

**APPROVED MINUTES**

**INLAND WETLANDS AGENCY  
TOWN OF WOODBRIDGE  
MINUTES OF REGULAR MEETING ON JULY 18, 2007**

A regular meeting of the Inland Wetlands Agency for the Town of Woodbridge was held on July 18, 2007, in the Central Meeting Room of the Woodbridge Town Hall, Woodbridge, Connecticut.

**ROLL CALL**

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

**ALTERNATE:** Jack Kurek

**ABSENT:** Charles Riether and Jeffrey Ginzberg (alternate)

**ALSO PRESENT:** Terry Gilbertson, Enforcement Officer, and Carolyn Donovan, Recording Secretary

Chairman Blythe called the meeting to order at 7:36 p.m.

**NEW BUSINESS**

**Receipt, discussion and appropriate action regarding new applications/site development plans submitted to the Agency as follows:**

**VICKI SCHULTZ -11 GRANDVIEW ROAD**

**Application for addition to residence and reconfiguration of residential driveway.**

Ms. Vicki Schultz, applicant and Mr. Craig Henry both appeared on behalf of the application. In discussion of the application Mr. Henry stated:

- That the existing garage would be removed and the living space of the residence expanded in that direction.
- A new garage would be constructed.
- The new driveway to the new garage would infringe slightly on the 100' wetland review area.

Mr. Terry Gilbertson, Town Enforcement Officer, stated that he is familiar with this property and would recommend that action on the application be delegated to himself as the Agency's duly authorized agent.

Later in the meeting Agency members took the following action regarding the application:

- \*\* Mr. Moore moved to delegate action on the application to Mr. Gilbertson.
- \*\* Mr. Kurek seconded

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

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

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

**PASSED BY UNANIMOUS APPROVAL**

**DIANE AND LOUIS RITUCCI - 28 FOX DEN WAY**

**Application to perform test borings relative to proposed dredging of pond.**

Ms. Rima Laukaitis, Project Engineer, was present to speak on behalf of the application. In discussion she stated:

- That the application is to do soil testing relative to dredging the onsite pond.
- Soil testing would be done by a small Bobcat machine with 36" rubber tracks.
- That the pond dries out in the dry season.
- Prior to dredging the pond, information will be gather on how much water is available for the pond, how much sediment is present, wildlife associated with the pond, and how much it would cost to dredge the pond.

Agency member David Moore questioned whether or not there will be any damage done by running machinery through there. Ms. Laukaitis responded that if the pond does dry out, the Bobcat would have 36" rubber tracks that would go in the pond, and would not do any damage. She added that they would be testing 75' around the pond edges, and if they are able to go into the middle and test they will.

Mr. Gilbertson noted that the proposed work should be done in a really dry period. He added that the pond extends onto property other than the applicant's, and questioned if the applicants had permission from the other owners of portions of the pond to do such work. Ms. Laukaitis responded that she was unaware of permission having received from the other property owners.

Mr. Gilbertson questioned how the machinery would access the pond. Ms. Laukaitis responded that the machinery would access the pond from the applicant's driveway.

Agency member Sharon deKadt, requested a picture of the Bobcat to be presented to the Commission for the September 19, 2007, meeting. Mr. Moore requested that Ms. Laukaitis be present at the site visit to indicate where the access for the equipment would be from. Mr. Gilbertson stated that it would be proper to also send letters to the other co-owners of the pond notifying them of such testing.

A site inspection of the property relative to the application was scheduled for Saturday, September 8, 2007

**SUSAN FRECHETTE - 1163 LITCHFIELD TURNPIKE**

**Application for two-lot resubdivision.**

Mr. John Paul Garcia, Project Engineer was present to speak on behalf of the application. During his presentation he:

- Submitted a copy of the original soils mapping and site map done in 1987.
- Stated that the parcel was originally 30 plus acres; and three weeks ago the South Central Connecticut Regional Water Authority (SCCRWA) bought approximately 22-acres of the parcel.
- Stated that this application is to split the remaining seven and one half acre property into two lots.
- On lot would have the existing house which was built four years ago situated on it.
- Stated that the soils have been tested twice, and have submitted to the Quinnipiack Valley Health District (QVHD) for review.
- Stated that all the property abutters have been notified.

A site inspection of the property relative to the application was scheduled for Saturday, September 8, 2007.

