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TOWN OF NORTH BRANFORD

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MINUTES
REGULAR MEETING
NORTH BRANFORD CONSERVATION & INLAND WETLANDS &
WATERCOURSES AGENCY
Wednesday, January 24, 2018
6:30 p.m.
Town Hall- 909 Foxon Road

1. CALL TO ORDER

Chairman Scavo called the meeting to order at 6:38 p.m.

2. ROLL CALL

Present: Chairman Stephen Scavo, Members William Galdenzi, Frank Brigano, Ashley Joiner, Town Planner Carey Duques, Town Engineer Kurt Weiss

3. MINUTES – Special Meetings December 13, 2017 and January 3, 2018

Motion: Member Brigano moved, seconded by Member Joiner to approve the minutes of the Special Meeting January 3, 2018.

With all in favor, the motion carries.

Motion: Member Brigano moved, seconded by Member Galdenzi to approve the minutes of the Special Meeting of December 13, 2017

With all in favor, the motion carries.

Motion: Member Brigano moved seconded by Member Joiner to add an item to discuss the addition of “demarcation of wetlands” in order to inform current and upcoming homeowners of the responsibilities according to the IWWA laws and regulations.

With all in favor, the motion carries.

4. PUBLIC HEARING

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 October 25, 2017; Site Walk December 9, 2017; Voted Significant Activity on December 13, 2017).***

The applicant is proposing to subdivide the existing lot into three lots. Single family homes are being proposed for lots #1 and #3. Lot #2 would contain the existing former Silly Putty factory and is located near the road. Town Planner Duques explained that Lot #1 would have a driveway that goes over existing wetlands, which would need to be filled and piped. Additionally, Lot #1 would require re-grading due to the existing steep slope. Lot #2 is dividend by existing wetlands, with the existing building to the west and steep slopes to the east. The culvert is not operational, as the water is not making its way to the 24" culvert and is pooling closer to the existing building. Lot #3 has two wells or cisterns that feed the wetlands. The proposed house is 30 feet from the wetlands.

Concerns involve the impact to the wetlands downstream as a result of changing the grades and filling wetlands, as well as the increasing amount and speed of the runoff as a result of paving. Lot #3 is within close proximity to the wetlands which may result in the wetlands being filled in over time.

The Agency has 35 days to keep the public hearing open, which is February 28, 2018.

Van Hopson from Milone and MacBroom regarding 67 Totoket Road. He introduced William A. Root, M.E.S. with Milone & MacBroom at 99 Realty Drive, Cheshire, CT 06419.

Mr. William A. Root, M.E.S. is an Environmental Scientist with Milone and MacBroom looked into the area in order to identify any wetland and soil issues that exist in this area. He discussed grading and wetlands that he identified in the area. Drainage conveyance is of concern and wild habitat has been considered. There is a way to keep a flowing, clean construction to maintain the wetlands and wildlife there, while developing.

Member Joiner indicated that there was water percolating, as in a spring, that needs to be considered.

Exhibit 1: Channel Report for 67 Totoket Road Existing 24" pipe
Input data is $Q = CiA$ Where $c = 0.3$; $I = 5.35$ and $A = 623$

Exhibit 2: Alternates A, B, and C describing the options considered for developing this area

The direct wetland impact has been kept to a minimum in order to develop with only a single driveway crossing. The rear of the development has no direct wetland impact. A small picket fence, for instance may be installed to warn homeowners that wetlands property needs to be protected.

The size of the parcel is large, Mr. Root has found the significant impacts to the wetlands to be minimal. The plans in place would be sufficient for this resource.

Member Brigano asked about the area north of lot #1 and the how much water this can hold. The culvert under Brook Lane is 63", so the capacity is enough.

Chairman Scavo asked that the water drainage will be accounted for by the culverts planned currently.

Discussion occurred regarding whether there are concerns about the foundations, be it basement or slab, given the water table. The building will be at grade and excavated as to avoid any drainage into the basement.

There would be a foundation drain around the basement. There is a concern about flooding into the basements.

Town Planner Duques indicated that the plan says debris will be removed from an area. What about the proposed parking area? Water may drain to the silly putty factory.

Will the water be diverted to the pipe as to alleviate flooding?

