

MINUTES

Inland Wetlands and Watercourses Commission

Thursday, June 11, 2020 at 7:00 PM

This meeting was held remotely, via ZOOM:

The meeting was held in accordance with [Executive Order 7B](#) part 1 and all speakers were required to identify their name and title each time they spoke.

1. CALL TO ORDER:

- Chairman Peter Bassermann called the Regular Meeting of Branford's Inland Wetlands & Watercourses Agency to order at 7:00P.M.

2. ROLL CALL:

- **Commissioners Present:** Chairman Peter Bassermann, Sandra Kraus, Clarice Begemann, Steven Sullivan, Susan Botta.
Richard Greenalch: Audio delays during roll call, present in video.
- **Commissioners Absent:** Rick Ross, Eric Rose
- **Staff Present:** Inland Wetland Agent Jaymie Frederick, Clerk-Kaitlin Piazza

3. APPROVAL OF MINUTES:

-May 14, 2020 Regular Meeting Minutes

- Chair Bassermann inquired about the page markups.
- IW Agent Frederick noted that the minutes had been filed with the tracked changes.
 - Comm. Kraus motioned to approve the May 14, 2020 minutes.
 - Comm. Sullivan Seconded
 - Motion carried (Yes-Abstained-No: 6-0-0)

-After approval of the minutes, Chairman Bassermann requested IW Agent Frederick review the virtual meeting requirement.

-IW Agent Frederick reviewed the requirements of the Executive Orders and provided directions on how to participate during the meeting using ZOOM.

4. APPLICATIONS FOR RECEIPT:

a. IW#20.06.01 | 25 Quench:

- IW Agent Frederick reviewed application details for commissioners for the installation of an in-ground pool. She stated that a site plan as well as a soils and wetland report were completed. She asked if commissioners would like any additional information for the next meeting and shared multiple potential site plans via "share screen" as requested by Bassermann.
- Applicant Scott Lougal explained the reasoning for the pool placement, why some grading would be required and provided a site plan with an estimate that it would be approximately 55'-60' away from the wetlands.

- Chairman Bassermann and Comm. Kraus asked multiple questions about the plan including discharging pool water, filter types, drywell and pool size as well as backwashing.
 - The applicant stated that a cartridge filter would be used which would allow for no backwashing to be necessary and that because of the U-shaped wetland it would be difficult to have no discharge into the wetland area but would be open to increasing the drywell size.
 - IW Agent Frederick Reminded the Commission that the item would not be actionable until the next meeting.
 - Comm. Kraus asked if an Administrative Approval would be appropriate for the application. The question was followed by a brief discussion at the end of which the Commission agreed that the applicant would need to come back for approval.
- b. IW#20.06.02 | 56 Stony Creek Rd:
- Request for administrative approval
 - The applicant, Leigh Small, explained that an administrative approval was being sought for an amendment to a site plan for The Nest Shoreline Campus that was previously approved by the Commission in August 2019. The amendments would include the installation of a swing set within a previously approved play area. He further explained that the proposed changes are due to new CDC regulations which necessitate more outdoor time for kids which needs to be planned for before opening on June 29th. He stated that they would be excavating 8"-10" of soil, then adding filter fabric followed by compacted mulch under the play structure and that the area would be enclosed by a 12"-18" high fence with a gate.
 - Comm. Botta asked for clarification about where on site plan is the activity proposed?
 - IW Agent Frederick showed the area proposed for the playset and limit of disturbance.
 - Chairman Bassermann asked the Commissioners if they saw any issue with permitting an administrative approval to which there was no opposition.
- c. IW#20.06.03 | 14 Lomartra Lane
- The applicant was not present initially and the item was moved to the end of the meeting.
 - The application was taken up again as the last item on the agenda.
 - Applicant Michael DiGoia explained that he was seeking administrative approval for Lot One in Stony Creek Crossing and needed inspection of erosion control to be allowed to proceed to construction.
 - Chairman Bassermann requested to view the plot plan.
 - IW Agent Frederick showed the plot plan and provided a brief explanation and that she had conducted an inspection of the site. She also stated everything generally looked good but would like additional time to seek some clarifications and review before signing off.
 - Conditions of approval were briefly discussed in addition to some questions about the approval of lot two that had been done previously.
 - Chairman Bassermann stated administrative approval was appropriate, to which there was no opposition.

d. IW#20.06.04 | 16 Marian Road:

