



Inland Wetlands and Watercourses Agency

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REGULAR MEETING MINUTES - REVISED

Inland Wetlands and Watercourses Commission

Thursday, July 8th, 2021 at 7:00 PM

Joseph Trapasso Community House – 46 Church Street, Branford, CT

CALL TO ORDER:

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

ROLL CALL:

Commissioners Present: Peter Bassermann, Clarice Begemann, Melissa Papantones, and Eric Rose

Commissioners Absent: Richard Greenalch, Sandra Kraus, and Suzanne Botta

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

1) MINUTES FOR APPROVAL:

a) June 10th, 2021 meeting Minutes

Comm. Rose made a motion to approve the minutes from the June 10th meeting.

Comm. Begemann seconded the motion.

The motion carried. (Y-N-A : 4-0-0)

The Commission voted to add an item to “Other Business” for Tisko School (118 Damascus Road) in order to review the wetland delineation report and a future parking enlargement.

2) APPLICATIONS FOR RECEIPT:

a) IW#21.06.05 | 26 Old New England Road | construction of a new, single family home

○ Staff noted the applicant team is working on getting new information, including a wetland delineation report. Staff asked if the Commission wants to do a site walk.

○ The Commissioners asked about the site plan in reference to the wetlands marked. Staff said the boundary reflected approximate information gained from the Town GIS maps. Staff stated the expectation of the applicant is to have the wetlands flagged and noted on the survey. Staff said after reviewing the application materials, they noticed no soils report was received by the applicant. Staff then requested that information from the applicant.

○ Staff asked if the Commission would like to schedule a site walk, based on the wetland location, the location of the house, etc. The Commission scheduled a site walk for Thursday, August 5th at 5:30pm.

b) IW#21.06.06 | 8 High Plains Road | regrading of yard, removal of trees, and replacement of rear deck

○ Staff noted some of the activity has already occurred, and a soils investigation was requested of the applicant. Staff said based off of the soils investigation, it seems as though some of the activity is close to the wetland.

- **Tom Capobianco** was present to discuss the activity, noting the 15-16 trees removed as a result of damage from the August 2020 storms. Staff noted they had not seen the site prior to the activity. Staff requested a planting plan be prepared.
 - Commissioners questioned if there is a recommendation about what plants should be included in regards to plants that would provide shade. Commissioners pointed out the rocks along the boundary of the wetland. **Tom Capobianco** said they were looking to move the rocks closer to the old rock wall further south.
 - Staff said their recommendation would be to pull the proposed grading away from the wetland area. The Commission asked if more fill would be brought in to meet the proposed contours. Staff noted they are looking to bring the current 92 foot contour away from the property line. The Commission reviewed the site plans and the contours with the surveyor, **Paul Stowell**. The Commission and staff discussed erosion controls surrounding proposed plantings for the project.
 - The Commission asked if there is an issue with clearing of the property without permission or if it undercuts the Commission's ability to enforce the issue. Staff noted the applicant has been working with them and they have agreed upon the fact that a planting plan would be submitted. Staff asked if there is anything the Commission is specifically looking for in relation to the planting plan or if they want to see the soil scientist's recommendations. The Commission stated they would like as much vegetation to be put back as is practical and that will protect the wetlands. Commissioners clarified no work is to take place until it has been approved by the Commission.
 - The applicant asked questions to staff regarding the timeline of the application.
- c) IW#21.07.01 | 294 Leetes Island Road | construction of a new, single family home
- Staff noted this application is a result of a subdivision from 2019 that required each individual lot come before the Commission for approval. Staff asked if the Commission would feel comfortable with the agent approving it administratively, considering all of the activity is outside of the upland review area. Staff noted this is the Commission's past practice.
 - The Commission asked if the basic elements are the same as what was proposed in the subdivision and noted this property was walked while they were reviewing the subdivision application. Staff requested the latest subdivision site plans.
 - **Jim Pretti** (engineer, Criscuolo Engineering) noted one of the only changes was the placement of a future pool in case the homeowner wanted to install one at a later date. **Pretti** also noted a woodchip berm may be placed in front of the silt fence, given the ledge on site.

The Commission determined all three Leetes Island Road applications would be handled as an agent approval, as long as staff can get the necessary information.

- d) IW#21.07.02 | 296 Leetes Island Road | construction of a new, single family home
- No discussion was had on this item, as the Commission determined for this to be processed as an agent approval.
- e) IW#21.07.03 | 298 Leetes Island Road | construction of a new, single family home
- No discussion was had on this item, as the Commission determined for this to be processed as an agent approval.