### **CHIHAE AND HYUNG PAEK - 3 JENICK LANE**

#### **Application to construct a detached garage.**

Mrs. Chihae Megan Paek, applicant, was present to speak on behalf of the application. In discussion of the application Ms. Paek stated:

- The application is to construct a 2-car detached garage.
- The existing attached garage would be converted into a family room.
- Construction of the garage should not infringe on the wetlands boundary.

Mr. Terry Gilbertson stated that if this application was delegated to him, he would be asking for the wetlands to be delineated.

Later in the meeting Agency members took the following action regarding the application:

**\*\* Mr. Bixler moved approval to delegate this matter to Terry Gilbertson.**

**\*\* Ms. deKadt seconded**

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

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

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

**UNANIMOUS APPROVAL**

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

#### **Application for two-lot resubdivision.**

Project Engineer John Paul Garcia was present to discuss the application for a two lot subdivision of property located at 175 Seymour Road. The application was being formally received by the Agency this evening. It was the consensus of the Agency members to have consulting engineer Robert Criscuolo review the submitted subdivision plans. Agency members will also conduct a site inspection of the subject property on Saturday, September 8, 2007.

### **OLD BUSINESS**

#### **Discussion and appropriate action regarding the following applications and agency business:**

##### **TOWN OF WOODBRIDGE - Sunbrook Road**

##### **Application for road culvert replacement project.**

It was noted that comments had been received from the South Central Connecticut Regional Water Authority (SCCRWA) relative to the application and been distributed to Agency members. Staff also reported that Agency consulting engineer Robert Criscuolo had reviewed revised plans for the application dated June 2007 and found that those plans addressed all his concerns. Since those revised plans had not been submitted to the Agency when they were provided to Mr. Criscuolo, staff had contacted Facilities Department Operations Manager, Mr. Connors to request that a set of those plans be submitted for this evening's meeting. As of this evening's meeting, no plans had been received.

Mr. Gilbertson noted that the application could be approved subject to a condition that the appropriate revised plans be submitted for the application file.

Later in the meeting Agency members took the following action regarding the application:

**\*\* Mr. Bixler moved approval of the application subject to a set of the plans being submitted to the Agency that had been reviewed and approved by consulting engineer Robert Criscuolo.**

**\*\* Ms. deKadt seconded**

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

**\* OPPOSED: No One**

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

**UNANIMOUS APPROVAL**

##### **SHANNON LAVERTUE - 817 FOUNTAIN STREET**

##### **Update on permit requiring planting of shrubs to enhance the upland buffer that will protect the onsite wetlands.**

Chairman Blythe recused himself from this agenda matter.

Mr. Gilbertson reported that:

- The property owner, will be allowing an inspection of the adjoining property at 821 Fountain Street by Mr. Gilbertson, consulting engineer Robert Criscuolo, and the property owner's engineer to determine if the site plan approved by the Town Plan and Zoning Commission for 821 Fountain Street has been adhered to.
- At the time of that inspection, compliance with the IWA permit for 817 Fountain Street can also be assessed by the two engineers.
- The permittee no longer lives at the address, and the property is for sale.

It was the consensus of the Agency members to defer further discussion of this item until the Agency's regular meeting on September 19, 2007.

**HARRIET COOPER AND DAVID AND MARCIA CHANG - 189 & 185 FORD ROAD**

**Application to dredge pond.**

Mr. Bill Grieger, contractor, appeared on behalf of the applicants to discuss the application with the Agency members. In discussion he noted:

- The pond would be accessed via an access road.
- Prior to dredging the pond, the water in the pond will be drained down by opening the dam that creates the pond.
- Once the pond is drained, the "channel" that will remain flowing through the "pond" will be away from where the sediment has deposited over the years is proposed to be removed.
- Silt fence can be installed in the pond bed to prevent sediment from going into the main channel flow.

Agency member David Bixler gave an overview of his site visit to the pond site. He stated:

- That Mr. Luther, an abutting property owner had voiced some concerns at the site visit.
- That if the dredging of the pond is done as it has been presented, it would be an improvement.

Mr. Michael Luther, 128 Northrop Road, stated that he has no objection to the work being done, but he does have concerns regarding the impact of water downstream. Mr. Luther also submitted and read a letter to the Agency voicing his concerns.

Mr. Chang, co-applicant, of 185 Ford Road, spoke on behalf of the application. Mr. Chang stated that the pond is fed by the stream, and he would welcome Mr. Luther to come over and go through plans with him.

