

MINUTES - North Branford Conservation and Inland Wetlands and Watercourses Agency, Special Meeting of Wednesday, August 14, 2013 - North Branford Town Hall, Town Council Chambers, North Branford, CT

Chairman Scavo called the meeting to order at 7:15 P.M.

ROLL CALL

Present: Stephen Scavo, Regular Member, Chairman
Frank Brigano, Regular Member
Mark Perez, Regular Member
Ashley Joiner, Regular Member – arrived at 7:53 p.m.

Absent: Gerry Fischbach, Regular Member

Town Staff Present: Carol Zebb, Town Planner, Wetland Officer

1. NEW BUSINESS:

- A. Application #2013/14-1, Construct a portion of a 75 ft by 180 ft indoor horse riding arena with associated minor filling and regrading within the regulated 100 ft. wetland buffer affecting 0.18 AC (7,840 sq.ft.), 1893 Middletown Ave., Assessor Map 78 Lot 3, R-80 Zone, Owner/Applicant: Wild Wind Stables c/o Alan Vine

Town Planner Zebb noted that this item had a field walk just prior to this meeting during which the present sitting members and staff, the applicant and his engineer attended.

James Pretti P.E., Criscuolo Engineering LLC, the applicant's engineer, was present with the applicant's agent Alan Vine. Mr. Pretti gave an overview of what was being proposed.

Member Brigano moved, seconded by Member Perez, to approve IWWA Application #2013/14-1, Construct a portion of a 75 ft by 180 ft indoor horse riding arena with associated minor filling and regrading and construct infiltration/storage swale within the regulated 100 ft. wetland buffer affecting a total of 0.18 AC (7,990 sq. ft.), 1893 Middletown Ave., Assessor Map 78 Lot 3, R-80 Zone, Owner/Applicant: Wild Wind Stables c/o Alan Vine, as contained in submitted application documents and on entitled maps "Proposed Conditions, Property Located at #1893-1901 Middletown Avenue, North Branford, CT, Prepared for Wild Wind Stables, LLC, Proposed Site Plan for 75 ft by 180 ft. Indoor Riding Arena, Sheets 1 and 2 dated July 1, 2013 revised to August 6, 2013", with the following standard conditions #1, 2, 4, 5, 7 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.
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.

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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.
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 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 8-12-13.

The motion passed 3-0 in favor with Brigano, Perez and Scavo voting.

2. OTHER BUSINESS:

- A. Application #2007/08-4, Schanz Farm Subdivision, westerly portion of 1775 Middletown Ave., Assessor Map 72 Lot 12: Applicant requesting minor technical modifications to its permit due to State Statute changes on bonding requirements and longer approval periods, and for compliance with the Town's new Flood Damage Prevention Ordinance; Applicant Sunwood Development Corp.

Joan Molloy, the applicant's attorney, was present to explain the request. Robert Wiedenmann Jr. of Sunwood Development Corporation was also present. Attorney Molloy reviewed with the Agency the request as contained in her submitted letter dated August 7, 2013 and map entitled "Compensatory Flood Storage, Schanz Farm Subdivision, Middletown Avenue, North Branford, CT, Sheet 1 of 1, dated July 25, 2013, revised to 08-2-2013, Milone & MacBroom".

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Town Planner Zebb reviewed her memo dated August 14, 2013 as to the proposed detailed language changes to the existing approved permit. The Agency concurred with the Town Planner that applicant's latest request was consistent with the Agency's prior determination, findings and approval. She noted that the State law changed the permit time period from 5 to 9 years with renewals up to a total 14 years, so this permit might still come back again to the Agency for a time extension and a revision. In addition, she reviewed with the Agency the latest set of subdivision maps revised to August 13, 2013 that were resubmitted under the new PZ Application #2012/13-13, that was on the PZC August 15, 2013 meeting agenda for action. The Agency acknowledged that the resubmitted subdivision maps were consistent with the Agency's prior approval.

Member Brigano moved, seconded by Member Perez, that the Agency approve the revised language of the permitted activities and conditions of the IWWA Application #2007/08-4 Permit for the Schanz Farm Subdivision, westerly portion of 1775 Middletown Ave., Assessor Map 72 Lot 12, Applicant Sunwood Development Corp., as shown in Attachment #1 (to be attached to the meeting minutes) entitled: "*Attachment #1: Minor Technical Modifications to IWWA Application #2007/08-4 Permit for the Schanz Farm Subdivision - dated August 14, 2013*", due to State Statute changes on bonding requirements and longer approval periods, and for compliance with the Town's new Flood Damage Prevention Ordinance.