- f) IW#21.07.04 | 155 Cherry Hill Road | relocation of existing shed, construction of patio and installation of fence
- Staff noted this application is in response to a Notice of Violation. A shed was placed in a wetland area, and they going to relocate it, as well as some other, future activities, including installing a fence and constructing a patio.
 - **Kevin Conte** (homeowner) noted the existing location of the shed and where he plans to move it. Staff noted the entire property is maintained as meadow, but by putting up the fence along the wetland line, they would be able to better define that area. Staff asked for clarification from the Commission regarding mowing of the lawn/meadow within that wetland area. Staff said maintaining the area as a meadow would likely mean cutting that area around twice a year. **Kevin Conte** said his main concern is the tick population and he would need to maintain both sides of the fence.
 - The Commission determined they would allow the property owner to mow that area twice a year. The Commission then requested they see on the plan for the next meeting the existing shed location (sketched), maintenance of the grass, and how the shed will be moved. Staff mentioned restoring the location of the existing shed. **Kevin Conte** said he could supply the Commission with a narrative explaining the installation and maintenance of the proposed activities.
 - **Kevin Conte** introduced the issue he is facing with the rain garden in that it doesn't drain. Staff reviewed the original permit, noting a grass swale was initially proposed. Staff said the Commission was concerned with if the water would percolate. Staff stated the change in the plans from a grass swale to a rain garden took place in October 2020. Staff suggested the homeowner consult an engineer for any modification to the stormwater drainage system, which would be considered as a modification to the existing permit.
 - **Jim Pretti** (engineer, Criscuolo Engineering) noted in the initial review of the property, they found dry wells likely wouldn't work due to the high water table.
 - Staff said if the homeowner finds that the rain garden is built incorrectly, they still have the approval for building the rain garden. The homeowner may hand dig to test the rain garden, but any repairs will require the silt fence be installed.

3) PUBLIC HEARING:

- a) IW#21.03.02 | 37 Burbank Drive | construction of a new, single family home
- Staff noted the agency does not have the results of the test pits, but a silt fence was installed and will be there until the area is stable. Staff spoke with the soil scientist who had said all of the activity for the test pits were outside of the wetland area. Staff stated they were then notified by the applicant team that they were withdrawing the application. Commissioners asked why the application was withdrawn. Staff said they were not told by the applicant.

4) APPLICATIONS FOR REVIEW:

- a) IW#21.04.01 | 46-52 & 45-55 Alex Warfield Road | installation of freestanding bathroom building and associated utility work
- Staff noted they were likely going to withdraw the application, but they had requested a fee reduction. Staff noted the Commission could consider the request, especially given the fact that they will likely be resubmitting the application. **Jim Pretti** (engineer, Criscuolo Engineering) said they are going to be a bit behind schedule, so they were looking to withdraw the application.

- Staff said since the Commission has not fully reviewed this application, as it has been tabled several times, they could consider reducing the fee. Staff then shared the basis for which the Commission can issue a fee reduction. Commissioners said since there was minimal review and the applicant was a non-profit, more than their typical reduction could be applied. Staff said typically, when an application is withdrawn, the fee reduction is applied to the new application.

**Comm. Bassermann made a motion to reduce the fee to 25% of the initial fee.
Comm. Rose seconded the motion.**

Comm. Bassermann amended the motion to state that the application had a cursory review and that the applicant is a non-profit.

Comm. Rose accepted the amendment.

The motion carried. (Y-N-A : 4-0-0)

- The application was then withdrawn, per the letter received at the meeting.
- b) IW#21.06.01 | 54 & 60 North Main Street | construction of a new, automated car wash
 - The Commission noted the site walk held on July 8th, where they observed some debris had been removed from site and the proposed location of the building.
 - **Jim Pretti** (engineer, Criscuolo Engineering) said revised plans were submitted this afternoon and the Town Engineer was not be able to review them, so the applicant team could wait to answer questions until comments by staff are available.
 - The item was continued to the August 12th, 2021 meeting for further discussion.

5) ENFORCEMENT:

- a) NOV#21.06.01 | 155 Cherry Hill Road | placement of shed and maintaining lawn within a possible wetland area
 - Staff said they believe the application submitted sufficiently addresses this Notice of Violation. The Commission agreed.
- b) NOV | 41 Burbank Drive | Removal of trees within inland wetland upland review area and within wetland area without an inland wetland permit
 - Staff noted they had inspected the plantings and told the contact person the Commission may require an additional tree or two to be planted.
 - The Commission determined two more maple-type trees would be sufficient.

