



## Inland Wetlands and Watercourses Agency

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### REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, August 11<sup>th</sup>, 2022 at 7:00 PM

This meeting was held remotely, via ZOOM.

**CALL TO ORDER:** Meeting was called to order at 7:03 pm

**ROLL CALL:** Chairman P. Bassermann, Commissioners M. Steinberg, M. Papantones, M. Funaro, and J. Meinsen Probulis **Commissioners Absent:** S. Botta and C. Begemann

**Also Present:** IW Agent J. Frederick, IW Associate K. Blanchette

**1) MINUTES FOR APPROVAL:**

- a) July 14<sup>th</sup>, 2022 Regular Meeting Minutes-Commissioner Steinberg made a motion to approve. Commissioner Funaro Seconded. No discussion. Motion carried unanimously.
- b) July 28<sup>th</sup>, 2022 Special Meeting Minutes-Commissioner Steinberg made a motion to approve the minutes. Commissioner Funaro seconded. Bassermann had a question regarding the minutes regarding some wording. Motion withdrawn and tabled to September 8<sup>th</sup> meeting.
- c) August 2<sup>nd</sup>, 2022 Special Meeting Site Walk Minutes-Commissioner Steinberg made a motion to accept the minutes. Commissioner Funaro seconded. Motion carried unanimously.

**2) APPLICATIONS FOR RECIEPT:**

- a) **IW#22.07.04 | 819-841 East Main Street** | proposed construction of a 36,560 S.F. medical research & development building with associated site improvements-J. Frederick-since site straddles North Branford and Guilford we sent the plans for review to those towns. Have not heard back from Guilford yet but North Branford has no objections. M. Shansky-spoke with Kevin Magee from Guilford this morning. The commission did discuss the application at last evening's meeting and the commission determined that it had no interest in the project in terms of impacts. Chris Gagnon-PE, BL Companies-project is unique as it falls into 3 municipalities. The entire improvements are limited to the town of Branford because of the way the building fit on the site. Rte. 1 and Goldsmith Rd-site drains from Northeast to Southwest-small portion drains westerly. Wetland on site fed by stormwater and groundwater. There are some offsite wetlands fed by stormwater drainage. Site is a little over 9.3 acres, majority being in Branford. The upland review area is depicted on the site plans. Offsite wetlands were provided to us by town staff; we did not locate them in the field. The project is a 36,000 sq. ft. building with 3 access points-2 on Rte. 1 and 1 on Goldsmith. The results of this development encompasses 10,000 sq. feet of upland review area impacts. All public utilities are in Rte. 1 and area proposed to connect them is located within the upland review area. 74,000 sq. feet of parking/sidewalks for a total of 2 acres of impervious area. Stormwater management system has been designed to comply with all requirements of water quantity and quality. 100 ft. and 75 ft. of undisturbed upland review areas before stormwater reaches wetlands. Another

important consideration is erosion control during construction. 3 temporary sediment traps are proposed during construction. Material stockpiles will have double rows of silt fences, inlet protections, and anti-tracking pads. As part of the application, we provided a memo from Rich Snarski who went out in the spring and did not find any evidence of vernal pools. He determined it was a moderate rated wildlife habitat and does provide breeding grounds for peepers and toads. In his professional opinion the project will not have a negative impact to the wetlands themselves. Commissioner Bassermann questioned about the area of the site that drains to route one and was questioning whether there was already stormwater management in place. The applicant indicated that it does currently have a stormwater management system in place. After some discussion, the commission set a site walk for the site on Wednesday, September 7 at 5 Pm.

- b) **IW#22.07.05 | 175 Cherry Hill Rd** | 11 lot subdivision – houses, driveways, stormwater management and roadway-Subdivision came before commission last fall and got an approval, but plan was denied by Planning and zoning because they wanted a through road not a cul-de-sac like what was proposed. Proposed plan has no disturbance in the 100 ft. upland review area on the eastern boundary of the site. The only change from last time is the removal of the cul-de-sac and now has a through street. New plan no longer required a second detention basin. In respect to wetlands impact, all grading is outside of upland review area. Collecting stormwater from roofs and either going into detention basins, or galleries. Otherwise project is very similar to what was previously approved. Stormwater on Lots 2 and 5 will be infiltrated via galleries, while rest of houses drain into detention basin in the southwest portion of subdivision. Commission determined a site walk was not required as the site was visited last year.
- c) **IW#22.08.01 | 290 Pine Orchard Rd** | Modification of IW #21.01.02-Artificial turf-NOV was sent. Proposal shows extent of turf on site. Andy Kowelenko-Encon consultants-pool was part of application that was proposed with retaining wall. Pool is in a slightly different location as are the retaining walls. The issue that came up was for the synthetic turf around the pool and the commission had some questions about how it would impact runoff and discharge to the wetland. Provided responses to some of the concerns in NOV. Impervious area is less than what was proposed. More information provided to the commission now than at the last meeting. Stone paver patio is what it was approved originally. There is now a stone base to the turf so it is no longer an impervious surface. Engineer stated that this particular artificial turf does not use crumb rubber backing, which is what causes concern because of breakdown. This product lays upon a layer of gravel and sand and indicated that there is a retention trench installed downslope from the retaining wall, which would catch any water if it should ever make its way down that far. So nothing would be reaching the pond area. Staff indicated that no fee has been submitted as of yet and the application is not complete without one. Applicant indicated that he would have the fee submitted before the next meeting. Since there was discussion from the commissioners about what the chemical make-up of the synthetic turf was, the applicant indicated he would try to get that from the manufacturer for the next meeting as well as how long the product has been used.
- d) **BRIW#22.08.01 | 45-81 Short Rocks Rd-Branford Supply Ponds** | replacement of pole bridge over Pine Gutter Brook-previous application was submitted in 2019 in which the commission was looking at not only the replacement of the bridge but also try to armor the bank of the bridge and there was question about how that would

