



# Inland Wetlands and Watercourses Agency

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## REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, October 14<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) September 8<sup>th</sup>, 2021 Site Walk Minutes

**Comm. Greenalch made a motion to approve the minutes from September 8<sup>th</sup>.**

**Comm. Botta seconded the motion.**

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

b) September 14<sup>th</sup>\*, 2021 Meeting Minutes

\* Chairman Bassermann noted the meeting minutes for approval are from September 9<sup>th</sup>, not September 14<sup>th</sup>.

**Comm. Greenalch made a motion to approve the minutes from September 9<sup>th</sup>.**

**Comm. Botta seconded the motion.**

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

### 2) APPLICATIONS FOR RECEIPT:

a) IW#21.10.01 | 18 Brookhills Road | residential septic system replacement

- Staff noted this application is for receipt and it could likely be an agent approval, but they would like to go out to the site before making that decision.
- **Jim Pretti** (PE, Criscuolo Engineering) introduced the application, noting the plan has been approved by East Shore District Health Department. **Pretti** noted the location of the stock pile may change to accommodate work vehicles' access to the area of the septic replacement. **Pretti** added the area has been maintained as lawn.
- Staff shared there is no wetland delineation on the site, but shared a GIS map showing the property has lawn right up to the edge of the pond.
- Commissioners determined the application could be processed as an agent approval, once staff is able to visit the site and determine it would be appropriate.

b) IW#21.10.02 | 61 Flax Mill Road | new single family home

- Staff shared this application is also for receipt and it could potentially be an agent approval. Staff noted the wetland delineation is for 39 Flax Mill Road.

- **Jim Pretti** shared the delineation was done off site, and there is a sewer easement to the rear of the property. **Pretti** discussed the proposed activity, noting the location of the silt fence, construction entrance, and stockpiles.
  - Commissioners discussed requiring an updated wetland delineation. Staff said the activity is a far from the wetlands and if the Commission is comfortable with it, it would be appropriate to use the delineation from 39 Flax Mill Road as a reference.
  - Commissioners then determined this application could be approved by the agent.
- c) IW#21.10.03 | 49 & 81-111 Commercial Parkway | construction of a “last mile” ecommerce delivery station
- **John Knuff** (attorney, Hurwitz, Sagarin, Slossberg, & Knuff LLC) was present on behalf of FSI Acquisitions LLC. **Knuff** discussed the proposed stormwater improvements for the application, including the decrease of impervious pavement and infiltration compliant with the State’s MS4 requirements. **Dennis Goderre** (BL Companies) gave the overview of the site and discussed the layout of the proposed building and parking areas. **Goderre** explained the stormwater management systems, including multiple subsurface detention systems and a rain garden.
  - **Matt Davison** (wetland scientist, Davison Environmental) shared in the assessment done in October of 2020, they did not find any onsite wetlands. The offsite wetland area is a manmade ditch along the onramp to I-95. **Davison** discussed the wetlands, noting while the southern wetland was delineated and flagged in 2020, the northern delineation was used from a previous delineation. **Davison** reiterated the improvements proposed, noting the plan reduces the overall impervious surface and the total impervious coverage within the Upland Review Area.
  - Commissioners asked questions regarding the design of the stormwater system. **Jeff Dewey** (PE, BL Companies) informed the Commissioners that standard engineering practices require the piping be sized to accommodate a 10 to 25 year storm, and they opted to use the more conservative, 25-year storm measurements. Commissioners asked for clarification regarding the rain garden size. **Goderre** said it is approximately 600’ long and 20’ wide. **Goderre** stated the water from the roof is divided and goes into different detention systems.
  - Commissioners asked about the construction plan, stockpile locations, and the erosion controls. **Dewey** said there will be some fill brought in on the southern portion of the site, while the current elevation of the area of the existing building is closer to the proposed elevations. Staff confirmed there were no percolation tests done. **Dewey** said they anticipate appropriate infiltration rates for the proposed systems. Staff asked if the first inch was being retained on site.
  - Commissioners determined a site walk will be held on Wednesday, November 3<sup>rd</sup> at 4:45pm. Commissioners requested the stormwater retention areas and the corners of the building be staked out to view in the field. **Knuff** stated they will stake out all of the major construction locations, along with the limits of disturbance.
  - **Knuff** asked the Commissioners if they would be able to sort some of the logistics out, such as it there would be a public hearing or a third party review. Commissioners said because there has only been a brief review of the materials and the site walk hasn’t occurred, they would refrain from making those decisions now.
- d) IW#21.10.04 | 159 Cherry Hill Road | installation of a fence and patio
- Staff shared with the Commission the sketch of the activity submitted by the property owner. Staff added this application could also be an agent approval.