Ms. Marcia Chang, co-applicant, stated that she did not feel comfortable with Mr. Luther coming on her property and taking measurements without permission. Ms. Chang stated that Mr. Grieger has explained the plans to Mr. Luther several times.

Later in the meeting Agency members took the following action regarding the application:

**\*\* Ms. deKadt moved approval subject to:**

- **A pre-activity meeting shall be held with the Inland Wetland Enforcement Officer (IWEO).**
- **The IWEO shall be notified prior to any dredging and shall decide when an appropriate time to perform the activity is.**
- **The method used to perform the dredging shall be approved by the IWEO.**
- **All dredged materials shall be removed from the site.**
- **A bond of \$2500.00.**

- \*\* **Mr. Kurek seconded**
  - \*\* **VOTING FOR: Blythe, deKadt, Moore, Kurek and Bixler**
  - \*\* **OPPOSED: No One**
  - \*\* **ABSTAINED: No One**
- UNANIMOUS APPROVAL**

**EVE KYBURG & JOANNA BATTER - 16 SPRING VALLEY**

**Application to dredge pond.**

Commission member David Bixler reported that he had inspected the site from property located at 586 Amity Road, with the consent of those property owners. He noted the following regarding his inspection:

- The pond is located in part on properties at 16 and 20 Spring Valley Road.
- The pond is incredibly silted in.
- He has concerns about two trees on either side of the pond, but a letter received relative to the application specifically stated no trees will be taken down to increase access.
- It appeared moist around the edges of the pond, but it may be that road drainage coming off of Spring Valley or Amity Road drains into the pond.

Abutting property owner, Ms. Marie Robert was present to speak on behalf of the application. Ms. Robert would be funding the pond dredging. Relative to the application she noted:

- She has spoken with two contractors who do pond dredging.
- One said his firm had equipment which would be able to reach out 45-feet.
- No contractor has yet been hired to do the work, if the permit is granted.

Mr. Bixler questioned if the pond dredging would be limited to working from the outside of the pond, with no trees coming down. He also asked if the site could be inspected by Mr. Gilbertson before dredging starts to make sure that the erosion controls are installed properly. Ms. Robert stated that it would not be a problem.

Mr. Gilbertson noted that the Agency could require a pre-construction meeting to review the project before any work was started.

Ms. Roberts stated that if the project was too expensive she will not be able to go forward with it.

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

- \*\* **Ms. deKadt moved approval subject to:**
  - **A pre-activity meeting shall be held with the Inland Wetland Enforcement Officer (IWEO to review procedures, timing, etc..**
  - **The IWEO shall determine the time of year that dredging shall occur.**
  - **The IWEO shall be notified when dredging will start.**

- **The IWEO shall have discretion as to how the pond and the extent to which the pond shall be dredged within the limits of the existing pond.**
- **The IWEO shall review and have the discretion to determine where the spoils stockpile shall be located.**
- **No equipment shall be in the pond bed unless specifically approved by the IWEO.**
- **A bond of \$2500.00.**

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

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

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

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

**UNANIMOUS APPROVAL**

### **JESSICA AND MARTIN HALPRIN - 4 ELDERSLIE LANE**

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

The application for the transfer of the existing permit for the residential site development of 4 Elderslie Lane was formally received this evening, having been submitted on the date of the June 20, 2007 IWA meeting. The application was accompanied by a letter of consent for the transfer of the permit by the current permittee Piechota Construction.

Following discussion, Agency members took the following action on the application:

\*\* **Mr. Moore moved to approve the transfer of the permit.**

\*\* **Ms. deKadt seconded**

\*\* **VOTING FOR: Unanimous**

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

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

**UNANIMOUS APPROVAL**

### **JESSICA AND MARTIN HALPRIN - 4 ELDERSLIE LANE**

#### **Application for modification of existing permit for residential site development of lot.**

Mr. John Paul Garcia, Project Engineer was present to speak on behalf of the application. In discussion he:

- Stated that he was in receipt of comments from the Agency's consulting engineer, Robert Criscuolo, which detailed areas of the plans that needed to be rectified.
- Submitted six copies of a revised site plan which he stated addressed all the items in Mr. Criscuolo's memo except one.

