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TOWN OF NORTH BRANFORD

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

Wednesday, August 24, 2016
Town Hall – 909 Foxon Road

1. CALL TO ORDER

Chairman Scavo called the meeting to order at 6:40 pm

2. ROLL CALL

Present: Stephen Scavo, Regular Member, Chairman
Ashley Clow Joiner, Regular Member
Lisa DePonte, Regular Member
Gerry Fischbach, Regular Member
Frank Brigano, Regular Member
William Galdenzi, Alternate Member

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

3. MINUTES

a. Regular Meeting of May 25, 2016

MOTION: Member DePonte moved, seconded by Member Brigano, abstained by Member Joiner; to approve the minutes of May 25, 2016, motion passed.

b. Special Meeting of June 9, 2016

MOTION: Member Fischbach moved, seconded by Member DePonte, to approve the minutes of the special meeting dated June 9, 2016, with all in favor, motion passed.

c. Regular Meeting of July 27, 2016

MOTION: Member Joiner moved, seconded by Member Brigano, to approve the minutes of July 27, 2016, with all in favor, motion passed.

d. Special Meeting, Site Viewing of August 22, 2016

MOTION: Member Joiner moved, seconded by Member DePonte, with all in favor, motion passed.

4. OLD BUSINESS

Town Planner Duques pointed out that there are 6 members present at the meeting and that Alternate Member Galdenzi cannot vote on items because only 5 members can vote on each item.

MOTION: Chairman Scavo moved to amend Agenda and discuss Item E under Old Business before other items; seconded by Member Joiner, with all in favor, motion passed.

E. Application #2106-13, Site plan application for construction of gravel driveway and 28' X 32' (maximum size) barn within the 100' upland review area at 276 Old Post Road (Map 71, Lot 20) R-40 zone. Owner/Applicant: Heather A. Rowe

Discussed the application for the installation of a gravel driveway the width of 1 car; 18' x 32' according to map 71 Lot 20 at 276 Old Post Road.

MOTION: Member Brigano moved, seconded by seconded by Member DePonte to approve IWWA Application #2016-13, site plan application for construction of 28' by 32' barn within the 100' upland review area at **276 Old Post Road** (Map 71, Lot 20) R-40 zone. **Owner/Applicant: Heather A. Rowe** as contained in submitted application documents. With all in favor, motion passed.

A. IWWA #2016-5 Application to correct violation at 19, 29 and 33 Harrison Road, Assessor Map 12 Lots 56, 55 and 55A, respectively, Property Owners: Lisa and Paul Intravia, Sandra Camejo, and Diane Glynn. Violation activity: cutting down trees within 100 feet of a watercourse without a permit from North Branford IWWA. Said activity within 100 feet of a wetlands and watercourse is a violation of Section 22a-42a (c) (1) of the Connecticut General Statutes and Sections 6.1 and 6.2 of the Inland Wetlands and Watercourses Regulations for the Town of North Branford, Connecticut.

Member Brigano questioned if planting trees and shrubbery in order to restore the waterway that was disrupted with the violation aforementioned was sufficient, as the number of trees that were cut down (exceeding 10 trees), has had a serious impact on the natural waterway.

Town Planner Carey Duques spoke with the Homeowner, who asked if an attorney should be hired. At this point, an attorney is not necessary, but the property owners should attend a meeting with the IWWA in order to discuss their best interests and to create a proactive plan to restore the natural order of the waterway. To date, no one has been available to meet in order to discuss next steps in correcting the situation. At this point, only two (2) months remain for planting, and waiting until the next planting season is not an agreeable situation. The Town Attorney should be contacted to define the culpability of the new owners' liability for old agreements, as well as the culpability of each homeowner involved. Town Planner Duques will attempt to connect with the families and check dates for a possible special meeting in order to approve a plan for correction of violation. The 28st of September will be a viable date to meet, which meets the standard of FOI.

MOTION: Member Brigano moved to table IWWA #2016-5 until the meeting of September 28, 2016, unless an earlier meeting date can be agreed upon, seconded by Member DePonte. With all in favor, motion passed.

