



## Inland Wetlands and Watercourses Agency

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### REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, February 10<sup>th</sup>, 2022 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 7:00pm.

#### ROLL CALL:

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

**Commissioners Absent:** Mark Steinberg

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

#### 1) MINUTES FOR APPROVAL:

a) January 13<sup>th</sup>, 2022 Regular Meeting Minutes

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

**Comm. Funaro seconded the motion.**

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

b) February 7<sup>th</sup>, 2022 Special Meeting Site Walk Minutes

**Comm. Greenalch made a motion to approve the special meeting site walk minutes.**

**Comm. Funaro seconded the motion.**

**The motion carried. (Y-N-A : 2-0-3) Comm. Bassermann, Botta, and Begemann abstained from voting.**

#### 2) APPLICATIONS FOR REVIEW:

a) IW#21.11.02 | 140-240 Austin Ryer Lane | D005/003/001C | Repair/replacement of drainage outlet

o Staff shared there are revised plans that address some questions staff had and a bond estimate has been received. Staff noted this application needs to be acted on tonight or they will need to get another extension.

o **Pete Parent** (professional engineer, CHA Designs) shared the revised site plans with the Commission and details of the planting plan. **Parent** noted the change of the green ash tree to the black tupelo, in response to staff's concern about the Emerald Ash Borer. They are also proposing compost filter socks designed for steep slopes that will remain in place to provide more permanent erosion control. **Parent** shared the details of the construction phase and maintenance details, including the expectations of the owner for future maintenance. Commissioners asked questions regarding the compost filter socks. **Parent** noted there were no changes in the hydraulic calculations based on the installation of the compost filter socks, and that they work just to slow the water down.

**\*Commissioner Papantones arrived at 7:10 and was seated by the Chairman\***

- **Parent** said the filter sock is a biodegradable, woodchip filled mesh tube, and the mesh surrounding the woodchips decomposes in 18 months to 2 years. **Parent** noted they chose the woodchip sock over the straw sock because it is a better long-term product.
- Commissioners asked if staff reviewed the planting plan. Staff said their only concern was regarding the proposed green ash tree, which has been addressed.
- The Commission reviewed potential conditions for approval as drafted in the staff report dated February 10<sup>th</sup>, 2022. Commissioners asked questions about the bond requirements and considered if the bond should be required for the plantings and erosion controls. Staff shared the language in the regulations that addresses this.

**Comm. Greenalch made a motion to approve the application for IW#21.11.02 for 140-240 Austin Ryer Lane [Island View Village II] with the conditions set forth in the staff report, excluding item 3 and 5, and that the bond cover the erosion controls in addition to the plantings and monitoring.**

**Comm. Botta seconded the motion.**

**Comm. Greenalch amended the motion to include that the standard conditions and general provisions of all permits also apply.**

**Comm. Botta amended the motion.**

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

- b) IW#21.12.03 | 26, 24, & 28 Old New England Road | construction of a new, single-family home
- Staff said revised plans were submitted, and staff met the soil scientist and homeowner on site to determine if there were any significant trees that would need to come down in the wetland area. Staff noted the grading for the driveway extends onto 24 and 28 Old New England Road, and letters of authorization were received from both property owners stating they reviewed site plans and are okay with the activity.
  - **David Nafis** (professional engineer, Nafis and Young Engineers, Inc.) shared the sites plans, noting the limits of disturbance. **Nafis** discussed the use of boulders to mark the wetland boundary. **Nafis** said in the areas beyond the limit of disturbance, the owners will be placing smaller stones by hand so no machinery will be used in those areas.
  - Commissioners asked about the authorization letters. Staff noted a potential condition for approval is to create construction easements where access is needed so if the properties change hands, they will be able to complete the grading.
  - Staff said the construction sequence was added to the site plans and some portions of silt fence will be backed with hay bales, which was requested at the last meeting.
  - Staff shared potential conditions for approval in the staff report dated February 10<sup>th</sup>, 2022, noting not all the conditions may be necessary. The Commission discussed how the wetland should be marked and if a bond would be required. Staff noted the typical process for bond estimates is that the permit holder submits an estimate to staff, which is then reviewed and if there are any issues, the Commission can review it further.

