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# TOWN OF NORTH BRANFORD

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**MINUTES**  
**REGULAR MEETING**  
**NORTH BRANFORD CONSERVATION & INLAND WETLANDS &**  
**WATERCOURSES AGENCY**  
Wednesday, November 15, 2017  
6:30 p.m.  
Town Hall- 909 Foxon Road

## 1. CALL TO ORDER

**Chairman Scavo** called the North Branford Conservation & Inland Wetlands & Watercourses Agency to order at 6:35 p.m.

## 2. ROLL CALL

**Chairman Scavo** introduced the members of the IWWA present, which included Regular Members Lisa DePonte, Frank Brigano, and Jerry Fischbach  
**Absent:** Regular Member Ashley Joiner

Also, present: Town Manager, Carey Duques  
Town Engineer, Kurt Weiss

## 3. MINUTES – Meeting of October 25, 2017

**Motion:** Member Fischbach moved, seconded by Member DePonte to approve the minutes of the IWWA Meeting of October 25, 2017.

**With all in favor, the motion carried.**

**Motion:** Frank Brigano moved, seconded by Jerry Fischbach to approve the minutes of the Site Walk of November 5, 2017.

**In favor:** Chairman Scavo, Members Brigano and Fischbach

**Abstain:** Member DePonte

**Absent:** Member Joiner

**The motion carried.**

#### 4. PUBLIC HEARING

- A. Continuation of 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 (Application received July 26, Site walk held August 9, Public hearing opened September 27, second site walk held on November 5)*

**Attorney Joan Molloy** for the Applicant explained that the initial site walk was held on September 27, 2017. Upon request, a second site walk was scheduled and took place on November 5, 2017. Questions were asked during this site walk and she believes, that they would be reviewed tonight, as the representatives of the applicant are present tonight.

Attorney Molloy provided Exhibit #10 to Chairman Scavo which outlined concerns and the corresponding accommodations made in response. These concerns included the location of the detention basin and outlet, the addition of a berm to decrease sediment running into the Farm River, a FEMA Flood Evaluation, maintenance access from the cul-de-sac, peak flow discharge prior to flood elevation, and catch basins with deep sumps to catch sediments. Attorney Molloy indicated that Town Engineer Weiss is helping to review the project.

Additional considerations were outlined involving the septic system and protection of the Farm River. A buffer area between the river and homes will be created and the restoration mix will be used to assist in filtering lawn runoff. Many of the wildlife species are coastal species that temporarily settle in this area. Stopping the farming and creating a settled area will benefit the wildlife. Treatment for the existing storm water discharge will be created.

The woodchip issue will be resolved by using a backhoe with a smooth edge bucket to reach native soil; an additional soil will be added as per the advice of the Wetland Scientist. Erosion control will be provided. Boulders will be set to border the area. The existing culvert and crossing will be handled as requested. The adjacent farm has been vacated and the owner has 45 days to remove property. The animals have been removed.

The applicant’s proposal protects the Farm River and allows for development.

Chairman Scavo asked for clarification on page two regarding the project being approved *after* changes have been made.

Town Engineer Weiss added that there is a DEEP registration requirement with a monitoring component, which helped answer the concern of Chairman Scavo. Town Engineer Weiss is in the process of reviewing all of the material.

Member Brigano asked if the brush debris along Lot #7 will be removed.

Mr. Steven Giudice indicated that they would be removed.

Town Planner Duques commented that she received an application and payment with the signature regarding the removal of the culverts. This topic will be added to the agenda for the next meeting.

Member Brigano commented that the current owner should be notified as it is 100% his responsibility.

Member DePonte inquired about what is being done in the pond/river drainage area that is not always wet, but not always dry.

Mr. Michael Kline, Wetland Soil Scientist walked the land with Town Planner Duques and regarding the woodchips and reiterated that a sooth edged bucket would be used to remove the chips in order to expose the soil that is underneath. The soil will be amended, as needed, so the native species will do well. The slope will be determined and the area will be seeded with the erosion control mix, which has a shrub mix. After a few years shrubs will grow.

Member DePonte inquired about the placement of the boulders.

Mr. Giudice pointed out where the boulders would be placed.

Attorney Molloy entered Exhibit #11, which is a map showing the updated layout of the 12 lot subdivision including the placement of the boulders.

Chairman Scavo asked about the FEMA data on page 5.

It was clarified that, yes, it is the 100-year flood.

Member Fischbach asked about the plans for the large, square basin with the grate over it, located on the adjacent property.

Chairman Scavo asked if there is a formalized top for this culvert.

Member Fischbach asked if this culvert is catching farm deposits, also.

Mr. Giudice answered that yes and the property is not being conveyed.

Member Fischbach has great concern from the red barn area. Grading was done to elevate slope, but if any farming occurs in the red barn, the run-off will be an issue.

Attorney Molloy clarified that this property is NOT part of this application.

