

**APPROVED**

**MINUTES OF THE INLAND WETLANDS AGENCY  
TOWN OF WOODBRIDGE  
REGULAR MEETING OF OCTOBER 15, 2008**

A regular meeting of the Inland Wetlands Agency for the Town of Woodbridge was held on Wednesday, October 15, 2008, in Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, Woodbridge, Connecticut.

**ROLL CALL**

**PRESENT:** Robert Blythe, Chairman, Sharon deKadt, David Moore, and David Bixler

**EXCUSED:** Jennifer Just and Jack Kurek (alternate)

**ABSENT:** Jeff Ginzberg

**ALSO PRESENT:** Robert Criscuolo, Agency Consulting Engineer, Terry Gilbertson, Agency Enforcement Officer, and Carolyn Donovan, Recording Secretary

Chairman Blythe called the meeting to order at 7:35 p.m.

**SHOW CAUSE HEARING**

**JESSICA HALPRIN - 4 ELDERSLIE LANE**

**Show cause hearing and appropriate action on Cease and Desist Order issued relative to failure of onsite erosion controls.**

Chairman Blythe recused himself from the hearing matter.

Jessica Halprin, was present to discuss the Cease and Desist Order with the Agency. She stated:

- That the notice was sent to her in-laws and she just received it today. (*Note: The Halprins had sold their former residence in Town, and the only known address was that of Ms. Halprin's in-laws*)
- She and her husband were hoping that the cease and desist order would be withdrawn.
- The conditions set forth in the order no longer exist.
  - At the time of the erosion control problems the site was in the midst of construction.
  - At that time a silt fence was torn.
  - The silt fence has been repaired, and any sediment and dirt that went into the stream has been manually removed and cleaned up to its original place.
  - The site has been graded in accordance with the original grading plan that was approved by the Agency's Engineer.

Enforcement Officer Terry Gilbertson stated that he and Agency consulting engineer Robert Criscuolo will re-inspect the property. The Halprin's will be notified of when that inspection will occur.

*Note: The hearing on the order was continued until the Agency's regular meeting on November 19, 2008, to allow time for Messer's Gilbertson and Criscuolo to inspect the site and make a report back to the Agency.*

### **SHOW CAUSE HEARING CONTINUATION...**

#### **LAURA HUANG AND DAVID MIU - 18 VERNON COURT**

**Show cause hearing and appropriate action on Cease and Desist Order issued relative to work in a regulated area on property located at 18 Vernon Court.**

Project engineer John Paul Garcia requested a continuance of this matter to allow time to resolve survey issues so that a site plan can be submitted.

*Accordingly, the hearing on the order was continued until the Agency's regular meeting on November 19, 2008.*

### **REGULAR MEETING**

#### **CONNIE AND DAVID MORGAN - 175 SEYMOUR ROAD**

**Application for replacement of existing bridge.**

Fred D'Amico, Project Engineer was present to spoke on behalf of the application. In his presentation he stated that;

- The Morgans are not proposing to replace the bridge, they are proposing to repair the bridge deck.:
- The current deck is a wood deck and they want to replace it with a reinforced concrete deck.
- No work is proposed to be done in the brook. The hydraulics of the brook will not change.
- The existing beams will be reused. Some additional beams will be added on the existing abutment.
- The abutment was checked. The existing concrete abutment is in perfect shape. The bridge deck will be extended to make sure it does not rest on the stone abutment.

Robert Criscuolo, Agency Consulting Engineer, noted that the proposed work shown on the submitted plans differs from the project work described by Mr. D'Amico. He recommended that final plans should be submitted to the Agency for its review and appropriate action showing site work details, and bridge design details.

Commission member David Moore added that the applicant should provide an erosion and

control plan for the next meeting.

Further discussion and appropriate action on this application was deferred until the Agency's regular meeting on November 19, 2008.

**MICHAEL SOUFRINE -118 NEWTON ROAD**

**Plans for proposed 5 Lot Subdivision – for determination if any IWA action is necessary.**

The proposed subdivision plans had been submitted to the Agency for a determination if an application to the Agency would be appropriate. There are no wetlands in the proposed subdivision, but road drainage will eventually feed into an off-site wetland system.

Robert Criscuolo, Agency Consulting Engineer, reported that:

- He has been reviewing the plans on behalf of the Town Plan and Zoning Commission.
- The subdivision involves a construction of a new road with two-detention basins.
- Currently, the second detention basin needs a defined outlet – which it currently does not have.
- The project engineer has discussed using a swale and/or pipes to carry the subdivision road drainage to a nearby wetland on adjoining property to the west owned by Mr. Soufrine.
- The project activity would appear to necessitate a wetlands application.

Based on Mr. Criscuolo's comments, the project engineer will be advised that a formal application for the project should be submitted to the Agency.