The area will be provided with permanent, safe structures in order to protect from potential hazards. The open well was of great concern.

Member Brigano questioned how information will be delineated to protect the wetlands so future owners know the wetlands are regulated.

Barriers with plaques may need to be placed to remind people of the boundaries and subsequent regulations involved with the purchase of the property

Ideally, the committee would be notified that nothing is blocking the culvert and or figure out a way to make the water fun appropriately to utilize the culvert as it was meant to.

In order to address issues, wetlands may be additionally disturbed. What is the best scenario, for keeping access to wetlands restricted?

Roy Volta 76 and 65 Totoket Road commented that he's seen brook running and has concerns the wells that are currently being used could be impacted by the proposed development.

Mark Sansone 53 Totoket Road has a spring that goes underground and goes into the Silly Putty Factory has concerns about any blasting and the location to the homes being developed. He is up the hill, on the same side and is concerned about the wells and septic. Were soil samples ever done?

They do not plan on doing any blasting and will minimize the need for any blasting. It is more sill excavation. Blasting would be absolutely minimal if at all. They are looking at walk out, rather than blasting to impact the current homes.

Ken Arden 45 Totoket Road knows this area pretty well. He is concerned about the wildlife. He asked about bordering the wetland area, as it will not last. There needs to be a significant and long-lasting boundary for this area.

The Regional Water Authority sent a letter and will be forwarded.
The hearing will remain open until the next meeting on February 28, 2018.

David Gilligan asked if there could deed restrictions be outlined? Yes, that is a possibility.

Motion: Member Joiner moved seconded by Member Brigano to continue the public meeting to February 28, 2108.

With all in favor, the motion carries.

- B. IWWA Application #2017-7**, Site Plan and Subdivision; Proposed 13 lot residential subdivision, +/- 570 Linear foot cull de sac and storm water detention basin; regulated activities include grading for lots 4, 5, 9, and 13, houses on lots 10 and 13 and driveway on lot 12, detention basin and associated outlet; located at **363 Totoket Road**, Assessor Map 35, Lot 10, R-40 Zone. *Owner: What TF LLC; Applicant: ATA Realty (Application received January 3, 2018; Public hearing set for January 24, 2018)*

A new application was submitted, showing 13 single family house lots, new location of the detention pond, and public water to be brought to each of the homes.

The process for creating the detention basin should be examined, including materials used and draining logistics. The open space needs to be outlined. The plan for the existing basin located north of Lot #10 needs clarification, as well as the plan for the embankment to the east along the Farm River. Plans to remove any woodchips needs to be outlined. Finally, the restoration of the farm road will still be the same, but should be reviewed. Will boulders, trees, or another border be put there to prevent ATVs from taking advantage of the property?

The Agency has 35 days to keep the public hearing open which is until February 28, 2018.

Joan Molloy, the attorney spoke with regards to the water extension. A solution was reached to allow the public water by moving the detention basin. Thus, the application is modified as such. The wetlands will not be disturbed. The applicant has modified proposals to minimize any disturbances of wetlands. Lots 5, 9, 10, 11, and 12 have been discussed. The new proposal minimizes disturbances in these lots. The new location for the detention pond is outside the wetlands and only handles storm water. Provides treatment of runoff. The conservation mixes as proposed prior, will still be used in order to protect water and habitat.

All of the requirements pursuant to regulations have been fulfilled.

Previous exhibits incorporated from old into new:

Exhibit 2: list of items included in the record from the first application IWWA #2107-3

