



Inland Wetlands and Watercourses Agency

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REGULAR MEETING MINUTES

Inland Wetlands and Watercourses Commission

Thursday, May 23rd, 2024 at 7:00 PM

This meeting was held remotely, via ZOOM.

CALL TO ORDER: Meeting was called to order at 7:00 pm by Chairman P. Bassermann

ROLL CALL: Chairman P. Bassermann, Commissioners D. Gocłowski, S. Botta (arrived 8:32 pm), C. Begemann, M. Ormrod, M. Funaro (left at 8:34 pm), M. Papantones

1) **MINUTES FOR APPROVAL:**

- a) April 25th, 2024 Regular Meeting Minutes-Commissioner C. Begemann made a motion to approve the minutes of April 25th, 2024. Commissioner M. Papantones seconded. Motion carried (5-0-1) Commissioner M. Ormrod abstained.
- b) May 9th, 2024 Regular Meeting Minutes-Commissioner C. Begemann made a motion to approve the minutes of May 9th, 2024. Commissioner M. Ormrod seconded. Motion carried (5-0-1) Commissioner M. Papantones abstained.

2) **DELIBERATIONS:**

- a) IW#24.01.02 | 38 Howard Ave | pervious patio and landscape retaining walls and shed

Commissioner M. Papantones made a motion to table items 2a and 3a & b until the commissioner that can be seated [Commissioner S. Botta] for these items arrives to the meeting. Commissioner D. Gocłowski seconded the motion. Motion carried (5-0-1). Commissioner C. Begemann abstained.

4) **APPLICATIONS FOR REVIEW:**

- a) IW#24.02.02 | 1-17 Beacon Hill Road and Beacon Hill Road (formerly part of property known as 83 Rose Hill Rd) | New Active Adult Residential Community
 - i) TABLED - Public hearing scheduled for June 13th meeting. No Discussion

- b) IW#24.04.01 | 200-206 North Main St | New Service Building for Premier Kia

Engineer Michael Ott for the applicant-The site is previously heavily disturbed, and the rear portion of the property had been filled. There are inland wetlands located by the northern property boundary. Majority of vegetation on the site is invasives. Site is currently paved with areas of processed stone. All proposed utilities are to be located underground, along with 2 subsurface stormwater systems sized for the 25 year storm, and exceeds the guidelines set forth in the 2023 Stormwater Manual. Commission questioned what would happen during a 100 year storm event, and it was indicated that water would come up above the storm drain, and spill over the curb, onto the matting area, which will help with infiltration and dispersal. Chairman P. Bassermann questioned where the snow would be stored, and Mr. Ott stated that it would be pushed to the front of the site (along Route 1/North Main St) to the landscaped area between the sidewalk and the road. Commission questioned if exceeding required

detention, would it lead to the desiccation of the wetlands? Engineer Ott stated that it would not, because the water would eventually make its way to the wetlands, just not all at once during the storm event. He also indicated that the maintenance schedule for the infiltration system is located within the application documents in the Stormwater Design Package. IW Agent J. Frederick encouraged the applicant to check with planning and zoning on whether the stone area proposed on the plan will or won't be included in the calculations for impervious area. The commission inquired as to concern for leaching from fill material. Ott indicated that the fill material found on site would not typically be of concern for leaching – concrete and brick. Commission requested IW Agent Frederick draft a staff report with proposed conditions of approval for review at the next regularly scheduled meeting.

c) IW#24.03.03 | 22 Howard Avenue | replacement of crumbling retaining wall

IW Agent J. Frederick informed the commission that this application had been received in March, but the applicant was waiting on authorization from the neighbor at 2 Rustic Road because the silt fence and some work was going to be done on that property as well, as the wall is the border between the 2 properties. Commission reviewed the plan, indicating that they need erosion control details, stockpiling location, and wall deconstruction plan. Property owner granted an extension to the June 13th meeting to submit the additional information that the commission requires.

d) IW#24.04.03 | 4 Liesl Lane | site improvements due to change in use

i) TABLED – to the June 13th meeting

5) **ENFORCEMENT cont'd:**

a) Notice of Violation | 142 Chestnut Street | removal of vegetation and earthwork without a permit to conduct regulated activities

IW Agent J. Frederick said the soil scientist report was submitted on Tuesday, but feels there is some information missing from the report. Chairman Basserman makes a motion to table the item to June 27th or June 13th, depending upon soil scientist and property owners' availability to attend. Commissioner Begemann seconded the motion. Motion carried unanimously (6-0-0)

6) **OTHER BUSINESS:**

a) Regulation revision to address 2023 changes to the Connecticut Stormwater Quality Manual and Connecticut Guidelines for Soil Erosion & Sediment Control – discuss timing and process

IW Agent J. Frederick informed the commission that the absolute last day to hold a public hearing in order to get the regulations implemented before the deadline would be September 12. Staff needs to send proposed changes to the state 35 days before the public hearing. Staff will work to reschedule based on agenda items and will distribute materials to Commissioners for review in advance of the meeting.