**Comm. Greenalch made a motion to approve IW#21.12.03 for 26 Old New England Road with the conditions set forth in the staff report, that the date on condition #8 be changed to be February 9<sup>th</sup>, and that the approval include the standard conditions and general provisions of all permits.**

**Comm. Botta seconded the motion.**

**Comm. Greenalch amended his motion to note that the erosion controls shall be included in the bond.**

**Comm. Botta accepted the amendment.**

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

- c) IW#22.01.01 | 2 Sandra Drive | replacing ineffective/broken drainage lines and leveling low spots in lawn
- Staff reminded the Commission of the site walk that took place and said they received revised sketches from the applicant. Staff then shared photos from the site walk.
  - **Christopher Burr** (contractor) was present on behalf of the homeowners. **Burr** discussed the plans for the dry well, noting they may eventually want to top it with soil and seed it, but for right now, the plan is to level it with gravel. Staff noted the silt fence needed to be re-stapled and toed in. **Burr** noted that the silt fence had been fixed.
  - Staff said the homeowners are requesting the requirement of a wetlands investigation be waived. Staff shared the language regarding requirement a wetlands investigation. Staff noted they cannot require someone delineate wetlands that are not on their property. Staff shared they believe the activity took place in a preexisting lawn area.
  - The Commission discussed requiring a soils investigation. **Burr** noted the Commission previously discussed not requiring a wetlands investigation since the activity was in a lawn area. Commissioners stated they may be comfortable waiving the requirement.
  - The Commission asked **Burr** questions regarding the drywell. **Burr** noted the drywell was preexisting. **Burr** stated they aren't trying to change the pitch of the yard, they just want to create a firm base. **Burr** reiterated their plan is to place 3/4" trap rock, place soil on top, and reestablish the lawn. Staff then shared the sketches provided by the applicant with the location of the activity, the property boundaries, the approximate distance to the wetland area, based on the US Fish and Wildlife map.
  - Staff shared potential conditions of approval in the staff report with the Commission.

**Comm. Botta made a motion to approve IW#22.01.01 at 2 Sandra Drive, waiving the wetlands investigation requirement based off the information available through the Town GIS and the US Fish and Wildlife map and since the activity is within existing lawn area, with the conditions outlined in the staff report dated February 10<sup>th</sup>, 2022, along with the standard conditions and general provisions of all permits.**

**Comm. Greenalch seconded the motion.**

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

### 3) **ENFORCEMENT:**

- a) NOV | Island View Village Condominium | drainage maintenance required
- Staff said since the permit regarding this NOV was issued earlier in the evening, this item has been addressed. Commissioners asked if the NOV should remain until the work is complete. Staff stated it would be best practice to close out the NOV and, if the permit conditions are not complied with, a new enforcement action can be issued.
- b) NOV | 113 Flax Mill Rd | placement of woodchips within upland review area resulting from removal of storm damaged trees
- Staff said the property owner requested the Commission reconsider the requirement of a wetlands investigation. Staff had told the property owner that the Commission may

