



Inland Wetlands and Watercourses Agency

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REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

This meeting was held remotely via ZOOM on Thursday, January 13th, 2022 at 7:00 PM.

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, Melissa Funaro, Richard Greenalch, Melissa Papantones, and Mark Steinberg

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

1) MINUTES FOR APPROVAL:

- a) December 9th, 2021 Regular Meeting Minutes
 - o It was noted that the word “which” under item 3b should have been “with”.

Chairman Bassermann made a motion to approve the meeting minutes from December 9th with the change noted.

Comm. Greenalch seconded the motion.

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

- b) December 20th, 2021 Special Meeting Minutes
 - o Commissioners noted the title of the document was agenda instead of minutes

Comm. Greenalch made a motion to approve the meeting minutes from December 20th with the change to the title of the document.

Comm. Steinberg seconded the motion.

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

Commissioner Papantones joined the meeting.

2) APPLICATIONS FOR RECEIPT:

- a) IW#21.12.03 | 26 Old New England Road | construction of a new, single family home
 - o Staff introduced the application, noting a previous application was withdrawn in the summer. A new application has been submitted. Staff said the Commission had previously determined the fee would be credited to this application, so only the DEEP fee has been submitted for this application. **David Nafis** (engineer, Nafis & Young) shared the site plans with the Commission, noting changes made. **Nafis** noted there is no activity in the wetland. **Nafis** shared the details of the stormwater management and the septic system, noting there should be less than a foot of grading around the area of the septic system. **Nafis** pointed out the stockpile in front of the house

- **David Lord** (professional wetland scientist, Soil Resource Consultants) shared the details of the planting plan dated January 12, 2022. **Lord** noted the upland review area will be planted with trees and shrubs, while the wetland area, which has no direct impacts, will likely be replanted with shrubs to increase density and diversity. **Lord** noted that the number of plantings has not yet been established and recommended he and the IW Agent meet on site to determine what would be appropriate based off of the proper spacing of plants. After determining the number, a complete proposal will be submitted to the Commission for their review. **Lord** noted the details in the planting plan for temporary stabilization of disturbed soils, as well as the New England conservation seed mix that is recommended for leaching area of the septic system and any other areas that they deem appropriate, during or after construction. **Lord** shared details of the monitoring plan, including the need to update the monitoring requirement to five years and the 85% survival of plantings. **Lord** responded to staff's question about a possible connection between the two wetland areas and said there is nothing connecting them, noting the change in elevation and the well-draining soils in that area.
- Commissioners asked about the grading details and extent of the lawn regarding spreading the New England conservation seed mix. Staff requested the applicant add the limit of disturbance and proposed tree line to the site plans, as well as a construction sequence and details of the installation of the forcemain. Commissioners asked about permanent markers for the wetland area, being mindful of future homeowners. Staff noted the boulders that would need to be moved, and asked if the Commission would be comfortable with them acting as the demarcation for the wetland. Commissioners said as long as they are not in the wetland that would be a good use for them.
- Commissioners asked questions regarding the wetland plantings. **Lord** said planting is done by hand to impact the wetland as little as possible while increasing the diversity and density of the wetland. **Lord** said this will create a greater buffer between the lawn area and the wetland. Staff asked if the Commission would like to see numbers of plantings before making a decision on the application. **Lord** said it may be difficult to determine the number of plantings in the upland before the rough grading has occurred. He offered to determine the number of wetland plantings required and provide an estimate of a minimum number of plantings for the upland review area which may be increased during implementation. Commissioners suggested the number be included in the conditions of approval, and modified later in the process, if necessary.
- Staff said they requested details on the removal of significant trees be noted on the plan and the planting plan. Commissioners said an Existing Conditions page may be helpful.
- Staff reminded the Commission that at the August 2021 meeting, the Commission had determined to credit the applicant the fee previously submitted, with the exception of the DEEP fee. Staff noted there is currently a fee reduction request submitted.

Comm. Botta made a motion for IW#21.12.03 26 Old New England Road that the previously submitted fee be accepted and waive a new fee except the \$60 DEEP fee. Chairman Bassermann seconded the motion.

