



# Inland Wetlands and Watercourses Agency

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## REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission  
Thursday, September 9<sup>th</sup>, 2021 at 7:00 PM  
This meeting was held remotely, via ZOOM.

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### CALL TO ORDER:

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

### ROLL CALL:

**Commissioners Present:** Chairman Peter Bassermann, Clarice Begemann, Suzanne Botta, Richard Greenalch, Sandra Kraus, and Melissa Papantones

**Commissioners Absent:** Eric Rose

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

### 1) MINUTES FOR APPROVAL:

- a) July 8<sup>th</sup>, 2021 Meeting Minutes – draft revised

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

**Comm. Begemann seconded the motion.**

- o It was noted that the word “asked” was omitted from a sentence under item 3a.

**Comm. Greenalch amended the motion to include the changes noted by other Commissioners.**

**Comm. Begemann accepted the amendment.**

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

- b) August 12<sup>th</sup>, 2021 Meeting Minutes

- o Commissioners noted two changes to be made under item 2b, regarding using the word “impervious” where “pervious” was intended. Staff noted the changes.

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

**Comm. Begemann seconded the motion.**

**Comm. Greenalch amended his motion to state that the minutes are approved with the changes as noted by Commissioners.**

**Comm. Begemann accepted the amendment.**

**The motion carried (Y-N-A : 4-0-2). Comm. Greenalch and Comm. Botta abstained.**

**\*Comm. Botta joined the meeting at 7:05pm.\***

## 2) APPLICATIONS FOR REVIEW:

- a) IW#21.06.05 | 26 & 28 Old New England Road | construction of a single family home
  - Staff noted the application has been withdrawn, but the applicant hopes to resubmit a new application once they have all of the information the Commission requested.
  
- b) IW#21.08.01 | 175 Cherry Hill Road | 11-lot subdivision
  - **James DiMeo (Professional Engineer, Juliano Associates, LLC.)** introduced the application and discussed the manmade farm ponds, swale, and offsite wetlands as identified in the soil report. **DiMeo** then discussed the proposed activity associated with the application, noting where the upland review area is located in relation to the proposed lots and houses. Commissioners asked questions regarding Lot 7, including the house size shown. **DiMeo** said what is shown on the site plans is the maximum size possible and anything actually built would be smaller.
  - **DiMeo** then discussed the northern detention basin proposed, noting the slopes wouldn't be steeper than 3:1 and it would be grass-lined. **DiMeo** stated it was designed to handle rainwater up to the 100-year storm. Commissioners asked who would be responsible for maintaining the drainage pipes. **DiMeo** stated the drainage pipe outlets on the open space proposed, and at this time, it is not determined who will take on the open space area, whether it would be the RWA or the Town. **DiMeo** said he believes that by the end of the Planning and Zoning process, he would know who will be maintaining it. Commissioners confirmed that during the construction process, it would be the responsibility of the developer to ensure that it is functioning properly. Staff pointed out they have not received comments from the Town Engineer regarding the water treatment process.
  - Commissioners asked about the outlet control structure. **DiMeo** said at the 100 year storm, there is an emergency spillway, so the berm never overtops. Commissioners asked if the basin will allow water to infiltrate and if percolation tests have been completed. **DiMeo** stated percolation tests have not been completed, but he noted that he believes the water will infiltrate.
  - Commissioners asked if the added impervious surface would impact the offsite wetlands and if the erosion in areas seen on the site would get worse. **DiMeo** showed on the site plans the direction of flow, and said that the water wouldn't flow down Cherry Hill Road. **DiMeo** then pointed out the location of the emergency spillway for the southern detention basin. Commissioners asked if they are retaining the first inch of water from the southern detention basin. **DiMeo** stated he will make that change and ensure they are retaining the first inch of stormwater from the basin.
  - Commissioners asked staff if the water from the roofs was free flowing onto the property. Commissioners asked why it wasn't included in the site plans. **DiMeo** stated he considers roof runoff to be clean and he was trying to ensure he wasn't starving the other areas and nearby wetlands of water. **DiMeo** shared the watershed map analyzed and there are no significant changes in peak flows. The Commission stated they will need to see an updated drainage report addressing the issues raised.
  - Commissioners asked if there are any stockpiles on site and if there are, to ensure that they are marked on the site plan, as well as add any other sediment and erosion controls to the site plans for the Commission to review at the next meeting.
  - Commissioners asked if they have considered what area would be used for snow storage. **DiMeo** noted they would likely have to put the snow at the end of the cul-da-sac without blocking the access to the basin.
  - The Commission they would continue their review at the October 14<sup>th</sup> meeting.

