



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, April 14th, 2022 at 7:00 PM

This meeting was held remotely, via ZOOM.

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, Richard Greenalch, Jessica Meinsen Probulis, and Melissa Papantones

Commissioners Absent: Melissa Funaro and Mark Steinberg

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

1) WELCOME NEW COMMISSIONER:

- a) Jessica Meinsen Probulis

2) MINUTES FOR APPROVAL:

- a) March 10th, 2022 Regular Meeting Minutes

Comm. Botta made a motion to approve the minutes from March 10th, 2022.

Comm. Papantones seconded the motion.

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

- b) March 24th, 2022 Special Meeting Minutes

Comm. Botta made a motion to approve the minutes from March 24th, 2022.

Comm. Begemann seconded the motion.

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

Comm. Greenalch joined the meeting at 7:05pm and it was noted that he was seated.

3) APPLICATIONS FOR RECEIPT:

- a) IW#22.03.02 | Hemlock Road | address existing erosion issue on embankment

- o Staff introduced the application and shared photos of the site. Staff discussed the erosion issue and proposed activity. Staff shared the site plan with the Commission.
- o **Joe Lepre** (contractor, JDL Construction) discussed the activity proposed. Commissioners asked if the engineer would be at the next meeting to discuss the activity. **Lepre** noted there has been a push to fix the problem as the erosion has been getting worse. Commissioners said they would like to see additional plans considered to mitigate the speed of the water coming out of the pipe during larger rain events. The Commission requested the engineer be present at the next meeting. **Lepre** said he will contact the engineer. Commissioners said their main concern is

- larger storm events and if the repairs made can manage the amount of rain. **Lepre** stated he does not have any calculations of the stormwater for the condo complex.
- Staff asked if the Commission would like to see the site plan updated to clearly see the additional activity of armoring the tree. The Commission confirmed they would.
- b) IW#22.04.01 | 45 Deforest Road | construction of a deck adjacent to a pool
- Staff said this application can likely be an agent approval. Staff said they went to the site to see where the activity would take place. Staff shared photos of the property and noted the only ground disturbance would be for the footings. There was a consensus of the Commission to approve the application administratively.
- c) IW#22.04.02 | 125 Thimble Island Road | Subdividing lot and construction of a new, single family home
- Staff shared a GIS map of the property. Staff noted an inspection took place and there were questions about the status of the wetlands. Staff said a new soils investigation confirmed there are inland wetlands on site in addition to the tidal wetlands previously delineated. Staff said the applicant requested a site walk. Staff then shared the site plans. The Commission determined to hold a site walk on May 4th at 5:00pm. Staff shared the soils report and shared photos of the inland wetland area which has been historically maintained as lawn.
- d) IW#22.04.03 | 10 Ashman Court | construction of an above ground pool and deck
- Staff said the application is for an above ground pool and a modification of the existing deck. Staff shared a GIS map showing the inland wetland boundary in relation to the proposed activity. Staff noted the pool will have a cartridge filter system and had already discussed with the applicant dewatering process.

4) **ENFORCEMENT:**

- a) NOV | 113 Flax Mill Road | placement of woodchips within upland review area resulting from removal of storm damaged trees
- Staff shared they had been out to the site and the requested activity has taken place. Staff recommended they follow up with the property owner to confirm no further activity will take place and about potential, future regulated activities. The Commission agreed and closed the NOV file.
- b) NOV | 7 Featherbed and 391 East Main Street | excavation of watercourse
- Staff shared the planting plan submitted to the Agency with suggested plants, spacing and quantity of plants. Staff noted in addition to the plantings, New England Conservation/Wildlife Seed Mix is proposed for the other disturbed areas.
 - Staff shared the homeowner on 391 East Main Street may be looking to plant trees and staff told them it was likely an activity that could be processed administratively. Staff also noted the Director of Public Works may plant some street trees along the road. The Commission said as long as they are native trees, they would not have an issue with trees being planted. Staff shared photos of the property from after the last meeting, and had discussed with the person who conducted the activity about any future maintenance of the pipe. Staff said they are not aware of any future work.
 - Staff asked the Commission about monitoring. The Commission said they would like to see five years of monitoring. Staff said typically the Commission requires

three to five years. After three years, the Commission could be satisfied with the monitoring or continue to five years. Commissioners confirmed that would be okay.

5) OTHER BUSINESS:

- a) IW#19.11.01 | 1151 West Main Street | permit modification request
- Staff shared the request made by the permit holder to modify the access road to the mitigation site. Staff shared the site plans of the proposed revision.
 - **Chris Gagnon** (engineer, BL Companies) discussed the reason for relocating the access drive. **Gagnon** shared the proposal is to utilize the haul road as the permanent access to the mitigation area. **Gagnon** said steeper areas would have gravel across the whole road while the less steep areas would have enough gravel for two tire tracks. **Gagnon** noted the only vehicles that would access the road would be Town vehicles or a small bobcat/pickup truck if work needs to be done.
 - Staff shared some photos of the site, including where the road was initially proposed and the revised location and existing construction access road. **Gagnon** noted their intent would be to slightly grade the road so it is sloped away from the wetland area and pitched in the direction of the previously approved runoff.
 - Commissioners expressed concerned with the access drive being accessible to the public. **Gagnon** said they are proposing a fence along the ledge area but said bollards and chains could be added at the entrance to deter vehicles. **Gagnon** noted they may install a gate before the mitigation area in the back at the top of the hill.