The motion carried. (Y-N-A : 7-0-0)

- b) IW#22.01.01 | 2 Sandra Drive | replacing ineffective/broken drainage lines and leveling low spots in lawn
 - Staff informed the Commission of the activity on this property, which they became aware of during an inspection of a nearby property. Staff then contacted the contractor

- and has since had a meeting with the homeowner and contractor. Staff noted that they were doing repairs to their drainage system in replacing a footing drain. Staff shared a sketch of the activity and pointed out the area of concern near where there is a dry well. Staff pointed out the lawn area on the sketch where the applicant proposes to reestablish with gravel and topsoil before seeding. Staff then shared photos from their site visit.
- **Christopher Burr** (applicant, Burr Property Maintenance) was present on behalf of Kevin and Danielle Reiss (homeowners). **Burr** shared the details of the drainage system repairs and the state of the site prior to the repairs made. **Burr** noted they were replacing existing pipes in the same areas they were pulled up from. **Burr** shared the remedy for the soft lawn was to spread one inch of crushed stone, noting the lower spots may be filled with closer to 2 of 3 inches of stone. The stone would then be topped with topsoil and reseeded in the spring.
 - Commissioners asked if there is a record of what was historically done on the property. Staff noted the Inland Wetlands office has no files for this property. The applicant was informed the Commission would likely want a soil scientist do an investigation on site. Staff shared the applicant has been responsive to the agent and staff wanted to discuss with the Commission what would be required of the applicant before proceeding.
 - Commissioners asked questions regarding the scale of the sketch and if all of the activity is actually taking place on lawn. **Burr** shared the proximity of the activity to the wetland area, based off the US Fish and Wildlife map. Commissioners stated seeing the sketch overlaid on the map described would be helpful, as would a site walk.
 - Staff stated their concern was with the drywall, and they believe the wetland may be close to the limits of the lawn. Staff said a site walk would be helpful, and if the Commission was comfortable with it, they could waive the requirement for a soils report. Staff shared the project narrative. Commissioners requested a profile of the gravel and soil be shown on the sketch.
 - The Commission set a site walk for February 5th, 2022 at 10am. Staff noted an agenda confirming the time and location of the site walk would be filed before the site walk.

3) APPLICATIONS FOR REVIEW:

- a) IW#21.11.02 | 140-240 Austin Ryer Lane | D005/003/001C | Repair/replacement of drainage outlet
 - Staff noted that there is about 2,000 square feet of direct watercourse impact and less than 50 square feet of wetland impact. Per Commission request, staff consulted with Town Counsel and concluded that the requirement for mitigation cannot be reduced beyond 1:1. Staff noted authorization from Island View Village I has been received since the last meeting.
 - **Pete Parent** (engineer, CHA Designs) shared the site plans and described the failing of the outlet which resulted in the eroded channel. **Parent** shared with the Commission an option for mitigation, which includes plantings beyond the scour hole repair, as well as installing two levees to further reduce the velocity of the water before it travels into the wetland area. **Parent** said a better detailed planting plan would be provided to the Commission if they accept the plan. **Parent** noted there would be some type of limited-disturbance, erosion control measure such as a straw waddle that would be installed by the wetland area. **Parent** said another option is to work to slow velocity on the slope before the water reaches the wetland by installing reverse benches. Commissioners asked if the plantings in the proposed mitigation area would do well without installing reverse benches on the slope. Commissioners noted it may be better to install the reverse benches in order to further fortify the slope and help limit future erosion.

- Commissioners asked about the plantings and the function they are hoping to restore. **Parent** noted the main goal would be to provide food or shelter for animals. Staff asked if the Commission would like to see a soil scientist's opinion on the mitigation plan. Staff noted monitoring would be required per the regulations.
- The mitigation requirement was discussed. There was a consensus of the Commissioners to reduce the 2:1 mitigation requirement to 1:1, since the existing watercourse was created by the erosion problem they are trying to fix.

