

**Minutes – Conservation and Inland Wetlands and Watercourses Agency  
Regular Meeting of February 27, 2008 – North Branford Town Hall**

Chairman Scavo called the meeting to order at 7:04p.m.

**1. ROLL CALL**

Steve Scavo, Chairman  
Shannon Querfeld Miscio, Regular Member  
Gerry Fischbach, Regular Member  
Mark Perez, Regular Member  
Carol Zebb, Town Planner/Wetland Officer  
Kurt Weiss, Town Engineer

**II. PUBLIC HEARING – 7:00 P.M.**

Member Miscio reads the Legal Notice North Branford Conservation and Inland Wetlands Watercourses Agency which stated the following:

1. IWWA Application #2007/08-4, Various regulated activities associated with the proposed “Schantz Farm Subdivision” development of 34 residential lots with the following Area #1 & 2 activities within wetlands affecting 0.049 acres; construction of bridge structure with wingwalls & roadway, filling & regrading; and with the following activities within the 100ft wetland buffer area affecting 1.98 acres; construction of roadway 350 linear ft. with storm drainage system, water quality basin with drainage structure, three detention basins with drainage structures; Lot 3: grading associated construction of portions of house and driveway, removal of two existing sheds; Lot 4: grading associated construction of portion of house, removal of existing barn fill & grading associated with roadway; Lots 5 and 14: grading associated with construction of portion of house, Lot 15: grading associated with construction of portions of house & driveway; associated regulated activities with various cut and fills, on portion of 1775 Middletown Avenue, Assessor Map 72 Lot 12, R-40 zone, and more particularly described in the filed application, Owners June Schanz & Estate of William Schanz, Applicant Sunwood Development Corp.

Member Zebb states:

- Relevant notices in New Haven Register on February 14 and February 21 (Marked as Exhibit 1)
- February 27, 2008 letter consenting to hearing

- Signs were posted fourteen days (February 11, 2008) on property. All relevant “housekeeping” in place

Joan Malloy spoke on behalf of the Applicant:

- All representatives are present
- Property is part of Schanz family. All lots are 40,000 feet up to two acres
- Proposal of new road west of Farm River
- One road and a bridge crossing
- 2,100 square feet of grading, and removal of existing structures
- An amended list has been submitted with the removal of 2 sheds

Member Zebb states:

- Marked as Exhibit 2 is letter dated February \_\_\_\_, 2008 from Attorney Malloy
- A site walk took place on February 2, 2008 after a rain storm
- It was determined on January 9, 2008 meeting that there was significant activity
- Certification signed by Applicant (Exhibit 3 – Carol reads certification by Sunwood Development)
- Received Regional Water Authority and Town Engineers Report
- Realizes it will take more than one meeting for this Applicant

John Milone, engineer from Cheshire speaks:

- An index plan and two revised plans have been submitted. Index sheet identifies activities and removal of sheds. These were added to list dated February 27, 2008 (Exhibit 4)
- Existing map adding wetland area in the southwest corner of the property (Exhibit 5)
- Has a series of boards to show overview of application
- Identifies aerial shot (Exhibit 6) stating north is facing up. The project is in existing red boundary. North is the community; South is Route 17; one mile North and East of Northford Center
- Cultivated area is 63.8 acres
- 50 acres will be on south side
- Totoket Mountain is a developed area

- North is the highway
- Northeast is the family area
- East is the cultivated farm and flood plain (R-40 zone)
- South is zoned R-80
- Open field areas with hedge rows and access ways
- Structures in North part (barns) and sheds in Northeast and farm bridge will be on West boundary
- 15 x 20 feet with concrete slab and dry masonry
- Existing plan (Exhibit 7, Ex1)
- North to right is Middletown Avenue
- Identifies fields, wetlands and vegetated areas
- Modern topography
- North portion drains toward Farm River which is on the West base of Totoket Mountain
- Central corridor is subject of Commission – points to lime green area which is wetland area (under 15 acres)
- Farm River is a FEMA course
- Elevation identified in FEMA reports (190 in West to 192 in Eastern portion of site)
- West it drops to 188 beyond Farm Bridge (2 feet difference)
- Floodway is regulatory area 50 feet to 100 feet along river
- 5.6 square miles of water shed area – located in upper part of area, provide for storm water retention
- Utilities on Middletown Avenue
- East is drainage swale, no sewers, water from Northford Center

William Root, Soil Scientist (Milone & McBroom – Cheshire, CT) stated the following:

- Speaks about November 20, 2007 report as well as water Assessment
- Information on soil, wetlands, photos and animal habitat
- Wetlands delineated on site of March, 2007
- Property heavily worked with -- cleared fields and roadways
- Soils on cite are gravel with number of excavation. Porous type soils and also Branford and Ellington type soils(located on soil map)
- Bash is wetlands soil, very silty material. Not a mucky soil
- Points to Farm River (North, South and relevant highways)
- Wetlands associated with Farm River
- Flood plain type, very disturbed and wetlands in South have invasive species
- Farm River is large basin – Class AA River
- Good fishery resource, with Brown and Brook Trout