- c) IW#21.08.02 | 61 Burban Drive | creation of a multi-family residential development
  - Staff noted the applicant is not present. There are revised plans that includes activities on the neighboring property, and staff said they are awaiting authorization for the other property owner to continue consideration of the application. Staff noted the revised plans contains activities in a watercourse, which would increase the fees. The applicant submitted a fee reduction request for the Commission to consider. The Commission determined they would consider the fee reduction request when they review the site plans at the October 14<sup>th</sup> meeting.
  
- d) IW#21.08.03 | 5 & 13 Summit Place | demolition of existing building and construction of a new, 48-unit, multi-family apartment building and associated parking
  - **Ryan McEvoy (Professional Engineer, SLR Consulting)** was present to discuss the application. **McEvoy** shared the site plans, and addressed some of staff's comments, including installing a split rail fence at the top of the slope. **McEvoy** noted they were able to locate the stormwater discharge point and it was found to be in adequate shape with limited erosion occurring.
  - **McEvoy** addressed the Commission's requirement of the first inch, and noted they were hoping to get a waiver for the requirement. **McEvoy** stated the basis for the request is that they do not want to introduce more fill to the property, and they are proposing a hydrodynamic separator that would allow for the suspended sediment to be removed from the water. **McEvoy** noted this method is approved by the DOT and it meets the requirements of the CT DEEP Stormwater Manual. Staff asked **McEvoy** to address the temporary sediment traps proposed. **McEvoy** shared the details of the temporary sediment traps, and the phasing of the use of the traps.
  - Staff said they have not received comments from the Town Engineer. The revised plans were received today, so they have not been reviewed. Staff recommended the Commission not act on the application tonight. The Commission stated they would like to get more clarification on the request to waive the first-inch requirement before they consider the request.
  - **McEvoy** noted the roof runoff is going to the storm drainage that discharges to the existing manhole, which is the majority of the water that gets to the wetland. **McEvoy** said they will be improving the quality of the runoff to the wetland.
  - Commissioners asked if there are any plantings and if there has been consideration for the water to go over landscaped areas. **McEvoy** stated they did consider this, but there were several issues they faced, noting the grade change between this lot and 21 Summit Place and trying to keep as much open space as possible for recreational uses associated with the Phase II development of Summit Place.
  - The Commission determined that they would review first-inch requirement waiver and other outstanding information at the October 14<sup>th</sup> meeting.
  
- e) IW#21.08.04 | 47 Gould Lane | scour hole repair
  - Staff introduced the application, noting the applicant is present, and mentioned the discussion item under enforcement for 47 Gould Lane. The Commission determined that they would discuss both items at the same time.
  - **Ryan McEvoy** introduced the application and discussed the proposed activity. **McEvoy** shared they are looking to protect the outfall, which currently has no existing protections. **McEvoy** noted the Branford Land Trust has given their consent for this project and a soil scientist will oversee the project. **McEvoy** described the new maintenance detail [as seen on the revised site with the revision

date of 9/8/2021 and received on 9/9/2021], noting it would be similar to that of a rip-rap splash pad.

- Staff asked if there was a particular time of year or condition when the activity should occur. **Ryan McEvoy** stated it is recommended the work should only commence when the conditions are dry. Staff also noted they were unsure who would be responsible for maintaining it, and whether it would be the Town of the Branford Land Trust.
- Staff then shared photos of the site after Tropical Storm Ida (photos taken on September 2, 2021). Staff noted there were crews addressing the repairs early in the morning directly after the storm. Staff said based on how open the site is right now, they would recommend the Commission be sensitive in considering the timing of activity. **Michael DiGioia (DonMar Development)** said he plans to fine-grade and hydroseed Lot 20 tomorrow if the conditions are dry enough and they plan to seed Lot 17 next week after the propane tank is installed.
- Commissioners said they don't have an issue with the activity itself and the pressing issue is the timing of the activity. **DiGioia** stated that they are working with the Branford Land Trust, soil scientists, and the Agent and are seeking approval now so when the conditions are right, they can do the work. Staff said if the Commission is satisfied with what they are seeing, the weather conditions are right, and the lots of concern are seeded, the Commission could approve this application tonight.

**Comm. Greenalch made a motion to approve the plan submitted for the scour hole repair for 47 Gould Lane for IW#21.08.04 with the conditions that the timing of the repair work is subject to the agreement of the IW Agent and the Branford Land Trust, and that the activity doesn't occur before the vegetation is completed on lots 20 and 17.**

**Comm. Kraus seconded the motion.**

- Commissioners clarified there should be no tracking in the road from Lots 17 and 20, and the vegetation should be established on the lots before the activity occurs.

