



# Inland Wetlands and Watercourses Agency

TOWN HALL \* PO BOX 150 \* 1019 MAIN ST. \* BRANFORD, CT 06405  
203-315-0675 \* FAX 203-889-3172 \* inlandwetlands@branford-ct.gov



## REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, March 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 7:02pm.

### 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) February 10<sup>th</sup>, 2022 Regular Meeting Minutes

**Comm. Greenalch made a motion to approve the February 10<sup>th</sup> meeting minutes.**

**Comm. Papantones seconded the motion.**

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

- b) February 17<sup>th</sup>, 2022 Special Meeting Minutes

**Comm. Steinberg made a motion to approve the February 17<sup>th</sup> meeting minutes.**

**Comm. Botta seconded the motion.**

**The motion carried. (Y-N-A : 6-0-1) Comm. Greenalch abstained.**

### 2) APPLICATIONS FOR RECEIPT:

- a) IW#22.02.01 | 36 Greenfield Avenue | construction of an attached garage

- o Staff introduced the application and said they plan to approve it administratively. The activity is within a flat area maintained as lawn. Staff reached out to the applicant for some additional questions and is waiting to hear back from the Regional Water Authority for comments before approving it. Staff shared the site plans with the Commission. Commissioners asked about the extent of the addition and if they had any plans for stormwater treatment. Commissioners recommend staff ask applicants to consider treating water as they process applications administratively. Staff confirmed they will follow up with the applicant.

### 3) ENFORCEMENT:

- a) NOV | 113 Flax Mill Rd | placement of woodchips within upland review area resulting from removal of storm damaged trees

- o Staff shared they met with the homeowner after the meeting and talked about some next steps to take. Staff recommended that they do a follow-up inspection to ensure the woodchips are thinned out and the Commission send a follow-up letter to the

homeowner clarifying what activities would require a permit in the future. Staff stated the NOV would not be resolved until the work is completed.

- Commissioners stated that sending a follow-up would be best practice and they could hear from staff at the April meeting.
- b) NOV | 11 Pond View Terrace | placement of woodchips within upland review area resulting from removal of storm damaged trees within conservation easement  
**\*This item was tabled to later in the meeting\***
- c) NOV | 7 Featherbed and 391 East Main St | excavation of watercourse
- Staff reminded the Commission that in December, some clearing was done on this property unintentionally. A soil scientist had gone out to determine if there was a wetland or watercourse present and it was determined that there was a watercourse. Staff shared that the channel has since been cleared out a bit, seemingly to promote drainage. Staff contacted the property owners to discuss the activity and recommended they reach out to their neighbors to discuss the activity and inform them that there is a watercourse in that area. Staff shared a map of where the activity took place, noting that there is a pipe that begins on 13 Featherbed Lane and outlets somewhere between 7 Featherbed Lane and 391 East Main Street. Staff noted that at this point, a neighboring property owner tried to clear the channel by hand, but ultimately borrowed some equipment to clear it.
  - Commissioners clarified that this activity occurred after the homeowners were before the Commission in December. Staff shared the timeline of the activity and then shared photos of the site. Commissioners asked questions regarding the ownership of the drainage pipe and a potential easement on site.
  - **Jim Henkel** (homeowner, 13 Featherbed Lane) discussed the activity that occurred. **Henkel** noted that he had significant amount of trees come down in August [2020] and he redid his backyard and ensured that the slope was towards the pipe. **Henkel** noted that he had discussed the issue with Town staff and there seemed to be some kind of blockage. **Henkel** shared he was not informed he would need permission from the Agency. **Henkel** discussed the details of the excavation of the area and the equipment used. **Henkel** noted he has a meeting on site with staff to review the activity and discuss some potential future maintenance of the pipe.
  - **David Smith** (homeowner, 391 East Main Street) was present to discuss the activity and shared that he has hired Matt Davison to create a planting plan, as well as Criscuolo Engineering to survey his property to determine the boundaries. **Smith** noted that he would be willing to work with the neighbors to resolve the NOV.
  - **Gianna Graves** (homeowner, 11 Featherbed Lane) shared the property owner at 9 Featherbed Lane were able to see how the houses' drainage ties into the underground pipe. **Graves** shared concerns of flooding on her property.
  - Staff recommended that the property owners all work together to figure out a plan so that all of their concerns are met. Commissioners stated that they would like to see a plan to address the NOV and then potentially an application down the road that would address any future maintenance of the drainage pipe. Staff shared the request for clearing out the pipe channel may come in the form of a jurisdictional ruling request, while replacing the pipe or other work may need to be an application.
  - **Smith** stated the planting plan will address the stabilization of the channel. The Commission said they are comfortable with staff approving the stabilization portion of the plan and additional planting details will be approved by the Commission.

