

**INLAND WETLANDS AGENCY  
TOWN OF WOODBRIDGE  
REGULAR MEETING OF SEPTEMBER 21, 2016**

A regular meeting of the Inland Wetlands Agency for the Town of Woodbridge was held on September 21, 2016, in the Central Meeting Room of the Town Hall, 11 Meetinghouse Lane, Woodbridge, Connecticut.

**ROLL CALL**

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

Chairman Blythe called the meeting to order at 7:31 p.m. Joshua Goldberg was seated for Jack Kurek in his absence. Board of Selectmen Liaison Beth Heller was unable to attend this evening's meeting.

**SHOW CAUSE HEARING CONTINUATION**

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

**Show cause hearing continuation 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.**

The hearing was commenced on Wednesday, September 7, 2016.

The site was inspected by AEO Terry Gilbertson, and Agency Consulting Engineer (ACE), Robert Criscuolo, on Friday, September 16, 2016. The Agency members also made a site visit on Saturday, September 17, 2016.

Mr. Criscuolo provided AEO Gilbertson with a memo to distribute to the Agency members at the meeting with his comments based on his site inspection on the 16<sup>th</sup>...

Chairman Blythe noted that Agency member Kurek has provided the Agency members with emailed comments regarding the Cease and Desist Order. Mr. Kurek thought that they probably should come back with an application; however, Chairman Blythe thought that because of the time of the year it would be better to direct what type of restoration work should be done by modifying the order.

AEO Terry Gilbertson concurred that remedial work that needs to be done could be done as a modification of the Order.

Patrick Lewis, Land Owner, was present to answer any questions or concerns that the Agency may have. He stated that he had received a copy of the Mr. Criscuolo's memo.

Agency members reviewed ACE Criscuolo's memo with Mr. Lewis and noted that one of the items that Mr. Criscuolo had recommended was moving the entrance of the driveway a little bit further away from the river. That would make it farther away from the river and allow plantings between the new driveway and the bridge.

Mr. Lewis responded that he wouldn't argue with that but questioned what kind of plantings would be required and what the expenses would be. He said all that they had removed was the one hemlock.

AEO Gilbertson added that ACE Criscuolo's thought in suggesting a vegetated swale would be to allow for a bit of a treatment train for the runoff from the compacted surfaces of the lawn and driveway.

Mr. Lewis stated that he would be happy to add wetland plantings and some shrubbery along side that grass that will allow for some sort of buffer.

AEO Gilbertson noted that he thought the relocation of the driveway needed to be tight to the tree that needs to be trimmed and that the hemlock should be removed. *(Photographs were provided to Agency members and discussed showing the old and new.)*

Chairman Blythe stated that he thought ACE Criscuolo's idea to move the driveway over a little bit in order to create more of a protected area makes sense.

Mr. Lewis responded that he would do a mock up and then provide it to AEO Gilbertson for approval.

After discussion, Agency members acted as follows:

- \*\* **Mr. Bixler moved to modify and affirm the Cease and Desist Order with the following modifications:**
    - 1. AEO Gilbertson will follow ACE Criscuolo's recommendations in his memo of September 20, 2016 with respect to the items recommended by ACE Criscuolo.**
    - 2. Delegated to AEO Gilbertson discretion to supervise the design and approval of the work to be done.**
  - \*\* **Mr. Josephs seconded.**
  - \*\* **Voting for: Blythe, Bixler, Speranzini, Josephs and Goldberg**
  - \*\* **Opposed: No one**
  - \*\* **Abstained: No one**
- Unanimous Approval 5-0**

## NEW BUSINESS

### GERALDINE GIERING: 91 FOREST GLEN DRIVE

#### **Application for residential site development.**

The application for the residential site development of 91 Forest Glen Drive was formally received this evening.

The application materials include: application form, site plan, soils report and proof of notice to the abutting property owners. As of this date neither the application fee nor the land record recording fee had been paid.

The site is on a public water supply watershed. To date no comments have been received from the Regional Water Authority.

No work or site grading is proposed in the onsite wetlands. As such, action on the application could be deferred to the Agency's duly authorized agent.

The Agency members will need to decide if they want to act on the application or delegate action on it to the Agency's duly authorized agent.

If the Agency opts to act on the application itself, action cannot be taken on the application this evening.

John Paul Garcia, representing Geraldine Giering, was present to discuss the application. Mr. Garcia stated:

- The parcel was originally approved in 1999 by the Inland Wetlands Agency when there was only a 50' regulated area. Now there is a 100' review area which encompasses about two thirds of the lot.
- The lot is about 2.6 acres with a wetland that goes through the western side of the property.
- The development is proposed on the east side of the property.
- The wetlands were flagged originally and nothing has changed. It is still forested.
- Plans have been submitted to the Regional Water Authority.
- Plans have been submitted to QVHD.
- QVHD would like additional soil testing because they could not find the old testing. Additional testing will be done, but is being held off until there is some rain.
- The plan is a conceptual only.
- There are some erosion control notes on the second sheet of the submitted set.

Mr. Garcia also noted that he would make sure that the Agency receives the application and land record recording fees.

Further discussion and action on the application was deferred until the Agency's next regular meeting on October 19, 2016. The Agency members requested that the plans be sent to ACE Criscuolo for his review and comments prior to the next meeting.

