



TOWN OF WOODBURY
INLAND WETLANDS AND WATERCOURSE AGENCY

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UNOFFICIAL DRAFT MINUTES – NOT YET APPROVED BY AGENCY
REGULAR MEETING
INLAND WETLANDS AND WATERCOURSES AGENCY
MAY 10, 2010

MEMBERS PRESENT

Mary Tyrrell
Robert Walleck
Charlie Lewis
Marty Newell

ALTERNATES PRESENT

Ernest Werner
Don Richards

MEMBER ABSENT

Sue Windesheim

ALTERNATE ABSENT

Tim Drakeley

OTHERS PRESENT

Attorney Tom Kaelin, First Selectman Jerry Stomski, Land Use Enforcement Officer Joe Chapman, Ron Wolf, Charles Bucchioni, Cheryl Dirollo, Frank Quadrato, Linda Boston, Lisa Turoczi, Fred Leavenworth, Rod Taylor and members of the public.

Regular Meeting

- a. Chairwoman Tyrrell called this regular meeting of the Inland Wetlands and Watercourses Agency to order at 7:42 pm.
- b. Chairwoman Tyrrell seated Charlie Lewis, Robert Walleck, Marty Newell and herself. Don Richards was seated for Sue Windesheim. Reference was made to the Connecticut General Statutes regarding conflict of interest and the Town Regulations.

MOTION: To add to the agenda Executive Session to discuss pending litigation Zappone v. Inland Wetlands Agency of the Town of Woodbury.

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

Executive Session to discuss pending litigation Zappone v. Inland Wetlands Agency of the Town of Woodbury

MOTION: To convene in Executive Session with all IWWA members present and Town Attorney Tom Kaelin to discuss pending litigation Zappone v. Inland Wetlands Agency of the Town of Woodbury at 7:43 p.m..

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

The members and Attorney Kaelin exited the Town Annex Conference Room to convene in the Town Planner's Office.

The group exited Executive Session at 8:05 p.m. and returned to the Town Annex Conference Room. Chairwoman Tyrrell noted that no motions were made and no votes were taken.

Enforcement Report

Chairwoman Tyrrell reviewed the Enforcement Reported dated 5/10/10. The members discussed the Zombie property on 63 Sycamore Road. It was noted that both Joe Chapman and Chairwoman Tyrrell spoke with Nate O'Neil who mows the field on this property. The purpose of the activity being performed by Mr. O'Neil was to reinforce the stream bank to prevent the fields from eroding. Chairwoman Tyrrell distributed photos she took of the activity from the road. She noted that some kind of buffer should be planted. The members agreed that Joe Chapman should encourage Mr. O'Neil to submit an application for the activity being performed.

Fred Leavenworth explained that this situation is not unique and is happening frequently due to the rechanneling of the river and cutting back of vegetation. He noted that the Zombies inherited this situation from the previous owners. That field is a flood plane and flood way. Mr. Leavenworth suggested that the Boards in Woodbury look into the 14 priority sites identified by the Watershed Coalition and work to simplify the process to rectify these kinds of issues. He noted that the Boards could use USGS and work with the DEP to find an appropriate plan. Chairwoman Tyrrell asked Joe Chapman to begin work on this agricultural endeavor. She recommended the involvement of Nonnewaug High School throughout the process.

Pending Applications

10-IW-1002/ Estate of Paul F. Cassidy (owner)/AEA George Johannesen (agent)/146 South Pomperaug Avenue/Renovate & expand existing motel building/reconfigure gravel parking area/install landscaping/Map 102/Lot 001

Chairwoman Tyrrell read aloud the draft motion for this application. Don Richards questioned whether a concrete washout pit was included in the plan. The members view the map and determined that a concrete washout pit was not indicated. Joe Chapman suggested the use of hay bale containment due to the small use of concrete for this project. The members agreed to add to the approval the notation that a designated site for concrete washout shall be approved in advanced.

MOTION:

WHEREAS, the Woodbury Inland Wetlands Agency (Agency) has received an application, 10-IW-1002, submitted by Allied Engineering, LLC on behalf of the Estate of Paul F. Cassidy to renovate and expand existing motel building, reconfigure gravel parking and install landscaping on property at 146 South Pomperaug Avenue (Tax Assessor's Map 102, Lot 001); and

WHEREAS, the Agency classified the application summary; and

WHEREAS, the Agency has carefully considered all the information submitted;