- Administrative Approval:
- IW Agent Frederick explained that the applicants were seeking administrative approval but only had a sketch available and no soils report as yet. After a question about the location of the wetlands from Chairman Bassermann she also stated that she had conducted a site visit at which time she saw skunk cabbage in multiple areas which indicate that there are likely wetlands.
- Applicants Eduardo and Kristina Oyanedel explained that the Soils Scientist cancelled due to weather and rescheduled the upcoming Monday.
- A discussion concerning the presence and location of potential wetlands took place between the Commission and the Applicants, during which time questions concerning approvals for surrounding areas also arose. In addition the discussion included questions about the proposed grading and fill materials.
- The Commissioners ultimately stated that more details were needed including the wetlands report and formalized site plan. However, they discussed the idea of holding a special meeting, as suggested by IW Agent Frederick, to conduct approvals for pool applications specifically to try and minimize processing time because of the extenuating circumstances surrounding Covid-19.
- IW Agent Frederick stated that the earliest possible date for a special meeting would be June 25th.
- Prior to taking the vote IW Agent Frederick asked if Agent could approve if there is no indication of wetland impact or no wetland present?
- Commission agreed with the condition that the record be made clear about the materials submitted.
 - Comm. Kraus motioned to hold a special meeting on June 25th at 7pm.
 - Motion seconded by Sullivan.
 - Motion carried unanimously.

-Comm. Kraus requested that IW Agent Frederick reach out to other pool owners to schedule them for the Special Meeting.

5. APPLICATIONS FOR REVIEW:

a. IW#20.03.01 | 58 East Industrial Rd.

- Jim Pretti, Criscuolo Engineering briefly reviewed and stated that a review was completed at the previous meeting with the only outstanding item being an authorization letter from the adjoining property owner which had been received and submitted since the last meeting. He stated that the Commission should also have been in a receipt of a letter from David Lord who completed the previous wetland report in which he provided clarification concerning his observation about the fill at the bottom of the slope.
- IW Agent Frederick stated that the Town Engineer provided a comment requesting that the applicant add catch basins at the end of the road which has not yet been addressed.
- Pretti said that he had been in contact with the Town Engineer and would be meeting with him onsite to pick where they are going but agreed to add.
- Chairman Bassermann asked if there was any further discussion
- None.

- Comm. Botta motioned to approve with the condition that catch basins will be added to the satisfaction of the Town Engineer.
 - Motion seconded by Comm. Greenalch
 - Motion carried unanimously.
- b. IW#20.04.01 | 367, 377, 373-375 East Main St.
- IW Agent Frederick explained that the purpose of this agenda item was to clarify the fee amount required for the application. She stated the fee submitted with the original application was less than what it should have been but upon recalculation it seemed more was paid than what was required. She also shared a more formal staff report to review with the Commission for the purpose of fee explanations.
 - Attorney John Knuff, on behalf of the applicant, stated that either way is fine but it would be good to clarify for future applicants
 - Chairman Bassermann asked if there had been a similar scenario previously and then stated that the intent of the fee schedule was not to be duplicative.
 - IW Agent Frederick was not aware of a similar question in the past.
 - Knuff explained the amounts paid based on fee schedule “A” and “C”.
 - David Sacco, the applicant’s engineer, then reviewed the plan describing stormwater management, drainage and discharge. He further stated that the proposal sought to maintain, as much as possible, existing flow with no net increase in runoff at any storm level.
 - Comm. Botta commented that she believes the application is well done and that it will help with water quality issues with Branford River but would still like construction erosion control measures carefully watched.
 - Chairman. Bassermann asked if the project would be phased, what the duration would be and how the Erosion Control would be handled over the duration of the project.
 - Sacco stated it would be completed in one phase over approximately two years. He further explained that the site was relatively flat and that the initial disturbance would likely be the peak due to demolition proposed but the erosion control measures were designed to be flexible to accommodate for ongoing site changes.
 - Commissioners asked a number of questions about snow storage and the implications of snow storage for the proposed landscaping. Sacco provided information to clarify their questions.
 - The Commissioners, applicant and IW Agent Frederick then conducted a lengthy discussion about the conditions of approval. After attempting to incorporate the conditions during the meeting it was suggested that for the sake of time and accuracy that each of the Commissioners email IW Agent Frederick with the conditions of approval they deemed appropriate so IW Agent Frederick could write a finalized document with the conditions of approval. The Commission agreed that they would finish conducting the approval during the Special Meeting June 25, 2020. John Knuff, on behalf of the applicant, granted the Commission a time extension to allow time for the conditions to be tailored until the Special Meeting.
- c. IW# 20.04.02 | 9 Elm. St.
- The applicants engineer Jim Pretti provided an overview of the application which had been reviewed during the previous meeting but was not actionable at that time. He also

provided clarification on what is considered impervious surface per the Town regulations. He stated that it was his understanding that all of the Commissioners questions were previously answered with no outstanding issues.

