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# TOWN OF NORTH BRANFORD

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## MINUTES REGULAR MEETING NORTH BRANFORD CONSERVATION & INLAND WETLANDS & WATERCOURSES AGENCY Thursday, August 23, 2017 6:30 p.m. Town Hall - 909 Foxon Road

### Attendance:

Stephen Scavo, Regular Member, Chairman  
Ashely Clow Joiner, Regular Member  
Lisa DePonte, Regular Member  
Gerry Fischbach, Regular Member  
Carey Duques, Town Planner

### Absent:

Frank Brigano, Regular Member  
William Galdenzi, Alternate Member

### 1. Call to Order

Meeting called to order by Stephen Scavo, Regular Member, Chairman at 6:35 p.m.

### 2. Roll Call

### 3. Minutes – Meeting of April 26, 2017 and Site Walk August 9, 2017

**MOTION:** Member DePonte moved, seconded Member Joiner by to accept and approve the minutes of April 26, 2017 and the August 9, 2017 site walk.

With all in favor, the motion passed.

### 4. Old Business

- a. **Application #2017-3**, Site Plan review of “Riverview Subdivision” for development of residential single family house lots; regulated activities include creation of a detention basin, grading on lots 4, 5, and 9, construction of house on

lot 10 and a driveway on lot 12 each activity is within 200 feet of the Farm River and /or within the 100 foot wetland upland review area at 363 Totoket Road, Assessor Map 36 Lot 10, R-40 Zone, *Owner: What TF, LLC Applicant: ATA Realty* (Continued from July 26, 2017.)

Town Planner, Carey Duques shared comments made in reaction to the site walk.

Member Brigano requested that a public hearing be considered. He expressed concern in that the stakes marking the property were not easily seen as a result of the height of the corn in the field and requested that another site walk be considered for after the corn is harvested. Further, he expressed concern about the pipes that create a bridge over the Farm River and thinks that removal of the pipes would be appropriate in order to bring the property to its original state, as well as eliminate easy access for ATVs to cross at that point. Also, he indicated that posting signs every 25 feet should be considered to mark wetlands areas. He would like to request that a map be created marking the trees that are to be removed, as well as documenting that the current wetland areas will not be disturbed. He mentioned moving the center line for the leeching fields on Lots 9, 10 and 12 be moved in slightly. He expressed concerns about basement sump pumps and any impact that they may have. He recommended that Lot 9 be moved north and that storm drain improvements, specifically the drain close to the cows on Totoket Road.

Residents that attended the site walk also expressed a desire for a public hearing.

Susan DaSilva and Lindsay Suitor requested a public hearing.

The Regional Water Authority wrote in support of the project with stipulations pertaining to erosion and sedimentary controls. That an application for a general permit be sent to the DEEP regarding construction activities. An adequate buffer of 50 – 100 feet from the wetlands be enforced and having East Shore Health review all lots, but specifically lots 5, 9 and 10 because the systems may fall within the FEMA flood plain. If oil will be used to heat homes, that the storage tanks be located indoors with an impervious floor sufficient containment burn and the detention basin be properly maintained. During construction, all hazardous materials onsite be stored appropriately to protect the Farm River.

Chairman Scavo indicated that it would be appropriate to determine if this project be considered a significant activity and asked if anyone would like to make any comments.

Steve Giudice, from Harry E. Cole and Son Engineering, spoke to clarify information pertaining to the letter sent by the Regional Water Authority. No activity is being proposed within the flood zone. There seems to be confusion to what is being proposed on that site.

Member Joiner asked who checked the measurements from the center line of the river.

Ms. Duques indicated that the center line is based on the property lines from Marjorie Drive. Where the river turns into a pond, the determination is more of a gray area.

Mr. Giudice spoke with regards to the areas of concern and indicated that the property lines follow the interpretation based on the deed. There may be room to modify the buffer. Their proposal is conservative.

A discussion ensued regarding the definition of “river”, as opposed to “pond”, and the subsequent guidelines and interpretation of the guidelines that follow as a result.

Member DePonte requested for clarification of the measurements for the wetland buffers.

Ms. Duques indicated that the northern bend would need to be an area of focus in order to determine and clarify the definition of pond vs. river and the guidelines for each.

Chairman Scavo asked for the member’s recommendation.

Members DePonte, Fischbach, Scavo, and Joiner believe that this proposal would be considered significant and should be brought to a public hearing.