Mr. Gilbertson stated that he would like to sit down with Mr. Criscuolo, Mr. Garcia, and himself and go over what needed to be done as far as storm water management.

Jessica Halprin, applicant, was present and spoke on behalf of the application stating:

- If storm water was an issue that it be resolved quickly by having the engineers sit down together than she would encourage that to happen.

- It was her impression that certain things could be done to begin site development of lot project while the Engineers meet.

Mr. Gilbertson stated that site work could be done under the original IWA permit as long as the original clearing limits were respected. Chairman Blythe concurred that the transfer of the use of the permit will allow site work to be done within the confines of the prior permit.

Mr. Adam Gorelick, abutting property owner, was present and spoke regarding the application, noting:

- That he has no objection to transferring the existing permit, but his objection is to the proposed permit modifications.
- That he would like to have his own Engineer look at the submitted plans.

Mr. Garcia responded by noting:

- The proposed septic location is exactly the same as shown on the original subdivision plans.
- The proposed house location is very close to where it was shown on the original subdivision plans.
- The proposed site development, in comparison to the site plan that was approved by the Commission a few years ago shows the same clearing limits, wetlands, driveway, and the septic system locations.
- The only difference between the original application and the present one is the requirement by Mr. Criscuolo to provide detention for a 25-year storm for the increase and runoff from the site.

Mr. Gilbertson noted that Mr. Gorelick will have an opportunity to review the application materials in the Land Use Office.

Chairman Blythe noted that action on the application would have to be taken this evening unless an extension of time to act on the application was granted by Ms. Halprin. The applicant agreed to submit a letter of consent to an extension of time in which to act on the application.

Further discussion on the application was deferred until the next regular meeting of the Agency on September 19, 2007. In the interim there will be continued discussion between Terry Gilbertson, Agency Consulting Engineer Robert Criscuolo, and Project Engineer John Paul Garcia.

### **LAURA TORRENCE - 17 VERNON COURT**

#### **Clearing by wetlands.**

Chairman Blythe stated that there has been some problems in the last month with communications. Chairman Blythe stated that after the last meeting there had been discussion of having someone walk the property, and things have gotten carried away due to

miscommunications.

Mr. Leland Torrence was present to speak on behalf of his wife, Laura Torrence. He stated that:

- He is upset with the Enforcement Officer's treatment in this process.
- That the Enforcement Officer had walked his property without a prior phone call.
- That he felt he didn't have a choice in which Ecologist was selected.
- He was never made aware of the next IWA meeting.
- That he has been treated both with illegal activity and trespass by the Zoning Enforcement Officer.

Commission member Sharon deKadt stated that her impression from the previous meeting was that it would be okay for Agency members to walk the property to eventually come up with a solution to the clearing in the wetlands.

Chairman Blythe stated that he has gone through some of the transcripts of the previous meeting and it was clear that Mr. Torrence said it was okay for Mr. Gilbertson to go on the property; but there was a caveat that as long as Mr. Torrence approves who he would be going with.

Chairman Blythe stated that there needs to be a site visit to determine where to go from here on this issue.

Mr. Torrence stated that he requested of Mr. Joe Hellauer that he is assured that Connecticut Statutory Regulations, in terms of the Enforcement Officer's visits onto the property were followed; and as a courtesy he would like notification.

Commission member David Moore stated that if there is a scheduled site visit with a given time then that is notification.

Enforcement Officer Terry Gilbertson responded to Mr. Torrence's statements noting:

- He given the Agency a copy of his written response to Mr. Torrence's allegations.
- That the allegations of trespass twice on the subject property are not true. The first visit to the property was from the public way, and he was not on the Torrence property.
- Generally phone calls to walk a property are not done.
- An ecologist had been engaged (at no cost to the Town) and a report issued to the Commission the night of the last meeting.

Chairman Blythe stated that a site visit of the property will be scheduled. (*Note: Later in the meeting a site inspection date of September 8, 2007 was scheduled.*)

### **TRIPLE R DEVELOPMENT - 145 & 157 PECK HILL ROAD**

#### **Application to modify subdivision approval for 10-lot subdivision.**

Chairman Blythe stated that this application is a subdivision that was appealed, and is now coming back with the modifications of 2 less lots than the previous application. Chairman

Blythe stated that Mr. Criscuolo's memo stated that he has reviewed the plans, and all outstanding comments have been addressed.