- He refers to photos
- He refers to Functions, Values and Assessments of River which scores very high
- Refers to overgrowth areas which provide habitat for small mammals
- Refers to purple area on map which is natural occurrences. The DEP does not see any impact

John Milone speaks again:

- Exhibit 8 – 100 composite plan
- Residential subdivision (34 lots in North, remainder in South)
- New roadway 1,200 in length (loop), 2,800 in south, 24 foot wide and 54 foot (loop)
- Boulevard (36 width, 6 foot)
- Used to avoid two roadways in South
- Open space is proposed (30% or 20 acres) (Exhibit 9)
- Will protect sensitive sources and wetlands along South perimeter
- Roadway meets geometrical of town (8% grade)
- Lots would have disposal system and water supply walls
- 100 test pits done with East Shore Health to gain approval
- Underground utilities, no recipient for open space yet
- Cross Farm River to entire site (Exhibit 10 – LA1 and Exhibit 11, STR1)
- 40 scale site plan with bridge crossing river. 60 or 70 feet West is bridge. It will cross perpendicular
- Bridge would be 70 feet span – width of 2 lanes of boulevard with one sidewalk
- Bridge above 500 year elevation, additional level of protection and free board
- Permanent structure with concrete beams, 70 feet spam
- Maintain bridge to West, which will stay. If removed, it would cause elevation issues, could be used as a pedestrian bridge.
- Storm Drainage System (Exhibit 12)
- Collect and control run-off
- Catch basin with 25 year design storm
- Flows with exit of site of Farm River (TR 20 Program used at Analysis .A) Slight reduction of flow. Two year storm
- 5 cfs – 100 year storm = 38 cfs
- Water problem issues – high quality river (using deep sumps, bridge chambers sized to meet State’s criteria, storage below outlet, four bays, outlet systems with level spreader and discharge into gallon weight ground

- 3 basins in North, South and East portion of the property
- Fourth basin in West is only a water quality basin
- No intrusion into basin (Exhibit 13 – Wetlands Activity)
- Bridge location is to minimize impacts associated with three storm management basins
- A couple of the houses are close to the buffers (Lots 14 and 15)
- Lot 3 is within 100 foot buffer, as well as Lot 4. Road grading and barn is further into 100 foot buffer area
- Lot 5 is within 100 foot buffer, just at the edge

Mr. Milone further discusses alternatives concerning the site. He refers to Exhibit 14, STR 1, 2 and 3. Some alternatives would be:

- 40 feet span for sufficient hydraulic
- Box culvert alternative, used on Farm Rivers. A total of three boxes would meet requirements with some construction of flow
- Arch of concrete or metal 32 feet wide. This would be make a less impact then a box culvert, but would be less desirable.

Member Fischbach questions how high the bridge is. Mr. Milone responds about 12 feet or so which would be 13 feet near the river and 10 feet on the side.

Mr. Root continues to speak:

- He finishes up on his report and again states the site is Adopted by State guidelines and compliant with S & E guidelines
- DOT manual regulars where things can be stored
- Method of getting across river and bridge is less intrusive and a broad way, quality of passage
- Wetlands very disturbed in Lots 14 and 15
- Area near barn is an open grass field with no impact on wetlands or river
- Basin on southern side is a cut basin, not a fill basin
- No long term negative impact on wetlands
- Corridor is to maintain shading and keep surface water quality high
- No impact on flood plain or change in flood plain elevation
- Mitigation will protect wetlands, and large amount of open space to be preserved

- Thinks design has a very sensitive balance and complies with guidelines

Member Fischbach questions preserving quality – Mr. Root mentions it is bad in certain areas. Mr. Root states that planting will be done in open zone and he would appreciate some guidance. It would be a benefit to plant trees. Member Miscio questions if a Biological report has been done? Mr. Root states that there is a good record of plans on the site in the wetlands. A statement of what species exist would need to be done. The environment would have to be forested, especially on banks concerning regulation. Farming would still be there.

The Agency takes a break from 8:30 p.m. to 8:50 p.m.

Joan Malloy speaks:

- she is done with her presentation. Copies of plans were provided to intervenor. She is ready to turn the proposal over to the public and the Agency for approval/comments.

Exhibit 15 was marked – Regional Water Authority letter to Chairman Stephen Scavo dated February 27, which included 15 comments and suggestions.

Exhibit 16 was marked – East Short District Health Department letter from Alex Cinotti to Ryan McEvoy, Civil Engineer dated January 29, 2008, which regarded septic systems.

Exhibit 17 was marked - Town of North Branford Memorandum by Kurt Weiss, Town Engineer concerning Initial Wetland Comments and other comments.

