



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
JUNE 28, 2010

MEMBERS PRESENT

Mary Tyrrell
Robert Walleck
Charlie Lewis (stepped down 9:30p.m.)
Marty Newell (7:39-10:00 p.m.)
Sue Windesheim

ALTERNATES PRESENT

Ernest Werner (8:05 p.m.)
Don Richards

ALTERNATES ABSENT

Tim Drakeley

OTHERS PRESENT

First Selectman Jerry Stomski, Town Planner Catherine Adsitt, Chris Gogas, Frank Quadrato, Mr. & Mrs. Patrick Ranaudo, Steve Docchio, Mark Lancor, Gail McTaggart, Curt Smith, Rod Burgess, Frank Talarico, Lori Hart and interested members of the public.

Regular Meeting

- a. Chairwoman Tyrrell called this regular meeting of the Inland Wetlands and Watercourses Agency to order at 7:33 pm.
- b. Chairwoman Tyrrell seated Charlie Lewis, Robert Walleck, Sue Windesheim, Marty Newell and herself. Reference was made to the Connecticut General Statutes regarding conflict of interest and the Town Regulations.

Enforcement Report

Chairwoman Tyrrell reviewed the Enforcement report dated June 28, 2010. She noted that the Enforcement Officer has not had an opportunity to re-inspect the site. Frank Quadrato reported that to date only the brush has been cut.

Pending Applications

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 Stomski noted that he has nothing new to submit. Chairwoman Tyrrell reported that the original approval is in the file for the Agency's reference. Chairwoman Tyrrell read aloud the draft motion noting an addendum, which includes the original conditions that should be carried forward.

It was clarified that any excavated soils stored on the site shall be under cover (in pony barn). Additionally, it was confirmed that the 50 foot buffer shall be re-established. Selectman Stomski agreed to stake the buffer, which will not be maintained until the Town can return to the Agency with a planting plan.

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency (Agency) has received an application, 10-IW-1007, submitted by Town of Woodbury to excavate and construct a 60 space parking area adjacent to recreational area within a regulated area on property at Jacks Bridge Road (Tax Assessor's Map 038, Lot 054); 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 Wetland and Watercourses Agency

approves the application submitted by Town of Woodbury to excavate and construct a 60 space parking area adjacent to recreational area within a regulated area on property at Jacks Bridge Road (Tax Assessor's Map 038, Lot 054) as depicted on plans as Map 1 and 2 by Ronald Wolff Associates, Engineers dated May 3, 2010, Stage 1 with revisions to June 10, 2010 and on the Assessors map and abutters list and Assessors field card on the submitted Inland Wetland and Watercourses Agency application form dated April 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 (or set aside) 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. The site shall be kept clean of all loose debris, litter and similar materials to prevent any foregoing from entering wetlands or watercourses.
4. Concrete trucks shall not be washed out in the regulated area. Washout material shall be contained within a washout pit or equal containment system and hardened material removed from the site for disposal.
5. 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 on site in areas that will not allow the material to migrate downslope.
6. All disturbed areas and earth material stock piles must be stabilized and seeded before October 15 of the year in which the construction begins.
7. The Wetlands Enforcement Officer may authorize minor field changes as necessary during the construction of this project. Both the written dated requests or additional conditions and the approvals are to be retained in the application file.
8. 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.

The following conditions are carried forward from the September 11, 2006 Inland Wetlands Agency application approval 06-IW-6008

1. The site plan shall be revised to show installation of pavers as recommended by the Town Engineer and Northwest Conservation District; the revised plan shall be submitted for approval by the Land Use Office prior to commencement of construction.
2. Vegetative buffers shall remain between existing gravel driveway and river.
3. Any excavated soil stored on site shall be kept under cover.

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

10-IW-1013/ Patrick Ranaudo (owner), Steve Docchio (agent)/ 275 Old Town Farm Rd/ In ground pool within regulated area/ Map 13/ Lot 11

The Agency reviewed the photos from the file and noted that the proposed fencing was not included on the plan. It was clarified that the size of the proposed pool has been changed to 14' X 26' and the application was corrected accordingly.

The Agency questioned whether this application could be approved with an ED date of 6/29/10. It was determined that the Statutory guidelines have been met.

Chairwoman Tyrrell reviewed the draft motion. Robert Walleck suggested that the approval include a notation that the system shall not require backwash.

MOTION: To classify as summary application 10-IW-1013/ Patrick Ranaudo (owner), Steve Docchio (agent)/ 275 Old Town Farm Rd/ In ground pool within regulated area/ Map 13/ Lot 11.

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

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency (Agency) has received an application, 10-IW-1013, submitted by Patrick A. Ranaudo.