**MOTION:** Member DePonte moved, seconded by Member Joiner that a public hearing be scheduled to review the **Application #2017-3**, Site Plan review of “Riverview Subdivision” for development of residential single family house lots; regulated activities include creation of a detention basin, grading on lots 4, 5, and 9, construction of house on lot 10 and a driveway on lot 12 each activity is within 200 feet of the Farm River and /or within the 100 foot wetland upland review area at 363 Totoket Road, Assessor Map 36 Lot 10, R-40 Zone, *Owner: What TF, LLC Applicant: ATA Realty* (Continued from July 26, 2017.)

With all in favor the motion passed.

The public hearing will be scheduled for September 27, 2017.

Ms. Duques reminded the applicant that all abutting and property owners across the street need to be notified of the public hearing by certified mail. She indicated that she is able to provide a list. A notice will be placed, twice in the newspaper.

The Committee will compile information to discuss at the public hearing via email to Ms. Duques so that these issues can be addressed. A separate and individual email should be sent to her by each member, and she can compile this information.

Member Fischbach is concerned with the run off from dairy farm. It is not currently sufficient as it will clog and become stagnant and contaminated, which will get into the river once it rains. Something needs to be developed in order to contain this so that the runoff does not enter the Farm River.

Member Joiner indicated that the “road” that has the tubes across the Farm River needs to be addressed as well. It is unclear if and when this was passed and would need to be remediated.

## 5. Wetland Enforcement Officers Report

**MOTION:** Member Fischbach moved, seconded by Member Joiner to move Item 6a on the Agenda to be discussed prior to Agenda Item 5, the Wetland Enforcement Officers Report.

With all in favor, the motion passed.

## 6. Other Business

- a. **50 Fowler Rd**, discussion regarding new design concept for elderly development

Mike Ott of Summer Hill Land Surveyors, 60 Wall Street in Madison is present for a preliminary discussion to make major changes from what was previously approved.

Munger Brook crosses through the west side with extensive wetlands with first order tributaries and also, isolated pockets of wetlands. There are disturbed areas, probably due to I-95 development.

A discussion ensued with regards to Harkin Engineering’s inspections to make sure the detention pond is functioning as planned.

In the previous approval, hundreds of feet of retaining wall were to be constructed to protect the wetland grading. This is not proposed here. Rather, realigning the road will meet the demands of the regulated area. In some places, the road will be closer to the wetland requirements and in others it is farther away. Homes will be 50 feet minimum. The site has been impacted.

Member Fischbach indicated that gradual grade rock placements with vegetation between them was proposed originally.

The rock slope protection was to be large boulders put into the earth with plantings, which was a major issue for approval. Boulder walls are not acceptable.

The Proposal would create a protected vegetated buffer involving a conservation easement that follows the wetland.

A detailed site plan will be necessary. Over 200 units are being proposed, to be created under three (3) phases. 2 bedrooms, detached dwellings are being proposed, for the most part, in addition to three (3) buildings, of an elderly development.

The access points being proposed have changed to include Notch Hill Road. A traffic study has not been done to date.

A clubhouse, tennis court and pool would be developed along a road network that is similar to the originally proposed plan.

Phase 1: Notch Hill Road with Clubhouse, which would be the main entrance

Phase II: Would follow the road; construction traffic would go through Rte. 80 and through Fowler Road.

Fowler Road will be another exit. There would be 2 access points for safety vehicles.

Ms. Duques discussed the history regarding cease and desist regarding material that was thought to have been brought onto the site and material members had concerns about being buried on the site. There may be concerns that will need to be addressed going forward to ensure that the foundations are stable.

The clubhouse building is of the size, he believes, that will require an architect. Soils will need to be pulled and tested.

The basic grading is done, but a great deal more needs to be done, requiring additional blasting.

## **5. Wetland Enforcement Officers Report**

399 Village Street: Homeowner asked that Ms. Duques look into this because she would like to manage the cattails that are in the pond. She would like to have a better view of the pond and the island.

Depending upon the treatment, an herbicide treatment, for instance, DEEP may need to become involved.

It would be the recommendation of the Committee that an application with plans be submitted and reviewed by the committee.

## **7. Adjournment**

**MOTION:** Member DePonte moved, seconded by Member Joiner to adjourn at 7:56pm.

With all in favor the motion passed.

Respectfully Submitted,

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Michele Pollock, Recording Secretary

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Stephen Scavo, Chairman