4) **JURISDICTIONAL RULING REQUEST:**

- a) 93 Bradley Street | maintenance of path/road
 - Staff shared the background of the submitted jurisdictional ruling request. Per guidance received from Town Counsel, staff shared that the determination of the jurisdictional ruling request should only be for 93 Bradley Street, as none of the other properties are on the request. Additionally, staff said a site walk could take place provided all property owners consent to it. Staff then shared GIS maps of an overview of the subject area and the approximate distance of the activity on 93 Bradley Street to the wetland area on 1151 West Main Street. Staff shared the request submitted by the property owners, including the historic use and maintenance.
 - Commissioners asked questions about their jurisdiction. Staff noted that typically, the Commission does not extend their Upland Review Area beyond 100 feet unless there are steep slopes of other extenuating circumstances.

Comm. Botta made a motion that the Commission not take jurisdiction on the activity at 93 Bradley Street based on the topography being relatively flat, the lack of a hydrological connection between the subject property and a wetland or watercourse.

Comm. Greenalch seconded the motion

Comm. Botta amended the motion to state that the activity in the jurisdictional ruling request is specifically trail maintenance on 93 Bradley Street.

Comm. Greenalch accepted the motion.

The motion carried. (Y-N-A : 7-0-0)

5) **ENFORCEMENT:**

- a) NOV | Island View Village Condominium | drainage maintenance required
 - Staff stated no action is necessary at this time as an application has been submitted.
- b) NOV | 93 Bradley Street | clearing of vegetation and placement of crushed stone
 - Staff said since the jurisdictional ruling request has been satisfied, the Commission now needs to determine if the NOV has also been satisfied. Staff clarified the Commission should determine if the activity on 93 Bradley Street for which the NOV was issued has been satisfied. The Commission should also determine if activity on other properties will require any enforcement action. Staff noted the property owner could be held responsible, as well as the person who did the activity.

Chairman Bassermann made a motion to close the NOV for 93 Bradley Street.

Comm. Greenalch seconded the motion.

The motion carried. (Y-N-A : 7-0-0)

- Commissioners asked about the work on 43 Home Place and 1151 West Main Street. Staff noted the material placed is crushed stone. Staff stated it may cause more disturbance to remove the stone at this time. Staff then said the Commission could send a letter to the property owners stating they are aware of the condition and at this time they are not going to take any action, but future maintenance would need to be submitted in the form of a jurisdictional ruling request or an application. There was a general consensus of the Commission to take that course of action.
- c) NOV | 113 Flax Mill Rd | placement of woodchips within upland review area resulting from removal of storm damaged trees
- Staff shared that the office received a complaint regarding woodchips being placed in a wetland on the subject property. After contacting the property owner, staff found the woodchips are likely near to a wetland but not within it. Staff said the trees were chipped in an effort to clean up the wooded area on their property to make it safe for recreation. Staff stated the homeowner was unaware the activity required a permit. Staff said the Commission should determine if the woodchips can remain and if a wetlands investigation should be done. Staff shared a GIS map with wetland delineations shown on nearby properties. Staff then shared photos of the activity from their site inspection.
 - **Miles Krischtschun** (property owner) stated the logs by the approximate wetland location would remain in place, but he hopes to turn some other larger logs into firewood. **Krischtschun** stated there are some remaining hazard trees he would like to remove, but noted there has been no activity since speaking with the IW Agent.
 - Staff noted it is the second time the property owner has been before the Commission, so it may be beneficial for everyone to understand the extent of the wetland. The Commission determined they would require a wetland delineation. Staff said they could provide the homeowner with a list of local soil scientists. Staff and Commissioners discussed with the homeowners the activities that may take place while the NOV stands. Staff said they would send a letter to the property owner detailing the Commission's expectations for the February meeting.
- d) NOV | 11 Pond View Terrace | placement of woodchips within upland review area resulting from removal of storm damaged trees within conservation easement
- Staff said the property owner was not able to attend the meeting and requested to table the item. The Commission decided to table this item to the February 10th, 2022 meeting.
- 6) **OTHER BUSINESS (CONT.):**
- a) 391 East Main Street & 7 Featherbed Lane | clearing of vegetation – request for wetland investigation
- Staff noted there is a drainage outlet that daylight on 7 Featherbed Lane. Staff requested a soils investigation be done to determine if there is watercourse on site and address any impacts from clearing on said resource. Staff then shared the details of the activity, noting that the homeowner for 7 Featherbed Lane hired a tree work company to do some clearing, but the clearing was done on 391 East Main Street unintentionally. Lastly, staff said the soils report done by Bob Russo confirmed the wetland area is a watercourse that serves to conduct water downstream. Staff shared photos of the activity and noted the soils report states no planting is necessary.
 - Commissioners discussed next steps, noting they can ask the soil scientist for more information. Commissioners said they could ask the soil scientist if it would be appropriate to replant to restore the shade function to the wetland.

