalch seconded the motion.**

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

**5. OTHER BUSINESS:**

- a. Executive Order No. 11 – Extensions of 7B and 7I currently set to expire May 20<sup>th</sup>, 2021
  - o Staff said the executive order that allows for virtual meetings is set to expire on May 20<sup>th</sup>. Staff said they are looking for Commissioner input as to whether or not the Commission wants to pursue an in-person meeting regardless of whether the executive order is extended or not. Staff stated the location of a public hearing needs to be noticed and that the Community Center has a limit of 20 people in attendance at a meeting. Staff said they will look into what the Commission's options are, but the Commission should likely prepare for having an in person meeting.

- **Wayne Cook** (member of the public) shared he believes the virtual meetings have been an advantage in the sense that more people are able to attend and being able to screen share. **Cook** said he hopes the Commission consider a hybrid option.
- b. Draft peer review checklists feedback
- Staff asked if the Commission had feedback on the checklists drafted by staff. There was none. Staff said it may be good to follow up on this once the public hearing closes.
  - **Wayne Cook** (member of the public) questioned how the checklist will be approved by the Commission and what the process will be moving forward. **Cook** emphasized his belief that they need to address the procedure surrounding the peer review process.
- c. Commission practices
- The Chairman asked if there should be some subjective criteria the Commission can use to see how they have performed in relation to their obligation. It was stated there should be some measure for the Commission to reflect on to review their practice.
  - Commissioners said it may be interesting for staff to inform them of the progress and results of projects, in terms of unexpected issues, how things went, etc. Commissioners said there can be benefit to learning things from a retrospective point of view, and it could be beneficial in regards to evaluating how the Commission is functioning.
  - Staff said it is important for Commissioners to share with staff items of concern. Staff clarified that while Commission members cannot discuss items with each other, they can bring these items to staff, especially if they notice an issue in driving around town.
- d. Revised Town Department Project Application Form
- Staff discussed the proposed amendment to this application form to encompass all of the parties that would typically fill this form out. Commissioners asked if the use of job titles is necessary. It was recommended the signee be referred to as “Duly Authorized” and their title and department be filled in when they sign the application. Staff confirmed Commissioners were okay with the proposed modification and said the modified form could be sent out to Commissioners for comments before it is finalized.

## 6. AGENT APPROVALS

- a. IW#21.04.03 | 22 Beechwood Road | Restoration of August 2020 storm-damaged backyard with native pollinator species to help support new beehives
- Staff noted the homeowner was looking to create a pollinator garden for his beehives. Staff said trees were removed as a result of the storms last summer and they were likely within a lawn area. Staff required a wetland delineation to ensure all activities will be outside of the wetland area and then signed off on the application. Staff also noted that the proposed plantings were mostly native along the disturbed area.
- b. IW#21.04.02 | 8 Holly Lane | septic repair for a single family house
- Staff noted the Commission approved this for agent approval at the April meeting and the permit was issued. Staff said the application is before Planning and Zoning now.

## 7. CORRESPONDENCE & ANNOUNCEMENTS:

- a. IWWC Regulation Fee Revision Subcommittee
- Staff shared the last meeting of the regulation fee revision subcommittee occurred on April 29<sup>th</sup>, 2021 and the minutes for approval at the next subcommittee meeting are in the Dropbox. Staff also noted the next meeting is scheduled for May 20<sup>th</sup>, 2021.

- b. Correspondence from Wayne Cook
  - o Staff said the Inland Wetlands office received correspondence from Wayne Cook on Tuesday and Commissioners can pick it up in the office or request for it to be mailed out with the next wave of Commissioner packets with application materials.

**Comm. Sullivan shared that his term expires at the end of the month and with his new job, he would not be able to dedicate the time to the Commission, so he will be stepping down.**

**ADJOURNMENT:**

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

**Comm. Kraus seconded the motion.**

**The motion carried. (Y-N-A : 5-0-0) The meeting was adjourned at 8:26pm.**

**Respectfully submitted,**

**Abby York  
Inland Wetlands Associate**