



# TOWN OF NORTH BRANFORD

TOWN HALL, 909 FOXON ROAD, NORTH BRANFORD, CONNECTICUT 06471  
TOWN MANAGER (203) 484-6000 TOWN HALL FAX (203) 484-6025

## MINUTES REGULAR MEETING NORTH BRANFORD CONSERVATION & INLAND WETLANDS & WATERCOURSES AGENCY

Wednesday, January 27, 2016  
6:30 p.m.

### 1. CALL TO ORDER

Chairman Scavo called the meeting to order at 6:30 p.m.

### 2. ROLL CALL

Present: Stephen Scavo, Regular Member, Chairman  
Frank Brigano, Regular Member  
Lisa DePonte, Regular Member  
Gerald Fischbach, Regular Member  
Ashley Joiner, Regular Member

Absent: William Galdenzi, Alternate Member

Town Staff Present: Carey Duques, Town Planner and Wetland Officer

### 3. MINUTES – Meeting of December 9, 2015

Member Fischbach made a motion to approve the minutes of December 9, 2015, seconded by Member DePonte. With all in favor, motion passed.

### 4. OLD BUSINESS

- A. **IWWA Application #2015-5**, site plan review for after the fact permitting of addition to existing house and construction of multiple accessory buildings located inside 100 foot upland wetland review area at **20Norwill Drive** (Map 3, Lot 53), R-40 Zone. Owner: Karen Abbatello/Applicant: Jeff Abbatello (Continued from December 9, 2015 Meeting)

Chairman Scavo informed members that Member Fischbach would recuse himself from the meeting.

Town Planner Carey Duques directed members to the revised information from the applicant for overview.

Town Planner Duques read into the record a letter received from the abutting neighbor, Mr. Egon Mordarski opposing the application.

Members discussed the permitting process and usage of the out buildings.

The applicant overviewed the site plan, focusing on potential plantings and wetland buffer enhancement.

There was discussion on wetlands, septic system, outbuildings, and the suggested plantings.

Raymond Remley, friend of the applicant pointed out specific information on the site plan.

In response to a question, Town Planner Duques stated that the Town Engineer has been to the site and has spoken to the applicant and has no concerns.

Town Planner Duques stated she consulted with Branford's Wetlands Officer for feedback and overviewed some of Branford's regulations as potential suggestions for this application.

Members discussed possible special conditions that could be put in place.

Member Brigano opened discussion on the "temporary" building on the property and its potential use dependent on the applicant's application with the Zoning Board of Appeals. Members had lengthy discussion about obtaining building permits and future use of existing buildings

There was a question from the applicant and discussion on whether ZBA would require approval by Conservation & Inland Wetlands & Watercourses Agency before rendering a decision.

Town Planner Duques gave an explanation on the issues that the Zoning Board of Appeals would address.

There was discussion on issuing a bond.

**IWWA Application #2015-5 Motion - See Below**

**Application approved 3-1 and one abstention.**

## **5. WETLAND ENFORCEMENT OFFICER'S REPORT**

Ms. Duques reported on the denial from ZBA for the application on 1111 Foxon Road and gave an update on their present plan.

Ms. Duques also updated members on work being done on Fowler Road.

Ms. Duques asked for feedback regarding adding itemized deed restrictions to their regulations on the next Agenda, members agreed to add the Agenda item.

Ms. Duques updated members on the Citizen’s Petition, and are awaiting decision from DEEP.

**6. OTHER BUSINESS- none**

**7. ADJOURNMENT**

**MOTION:** Member DePonte moved, seconded by Member Brigano to adjourn at 8:06 p.m. With all in favor motion passed.

Respectfully Submitted,

Respectfully Submitted,

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Mary Caruso, Recording Secretary

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Steven Scavo, Chairman

**FINAL MOTION  
APPROVED 3-1 WITH 1 ABSTENTION**

Chairman Scavo	Yes
Member Brigano	Yes
Member DePonte	Yes
Member Joiner	No
Member Fischbach	Abstain

