



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, June 27th, 2024 at 7:00 PM

This meeting was held remotely, via ZOOM.

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

ROLL CALL: Chairman P. Bassermann, Commissioners D. Gocłowski, C. Begemann, M. Ormrod, M. Papantones, M. Funaro, and S. Botta. Also present was IW Staff J. Frederick and K. Blanchette.

1) **MINUTES FOR APPROVAL:**

- a) June 13, 2024 Regular Meeting Minutes-Commissioner C. Begemann made a motion to approve the minutes of June 13, 2024. Commissioner M. Ormrod seconded. Motion carried (6-0-1) Commissioner S. Botta abstained.

2) **PUBLIC HEARINGS:**

- 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-Commissioner M. Ormrod indicated that he didn't realize prior to this meeting that he was closely related (by marriage) to the applicant's family, and thereby wishes to recuse himself from the application. Present for the applicant was Zachary Georgina from Juliano Associates, who gave an overview of the plan again with stormwater design elements. The Commission requested detailed construction phasing and stormwater management during construction. Soil Scientist George Logan discussed the proposed mitigation plan and the need for oversight from a professional during the planting stages to ensure it is done properly. Also indicated that location of the plants during planting will be general during the application process and final locations set by the professional during installation. The peer review team from CLA Engineers, Kyle Haubert discussed their report, including the potential need for a CT Stormwater General Permit, potential wetland flagging issues, lack of test pit data and lack of a dewatering plan during construction. Commission requested a more detailed prudent and feasible alternative plan, as the ones submitted do not indicate the amount of direct wetland impact and encouraged the applicant to review section 10.2 of the regulations (Criteria for Decision) to ensure that the commission will have access to all the information needed for a decision on the application. Commissioner S. Botta made a motion to continue the public hearing to July 25th. Commissioner D. Gocłowski seconded the motion. Motion carried unanimously. (6-0-0)

3) **APPLICATIONS FOR REVIEW:**

- a) IW#24.05.01 | 1201 West Main St | Construct proposed 1850 sf drive thru oil change facility including parking and storm drainage system
 - i) Tabled to July 11, 2024-No discussion.

4) JURISDICTIONAL RULING REQUEST:

- a) JR#24.06.03 | 34 Howard Avenue | Foundation Repair Work -Commission reviewed the work being proposed and the guidelines in consideration of a Jurisdictional Ruling. Commissioner S. Botta made a motion to deem the proposed work at 34 Howard as of right as outlined in 4.1c of the regulations. Commissioner M. Papantones seconded. Motion carried unanimously.

5) ENFORCEMENT:

- a) CC#24.06.01 | 38 Howard Ave | retaining wall & associated activities
- i) Just cause hearing- Commissioner M. Funaro recused herself from this item. IW Agent J. Frederick presented the letter received by Attorney Marjorie Shansky to the commission. Commission discussed Attorney Shansky's concern that the courts will not grant permission in time to get the shrubs planted by September 30 and wanted to have the date of compliance pushed back to a more realistic timeline. Commission questioned Town Council W. Aniskovich regarding the reasonability of the request to push back compliance date. Commissioner S. Botta made a motion to amend the Cease and Correct order to adjust the compliance date for the plantings to a deadline of November 10, 2024, with an update to be given at the November 14, 2024 meeting. Commissioner M. Papantones seconded. Roll Call Vote:

S. Botta-aye
M. Ormrod-aye
D. Goclowski-nay
M. Papantones-aye
C. Begemann-aye
P. Bassermann-aye
Motion carried-(5-1-0)

- b) CC#24.06.02 | 142 Chestnut Street | removal of vegetation and earthwork without a permit to conduct regulated activities
- i) Just cause hearing
IW Agent J. Frederick shared the Cease and Correct order with the commission. Wetland Scientist Matt Davison represented the owner of 142 Chestnut. They both received copies of the Cease and Correct order and determined that the Cease and Correct was a good way to memorialize what needs to be done and didn't think any of the terms were unreasonable. The property owner wishes to move forward to make corrections. Commission discussed the terms of the Cease and Correct. Commissioner S. Botta made a motion to uphold and modify the CC to include an item 3a) plantings shall be monitored for a period of 5 years documenting 85% survivability. Commissioner Ormrod Seconded. Motion carried unanimously.
- c) CC#22.12.01 | 21 Brainerd Road | Construction without permits
d) CC#23.09.01 | 21 Brainerd Road | Construction without permits
- i) Continuance of just cause hearing-
Items 3c and 3d were discussed together. IW Agent J. Frederick indicated that the CC from 2023 was for additional work done after the initial Cease and Correct issued in 2022. The property owner has not been responsive. The Commission discussed the need to place on the land records and to begin issuing fines to try and get compliance. IW Agent J. Frederick indicated that they had already been fined, the Commission could issue additional fines for activities per the second order. Commissioner S. Botta made a motion to uphold the Cease and Correct order and place it on the land records,

and for the Enforcement Officer to issue a Municipal Citation for items 1-6 as applicable.

6) **OTHER BUSINESS: NONE**

7) **APPLICATIONS FOR RECEIPT:**

- a) IW#24.06.02 | 329 (aka 325) East Main Street | PDD- Attorney Sara Sharp was present for the applicant. The Commission had previously approved a plan for the site that consisted of a residential building and a drive-thru restaurant and urgent care. The new plan calls for 3 residential buildings and a separate building with urgent care and other retail, but it is no longer a drive thru. New plan includes an additional acre of green space due to the reconfiguration. No infiltration on site due to high ground water table consistent with the previously approved application. Applicants are requesting a fee reduction waiver because they do not feel the changes to the approved plan are significant.

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 received revised plans that she was waiting for and the permit has been issued.

9) **CORRESPONDENCE AND ANNOUNCEMENTS:**

- a) Appeal of decision of IW#24.01.02; 38 Howard Avenue – Noori, Sofia v. Town of Branford Inland Wetlands & Watercourses Commission, et al. -no discussion.
- b) DEEP Aquatic Pesticide application – Riverwalk – 287 E Main St- no discussion.

10) **ADJOURNMENT:** Chairman P. Bassermann adjourned the meeting at 10:00 PM.

Respectfully Submitted,

Katy Blanchette