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ROSE MARIE ANGELONI

DEPUTY MAYOR
JEFFREY A. MACMILLEN

TOWN MANAGER
MICHAEL P. DOWNES



COUNCIL MEMBERS
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MARIE E. DIAMOND
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RONALD PELLICCIA, JR.
THOMAS P. ZAMPANO

TOWN OF NORTH BRANFORD

TOWN HALL, 909 FOXON ROAD, NORTH BRANFORD, CONNECTICUT
Building Department (203) 484-6008 Engineering Department (203) 484-6009
Planning & Zoning (203) 484-6010 Department Fax (203) 484-6018

MINUTES REGULAR MEETING NORTH BRANFORD CONSERVATION & INLAND WETLANDS & WATERCOURSES AGENCY

Wednesday, November 15, 2023 – 6:30 p.m.
Town Hall, 909 Foxon Road, North Branford

1. CALL TO ORDER and ROLL CALL

Chairman Scavo called the meeting to order at 6:30 p.m.

Present: Chairman Scavo, Member Brigano, Member Joiner, Member Whitworth, and Member Fischbach.

Also Present: David Perkins, Town Planner and Marie Diamond, Liaison to Town Council.

Not Present: Member Galdenzi

2. PLEDGE OF ALLEGIANCE

3. MINUTES

- Meeting June 28, 2023

MOTION: To approve the meeting minutes from June 28, 2023.

MOVED: Member Brigano

SECOND: Member Joiner

Discussion: None

With all in favor, the motion is passed.

4. OLD BUSINESS

5. NEW BUSINESS

6. WETLAND ENFORCEMENT OFFICER'S REPORT (STAFF)

A. Violation at 213 Forest Road

Town Planner David Perkins shared that the violation at 213 Forest Road has been going on for a number of years. Recently, the resident took a pile of rocks and put them on the banks of the ponds after clearing brush and greenery. Town Planner Perkins has spoken to these resident numerous times that he needs approval before doing these things. He last spoke with the resident today November 15, 2023 at around 3:30 pm and informed him that a letter was sent and that it would be in his best interest to come tonight. The resident was advised that if he did not appear before the commission that they may need to take further action.

Member Fischbach asked if the rocks are in addition to the boulders on the site, as the boulders have been there for a while. Town Planner Perkins responded that these are on the bank side. Chairperson Scavo appreciates the continued efforts by Town Planner Perkins. The feeling is that this resident is taking advantage of the town. There will need to be a discussion regarding action that can be taken.

The commission waited until the end of the meeting at 7:30pm. for the resident to show up.

Town Planner Perkins will send a stronger letter to the resident. Member Brigano said the neighbors of this resident are watching him and calling Member Brigano. Many neighbors are upset. Town Planner Perkins stated the resident does not seem to have bad intentions. When the resident is approached, he asks Town Planner Perkins how much the town will pay for him to clear things. Town Planner Perkins continues to remind the resident that the permit fee needs to be paid.

B. Violation at 574 Forest Road

Town Planner Perkins shared that the owner of 574 Forest Road is present this evening. This resident lives within 200 ft of the farm river and is a relatively new homeowner. His backyard has a lawn and rocky area towards the farm river and beyond that was a no man's land. The resident started clearing out brush within 200 ft of the farm river on the wetlands map.

Alfred Buono of 574 Forest Road stated that when he bought the house there was a wood fence that was in the back, and it was rotted and in a half circle. He started removing the fence and on the other side of the fence there is a dip and wanted to have the lawn manicured to the fence. It looked like just brush and as he was clearing there were a lot of barrels and litter behind it. When he got a lot of the litter, etc. out, Mr. Buono had a couple truckloads of dirt brought out to the site in order to level out the dip.

Town Planner Perkins said where the dirt was brought in is right at the edge of the 100 year flood zone.

Mr. Buono also expressed interest in being able to see the river. He is currently in a wheelchair and wanted to make that dip level. It was a single axle dump truck and 4 - 5 loads of dirt.

Member Joiner said anything with wetlands needs to come to commission first, as the Farm River is a major tributary for further downstream. You can't bring in fill without a permit. Member Brigano asked about intention with dirt. Mr. Buono had spoken with Town Planner Perkins, and he said there would be a certain type of seed that can go back there.

Member Brigano stated that some places have puddles and even wetlands are not always obvious.

Member Joiner stated that anything within 100 ft of the Farm River has to stay wild, with no mowing.

Member Brigano shared that there is a link on the town website, and it has a document called Homeowner's Guide To Wetlands.

Chairperson Scavo said as we are getting into the winter season, it would be best to wait until spring, with no more disturbance and use seed mix and then put signs on the trees. The committee agreed to accept the application.

Motion: Member Joiner motioned to approve the application of 574 Forest Road, owner Alfred Buono, Assessor Map 58D Lot 1C, with the provisions of posting wetlands signs along the tree line and no more fill to be placed on the property and be seeded in the spring and let it go wild; seconded by Member Whitworth.

Discussion: None

With all in favor, the motion is passed.

C. Violation at 32 Ciro Road

Town Planner Perkins shared that he received complaints about Tom Ferrigno of Dependable Heating clearing trees and making noise early in the morning. Town Planner Perkins went to the site, and they were clearing trees, and making noise but not too early of an hour. Cutting trees within the wetland area clearing trees is not okay.

Mr. Ferrigno brought the survey which is attached to the survey, and it clearly shows wetlands all over the property. Mr. Ferrigno stopped doing activity once he was asked to stop. Looking at property and how to develop it. He didn't know he needed a permit, but the lumber person probably knew they needed a permit. Mr. Ferrigno has hired engineer Jim Pretti to come up with a concept where it would be logical to build something rather than cut down all the trees. Mr. Ferrigno is trying to clean up the area and didn't know what he had on the property. It was purchased 3-4 years ago from Danny Triano. The intent was to clean it up so it could be surveyed.