- IW Agent Frederick confirmed applicant has responded to all questions and all outstanding items have been received.
- Comm. Bassermann asked if the standard conditions applied to the application.
- IW Agent Frederick stated that there would also be a condition to allow for site inspections as deemed applicable. She also asked if the Commission would want certification that stormwater improvements were installed as proposed to which the Commission agreed.
 - Comm. Botta motioned to approve with the standard conditions and a condition to provide an as-builts stating stormwater improvements were installed as designed.
 - Comm. Sullivan seconded
 - Motion carried unanimously.

6. ENFORCEMENT:

- a. CC#19.09.01 | 76-80 Pent Rd | Clearing Along a Watercourse & Wetland
 - IW Agent Frederick stated that the property owner submitted two revised plan with plantings with one of the site plan depicting a revised lawn area. She further explained that the species included in the site plan are native, except for one but it is not invasive and provided details on planting, maintenance and treatment of invasive plants.
 - Chairman Bassermann asked if the planting plan addresses all of the issues to which IW Agent Frederick affirmed it did although there are some small inconsistencies with planting spacing.
 - The Commissioners and applicant briefly discussed the extent of planting along the watercourse, the extent of the lawn area and what future actions or assurances would be need to move forward. IW Agent Frederick suggested continued inspections of the course of one year to two years. Comm. Botta then suggested an inspection prior to the October 1st meeting and June 2021 meeting for an update on the condition of the plantings.
 - IW Agent Frederick again directed the Commissions attention to the extent of the lawn area proposed and the requested modification of the limit. The Commission agreed that the limit of the lawn existing during their previous site visit would be acceptable.
 - Comm. Kraus motioned to accept the site plan with the condition that inspections will be done by IW Agent Frederick in October and June and that the homeowner be allowed to mow the lawn occasionally consistent with what had been permitted before the clearing.
 - Seconded by Comm. Botta
 - Motion carried unanimously.
- b. NOV | 76-80 Pent Rd
 - The item was included within the discussion and motion for CC# 19.09.01(above)
- c. NOV | 103 Sunset Hill Drive:
 - IW Agent Frederick explained that a follow up letter for this item was sent after last meeting and no response was received. She then provided a summary of the issues which included clearing of vegetation along road and driveway areas where a pocket

wetland is located. She further stated that the Commission wanted the area identified and plan created by a Soil Scientist for consideration but the property owner has requested that the area be allowed to naturally return to its previous state.

- Joseph Rini, representing the property owner, briefly explained his recollection and understanding of what had taken place on the property. He then stated that the owner is requesting more time to get a soil scientist onsite because of hardships from COVID.
 - Comm. Bassermann affirmed that the Commission wants a planting plan and a report from a soil scientist. He then asked if the property owner would like to be moved to the July meeting.
 - Joseph Rini agreed to the July meeting to which there was no opposition by the Commission.
- d. 20 Huntington Drive- Clearing of Trees &Vegetation within Upland Review Area
- Chairman Bassermann asked why the item was not listed as an NOV.
 - IW Agent Frederick stated that it should have been updated to NOV but the NOV for the property had gone out later than most of the other letters, granting less time. The property owner did however respond, stating that had been severely impacted by COVID. IW Agent Frederick suggested that owner continue to work commission and work towards long term stability as this is the second time the site has been cleared and suggested planting plan for implementation in the fall. All activity in the upland, no erosion issues, site is stable.
 - The Commission granted a time extension

-Botta steps in as chair at 10:17 due to technical issues until conclusion of item.

7. OTHER BUSINESS:

- a. Permit modification request | 41 Brainerd Rd | IW#20.02.01
- IW Agent Frederick reviewed the purpose of the modification request and explained there were issues flagged by Planning and Zoning. She also mentioned that the Commission may want to defer deciding until the July meeting.
 - The applicants engineer Nick Mclay, of Nafis & Young, explained that the modifications were due to changes in the land swap area.
 - Chairman Bassermann asked if there would be any impact on the wetlands and Commissioner Kraus asked if the number of houses was always four.
 - IW Agent Frederick stated that there would be no additional or altered impact on wetlands and that per the conditions of the permit lots three and four would still need to be reviewed by the Commission before being approved. She also raised a concern about the minimum lot requirements which was clarified by the applicant's engineer.
 - Chairman Bassermann motioned to approve the modification of the permit with the condition that if conditions change, that the applicant will inform the commission.
 - Comm. Botta seconded.
 - Motion carried unanimously.