- **Leah Barton** (property owner – 7 Featherbed Lane) spoke to her conversation with Bob Russo (soil scientist) and shared he is confident that there are no erosion issues.
 - Commissioners came to a general consensus that they don't need any additional information at this time.
- b) Island View Village Condominium | D005/003/001C | Recent drainage improvements for Island View Village I
- Staff reminded the Commission that Island View Village I recently did some drainage improvements, to which the Commission determined an application should be submitted. Since then, staff discussed the activity with the management company and engineers and wanted to bring it back to the Commission to discuss in more detail.
 - **Steve Margolis** (property manager, Margolis Management) described the issues they have been facing which led to the activity that took place.
 - **Larry Marcik** (engineer) explained the drainage system repairs were done in an effort to lower the ground water table around the edge of the parking lot. **Marcik** noted the roof drains led to the parking lot, so they wanted to connect the roof drain to the overall system. **Jim Pretti** (engineer, Criscuolo Engineering) shared the approximate location and extent of the activity. **Pretti** discussed the drainage improvements made and shared a cross-section sketch of the system that was installed to convey the stormwater.
 - Staff shared a GIS map of the property, pointing out the location of the catch basin and where it outlets. Staff noted the catch basin is approximately 340 feet from the watercourse. **Pretti** noted the velocity of the water decreases before it gets to the watercourse. Commissioners asked if there are calculations for the stormwater system designed. The engineers noted that the same amount of water is getting to the outlet, but the connection is piped now, so the changes in the calculations would be minimal. **Pretti** noted there would be an improvement in the water quality, too, since it is going directly into the system as opposed to through the parking lot.
 - There was a consensus of the Commission that an application would not be required for the activity that has occurred at Island View Village I.
- c) Regulation Fee Subcommittee Report
- Chairman Bassermann shared with the Commission that the report drafted reflecting the subcommittees findings for the revisions to the fees was sent out to Commissioners.
- d) Schedule time to discuss/review changes to regulations in response to fee subcommittee report, statute changes, previous commission discussions and staff notes
- Staff asked if the Commission was looking to discuss all regulation revisions or if the discussion would be limited to just the fee revisions. The Commission determined they will discuss all regulation revisions at the special meeting.
 - The Commission scheduled the special meeting for Thursday, February 17th at 7pm.

7) AGENT APPROVALS:

- a) IW#21.12.01 | 56 Stony Creek Road | Installation of footings for equipment platform
 - Staff shared that the permit for this application has been sent out.
- b) IW#21.12.02 | 82 Mill Plain Road | Installation of a footing drain
 - Staff shared that the permit for this application has been sent out.
- c) IW#21.11.03 | 314 Pine Orchard Road | Addition and interior renovations
 - Staff shared that the permit for this application has been send out.

8) CORRESPONDENCE AND ANNOUNCEMENTS:

- a) Southwest Conservation District – Contribution Request
 - Staff shared they had a discussion with the First Selectman and the Town plans to contribute. Staff noted the contribution likely would not come out of the Inland Wetlands budget.
 - Staff shared that DEEP announced its training program will be starting again and if any Commissioners are interested to let staff know.
 - Staff requested an update as to Commissions who no longer wish to receive paper copies. Commissions Begemann, Funaro, and Papantones said they are comfortable reviewing the materials digitally.

ADJOURNMENT:

Comm. Botta made a motion to adjourn the meeting.

Comm. Greenalch seconded the motion.

The meeting was adjourned at 10:05pm.

Respectfully submitted,

**Abby York
Inland Wetland Associate**