**ADDITIONS TO ADGENDA**

**Agency members acted as follows to add items to the evening's agenda which had been received after the evening's agenda had been posted.**

**SUSAN AND DANIEL ROSNER- 36 BARBERRY ROAD**

**Application for residential addition.**

- \*\* **Mr. Bixler moved to add receipt and appropriate action on this application to the evening's agenda.**
- \*\* **Mr. Moore seconded**
- \*\* **VOTING FOR: Blythe, Bixler, Moore and deKadt**
- \*\* **OPPOSED: No One**
- \*\* **ABSTAINED: No One**

**UNANIMOUS APPROVAL**

**JOHN MASUCCI - 28 ELDERSLIE LANE**

**Application for drilling second residential well.**

- \*\* **Mr. Bixler moved to add receipt and appropriate action on this application to the evening's agenda.**
  - \*\* **Ms. deKadt seconded**
  - \*\* **VOTING FOR: Blythe, Bixler, Moore and deKadt**
  - \*\* **OPPOSED: No One**
  - \*\* **ABSTAINED: No One**
- UNANIMOUS APPROVAL**

**SUSAN AND DANIEL ROSNER - 36 BARBERRY ROAD**  
**Application for residential addition.**

The application was formally received this evening. A letter of authorization for the contractor (Mr. Carotenuto) to appear on behalf of the applicants was also received.

Speaking on behalf of the applicants, Joseph Carotenuto stated:

- An existing addition, which is 18' wide x 14' deep would be removed and replaced with an 18' wide x 16' addition.
- The existing addition deteriorated and sitting on lally columns. The new addition would have a foundation with crawl space and slab.
- Erosion controls will be in place during the construction phase.
- A small excavator will be used to dig the foundation and crawl space.

Mr. Gilbertson noted that he is familiar with the site and its adjoining wetlands.

Agency member David Bixler questioned if it would be appropriate to delegate action on the application to Mr. Gilbertson. Mr. Gilbertson stated that delegating action on the application would be appropriate.

Later in the meeting Agency members acted as follows on the application:

- \*\* **Mr. Bixler moved to delegate action on the application to Enforcement Officer Terry Gilbertson.**
  - \*\* **Ms. deKadt seconded**
  - \*\* **VOTING FOR: Blythe, Bixler, Moore and deKadt**
  - \*\* **OPPOSED: No One**
  - \*\* **ABSTAINED: No One**
- UNANIMOUS APPROVAL**

**JOHN MASUCCI - 28 ELDERSLIE LANE**  
**Application for drilling second residential well.**

The application was formally received this evening. John Masucci, applicant, was present to speak on behalf of the application. In his presentation he explained:

- He is seeking to have a second residential well drilled on the property.
- The existing well yields 3 ½ gallons per minute, so there have been times when it has

run dry.

Later in the meeting Agency members acted as follows on the application:

**\*\* Mr. Bixler moved approval to delegate action on the application to Enforcement Officer Terry Gilbertson.**

**\*\* Mr. Moore seconded**

**\*\* VOTING FOR: Blythe, Bixler, Moore and deKadt**

**\*\* OPPOSED: No One**

**\*\* ABSTAINED: No One**

**UNANIMOUS APPROVAL**

### OLD BUSINESS

#### NORTHROP ROAD PROPERTIES, LLC. - 54 Northrop Road

##### Application for 4-lot subdivision.

Ryan McEvoy, Project Engineer, was present to speak on behalf of the application. In his presentation, he stated:

- Sanitary approval has been received from the Health Department on all four lots. A copy of the approval was distributed.
- The amount of grading on the west side of the house on Lot # 4 has been reduced..
- Lot # 3 has less grading.
- Conservation easements have been proposed along the upland review area on Lot # 3 and continued onto Lot # 4.
- A fence is proposed to be installed on the west side of Lot # 4.
- The comment on sediment and control issues brought up by the Agency's consulting engineer, Robert Criscuolo has been addressed by adding soil stock piles to every lot, and including some stone check dams.
- Some of the swales have been designed to handle run-off better.
- The stone check dams are primarily used on Lots #'s 2 and 3.
- There should be no change in roadway drainage that currently drains from the property.
- Grates will be added to the drains on Lots # 1, 2 and 3.

Agency consulting engineer Robert Criscuolo stated that:

- The site plans are very detailed for the individual lots.
- The applicant is willing to add rain gardens to the plans, but the typical person who buys the lot would need to be aware that such drainage features could not be changed. This could be included in the deed.
- The proposed drainage easements should be reviewed by the Town Attorney.
- He would caution the Agency that if they move forward with this application that he would recommend that it be required that inspections and reports be done by the Engineer of Record for items including silt fences and other construction items to make

sure that there is compliance for the drainage system; and also that the site grading is done as shown on the proposed plans.