- **Corrienne Carangelo** (property owner) stated it would be a 4-foot, black, chain-link fence, noting the fence would be installed by hand and no vegetation would be removed during installation. Commissioners stated this could be an agent approval.

### 3) APPLICATIONS FOR REVIEW:

- a) IW#21.08.01 | 175 Cherry Hill Road | 11-lot subdivision
  - Staff shared the request to table discussion until the November 4<sup>th</sup>, 2021 meeting. The Commission determined to wait to discuss the fee reduction request.
- b) IW#21.08.02 | 61 & 65-99 Burban Drive | multi-family residential development
  - **Todd Ritchie** (PE, SLR Consulting) discussed the stormwater drainage system and the proposed repairs. **Ritchie** discussed the scour hole repair. Commissioners asked how often it would need to be cleaned out. **Ritchie** said since the sediment comes from offsite, it is difficult to predict how frequently that needs to take place. **Ritchie** noted the erosion controls missing from the site plans have since been added in.
  - Staff shared the staff report drafted. Commissioners asked staff if they had concerns with the information provided. Staff noted the Commission hasn't discussed the stormwater retention. Commissioners asked what is proposed since they aren't retaining the first inch of stormwater. **Ritchie** said they aren't proposing retention because they aren't changing the peak rates, and the State of CT Stormwater Manual states that water can be infiltrated or an onsite treatment system. Commissioners asked if not having the water infiltrate is an issue of it not being appropriate on this specific site. **Ritchie** reiterated the soils on site are mostly fill material and is considered on the NRCS soil mapping to be poorly draining.
  - Staff noted there is a difference in the way the Commission could consider new development versus re-development, since they each may face different challenges.
  - Commissioners discussed the fee reduction request and asked staff if the total application fee with the reduction would cover staff time. Staff confirmed it would.

**Comm. Botta made a motion for IW#21.08.02 for 61 & 65-99 Burban Drive to accept the fee reduction request to bring the total application amount to \$2,810, which would be a reduction of \$1,750.**

**Comm. Greenalch seconded the motion**

**The motion carried. (Y-N-A : 5-0-1) Comm. Begemann abstained.**

- Commissioners discussed the conditions of approval as drafted in the staff report.

**Comm. Botta made a motion to approve IW#21.08.02 for 61 & 65-99 Burban Drive with the conditions enumerated in the Staff Report dated October 14<sup>th</sup>, 2021 conditions 1-6, the standard conditions, and the provisions per Section 11.11 of the Inland Wetland and Watercourses Regulations of the Town of Branford, and this motion is being made knowing that this application does not retain the first inch of runoff, and that the Commission has considered the issues of the types of soil on site and that this particular site is not amenable to holding those waters and that the stormwater treatment units are the best option for the site.**

**Comm. Greenalch seconded the motion.**

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

- c) 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
- Staff stated the regulations require retention of the first flush (referred to as the first inch) and the applicant originally did not propose any stormwater retention. The applicant has since revised plans and is now proposing retention of the first flush.
  - **Ryan McEvoy** (PE, SLR Consulting) discussed the revisions and noted the outfall has no current erosion issues. Staff requested the area be monitored over the next few years to ensure the area remains in good condition. **McEvoy** shared the difference between first flush and first inch and discussed their stormwater treatment measurements. Commissioners discussed the conditions of approval.

**Comm. Greenalch made a motion for IW#21.08.03 for 5 & 13 Summit Place to approve the application with the conditions 1-6 from the staff report dated October 14, 2021, the standard conditions, and the general provisions per section 11.11.**

**Comm. Botta seconded the motion.**

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

- d) IW#21.09.01 | 56 Stony Creek Road | installation of a fence around wetland
- Staff noted the subject property is The Nest daycare facility. Staff said a State agency is requiring a portion of the yard be fenced in for the safety of the children. Staff noted that since there are multiple agencies involved, they thought it would be best to get the application process started. Staff added the applicants are hopeful to have all application materials together for the November meeting, and that staff will likely go out on site between now and then for an inspection.

