



TOWN OF WOODBURY
Inland Wetlands and Watercourses Agency
297 Main Street South
Woodbury, Connecticut 06798-0369

TELEPHONE: (203) 263-3467
FAX: (203) 263-5076

UNOFFICIAL DRAFT MINUTES – NOT YET APPROVED BY COMMISSION
MINUTES
REGULAR MEETING
INLAND WETLANDS AND WATERCOURSES AGENCY
MARCH 9, 2009

MEMBERS PRESENT

Mary Tyrrell Marty Newell
Charlie Lewis Robert Walleck
Sue Windesheim

ALTERNATES PRESENT

Don Richards

ALTERNATES ABSENT

Carris Toupin George Wargo

Chairwoman Tyrrell called to order the regularly scheduled meeting of the Inland Wetlands Agency at approximately 7:40 P.M. and seated regular members Newell, Windesheim, Walleck, Lewis and herself. Reference was made to the Connecticut General Statutes regarding conflict of interest and the Town Regulations.

PUBLIC HEARING

Regular Meeting

2) Pending Applications

A. 08-IW-8035/Town of Woodbury Park and Rec/Middle Road Turnpike/Recreation fields within a regulated area/(Tax Assessor's Map 23/Lot 18).

Chairwoman Tyrrell stated that there was some mixed information regarding the draft motion and confusion over what the Agency wanted. They sometimes receive two draft motions, for tonight they only received one.

Chairwoman Tyrrell asked if anyone else wanted copies of the reports submitted by the consultants. It was decided that copies of the letters would be sent to all Agency members.

Ms. Newell requested they table discussion of the application because they did not have an Executive Session and she did not feel comfortable discussing the application.

Chairwoman Tyrrell asked if anyone else had any comments.

Chairwoman Tyrrell reiterated that the Agency is again requesting an Executive Session for the next meeting in regards to personnel and for another reason to be stated later.

Ms. Newell asked that the town attorney be present for the Executive Session. Ms. Newell asked why they did not have an Executive Session for this meeting as it was requested during the last meeting. Ms. Newell stated that she was very frustrated that they were told they could not have Executive Session. She asked if there was a reason that it did not happen.

Chairwoman Tyrrell read aloud a memo from Judi Lynch listing the five reasons why an Executive Session can be requested. She stated that there was also an issue with some of the Agency members and contacting them prior to an Executive Session.

Chairwoman Tyrrell requested that town attorney contact her directly or that she have the authority to contact town attorney directly before the next meeting.

Ms. Windesheim asked if the applicants would be willing to downsize the scope of the project by 50%.

Chairwoman Tyrrell stated that they did discuss this during the public hearing but the applicant made it clear that they wanted the whole project.

Chairwoman Tyrrell requested that all member get copies of the letters from the various consultants.

Ms. Windesheim asked to have copies made of the discs from the previous, (2/23) meeting as she was not present.

Chairwoman Tyrrell tabled further discussion of the application until the next meeting.

B. 09-IW-9001/Gary Giordano (agent) Mackey (owner)/Mill Road/2 Lot Subdivision/(Tax Assessor's Map 10/Lot 45).

Chairwoman Tyrrell commented that during the walk, the Agency discussed whether or not a public hearing would be needed for this application. She stated that they will need to discuss what needs to be done and then determine the classification and whether or not a public hearing will be needed.

Gary Giordano came forward representing the applicant. He stated that he made some changes including one major change. He commented that the driveway drainage issue has not been completely resolved yet because the snow made it difficult to examine the area. He stated that he would be meeting with the Public Works Director tomorrow, 3/10/09.

Chairwoman Tyrrell commented that one issue they had after the walk is that nothing to address drainage at the end of the driveway.

Agency looked at the maps examining areas of wetlands, driveways, etc.

Mr. Giordano clarified that part of the house and clearing is in the regulated area.

Mr. Giordano explained what he called a groundwater conveyor. He explained the area on the map to be 20' wide by 21' long. He described the layering of stone, gravel and filter fabric. He stated that he will discuss storm drainage further during the next meeting after he meets with the Public Works Director.

Chairwoman Tyrrell stated that their biggest concern is the area where driveway meets roadway. She stated that they will wait until they see the final map before making their classification.

Mr. Richards asked for clarification regarding the driveway and gravel.

Mr. Giordano explained that stone would be wrapped in filter fabric and covered with 9" of process and then an additional 6" of driveway base.

Mr. Richards commented that he wanted to make sure they were using the rock they requested. He stated that after reviewing previous jobs, he has realized that gravel doesn't work like trap rock.

Chairwoman Tyrrell asked Mr. Giordano to get in touch with the Land Use Office as soon as he gets additional information so that if possible, Mr. Chapman can visit the site before the next meeting.

3) New Applications

4) Other Business

Ted Martland/ Quassuk Road/Review of alternate location of egress for gravel & muck removal in Riker Pond/Map 90/Lot 10A.

Attorney Pilicy came forward to represent Mr. Martland.

Chairwoman Tyrrell explained that she requested information from the Land Use Office and recently attended a meeting with Zoning, town staff, the First Selectman, and the Town Attorney. In addition, she received some information from Judi Lynch through the Town Attorney but they continue to be uncertain as to exactly what their options are regarding this application. She stated that they are requesting an Executive Session for the next meeting in part, for the purpose of discussing what their options are with respect to this case and for further clarification.

Don Richards asked if they could walk the property again because they now have a few members that have not been to the property.

Mr. Richards asked about the new road (haul road).

Chairwoman Tyrrell commented that the long haul road is no longer being requested. She asked Attorney Pilicy if work will be done from the stockpile area to the area where it meets with Morris' driveway.

Attorney Pilicy stated very little work will be done.

Chairwoman Tyrrell stated that this is what they need to see.

Dr. Martland arrived to the meeting.

Chairwoman Tyrrell explained all of what had been discussed thus far to Dr. Martland including the request for an Executive Session. She asked if the Agency could walk the property as some members have not seen the property.

Dr. Martland stated that he did not have a problem with the Agency visiting the site.

It was decided that the Agency would visit the site 3/15/09 at 9:00 a.m.

Chairwoman Tyrrell read aloud a formal letter requesting a modification to approved work at Rikers pond.

Chairwoman Tyrrell asked that she have a copy of the current map for the walk.

03-IW-3038/Florindo Trofa/Church Hill Road/Orchard Avenue/Extension on Agency permit/25-lot subdivision – Farm Meadow (Tax Assessor’s Map 029/Lot017 & 018). Expiration originally 4/18/09, with approval, expiration becomes 4/17/14.

Brian Baker from Civil 1 and Florindo Trofa came forward to request a 5-year extension of their application before the approval expires.

Chairwoman Tyrrell expressed concern regarding the bonds that were posted and that now if 5 additional years are granted that the bond amount may need to be increased due to inflation and additional expenses.

Mr. Brian explained that phase 1 and 80% of phase 2 have been completed and thus they have requested a bond reduction. He explained that the bond amounts will be reviewed. He also stated that there is 10% inflation and contingency built into the calculation.

The Agency reviewed the fact that the request for the extension was filed in a timely manner according to the Regulations.

The agency decided to approve the extension as the bond amount is not truly a wetlands issue.

MOTION: To approve the request for an extension concerning application 03-IW-3038 submitted by Florindo Trofa for a 25-lot subdivision (Farm Meadow), located at Church Hill Road/Orchard Avenue (Tax Assessor’s Map 029/Lot 017 & 018) Expiration originally 4/18/09 now extended to 4/17/14. **Made by Lewis, seconded by Windesheim. Vote 5-0 in favor.**

5) Privilege of the Floor

Michelle Ecsedy commented that the Agency can not go into Executive Session merely to discuss the Park and Rec application behind closed doors. She read the 5 reasons that an Agency can request to go into Executive Session stating that she is unclear as to why an Executive Session is necessary.

Chairwoman Tyrrell stated that they have not requested an Executive Session merely to discuss the Town application. She stated that the reason they have cited is to discuss personnel as well as discuss and ask about another application. She further clarified they would like to discuss personnel that works for the Town and Agency and discuss how this affects the outcome of the proposal. Ms. Tyrrell stated that they are requesting the Town Attorney be present to answer questions and she will speak to the attorney ahead of time to review that things are done correctly.

6) Consideration of Minutes

MOTION: To approve the minutes of 2/23/09 with the following changes:

1. Sue Windesheim was not present and therefore should not be listed as one of the members seated.
2. Change all references of “repair” to “raparian”.
3. Page 3, Para. 8 – change “Me. Chapman” to “Mr. Chapman” and Para. 11 - change “...approved...” to “...approve...”
4. Page 5, Para. 13 – Change “...these meetings...” to “...this meeting...”.
5. Page 9, Para. 3 – Change “...to be remove...” to “...to be removed...”

Made by Lewis, seconded by Newell. Vote 5-0 in favor.

***Sue Windesheim also noted that she was not listed on the letter head as one of the members present on 2/9/09.**

7) Clerk's Bill

MOTION: To approve the clerk's bill. **Made by Windesheim, seconded by Newell. Vote 5-0 in favor.**

8) Correspondence

MOTION: To accept the two draft letters as presented by Bob Walleck to be sent registered mail. **Made by Windeshiem, seconded by Lewis. Vote 5-0 in favor.**

Chairwoman Tyrrell reviewed some flyers and information concerning classes available to the Agency. She also read aloud a letter that was sent to the Woodbury Ski Area stating that the DEP has observed that they have multiple violations under their permit.

9) Update of Planning and Zoning

Mr. Lewis and Ms. Windesheim updated the Agency on the most recent Planning and Zoning minutes.

10) Enforcement Report

Mr. Chapman reviewed an application that will be coming to the Agency in the coming weeks from George McClain and an issue he is having getting power to his lot.

11) Adjournment

MOTION: To adjourn the meeting at approximately 8:45 P.M.

Respectfully Submitted,
Tara Coelho, Clerk