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TOWN OF NORTH BRANFORD

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MINUTES SPECIAL MEETING

North Branford Conservation & Inland Wetlands & Watercourses Agency

Wednesday, December 13, 2017

6:30 p.m.

Town Hall – 909 Foxon Road
North Branford, CT 06471

1. Call to Order

Chairman Scavo called the meeting to order at 6:37 p.m.

2. Roll Call

Members: William Galdenzi, Frank Brigano, Gerry Fischbach, Stephen Scavo,
Chairman; Town Planner, Carey Duques

Absent: Members Ashely Joiner, Lisa DePonte

3. Minutes – Meeting of November 15, 2017

Motion: Member Brigano moved, seconded by Member Fischbach to approve the Minutes dated Meeting of November 15, 2017.

Vote: 3 – 0 – 1

For: Chairman Scavo, Members Fischbach and Brigano

Abstained: William Galdenzi

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 by IWWA on July 26, Site walk held August 9, Public hearing opened September 27, second site walk held on November 5, Public hearing continued on November 15)*

Application #2017-3, Site Plan review of “Riverview Subdivision has been withdrawn. A new application, which is to be discussed on this Agenda; Item 6.c. IWWA Application #2017-6, Site Plan to remove two culverts from the Farm River at **363 Totoket Road** and **127 Forest Road**. *Owner: WTF, LLC; Applicant: Mark DiLungo*. The applicant has respectfully requested the consideration of a special meeting, as well as consideration for the waiving of specific application fees.

The Committee members discussed a special meeting date of January 3, 2018, which would be agreeable and a quorum would be met.

The Committee members decided that it would be acceptable to the application fee paid for Application #2017-3 be credited and applied to Application #2017-6. The Applicant would be responsible for any balance due if there is a difference in the fees, the notices for hearings, as well as fees due to the State of Connecticut. The Applicant will contact the North Branford Business Office for cost confirmation.

Motion: Member Brigano moved, seconded by Member Fischbach to set a special meeting on January 3, 2018 at 6:30 p.m. in the Town Council Meeting Chamber to hear Application #2017-6.

With all in favor, the motion passed.

5. Potential Action on Public Hearing Items

A. IWWA Application #2017-3

No action was taken, as the Applicant withdrew the application.

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, Site Walk held on December 9, 2017)*

Van Hobson, with Milone and MacBroom, presented the revised plans to be submitted in response to concerns presented by the Town Engineer, Kurt Weiss.

Mr. Hobson indicated that Lot #2 was expanded so that it meets the requirements for the minimum lot area.

The existing 24” culvert will be extended and located under the driveway as identified on the map.

The sewer at Lot #3 will no longer cross lot 2.

Included in Lot #1 is a detailed outline for the construction plan to deal with the challenges presented by steep slope.

The driveway will be widened at Lot #1 by 3 feet on each side and guard rails will be installed.

Chairman Scavo requested information on the functioning of the culvert.

Mr. Hobson indicated that this will be cleaned out so that rain does not bypass the culvert. Material will be removed to ensure the culvert functions properly and effectively.

Member Fischbach expressed concern for the cistern near the side of Lot #2 that has running water which is feeding the wetland portion and not efficiently entering culvert thus creating surface water.

Chairman Scavo commented that there needs to be a way to direct this water so it isn't just standing water.

Town Planner Duques read comments from Town Engineer Weiss which included requesting information on the water being redirected to the culvert and if a berm is required. He would like details on the connection of the 24" pipe on Lot 1, as it is a flush headwall with pipe. Will material be used to over the 24" culvert? Lot #1 is marginal and will be challenging due to how steep it is.

Member Fischbach identified the additional well that was overflowing in the Spring. The cistern was very full at that time of the site walk also. There seems to be a great deal of water, which begs to question the feasibility of development for Lot #2 and #3.

Chairman Scavo asked if tests have been done on the level of the water table in this area to determine if a foundation could be put in successfully. There was an unsecure metal cover on the existing well/cistern that would need to be removed and a more permanent cover would need to be placed on this cistern.

Chairman Scavo indicated that these lots are close to the road and attached to the sewers, which is good, as far as not needing septic. However, the restrictions and the enforcement of these restrictions, will be of concern.