- consider doing a site walk and/or staff can do a follow-up inspection since there have been rain events. Staff noted if the Commission were to waive the requirement, they could require that before any new activity, wetlands investigation would be required.
- **Maisie Krischtschun** (homeowner) was present to discuss the request, and noted their concerns regarding the quotes received from soil scientists. Staff reminded the Commission of the activity and shared the photos. Staff said the previous violation was in 2017 and no guidance had been given regarding clearing of damaged trees. Staff shared a GIS map of the property and pointed out the approximate location of the wetland. **Krischtschun** said they have no future plans for cutting and they are aware they will need to get permission from the Agency.
  - Commissioners stated they would be comfortable having the Agent view the conditions on site and reporting back to the Commission for them to make the determination.
- c) NOV | 11 Pond View Terrace | placement of woodchips within upland review area resulting from removal of storm damaged trees within conservation easement
- Staff said they became aware of the activity a while back and they met on site with the property owner. Staff shared a GIS map with the Commission, pointing out the Branford Land Trust property and conservation easement and shared their concerns with the Commission regarding the health of the trees and the possible activity within the conservation easement. Staff shared photos taken on site. Staff then shared the subdivision site plans and the conservation easement language included in the plans. Staff shared the letter sent on January 6<sup>th</sup>, 2022. **Scott Penner** (homeowner) shared the details of the clearing that took place, noting it was done in response to storm damage to the trees. **Penner** said they don't want to do any further clearing. Staff noted the conservation easement area is stable, but it is not in its natural state.
  - Commissioners said they believe there should be a return to the natural state. **Penner** reiterated the clearing was only done in response to storm, and the only trees cleared were those damaged by the storm. Commissioners said they could allow the area grow to back in, maintain it as meadow, or replant it, and said the homeowner could talk with staff about creating a plan for the maintenance of the area. Further discussion was had regarding the expectation of the homeowner to maintain conservation easement.
  - Staff stated it seems as though the Commission would be comfortable with the homeowner maintaining the disturbed area of the conservation easement as a meadow. Staff said they would be able to supply the homeowner with resources to come up with a plan for the maintenance of the area. The Commission determined that they would like to review the homeowner's plan at the March meeting.

#### 4) **OTHER BUSINESS:**

- a) IW#18.05.04 | 173 Clark Ave | permit modification | residential addition
- Staff shared the details of the permit modification, noting the addition is a smaller footprint than initially proposed and it is further from the wetland. Staff also noted that there were some changes to the stormwater system. Staff then shared the site plans that were approved and the proposed modifications.

**Chairman Bassermann made a motion for IW#18.05.04 173 Clark Avenue to grant the modification request.**

**Comm. Botta seconded the motion.**

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

- b) 9 Totoket Road | 2022 DEEP Aquatic Pesticide Application
  - o Staff stated the agency is informed of aquatic pesticide permit applications and shared that this application is to renew an existing permit.
- c) 3-7 Rockland Park | 2022 DEEP Aquatic Pesticide Application
  - o Staff said this application is associated with the conservation project recently approved by the Commission and the application of herbicide will not occur until the spring.

**\*Chairman Bassermann recused himself for the next item\***  
**\*Comm. Botta was acting chair\***

- d) 18 Wellesley Drive | 2022 DEEP Aquatic Pesticide Application
  - o Staff said they reached out to the applicant regarding a typo on the form.

**\*Chairman Bassermann returned to the meeting as chair\***

- e) 45-81 Short Rocks Road | Branford Supply Pond | 2022 DEEP Aquatic Pesticide Application
  - o Staff shared there is no manual cutting proposed along with the pesticide application in the invasive species management.

**5) CORRESPONDENCE AND ANNOUNCEMENTS:**

- a) Amtrak 2022 Vegetation Control Program
  - o Staff shared the notification that was received.
- b) Reminder – Special meeting on February 17<sup>th</sup>, 2022 to review revisions to regulations
  - o Staff reminded the Commission that the meeting will be held on February 17<sup>th</sup>. Staff said they are waiting to review bond language with Town Counsel prior to distribution. The Commission requested materials be sent out as they are made available.
- c) Connecticut Association of Wetland Scientists (CAWS) Annual Meeting Wednesday March 9<sup>th</sup>, (Virtual, 9am-12pm)
  - o Staff shared that the CAWS meeting will be held on March 9<sup>th</sup> and if any Commissioners wish to be registered to let staff know.

**ADJOURNMENT:**

**Comm. Greenalch made a motion to adjourn the meeting.**  
**Commissioner Bassermann seconded the motion.**

**The motion carried unanimously. The meeting was adjourned at 9:20pm.**

**Respectfully submitted,**

**Abby York**  
**Inland Wetlands Associate**