Project: install a rectangular 14'-0" x 26'-0" in ground pool within a regulated area on property at 275 Old Town Farm Road (Tax Assessor's Map 013, Lot 011); 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 Wetland and Watercourses Agency

Approves the application submitted by Patrick A. Ranaudo to install a rectangular 12'-0" x 24'-0" in ground pool within a regulated area on property at 275 Old Town Farm Road (Tax Assessor's Map 013, Lot 011) as depicted on plans by Kratzert & Jones LLS dated December 20, 1078 with dimensions supplied by owner and GIS overlay map showing wetlands soils and Assessors map with abutters list and Assessors field card and on the submitted Inland Wetland and Watercourses Agency application form dated June 7, 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 (or set aside) 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. The site shall be kept clean of all loose debris, litter and similar materials to prevent any foregoing from entering wetlands or watercourses.
4. Concrete trucks shall not be washed out in the regulated area. Washout material shall be contained within a washout pit or equal containment system and hardened material removed from the site for disposal.
5. 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 on site in areas that will not allow the material to migrate downslope.
6. All disturbed areas and earth material stock piles must be stabilized and seeded before October 15 of the year in which the construction begins.
7. If the pool filtration system should change from the proposed salt water filter to a different type, the agency shall be notified before installation.

8. The Wetlands Enforcement Officer may authorize minor field changes as necessary during the construction of this project. Both the written dated requests or additional conditions and the approvals are to be retained in the application file.
9. 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 Walleck, seconded by Newell. Vote 5-0 in favor.

New Applications

10-IW-1014 / Ken Faroni (owner) / Rod Burgess (agent) / Great Hollow Road / Selective timber harvesting / Map 46 & 34 / Lot 1, 2, & 15

Chairwoman Tyrrell disclosed that she has discussed timber cutting on her property with Rod Burgess; however, he has never done work on her property. She agreed to step down if the members felt it would be appropriate. The members did not voice any concerns with Ms. Tyrrell remaining seated.

Rod Burgess came forward to describe the plan for selective timber harvesting on 55 acres of this 235 acre lot. He explained that two accesses are proposed. One of the access-ways has already been approved and the other exists for the cell tower access.

Chairwoman Tyrrell read aloud the proposal for the project from the file. It was confirmed that Joe Chapman walked the site, viewed crossings and took pictures. Charlie Lewis and Mary Tyrrell agreed that the map provided was not sufficient. It was noted that the wetlands had not been flagged.

Mr. Burgess confirmed that the area abuts Woodlake property and that he has been in contact with Woodlake's manager. It was noted that the flow does not go toward Transylvania Pond.

The members agreed that they would like more clarification from Joe Chapman regarding his site walk before the next meeting.

10-IW-1015 / Joliv Gogas (owner) / Ron Wolff (agent) / San Remo Restaurant / 135 Main Street North / Expand existing parking lot / Map 090, Lot 008B

Chris Gogas came forward and reviewed the plans dated 6/14/10 with the members. He confirmed that he does not have a copy of the original plan for the site. He noted that he has been before the Zoning Commission and will return to their meeting on the July 13th. Mr. Gogas explained that the drainage has improved in the area since the millings have been added.

The members questioned whether a report with calculations was received from Mr. Wolff. The actual elevations and contours were questioned. The Agency looked for information regarding how much material will be brought into the site and removed from the site. The Agency agreed that an engineering review of the application should be done for the Town. Prior to this review calculations should be added to the map. Catherine Adsitt noted that the applicant should check with the Land Use Office regarding the payment of review fee.

10-IW-1016 / Mark Levine (owner)/ Curt Smith (agent) / 117 Painter Hill Road / Subdivide 33.3561 acres into 2 lots with one proposed dwelling & one existing dwelling / Map 70 / Lot 8

Curt Smith reviewed the plan entitled Levine Subdivision. He explained that this is a 33.4 acre lot with one existing home, a brook and a pond on the property. The free cut was taken by the previous owner in 1971. The proposal is for 7 acres of open space and one additional home. Much of the property is maintained as lawn and field. The wetlands are flagged and there is not any proposed activity within 100 feet of the wetlands. The proposed activity is within 500 feet of Roxbury. Catherine Adsitt confirmed that Roxbury has already been notified.

Chairwoman Tyrrell reviewed the file and confirmed that the Town Planner's review is in the file and the file is complete. Additionally, the soil report is in the file. Chairwoman Tyrrell agreed to walk the site. Mr. Smith agreed to stake the four corners of the house.

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 reviewed the motion from the original approval of this application. She referenced the new maps, information provided by the attorney, Land Tech's review dated 6/11/10 and the Dymar letter dated 4/26/10. It was noted that any changes reflected in Dymar map AS-8A and letter dated 4/26/10, which includes the pond liner, shall be included in the approval for extension.