Member Galdenzi commented that the wetlands need to be protected from being filled in gradually, over time given the "normal" activity done by homeowners. A clear boundary will be helpful to make sure people do not infringe on the wetlands.

Member Brigano identified two existing structures that were placed on this property prior to the creation of IWWA regulations. By today's standards, these would not

have been approved. Is there a plan to address these structures? Mr. Hobson said there are no plans for this building.

Member Scavo asked if this land is serviced by city water.

Mr. Hobson believes it is served by the Regional Water Authority.

Member Fischbach questioned if the applicant and/or owner has given any thought to developing the building that is currently on the property, which housed the Silly Putty factory in years prior. This may provide a better opportunity and investment viability.

Additionally, Member Brigano commented on the remains of a shed discovered on this property. A neighbor explained that contained an engineering facility that used propellants, which may have contaminated the land. This should be noted, but may not be of direct concern on this application, given that the properties will be serviced by water.

Mr. Hobson asked if a soil scientist may be helpful.

Chairman Scavo answered that a soil scientist would be able to provide in depth information and answer questions that Members may have.

Member Fischbach inquired about the proposed parking area for Lot #2 and asked what is considered for this area.

Mr. Hobson said that the owner put this in to make it more marketable as possible employee parking.

Member Fischbach asked if the four (4) bay garage would be subject to potential development and if activity would be hidden by the building. If it is not on the current application, it must come before the IWWA with a statement of work to be done.

Town Planner Duques answered that if this application is approved, the building could be occupied. If the owner wants to make additional improvements, he needs to come before the IWWA.

Member Brigano explained that there seems to be many natural ditches which increases the water flow in this area. His concern is that the homeowners will not be able to do anything with their property due to the wetlands proximity and regulations. He is not sure how to protect the possible homeowners so they understand that grass planting and other activities would need to be approved by the IWWA. Prospective homeowners need to be informed so they can make decisions prior to purchase and be aware of the policies and procedures in order to obtain permission for activity in the wetlands areas.

Town Planner Duques explained that the building referenced by Member Fischbach is zoned as R-40. There are items on this property/building that do not meet the current wetland regulations. However, there is a pre-existing non-conforming use clause,

which allows for them to remain without prejudice, given they meet the requirements under this clause. This building could be used as a residential dwelling, as it is zoned R-40.

A discussion to determine if this project would create significant activity in the wetlands area and if it is appropriate to hold a public hearing led to a vote. Member Galdenzi explained that he would like a public hearing in order to gather additional testimony from neighbors regarding the history of flooding or any other issues that have been experienced that may help determine decisions to be made and next steps for the application. Chairman Scavo, Members Fischbach, Brigano and Galdenzi agreed that this is significant activity and that a public hearing would be beneficial.

Town Planner Duques explained that the 65 days granted for this application would be up on December 29, 2017. She asked if the Applicant would be willing to grant an extension.

Mr. Hobson indicated that an extension would be acceptable.

Motion: Member Brigano moved, seconded by Member Fischbach that the **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, Site Walk held on December 9, 2017)* meets the requirements for significant activity due to the disturbance of the existing wetlands due to natural springs and drainage areas in Lot #3 within a 100-foot buffer to wetlands; the sum total of all discussed, and a Public Hearing will be held on January 24, 2018.

With all in favor, the motion passed.

- B. IWWA Application #2017-5**, Site Plan to construct a 5260-sq. ft. storage building/garage material storage building, associated perimeter fire access road, parking, retaining wall, and wooden fence 50 feet from wetlands, at **90 Ciro Road**. *Owner: MacLellan North Branford LLC; Applicant: John Paul Garcia, P.E.L.S. (Application received by IWWA on November 15, 2017)*

John Paul Garcia explained the applicant's desire to build that involved moving the building slightly, which Fire Marshal wants a fire road on the side of the buildings and a retaining wall, that may or may not be required. These modifications made it necessary for IWWA approval.

Chairman Scavo clarified that the purpose of the access road shown on the map would only be used for use by safety vehicles.

Mr. Garcia indicated that this would be used for safety only.