The Agency has enforcement power if problems occur.

Member Fischbach indicated that what is being piped in is polluted – and running onto your property.

Attorney Molloy answered that the grading was done in an attempt to help the runoff and the source of the problem (the barn and animals) has stopped. They are working with Town Planner Duques to improve the situation.

Member Brigano asked that since the property owner would be at the next meeting, would it be appropriate to ask these questions?

Can we put this on the agenda to make a determination and prediction as to the impact of the property upon home owners in the new development?

Chairman Scavo asked what could be done to stabilize this and how this can be helped.

Town Engineer Weiss answered that water comes through there.

Member Fischbach added that the water is never stabilized.

Town Engineer Weiss commented that the area has been changing.

Chairman Scavo indicated that many of the questions and issues presented have been answered and if issues arise, the Commission has the authority to regulate if it creates a problem for the wetlands.

**Motion:** Member DePonte moved, seconded by member Brigano to add to the next meeting agenda and item regarding the property across the street from 363 Totoket Road in North Branford.

**With all in favor, the motion carried.**

Town Planner Duques entered Exhibit #12, which is a letter from Steve Vitco with the Regional Water Authority letter that indicates that there is no objection to moving the two septic systems. It indicates that the woodchips should be sent off site and the site reformed as to stabilize the area.

Member Brigano and Chairman Scavo asked if it would be possible to have both Steve Vitco and Mark DiLungo at the next meeting.

Town Planner Duques entered the ESDH Comment Letter as Exhibit 13.

Member Brigano asked if East Shore will look into drilling a well.

Attorney Malloy answered that until approval is gained for a septic system, drilling and testing can't be done. They want good water and the approval is needed for septic so this can be pursued.

A comprehensive environmental site assessment has been done.

Town Planner Duques expressed the concerns of Member Joiner, which are in line with those already expressed and includes questions regarding the culvert that is an issue. She would like to know how it was installed and if permits were drawn for its completion. The application to remove the culvert was received today.

Lindsay Suter, a property abutter provided photos, which are entered as Exhibit #14, that he was unable to upload, but they confirmed the changes as discussed.

He requests that a proper wildlife review be completed, as it is increasingly evident that the culvert over the property is the culprit, along with the dumping of fill. Anyone that develops 363 Totoket Road is responsible for the pond.

Town Engineer Weiss overviews the revised storm water calculation and will review them.

The increased pipe size allows for a discharge into the detention basin at a lower rate. This addressed drainage for Lot #9, as well.

Member Brigano commented that this should be discussed at the next meeting with the original owner, as he needs to understand this impact.

Town Planner Duques indicated that a wildlife assessment was done and no additional species were identified.

Attorney Molloy has the original letter by Mr. Suter and believes that the settlement will improve the wildlife's habitat.

Member Fischbach asked about the culvert and if this is responsible for the sediment around the pond. Short of an acid flood, he is not convinced that this is the result. The issues have been addressed. With the lawns, there will be a decrease in exposed earth, as well.

Attorney Molloy indicated that she is happy to respond to public comments.

Town Manger Duques explained that if the Public Hearing continues, an extension will need to be filed by the applicant.

The next IWWA Meeting will be on December 13, 2017. East Shore would like additional information. If the Public Hearing is Closed, the time limit is 35 days.

Attorney Molloy indicated that she will file for an extension.

Donna Pursley of Marjorie Drive in North Branford has copies of GIS data from 1990 and present, entered as Exhibit #15, Aerial View of 363 Totoket Road.

Ms. Pursley is in favor of good water and protected water. The owner of 400 Totoket Road is the same owner as 363 Totoket Road. There are trucks that create quarry dust and she is concerned about what has happened, as well as what will happen as a result. That which has happened to this area thus far is not good. She was wondering if anyone has considered "impermeable pavers" that would help process the run off. The grass cuttings with fertilizer will go over the boulders and the wetlands need to be protected.

Chairman Scavo remarked that we all have to be diligent in watching out for the environment. If the dumping of clippings or anything is being done to harm the environment, he or she needs to let Town Planner Duques know. It is difficult to enforce because monitoring is so difficult.

Donna Pursley asked if information is provided when someone is purchasing a home in wetlands area in order to educate the new owner as to the rights and responsibilities thereof. She believes that we need to listen to East Shore and make sure wells are protected, as the clean-up, if needed, will be at the expense of the Town.

Susan DeSilver of 1647 Middletown Avenue in Northford spoke regarding the quality of the water below the dam and wondered if it met the standards. She wondered if the proposed cistern between Lots 8 and 9 had been addressed.

Mr. Giudice commented that there would be an area left for a fire protection cistern.

Ms. DeSilver asked if things such as pesticide usage will be provided to new home owners. She also asked if swimming pools would be allowed. She wondered if public water would be safer given the pollutants that entered the water due to violations.