Mr. Gilbertson stated that the issues have been resolved, and the original conditions of approval will remain in effect. Mr. Garcia stated that the drainage issues will have to be dealt with prior to development.

- \*\* **Mr. Moore moved approval**
  - \*\* **Mr. Bixler seconded**
  - \*\* **VOTING FOR: Blythe, deKadt, Moore, Kurek and Bixler**
  - \*\* **OPPOSED: No One**
  - \*\* **ABSTAINED: No One**
- UNANIMOUS APPROVAL**

#### **ENFORCEMENT OFFICER**

**Discussion and appropriate action regarding enforcement activities.**

#### **CORRESPONDANCE**

The following items of correspondence had been received by the Agency since the Agency's last regular meeting on June 20, 2007. Formal action regarding correspondence received was made as noted:

- **Copy of materials filed with the Connecticut Siting Council by Cohen and Wolf P.C. on behalf of Optasite Towers LLC for telecommunications facility at 1 Deerfield Lane, Ansonia, CT**
- **Information from Triton Environmental, Inc regarding reauthorization for the Water Diversion General Permit Application by the Oak Lane Country Club**
- **Invoice from the Connecticut Association of Conservation and Inland Wetlands Commissions for the Agency's annual dues to CACIWC.**

Mr. Gilbertson stated that staff is requesting that the Agency authorize payment of the Agency's annual membership dues to the CACIWC organization. Funds for that membership are included in the Agency's annual budget.

\*\* **Ms. deKadt moved to authorize payment of the Agency's annual membership dues to CACIWC in the amount of \$45 if a co-membership is made with the Conservation Commission or \$70. if sole membership of the Agency is applied for.**

- \*\* **Mr. Bixler seconded**
- \*\* **VOTING FOR: Blythe, deKadt, Moore, Kurek and Bixler**
- \*\* **OPPOSED: No One**
- \*\* **ABSTAINED: No One**

**UNANIMOUS APPROVAL**

- **A construction sequence for the common driveway access for 65 and 71 Seymour**

**Road was received from Mr. Romano for the Agency's consideration.**

Relative to this request, Mr. Gilbertson reported that:

1. No formal construction sequence for the common driveway access to 65 and 71 Seymour Road had been presented as part of the approved subdivision which created the two new lots.
2. There is an intermittent watercourse that runs along side of the highway which the Contractor needs to cross to create the common driveway.
3. The Contractor has developed a sequence of construction for construction of the driveway and crossing the intermittent stream at staff's request, and is seeking to have the Agency's approval of that construction sequence.
4. The Contractor will be installing a 12-inch pipe to cross the intermittent stream.
5. The plans would be reviewed by consulting engineer Robert Criscuolo as a routine matter.
6. The contractor will make every attempt to preserve the hickory tree – but also is requesting consent, if necessary, to be able to remove the tree.
7. He would recommend approval of the proposed construction sequence as long as the Contractor performs the crossing in a dry season.

*Note: After review and discussion, it was the consensus of the Agency members to approve the submitted construction sequence.*

**SCHEDULING OF DATA FOR NEXT IWA SITE INSPECTIONS**

The next IWA site inspection date was scheduled for Saturday, September 8<sup>th</sup>, 2007.

**APPROVAL OF MINUTES**

**Minutes of Regular Meeting on June 20, 2007**

Following discussion, Commission members approved the minutes with the following amendment:

Page 3, Eve Kyburg, July "14" – not "18".

Page 4, Last sentence, July "14" – not "18".

Page 3, Jessica Halprin, July "14" – not "18".

Page 6, Scheduling of date for next IWA site inspection – July 14 and 18<sup>th</sup>.

**\*\* Ms. deKadt moved approval**

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

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

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

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

**UNANIMOUS APPROVAL**

**Site Inspection Minutes on July 14, 2007**

*NOTE: These minutes were not yet available for review and action.*

**ADJOURNMENT**

- \*\* Ms. deKadt moved to adjourn the meeting at 11:00 p.m.**
  - \*\* Mr. Bixler seconded**
  - \*\* VOTING FOR: Blythe, deKadt, Moore, Kurek and Bixler**
  - \*\* OPPOSED: No One**
  - \*\* ABSTAINED: No One**
- UNANIMOUS APPROVAL**

**Accordingly, the meeting was adjourned at 11:00 p.m.**

Respectfully submitted,

Carolyn Donovan  
Recording Secretary