Commissioner S. Botta arrived at the meeting and was seated at 8:32 pm. Commissioner M. Funaro left the meeting at 8:34 pm.

2) **DELIBERATIONS (resumed, tabled earlier in meeting):**

a) IW#24.01.02 | 38 Howard Ave | pervious patio and landscape retaining walls and shed

Commissioner M. Papantones stated that she has reviewed the previous meeting recording, case law presented by Marjorie Shansky, and 40+ pages of notes that she had taken during the public hearings, and feels that she is well situated to participate in the deliberations this evening. IW Agent J. Frederick presented the Draft resolution to the commission, which was reviewed by the commission who requested some revisions. Commissioner M. Papantones was concerned that the commission didn't discuss section 7.8 of the regulations, and whether the commission had enough time to review the final plan. Commissioner C. Begemann indicated that the last revisions on the plan were in response to the commission comments of the previous meeting. Commissioner S. Botta stated that Attorney Shansky asked at the last meeting if there was anything that the commissioners needed clarification on, as the applicants would be happy to provide answers to any questions they had. At that time, the commission didn't indicate anything that they wanted clarification of, so it would be hard to go back on. Changes to the draft resolution were discussed and outlined in a document for review and consideration by the commission (finalized document attached to these minutes). Commissioner S. Botta made a motion to approve the application with the draft resolution and the revisions outlined in the note by IW Agent J. Frederick prepared at the meeting of 5/23/24. Chairman P. Bassermann seconded. Roll Call Vote:

D. Goclowski-nay
C. Begemann-aye
S. Botta-aye
M. Ormrod-aye
M. Papantones-nay
P. Bassermann-aye
Motion carried (4-2-0)

3) ENFORCEMENT (tabled from earlier in meeting):

- a) Notice of Violation | 38 Howard Ave | retaining wall & associated activities
- b) Consider whether to issue cease and correct orders relative to Regulated Activity conducted without a permit at 34 Howard Ave and 38 Howard Ave (activity subject to notice of violation sent on April 24th, 2023)

Commissioner S. Botta made a motion to table agenda items 3a and 3b [to June 13 meeting]. Chairman P. Bassermann seconded. Motion carried unanimously (6-0-0)

7) APPLICATIONS FOR RECEIPT:

- a) IW#24.05.01 | 1201 West Main St | Construct proposed 1850 sf drive thru oil change facility including parking and storm drainage system

Item was for receipt only and nothing was heard on this application.

8) AGENT REVIEWS:

- a) IW#24.03.01 | 72 Parish Farm Road & 10 High Meadow Road | Grading and New Barn
 - i) Possible agent review per March 14th meeting pending revised plans

IW Agent J. Frederick states she is still waiting for information. There was no additional discussion.

9) CORRESPONDENCE AND ANNOUNCEMENTS:

- a) August 8th, 2024 meeting to be cancelled- Chairman P. Bassermann informed the commission that the August 8 meeting will be cancelled due to staff's prior commitments

10) **ADJOURNMENT:** Chairman P. Bassermann adjourned the meeting at 10:50 pm.

Respectfully Submitted,

Katy Blanchette

Modifications to whereas clauses from draft document prepared for 5/23/24 meeting per discussion at meeting:

Fourth WHEREAS – change “based on all the evidence referenced above” to “based on the evidence in the record”

Fifth WHEREAS – change “offered proof” to “proven”

Additions to conditions from draft document prepared for 5/23/24 meeting per discussion at meeting:

2.

c. Add permanent marker that separates driveway and patio area to prohibit vehicle access to the patio area.

5. Plantings shown on EX 77 and vegetation on slope between face of wall and edge of stream shall be monitored and reports submitted by end of initial growing season and annually thereafter for five years documenting at least 85% survival rate of vegetation and control of invasive species. Consideration to reduce the monitoring period may be given after three years of monitoring documenting compliance with the above mentioned standards.

a. A bond shall be submitted to cover the plantings and monitoring. The permit holder shall submit to the IW Agent an estimate of the cost to bond these items for the Agent’s review and approval. After approval by the Agent the bond is to be submitted consistent with Section 13 of the Regulations prior to start of work. The bond will remain in place until the wetland scientist has submitted documentation that the standards outlined in the permit have been achieved for the duration of the monitoring period or the life of the permit, whichever occurs first.

b. The wetland scientist must approve any alteration to the planting plan, including but not be limited to changes of species or numbers of plants, and the wetland scientist is to notify the wetland department of changes in writing (email is acceptable).

6. An as built survey shall be submitted prior to the final inspection to include all site improvements, final grades and plantings.