

**MINUTES - North Branford Conservation and Inland Wetlands and Watercourses Agency, Special Meeting of February 6, 2013 - North Branford Town Hall Council Chambers**

**1. ROLL CALL**

Chairman Scavo called the meeting to order at 6:36 p.m.

Present: Stephen Scavo, Regular Member, Chairman  
Gerry Fischbach, Regular Member  
Ashley Joiner, Regular Member  
Absent: Frank Brigano, Regular Member, absent  
Mark Perez, Regular Member, absent

Town Staff Present: Carol Zebb, Town Planner, Wetland Officer  
Kurt Weiss, Town Engineer

**2. NEW BUSINESS:**

- A. Application #2012/13-2, Site Plan building construction, grading, paving and drainage improvements for new lot development affecting 0.8 acres within the 100 ft. wetland buffer area, filling 0.014 acres for lot grading and mitigation creation of 0.02 acres of new wetland, 55 Fowler Road, Assessor Map 27 Lot 41B and partially on 49 Fowler Road, Assessor Map 27 Lot 41C, Owner Russ & Russ Realty LLC, Applicant Russ D'Agostino and Russ Vito, Agent Criscuolo Engineering

Robert Criscuolo, P.E., appeared on behalf of the applicants, who were also present. He described the location and site characteristics as a gently sloping meadow noting its gravel soils and submitted a colored aerial photo of the site. He reviewed the maps and project. He explained that the applicant wanted to keep the properties as separate lots. The proposed building use was for the storage of dry goods. The plans showed a drive in access in the front building corner and a new septic. There would be building grading. No cuts or fills other than to keep the building grade flat would be done. Best management practices were used on the drainage design. A drainage catch basin was proposed that would pipe the drainage down the road to allow flow from the grass area "wet meadow" for a 100 yr. storm event. The erosion control plans showed a silt fence in front of the building construction area. A wetland seed mix would be used for the meadow. Presently, the existing grass was mowed twice a year and that area was proposed to be continued as a meadow and maintained with grass cutting. Because the proposed building would have only one employee, the submitted site plan reflected a request to waive the 38 parking spaces required under the zoning parking regulations. The layout of future spaces were depicted on the plan to show that the site could accommodate them. The East Shore District Health Department septic application was approved. Public water would serve the site.

Chairman Scavo expressed concern on the wet area in the road. Town Engineer Weiss discussed the historic water problem in the road and noted that the proposed drainage was designed to have its discharge pipe connect into the existing drainage road system to take care of this problem. Member Joiner questioned the parking and landscaping layouts. Town Planner Zebb noted the site's prior wetland application that was approved in 2009 had the same wetland design treatment. Members Scavo and Fischbach questioned if the proposed

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septic system could handle a higher number of employees in the future. Mr. Criscuolo stated that there was room for an expanded septic system.

Member Fischbach moved, seconded by Member Joiner, to approve IWWA Application #2012/13-2, Site Plan building construction, grading, paving and drainage improvements for new lot development affecting 0.8 acres within the 100 ft. wetland buffer area, filling 0.014 acres for lot grading and mitigation creation of 0.02 acres of new wetland, 55 Fowler Road, Assessor Map 27 Lot 41B and partially on 49 Fowler Road, Assessor Map 27 Lot 41C, Owner Russ & Russ Realty LLC, Applicant Russ D'Agostino and Russ Vito, Agent Criscuolo Engineering, as contained in submitted application documents and shown on entitled maps "Properties Located at 49 & 55 Fowler Road, North Branford, CT, Prepared for R & R Freight Services, Sheets 1, 2A, 2B, 3 through 6, Dated 11-26-12 except Sheet 6 Dated 10-08-08 revised 6-30-09, Criscuolo Engineering LLC", with the following standard conditions 1, 2, 3.a, 3.b, 3.c., 3.d., 4 through 10, 12 and special condition 13:

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 deed with Town Clerk. Failure to do so may invalidate the permit.
- 3.a Amount of Performance Bond shall be set by the Town Engineer for erosion and sedimentation control measures, earth removal, regrading, planting and piping. The bond must be in a form and surety acceptable to the Town Attorney.
- 3.b 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.
- 3.c This bond shall be posted prior to any site disturbance or issuance of the Agency's permits.
- 3.d 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 and inspected by the Town Engineer prior to commencing work. These controls must be maintained during and after construction and removed prior to requesting bond release. The entire site must be stabilized prior to bond release.
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 Watercourses Agency.
6. The Agency's agent must 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.

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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 inches of crushed stone (1 ½ inch to 3 inch) underlain with construction frame spread to the traveled width and 40 feet in length or with apron mats, as specified by the Town Engineer. The apron shall be maintained at all times. The specified anti-tracking devices must be shown on the final plan.
10. Prior to the issuance of the permit, the permittee and his contractor shall meet with the Agency's designated staff – the Wetlands Enforcement Officer and Town Engineer – to review the conditions of approval and the construction program to be used in conjunction with the approved regulated activity.
12. The Agency has determined that the proposed regulated activities are not deemed significant.
13. Adherence to the requirements of the Town Engineer in his memorandum dated January 31, 2013.

The motion passed 3-0 in favor with Fischbach, Joiner and Scavo voting.

