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Inland Wetlands and Watercourses Agency

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REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, July 14th, 2022 at 7:00 PM

This meeting was held remotely, via ZOOM.

CALL TO ORDER: Meeting called to order at 7:02 pm by Chairman Bassermann

ROLL CALL: Commissioners C. Begemann, J. Meinsen, M. Funaro, S. Botta, M. Papantones, and Chairman P. Bassermann were in attendance. Staff present: IWEO J. Frederick and IW Associate K. Blanchette

1) MINUTES FOR APPROVAL:

a) June 9th, 2022 Regular Meeting Minutes-

Commissioner Botta makes a motion to approve the minutes. Commissioner Funaro seconds. Motion carried unanimously.

2) DELIBERATIONS:

- There was some discussion regarding some of the language in the resolution and making it clearer. IWEO stated that the language was put forth by town council. Questions about how we could make the language more clear were presented. Commissioner Bassermann questioned whether we needed to use the language "re add" when discussing the de-minimus fee and whether we needed to make it known that it was used before. IWEO felt as though it was important to note that it is not a new fee that it was something the commission has used before. Papantones suggested using the wording "reinstate" instead of "re-add". Bassermann agrees. Botta made a motion to adopt the resolution prepared for July 14, 2022. Bassermann seconded the motion. Papantones motioned to make a friendly amendment to change "re add" to "reinstate". Bassermann seconded the amendment. Motion carries unanimously.

Next steps is sending to DEEP, file notice in the paper, file a copy in Town Clerk's office, revise application form to reflect changes to fees.

3) APPLICATIONS FOR RECEIPT:

a) IW#22.07.01 | 45 Rose Hill Rd | clearing for vehicle storage

- Jim Petti- Criscuolo engineering-currently used as dumpster storage-potential buyer is Sound Auto. Would like to store used cars for sale-will not be storage for junk vehicles. Currently dirt, stone, gravel. Would like to put down new processed stone and French drains on 3 sides to allow for infiltration. Currently no runoff issues. Will be planting landscaping around the fence line of adjacent property. Because the 2 properties are currently owned by the same family, there will be some reciprocal easements to allow for continuous access should there be a future sale of either property. 100 foot upland review area only in a

small corner of the property. Requesting fee reduction to only reflect the area disturbed in the upland review area. There was discussion about the current state of the property and existing elevations. It was determined it would be helpful to schedule a site walk on the property to see existing conditions. Site walk set for August 2, 2022 at 5 pm.

- b) **IW#22.07.02 | 9 Beechwood Rd** | removal fill deposited in upland review area and re-grading
- Application is in response to activity that happened in 2017. New property owner (Fannie Mae) looking to correct the issues from planning and zoning and IW. When previous owner was contacted about the violation in 2017, they contacted Waldo a plan was made, but never completed. Fill is 50 ft. from wetlands. There is not an accurate survey prior to the filling. Estimating about 480 yards of fill was dumped. Appears to be mostly wood chips. Recommending leaving majority of the fill as is. Pull some material off slope working from the top with a long reach back hoe. Will spread out what is removed from the slope on the flat area, can be top soiled and seeded later. Once slope is graded evenly, the plan is to plant grass seed and use C-125 Erosion control fabric on the slope, along with planting 15 plants-laurels, highbush blue berry, and American Cranberry once everything is stable, silt fence will be removed and hay bales left to decay in place. Portions of the slope exceed 3:1 so plan is to reduce everything to a 3:1 to comply with Planning and zoning violation. These violations need to be cleared according to Fannie Mae prior to them selling the property. There was discussion on the current status of the site and it was reported to be stable at this time and well vegetated. The commission determined a site walk would be appropriate. Site walk set for August 2, 2022 at 5:45 pm.
- c) **IW#22.07.03 | 626 Leetes Island Rd** | barn construction/minor site grading
- Jim Pretti- was previously 2 lots that were combined. Applicant is looking to install a pre-fab barn structure, some minor regrading, and elevating the basement access to prevent flooding. The driveway would be moved slightly and the grading would involve minor cut and fill. A small amount of fill may need to be brought in to level the area and also around the house foundation to elevate the Bilco door. One tree would be removed to allow change to the site of the driveway. Commission discussed with IWEO about doing an administrative approval and it was deemed to meet the guidelines for it to be an Administrative approval.

4) **ENFORCEMENT:**

- a) **NOV | 56 Rose Hill Rd & 67 Pent Rd** | stockpiling & excavation activity
- i) J. Frederick-complaint on the property back in May-some stockpiling on site. Photo submitted showing excavation activity in the cow pen and pasture area. Complaint was a pipe was being installed and outlets to the watercourse. There was a stockpile of asphalt millings that has been moved. Stockpile of stone was determined to be ok to be left where it was. Pile of manure was in the wetland area-he moved it, seeded the area, installed silt fence-no erosion issues since removal. Property owner submitted a narrative of the activity that was being conducted in the photo that was submitted by the complainant. They were performing routine maintenance and cleaning of the area in front of the feeder. When cows are eating at that feeding station, manure and hay cause build up.