Exhibit 18 – Letter with accompanying engineer report dated February 25, 2008. Attachments as Exhibit 18a (letter) and 18b (engineering report)

Exhibit 19 – Letter of comment and opposition by James A. Monde and William Monde of 6 Hen Hawk Lane, Westport, Connecticut concerning property at 1635 Middletown Avenue. Carol reads the letter for the Public and the Agency.

Chairman Scavo opens the floor to the General Public at 9:05 p.m.

Randy Simpson, 300 Old Post Road

- He wants to know what percentage is wetlands. He refers to materials he wants to present at next meeting. He has tapes done in April, 1996 of babbling brook. He opposes this development. Also submitted where photos of homes in the area.

Marked as Exhibit 20 was films and Exhibit 21 were five photos (ABCDE) taken in the Summer of 2007.

Attorney Frank Cochran – Representing Intervenors

- Exhibit 22 – Notice of Intervention dated February 14, 2008 Request for Notices and filing
- Three experts were retained and will be present at the next meeting
- Application in 1999 for development of this site. Introduced a copy of findings of Agency about the site. The Commission found flooding on site. He refers to a deed in 1870.

Exhibit 23 was marked which was a letter from Attorney Cochran – 23a (resolution 11/17/99 by Agency and 23b (Deed, Volume 6, page 30). Joan Malloy requests copies of these reports and Attorney Cochran states these are not ready but will be provided.

Susan Desilver, 1647 Middletown Avenue

- Has respect for the river
- It floods Schanz farm
- Applicant does not address flooding on site
- Bridge will be under water at least once a year
- Basins will be underwater as well as septic issues
- Paved roadway should be narrower

Marked as Exhibit 24 was a letter and Exhibit 25 were numerous photos.  
Marked as Exhibit 26 were photos taken on February 12, 2008 taken from North and Northwest.

Ted Gertsell – 77 Beech Road, Guilford from Trout Unlimited

- Speaking for fish
- Brown trout, very high survival strain and would like to protect them
- Is in a joint effort with the Regional Water Authority
- A study is being done by Yale University (marked as Exhibit 27)
- Is hoping that the Agency will protect the buffer zones and the current drains need help

Dee Mansfield – 1795 Middletown Avenue (letter read by Laura Magaraci) – marked as Exhibit 28

Laura Magaraci – 1663 Middletown Avenue,

- Reads a letter (marked as Exhibit 29 – B1/B2 and A1-A2)

Christine Ullman, 300 Old Post Road

- There have been two other proposals concerning area, one for a lake and 200 plus units. History is land has not been developed due to it being a bog and it floods. Area is known as farmland and it is because the river is there

Dean Health – 1693 Middletown Avenue

- In 1999, north piece of property for development did not work. Water table is tremendously high. Mr. Schantz built a ditch. It is now filled with sand. West side is hard to get plow on and not sure of septic system. Land is not suitable for houses and leave it as it is

Mike Gallion – Water Authority

- Marked as Exhibit 30 were photos dated April, 2005 (scanned photos and aerial photos)

Greg Sharp, 225 Reeds Gap Road

- Requests a letter be sent to Fisheries Division for review. They like to see 100 feet buffer to promote renovation of storm water and help the Habitat. Woody debris is good for the fish. The Agency needs to take into account there is a big disturbance. The River does not behave the way FEMA says it does and the water changes over time

Town Engineer reads his memo – Exhibit 17, previously marked.

Member Miscio reads Draft Motion to approve with suggested revision.

Member Miscio then proceeds to read Motion to Continue Public Hearing for March 26, 2008 at 7:00 p.m. Member Fischbach seconds the motion.

### **III. NEW BUSINESS**

Mr. Robert Cotton speaks concerning a 2 and ½ car garage. No fuel will be stored, just hand tools. It would be slab with no excavation. Detached garage on a slab Driveway is currently gravel.

Town Engineer Weiss suggests a silt fence and a downgrade of any undisturbed area.

Member Miscio reads Motion to Approve and Member Perez seconds the motion. The motion unanimously passes.

Application concerning 46 Ciro Road. Drainage is going away from wetlands. Project would be in three phases. Route 80 Lumber is moving their location. A silk fence will be put in place.

Member Miscio reads Motion to Approve and Member Fischbach seconds the motion. The motion unanimously passes.

### **IV. OLD BUSINESS**

This continues to be on the Agency for new progress. Member Zebb distributes photos and items which will be on the next meeting. The Agency needs to have a better capacity of the culvert.

### **V. OTHER BUSINESS**

The budget is currently from the previous year. Held line on others. Member Zebb passes out Draft of Conservation and Development. She also passes out plan that will be on the website.

## **VI . ADJOURNMENT**

Member Shannon Querfeld Miscio moved, seconded by Member Perez, to adjourn the meeting. The motion was carried unanimously. The meeting adjourned at 11:21 p.m.

Respectfully submitted:

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Debra Ann Quinn  
Recording Secretary

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Stephen Scavo  
Chairman