B. APPLICATION #2016-10, Site plan application for spreading topsoil over two areas of exposed pipe which feeds front yard from well/spring; install fountain and pump in pond and plant shrubs within 100 feet of a wetland at 213 Forest Road (Map 36, Lot 46) Owner/Applicant: Tarek Chater

Discussion ensued of the observations from the site walk held prior to this evenings meeting, and the pipe, which extended into a pond and a water sample was taken from the Pond by Alternate Member Galdenzi to be analyzed. The jurisdiction of the IWWA over the work being done by the owner needs to be determined, as it is unclear if the Artisan well area is Regional Water Authority Property. The pond, as such, will breed mosquitoes, thus posing a possible health risk. More than five (5) yards of top soil will be required to cover the pipe in question and shrubs will need to be planted in order to improve the quality. If there is dumping, the homeowner can be ordered to stop. It needs to be determined if the drinking water is being compromised and the actual ownership of the trees. If the homeowner is not following the plan recommendation, then there is a current violation and a cease and desist can be issued until the issue is resolved. This will include no additional cutting of trees, no dumping, especially near the run off, and no further disturbance of the wetland until a special meeting, which will be tentatively scheduled for the first week of September 2016. The Regional Water Authority and Town Attorney will be contacted.

MOTION: Member DePonte moved to issue a Cease and Desist for all disturbances within the Wetland at 213 Forest road (Map 36, Lot 46), until the Show Cause Hearing, date to be finalized; seconded by Member Brigano. With all in favor, the motion passed.

MOTION: Member Brigano motioned to table IWWA 2016-10 until the next regular meeting, seconded by Member Joiner. With all in favor, the motion passed.

C. APPLICATION #2016-11, Site plan application for re-subdivision of 440 Totoket Road (Map 36, Lot 4) into 3 lots. Owner: Florence & Wilbur Hart, Trustees/Applicants: Chris DiLungo & Sean Cahill, Agent: Waldo & Associates LLC.

Dirck Goss, a representative of Waldo & Associates, reviewed the subdivision plan. The historical issue of storm water running downhill creating an issue with the wetlands area at the bottom was discussed. To remedy this situation, Mr. Goss indicated that a pipe would be set in order to capture the water at the top and redirect the water according to the water course boundary 60' from the wetlands area, which is within the IWWA guidelines. The Town Engineer, Kurt Weiss is working to determine appropriate curbing and slope, and he has been closely monitoring this project. Planning and Zoning is reviewing the information, and is set to be discussed on September 1, 2016.

MOTION: Member DePonte moved, seconded by Member Brigano, to approve IWWA Application #2016-11, re-subdivision of 440 Totoket Road Map 36, Lot 4 Zone R-80 into 3 lots as contained in submitted application documents plans entitled “Site Development Plan

Subdivision Property of Wilbur K. Hart Jr. and Florence P. Hart, Trustees 440 Totoket Road North Branford, Connecticut” Prepared By: Waldo and Associates LLC containing the following sheets:

- “Site Development Plan” Sheet 1 of 3 dated 7/4/16 and revised to 8/12/16
- “Site Development Plan” Sheet 2 of 3 dated 4/11/16 and revised to 8/12/16
- “Sedimentation and Erosion Control Notes” Sheet 3 of 3 dated 7/4/16 revised to 8/12/16

This approval is not a wetland permit, simply approval of the creation of 3 lots. Upon approval of the re-subdivision by the Planning and Zoning Commission, any work proposed within the 100 foot upland review area and/or wetlands will require a wetlands application and approval prior to completing any site work. Owner: Florence & Wilbur Hart, Trustees/Applicants: Chris DiLungo & Sean Cahill, Agent: Waldo & Associates LLC.