The attachment is as follows:

Attachment #1: Minor Technical Modifications to IWWA Application #2007/08-4 Permit for the Schanz Farm Subdivision - dated August 14, 2013

Add the following language to the permitted activities of the permit:

455 cubic yd. excavation cut in the 100 ft. wetland buffer mitigation planting plan area to the north of Lot 8 that is within the floodplain boundary for compensatory storage as shown on entitled map "Compensatory Flood Storage, Schanz Farm Subdivision, July 25, 2013, Sheet 1 of 1, Milone & MacBroom";

Revise the Permit Conditions of #3.a, 3.b, 3.c, 4, 5, 31, 32, and 33 as follows:

Condition #3.a:

from: 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.

to: Amount of Performance Bond shall be set by the Town Engineer for erosion and sedimentation control measures, earth removal, regrading, planting and piping **and may be included as part of the overall bonding for the subdivision development plan approved by Planning and Zoning Commission.** The bond must be in a form and surety acceptable to the Town Attorney.

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Condition #3.b:

- from: 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.
- to: ~~This bond~~ **The bonding for the erosion and sedimentation control measures** may be used by the Town's agents to achieve site stabilization and restoration of all or any portion of the **regulated site area** should the permittee fail to do so.

Condition #3.c:

- from: This bonding shall be posted prior to any site disturbance or issuance of the Agency's permits.
- to: ~~This bonding~~ **The bonding for the erosion and sedimentation control measures** shall be posted prior to any site disturbance or issuance of the Agency's ~~permits~~ **permit**. **The bonding for the other listed items in Condition #3.a within the wetland/watercourse regulated areas of any phase of construction work area shall be posted prior to the start of any site disturbance within that phase of construction work.**

Condition 3.d:

- from: All conditions of approval must be met before the bond can be released. The Agency may consider requests for bond reductions.
- to: ~~All conditions of approval~~ **The conditions of permit approval relating to the regulated activities within a phase of development construction work** must be met before the bond **for that phase of construction area shall can** be released. The Agency may consider requests for bond reductions.

Condition #4:

- from: 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.
- To: **4.a) Sedimentation and Erosion Controls associated with the installation of the road and bridge and the storm drainage on the north side of the Farm River shall be installed by the developer and inspected by the Town Engineer or the Town Planner prior to commencing any work.**
- 4.b) Prior to any work being performed on any lot or road and storm drainage improvements (not directly associated with the construction of the bridge) on the south side of the Farm River, all sedimentation and erosion controls associated with said work shall be installed by the developer and inspected by the Town Engineer or the Town Planner.**

Condition #5:

- from: 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

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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.

- to:** 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)~~ **nine (9)** years from date of approval **and can be requested by the permit holder to be renewed provided no such permit shall be valid for more than fourteen years, as in accordance with Sec. 4 Subsection (g) of C.G.S. Section 22a-42a.** 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.

Condition #31:

from: The applicant shall resubmit the final approved subdivision plans acted on by the Planning and Zoning Commission to the Agency prior to the issuance of the wetland permit. Any modifications approved by the Planning and Zoning Commission shall be reviewed by the Agency for conformance to the Agency's conditions of approval prior to issuance of the wetlands permit.

- to:** The applicant shall ~~resubmit~~ the final approved subdivision plans acted on by the Planning and Zoning Commission to the **Agency's staff (Town Planner) to review for conformance with the Agency's wetland approval** prior to the issuance of the wetland permit. ~~Any modifications approved by the Planning and Zoning Commission shall be reviewed by the Agency for conformance to the Agency's conditions of approval prior to issuance of the wetlands permit.~~ **Any new activities within the Agency's regulated areas will require approval by the Agency prior to issuance of the wetlands permit.**

Condition #32:

from: The Open Space deed and the Lot Conservation Easements shall be subject to the review and approval of the Town Planner and Town Attorney and shall include the requirements of the pertinent wetland approval conditions that it applies to. The draft documents shall be submitted at the same time that the applicant resubmits to the Wetland Agency the final approved subdivision plans acted on by the Planning and Zoning Commission for Agency sign-off.