Chairperson Scavo said the best course of action is to call the town before making changes to property. The wetlands are not always obvious, with vernal pools, etc. It's a good plan hiring Jim Pretti to help guide on what can be built and where. There would be a certified site plan from the engineer and permitting and bring it in front of

the IWWA. Mr. Ferrigno shared that the area is so heavily brushed so you can barely get in there to survey it.

Town Planner Perkins said they could leave it for the moment and there are some vernal pools and the trees didn't do much damage.

Motion: Member Brigano motioned to table the violation of 32 Ciro Rd, owner Tom Ferrigno Dependable Heating, Assessor Map 27C Lot 39-2 pending an application; seconded by Member Fishbach.

Discussion: None

With all in favor, the motion is passed.

D. Discussion of enforcement tools

Town Planner Perkins said once you issue a normalized cease and desist order and have a hearing, you can issue fines, but the fines are not applicable until superior court and a judge says pay the fine.

Member Joiner stated that the lien is not payable until the property sells. Member Fischbach asked how long the process is? Town Planner Perkins said it could be anywhere from 6-18 months.

Town Planner Perkins shared that another process is a citation process, where he can give them a parking ticket for a violation of wetland violations and fine them \$100/day, letter then gets sent to the resident, the resident and Town Planner would go before hearing officer, if the resident is found guilty they can pay fine, or refer to superior court but in superior court it's a criminal proceeding, vs a civil. Typically, they don't want to appeal it. If the resident is a no show they are found guilty, and would have 15 days to appeal.

Member Joiner asked how the fees would be collected. Town Planner Perkins said they could attach to bank accounts; it is a more effective process. Like a parking ticket the amount accumulates the longer the violation persists.

In blight citations, you can lien the property. Member Brigano stated that the town doesn't have a blight ordinance. Years ago, a group came to the Town Council proposing a blight ordinance, but the Town council refused it.

Town Planner Perkins said he could speak with the Town Manager about the zoning and wetlands blight. Town Council liaison Diamond said she could bring it up at the next Town Council meeting during her commission report.

Town Planner Perkins said there are lots of different ways to formulate a blight ordinance. There could be a group of people who gather as the "enforcement agency" to include people from the Building department, Planning and Zoning, Fire Department, Health Department as opposed to other towns where there is one person doing it.

Member Whitworth said a lot of enforcement strategies are different. He asked Town Planner Perkins “Do you envision a primary focus on training and talking to people or a balance?” Town Planner Perkins said it's a fine tool and the citation process has no teeth until it moves to the second step.

E. RWA Lake Gaillard project

Town Planner Perkins shared that the RWA is doing work to help keep silt from coming in. Member Fischbach said it is a small-scale trial to see how it affects the outflow and if that's successful it can be expanded.

F. Annual Meeting - Regulation Review & Education Meeting to “Protect Our Wetlands”

Member Brigano said they need to review the fees and adjust accordingly. This hasn't been done in a few years, it would be good to see how North Branford compares to other towns. Town Planner Perkins was requested to compare other towns and within the next few meetings discuss and action if needed.

Commission members were discussing how best to get the word out about the Inland wetlands and the brochure and possibly working with the Solid Hazardous Waste committee to do a combination flier at some point in the future. Maybe it could be sent out in conjunction with the Solid Hazardous Waste committee recycling flier. Member Whitworth shared that the recycling card that is put out is a very valuable piece with all of the dates. Member Whitworth also shared that it could be sent out around Earth Day as well.

G. Adoption of 2024 Meeting Schedule

MOTION: To adopt the proposed 2024 Meeting schedule as presented.

MOVED: Member Brigano

SECOND: Member Joiner

Discussion: None

With all in favor, the motion is passed.

Member Brigano shared that he has received phone calls from residents on Marjorie Drive regarding remediation measures going on there. He asked Town Planner Perkins “Is there any way to give and update on what's happening there?” Town Planner Perkins stated he will call DEEP to find out what's going on. Member Brigano stated they are doing things to scrape soil supposedly. It's a WTF group, a track that connects one property to another and outlet is at Marjorie Drive, and this is what the neighbors had warned the commission about. Member Joiner said when they put in the solar farm, it cut off one of their transportation areas. Member Brigano shared that there is concern due to wetlands in the area. There is still concern over the culverts. The Land Trust wants culverts out. Town Planner Perkins said they want the land transferred to The Land Trust. Member Joiner shared that we want them to fix it before it's transferred.

Town Planner Perkins said the property on Totoket and Forest was recently rezoned from residential to business where the old VFW is located, and they have put in a wetland's application. Member Brigano stated that a big concern which falls under the conservation piece, is access for fishermen. Historically fishermen will park in that lot and fish, and it has been that

way for a very long time. Town Planner Perkins shared that the DEEP owns the property abutting it.

Member Brigano wanted to share a concern about the signs on Vogt property. Town Planner Perkins said the resident put one way back behind the tree line. He had provided the resident with about 10 or so. Member Joiner stated that they are supposed to put stakes in their yard to mark it as where the tree line is because it is too close to the Farm River. Town Planner Perkins stated he would speak to the resident when he sees her tomorrow November 16, 2023.

7. ADJOURNMENT

MOTION: To adjourn at 7:32 p.m.

MOVED: Member Fischbach

SECOND: Member Brigano

Discussion: None

With all in favor, the motion is passed.

Respectfully submitted,

Respectfully submitted,

Kathleen Daly
Acting Recording Secretary

Steve Scavo
Chairman