

**MINUTES - North Branford Conservation and Inland Wetlands and Watercourses  
Agency Regular Meeting of February 22, 2012 - North Branford Town Hall Council  
Chambers**

**1. ROLL CALL**

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

Stephen Scavo, Regular Member  
Gerry Fischbach, Regular Member  
Frank Brigano, Regular Member  
Ashley Joiner, Regular Member  
Mark Perez, Regular Member

**Town Staff:**

Carol Zebb, Town Planner, Wetland Officer  
Kurt Weiss, Town Engineer, absent

Town Planner Zebb noted that no one representing Agenda Items # 2 or #3.A.had arrived yet to proceed with them. She suggested that the Agency vote to add on to its agenda an inland wetland application for an attached garage addition to an existing single family at 927 Totoket Road, which had been received that afternoon.

Member Fischbach moved, seconded by Member Brigano, to add IWWA Application #2011/12-5, garage addition at 927 Totoket Road to the agenda as Item 3. NEW BUSINESS, B.

The motion passed 5-0 in favor with Members Fischbach, Brigano, Perez, Joiner and Scavo voting.

**3. NEW BUSINESS:**

B. Application #2011/12-5, garage addition at 927 Totoket Road

Town Planner Zebb stated that the property owner had requested a building permit at the end of last week and due to the short timeframe with the Monday legal holiday was requested to come in and fill out an application but was not able to be present tonight. She stated the addition would be added to the existing attached garage of the single family house. Submitted were a soil survey map and the previous approved permit from 1988-89. Town Engineer Weiss' review recommended silt fence and hay bales be installed. The RWA also reviewed the application and had no comment.

Member Brigano, moved, seconded by Member Fischbach, to approve IWWA Application #2011/12-5, Construct a 20 ft. x 22 ft garage addition to an existing attached garage of a single family house within the 100 ft. wetland buffer affecting 0.01 acres, 927 Totoket Road, Map 58, Lot 7C, R-40 Zone, Owner Marc P. and Jennifer A. Mongillo, as shown on submitted application, with the following standard conditions #1, 2, 5, 6, 7, 8, 11, 12 and special conditions # 17 and 18:

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

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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.
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.
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.
11. The Agency has determined that there are no feasible or prudent alternatives.
12. The Agency has determined that the proposed regulated activities are not deemed significant.
17. Silt fence or staked hay bales should be installed down gradient of any disturbed areas until the area is stabilized.
18. All excavated footing material shall either be regarded to the front of the property outside the 100 ft. wetland buffer or removed off site.

The motion passed 5-0 in favor with Members Brigano, Fischbach, Perez, Joiner and Scavo voting.

**2. VIOLATIONS**

- A. 1071 Middletown Avenue, Map 56A Lot 11A  
Property of McDougall & Griffing LLC, Violator: Mineri Landscaping LLC
  1. Show Cause Hearing on Cease and desist/Stop Work Order dated  
February 22, 2012

Violation Activity: the deposit of approximately eleven truck load pikes of Excavated soil material within the 100 ft. watercourse buffer area of Eight Mile Brook and on the wetland soil areas located along the length of the southerly end of the rear paved parking lot at 1071 Middletown Avenue and the start of regarding at the easterly middle section of the soil deposits.

Monica Lindsey and Ed McDougall, property owners, and Joe Mineri were present. Mr. McDougall stated he didn't think Joe Mineri had any idea that there were wetlands when he gave permission to him to put the loads there. A soil scientist will be hired to establish the

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soil boundary to determine the 100 ft. buffer. Mr. Minieri stated the topsoil was transported from another site and it was being stockpiled presently. He suggests moving the topsoil to the parking lot and enclosing it with hay bales. Mr. McDougall appraised the Agency that contamination soil removal will be conducted on the site which was next to the west side of the existing building away from any wetland area. The Agency agreed that that activity would not be affected by the issued cease and desist order.

Member Fischbach moved, seconded by Member Perez to close the show cause hearing on the Cease and Desist/Stop Work Order.

The motion passed 5-0 in favor with Members Fischbach, Perez, Brigano, Joiner and Scavo voting.