NOW THEREFORE BE IT RESOLVED that the Woodbury Inland Wetlands Agency approves the application submitted by Estate of Paul F. Cassidy (owner) Allied Engineering Associations, LLC (agent) to Renovate and expand existing motel building, reconfigure gravel parking and install landscaping on property at 146 South Pomperaug Avenue (Tax Assessor's Map 102, Lot 001) as depicted on Proposed Site Development Plan for the Woodbury Inn, prepared by George Johannesen, P.E. consisting of the following pages C-1 Existing Site Plan, dated 2/17/10 revised to 4/19/10; C-2 Proposed Site Development Plan, dated 2/17/10 revised to 4/19/10; C-3 Proposed Grading & Utilities Plan and Landscape & Lighting Plan dated 2/17/10 revised to 4/21/10; A-1 Existing and Proposed Floor Plans and Proposed Cross Section dated 2/17/10 revised to 3/18/10; A-2 Existing and Proposed Building Elevations dated 2/17/10 revised to 3/8/10; ES-1 Proposed Erosion and Sedimentation Control Plan dated 2/17/10 revised to 4/19/10; and, ES-2 Proposed

Erosion and Sedimentation Control Plan dated 2/17/10 and on the wetlands application form dated February 19, 2010, revised March 22, 2010 subject to the following conditions:

1. The applicant shall provide the Land Use Office with 48 hours notice prior to construction, and shall not commence such work until soil erosion and sedimentation control devices have been installed and inspected by the Land Use Office.
2. There shall be no burying of any tree stumps or tree materials including but not limited to branches, logs, brush, wood chips and the like.
3. Concrete trucks shall not be washed out in the regulated area.
4. The construction site shall be kept clean of all loose debris, litter and building or construction materials to prevent any foregoing from entering wetlands or watercourses.
5. Stockpiles of earth materials shall be stored outside the 100' regulated area.
6. Removal of the silt fence shall take place only after the built up silt along the fence line has been removed. This material shall be removed from the site or placed as fill in areas that will not allow the material to migrate downslope.
7. All disturbed areas and earth material stock piles must be stabilized and seeded before October 15 of the year in which the construction begins.
8. The applicant shall provide written notice to the Agency within seven (7) days of project completion. Such notice shall include a summary of the work completed.
9. The applicant shall provide written quarterly updates to the Agency should the project extend more than three months. This shall also apply if the project does not commence within three months of approval.
10. The applicant shall complete and return to the Land Use Office a copy of the Connecticut Department of Environmental Protection Statewide Inland Wetlands and Watercourses Activity Reporting Form prior to commencement of construction.

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

10-IW-1005/ Robin King (owner)/ Lisa Turoczi (agent)/ 8 Stone Hollow Road/ Remove invasive and replant with native plants, build retaining wall and extend patio/ Map 48/ Lot 39/18

Lisa Turoczi submitted a rain garden maintenance schedule for the file and noted that the owner has received a copy and is in agreement. She explained that one change is that the path will be weed wacked to decrease compaction. She confirmed that visual inspections for invasive vegetation should be done at the beginning and ending of each growing season.

Ms. Turoczi reviewed the calculations for the rain garden. She explained that she has oversized this rain garden. She provided information regarding rain gardens for the members' reference. It was confirmed that the wetlands would be protected from overflow should there be a flash flood.

Chairwoman Tyrrell explained that a written report from an engineer with a wetlands background confirming the rain garden's calculations must be provided for the file as part of the conditions of the approval. She read aloud the draft motion. It was explained that a written report must be provided every three months updating the status of the project until its completion.

MOTION:

WHEREAS, the Woodbury Inland Wetlands Agency (Agency) has received an application, 10-IW-1005, submitted by Robin King (Turoczi as agent) to remove invasive species from wetlands and replant with native species; create a meadow with rain garden in place of existing mowed lawn; build retaining wall new house for gardens on property at 8 Stone Hollow Road (Tax Assessor's Map 48, Lot 39/18); and

WHEREAS, the Agency classified the application summary; and

WHEREAS, the Agency has carefully considered all the information submitted;

NOW THEREFORE BE IT RESOLVED that the Woodbury Inland Wetlands Agency approves the application submitted by Robin King (Turoczi as agent) to remove invasive species from wetlands and replant with native species; create a meadow in place of existing mowed lawn; build retaining wall adjacent to new house for gardens on property at 8 Stone Hollow Road (Tax Assessor's Map 48, Lot 39/18) as depicted on Plot Plan Survey, Zoning Location Survey – Existing Aisling Meadows – Lot 18 prepared by Steven M. Gabriele, DYMAR dated March 16, 2010; Planting Plan, prepared by Earth Tones, LLC dated April 7, 2010; concept plan prepared by Earth Tones LLC, dated March 20, 2010; Section View designed by Earth Tones, LLC dated April 7, 2010; and Existing Conditions prepared by Earth Tones, LLC dated March 2010 subject to the following conditions:

11. The applicant shall provide the Land Use Office with 48 hours notice prior to construction, and shall not commence such work until soil erosion and sedimentation control devices have been installed and inspected or set aside by the Land Use Office.
12. There shall be no burying of any tree stumps or tree materials including but not limited to branches, logs, brush, wood chips and the like.
13. Concrete trucks shall not be washed out in the regulated area.
14. The construction site shall be kept clean of all loose debris, litter and building or construction materials to prevent any foregoing from entering wetlands or watercourses.
15. Stockpiles of earth materials shall be stored outside the 100' regulated area.
16. Removal of the silt fence shall take place only after the built up silt along the fence line has been removed. This material shall be removed from the site or placed as fill in areas that will not allow the material to migrate downslope.
17. All disturbed areas and earth material stock piles must be stabilized and seeded before October 15 of the year in which the construction begins.
18. The applicant shall provide written notice to the Agency within seven (7) days of project completion. Such notice shall include a summary of the work completed.
19. The applicant shall provide written quarterly updates to the Agency should the project extend more than three months. This shall also apply if the project does not commence within three months of approval.
20. Maintenance as submitted by Turoczi of Earth Tones, LLC shall include initial removal of invasive species, continued monitoring and removal and on site visit inspections two times per year (May and September) by the owner or owner's representative and mowing the meadow one time per year in March. A written report shall be submitted to the Agency within seven days after each aforementioned inspection.
21. Prior to the commencement of any on site aspects of the proposed project, the applicant shall submit a written review by a qualified Engineer with a wetlands background explaining how the design and function of the proposed rain garden is adequate for size and function and will provide substantially similar results as the Cultec Recharger approved as part of the Aisling subdivision review and approval.
22. The applicant shall complete and return to the Land Use Office a copy of the Connecticut Department of Environmental Protection Statewide Inland Wetlands and Watercourses Activity Reporting Form prior to commencement of construction.

Made by Richards, seconded by Walleck. Vote 5-0 in favor.

10-IW-1006/ Rod Taylor (owner)/785 Washington Road/ Remove approx. 10 yards of gravel and debris from river, and keep area clean for snowmaking/ Map 56/ Lot 16B.

Chairwoman Tyrrell reviewed the map provided by Rod Taylor. She noted that the survey map done by Bradford & Son is dated 11/10/97 with a print date of 4/29/10. The map includes handwritten information by Mr. Taylor.

Mr. Taylor confirmed that the one abutter to the property is Mary Dineen of 868 Washington Road. He confirmed with the Assessor's Office that this property is on Map 70 / Lot 27. He noted that the material removed from the river is to be deposited next to the driveway behind the main lodge. An alternate area to deposit material would be across the street in the parking area.

Chairwoman Tyrrell reviewed the application and noted that every year 10 yards of gravel and debris can be removed from the river. The WEO is to be informed prior to the start of work. The permit would be good for five years and renewable for another 5 years, if Mr. Taylor returns before its expiration. Any additional work done to the river would require that the WEO is informed.

MOTION: To classify as summary application 10-IW-1006/ Rod Taylor (owner)/ 785 Washington Road/Remove approximately 10 yards of gravel and debris from river, and keep area clean for snowmaking/ Map 70/ Lot 27.

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

10-IW-1007 / Town of Woodbury (owner) / Dave Monkton (agent) / Jacks Bridge Road & Rte 47 / Excavate and construct a 60 space parking area adjacent to recreational area / Map 38 / Lot 54

Selectman Jerry Stomski advised that he would be the agent for this project. He reported that the Town has been working with Ron Wolf on this proposal to remove two feet of the existing top soil in the parking area. Bank run gravel, which is course stone gravel, would be installed and pitched toward the fields. The area would be overlaid with 3/8 stone until next year when funds for capital projects can be made available. He reviewed the proposal to install a wooden fence to control access into this parking lot.

Mr. Wolf calculated that a total of 1067 cubic yards of top soil would be removed. Selectman Stomski discussed the storage of this top soil. He proposed the storage of 40 yards on the site in the pony barn, 60 yards would be moved to the Hollow to be stored in the upper soccer field and the remainder would be moved to the town garage. He noted that he would like to leave it all on site; however, was unsure of the IWWA's views on this storage in a flood plane. He discussed the possible areas for storage on site.

Selectman Stomski confirmed that this application does not include the final layer. He noted that Sean Hayden has recommended asphalt. However, interlocking paving stones may be more aesthetically pleasing. Additionally, the removal of the sandbar is not included in this application. The Town intends on returning with a separate application regarding the sandbar. Chairwoman Tyrrell noted that the sand is coming from Youngs and they may need to be approached regarding stabilization of the bank.