D. APPLICATION #2016-12, Site plan application for maintenance of pond at 33 Notch Hill Road (Map 3, lot 5C) including removal of grasses and sediment covering approximately 3,900 sq. ft. to a depth of 4 feet totaling equaling approximately 577 cubic yards. Owner/Applicant: Craig Cory

The site walk determined that the sizable pond is covered in green algae and the water is low, inhibiting the runoff of water from the pond. The discussion resolved to use the soil that is dredged from the pond to be used as fill to build up areas of the pond in order to help the water runoff through the pipe, as is desired. The excavated material will be stockpiled by an affiliate, no less than 100 feet away from the pond, surrounded by a silt fence. Once dried, this material will be used to build up areas of the pond to create desired drainage. Aerators will be added. This project will be completed in stages.

MOTION: Member Joiner moved, seconded by Member Fischbach, to approve IWWA Application #2016-12, site plan review of proposed maintenance of pond including removal of grasses and sediment covering approximately 3,900 sq ft to a depth of 4 feet equaling approximately 577 cubic yards of material at 33 Notch Hill Road, Map 3, Lot 5C, R-40 and R-80 zones. Owner/Applicant: Craig Coy as contained in submitted application documents with the following standard conditions: 1, 2, 5-8, 10-12, and special 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.

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 five (5) 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.

6. The Agency's agent be notified in writing forty-eight (48) hours prior to the start of any construction.
7. During the duration of the regulated activity, the Chairman of the Agency or the Inland Wetlands Enforcement Officer shall have permission to enter upon the subject property at reasonable times for the purposes of viewing and inspecting the conduct of said activity.
8. No work shall be performed during significant rainfall of one (1) inch or more within a twenty-four (24) hour period. All work shall be performed between 8:00 a.m. and 5:00 p.m., Monday through Friday. No work may be conducted on legal holidays or weekends without the expressed approval of the Agency.
10. Prior to the issuance of the permit, the permittee and his contractor shall meet with the Agency's designated staff -- the Wetlands Enforcement Officer and Town Engineer -- to review the conditions of approval and the construction program to be used in conjunction with the approved regulated activity.
11. The Agency has determined that there are no feasible or prudent alternatives.
12. The Agency has determined that the proposed regulated activities are not deemed significant.

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

13. Excavated material shall be stockpiled away from the pond and wetlands, surrounded by silt fence, dewatered, and properly disposed of.

5. WETLAND ENFORCEMENT OFFICER'S REPORT

Duly Authorized Agent Review of the following projects:

- **84 Colonial Drive** – Construction of 30' x 30' detached garage located within 100 feet of a wetlands.

Town Planner Duques explained that she initially thought she could review this project but upon further examination would like the Agency to visit the site and review the property owner's application.

The owner, Antoinette Curzio and her son, approached to view the property map Town Planner Duques found showing a sewer and drainage easement on the property. The owner's proposal is

to build 30' x 30' detached garage approximately where a wood pile and shed are currently located. Per the Town's zoning regulations the garage has to be 10 feet off of the property line. It was recommended that the area be surveyed to determine the best location for the structure, considering the sewer easement, drainage easement, required setbacks and wetlands. Town Planner Duques gave the homeowner the plan, who will get the property staked and look for the property guidelines.

MOTION: Member DePonte moved to schedule a site walk before the September 28, 2106 meeting seconded by Member Brigano.

6. OTHER BUSINESS

- a. Welcome Michele Pollock, new recording secretary for IWWA.** The committee concurred that Mary Caruso will be missed and was a valued asset to the committee. Recording Secretary Pollock was greeted warmly and welcomed to her role in the IWWA.
- b. INVASIVE PLANT SYMPOSIUM**
A newsletter was shared inviting attendance on 10-11-2016 to an Invasive Plant Symposium held at the Storrs Campus of UCONN. If interested in attending, registration is required by September 12, 2016 for the \$50.00 fee. After this date, the registration fee will be more money. Carey will put brochures for symposiums and such in the packets for members to expedite the process.
- c. FOI SESSION**
There is an FOI Session on September 22, 2016 from 5:30 – 7:00 pm in the Council Chambers at Town Hall.

7. ADJOURNMENT

MOTION: Member Brigano moved to adjourn, which was seconded by Member DePonte to adjourn the meeting at 7:53pm.

Respectfully Submitted,

Michele Pollock, Recording Secretary

Steven Scavo, Chairman