b. Preliminary Plan review | 434 East Main Street | Commercial development

- Request for a preliminary review prior to the submission of an application per section seven (7) of the regulations this type of meeting is permitted.
- Matthew Bruton, BL Companies, reviewed the proposal on behalf of the property owner which is for an eight acre site with wetlands along the rear of property as well as multiple easements. The proposal includes a single access driveway to Route 1, a 25,000 sf commercial building with an associated paved parking facility for circulation and access as well as a proposed retaining wall not to exceed eight feet at the back of the property. He explained that a gravel access roads exist at the back of parcel. He showed then showed preliminary, stormwater, grading and drainage plans and stated that the goal would be to create pad site for a building without impacting wetlands or floodways. He further stated that as proposed there would be no direct wetland impacts and would be reviewed by the Commission for the upland review area. He concluded that a full set of plans will be developed but any feedback from the Commission would be helpful.
- Property owner Vincent Giordano explained that the property was purchased in 2004 and originally used as farm. He also said that the proposed retaining wall is meant to maximize footprint because while it is 8 acre site there is limited usable footprint because of wetland and easement. He added that there is an existing approval for stockpiling from P&Z which expires May 2022 and that it would be preferable to pursue a full development proposal but first a pad needs to be prepared for serious consideration from potential site users.
- The Commissioners asked a number of questions about parking, additions to surface infiltration systems, stockpiling, impervious surface area and green roofs.
- Bruton and Giordano provided feedback and clarification about the proposed plans and limitations and thanked the Commission for their feedback which they would incorporate where feasible.

c. Maintenance of crushed stone adjacent to pond to guard against erosion on residential property – as of right or permit required?

- Commissioner Bassermann recused himself to present the application and Commissioner Botta stepped in as chair for review of the application.
- Bassermann proceeded with presenting the activity in question and provided pictures of the existing conditions. He explained that an existing 9’ deep man-made pond exists on the property that was created at the time the property was developed. Crushed granite stone on the edges has washed away into the pond over time and the proposed activity would be to replace that stone. Stony Creek granite would be added to a sufficient depth and graded using a shovel and rake.
- IW Agent Frederick relayed that the purpose of this item was for the Commission to decide if the activity is regulated or maintenance of residential property consistent with section 4.1.C. of the regulations.
- Commissioner Botta added that an “as of right” activity is not self-determining and the steps to making the decision would include both making a determination and providing a justification.
- Commissioner Begemann motioned that the proposed activity is “as of right” per section 4.1.C. of the Inland Wetlands and Watercourses Regulations for the Town of Branford.
- Commissioner Sullivan seconded the motion
- Commissioner Botta amended the motion to include the address.
- Motion carried unanimously.

- Commissioner Greenalach no longer in meeting as of 11:03.
- Chairman Bassermann resumes.

8. AGENT APPROVALS:

- a. IW# 20.05.01 | 15 Lomartra Lane | Construct detached 20x24 garage
 - o IW Agent Frederick stated that the application had brought to commission previously and was given authorization to proceed with an administrative approval.

9. CORRESPONDENCE & ANNOUNCEMENTS:

- a. Environmental Assistant/GIS position
 - IW Agent Frederick stated that David has resigned from his position and adjustments are currently being made to the job description which will be posted shortly.
- b. Survey of Young's, Mirror & Griffing ponds to better assess management options
 - IW Agent Frederick stated she was contacted by a representative interested in investigating better options for invasive species management and informed the Commission that a permit may be needed for management options.
- c. Training session with DEEP Darcy Winther scheduled for July 9th 2020 meeting
 - IW Agent Frederick stated the DEEP training is still scheduled for the July 9, 2020 meeting.
 - Chairman Bassermann reiterated that the commission should attend the DEEP training and encouraged Commissioners to submit comments and questions to incorporate into presentation.
- d. DEEP Training for Municipal Inland Wetlands Agencies is up and running
- e. General Annoucement: IW Agent Frederick stated that the NOI to renew has been received and will be sent out to via email for Commissioners to reference.

10. ADJOURNMENT

- o Commissioner Botta motioned to adjourn the meeting at 11:20PM. Commissioner Kraus seconded, motion carried unanimously.

No other business was conducted.

Respectfully Submitted,
Kaitlin Piazza