- a. *Exhibit 3: Diagram Riverview Farms 383 Totoket Road, North Branford d- Existing Condition Map*
- b. *Exhibit 4- Diagram Riverview Farms 383 Totoket Road – Proposed Development*
- c. *Exhibit 5-Digarma Riverview Farms 383 Totoket Road, North Branford – Proposed Open Space*
- d. *Exhibit 6 – Diagram Riverview Farms 383 Totoket Road, North Branford, Existing Limits of Farmland Impact and Proposed Areas to be Restored*
- e. *Exhibit 7 – Letter from Susan DeSilva dated September 25, 2017*
- f. *Exhibit 8: Letter from Greg Sharp dated September 26, 2017*
- g. *Exhibit 9: Letter from Lindsay Suter dated August 15, 2017*
- h. *Exhibit 10: Response letter from Attorney Joan Molloy dated November 14, 2017*
- i. *Exhibit 11: Diagram – Riverview Farms 363 Totoket Road, North Branford*
- j. *Exhibit 12: Regional Water Authority email dated November 8, 2017*
- k. *Exhibit 13 – East Shore Health District letter dated November 15, 2017*
- l. *Exhibit 14 – E-mail from Lindsay Suter dated November 15, 2017*
- m. *Exhibit 15 – Aerial photos from UCONN 9pages 2)*
- n. *E-mail from Agency Member Ashley Joiner dated November 15, 2017*
- o. *E-mail from Scott Small dated 11-15-17 with attached letter from North Branford Land Conservation Trust dated November 15, 2017*
- p. *East Shore Health District letter dates September 29, 2017*
- q. *East Shore Health District letter dated November 30, 2017*
- r. *Regional Water Authority Comments dated August 17, 2017*

- s. Questions & comments memo with Town Planner initial responses*
- t. Wetland Delineation, Evaluation & Impact Assessment dated 7/14/17 prepared by Davison Environmental*
- u. Minutes of August 9, 2017, site walk*
- v. Testimony from September 27, 2017 public hearing*
- w. Minutes of November 5, 2017 site walk*
- x. Testimony from November 15, 2017 public hearing.*

How much acreage is open space? 8.3 is open space original was 9.29 acres.

Steven Guidice indicated that the application has changed slightly.

Lot #13 addition is a major change, thus changing property lines on 4 and 5. Septic System on lot #11 was previously changed per ESDHD comments. Boulders have been proposed for clear identification of the wetlands area. The current dirt road was not changed. This would still be restored with the restoration mix. The major changes have to do with storm drainage. Runoff from Totoket Road can be treated and runoff into the detention basin. A burn for low flow into the detention basin will be completed.

Soil Scientist, Michael Kline, explained the changes from the first proposal to this one, which had little impact with regards to the wetlands. The land that will be impacted is land that is currently being tilled.

One thing that may be unclear is that the primary functions of sediment and shoreline stabilization and fish and shellfish habitat. This will be improved now that the agricultural impact has stopped.

Impacts on wildlife will be minimized, as the mill pond runoff is the primary habitat. The wetlands have been regularly disturbed by farming. There is testimony that there are specific species. There will be no negative impact on these species and the habitat will be improved. Coastal or transient species with specific, plastic habitat needs will not be disturbed by this residential activity. A wildlife corridor will be provided that exceeds what was previously available with the agricultural use of the land. Protection measures will be put in place for the box turtle.

The earthen material stock pile near lots 13 and 14 will be graded south and spread prior to the seeding process.

The removal of woodchips adjacent to flags 36 -25, which is a steep slope of wood chips, removal of the woodchips will be monitored by Town staff. To use a smooth-edged bucket to smooth the chips so they can be removed, while preserving trees in that area. This would then be seeded with a restoration mix appropriate for slopes and graded areas with shrubs, as well, which will anchor the soil along that slope.

Member Brigano asked about the documentation of the boulders to delineate the wetlands area so the boulders are every 20 – 25 feet.

The request is that additional boulders be added, closer together, so that home owners know that dumping of lawn clippings or any other matter is not allowed.

Attorney Molloy indicated that under the Planning and Zoning Regulations, the open space would be offered to the Land Trust, the Town would be the next choice, and the homeowners would be the third choice.

Donna Pursley, Marjorie Drive of North Branford explained the open space regulation, but 50% is watercourse or wetlands. The open space seems to be watercourse or wetlands. The previous Lot #13 was taken out because it was too close to city water, lot 13 can be added in and moved further out of the wetlands. Lot 13 could be used as a park.

Greg Sharp of Northford commented on the actual application and the number of boxes checked, which failed to indicate several specifics including RWA and statue regulations. The DEP will require a storm water permit to be obtained, which will be an issue for the endangered species act. The materials submitted taken together, do not meet the requirements under 7.6E. Requires applicant to submit specific aquatic life species, habitat value terrestrial and aquatic life. Lists of species should be provided. Cross-checking should be done with Lindsay Suitor with species he outlined as being seen in this area. He recommends that this application be denied or modified. A separate application was granted to remove the culverts. It is his recommendation that the removal of the culverts be required before allowing this application to go through. A recommendation would be to make the applicant liable for any contamination so the homeowners association would be responsible if there is found to be contamination to the soil.