The septic system would need to be sent to approval of East Shore Health if any changes were proposed.

Fire Marshal indicated the new driveway location is acceptable.

This has been approved by planning and zoning about a year and a half ago.

Town Engineer Kurt Weiss did not have any additional concerns.

Member Brigano asked if the proposed fuel tank propane.

Mr. Garcia answered that yes, propane would be used.

Motion: Member Fischbach moved, seconded by Member Galdenzi to approve IWWA Application #2017-5, for construction of a 5,260-sq. ft. storage building/garage, associated perimeter fires access road, parking, retaining wall and fence (if required) 50 feet from wetlands at 90 Ciro Road; a total of approximately 12,657 sq. feet of upland review area to be impacted. Map 13, Lot A30, I-2 Zone. Owner: MacLellan North Branford LLC; Applicant: John Paul Garcia, as contained in submitted application documents and shown on entitled plans: Prepared for Arrow Paving Incorporated Property Located at 90 Ciro Road North Branford, CT Prepared By: John Paul Garcia and Associates Engineers and Surveyors Stamped by John Paul Garcia, PE

Page C-1: 'Proposed Site Plan; Scale 1" =30' dated September 21, 2015, Latest Revision November 29, 2017

Page C-2: 'Erosion and Sediment Details'; dated September 21, 2015, Latest Revision December 22, 2015

Page C-3: 'Typical Details'; dated September 21, 2015, Latest Revision November 29, 2017

with the following standard 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 erosion and sedimentation control measures, earth removal, and regrading. 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 site disturbance within the review area 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.

4. All sedimentation and erosion control measures shall be installed prior to or upon issuance of this permit and inspected by the Town Engineer prior to commencing work. These controls must be maintained during and after construction and removed upon site stabilization.

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 other than maintenance of sediment and erosion control 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.

9. Anti-tracking aprons shall be installed on all road and driveway curb with 6" of crushed stone (1 1/2" to 3") underlain with construction frame spread to the traveled width and 40' in length or with apron mats, as specified by the Town Engineer. The apron shall be maintained

With all in favor, the motion passed.

C. IWWA Application #2017-6, Site Plan to remove two culverts from the Farm River at 363 Totoket Road and 127 Forest Road. Owner: WTF, LLC; Applicant: Mark DiLungo

Town Planner Duques shared the revised culvert removal construction sequence as follows:

1. All work will be scheduled during the "dry season", June 2st through September 15th.
2. The Town Planner and RWA will be notified 72 hours prior to the start of work.
3. Work will not commence unless local weather forecast is clear for at least three days.
4. All work will be performed using a hydraulic excavator.

5. Sufficient equipment and manpower will be provided to complete all proposed work in three days or less.
6. No fuel will be stored on site.
7. Install 10 to 15 feet from culverts outlets.
8. Excavator will sit atop the existing culverts and remove fill material over the pipes and that material will be placed outside the 200-foot regulated area on 127 Forest and 363 Totoket Road.
9. Excavator will be placed five to ten feet from the top of the slope of the river bank and will lift each culvert out individually. One from the east bank and the other from the west bank.
10. A hole will be cut on the top side of each culvert at the midpoint.
11. A cable will be run from the midpoint of the culverts to each end (inlet/outlet) and affixed to an excavator arm.
12. Any disturbance to the river bank will be hand raked and conservation seed mix and mulch will be applied and covered with an erosion control blanket.
13. All equipment and culverts will be removed from work area and silt curtain removed from the river.

Town Planner Duques shared information sent by Steve Vitco with the Regional Water Authority. Recommendations include a weekly review, erosion and sediment control, fuel and hazardous waste storage in a secondary containment system, which is to be locked when not in use, as well as best practices to protect the environment; most of which are listed in the above referenced construction sequence.

Chairman Scavo asked if Town Engineer Kurt Weiss was informed.

Carey said that Town Engineer Weiss believes there may be small issues to be handled, but the removal of this culvert will be beneficial.

David Sargent, with The Land Conservation Trust believes that it would be beneficial to remove culverts, but would like details on how this will be removed. He requested additional information on any issues that might arise as a result of the removal and how these would then be addressed.

