



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, October 12, 2023 at 7:00 PM

This meeting was held remotely, via ZOOM.

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

ROLL CALL: Chairman Peter Bassermann, Commissioners S. Botta, D. Gocłowski, C. Begemann, M. Steinberg, M. Ormrod. Also present: Staff J. Frederick and K. Blanchette

IW Agent J. Frederick asked to add IW#23.10.02-35 Beechwood Road to the Agenda as item #3b. Commissioner Botta made a motion to approve the addition of IW#23.10.02 to the agenda under 3b. Commissioner M. Steinberg seconds. Motion carries unanimously.

1) **MINUTES FOR APPROVAL:**

- a) September 14th, 2023 Regular Meeting Minutes-Commissioner M. Steinberg made a motion to approve the minutes. Commissioner D. Gocłowski Seconds. Motion carries 4-0-2 (Botta and Begemann Abstained)
- b) October 5th, 2023 Special Meeting Minutes-Commissioner Botta made a motion to approve the minutes of October 5th. Commissioner Ormrod Seconds. 4-0-1 (Commissioner Begemann absent for vote)

2) **PUBLIC HEARINGS:**

- a) IW#23.07.02 | 38 Howard Ave | Retaining wall construction and associated activities
 - i) Includes activities proposed on 34 Howard Ave-Attorney James Perito was present for the applicant. Submitted revised plans. Was not able to obtain authorization from property owners at 34 Howard. Commission determined that due to not having authorization from the parties at 34 Howard Avenue, the public hearing would be continued to the next meeting scheduled for November 9 and requested property owners try to work toward a resolution prior to the meeting. Per state statute, the commission has 35 days to open a public hearing once requested, 35 days to close the public hearing after opening it, and 35 days to make a decision once the public hearing is closed. Commission can request an extension from the applicant to not exceed 65 days. Commission requested IW Agent J. Frederick consult with Town Council to determine what next steps are if authorization is not obtained. Commissioner S. Botta makes a motion to table until November 9. Chairman Bassermann seconds. Motion carries unanimously.

3) **APPLICATIONS FOR RECEIPT:**

- a) IW#23.10.01 | 11 Laurel Hill Rd | construction of new single family residence-IW Agent J. Frederick indicated this lot was part of an approved subdivision from 2009. Part of the conditions of the subdivision was that this lot needed to be brought to the commission prior to development. Pocket of inland wetland in the middle of the lot.

Conservation deed restriction required but not filed yet. Wetland area was previously mowed but has not been maintained in a few years. Commission determined it would be beneficial to have IW Agent J. Frederick do a site walk with engineer and wetland scientist. Wetland Scientist should determine if prior planting plan that was approved for the wetland area is still appropriate given it has no longer been maintained as a meadow.

- b) IW#23.10.02 | 35 Beechwood Rd | patio expansion, pavilion, hot tub and turf installation-IW Agent J. Frederick-deck/patio was originally approved in 2010. Looking to expand the area and replace the decking with patio and other improvements. Representative from Torrison Stone and Garden gave a presentation outlining the potential plan for the site. Includes expanding patio area, replacing an existing shed with one of larger size, hot tub, installing a turf area with recreation features and resurfacing concrete patio. Commissioners discussed the need to check the soils to see if they will be able to accept the additional drainage that will be caused by the increase in impervious surface. IW Agent J. Frederick suggested additional plantings on the slope between the arborvitae and the fence line to mitigate the increase in runoff and also a soils investigation to see re-delineate the wetlands to determine where the wetland line actually exists. Commissioner Gocłowski voiced concerns regarding the increase in activity in the area closest to the wetland and the increased runoff from the patio expansion and the turf. Commission recommends a storm water management report, a wetland delineation and an A2 survey be completed.

4) APPLICATIONS FOR REVIEW:

- a) IW#23.06.06 | 35-37 Harrison Ave | 6 unit townhouse and associated site improvements (located to rear of existing building containing two living units)- **Tabled to November 9, 2023**-Commission requested staff ensure applicant is aware of timeframe concerns relative to an incomplete application
- b) BRIW#23.08.02 | 45-81 Short Rocks Road | construct 30' pole bridge across Pisgah Brook below supply ponds dam and rehab 70' stream bank to prevent further erosion and complete trail improvements-**Tabled to November 9, 2023**-No Discussion
- c) IW#23.08.03 | 61 East Industrial Rd | indoor facility for athletic use with associated site improvements
Includes activities proposed on 57 East Industrial Rd and 21 Sycamore Way- Engineer Jim Pretti from Criscuolo Engineering provided a recap of the application and points that had been presented to the commission earlier. IW Agent J. Frederick indicated that the proper authorization was obtained from the property owner of 21 Sycamore Way, which is where a small portion of work is being conducted in relation to the drainage. Staff report was presented to the commission outlining possible conditions for approval. Commissioner S. Botta made a motion to approve the application with the conditions outlined in the Staff Report Dated 10/12/2023, with the exception of item #4, which will be stricken. Chairman P. Bassermann seconds.
Roll Call Vote:
M. Steinberg-aye
C. Begemann-aye
M. Ormrod-aye
S. Botta-aye

D. Gocłowski-aye
Motion carried unanimously.

- d) IW#23.09.01 | 329 East Main Street (aka 325 East Main St) | mixed use residential development-IW Agent J. Frederick reported that the applicant is working on revised plans. Commission discussed whether staff felt as though the size and scope of project warranted a peer review. IW Agent J. Frederick stated that the town engineer reviewed the plans; did not indicate that the project needed a peer review. There are no proposed direct wetland impacts and they were using drainage system already in place that is functioning and properly maintained. Item continued to November 9 meeting pending receipt of revised materials.

5) **ENFORCEMENT:**

- a) Notice of Violation | 38 Howard Ave | retaining wall & associated activities-
Tabled until review of IW application IW#23.07.02-No discussion
- b) CC#22.12.01 | 21 Brainerd Road | Construction without permits-discussed with item c below.
- c) CC#23.09.01 | 21 Brainerd Road | Construction without permits
 - i) Continuance of just cause hearing-Property owner not present at the meeting. IW Agent J. Frederick stated that he had reached out to her yesterday and said the silt fence was in and went out and inspected. Silt fence is ~95% toed in, and the only area that isn't is located behind an area that is a spillway for the detention basin that was constructed and should be a high priority for the silt fence to be installed properly as overflow can cause siltation. ESDH ordered that the detention basin be pumped out and filled in-unknown what is in the basin. J. Frederick requested that the owner schedule a meeting with wetlands and at least planning and zoning but possibly also building and ESDH to go over outstanding items that need to be addressed. Court case in regards to building and fire code violations was continued to October 30th, so staff recommends continuing to November 9th meeting after the court hearing and direction from Town Council.

6) **OTHER BUSINESS:**

- a) 434 East Main Street – request to reduce bond amount on file for IW#20.07.01-IW Agent J. Frederick indicated that the monitoring report was received and indicated that the required 85% survivability was well exceeded on the site. Property owner is requesting a reduction in the bond. Commissioner S. Botta makes a motion to keep the planting and monitoring bonds intact since monitoring period is ongoing, and reduce the Erosion and Sedimentation bond to \$5,000. \$14,223 cash and \$14,223 surety to be returned. Prior to construction re-commencing, permit holder must come back with the revised plans and bond estimates. Monitoring reports need to be sent to the Inland Wetlands office regularly. Commissioner D. Gocłowski Seconds. Motion carries unanimously.

7) **AGENT APPROVALS:**

- a) IW#23.09.02 | 39 Short Rocks Rd | shed-no discussion
- b) IW#23.08.04 | 5 Spice Bush Lane | retaining walls aboveground pool (modification to proposed location from previously issued permit IW#23.04.02)-no discussion

8) **CORRESPONDENCE AND ANNOUNCEMENTS:**

- a) 2024 Annual Meeting Schedule –brief discussion regarding the benefit of having 2 meetings per month vs 1. Also discussed potentially doing 2 meetings one month a quarter. Commission will decide on meeting schedule at November meeting.
- b) Southwest Conservation District Support Letter

- 9) **ADJOURNMENT:** Commissioner Botta made a motion to adjourn at 9:58 pm.
Commissioner Begemann seconds. Motion carried unanimously.

Respectfully Submitted,

Katy Blanchette
IW Associate