Attorney Gail McTaggart confirmed that the bond in place will cover this construction. Don Richard suggested that the bond be held as long as possible. Mark Lancor explained that he expects maintenance to be required in 5 to 10 years due to vegetation; however, the system will continue to do its job.

Chairwoman Tyrrell read aloud the draft motion and the proposed additions to extend this permit 5 years.

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency (Agency) has received a request for a five (5) year renewal, 04-IW-4064, submitted by Ailsing Properties, LLC to conduct regulated activity consisting of excavation, grading and drainage in wetlands within a regulated area on property at Transylvania Road (Tax Assessor's Map 042, Lot 002); and

WHEREAS, the Agency classified the application as plenary and held a duly called public hearing on February 14, 2005 and continued on February 28, 2005; and

WHEREAS, the Agency received and reviewed reports from Land Tech Consultants, Inc. dated January 5, 2005; February 28, 2005; and March 1, 2005; and

WHEREAS, the Agency received and reviewed reports from the Director of Public Works dated December 10, 2004 and February 8, 2005; and

WHEREAS, the Agency received and reviewed two reports from the Woodbury Fire Chief dated December 8, 2004; and

WHEREAS, the Agency received and reviewed reports from REMA Ecological Services dated January 24, 2005 and February 14, 2005; and

WHEREAS, the Agency received and reviewed a report from Dymar Engineering dated February 2, 2005 and February 28, 2005; and

WHEREAS, the Agency received and reviewed a report from LEggette, Brashears, & Graham, Inc. dated February 2005 and received February 16, 2005; and

WHEREAS, the Agency received and reviewed reports from Materials Testing, Inc. dated January 31, 2005; February 14, 2005; and February 28, 2005; and

WHEREAS, the Agency received and reviewed the letter from Woodlake Tax District dated March 10, 2005; and

WHEREAS, the Wetlands Enforcement Officer and Town Planner conducted a site inspection on January 3, 2005; and

WHEREAS, the Agency received and reviewed the report from the Wetland Enforcement Officer dated January 3, 2005; and

WHEREAS, the Agency conducted a site inspection on February 6, 2005; and

WHEREAS, the Agency has carefully considered all the information submitted and testimony received at the duly called public hearing; and

WHEREAS, the Agency finds that the proposed subdivision will have minimal environmental impact on wetlands and watercourses, there is no significant offsite impacts, and that possible impacts on wetlands and watercourses outside the area for which activities are proposed can be further mitigated by the conditions listed below and the proper use of soil erosion and sedimentation controls during construction; and

WHEREAS, the Agency finds on the basis of the record that a feasible alternative for development of the proposed subdivision does not exist:

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 Wetland and Watercourses Agency approves the five (5) year extension submitted by Aisling Properties, LLC to conduct regulated activity consisting of excavation, grading and drainage in wetlands within a regulated area on property at Transylvania Road (Tax Assessor's Map 042, Lot 002) as depicted on plans by Dymar received April 26, 2010 and June 14, 2010 and comments dated and received April 26, 2010 and review by Land-Tech dated June 11, 2010 received June 14, 2010 and with the Woodbury Planning Commission request for a five (5) year extension of subdivision approval 04-PC-4018 and on the submitted Inland Wetland and Watercourses Agency renewal request dated February 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 (or set aside) by the Land Use Office.
2. A pre-construction conference shall be scheduled with the Land Use Office within one week prior to initiating road construction and installation of wetlands crossings.
3. A qualified environmental scientist shall be retained by the applicant to overview the construction phase of this subdivision application.
4. A project supervisor shall be retained by the applicant who shall make weekly reports of the construction status to the Land Use Office until the release of any bonds required by any town agency.
5. Limits of disturbance shall be marked on a plan to be approved by the Land Use Office. Clearing of trees and land disturbance shall be done, as per approved plan, for the immediate construction and/or grading. This disturbance and clearing shall be done in phases to reduce erosion and sedimentation. Top soil removal from the site shall be kept to a minimum.