Lindsay Suter, an abutter had similar concerns.

Peter Hughes on behalf of WTF LLC, explained that Mr. DiLungo has agreed to remove the culvert once weather is clear and will provide June 1 and Sept 15, 2018. A containment boom would be installed, a hole will be cut in the center of the pipe in order to wrap a cable around it so it can be lifted up and removed. First the east side pipe and then west side pipe would be removed. The water would be diverted with sheets of plywood. No fuel will be required. This should take 2 or 3 days. An erosion control seeding mix will be used to stabilize the bank. The river bottom will not be disturbed or touched. The natural flow should make sure the river bottom is protected. The width of the river will not be touched. There is about three feet of fill on the west side that will be removed, thus allowing the river to follow its natural channel.

Member Brigano asked regarding #8. Excavator will sit atop the existing culverts and remove fill material over the pipes and that material will be placed outside the 200-foot regulated area on 127 Forest and 363 Totoket Road, if debris can be placed on the property, as he will not own it. He is concerned also that the access road be blocked off so that no recreational vehicles can cross.

The Applicant will put boulders on the ground in order to block any recreational vehicles from passing through.

Member Fischbach asked if additional soil would need to be removed before the next pipe is removed.

Mr. Hughes answered that yes, additional soil will need to be removed. The pipe will be sent to a scrapyard.

Member Galdenzi asked about the natural flow of the river.

The sand bottom of the river allows the flow of the water to move the sediment naturally.

Town Planner Duques asked about the area in between the sides, as far as vegetation.

Mr. Hughes said that the same corridor will be maintained and the erosion control conservation mix will help to hold the bank. By the Fall it should be established.

A motion will be drafted for the Special Meeting on January 3, 2018 with the inclusion of the RWA stipulations.

Motion: Member Fischbach moved, seconded by Member Brigano to add this agenda item to January 3, 2018.

With all in favor, the motion passed.

7. Wetland Enforcement Officer's Report

A. 400 Totoket Road discussion with property owner regarding plans for the property and

Member Brigano indicated that this concern ties into the 363 Totoket Road issues and the handling of the runoff from the farm. There is concern about where the runoff will be diverted in order to protect the river.

Mr. Hughes indicated that they have been working with the Town of North Branford to grade the shoulder of the road in order to direct road and runoff. The farm use has stopped. The catch basins would be graded and silt sacks used to reduce migration of settlement. He is not sure what he will be doing with this. The occupant will be out soon, so Mr. DiLungo will have better access.

Mr. DiLungo discussed the complications with the eviction process. Sunday, December 17, 2017 at midnight is the final day. Gates will be installed so that access will be controlled.

Town Planner Duques described the effect to the wetlands and runoff on topography. The runoff comes down the hill from 402 Totoket Road, around the barn, and across Totoket Road.

Mr. DiLungo indicated that corrections will be made in order to rectify this. The improvements that have been made have offered a benefit of a snow shelf which will improve the runoff situation, the ice it creates on the road, as well as the ability to remove the snow by the town. His intention is to make this a beautiful area again.

Town Planner Duques will scan and email the background information on the land in this area from a resident that was received prior to this meeting.

Mr. DiLungo meets biweekly with DEEP to convey the progress. The State is pleased. There are tires that need to be removed. He did not create the problem, but is making the corrections and improvements. They will report back in the Spring to formally plan to have this done.

Member Brigano expressed his thanks on behalf of the IWWA for Mr. DiLungo and Mr. Hughes' willingness to work with them to protect the Farm River and make these improvements.

8. Other Business

A. Adoption of 2018 Meeting Schedule

Member Brigano wants to make sure the Annual Meeting & Regulation Review is done at the September 14, 2018 meeting and to make changes necessary, as well as to look at the fees and what other towns are doing.

Motion: Member Brigano moved seconded by Member Fischbach to approve the meeting schedule proposed for 2018.

With All in favor, the motion passed.

B. Adjournment

Motion: Member Brigano moved seconded by Member Fischbach to adjourn at 8:17 p.m.

Respectfully Submitted;

Michele Pollock
Recording Secretary

Steven Scavo
Chairman