Chairman Bassermann made a motion for IW#19.11.01 for 1151 West Main Street to approve the permit modification request.

Comm. Botta seconded the motion with the amendment that the barrier fencing discussed in the meeting to limit access to the watercourse and the mitigation area.

Chairman Bassermann accepted the amendment.

- Commissioners clarified the barrier to the mitigation access area.

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

- b) 1 Old New England Road | 2022 DEEP Aquatic Pesticide Application
- Staff shared the details of the proposed treatment, noting no previous treatment has been done. The Commission did not have any comments.
- c) 89 Todds Hill Road | Branford Land Trust open space
- Staff noted that this is an update to the invasive species removal and a jurisdictional ruling request to convert part of the meadow area as a native meadow.
 - **Bill Horne** (Branford Land Trust – BLT) shared the update on the invasive species removal. Staff shared the report submitted with the Commission and some photos of the progress made. **Horne** noted a long-term goal is to construct a handicap accessible path for the area, the makeup of which have yet to be determined.
 - **Horne** shared the Jurisdictional Ruling Request. Staff shared with the Commission the regulation that allows for approval of a Jurisdictional Ruling Request regarding a non-regulated use. **Horne** said there is a push in Branford to create habitat for

pollinators, and the BLT thought it would be appropriate to create a pollinator meadow. **Horne** noted the process would start this year with two small test plots. The non-native species would be removed and then conservation seed mix would be put down, along with plugs of native grasses. Staff shared the subdivision map with the proposed location of the two test plots in areas with wetland soils. **Horne** noted the intent is to see how this method works in this specific area. **Horne** explained the process of removing the invasives and establishing the meadow.

- Commissioners asked if the locations were determined randomly or if specific plants are being targeted. **Horne** noted some areas were being targeted due to evidence of turf grass. **Horne** noted this project would be a good opportunity to develop this property into a wet meadow with a lot of native plants.

Comm. Botta made a motion for 89 Todds Hill Road to grant the Jurisdictional Ruling Request as a non-regulated activity based off the language in Section 4.2 of the Regulations.

Comm. Greenalch seconded the motion.

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

- d) Regulation Revisions – continue review of possible revisions to the Inland Wetlands and Watercourses Regulations
 - Staff shared with the Commission changes made to the regulations since the last meeting. Staff said a definition was added for “Redevelopment” which is in line with the MS4 definitions. Staff shared the next minor change in Section 7.6. Lastly, staff noted the recommendation from staff about removing the proposed addition of requiring 150% contingency during peer reviews, as some other towns require.
 - Staff continued with discussion of the Regulations revisions regarding the bond section. Staff noted Town Counsel said it doesn’t necessarily matter who submits the bond, so long as the Agency has the money and knows who submitted the money. Regarding bond types, the revised section allows for cash, checks, surety, and any other forms of a bond the Agency and Town Counsel may approve. Staff reviewed the proposed language surrounding bond estimates. Staff shared some other revisions based off other Towns’ regulations to provide more clarity to the bond section of the Regulations. Staff shared thoughts from both Town Counsel and the Finance Department regarding other forms of payment for the bond. Staff asked if the Commission wants to be the one to release the bonds or if the Agent could. The Commission said for smaller projects it may be appropriate for the Agent to release the bond, whereas for larger, more complex projects, it should be released by the Commission. Commissioners said it may be appropriate for the request to come to the Commission, but the Agent could release the bond if follow-up is needed. Staff noted the proposed changes would help align the Inland Wetland bond requirements with Planning and Zoning’s requirements.
 - The public hearing was set for the regular meeting on June 9th, 2022 at 7pm.

6) AGENT APPROVALS

- a) IW#22.02.01 | 36 Greenfield Avenue | construction of an attached garage
 - Staff said this application was processed administratively. Staff shared the details of the stormwater management, which would be followed up on in the final review.

- b) IW#22.03.01 | 314 Pine Orchard Road | installation of a pool and hot tub
 - o Staff said this application was processed administratively, noting that it was about 70 feet from the wetland with two driveways between the activity and the wetland.

7) CORRESPONDENCE AND ANNOUNCEMENTS:

- a) Remote meetings – legislation allowing remote meetings scheduled to end April 30th
 - o Staff said there is pending legislation to allow for meetings to be held remotely. Staff said if it does not pass, the May meeting will be held in person at the Fire House. Staff asked the Commission if they would like to continue to meet remotely rather than meeting in person if they are able. There was a general consensus of the Commissioners to remain remote if state legislature allows.

- b) Earth Day Event April 23rd
 - o Staff stated there was interest in having a table at the Earth Day event with some pamphlets and informational flyers. Staff said they would not be able to attend the event and asked if any of the Commissioners could sit at the table during the event.

- c) Resignation – Abby York
 - o Staff announced that Inland Wetland Associate Abby York will be moving mid-May and this will be her last meeting.

ADJOURNMENT:

Comm. Botta made a motion to adjourn the meeting.

Comm. Papantones seconded the motion.

The motion carried. The meeting was adjourned at 9:26pm.

Respectfully submitted,

**Abby York
Inland Wetlands Associate**