function. Richard Shanahan-Chair of parks and open space commission-project has been sitting for years. Original proposal was to place cement structure on the edge of the brook to stabilize it and prevent erosion, but there was concern about time and funds so it sat. Current bridge that is presently condemned is 26 ft. –Bridge that is currently proposed is 35 ft. No longer proposing to touch/armor the brook. Access to the bridge is off the green trail. Continuing problems with erosion and sedimentation from Pine Gutter Brook. The new bridge is going to be made of 4 telephone poles and Town Engineer, John Hoefflerle, said the bridge was overbuilt but we are okay with that as we feel it will buy us some time until it needs replacement again. Staff stated the application requires full commission approval, not an agent approval, because it spans the watercourse.

- e) **JRIW#22.08.01 | 26 Evergreen Place** | removal of invasives and downed trees, planting of new native plants-tabled until later in the meeting since there was no representative present for this item.

### 3) APPLICATIONS FOR REVIEW:

- a) **IW#22.07.01 | 45 Rose Hill Rd** | clearing for vehicle storage-commission did have a site walk on August 2, 2022 and was able to view present conditions of the site. J. Pretti, PE-There have been minor site plan changes proposed in response to that site walk. Given the proximity to the slope, the area of activity has been pushed back about 18 feet to bring it further away from the edge. New infiltration trench placed before the slope, seed with conservation mix to restore natural area and prevent activity along top edge of slope. Cars will be resting on processed stone with a fence around them. J. Frederick- There was a fee reduction request submitted-the commission should determine whether or not they should be granted the fee reduction. Rationale provided was that the wetland is off site and the area of disturbance is area that is already disturbed. Commission can grant a fee reduction because the fee it doesn't meet the review requirement or because they are benefitting the environment. Chairman Bassermann feels the benefit to the environment should be rewarded. Commissioner Papantones agrees, as does Commissioner Steinburg and Commissioner Funaro. Chairman Bassermann makes a motion to reduce the fee for the application to be modified for \$1060 recognizing the work that is to be done to replant the habitat and decrease the area that is disturbed. Commissioner Steinberg seconds. Motion carries unanimously. (5-0-0)

Commissioner Bassermann makes a motion to approve the plan with standard conditions of approval and incorporating the comments in the Staff report dated 8 11 2022. Makes a motion to approve incorporating the staff report of 8 11 2022 to include Commissioner Funaro seconds. Motion carries unanimously. (5-0-0)

**IW#22.07.02 | 9 Beechwood Rd** | removal of fill deposited in upland review area and re-grading-site walk was conducted on 8/2/2022-IW Staff wondered if step 6 in construction procedure on the plans "Spread decomposed wood chips uniformly over disturbed slope areas" still applied, as there is concern that seed mixture will not grow if there is too much material. Mark Young-Russ Waldo and Associates-when first at the site there was a lot of woodchips on the site so thought they would be useful to stabilize the slope. Don't know if they will even be able to be utilized because we don't know what's even underneath it. Will need to evaluate when the machine is out there. Any large concrete or asphalt will be removed. Once the slope is evened out and the material that needs to be removed is taken out, if there are enough of the woodchips to be utilized, we will spread them out. We are going to have to rely on the backhoe operator to do the grading. Want to make sure woodchips aren't getting

in the way of lawn establishing. Commissioner Funaro makes a motion to approve the application with the recommendations outlined in the staff report dated 8/11/22. Commissioner Steinberg seconds. Motion carries unanimously. (5-0-0)