Chairwoman Tyrrell read aloud a memo noting that Sean Hayden is satisfied with the plan prepared by Ron Wolf. Selectman Stomski confirmed that the area will not be plowed and is intended only as overflow parking. They may install an additional timber fence to separate the picnic table area and protect trees.

New Applications

10-IW-1008 Mark & June Sawchyn (owner) / Hubie Davis (agent) / 480 Flanders Road / Deck and Portico within regulated area / Map 094 / Lot 014

Chairwoman Tyrrell determined that there was not a representative present for this application. The members agreed to table discussion regarding the application.

10-IW-1009 / Charles Bucchioni (owner) / 119 Old Sherman Hill Road / To build a boulder wall to stop erosion of backyard / Map 86 / Lot 31C/5

Chairwoman Tyrrell reviewed the application and photos of the site with the members. Charles Bucchioni confirmed that the septic system and leaching field are on the west side of the property. He advised that the boulders would be the erosion control during the project. The distance from the wetland is between four feet and 23 feet. The wall's height will not exceed three feet. This activity will not have any impact on the neighbors.

Rocky Ridge will be performing the work and it was determined that the work should not exceed two weeks. The installation of the boulders would require less than one foot of excavation and the removal of three trees. Mr. Chapman and Mr. Bucchioni advised that not much top soil exists in the proposed site area.

The IWWA asked that a draft motion be available for review at the next meeting. Chairwoman Tyrrell recommended the consideration of soil erosion control during the excavation process.

Other Business

04-IW-4064/ Ailsing Properties, LLC (owner)/ Ailsing Meadows Subdivision/Transylvania Road/5 year extension request of Inland Wetland permit/ Original to expire March 28, 2010/ Map 42/Lot 002

Chairwoman Tyrrell noted that they have nothing new to discuss regarding this extension request. The members agreed to table discussion until the next meeting.

Privilege of the Floor

Cheryl Dirollo / 171 Minor Town Road

Cheryl Dirollo of 171 Minor Town Road came forward regarding a proposal for a privacy fence. She presented an as build map noting the 300 foot fence with pressure treated posts would be within the setback area. She confirmed that concrete would not be used. The posts would be tamped four feet into the ground. The proposed 8 foot high fence would be made of wood product. The purpose of the fence would be for privacy and sound proofing. She is working with Masi Fencing regarding this proposal.

Chairwoman Tyrrell noted that the Agency would need to know the proximity the proposed fence will be to the wetlands. Ms. Dirollo presented a site plan noting flagged wetlands. She confirmed that no trees would be taken down and explained that a lot of brush exists, but wants as little as possible removed.

Ms. Dirollo agreed to move forward with the application process.

Frank Quadrato / Route 61

Frank Quadrato explained that a wetlands problem from 2001 is reoccurring. He advised that details can be found in the minutes of the October 22, 2001 meeting. Mr. Quadrato spoke with Jean Donogan of the Bethlehem Land Use Office, who visited the site and confirmed that there is a problem. She agreed to fax information to Woodbury regarding the matter. Additionally, Mr. Quadrato spoke with the Woodbury Land Use Office regarding the issue; however, nothing has been done.

Joe Chapman agreed to visit the site prior to the next IWWA meeting. He noted that the fax from Bethlehem had not been received. The IWWA asked Mr. Quadrato to return to the next IWWA when they will have more information to report to him.

Linda Boston / 114 Joshua Hill Road

Linda Boston explained that she has determined that her issue is with the Zoning. The deck of the outbuilding she is putting up is within the setback area. She confirmed that the wetlands setback is not an issue. She agreed to discuss this further with Joe Chapman and go before Zoning regarding this issue.

Ailsing Meadows

Don Richards noted that at the next meeting the modifications to Ailsing Meadows' plan will require an application.

Consideration of Minutes

MOTION: To approve minutes of April 26, 2010 Regular Meeting.

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

Clerk's Bill

MOTION: To approve clerk's bill as presented.

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

Correspondence

Chairwoman Tyrrell reviewed the correspondence with the Agency including a letter dated 5/6/10 from Black Lion Vineyards and a letter dated 4/29/10 from the Charter Revision Commission.

Don Richards and Chairwoman Tyrrell agreed to review the Charter Revision. The IWWA members did not have any input at this time.

Update of Planning and Zoning

The members agreed to table the review of the Planning and Zoning minutes.

Robert Walleck suggested that the agenda format be revised to include the date an application was classified and a letter designation signifying which classification. The members agreed to this change.

Adjournment

MOTION: To adjourn the meeting at 10:14 p.m.

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

Filed subject to approval.

Respectfully Submitted,

Tai Kern,
Clerk