

**APPROVED**

**INLAND WETLANDS AGENCY  
TOWN OF WOODBRIDGE  
SPECIAL MEETING OF SEPTEMBER 7, 2016**

A special meeting of the Inland Wetlands Agency for the Town of Woodbridge was held on September 7, 2016, in the Central Meeting Room of the Town Hall, 11 Meetinghouse Lane, Woodbridge, Connecticut.

**ROLL CALL**

**PRESENT:** Robert Blythe, Chairman, David Bixler, Jack Kurek and Barry Josephs  
**EXCUSED:** David Speranzini, Joshua Goldberg (alternate) and Jean Webber (alternate)  
**ALSO PRESENT:** Terry Gilbertson, Agency Enforcement Officer (AEO)  
Tamara Riccitelli, Recording Secretary

Chairman Blythe called the meeting to order at 7:32 p.m. Board of Selectmen Liaison Beth Heller was excused.

**NEW BUSINESS**

**PATRICK LEWIS AND ADVANCED PAVING COMPANY: 163 CENTER ROAD**

**Show cause hearing and appropriate action regarding the issuance of a Cease and Desist Order for work done in the upland review area of the Wepawaug River on property located at 163 Center Road involving tree cutting and stumping, filling, regrading and installation of a circular driveway without benefit of a permit from the Inland Wetlands Agency.**

AEO Terry Gilbertson summarized the issued Cease and Desist Order with the Agency and noted that the Agency has the options to sustain the Enforcement Officers decision, modify it with conditions, require that an application be submitted or rescind the order. There is a wide range of things that the Agency can do. AEO Gilbertson stated that he received numerous telephone call complaints on August 31<sup>st</sup> regarding the work that was in progress at that time. He had found that although the allegation for the first phone calls were for tree cutting, he didn't actually see any of that, but had seen a disturbed area within 100 feet of the wetlands, as close as within 5 feet of the river, where some of the topsoil material was removed, a circular driveway was being installed and some other topsoil was being placed in other places which was shown in the photographs provided to the Agency and some new photographs which he had taken earlier in the evening (*those photos were presented to the Agency members*). From an Enforcement Officer's prospective, AEO Gilbertson did not believe that he has any other choice but to take the action of issuing the order having had no prior notice of the activity. There were no silt fences to protect the stream in place that he had seen, neither on August 31<sup>st</sup> or earlier this evening when he had gone back to the site.

Patrick Lewis, Owner of Record and Warren Luciani, Contractor for Advanced Paving and Excavating, were present to discuss the Cease and Desist Order. Mr. Lewis stated:

- Originally his plan was to rip off the old asphalt and repave the existing driveway, which he had done.

- There were some trees that were local to the driveway that were taken out because the roots were damaging the driveway which was the whole reason that the driveway had to be replaced to begin with
- None of that is within 100 feet (of the river). He was not aware of any issue within the 100 feet of the watercourse or he would have filed for a permit correctly and done what he was supposed to do.
- The only other item that was added was a dirt drive-off that we would do to get to our backyard and some top-dressing was put on it and that's what got within the area of the bridge.

AEO Gilbertson noted that while selective trees were removed, he does not believe that it was a case of clear cutting. There are trees between the residence and the river itself that remain. It is the removal of material, the installation of the select fill to support the driveway, and the whole turnaround, which he believed, created the event. To maintain the lawn the lawn will be "fed". To maintain the gravel driveway in the winter it's going to have to be de-iced. Those are the two things that don't do well in that close proximity to the Wepawaug River.

Mr. Lewis then noted:

- His intent was not to take the woods and make it a yard. He planted the grass as basically erosion control because AEO Gilbertson came out and we wanted to satisfy him.
- He would rather not mow that area.
- His contract with the excavator was to always keep the driveway processed.

Agency members, AEO Gilbertson, and Mr. Lewis discussed what the process would be if they ever chose to apply to have this driveway changed to pavement in the future.

Mr. Luciani showed Agency members photos with the original footprint of the driveway before and after to see the slope of the land.

Chairman Blythe suggested constructing a swale along side of the driveway to capture the runoff and let it slowly leach out toward the river.

Mr. Luciani replied that they hadn't changed the grade or the slope. It had always been that way.

Agency members discussed having Robert Criscuolo and a Soil Scientist take a look at this site while also having the Agency members make a site visit on September 17<sup>th</sup>, prior to the Agency's next regular meeting, and see if there was an inexpensive way of containing or restraining the water from getting into the river too quickly and also come up with some wetland friendly plantings to add in the area.

AEO Gilbertson suggested adding some more formal siltation devices, such as a silt fence or some properly installed hay bales along the clearing line at a minimum to protect the stream.

After discussion, Agency members acted as follows:

**\*\* Mr. Bixler moved to continue the Cease and Desist Hearing until the Agency's next regular meeting to be held on September 21, 2016 with the respondent installing hay bales in the meantime. An Agency member site visit is scheduled to take place on Saturday, September 17, 2016.**

**\*\* Mr. Josephs seconded.**

**\*\* Voting for: Blythe, Bixler, Kurek and Josephs**

**\*\* Opposed: No one**

**\*\* Abstained: No one**

**Unanimous Approval 4-0**

#### **ADJOURNMENT**

**\*\* Mr. Bixler moved to adjourn the meeting at 8:09 p.m.**

**\*\* Mr. Kurek seconded.**

**\*\* Voting for: Blythe, Bixler, Kurek, and Josephs**

**\*\* Opposed: No one**

**\*\* Abstained: No one**

**Unanimous Approval 4-0**

**Accordingly, the meeting adjourned at 8:09 p.m.**

Respectfully submitted,

Ms. Tamara Riccitelli  
Recording Secretary