#### **4) ENFORCEMENT:**

- a) NOV | Island View Village Condominium | drainage maintenance required
- Staff updated the Commission on the progress made since the last meeting. **Pete Parent** (project manager, CHA Consulting) shared the concept plan with the Commission and discussed the proposed project. **Parent** noted they are hopeful to submit an application for the November meeting. Staff said they should address if there will be mitigation on the site from the erosion issues. **Parent** stated they aren't currently proposing the remove any sediment from the area where it has accumulated, but they would be willing to, if the Commission would like them to.
- b) NOV | 99 Todds Hill Road | erosion control repairs and site cleanup from Tropical Storm Ida
- Staff said there have been improvements. Staff shared with the Commission that there were some issues regarding removal of erosion controls during the grading and seeding process. Staff then shared photos taken on site on October 13<sup>th</sup>, 2021.
- c) NOV | 122.5c Chestnut Street | removal of trees and deposition of material
- Staff said this NOV was sent out before the last meeting, but the owner did not receive sufficient notice to attend the meeting. Staff said they met the property owners on site after the notice was received and cleanup of debris in the watercourse had been completed. Staff noted the channel had been stabilized.
  - **Jiqin Ma** (property owner) said the property was purchased in the spring as a rental property, and shortly after a neighbors' tree fell on their tenant's car. **Ma** had two

tree services assess the trees on their property and they were told there were several substantial trees that were recommended to be taken down as soon as possible.

- Commissioners discussed the possibility of the property owners replacing the trees removed. The property owners noted there are some saplings in the area that they expect to do well in the area. Commissioners said the past practice of the Commission is to have the property owners create a plan to provide the function of the removed trees, specifically shading and invasive control.
- Commissioners asked if this was on state property and if the wetland area would be maintained by the State. Staff noted this segment of the watercourse is a part of a bigger wetland system. Staff noted the DOT said they will not require replanting, but would support the Commission if they choose to require replanting.
- Commissioners stated they believe the property owners should work with staff to determine appropriate replacement plantings. Staff confirmed the Commission would like to review the planting plan at the November 14<sup>th</sup>, 2021 meeting.

d) NOV | 93 Bradley Street | clearing of vegetation and placement of crushed stone

- Staff received a call about someone putting gravel down at the subject property. A NOV was sent out. Staff learned from the owners that the gravel was placed on a roadway that has been maintained historically. Staff shared a map of the area and photos of the crushed stone. Staff noted the proximity to the wetland area that exists on 1151 West Main Street and gravel being placed on neighboring properties. **Peter Black** was present on behalf of the property owners. **Black** said the road has existed for over 100 years. Commissioners discussed the function of the road, and if there is past practice the Commission can consider. Commissioners said if the activity is as-of-right, it is not self-determining, and the property owners need to come to the Commission for a discussion. Staff said there is an as-of-right ruling form that can be submitted to the office and presented to the Commission at the next meeting.

5) **OTHER BUSINESS:**

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

- Staff shared a condition of the permit that a bond is required for the monitoring period. Staff stated the permit holder requested the monitoring period be waived, due to concerns about the expense. Commissioners noted they are expected to assess every application fair and uniformly and it would be unfair to potentially allow a shortened monitoring period with little justification.
- Staff shared the language in the permit regarding the monitoring period, noting the Commission has sometimes allowed the agent to verify the success of the plantings. Commissioners discussed the expectations associated with the agent monitoring the plantings, and expressed concerns with staff not having the time to monitor and report on the invasive species as a soil scientists would be able to. Commissioners emphasized how that would change the permit requirements.
- The Commission said while they considered the options for the monitoring reports, the permit holder would need to comply with the permit conditions as issued.

b) IW#14.11.02 (Phase I) and IW#17.07.05 (Phase II) | 250 North Main Street | monitoring report status

- Staff shared the survivability of the plantings is closer to 60%, instead of 85%, and they are also dealing with some invasive species removal. Staff noted there is an