- B. Application #2012/13-3, Various regulated activities on Lot 3, 4, 6, 7 and 8, "Brown Stone Acres" Subdivision, as described on the submitted application proposed regulated activities document and maps, affecting 0.83 acres within the 100 ft. wetland and watercourse buffer area, affecting 240 sq. ft. within the wetlands and affecting 50± linear ft. across the watercourse brook, 1446 Middletown Avenue, Assessor Map 67D Lot 67, R-40 Zone, Owner William and Kenneth Neubig, Applicant Kenneth Neubig, Agent Criscuolo Engineering LLC c/o Robert Criscuolo

Town Planner Zebb gave a brief overview update of information to the Agency.

Robert Criscuolo P.E., the applicant's project engineer, and Applicant Ken Neubig were present. Mr. Criscuolo explained the location and general site characteristics of the property which had a slope of 10 – 14 %. The wetlands had been flagged by soil scientist David Lord. The site had an intermittent flowing watercourse with a 15 ft width of wetlands along parts of the brook which had a gentle slope on its sides. Its water flowed into the road drainage system and discharged on the other side of the road where the pool business was located. The proposed land use was eight residential lots having all engineered septic systems and water service from Old Post Road. He described all of the proposed regulated activities on Lots 3, 4, 6, 7 and 8 and the erosion control measures. In addition, State Department of Transportation requested the existing 15 inch drainage pipe in the road be changed to a 18 inch pipe and work on the top of slope be done to create a swale for better discharge. Upon questioning on the water service crossing, Ken Neubig stated that the water pipe would take a half day to install during the dry period when the intermittent brook dries out.

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The consensus of the Agency was to schedule a Saturday field walk on February 16, 2013 at 1:30 pm. which would be followed by a Special Meeting at the Town Hall to take up possible action on the application.

Member Fischbach asked a remaining question on what prevented expansion into a regulated area. Mr. Criscuolo suggested that the developer could do markers on some of the trees. In addition to that, the Town Planner suggested that the record subdivision map to be filed on the land records show the wetland regulated area and have a notation regarding regulated activities requiring a permit.

- C. Request for a five year Wetland Permit Extension on IWWA Application #2005/06-8, Installation of driveway, new house, septic system, lot regrading and rock rubble wall adjacent existing stream/swale on a approved lot within the 100 ft. wetland buffer affecting 25,500± sq. ft., Lot 24 Wilderness Subdivision, 52 Glenwood Road, Assessor Map 13, Lot 69, R-80 Zone, Owner Leisure Farm Limited Partnership, Applicant Gaetano Troiano, on plan revised September 28, 2005 by applicant entitled, "Property Known as Lot 24 – The Wilderness, Glenwood, Glenwood Road, North Branford, CT, Prepared for Troiano & Sons, Inc., On Site Wastewater Disposal Plan, Date 10-18-02 revised 4-30-03, Sheet 1 of 1, Criscuolo Shepard Associates, PC"

Town Planner Zebb reviewed the request noting that the applicant had continued to do site work since the approval of the application permit. She showed the application map of approved activities. The Agency discussed with the Town Staff the application history of this lot that had a steep, rocky terrain with a lower elevation drainage swale running through the middle of it. The subdivision was approved in the 1980's when the wetland buffer area had only been at a fifty foot width. The resulting approved wetland application was the best layout that could accommodate a house at one side of the lot while still protecting the other natural features of the site. A prior design proposal to fill in the swale area to accommodate house placement was rejected by the Agency.

Member Gerald Fischbach moved, seconded by Member Ashley Joiner, to approve a five (5) year time extension on IWWA Permit for IWWA Application #2005/06-8, Installation of driveway, new house, septic system, lot regrading and rock rubble wall adjacent existing stream/swale on a approved lot within the 100 ft. wetland buffer affecting 25,500± sq. ft., Lot 24 Wilderness Subdivision, 52 Glenwood Road, Assessor Map 13, Lot 69, R-80 Zone, Owner Leisure Farm Limited Partnership, Applicant Gaetano Troiano, on plan revised September 28, 2005 by applicant entitled, "Property Known as Lot 24 – The Wilderness, Glenwood, Glenwood Road, North Branford, CT, Prepared for Troiano & Sons, Inc., On Site Wastewater Disposal Plan, Date 10-18-02 revised 4-30-03, Sheet 1 of 1, Criscuolo Shepard Associates, PC" with the following conditions:

1. All other Standard and Special Conditions of Approval to the Wetland Permit that was approved on September 28, 2005 shall be required.
2. The extended permit will expire on September 28, 2015.

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The motion passed 3-0 in favor with Fischbach, Joiner and Scavo voting.

**3. OTHER BUSINESS:**

A. Field walk along Munger Brook

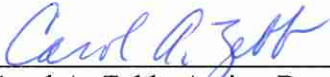
The Agency scheduled tentatively a Saturday field walk March 23, 2013 at 9 AM to view the section of Munger Brook from Ciro Road to Fowler Road.

**4. WETLAND ENFORCEMENT OFFICER'S REPORT – None**

**5. ADJOURNMENT**

Member Joiner made a motion to adjourn at 8:25 p.m., seconded by Member Fischbach. The motion passed unanimously.

Respectfully submitted,



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Carol A. Zebb, Acting Recording Secretary

Respectfully submitted,

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Stephen Scavo, Chairman