



TOWN OF WOODBURY
INLAND WETLANDS AND WATERCOURSE AGENCY

297 Main Street South
Post Office Box 369
Woodbury, Connecticut 06798-0369

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

UNOFFICIAL DRAFT MINUTES – NOT YET APPROVED BY AGENCY
CEASE & DESIST HEARING
INLAND WETLANDS AND WATERCOURSES AGENCY
MAY 10, 2010

MEMBERS PRESENT

Mary Tyrrell
Marty Newell
Robert Walleck
Charlie Lewis

ALTERNATES PRESENT

Ernest Werner
Don Richards

MEMBER ABSENT

Sue Windeshiem

ALTERNATE ABSENT

Tim Drakeley

OTHERS PRESENT

Attorney Thomas Kaelin representing the Town of Woodbury; Mr. Chris Gogas, restaurant owner; Ms. Thea Nikas, restaurant manager; Attorney Thomas Calkins, of 35 Field Street, Waterbury representing Mr. Gogas; Zoning Enforcement Officer Joseph Chapman and interested members of the public.

Cease and Desist Hearing

- a. Chairwoman Tyrrell called the Cease and Desist hearing of the Inland Wetlands and Watercourses Agency to order at 7:05 pm.
- b. Chairwoman Tyrrell seated Robert Walleck, Marty Newell, and herself. Don Richards was seated for Sue Windeshiem. Charlie Lewis arrived late at 7:08pm and Ernest Werner arrived at 7:20pm.

Cease and Desist Order for San Remo Restaurant / 135 Main Street North / Map 090, Lot 008B / Chris Gogas (owner), Thea Nikas (manager)

Chairwomen Tyrrell opened the meeting by reading the Cease and Desist Order sent to Mr. Gogas by ZEO Joseph Chapman into the record. She also read the posting memo to the Town Clerk into the record.

ZEO Joseph Chapman then read a memo of his recollection of events into the record.

Chairwomen Tyrrell asked the commission if they were clear on the events that led to the Cease and Desist and then asked the property owner or his attorney to come forward with comments.

Attorney Calkins came forward and stated that the issue seemed to be that the question of whether the millings that were put down are refreshing the area or is it some type of new surface that may require an application to the Inland Wetland Agency.

There is a letter from William O. Wiley, P. E. from Stone Construction regarding millings that Attorney Calkins read into the record. He then stated that from the perspective of his client, they were simply replacing the gravel with like material. The gravel had stopped acting as a permeable material and water was just running off the surface. So the question of whether or not they were increasing the impact on the wetlands area, the answer according to Mr. Wylie would be no, if anything they were improving the permeability of the surface and allowing the water to percolate down.

Attorney Calkins stated that his client Mr. Gogas was not trying to circumvent the Land use boards. It may have been a question of falling in between two definitions. He referred to the Zoning commission minutes from the April 27th meeting and a discussion that took place during that meeting of the definition of millings.

Chairman Tyrrell stated that she had some questions as did other members of the commission. One of the questions she had was what the depth of the millings were?

Mr. Gogas came forward and stated that at the deepest point it was maybe three or four inches deep.

Chairwomen Tyrrell asked if Mr. Gogas knew the amount of the material that had been deposited, he stated he didn't know.

Ms. Newell wanted to know how the area was prepared, to which Mr. Gogas told by a small dozer. The dirt was pushed to clean the edges.

Mr. Gogas stated the only place he expanded was in the north west corner so the dumpsters could be moved to that corner to neaten up the whole area.

Mr. Richards asked for clarification if the millings went straight across the back of the parking lot now?

Mr. Gogas stated yes

Mr. Lewis wanted to know what was going to happen to the water.? Is it graded.

Mr. Gogas stated the water runs off in the north west corner, because the gravel was so hard packed.

Mr. Lewis asked Joe Chapman if it they might benefit from a drywell.

Mr. Chapman replied that water did drain to a particular spot and did take several days to percolate down, if the owner found it to be a problem then maybe a drywell would be an option for them.

Chairwoman Tyrrell then noted that maybe the other option is to have an engineer look at it and come up with a better way to handle the water situation. When the Wetland Agency approved the plan they had engineering plans and engineering discussion on it to make sure there wouldn't be a problem with drainage when the work was being done. Maybe the whole area should be addressed instead with an engineered plan and a proposal to do something in that area or where ever the engineer feels it should be.

Mr. Gogas felt that Stone Construction did a good job of leveling off the area and that they were a knowledgeable company and understood how to do their job.

Chairwoman Tyrrell stated that it wasn't just a case of drainage that there are regulations to be followed, not just in regards to wetlands but also zoning and that if more work needed to be done, in an effort to avoid problems in the future, that it might be in the best interest of the owner to address everything as comprehensively as possible. The parking area is the Flood plain and any new projects would still have to come before the Agency.

Attorney Calkins asked if the Agency was telling Mr. Gogas to hire an engineer to do an overview of the existing drainage situation.

Chairwoman Tyrrell said it would be in the best interest of the owner for their protection and the towns to have a plan that way there's no confusion of what can and can't be done.

It was discussed to continue the hearing so that more information could be gathered.

Mr. Gogas will ask Ron Wolff to do a preliminary evaluation of drainage on the site.

MOTION: To continue the hearing until the next regularly scheduled meeting on May 24, 2010
Made by Richards, seconded by Newell. Vote 4-0 in favor.

Filed subject to approval.
Respectfully Submitted,

Donna Suszynski,
Administrative Assistant