Exhibit 3 is the submission by Greg Sharp of Northford.

Chairman Scavo requested that the applications be reviewed to make sure that the procedures have been followed and the applications are complete.

This can be brought to the Town Attorney to make sure that all requirements for the application are completed.

Mr. Lindsay Suitor of 16 Mill Road spoke with regards to the river and pond for the past 16 years. He is in contact with Dawn McKay at the DEEP to perform species assessments. They are underfunded and understaffed. He has listed the following he has seen: little brown bat, periled greet, snowballed egret, least bitten, sharp hawk, broad winged hawk, bald eagle, turn, eastern box turtle, northern leopard frog, banded sunfish, cicada, common crayfish, eastern pearl shell, also river otter, mink, river herring, and American eel.

A letter was read by Ms. Duques from Susan DeSilva, a resident of North Branford, which states that the low impact development basin is not part of this plan, and should be. Compliance with many regulations are not within this application. There is no on-sight assessment. Protections need to be conditions of approval for this application, including species protection and removal of the culverts.

Ms. Duques read a letter from David Sergeant, President of the Land Trust President who indicated that the open space is in the waterway and not usable open space. The current application does not allow for the open space in the spirit of the regulation. More usable land for public space would be beneficial.

Michael Kline spoke with regards to the comments made. He believes that level of information provided is extensive, especially given that there is no impact to the wetlands area. The habitats for all of the species mentioned by Mr. Suitor will be improved as a result of the development. There is no activity proposed in the wetlands area on this property. The river and pond have been used for many years for recreation and would continue to be. A walking trail may be allowed, as well. NRCS promotes and pays farmers to remove activity from the waterways. This is being done within this application.

The building square allows for the development of non-irregular shaped development. The percentage of open space, 10% should be open space. Approximately 2.3 acres. 8 acres is being proposed here. The application is complying under the zoning regulation. The property line is in the water. There seems to be a misunderstanding of the regulation and the application of them. Many have to do with Planning and Zoning.

Member Brigano asked about the division between Zoning and IWWA. If this goes forward, the Planning and Zoning Commission will have to determine the regulations. There is a balance between Zoning and IWWA depending upon where the lines are drawn. It is IWWA for open space and waterways. Zoning would have to do with requirements beyond this.

Town Planner Duques indicated that as such, this application meets the zoning requirements. It becomes a balancing act between the Planning and Zoning and IWWA Agencies.

Member Brigano indicated that the two issues that he would like to make sure are taken care of are the biological assessment required and that Mr. DiLungo cooperates and gets rid of the culverts.

Member Joiner indicated would like a submission of specific vegetation by Mr. Kline.

Attorney Molloy will make sure that any oversights will be taken care of and makes sure that the application is in full compliance.

Member Joiner indicated that Lot #10 floods and water has reached across Totoket Road from this lot.

This will be continued until next month, at the February 28, 2018 meeting.

Attorney Molloy will grant an extension, if needed.

Motion: Member Brigano moved, second by Member Joiner to continue the Public Hearing until February 28, 2018.

5. POTENTIAL ACTION ON PUBLIC HEARING ITEMS

- A. IWWA Application #2017-4**
- B. IWWA Application #2017-7**

6. OTHER BUSINESS

Member Brigano would like to add to the regulations, what is required for the delineations on boulders, distance apart of boulders, need for signs, and requirements to protect the waterways. There must be a way to have information in deeds and have a policy so that information is provided by homeowners that are clear. Maybe Town Planner Duques can review what other towns do in this regard.

This will be put on the April 2018 Agenda.

7. ADJOURNMENT

Motion: Member Brigano moved, seconded by Member Joiner to adjourn at 9:45 p.m.

With all in favor, the motion carries.

Respectfully Submitted by,



Michele Pollock
Recording Secretary

1-24-18
Date

Steven Scavo
Chairman

Date