At their regular meeting on January 27, 2016, Regular Member DePonte moved, seconded by Regular Member Brigano, to approve IWWA Application #2015-5, for after-the-fact permitting of a den (12’ X 16’) attached to the existing home, lean-to structure (12’ X 24’), temporary canvas shed (22’ X 24’), shed (19’ X 37’), tree house (9’ X 9’), pool cabana (16’ X 19’) and installation of gravel at 20 Norwill Drive covering approximately 2,096 square feet of upland review area located within 100 feet of the wetlands, Map 3, Lot 53, R-40 zone. Owner/Applicant: Karen Abbatello/Jeff Abbatello, as contained in submitted application documents, plan entitled “Abbatello Residence As Built Site Plan” Prepared By: Centek Engineering dated 10/23/15 revised to 1/22/16 with the following standard conditions:

**STANDARD IWWA CONDITIONS**

1. Regulated activities granted shall be implemented by the permittee in accordance with the timing, location, duration and intent as proposed and approved by the Agency.

2. Notice of transfer of ownership of property must be given to the Agency prior to or at the time of filing of deed with Town Clerk. Failure to do so may invalidate the permit.
  
- 3a. Amount of Performance Bond shall be set by the Town Engineer for planting. The bond must be in a form and surety acceptable to the Town Attorney.
- 3b. This bond may be used by the Town's agents to achieve site stabilization and restoration of all or any portion of the site should the permittee fail to do so.
- 3c. This bond shall be posted prior to any site disturbance or issuance of the Agency's permit.
- 3d. All conditions of approval must be met before the bond can be released. The Agency may consider requests for bond reductions.
  
5. The permit must be signed and filed with the Town Clerk. A copy of the signed permit with the Town Clerk's Attestation must be returned to the Agency's office.

The permit shall be good for ten (10) years from date of approval. The permittee shall have the permit readily available and shall produce it for inspection upon request.

The permit is issued only for those activities approved by the Inland Wetlands and Watercourse Agency.

12. The Agency has determined that the proposed regulated activities are not deemed significant.

And the following **special conditions**: (if any):

13. Plantings shall be monitored for 5 years to make sure that 80% of the plantings survive. If survival rate of plantings fall below 80% during this time period then additional plantings will be required.
  
14. The deed restriction (see attached) must be filed with the Town Clerk's office prior to issuance of the wetlands permit.

**\*\* DRAFT\*\* DEED RESTRICTIONS \*\*DRAFT\*\***  
(20 Norwill Drive, North Branford, Connecticut)

In accordance with the approval dated January 27, 2016, issued by the Town of North Branford Inland Wetlands Agency for Application No. 2015-5, activities within the Deed Restricted Conservation Area (or Conservation Area) shall be limited as follows: The "Conservation Area" is that certain piece or parcel of land shown as "Conservation Area" on the map entitled "As Built/Plantings" prepared by \_\_\_\_\_ dated \_\_\_\_\_, revised \_\_\_\_\_, which map is available on file in the North Branford Town Clerk's Office

1. Except as otherwise authorized by the Town of North Branford Inland Wetlands and Watercourses Agency (hereinafter referred to as the "Agency"), there shall be no disturbance of the Conservation Area;
2. No clearing, excavation, filling, use of heavy machinery e.g. payloader, backhoe, etc. or other earth disturbing activities shall occur in the Conservation Area;
3. Except for removal of fallen or dead limbs and trees that may obstruct the water course there shall be no removal, clearing or cutting of any vegetation, living or dead trees or otherwise, in the Conservation Area without the express, written permission of the Agency or any successor agency; If a tree has fallen or is damaged in a way that it poses an immediate safety hazard risk or is blocking access it may be removed immediately to restore safety and access.
4. There shall be no placement or dumping of debris in the Conservation Area;
5. There shall be no application of chemicals, including but not limited to fertilizers or pesticides in the Conservation Area without the express, written permission of the Agency or any successor agency;
6. There shall be no activity conducted in the Conservation Area which is regulated by the Agency or any successor agency without the express written permission from such agency;
7. There shall be no planting of vegetation in the Conservation Area without the express, written permission of the Agency or any successor agency;
8. The Deed Restricted Conservation Area shall remain in its natural state for perpetuity.

Dated at North Branford, Connecticut this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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By: