

**INLAND WETLANDS AGENCY**  
**TOWN OF WOODBRIDGE**  
**SPECIAL MEETING OF MARCH 16, 2022**

The special meeting of the Woodbridge Inland Wetlands Agency (IWA) was commenced at 7:33 pm on Wednesday, March 16, 2022, via WebEx by Chairman Robert Blythe.

Agency members present for the meeting were: Chairman Robert Blythe, Jack Kurek, Dave Speranzini, Josh Goldberg, Steven Sosensky, and alternate Jean Webber. Agency Enforcement Officer (AEO) Kristine Sullivan was also present.

**PUBLIC HEARING**

**Litchfield Turnpike LLC: 10 and 14 Merritt Avenue**

**14 Lot subdivision application construction of  $\pm$  375' of road, and fourteen duplex units with municipal water and sewer**

Chairman Blythe opened the recontinuance of the public hearing on the subject application. The public hearing was continued from the Agency's special meeting on February 16, 2022, when the applicant's counsel had requested a continuance of the hearing to allow for responses to be made to the Agency's consulting engineer's review comments dated February 8, 2022. Participating in the WebEx meeting on behalf of the applicant were consulting engineer, John Paul Garcia and legal Counsel, Attorney Amy Souchuns. The Chairman noted for the record that a list of the application materials and documents that had been received relative to the application had been posted on the IWA page of the Town Website.

Mr. Garcia began the applicant's presentation by screen sharing the most recently revised plan for the proposed subdivision, Sheet C-3, dated 9-10-21 revised to 3-7-2022. In his presentation and response to questions by Agency members he noted:

- The subdivision would be developed on 3.5 acres of land on the south side of Merritt Avenue and the east side of the West River.
- The proposal is to develop that area into 14 lots.
- The wetlands are located on the southside of the property, mostly on property owned by the State of Connecticut for the parkway and along the West River.
- The upland review regulated area is shown by the heavy dotted line on the plan
- The heavy gray line on the plan is the "flood line" for a 100 year flood.
- There would be four hundred feet of new road.
- Fourteen duplexes would be constructed.
- All of the duplexes would be served by public water and sewer.
- The Greater New Haven Water Pollution Control Authority (GNHWPCA) has given approval for the proposed connection of the duplexes to the sewer line.
- Storm water from road and driveways would be directed to catch basins in the road which would tie into the proposed detention pond which would empty into the West River.
- The site slopes from east to west, with an elevation drop of five feet across the parcel.
- Based on the Agency Consulting Engineer's initial review comments, the flood line is shown as shown on the FEMA maps.
- The detention basin would be maintained by the developer, Litchfield Assoc. LLC.

- As requested in the initial review comments, three test pits were dug, for which AEO Sullivan was present.
- The test pit results show the water table at five to five and one half feet
- No basements are proposed for the duplexes.
- The wetlands on the south side of the property appear to have been created by drainage from the parkway.
- The static water table is at four and one half feet.
- The ground water flow is from east to west going off the site.
- The underlying soils are porous bank run gravel.
- All water from impervious surfaces in the subdivision would be directed to the detention basin.
- The duplexes would be constructed one and one half feet above the base flood elevation.
- The drainage from the parkway goes southwest to the West River below the proposed development.
- The Conservation Commission has been in contact with the applicant about an easement along the West River to Merritt Avenue for a trail corridor. Discussions are still ongoing with the Conservation Commission.
- Based on Mr. Pretti's February 8<sup>th</sup> review comments an overflow area for the detention pond at a depth of one and one half feet is now shown to compensate for fill that would be brought into the established flood plain for the subdivision development.
- In response to the submitted photographs showing flooding of the area in 2007 and 2012, the houses have been redesigned so that there will be no living space on the "garage level" of the duplexes.
- The detention basin and "overflow" area would be maintained by periodic mowing.
- Parts of the detention basin and overflow area are located on some of the proposed lots.