- to:** The Open Space deed and the Lot Conservation Easements shall be subject to the review and approval of the Town Planner and Town Attorney and shall include the requirements of the pertinent wetland approval conditions that it applies to. The draft documents shall be submitted at the same time that the applicant ~~resubmits~~ to the Wetland Agency's staff the final approved subdivision plans acted on by the Planning and Zoning Commission for ~~Agency sign-off~~ **conformance review with the Agency's wetland approval.**

Condition #33:

from: The issuance of the wetland permit shall be conditioned upon the Agency's sign-off of the final PZC approved subdivision plans and the receipt by the Town Planner of all final signed open space deeds and conservation easement documents, as previously reviewed

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and approved by the Town Attorney, and the filing of the following on the Town Clerk Land Records: the PZC endorsed Subdivision Mylar Map, the Open Space deed and the Conservation Easements on the pertinent lots.

to: The issuance of the wetland permit shall be conditioned upon the Agency's staff (Town Planner) sign-off of the final PZC approved subdivision plans **being in compliance with the Agency's wetland permit approval, and** the receipt by the Town Planner of all ~~final signed~~ *drafted* open space deeds and conservation easement documents, ~~as previously reviewed and approved by the Town Attorney,~~ and the filing on the Town Clerk Land Records the PZC endorsed **conditionally approved** Subdivision Mylar Maps. ~~, the Open Space deed and the Conservation Easements on the pertinent lots.~~ **The final signed conservation easement documents shall be filed on or before the filing of the final, unconditional subdivision maps. The final signed Open Space Deed shall be recorded prior to the release of the performance bond.**

The motion passed 3-0 in favor with Brigano, Perez and Scavo voting.

3. WETLAND ENFORCEMENT OFFICER'S REPORT

Town Planner Zebb had nothing to report. She noted that no new applications were pending, but, asked about the members' availability for the next two regular meetings in August and September. During this discussion, Member Joiner arrived at 7:53 pm apologizing for being late.

4. ADJOURNMENT at 8:00 PM

Member Brigano made a motion to adjourn, seconded by Member Perez. The motion passed unanimously.

Respectfully submitted,

Respectfully submitted,

Carol A. Zebb, Acting Recording Secretary

Stephen Scavo, Chairman

**Minutes-North Branford Conservation and Inland Wetlands and Watercourses
Agency: Field Walk/Special Meeting of Wednesday, August 14, 2013 at 1893
Middletown Ave., Northford, CT**

Chairman Scavo called the field walk/special meeting to order at 6:30 P.M. in the easterly side yard of 1893 Middletown Avenue.

1. ROLL CALL

Present: Stephen Scavo, Regular Member, Chairman
Frank Brigano, Regular Member
Mark Perez, Regular Member

Also present: Carol Zebb, Wetland Officer, Town Planner
Alan Vine, his son and the property manager of Wild Wind Stables
James Pretti P.E., Criscuolo Engineering LLC, applicant's project engineer

2. FIELD WALK - 1893 Middletown Ave.

Application #2013/14-1, Construct a portion of a 75 ft by 180 ft indoor horse riding arena with associated minor filling and regrading within the regulated 100 ft. wetland buffer affecting 0.18 AC (7,840 sq.ft.), 1893 Middletown Ave., Assessor Map 78 Lot 3, R-80 Zone, Owner/Applicant: Wild Wind Stables c/o Alan Vine

James Pretti P.E. from Criscuolo Engineering LLC, the applicant's engineer, was present with the applicant's agent Alan Vine, his son and the Wild Wind Stables' on site property manager. Mr. Pretti gave an overview of the submitted application map to orientate the Agency on what was being proposed. The group proceeded to the area where the proposed arena's building corners were staked out and noted the slightly down sloping grade which would have to be raised to accommodate a level area for the proposed building slab. Then, they walked to the map's wetland area which had been used previously as a mini golfing area by the prior Restland Farms recreational banquet facility. Town Planner Zebb explained that prior use was a permitted passive recreational use allowed under the Regulations. The group then proceeded down to the proposed drainage swale area that had been requested by Town Engineer Weiss to be installed. The Agency also walked over to the bank of the Farm River and saw that portion of the river was not more than a little flowing stream. The Agency saw the rear yard behind all the buildings and asked how the horse manure was handled. Mr. Vine stated that it was taken off site weekly. The Agency concluded the walk.

3. Adjournment

The Agency adjourned by consensus at 6:45 P.M.

Respectfully Submitted,

Respectfully Submitted,

Carol A. Zebb
Acting Recording Secretary

Stephen Scavo
Chairman