6) OTHER BUSINESS:

- a) IW#20.04.01 | 367, 373-375, & 377 East Main St. | Redevelopment of existing motel, restaurant, and bank to multi-family housing with commercial/retail space
 - Staff noted the Commissioners have the two revised sheets of the site plans, due to more pavement being found near the wetland area. **Dave Sacco** (engineer, TPA Design Group) stated it is about six additional feet of pavement that will be removed. **Sacco** noted the silt fence in that location has not yet been installed, as they are waiting to remove the pavement until they install it. **Sacco** noted the planting plan was updated to reflect the change in the limit of disturbance.

Comm. Rose made a motion to approve the change to the limit of disturbance for IW#20.04.01 for 367, 373-375, & 377 East Main Street to the limits of disturbance reflected on the site plan titled East Main Street Development Landscape Plan dated 6/25/2021 [drawing #3 and 6].

Comm. Papantones seconded the motion.

The motion carried. (Y-N-A : 4-0-0)

- b) Paper copies of minutes – in packets, at meetings or electronic copy only?
 - Staff asked Commissioners how they would prefer to receive minutes to review and approve before the meetings. The Commissioners determined they would prefer for the minutes to be mailed out before the meetings for their review.

- c) Mary R. Tisko School | 118 Damascus Road | soils report and update of future parking area enlargement
 - Staff shared they have received the soils report from David Lord (soil scientist, Soil Resource Consultants) regarding the investigation done on the Tisko School property. Staff also noted in a conversation with Joe Carbone (Supervisors of Facilities & Grounds, Branford Public School), it was noted they are looking to increase the parking area at the school.
 - Staff asked the Commission if they accept the new wetland delineation as a modification for the wetland delineation on site. Commissioners asked about the map amendment process. Staff noted the process for a formal map amendment requires for the delineation to be added to a survey and for a public hearing to be held. Staff said they could look into the process for the next meeting.
 - Staff shared with the Commission the “Call Before You Dig” received by the office regarding the parking enlargement project. Staff reviewed the site plans with the Commission, noting both approximately where the parking area would be located and the proposed restoration area. Staff stated they would be able to confirm if the activity would be outside of the upland review area. The Commission confirmed they are comfortable with the activity being signed off on administratively, as long as the activity is out of the upland review area from David Lord’s report.
 - Commissioners asked if there is a way in the future to avoid losing wetland areas or if this is something that can just happen over time. Staff noted while wetland location can change over time, this change likely happened back when the school was initially built. Staff explained the process has improved and we now require as-builts to confirm what was done matches what was proposed and approved.

Comm. Rose made a motion to approve the recommendations for storm damage clean-up at Mary Tisko School [118 Damascus Road] as seen on the soils report SRC Job #2135 prepared by Soil Resource Consultants dated July 9, 2021.

Comm. Begemann seconded the motion.

The motion carried. (Y-N-A : 4-0-0)

7) AGENT APPROVALS:

- a) BRIW#21.05.01 | 32 Victor Hill Road | installation of yard drain and pipe connection to existing catch basin

- Staff stated the Commission okayed this application for agent approval, and work has not yet started.
- b) IW#21.06.03 | 93 Rose Hill Road | septic repair
 - Staff noted that there was a complaint about work being done at this property and the homeowners were required to submit an application for an emergency septic repair, which is typically an agent approval.
- c) IW#21.06.04 | 80 South Montowese Street | residential addition
 - Staff shared that the application for a residential addition was approved.
- d) IW#21.05.03 | 12 Parish Farm Road | single family house
 - Staff said this was brought to the Commission and accepted as an agent approval.
- e) IW#21.05.04 | 16 Parish Farm Road | single family house
 - Staff said this was brought to the Commission and allowed to be an agent approval.
- f) IW#21.05.05 | 20 Parish Farm Road | single family house
 - Staff said this was brought to the Commission and accepted as an agent approval.
- g) IW#21.06.02 | 173 Hotchkiss Grove Road | demolition of an existing, non-conforming house and the construction of a new house
 - Staff noted that this application was approved for agent approval, and noted that the site plans were modified to add the one inch stormwater treatment.

8) CORRESPONDENCE & ANNOUNCEMENTS:

- a) Aquarion Water Company | Environmental Champions
 - Staff shared the notice received regarding Environmental Champions competition. The Commission discussed the competition guidelines.

ADJOURNMENT:

Comm. Rose made a motion to adjourn the meeting.

Comm. Begemann seconded the motion.

The meeting was adjourned at 8:53pm.

Respectfully submitted,

**Abby York
Inland Wetlands Associate**