At this time the Chairman asked if there were any questions from the public. The following member of the public then spoke with comments including:

- **Kelly Parker: 35 Manila Avenue**
  - Expressed great concern about the project and that some of the duplexes would be built in the flood zone.
  - Had lived in the area through previous floods.
  - Having an additional twenty eight families living in the area which is prone to flooding was really concerning.
  - Thought the town would have learned from experience.
  - Believed the project posed quality of life issue
  - Asked for clarification of what the flood line meant. *Note: Mr. Garcia responded it was the "high flood area."*

It was noted by staff, that Frank DeLeo had indicated on the WebEx program that he wanted to speak for the hearing record, and although he was "unmuted", was apparently experiencing technical difficulties and was unable to orally participate in the public hearing. It was noted that the public hearing will be re-continued to allow for receipt of written comments by the public, and to provide time for additional oral comments from the public.

The Chairman then called on the Agency's Consulting Engineer James Pretti for comments on the application. Mr. Pretti's comments included the following:

- In his comments from February 8, 2022, he had noted that the 100 year flood line was based on transects of the West River.
- The "overflow area" was required by FEMA to compensate for areas which would be filled in the flood zone. That has been addressed with the revised C-3 plan
- The parkway storm drainage system appears to have deficiencies which if fixed might result in less flooding.
- The property is at the bottom of the West River Watershed and with the proposed storm drainage should not have a noticeable impact on the West River.
- There are some outstanding comments in his February 8<sup>th</sup> letter that have not yet been addressed, but they are related more to review that will occur by the Town Plan and Zoning Commission.

Agency members Kurek and Webber then expressed or questioned the following:

- Expressed concern about the number of houses and site work proposed in the upland review area, between the detention basin and development of lots 6, 7, 8, 9, 13 and 14.
- Questions the "tree" line shown on the plans, which in some cases appears to almost be "touching" the houses.
- There is no provision for demarking site development from the wetlands.
- In times of flooding how would access be provided for emergency services.
- Questioned if the wetlands were "wet" and "marshy".
- Could the State Department of Transportation be asked to maintain the drainage at the toe of the parkway slope.
- Would a permeable driveway be of any benefit relative to site drainage?

Mr. Garcia responded:

- The site was used for a festival up to twenty years ago, so current vegetation is overgrown sassafras, willow, and brush.
- The lots are required to be 5000 square feet minimum. *Note: Staff corrected that the area which is a T-3D Zone has a minimum lot size of 4000 square feet.*
- There would be no overland flow of drainage except for the driveways which would be directed towards the road and from the road drainage to the detention basin.
- A traffic study will be part of the Town Plan and Zoning Review of the application.
- The site would have about an acre of impervious surfaces on a watershed of over 10,000 acres.

Agency member Sosensky then noted or questioned the following:

- Had visited the site on January 16, 2022, and March 14, 2022, and believed that a vernal pool had been overlooked in the soil scientists report. He noted that he had taken pictures during those site visits.
- Could not located the wetland flags #'s 60-65 and 73-52.
- There appeared to be a stockpile of material inside the upland review area.

- No prudent and feasible alternatives to the development had been provided as required by Section 7.6.e and d. *Note: The Chairman later noted that the public hearing had been called under section 9.1 because the Agency found that a public hearing regarding the application was in the public interest, not because there might be a significant impact on wetlands or watercourses.*
- That information required by Section 7.5.f had not been provided regarding alternatives which would cause less or no environmental impact to wetlands or watercourses and why the alternative set forth in the application was chosen.
- Was concerned that the detention basin might serve as a decoy for obligate species that might breed in what he thought might be a vernal pool.
- Requested that the Agency consider engaging its own soil scientist to inspect the site.

Attorney Souchuns responding noting:

- The public hearing had been called because of “public interest”, not potential for a significant activity.
- Mr. Kenny, the applicant’s soil scientist, had had a conflict for this evening’s meeting but would be available for the Agency’s next meeting.
- Requested to have copies of the photographs that had been taken by Mr. Sosensky, *Note: Staff noted that the pictures were emailed to Attorney Souchuns and Mr. Garcia during the WebEx hearing.*

At the end of the evening’s discussion, the Agency scheduled a site visit to the property for Wednesday, March 23, 2022, at 6 pm. Agency members asked that prior to that inspection that the wetland flags be re-established on the side of the wetlands facing the property. The Chairman noted for the record that at the site inspection, the merits of the application could not be discussed.

The Agency then acted to recontinue the public hearing to the regular meeting of the Agency on March 23, 2022, as follows:

**\*\*\* Sosensky moved to re-continue the public hearing until the regular meeting of the Agency on March 23, 2022, scheduled to begin at 7:30 pm. That meeting to be held via WebEx.**

**\*\*\* Kurek seconded**

**\*\*\* In favor: Blythe, Kurek, Speranzini, Goldberg and Sosensky**

**\*\*\* Opposed: No One**

**\*\*\* Recused: No One**

**\*\*\* Abstained: No One**

**Approved 5-0**

### **NEW BUSINESS**

#### **Greater New Haven Water Pollution Control Authority (GNHWPCA): 66 Ansonia Road Application for total renovation of existing sanitary sewer pump station.**

The application submitted by the Greater New Haven Water Pollution Control Authority for the total renovation of the existing sanitary sewer pump station at 66 Ansonia Road was formally received by the Agency. The application was accompanied by a 17 page set of site plans, checks for the State and Town application fees, check to the Town Clerk for recorded

IWA decision on the application, proof of notice to the abutting landowners and copy of a permanent easement and right of way regarding the location and maintenance of a sanitary pump station property located at 2 Brookside Drive.

The applicant's legal counsel, Attorney Marjorie Shansky, participated in the WebEx meeting as well as Thomas Sgroi, Director of Engineering for the GNHWPCA. Mr. Sgroi, screen shared the submitted plans and reviewed them with the Agency members noting:

- The pump station handles 30 houses.
- The station has two parts, a wet well and a dry section.
- The existing setup will be phased out and replaced with a state of the art submersible pump station.
- The existing generator will also be replaced.
- The system is alarmed to dispatch a crew if needed.
- The existing pole with some equipment on it will be removed and replaced with an enclosed cabinet on a concrete pad.
- The immediate area will be enclosed with a high end fence, and plantings as shown on the submitted plans
- Planting selections will be worked out in conjunction with the property owner, Mr. Sabellico.
- Very little grading will need to be done.
- The footprint of the pump station will not change.
- The only "impact" is in the upland review area

At the conclusion of discussion, the Agency took the following action regarding the application:

**\*\*\* Kurek moved to defer action on the application by the Greater New Haven Water Pollution Control Authority for the total renovation of the existing sanitary sewer pump station located at 66 Ansonia Road to the Agency's Duly Authorized Agent since no work will occur directly in a wetlands and there should be minimal or no impact to the onsite wetlands.**

**\*\*\* Speranzini seconded**

**\*\*\* In favor: Blythe, Kurek, Speranzini, Goldberg and Sosensky**

**\*\*\* Opposed: No One**

**\*\*\* Recused: No One**

**\*\*\* Abstained: No One**

**Approved 5-0**

**David Ahlborn and Jula Rooney: 14 Zak Hill Drive**  
**Application for residential site development of lot**

The application submitted by the David Ahlborn and Jula Rooney for the residential site development of 14 Zak Hill Drive was formally received by the Agency. The application was accompanied by a set of site plans, checks for the State and Town application fees, check to the Town Clerk for recorded IWA decision on the application, and proof of notice to the abutting landowners

Project Engineer David Sacco of TPA Design Group, participated in the WebEx meeting on behalf of the applicants. He screen shared the submitted site plans with the Agency members. In discussion and response to questions by Agency members he noted:

- In 2012 the Agency had approved an application for the construction of a septic system on the site, which was partially constructed in a regulated upland review area.
- Last year the site was purchased by the applicants who now want to construct a residence on it.
- The wetlands are predominately offsite to the east and west.
- The site is 3.99 acres in area.
- Under the original IWA permit a quarter of an acre of site disturbance in the upland review area had occurred to install the septic system.
- Under the current application, an additional quarter of an acre of disturbance in the upland review area is proposed.
- Some areas, including the septic area have become overgrown with invasive species such as autumn olive, knotweed, and tree of heaven.
- The application includes the proposal to remove the invasive species and naturalize those areas with native seed mixtures.
- Along the existing roughed in driveway water quality swales are proposed to handle driveway runoff towards the wetlands.
- The house, driveway apron and carport are all outside of the upland review area.
- Two drainage basins by the driveway would handle driveway and roof drainage.
- The basins will be seeded with a native seed mixture.
- The basins have been sized to handle 2” of runoff after which the drainage would flow overland through a heavily vegetated area towards the wetlands.
- The current driveway location will remain
- The plans show the extent of tree clearing.
- The house has been designed to “step down” into the existing terrain.

At the conclusion of discussion, the Agency took the following action regarding the application:

**\*\*\* Speranzini moved to defer action on the application by David Ahlborn and Jula Rooney for the residential site development of their property located at 14 Zak Hill Drive to the Agency’s Duly Authorized Agent since no work will occur directly in a wetlands and there should be minimal or no impact to the onsite wetlands.**

**\*\*\* Kurek seconded**

**\*\*\* In favor: Blythe, Kurek, Speranzini, Goldberg and Sosensky**

**\*\*\* Opposed: No One**

**\*\*\* Recused: No One**

**\*\*\* Abstained: No One**

**Approved 5-0**

**OLD BUSINESS**

**GM Industries, Inc: 283 Seymour Road**

**Application for installation of GM Solar Tracker in upland review area**

The application for the installation of a GM Solar Tracker on property located at 283 Seymour Road owned by Victor Leyner was formally received by the agency at its meeting on January 19, 2022. Since the Agency’s meeting on February 16, 2022, a report dated March 3, 2022, prepared by Soil Scientist George Logan of Rema Ecological Services LLC had been received regarding the wetlands on the property. That report had been distributed to the Agency members prior to their site inspection on Monday, March 14, 2022.

After a brief discussion, Agency members acted on the application as follows:

**\*\*\* Kurek moved to approve the application submitted by FM Industries, Inc., for the installation of a GM Solar Tracker at 283 Seymour Road, owned by Victor and Nina Leyner, subject to standard conditions and the recommendations in the report dated March 3, 2022, by Soil Scientist George Logan, of Rema Ecological Services LLS, in particular with regard to the mitigative measures regarding the removal of Japanese knotweed and mug wort.**

**Granting of the permit is based on the Agency’s finding that the mitigative measures should more than off-set any temporary impacts to the regulated resources**

**\*\*\* Goldberg seconded**

**\*\*\* In favor: Blythe, Kurek, Speranzini, Goldberg and Sosensky**

**\*\*\* Opposed: No One**

**\*\*\* Recused: No One**

**\*\*\* Abstained: No One**

**Approved 5-0**

**ENFORCEMENT OFFICER’S REPORT**

The Enforcement Agent had no violations to report on.

**SITE VISITS**

As previously noted, a site visit to 10-14 Merritt Avenue was scheduled for Wednesday, March 23, 2022, meeting at the site.

**APPROVAL OF MINUTES**

Action on Agency minutes was deferred until the Agency’s regular meeting on March 23, 2022.

**MEETING ADJOURNMENT**

**\*\*\* Sosenky moved to adjourn the meeting at 9:36 pm.**  
**\*\*\* Kurek seconded**  
**\*\*\* In favor: Blythe, Kurek, Josephs, Speranzini and Goldberg**  
**\*\*\* Opposed: No One**  
**\*\*\* Recused: No One**  
**\*\*\* Abstained: No One**  
**Approved 5-0 vote**

**Accordingly, the meeting was adjourned at 9:36 pm.**

**Respectfully submitted,**

**Kristine Sullivan, Acting Recording Secretary**