- b) NOV | 11 Pond View Terrace | placement of woodchips within upland review area resulting from removal of storm damaged trees within conservation easement
- Staff shared details of the proposed plan, noting the plan is to maintain the area as a meadow which will hopefully establish after five years of management.
  - **Scott Penner** (homeowner, 11 Pond View Terrace) was present to discuss the plan to restore the conservation easement area. **Penner** noted that he had discussed with his landscapers the goal of the management plan and they seem to be in agreement.
  - Staff shared the plan with the Commission, including the details the seed mix and the mowing schedule. Staff noted that they may need to iron out some details of the mowing schedule with the property owner, but they otherwise think the plan is sufficient. Staff then asked about watering the area. **Penner** noted the area is shaded at the bottom of a slope, so the area doesn't dry out much. **Penner** confirmed that he will ensure the area is appropriately watered if it is an issue.
  - Commissioners discussed with staff a monitoring requirement. Staff shared that they think it would be appropriate for staff to do follow-up inspections to ensure that the area is being maintained as intended.

**Comm. Botta made a motion to accept the plan for 11 Pond View Terrace to address the removal of trees in a conservation easement with the condition that the mowing schedule be revisited and there be annual inspections which can be done by town staff for no less than three years and possibly extended to five years. Chairman Bassermann seconded the motion.**

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

#### 4) OTHER BUSINESS:

- a) Regulation Revisions – continue review of possible revisions to the Inland Wetlands and Watercourses Regulations
- Staff shared they are looking to have a follow-up conversation with Town Counsel before discussing bonds. Staff shared the document drafted with potential changes to the regulations, starting with Section 7.6 regarding the Town's requirements for stormwater management. Staff asked if the Commission wants to differentiate between a new development and a redevelopment. Commissioners asked if this was consistent with the DEEP Model Regulations. Staff said this is not in the model regulations, but it is consistent with the State's stormwater management requirements. Commissioners requested more time to review this. Staff discussed with the Commission why there may be a benefit to having different requirements for redevelopments. Commissioners confirmed they are comfortable with the other changes proposed in this section but would like more guidance regarding stormwater requirements for redevelopments.
  - Staff continued to review the proposed changes to the regulations, including Section 7.10. Staff shared that they are trying to restructure the section in order to clarify things. Commissioners read through the proposed changes. Commissioners asked questions regarding the proposed language and gave feedback to staff regarding some questions of wording.
  - Staff said historically the bond was set during the application review process, but recent practice is to set the bond after the permit is issued. Staff suggested wording to reflect the current practice of the Commission. Some of the changes they are suggesting are to ensure the bond is approved during the review process, as well as

setting an expiration date on bond estimates, so the bond is reflective of the current costs of materials, especially when work does not start immediately after the permit is issued. Staff asked if the Commission wanted to keep the 10% fee, which the Commission confirmed they would.

**\*Commissioner Botta left the meeting at 8:58pm.\***

- Staff shared changes to Section 9.4, if there is a public hearing, the applicant would need to inform all neighbors within 100 feet of the property, which would align with Planning and Zoning. Staff noted they are required to notify the neighbors by certified mail. Commission confirmed they wish to keep these changes.
- Staff shared changes required per legislative changes, wording changes, and changes to ensure the use of consistent terminology throughout the regulations.
- Staff asked Commissioners how they would like to assess the fees for subdivision referral. Commissioners agreed to table this item until the next discussion. Staff then asked if they would like to schedule a special meeting or discuss it at the April 14<sup>th</sup> meeting. The Commission determined to hold a special meeting remotely on March 24<sup>th</sup> at 7pm to discuss the regulation revisions.

#### **5) AGENT APPROVALS**

- a) IW#22.02.02 | 34 Howard Avenue | residential addition
  - Staff said the application was approved administratively, noting the ground disturbance is about 60 feet away from the watercourse. A permit was required to ensure work is done properly and erosion controls are in place.

#### **6) CORRESPONDENCE AND ANNOUNCEMENTS:**

**\*Nothing was discussed under this item.\***

#### **ADJOURNMENT:**

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

**Comm. Papantones seconded the motion.**

**The motion carried unanimously. The meeting was adjourned at 9:21pm.**

**Respectfully submitted,**

**Abby York  
Inland Wetlands Associate**