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TOWN OF NORTH BRANFORD

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MINUTES SPECIAL MEETING NORTH BRANFORD CONSERVATION & INLAND WETLANDS & WATERCOURSES AGENCY Wednesday, September 7, 2016 Town Hall – 909 Foxon Road

1. CALL TO ORDER

Chairman Scavo called the meeting to order at 5:31 pm

2. ROLL CALL

Present: Stephen Scavo, Regular Member, Chairman
Gerry Fischbach, Regular Member
Frank Brigano, Regular Member
William Galdenzi, Alternate Member

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

3. SHOW CAUSE HEARING

- A.** Violation at **213 Forest Road (Map 36, Lot 46)** work done without a permit including removal of trees within 100 feet of a wetlands and watercourse and stock piling of material within 100 feet of a wetland and watercourse.

Owner/Applicant: *Tarek Chater*

Mr. Chater was available to meet in front of the panel to explain the observed violations and discuss possible solutions. The panel discussed their concerns and recommendations based on the site walk of August 24, 2016. It was recommended by Member Fischbach, that to eliminate the stagnant water, which creates algae, that the pipe that goes into the pond be extended four to five feet so that water drains and circulates the currently stagnant pond water. Also, the pond could be dredged deeper and the fill could be used to cover the pipe, which is another benefit of this recommendation. This work could be added to the currently open permit, with the stipulation that the work be completed within a five-year time frame. After the five years, if the work is not complete, then another application would need to be filed for approval.

No additional live trees are to be cut, unless there is an imminent safety or health concern.

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The fill that is near the road, which is less than ten feet from a waterway, needs to be cleaned and can be used as topsoil. It cannot be left in its current location or in its current state.

Member Brigano added that the debris that was dumped contains litter and all of it needs to be removed. He asked if there was a procedural change required for the cease and desist. He stated that verbiage should be added and the format should be clarified in order to create the fairest situation. After the Show Cause hearing if things may be resolved, it may be appropriate to have a 30 to 60 day "Wait Period", in good faith, to determine if the work will be completed, prior to putting a Cease and Desist onto the land records.

Mr. Chater agreed to do the work within five years, or the Cease and Desist will be reinitiated.

The stipulations include:

No more cutting of live trees and the pile of soil near the waterway will be cleaned and removed. If the trees are alive or dead, permission needs to be granted by contacting Town Planner Carey Duques.

Action Items include:

- *Adding dredging to existing application
- *Extending the pipe into the middle of the pond, which is a recommendation only, but it would be in the best interest of all concerned) will create a water flow and fresh water to help clean the pond
- *A fountain in the middle of the pond would help circulation and oxygenation may be a viable option according to Mr. Chater
- *Dredge the piece at the end of the pond that prevents water from entering the pond to see if this helps the water flow; this may make it clear whether the pipe extension is necessary
- *Removal of debris and garbage to stabilize the area to the left, while viewing from Forest Road
- *Modify application with Ms. Duques and then have the jobs as per the application inspected intermittently by Kurt Weiss or Ms. Duques

MOTION: Member Fischbach moved to withdraw the Cease and Desist so long as work commences to remove pile of brush, clear debris from the waterway area, and cease the cutting of trees; seconded by Member Brigano. With all in favor, the motion passed and the Cease and Desist has been rescinded.

The approval will occur at the next meeting on September 28, 2016.

4. OLD BUSINESS

- A.** Existing Cease and Desist 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

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.

Chairman Scavo read the violation. Since the last meeting Ms. Duques met with the property owner, Ms. Camejo, and all property owners were encouraged to attend this meeting. The new owners of 33, on the left across the bridge are in attendance as well as Ms. Camejo who owns 29 Harrison Rd.

The trees were cut in April of 2016, without permits. While viewing photos, the panel discussed the property lines and where the trees were cut, as well as the planting plan provided by UCONN. The three-year phase plan includes extensive vegetation on both sides of the stream, in addition to planting trees that will thrive in the area owned.