- Bonding needs to be worked out, either for the development as in full, or for each lot.

Agency member David Bixler brought up Agency environmental consultant Dr. Michael Klemens concerns with Lot # 4, and the impact building a house so close to such an important wetland area.

Agency member Sharon deKadt questioned the applicant whether or not the house size on Lot # 4 has been changed to a lesser size. Michael Barbaro, principal in the development firm, responded that the house has not been changed, noting it is a conservatively size house with 5-bedrooms, approximately 3,400 sq. feet in area. Mr. Barbaro added that he did not want Mr. Klemens testimony on the record as a Herpetologist versus Mr. William Root, who is a Soil Scientist (sic).

William Root, the applicant's Soil Scientist spoke on behalf of the application stating:

- Dr. Klemens was very concerned about attention to development to Lot # 4, and he was worried more about a creek.
- Dr. Klemens was not so afraid that 75-feet was not enough, he was encouraging to maintain the 100-foot area. Mr. Root suggested that in this case 75-feet was probably enough because development would be on the North side of the stream, and it would not affect the shading issue, the soils are course-grained, and the slopes are not that severe.
- Agency members had asked Mr. McEvoy to see what he could do to increase the buffer area. Modifications were made and the limit of disturbance from the stream was increased.
- Dr. Klemens had also asked for surety that development would be in accordance with the plan, and that's the reason for the conservation easement, and the split rail fence.

Later in the meeting, Agency members acted as follows on the application.

**\*\* Ms. deKadt moved to deny the application because there are reasonable and prudent alternatives to the development of the property, such as use of a smaller house on proposed Lot # 4 or reduction of the subdivision to a three lot subdivision which would minimize any adverse impacts to the onsite wetlands and its associated stream corridor.**

**\*\* Mr. Bixler seconded**

***At the conclusion of discussion when the Chairman called for a vote on the motion to deny the application, Agency members deKadt and Bixler were in favor of the motion to deny the application and Agency members Blythe and Moore were opposed. There being no majority vote in favor of the motion to deny the application, the application was declared denied based on the tie vote of the Agency members.***

### **PAULO DUHL - 12 FIELDSTONE DRIVE**

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

An inspection of the site by Agency members was taken on Saturday, October 11, 2008. The

application plans were referred to Agency consulting engineer, Robert Criscuolo for review and comment. Revised plans and comments were received this evening from the project engineer. An extension of time in which to have the Agency act on the application was granted by the applicant, to allow time for the Agency's consulting engineer to review the revised plans. Action on the application was therefore deferred until the Agency's regular meeting on November 19, 2008.

**SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY**  
**1955 LITCHFIELD TURNPIKE**

**Application to construct an eight bay maintenance facility.**

Donald Smith, Project Engineer, was present to discuss the application with the Agency. He reviewed revised site plans which had been submitted for the project, including where the existing paved areas are and what buildings would be demolished and removed. During his presentation he also stated:

- Notification was made to the neighboring properties.
- The project is for construction of an eight bay maintenance garage at 1955 Litchfield Turnpike, just downstream from Lake Dawson Dam.
- The maintenance building will house equipment, materials, etc..
- A pumping station for tanker trucks to get filled with water are included on the plans.

Bill Andres, Senior Project Engineer with the Regional Water Authority, spoke on behalf of the application stating:

- The revised plans have been changed since the last meeting to reduce the parking lot area from 14 spaces to 8 spaces.
- The parking area will have a forced concrete surface, and storm drainage.
- The infiltration gallery has been moved.
- The discharge from the pumping station will be a 20-inch main.
- The storage bins will be covered with concrete roofing that will slope back so that run-off will go behind the building where a swale and catch basin will pick it up.
- The infiltration gallery has been sized to take all the run-off from the area for a 25-year storm.
- The gravel for the gallery will come right to the ground surface.

**\*\* Ms. Bixler moved approval of the application.**

**\*\* Mr. Moore seconded**

**\*\* VOTING FOR: Blythe, Bixler, Moore and deKadt**

**\*\* OPPOSED: No One**

**\*\* ABSTAINED: No One**

**UNANIMOUS APPROVAL**

**TOWN OF WOODBRIDGE -100 Center Road**

**Revised plans for fire house project sediment and erosion controls and storm water**

**management system.**

Sharon deKadt recused herself from the subject matter.

Enforcement Officer Terry Gilbertson provided a report to the Agency about progress on the work. The contractor has indicated that sediment that has accumulated in the drainage devices, pond and stream during the construction of the Firehouse has been removed. Enforcement Officer Terry Gilbertson and Agency consulting engineer Robert Criscuolo will inspect the site and make a report back to the Agency at the November 19, 2008 regular meeting of the Agency.