4) **ENFORCEMENT:**

- a) **NOV | 56 Rose Hill Rd & 67 Pent Rd** | stockpiling & excavation activity-site walk conducted on August 2 and viewed areas where pictures of activities on site were submitted, manure stockpile, watercourse/drainage ditch, catch basins-NOV addressed stockpiling and excavation activities-stockpiles have been addressed with staff guidance-in regards to excavation-concern that there was drainage modifications-no evidence of a pipe or an outlet of a pipe or where the pipe would be located up top. Resident submitted documentation that the activity is because of the accumulation of debris in front of the feeding trough. There is room to come up with a better practice for managing this manure. Opportunity to improve the drainage from the road. Question for the commission as to whether there was anything on site that needs to be addressed, or any follow up in relation to future activities.  
Commission indicated they saw no excavation evidence of a pipe, it was very helpful to be onsite to see location of manure pile in its current location. Commission felt the property owners/residents have fulfilled their requirements for the NOV and do not see any other violations. There were questions in regards to a timeline for follow up and it was indicated that with resolved/closed violations there generally is no follow up. There was some concern about the slope of the driveway and the velocity of the runoff. IW Staff had reached out to local conservation district to see if there are any programs that may be able to help him and are waiting to hear back. Commissioner M. Steinberg makes a motion to lift the NOV. Commissioner M. Papantones seconds. Motion carries unanimously (5-0-0)
- b) **NOV | 290 Pine Orchard Rd** | artificial turf/noncompliance with permit-tabled pending application
- c) **CC#22.06.01 & 2<sup>nd</sup> NOV | 20 Huntington Drive** | removal of trees and placement of debris-Report/restoration plan-IW Agent J. Frederick-initial notice of violation was in 2020-Commission did not feel they were getting timely response-gave them until this meeting to submit the restoration plan, which was supposed to be received by 8/4/2022, however it was just received today. Scott Stevens reflagged the wetland boundary and Jennifer Beno observed the upland review area and the wetlands. There was fill placed in the Western area of the site. It was hard to determine how many trees were removed. Several trees were found on the western slope. Upland review area adjacent to the wetland appears to be recently disturbed and debris pushed into the wetland and the understory cut. Mainly invasive plants (mugwort) taking over. There was a debris pile with rope, wire fencing, large stumps, branches, minimal fill in wetland areas. Site is pretty well stabilized, no erosion. Recommendations for mitigation are that wetland boundary should be plotted onto a survey, owner should be posting signs to provide a visual barrier of the area to stay out, carefully removing by hand large limbs and miscellaneous debris removed during dry time. Recommending native non-invasive plants installed in upland review area. Advised they should consult with a landscaper to determine how best to remove invasives and provide stabilization. Large items can be cut up and carried out. Recommended add 28 shrubs that will tolerate shady conditions. Plantings will provide a buffer and provide habitat; Combination shadbush, chokeberry, nannyberry, with substitutions approved by town staff. J. Beno noted there have been supply issues in the nurseries lately, but as long as substitutions approved by town staff before planting it would be acceptable to make substitutions. It will be

necessary for the landowner to periodically remove invasives. Plantings should be watered as necessary and recommend a seed mixture suitable for shady areas for additional ground cover. Follow up inspections should be done at installation and for 3 subsequent years. For September meeting, homeowner is to provide timelines and landscape plans for completion pursuant to #5 shall be submitted. All info must be submitted by September 1 to allow time for review by town staff and commission.

- d) **CC# 22.07.01 | 6 Partridge Lane** | Clearing and earthwork within a Conservation deed restricted area-just cause hearing continued from July 28<sup>th</sup>, 2022-IW Agent J. Frederick-has not received responses from Town Council on all issues, as they need more time for clarification. Staff recommends that the commission continues this meeting to be able to review the responses from town council. Attorney Shansky was okay with the commission revisiting this in 30 days to give the Town Attorney a chance to respond instead of scheduling a special meeting. Will be continued at the September 8, 2022 regular meeting.

**2) OTHER BUSINESS:**

a) Revised application forms

- i) Standard application form-new regulations are effective tomorrow. Application form had to be revised to reflect the new fee structure. Chairman Bassermann made a motion to approve the standard application form Revised July 29, 2022 with the modification that item 5 on page 3 be stricken-and parenthesis on page 4 be removed from #2. Commissioner Steinberg seconds. Motion carries unanimously (5-0-0)
- ii) Town project application form-biggest difference is the area for First Selectman's signature and modified it to make it more open ended and applicable to more departments. Commissioner Funaro makes a motion to approve the town project application form dated April 19, 2022. Commissioner Papantones seconds. Motion carries unanimously. (5-0-0)

**3) AGENT APPROVALS**

- a) **IW#22.07.03 | 626 Leetes Island Rd** | barn construction/minor site grading-IW Agent J. Frederick indicated permit has been issued and application is currently before planning and zoning.

**JRIW#22.08.01 | 26 Evergreen Place** | IW Agent J. Frederick-resident contacted office looking to do maintenance on the property-mainly invasive removal but some regular plantings also. Vegetation management is the only thing they are looking to do. Plan proposal read into the record. After discussion by the commission, it was determined that this item should be an application.

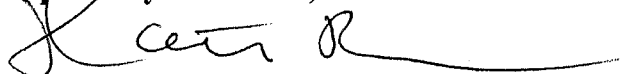
**4) CORRESPONDENCE AND ANNOUNCEMENTS:**

- a) Paper copies of materials-Commissioner Funaro indicated she will access the digital files and requested no paper copies be sent to her.
- b) CACIWC Meeting Saturday 10/29 – more info at September meeting-north haven-being planned as an in person meeting. Lunch is provided.

**ADJOURNMENT:**

**Commissioner Funaro made a motion to adjourn at 10:00 pm. Commissioner Steinburg seconded. Motion carried unanimously. (5-0-0)**

Respectfully Submitted,



**Katy Blanchette, IW Associate**