They were removing the accumulated material within that area. Manure has been relocated and ESDH is okay with the current location. It is surrounded by silt fencing and some hay bales. Neighbor Lisa Muzzi indicated she made complaint on April 23, but no one came out until June 9. Stated that the area has since settled but the photo she submitted clearly showed the pipe excavation. J. Frederick stated that there is no evidence of the pipe and no outlet seen. Reiterated that burden of proof falls on the commission to prove there is a violation. Ms. Muzzi is concerned about the quality of her drinking water. She stated that she is currently having her water tested twice a year to ensure there is no contamination. She is also concerned because they are mowing the area where the drainage ditch is and she stated that she didn't believe that they were able to do that. ESDH was mainly concerned about the location of the manure pile and since that was relocated, it is IW Agent's understanding that they have no other concerns at this time. There was discussion amongst the commission on what would be determined as of right as far as farming and mowing is concerned. The commission would like plans from the property owner as to long term manure storage, maintenance of the watercourse, mowing, fertilizing the fields and managing runoff. Commission would like to know what some of the Best Management practices are in regards to these farming practices so that they can determine as of right activities. J. Frederick stated that the office has reached out to DEEP for guidance as well. ESDH also had reached out to the department of agriculture to make sure best practices are being observed. J. Frederick stated that in between the 2 visits she had to the property, there had been a significant buildup of manure, so she can see how removal could be necessitated because it gets deep. Ms. Muzzi also complained about the trailer that she states is in the watercourse and it is deteriorating with material being dropped into the watercourse. Commission set up a site walk on August 2, 2022 at 5:45 pm to observe the site for the following issues- mowing within the watercourse, manure in the watercourse, general practice of spreading manure in fields, excavation, potential for buried pipe that is directing water into the watercourse, the structure potentially located inside the watercourse, and ground water coming off of Rose Hill Road onto the property.

b) NOV | 46 Wallace Rd | construction of a structure-

- J. Frederick sent a notice of violation after receiving an email about a structure being erected in a wetland. Drove by and did see a structure. Homeowner was very responsive. Reached out right away. Intent was to build a shed. After he cleared out material that had been dumped there previously, he thought it would be a good place to put a shed. He has since removed the platform for the shed and has left the sonotubes in place until he receives direction from the commission. He also stores a boat trailer and a winterized boat on site and wanted to know if he could keep it there. Commission questioned how far from the wetlands the boat is being stored and there is not an official delineation but J. Frederick believes it is about 40 feet away. Commission determined that the sonotubes could remain in place to avoid additional disturbance and it was ok to store the winterized boat in the location it has been stored as they don't believe there will be any impact to the wetlands from the boat storage.

c) NOV | 32 Pent Rd | storage of debris within upland review area/wetland

- J. Frederick –investigation was in response to an emailed complaint. Took a drive by-grass clippings and woody debris along the wetland area. Asked them to remove material. Got a photo of the material removed from where it was. Also received an email from the homeowner about inland wetlands, protections, benefits to homeowner. Think it's important for the homeowner to know going forward the limitations. Commission determined at this point it was best to continue working with the homeowner for clean-up and education. J. Frederick will follow up with homeowner to answer their questions and address concerns.

5) OTHER BUSINESS:

a) 434 East main St | IW#20.07.01 | office building

- i) Request for return of erosion control bond

Tabled to August 11, 2022 Meeting

b) 290 Pine Orchard Rd | IW#21.01.02 | modification-artificial turf

- i) J. Frederick-awhile back I got an email from engineer about artificial turf. I had requested more information on it. However the neighbor called and said there was turf on the site. Instead of doing the patio in stone they used the turf instead. Question regarding whether this would be a modification of if a new permit is required. Turf is fully installed at this point. Commission should review as this was not something that commission has had before them before regarding the material that was used. Neighbor is concerned about leaching toxic chemicals and micro plastics into the pond. Preliminary research (from 2010) has showed that the main concern is leaching zinc, but it is the same levels that would be leached from regular lawn fertilizer. There is also concern from the neighbor about a change in the fountain in the pond, and increased velocities causing erosion and sediment upturn within the pond. Previous discussion in 2017 determined that the fountain would be grandfathered but any change had to come before the commission as the regulation revisions in 2017 indicated that fountains were now considered a regulated activity. The fountain had been removed during construction because they had to move the wiring, and it appears as though when it was put back it was put on a different setting. It is now back to the original setting. There was a lot of discussion as to whether or not this would be considered a modification or if a new permit and/or a Notice of Violation should be issued. In general, it is the responsibility of the applicant to present information to the commission to be able to make an informed decision on applications. Currently, no information has been presented to the commission in order to make an informed decision on whether this would be permitted. It is important to set a precedent on what will be allowed as a modification, and it is believed that at this time there is not sufficient enough information to be able to grant a modification to the permit. It was determined that J. Frederick shall issue a Notice of Violation to the applicant that the turf needs to be removed or have an application for permit submitted. .

6) AGENT APPROVALS

- a) IW#22.05.01 | 85 Todd's Hill | Installation of an above ground pool

Erosion control inspection was done. They will be starting work soon. Will re-inspect after completion.

7) CORRESPONDENCE AND ANNOUNCEMENTS:

- a) Welcome new Inland Wetland Associate, Katy Blanchette

ADJOURNMENT:

Commissioner Botta-motion to adjourn at 9:41

Commissioner Begemann-seconded the motion

Motion carries unanimously.

Respectfully Submitted,

A handwritten signature in dark ink, appearing to read 'Katy Blanchette', followed by a long horizontal flourish.

Katy Blanchette
Inland Wetlands Associate