### **OLD BUSINESS**

#### **RACHELLE AND DEREK BYRON: 42 INDIAN TRAIL** **Application for site improvements to lot.**

The application for site improvements to the existing lot including tree cutting, filling and grading was formally received at the Agency's regular meeting on July 20, 2016.

The site was inspected by Agency members on September 17, 2016.

The site is on a public water supply watershed. Comments dated August 16, 2016 were received from the RWA and were distributed to the Agency members in their meeting packets.

A report from Jennifer Beno, Wetland Biologist had been provided to Agency members when they inspected the site. AEO Gilbertson stated that he had reviewed the forgoing report and revised site plan.

Derek Byron, applicant, was present and noted the following regarding the report and plan provided by Jennifer Beno:

- The shape was changed in the peninsula area so it was pulled back significantly. At least 30 feet.
- Along the western edge the plan remains unchanged.

AEO Gilbertson noted that in the Staff memo the IWA Regulation Appendices D, E, and F had been referenced and are a guide that should be applied to this project. AEO Gilbertson believed that pulling back the disturbance area in the peninsula area was good. If the Agency follows the Appendices to its Regulations, there is a 25' streamside management area. That 25' area from that stream is real important to the Agency. If the

Agency were to apply the middle management area of 50' that line would be at the applicants backdoor. Any disturbance in between there would be the Agency's judgment.

Mr. Bixler stated that if they could get from 15' to 20' at the closest point to the stream that would help him a lot. Mr. Byron stated that he would be amendable to that.

Agency members, AEO Gilbertson and the applicant then discussed the different options there are for markers that can be used in the area as required notice and the best management practices for limiting pesticide use.

After discussion, Agency members acted as follows:

- \*\* **Mr. Bixler motioned to approve the application for site improvements to lot at 42 Indian Trail with the following conditions:**
    1. **Maintenance of a minimum of a 20' (twenty foot) undisturbed buffer to the stream**
    2. **Conformance with the planting plan prepared by Biologist Jennifer Beno.**
    3. **Compliance with best management practices regarding pesticide use.**
    4. **Placement of IWA placards at the direction of the Agency Enforcement Officer.**
  - \*\* **Mr. Goldberg seconded.**
  - \*\* **Voting for: Blythe, Bixler, Speranzini, Josephs and Goldberg**
  - \*\* **Opposed: No one**
  - \*\* **Abstained: No one**
- Unanimous Approval 5-0**

**RECEIPT AND APPROPRIATE ACTION REGARDING THE FOLLOWING  
CORRESPONDENCE RECEIVED BY THE IWA SINCE THE JULY 20, 2016  
REGULAR MEETING OF THE AGENCY WHICH IS NOT RELATED TO  
LISTED AGENDA ITEMS:**

**ENFORCEMENT OFFICER**

There was no discussion this evening.

**CORRESPONDENCE RECEIVED**

1. **Notice from the Connecticut Department of Energy and Environmental Protection of issuance of a Water Diversion Permit issued to the South Central Regional Water Authority for a Woodbridge/Seymour interconnection.**
2. **Notice from the Connecticut Association of Conservation and Inland Wetland Commissions, of CACIWC's annual meeting on Saturday, November 12, 2016 at the Marriott in Rocky Hill.**
3. **The Summer 2016 issue of CACIWC's publication "The Habitat".**
4. **A letter requesting the release of the bond for the Peck Hill Road Subdivision at 137-145 Peck Hill Road was received on behalf of the developer, from John Paul Garcia and Associates.**

*Agency Enforcement Officer Terry Gilbertson and Agency Consulting Engineer Robert Criscuolo had inspected the site. A memo from Mr. Criscuolo was distributed regarding the request.*

AEO Gilbertson reviewed Mr. Criscuolo's memo and concluded that the site is not ready to have the bond released yet. It was the consensus of the Agency members that further discussion be continued until the next regular meeting of the Agency to allow time for Mr. Garcia to have a discussion with ACE Criscuolo regarding the bond.

**DISCUSSION OF COMMISSION GOALS, CHANGES, DIRECTIONS AND POSSIBLE REGULATION CHANGES**

There was no discussion this evening.

**SCHEDULING DATE FOR NEXT IWA SITE INSPECTIONS**

There were no site inspections scheduled.

**APPROVAL OF MINUTES**

- **Regular Meeting of July 20, 2016**
    - \*\* **Mr. Bixler moved to approve the minutes as submitted.**
    - \*\* **Mr. Josephs seconded.**
    - \*\* **Voting for: Bixler, Speranzini, Josephs and Goldberg**
    - \*\* **Opposed: No one**
    - \*\* **Abstained: Blythe**
- Unanimous Approval 4-0**

**ADJOURNMENT**

- \*\* **Mr. Bixler moved to adjourn the meeting at 8:20 p.m.**
  - \*\* **Mr. Speranzini seconded.**
  - \*\* **Voting for: Blythe, Bixler, Speranzini, Josephs and Goldberg**
  - \*\* **Opposed: No one**
  - \*\* **Abstained: No one**
- Unanimous Approval 5-0**

**Accordingly, the meeting adjourned at 8:20 p.m.**

Respectfully submitted,

Ms. Tamara Riccitelli  
Recording Secretary