Member Brigano indicated that the planting of four trees is not sufficient, since ten were cut, and currently the area is being taken over by invasive species that was not there prior to the tree removal. Native trees, that will thrive, need to be planted on the three properties.

Member Galdenzi added that beyond the planting of trees, ground cover needs to be added to help with the invasive species, which if left untreated will kill any new plantings.

Member Fischbach inquired how UCONN came up with the number of trees, being four, as the recommendation.

UCONN recommended the planting of four sapling trees, and not replacing every tree that was cut, due to cost constraints. The layered three year plan recommends planting vegetation for ground cover, as well as planting one or two saplings over the course of the three years.

Ms. Camejo, the owner of 29, who had the trees cut, met with Ms. Duques and offered to plant six or seven trees. A discussion ensued regarding the location for the planting of red and/or silver maple, which thrive, as the number and type of tree, in addition to the location need to be considered.

The sooner the trees are planted, with maintenance, the invasive growth will hopefully subside.

Member Fischbach added that reducing the water temperature is the key issue. The combination of the ground cover with planting of the sapling trees provide the needed protection for the saplings to take root and thrive. Pine makes the area acidic, which also helps minimize invasive growth. Fruit trees will not thrive and will not be considered as viable options for the replacement of the trees that were cut. The planting of seven saplings could be a financial burden.

Ms. Duques advised that Ms. Camejo show the plan to local nurseries and explain the situation, in order to obtain an estimate. See what can be done the first year, the second year and the third year to best replace the trees. This is the season to buy and plant the trees. The trees must be established before the frost.

Member Galdenzi inquired that if we are not going to use the UCONN plan to guide the decision, that what is being proposed exactly, to resolve the situation?

The proposal is for seven trees, and the required brush, without the consideration of fruit trees. A plan based on science that will work purposefully.

In the future, when considering cutting, Ms. Camejo and the neighbors contact Ms. Duques to determine species identification and gain approval for any and all removal.

Chairman Scavo wants to see reasonable effort to replace those trees that were cut, with trees planted on both sides of the streams.

The new owners, Mr. and Mrs. Famiglietti indicated that their daughter is a graduate of Southern Connecticut State University, with a degree in Botany. She reviewed the proposal and has offered additional suggestions for plantings along the streambanks. She also has her own department at Van Wilgen's Nursery and will help with all the issues discussed.

Ms. Camejo will report back to Ms. Duques regarding what species to plant, when, where and with what brush to assist in the growth of the trees before the next meeting on September 28, 2016.

Member Fischbach recommended that "Brush be Gone" be painted on freshly pruned growth in order to kill that which is undesired. If this is done in the fall, it will go to the roots and kill invasive growth. In the spring, the nutrients travel to the leaves, so the "Brush be Gone" is less effective.

The new homeowners, the Famigliettis were in agreement with the proposed plan.

MOTION: Member Brigano moved to continue until the next meeting, September 28, 2016, for the homeowner to report back, without putting a Cease and Desist on the deed; seconded by Member Fischbach. With all in favor, the motion carries.

There is no need for all homeowners to attend the meeting on September 28, 2016, as long as Ms. Duques has the required information and a solid plan from the homeowners.

In the plan, recommend two trees the first year to help cool the water. White Oak, Silver and Red Maple, Sycamores, and Cottonwood trees grow well. Maple grows faster than Oak. One tree should be on the upper bank of the stream to the left, and one on the lower bank to the right. Two need to be done based on the recommendations. It is okay to plant prior to the next meeting, as the sooner the planting is done, the better chances of the trees growing well.

5. ADJOURNMENT

MOTION: Member Brigano moved to adjourn, which was seconded by Member Fischbach adjourn the meeting. With all in favor, the motion carries, meeting adjourned at 6:34 pm.

Respectfully Submitted,

Michele Pollock, Recording Secretary

Steven Scavo, Chairman

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