2. Possible Action on Cease and Desist/Stop Work Order dated February 17, 2012.

Member Brigano moved, seconded by Member Joiner, to revise the Cease and Desist/Stop Work Order issued on February 17, 2012 on 1071 Middletown Avenue, Assessor Map 56A Lot 11A, North ford to permit the following remedial work:

1. All deposited piles of excavated soil material located along the length of the southerly end of the rear paved parking lot shall be moved onto the paved surface and stabilized with a perimeter of hay bales within 10 days of February 23, 2012.
2. The soil pile will be removed entirely from the site by May 1, 2012.
3. The disturbed ground area shall be restored to the same grade elevation of the existing adjacent land.
4. The disturbed ground area shall be stabilized with winter rye on its surface with a light spread of hay on top to cover the seed to protect the seed from washing away during a storm event.
5. The erosion control silt fencing around the perimeter of the soil material deposit area shall be maintained until the final seed ground cover has been established. Then, the silt fencing shall be removed.
6. Once the ordered remedial work is completed, the violator shall appear at another Agency meeting for the Agency to consider rescinding this revised Cease and Desist Order/Stop Work Order.

The motion passed 5-0 in favor with Members Brigano, Joiner, Perez, Fischbach and Scavo voting.

**3. NEW BUSINESS:**

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- A. Application #2011/12-4, Construction of a 15 ft by 30 ft above swimming pool with attached deck at rear of existing single family house deck affecting approx. 0.01 acres within the wetland soil area and within the 100 ft. watercourse buffer area, 213 Forest Road. Assessor Map 36 Lot 46, R-40 Zone, Owner/Applicant Tarek Chater.

Town Planner Zebb stated the applicant was not present. The wetland application came in as the result of a building application being filed after the building official saw a constructed pool constructed without a building permit. The East Shore District Health Department in December had approved a 15 ft. by 30 ft. above ground pool with sand filter and a 10' x 10' attached deck. She suggested that the review recommendations from Town Engineer Weiss and the Regional Water Authority in its February 2, 2012 letter be added as conditions of approval.

Member Perez moved, seconded by Member Joiner, to approve IWWA Application #2011/12-4, Construction of a 15 ft by 30 ft above swimming pool with attached deck at rear of existing single family house deck affecting approx. 0.01 acres within the wetland soil area and within the 100 ft. watercourse buffer area, 213 Forest Road, Assessor Map 36 Lot 46, R-40 Zone, Owner/Applicant Tarek Chater, as shown on submitted application, with the following standard conditions #1, 2, 5, 12 and special conditions # 15 and 17:

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.
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.
12. The Agency has determined that the proposed regulated activities are not deemed significant.
15. Adherence to requirements of the Regional Water Authority in its memorandum dated February 22, 2012: discharges from the pool filter or pool draining should be directed to a landscaped upland area and not to a wetland or watercourse.
17. If any grading is proposed, erosion control measures should be installed down gradient of disturbed areas until the area is stabilized.

The motion passed 5-0 in favor with Members Perez, Joiner, Brigano, Fischbach and Scavo voting.

**4. OTHER BUSINESS:**

- A. Agency sign-off of final PZC approved site development plans for Phase 1 of the Notch Hill Village Active Adult Community development project as required under

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Condition 20 of IWWA Application #2005/06-16 approval, 50 Fowler Road, Assessor Map 27, Lot 45, I-3 Zone, Owner Munger Brook Associates LLC, Applicant Anderson Wilcox Corp. c/o Agent Douglas Anderson.

Town Planner Zebb noted that this item needed further staff review. The item was tabled to the next meeting.

B. Any Other Item - none

5. WETLAND ENFORCEMENT OFFICER'S REPORT – Town Planner Zebb distributed received brochures on two workshops: one featuring Organic Yards and Lawns presented by the Northeast Organic Farming Association and, the other, the 2012 Connecticut Land Conservation Conference to be held on March 24, 2012.

6. ADJOURNMENT: 8:16 p.m.

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

Respectfully submitted,

Respectfully submitted,

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Janet S. Crean, Recording Secretary

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Stephen Scavo, Chairman