- erosion issue, and they need to get information on how it will be dealt with. Staff noted they are making progress, and they recommend that the monitoring continue.
- Staff asked if the permit holder doesn't meet the 85% survival of their plantings, the Commission would expect them to add plantings. The Commission determined the permit holder needs to meet the conditions of the permit [85% survivability of the plantings]. The Commission added they would like for a representative of the permit to come to the Commission to discuss the activity on the site. Staff did note there is no work happening on site except the invasive plant removal.
- c) Preliminary review | 3-7 Rockland Avenue | review of likely application materials that would be required for restoration project
- Staff introduced the item, noting the proposed project is for mitigation work, and they wanted to have a discussion with the Commission about their expectations. **Yin Ho** and **Shirley McCarthy** (residents) are looking to spearhead an invasive removal project on 3-7 Rockland Park. **Ho** shared the details of the proposed project, noting the property was just transferred to her, as an abutting property owner. **Ho** said they were looking to get guidance on the application process from the Commission because they are only looking to remove the invasive species.
  - Commissioners asked if the residents of the neighborhood would be the ones to remove the phragmites or if professionals would do the removal. **Ho** said All Habitat drafted a proposal and they will be hiring them to do the mitigation work, which will take place over the span of about three years.
  - Staff noted they told the potential applicant to submit the wetland delineation, and asked the Commission if they want it to be added to the plan, or if they were comfortable looking at the plan and delineation separately. Commissioners determined as long as the items are submitted, that would be sufficient
  - Commissioners said details of the sequence of events for the project would be important in their review, including how and when material will be taken off site.
  - Staff noted there was a question of the fee, as the potential applicants were informed of the past practice of waiving the fee to the DEEP fee for mitigation work. Staff recommended the applicant calculate the application fee and, at a minimum, should submit the DEEP fee and a written request for a fee reduction. Any outstanding fees would need to be submitted or any paid and reduced fees would be refunded.
- d) IW#20.04.01 | 373-375 East Main Street | demolition of existing motel, restaurant, and bank properties to multi-family housing with commercial/retail space
- Staff noted the modification request includes a new parcel, so if at any time, the Commission determines work on the new parcel would be a regulated activity, it should be a new application. If the Commission does not think it would be a regulated activity, then it could potentially be approved as a modification.
  - **David Sacco** (CPA Design) shared the site plans that include the newly acquired parcel [383 East Main Street]. **Sacco** stated they would be utilizing the same entrances and had a soil scientist confirm that there are no wetland soils on the site. **Sacco** stated because the parcel has significant amounts of rock on it, they would not be able to propose any significant stormwater treatment on site.
  - **Sacco** stated because they are proposing work that is not in close proximity to the wetland and should have no impact, the permit holders wanted to see if this would be considered a modification. **Sacco** discussed how the phasing would work in relation to adding a new building to the development.

- Commissioners stated it may be best for this to be considered a modification so it can be assessed within its full context in relation to the rest of the site. Commissioners discussed how to review this as a permit modification. It was requested staff consult with Town Counsel to see if a permit modification including a new parcel could be considered.
- Staff asked **Sacco** about the timeline of the application. **Sacco** said they were hoping to submit an application in November, if the Commission determines the proposed activity should be under a new permit.

**6) WITHDRAWN APPLICATIONS:**

- a) IW#21.09.03 | 93 Todds Hill Road | placement of shed
  - Staff shared the homeowner revised to location so the shed would be located outside the 100' Upland Review Area. As such, the application was withdrawn.

**7) AGENT APPROVALS:**

- a) IW#21.09.02 | 39 Brocketts Point | retaining walls and restoration of grass area
  - Staff shared this was an after the fact application, as the retaining walls were already constructed when staff was informed of it. Staff did take a permit to ensure that when the lawn has established, there are no erosion issues.

**8) CORRESPONDENCE & ANNOUNCEMENTS:**

- a) CACIWC Membership Renewal and Annual Meeting to be held Nov. 6<sup>th</sup>, 2021
  - Staff shared the membership renewal for CACIWC will be submitted soon and that their annual meeting will be held on Saturday, November 6<sup>th</sup> from 9am-2:30pm.
- b) Staff announcements
  - Staff informed the Commission that the osprey nest by 1151 West Main Street is going to be relocated, due to work being done by Eversource. Staff noted the plan is to move the nest to the mitigation area in the rear of the site.
  - Staff informed the Commission that there was a drawdown at the Supply Ponds for dam repairs to take place. The drawdowns took place over the past three days and are now complete, so the repairs can commence.

**ADJOURNMENT:**

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

**Comm. Botta seconded the motion.**

**The meeting was adjourned at 10:37pm.**