**SHANNON LAVERTUE - 817 Fountain Street**

**Restoration of disturbed uplands.**

Blythe and Moore recused themselves from the subject matter.

Mr. Gilbertson stated to date there has been no changes, no updates, etc. Discussion on this agenda item was continued until the Agency's next regularly scheduled meeting on November 19, 2008.

**NICOLAS CACCAVALE AND GPR CONSTRUCTION, LLC.**

**1080 JOHNSON ROAD**

**Update on Cease and Desist Order issued relative to extensive filling of a wetland and regulated area on property located at 1080 Johnson Road.**

Nicolas Caccavale, was present to discuss his written request to the Agency to reconsider the bonding process for the Cease and Desist Order issued relative to extensive filling of a wetland and regulated area on property located at 1080 Johnson Road because it is putting such a financial strain on him.

Mr. Caccavale reported that the corrective work to the wetlands is going as planned, and most of the work should be done by Friday. He added that the project should most likely be done by the next Agency meeting and added that he would bring photographs to that meeting showing the work that has been done.

**In response to the request by Mr. Caccavale, it was moved by Ms. deKadt to hold in abeyance the requirement of the Cease and Desist Order for 1080 Johnson Road which requires:**

- **Posting of an \$8000.00 cash or passbook performance bond. The bond will be eligible for release as follows:**
  1. **\$5000.00 shall be eligible to be returned after the required wetland restoration work has been performed to the satisfaction of the Agency Enforcement Officer.**

2. **\$1,000.00 per succeeding year thereafter shall be eligible to be returned after submission to the Agency of a report by a certified soil scientist that that the wetlands restoration area is being successfully maintained.**

**\*\* Mr. Bixler seconded**

**\*\* VOTING FOR: Blythe, Bixler, Moore and deKadt**

**\*\* OPPOSED: No One**

**\*\* ABSTAINED: No One**

**UNANIMOUS APPROVAL**

**RECEIPT AND APPROPRIATE ACTION REGARDING CORRESPONDENCE  
RECEIVED BY THE IWA SINCE THE SEPTEMBER 17, 2008 REGULAR MEETING  
OF THE AGENCY INCLUDING THE FOLLOWING ITEMS:**

- Notice of the State Department of Environmental Protections' Segment III Training Workshop.
- Cover letter and copy of "Stream Crossing Guidelines" furnished by Gina McCarthy, Commissioner, CT DEP.
- Request from Haig Keshishian and Anahid Kapoian for the release of the \$15,000 joint IWA and TPZ performance bond related to the residential site development of 10 Zak Hill Road.

**\*\* Mr. Bixler moved to deny the request for the release of the bond based on a report by the Agency Enforcement Officer, that while the disturbed areas of the site have been loamed and seeded, that permanent vegetative cover of those areas has not yet been established.**

**\*\* Mr. Moore seconded**

**\*\* VOTING FOR: Blythe, Bixler, Moore and deKadt**

**\*\* OPPOSED: No One**

**\*\* ABSTAINED: No One**

**UNANIMOUS APPROVAL TO DENY THE RELEASE OF THE BOND**

- Notice from the Connecticut Association of Conservation and Inland Wetlands (CACIWC) of the 31<sup>st</sup> Annual meeting and workshop of CACIWC to be held on Saturday, November 8, 2008.
- The Summer 2008 issue of CACIWC's publication, "The Habitat"

**ENFORCEMENT OFFICER**

- **64 Acorn Hill Road – Vehicular track in wetlands.**

Mr. Benjamin Ferri of 64 Acorn Hill Road was present at the request of Enforcement Officer Terry Gilbertson regarding vehicular tracks that had been seen in the wetland by 64 Acorn Hill Road. Mr. Ferri noted:

- He does own an ATV vehicle.
- That he has talked with his son about where he should and should not be riding.

- He is not the only owner of these sorts of vehicles in the area. He noted that there are other ATV vehicles that come from other towns riding on the property.
  - Reported that he will do his best to make sure this does not happen again, insofar as it concerns his son riding there.
- **Beecher Road School playground erosion.**
  - **Signs delineate protected wetland areas.**

**ADJOURNMENT**

**\*\* Ms. deKadt moved to adjourn the meeting at 9:50 p.m.**

**\*\* Mr. Bixler seconded**

**\*\* VOTING FOR: Blythe, Bixler, Moore and deKadt**

**\*\* OPPOSED: No One**

**\*\* ABSTAINED: No One**

**UNANIMOUS APPROVAL TO ADJOURN THE MEETING AT 9:50 P.M**

**Accordingly, the meeting was adjourned at 9:50 p.m.**

Respectfully submitted,

Carolyn Donovan  
Recording Secretary