Attorney Molloy answered that a non-disturb area will be provided by the boulders, which creates a line of sight area. The upland vegetated areas are plan B to mitigate individual lawns. Water will be tested and reviewed. The applicant has most interest in having good water.

Phase 1, the Environmental Site Assessment has been completed and nothing was found.

Absolutes cannot be applied. You have the right to ask for a pool, although it may or may not be approved. This application is for 363 Totoket Road only. The quarry issue is with 400 Totoket Road.

Attorney Molloy explained that once the water coming from the road enters 363 Totoket Road, it can be determined how it is being handled and remediated.

Michael Kline indicated that water drains west to east because the land is higher and lower in specific areas. Water from 400 Totoket cannot be completely prevented from entering the Farm River. They are providing, according to the Town's Storm Water Management, what is required to accommodate the flows and help the water before it reaches the Farm River. The Storm Water Management Basin will treat the storm water.

Member Brigano asked about the maintenance of a portion of land.

Town Engineer Weiss indicated that the Town will maintain this area and mow one time a year, as needed.

Attorney Molloy indicated that the extension would be granted.

**Motion:** Member Brigano moved, seconded by Member Fischbach to continue the Public Hearing to a special meeting on December 13, 2017.

**With all in favor, the motion passed.**

**5. POTENTIAL ACTION ON PUBLIC HEARING ITEMS**

**A. IWWA Application #2017-3: This will be continued.**

**6. NEW BUSINESS**

**A. IWWA Application #2017-4**, Site Plan and Subdivision; Proposed 3 lot residential subdivision and construction of 2 residential single-family homes; regulated activities include construction of two driveways, wetland crossing with 12” cross culvert, and cuts and fills associated with the construction at **67 Totoket Road**, Assessor Map 7 Lot 1, R-40 Zone. *Owner: RSMP LLC; Applicant: CW Landmark Group LLC (application received by IWWA on October 25, 2017)*

The application was received and there was a brief overview and a site walk. Van Hobson spoke with regards to this property. This is a three-lot subdivision, down from eight, then to four and finally to three do to how steep the lots are. There will be minimal impacts, as the historical use of the building on Lot 1 is being upheld. There is a culvert to Lot 1, which has no IWWA implications. Lot 1 is the original building and Lots 2 and 3 are new lots. It is zoned residential with public water and sewers.

A site walk will be scheduled.

There are wetlands at the north end behind Lot 1 and a culvert diverts the flow. It is served by city water. A 12” culvert diverts the flow, but a pipe may need to be added and fill added in order to get driveway across. Adjustments maybe needed.

Town Planner Duques will send a survey to find the best time prior to December 13 for a site walk.

**Motion:** Member DePonte moved, seconded by Member Brigano to do a site walk before the next meeting and continue this application until December 13, 2017 IWWA Meeting.

**B. IWWA Application #2017-5**, Site Plan to construct a 5260-sq. ft. storage building/garage material storage building, associated perimeter fire access road, and wooden fence 50 feet from wetlands, at **90 Ciro Road**. *Owner: Maclellan North Branford LLC; Applicant: John Paul Garcia, P.E.L.S.*

The proposal is for a building in the outer 50 feet of the 100 foot wetlands upland review area. The property outside of the wetlands review area has been excavated and is completely flat.

**Motion:** Member Brigano moved, seconded by Member DePonte to table this item until the December 13, 2017 meeting.

**With all in favor, the motion passed.**

**7. WETLAND ENFORCEMENT OFFICER’S REPORT**

Regarding the development on 50 Fowler Road. The blasting is completed for the over 55 development, which has been broken up into individual units. The proposal is for three larger apartment buildings closer to Fowler Road. A brand-new application is required. Before any consideration, an inspection will be required by Town Engineer Weiss.

A request was made to remove the requirement for inspections.

**Motion:** Member DePonte moved, seconded by Member Brigano to agree with the recommendations of Town Engineer Kurt Weiss and Town Planner to reduce inspections to quarterly and/or after each 1" rainfall event and until the IWWA believes inspections are necessary.

**With all in favor, the motion passed.**

## 8. OTHER BUSINESS

### A. 34 Farmington Drive, request to remove a tree from within the conservation area

The property owner will be talking with an arborist about the health of this tree. The property owner has requested that the item be taken off the agenda until further notice. Town Planner Duques will coordinate with the property owner once they have consulted with an arborist.

### B. Additional Items/Update on RWA Project

Due to an issue, the RWA tunnel repair project has been accelerated. In order to divert water from the tunnel into four- 18"-pipes, will be added. This will go through Tilcon and tie back into the worksite.

## 9. ADJOURNMENT

**Motion:** Member DePonte moved, seconded by Member Brigano to adjourn at 8:42 p.m.

Respectfully Submitted;

Respectfully Submitted;

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Michele Pollock  
Recording Secretary

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Steven Scavo  
Chairman