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**TOWN OF EAST HAVEN  
INLAND WETLANDS AND WATERCOURSES COMMISSION**

**MINUTES OF REGULAR MEETING  
HELD WEDNESDAY, JANUARY 11, 2023  
AT EAST HAVEN SENIOR CENTER, 91 TAYLOR AVENUE**

The regular meeting was called to order by Vice Chair Richard Raffone at 7:03 PM.

**I. Roll Call**

The following members were present:

Richard Raffone, Vice Chair  
Kristy Porter  
Brian McCann  
Kerry Martens

Wendy Bellmore was excused.

Others in attendance:

Jonathan Bodwell, Town Engineer and IWEO  
Joseph Budrow, Planning and Zoning Administrator and ZEO  
Jennifer Coppola, Assistant Town Attorney

**II. Pledge of Allegiance**

The Pledge of Allegiance was recited by all who were present.

**III. Review and Action on Minutes**

1. Minutes from November 9, 2022 Regular Meeting.

Action on the minutes was continued to the next meeting.

#### **IV. Application – Public Hearing**

1. Application No. 2023-01 for 33 Foxon Hill Road. Assessor's Map 540, Block 6427, Lot 001, DRA-1. Owner: 33 Foxon Hill Holdings, LLC, Applicant: 33 Foxon Hill Holdings, LLC.

The application proposes a resubdivision with 24 lots and associated roadway. The project is proposed within regulated wetlands areas and includes filling and excavation.

Applicant's counsel, Attorney John Knuff, addressed the Commission.

Attorney Coppola noted for the record that Mr. Martens was sitting on the application. Mr. Martens confirmed that he had reviewed the record from the November 9, 2022 regular meeting.

John Schmitz, an engineer with BL Companies, reviewed the application.

Robert Russo, a soil scientist and wetlands scientist with CLA Engineers in Norwich, addressed the Commission regarding the updated plan, including treatment and removal of invasive species, plantings, inspection and maintenance, materials to be used for soil and erosion control, phasing, etc.

The Commission asked questions of Mr. Russo regarding type of herbicide to be used, who will perform the proposed work, the location and characteristics/conditions of the regulated areas to be restored, time period required, etc. and he responded. Attorney Knuff responded to questions from the Commission concerning potential property and permit transfer and indicated that the applicant would agree to conditions of approval regarding transfer of property and time period for performance. Mr. Schmitz responded to questions concerning the construction of the road/materials to be used, status of the road as a Town road, etc.

The Commission also asked questions of Mr. Bodwell to which he responded.

Attorneys Knuff and Coppola briefly discussed a storm water management agreement and answered additional questions regarding the responsibility for inspection and maintenance.

Mr. Budrow asked the applicants' representatives to discuss the grading and soil and erosion controls and Mr. Schmitz responded. Additional discussion occurred regarding construction details, DEEP submission, etc. Maintenance of the basin on proposed lot 11 was also discussed.

Mr. Bodwell provided further comment. Attorney Knuff confirmed that the applicant has no objection to Mr. Bodwell's review comments.

Attorney Coppola and Attorney Knuff discussed the applicable statutory timeframe and the drafting of motions for the Commission.

Public comment was called for and extensive comment was received from Robert Sand, Town resident and President of the East Haven Land Trust Board of Directors.

Attorney Knuff committed that applicant's consultants would discuss phasing with Mr. Bodwell.

Mr. Russo offered further comments on use of fiber mulch.

Attorney Coppola recommended that the public hearing remain open given what was discussed (stormwater management, maintenance, and inspection agreement; phasing; etc.).

## **V. Deliberation Session**

1. Discussion and possible vote on Application No. 2023-01.

Mr. McCann made a Motion to Continue the Public Hearing to the Commission's February 8, 2023 meeting and Ms. Porter seconded the Motion. All were in favor (4-0).

## **VI. Testing at 101 Frontage Road and Notice of Tweed New Haven Airport Wetlands Application Submitted to New Haven.**

Mr. Bodwell asked that the Commission add discussion of 101 Frontage Road and Tweed New Haven Airport to the agenda. A Motion was made by Mr. Martens and seconded by Ms. Porter to add said matters to the agenda. All were in favor (4-0).

Mr. Bodwell shared a drawing with the Commission and explained proposed testing to occur at 101 Frontage Road.

Mr. McCann made a motion to permit test borings at 101 Frontage Road. Mr. Martens seconded the Motion. The Motion carried 3-0 with Ms. Porter abstaining from the vote.

Mr. Bodwell advised the Commission he received notice that Tweed New Haven Airport was applying for a wetlands permit in New Haven. Notice was received because the Town line is within 500 feet of the proposed activity.

## **VII. Adjournment**

Mr. McCann made a Motion to Adjourn. Mr. Martens seconded the Motion. All were in favor (4-0). The meeting adjourned at 8:34 PM.