6. Refueling locations, outside of the 100 foot setback, shall be designated on final plans and approved by the Land Use Office.
7. Wetlands areas on all lots approved by the Woodbury Planning Commission, as flagged on final site development plans, shall be posted every 100 feet with markers designating "Regulated Wetland Area" on approved posts.
8. Address sand discharge at catch basin #16 to minimize sand accumulation and discharge in the wetlands.
9. Lots 16 & 17 shall have a new application to the Inland Wetlands Agency before final construction with a full site plan including the house site, septic location, driveway, and drainage.
10. 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.
11. Changes shall be installed as submitted by the Dymar plan SK-1 dated April 26, 2010 which includes the addition of a PVC pond liner and plunge pool and dike repair to detention basin number two.
12. The site shall be kept clean of all loose debris, litter and similar materials to prevent any foregoings from entering wetlands or watercourses.
13. Concrete trucks shall not be washed out in the regulated area. Washout material shall be contained within a washout pit or equal containment system and hardened material removed from the site for disposal.
14. 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 on site in areas that will not allow the material to migrate downslope.
15. All disturbed areas and earth material stock piles must be stabilized and seeded before October 15 of the year in which the construction begins.
16. The Wetlands Enforcement Officer may authorize minor field changes as necessary during the construction of this project. Both the written dated requests or additional conditions and the approvals are to be retained in the application file.
17. 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 Lewis, seconded by Walleck. Vote 5-0 in favor.

05-IW-5009/ Klaus and Norma Weisbrich (owners)/ Grey Fox Woods Subdivision

Charlie Lewis stepped down noting he was a past adjoining property owner. It was confirmed that the applicant was not present.

Catherine Adsitt reported that Joe Chapman viewed the site and found no obvious issues. She noted that information has been added to the file regarding the bond reduction. The members agreed that Joe Chapman should return to the site to inspect the retention and detention basins.

The members agreed to suspend Other Business and move on to Privilege of the Floor to accommodate those present.

Privilege of the Floor

Nonnewaug Falls:

Selectman Stomski and Lori Hart came forward regarding the damming of water being done by individuals at Nonnewaug Falls. They asked how the Agency would like the Town to handle this matter. It was noted that the Conservation Commission has mixed feelings; whereas, some consider this vandalism and some feel that nature will eventually take its course to remedy the issue.

The Agency agreed that due to concerns that this will weaken the banks, the dam should be removed by the town crew. Immediately thereafter educating the public to responsibly use the area should take place, sign should be posted prohibiting this activity, and if need be the Selectmen should develop fines. Chairwoman Tyrrell suggested getting Nonnewaug High School students involved.

41 Flanders Road – Horse Barn:

Ernest Werner stepped down as owner of this property. Frank Talarico explained that this regulated area has been a pasture for years. Horses are beginning to sink in and they would like to add sandier soils to stabilize the area. He explained that Woodbury Hill's footing drains feed the area and they would like to add a French drain if need be. They questioned how the Agency would like them to proceed with the existing application for a horse barn.

The Agency agreed that this should be a modification to the existing application. Soils should be tested and it was suggested that Mr. Werner seek the advice of Sean Hayden.

Other Business - continued

Annual legal, administrative and resource management update

Catherine Adsitt distributed information regarding the 2010 Municipal IWC Training Programs and 2009 Legislation and Regulations Advisory. She reported that she attended these training programs and explained that her notes from the training are included on the distributed copies. She reviewed the information in detail.

Catherine Adsitt explained that the 2010 Advisory is not yet posted. She suggested that the group start thinking about the update of Regulations. Six year permits will be up for review June 2011. The Agency agreed that Ms. Adsitt should develop draft fees to be reviewed by the members. Catherine Adsitt suggested the inclusion of technical review fees to be paid up front. She explained that draft Regulations must be sent to the Commissioner of the DEP for review.

Planned "Duck Race"

Catherine Adsitt reported that the Lions' Club is planning a Duck Race. She has spoken with the Newtown IWA regarding their process to handle the Duck Races held yearly in Newtown. Newtown has never required an application. It is not considered a regulated activity because it is a temporary use of the river.

The Agency agreed that an application for this activity is not necessary. They requested that a letter be sent to the Lions explaining that the DEP guidelines will be sufficient.

Consideration of Minutes

It was noted that on page 3 under #5 of the Taylor approval the word "addition" should be replaced with "additional". In the last paragraph on page 7 the word "a" should be inserted before the word "request".

MOTION: To approve minutes of June 14, 2010 Regular Meeting as amended.

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

Clerk's Bill

MOTION: To approve clerk's bill as presented.

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

Correspondence

Chairwoman Tyrrell reviewed the correspondence with the members. It was agreed that there was no need to review the proposed single family dwelling in Roxbury; however, thanked the Town of Roxbury for making this Agency aware of the proposal.

Update of Planning and Zoning

Robert Walleck reviewed the Zoning minutes with the members. Sue Windesheim reviewed the minutes of the Planning meeting. It was noted that the IWWA was misquoted with regard to the Weisbrich application when referring to the Town Planners Office and not the Planning Commission.

Adjournment

MOTION: To adjourn the meeting at 11:07 p.m.

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

Filed subject to approval.
Respectfully Submitted,

Tai Kern,
Clerk