**Comm. Greenalch accepted amendments to the motion.**

**Comm. Kraus accepted the amendments to the motion.**

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

### **3) ENFORCEMENT:**

- a) NOV | Island View Village Condominium | drainage maintenance required
  - Staff introduced this Notice of Violation (NOV) and said they had been in contact with the two property owners and they are both willing to work with the Commission to correct the action. Staff said they were notified of the issue by someone with Parks and Open Space. Staff said they will be meeting with both property owners on site on Friday, September 10<sup>th</sup> to view the conditions and discuss the details of the NOV. Staff shared the original NOV that was sent out with the Commission.
  - **Cheryl Daniw (property manager, Island View Village II)** was present to discuss the NOV. **Daniw** said it seems like runoff from the adjacent property impacted the integrity of the pipe so the two properties will likely need to collaborate to address the issue. **Chuck Eaton (professional engineer)** said they are going to start

- assessing the condition of the property and they should be able to begin coming up with solutions after that.
- Commissioners questioned where the water is draining to. Staff shared aerial imagery of the site. Commissioners asked if this was related to issues a few years back from Pisgah Brook, and Milone and MacBroom had done a report.
  - The Commission determined that they will discuss this NOV further and review the engineer's findings at the October 14<sup>th</sup> meeting.
- b) IW#13.06.03 | 47 Gould Lane | Open space residential development
- This item was discussed along with agenda item 2e.
- c) IW#19.10.05 | 99 Todds Hill Road | 15-lot subdivision and open space
- Staff shared that with the recent storms, they noticed sediment and erosion issues. Staff shared photos from the site dated September 2, 2021 and September 9, 2021.
  - Commissioners questioned if the normal course of action would be to issue a NOV. Staff said since it was a large storm, they were hesitant to issue a NOV, but it is also important to emphasize that this issue cannot keep happening. Commissioners said they believe nothing will happen unless a NOV is issued to open up a line of communication and staff should specifically outline the expectations of the Agency for correcting the erosion controls. The Commission said best practice would be to issue a NOV as soon as possible, and if there is no response by the violators by the time it gets to the Commission, a Cease and Correct Order should be issued.
  - After staff clarified, the Commission determined staff should issue a NOV outlining the issues noted. Staff said they will make the general statement of adhering to following the sediment and erosion controls set forth in the site plans. The Commission will review the progress made by the permit holder in addressing the issues in the NOV at the October 14<sup>th</sup> meeting.
- d) IW#19.10.04 | 339 & 333 West Main Street | Stone parking area for car dealership
- Staff introduced this item, noting it is before the Commission due to impacts of Tropical Storm Ida. Staff shared photos from September 2, 2021 and September 9, 2021. Staff noted that the first issue with this site came up after Henri, and the permit holders have been responsive in addressing the issues, but the site is very open with little vegetation established. Staff noted that most of the corrective action requested has taken place and their biggest concern is that the site should be seeded as soon as possible. Commissioners said since they have been responsive and corrected the actions, they believe a NOV should not be issued.
- e) NOV | 122.5c Chestnut Street | removal trees and deposition of material
- Staff shared it is unlikely that the property owners are at the meeting, as the NOV was sent out yesterday. Staff stated there were some trees cut down along Route 1 and deposited within a watercourse. Staff had reached out to the property owners in the NOV to inform them they had conducted an activity that required a permit and to continue removing debris from the watercourse. Staff then shared photos of the site taken on September 7, 2021. Commissioners asked if they should request mitigation work. Staff shared the work may have occurred on state property, and they should have more information for the Commission at the next meeting [October 14<sup>th</sup>], once they hear from the property owner and the debris has been removed.

**4) OTHER BUSINESS:**

- a) Review/Approve 2022 Meeting Schedule
  - o Staff said they can email the draft 2022 meeting schedule out to Commissioners to review and add it back to the agenda for the October 14, 2021 meeting.
- b) Fee Revision Subcommittee
  - o The Chairman shared there have been scheduling conflicts with the subcommittee, and he believes they should just present the material to the Commission for their review at the October 14, 2021. The Chairman requested the subcommittee meet one more time to discuss their plans to present to the full Commission.

**5) AGENT APPROVALS:**

- a) IW#21.08.05 | 32 Flat Rock Road Ext. | construction of a deck
  - o Staff shared the Commission had received an application earlier in the year for a pool that was processed administratively. Staff noted this application for a deck was processed administratively as well, since it wasn't any closer to the watercourse.

**6) CORRESPONDENCE & ANNOUNCEMENTS:**

- a) Chestnut Street | draining/flooding
  - o Staff shared there was a complaint that came in to the office about drainage issues affecting some properties on Chestnut Street. Staff has been discussing with the Town Engineer and may need to discuss thing further with the DOT. Staff said they wanted to make the Commission aware of the issue, as there were potentially going to be people attending the meeting to voice their concerns.

**ADJOURNMENT:**

**Comm. Greenalch made a motion to adjourn  
Comm. Papantones seconded the motion**

**The meeting was adjourned at 9:20pm.**

**Respectfully submitted,**

**Abby York  
Inland Wetlands Associate**