FEBRUARY 13, 2018
REGULAR MEETING MINUTES
INLAND WETLANDS & WATERCOURSES AGENCY
SHOVE BUILDING, 281 MAIN STREET SOUTH

MEMBERS PRESENT:
Marty Newell
Mary Tyrrell
Ernest Werner
Susan Windesheim

ALTERNATES PRESENT:
Wes Clow
Don Richards

MEMBERS ABSENT:  ALTERNATES ABSENT:
Charlie Lewis  Andrew Lampart

ALSO PRESENT:  Ron Wolff, Michael Devino, Ken Devino, Eric Davison

REGULAR MEETING:
  a. Chairman Tyrrell convened the meeting at 7:30 p.m.

  b. Seated were Regular Members Newell, Tyrrell, Werner, Windesheim and Alternate Clow, who
     was seated for Charlie Lewis. Reference was made to the Connecticut General Statutes
     regarding conflict of interest and the Town Regulations.

PUBLIC HEARINGS: None

PENDING APPLICATIONS:
The agenda was rearranged to accommodate those present at the meeting.

  a) 18-IW-1801 / Garrett Homes, LLC (applicant) / 614 Main Street South / 7,465 sf single
      story retail building with associated paved parking, septic system, utility connections,
      stormwater management system, LED site lighting, and landscaping / Map 102 / Lot 025
      (This item was tabled until later in the meeting to accommodate those present at the
      meeting.)

  b) 18-IW-1802 / 641 Main Street South, LLC (applicant) / 641 Main Street South / Perform
      grading, construct parking area, grass swale, construct boulder retaining
      wall and make modifications to existing detention basin within regulated area / Map
      102 / Lot 028

Chairman Tyrrell asked if any members had questions regarding the proposed plan. Alternate
Richards noted that the applicant changed the swale at the rear end and questioned if the proposed wall
would remain in the same location. It was shown that the wall is closer to the pavement, away from
the upland review area, further away from wetlands. They’ve reduced cutting on the side of the hill by
about 1,270 sq. ft. Chairman Tyrrell questioned what the green line on the last map in the set represented; it delineates/shows the width of the swale. The draft motion requested at the last meeting was reviewed item by item. Only concrete to be used would be potentially on the wall. An As-Built will be provided. The timing of item #11 is “standard.” There is no room for stockpiling; trucks will be in and out. Due to the scope of the project, the Agency would like to review the site prior to the release of the bond and will make the decision to release the bond. Both the Wetlands Agency and Zoning Commission will have bonds. There are three years conditioned on the planting bond. Alternate Clow had concerns with the logistics of fueling. Michael Devino stated they have been using the same sub-contractor for years, he has confidence in them. The property has little space for fueling and lubricating, most is in the upland review area and if not, there are drains to be concerned with. It was decided that absorbent materials of some sort will be available on site in case of an accidental spill. The motion was read for the record.

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency (Agency) has received an application, 18-IW-1802 submitted by 641 Main Street South LLC to “Conduct Regulated Activities (grading, construct a parking area, a grass swale and make modifications to an existing detention basin) within an Upland Review Area” at 641 Main Street South, Woodbury, Connecticut (Map 102 / Lot 028)

WHEREAS, the Agency has received the following material:

a. An application dated and received January 3, 2018
b. A letter from Attorney Gail McTaggart dated January 3, 2018 and received January 4, 2018
c. Statewide Inland Wetlands & Watercourses Activity Reporting Form
d. A Wetland Functions & Values Assessment, submitted by Eric Davison, Davison Environmental to 641 Main Street South, LLC, dated November 28, 2017 and received January 4, 2017
e. Memo from Maryellen Edwards, Town Planner dated January 8, 2018
f. Engineering Report, “Site Plan for Parking Expansion”, prepared by Wolff Engineering, dated January 2018 and received January 4, 2018
g. A set of 4 map sheets prepared by Wolff Engineering dated January 3, 2018 and received January 4, 2018. Sheet 1 of 4 – Site Development Plan, Grading Plan, Sedimentation Erosion Control Plan, Sheet 2 of 4 – Sedimentation and Erosion Control Notes, Details, Construction Notes and Sequence, Sheet 3 of 4 – Details and Sheet 4 of 4 – Planting Plan
h. A 20 Scale Site Plan sheet prepared by Wolff Engineering dated January 4, 2018 and received January 10, 2018.
i. A set of 5 map sheets prepared by Wolff Engineering dated January 4, 2018 and received January 22, 2018. Sheet 1 of 5 – Site Development Plan, Grading Plan, Sedimentation Erosion Control Plan, Sheet 2 of 5 – Sedimentation and Erosion Control Notes, Details, Construction Notes and Sequence, Sheet 3 of 5 – Details and Sheet 4 of 5 – Planting Plan, Sheet 5 of 5 – 20 Scale Site Plan
j. Bond estimates for soil and erosion controls and plantings provided by Ron Wolff, February 8, 2018.

WHEREAS, the Agency classified the application as Summary;
WHEREAS, the Agency conducted a site inspection on January 21, 2018; and

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

WHEREAS, the Agency finds that the proposed activities will have minimal environmental impact on wetlands and watercourses, there are no significant offsite impacts, and that possible impact 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;

NOW THEREFORE BE IT RESOLVED that the Woodbury Inland Wetlands and Watercourses Agency approves the application submitted by 641 Main Street South LLC to conduct regulated activities (grading, construct a parking area, a grass swale and make modifications to an existing detention basin) within an upland review area at 641 Main Street South, Woodbury, Connecticut (Map 102 / Lot 028), as described on the submitted Inland Wetlands and Watercourses Agency application dated January 4, 2018. Subject to the following conditions:

1. Prior to commencement of construction, the application shall submit a structural design of the proposed boulder wall for Agency review.

2. Prior to commencement of construction, the applicant shall record the Conservation Easement with the Town Clerks office and provide a copy to the Land Use office.

3. The applicant shall provide the Land Use Office with 48 hour notice prior to construction. The limits of disturbance shall be clearly marked prior to construction and the applicant shall not commence approved work until soil erosion and sedimentation control devices have been installed and inspected.

4. There shall be no burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like. The stumps of all significant trees shall be left in place for stabilization of the affected area(s).

5. The construction equipment shall not be washed out in the regulated area. Washout material shall be contained in a washout pit or equal containment system and hardened material removed from the site for disposal at an acceptable location elsewhere. Area to be designated before wall construction begins.

6. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses.

7. All temporary paths used for site access will be reestablished to original condition.

8. Stockpiles of earth materials shall be stored outside the 100’ regulated area.

9. Removal of silt fences shall take place only after the silt build-up along the fence line has been removed. This material shall be removed from the site or placed as acceptable fill in areas that will not allow the material to migrate.

10. Storage of any fuel/lubricants and the refueling/lubrication of any equipment are forbidden within 100 feet of the affected area(s). The Land Use Office is to be notified immediately of any spillage, discharge or loss of oil/petroleum/chemical liquids or solids which have occurred.
or will likely occur as a result of the activity. Absorbent materials shall be kept on site in case of a spill.

11. Disturbed soils will be stabilized in a timely fashion to minimize erosion. Specifically, if grading operations at a site will be suspended for a period of thirty (30) days or more, the applicant will accomplish seeding or other appropriate measures to stabilize the area within seven (7) days. Also, upon completion of any grading activity, the applicant will seed/stabilize the area(s) within seven (7) days.

12. All disturbed areas within the regulated area must be stabilized by October 15th of any year.

13. A soil and erosion control bond of $10,000 and a landscaping bond of $12,000 shall be submitted to the Land Use Office prior to commencement of any work. This bond will be refunded to the applicant once the Inland Wetlands & Watercourses Agency reviews the site for compliance with the approved plans and conditions of approval. The Inland Wetlands & Watercourses Agency will then release the bond through the Land Use Office.

14. The applicant shall provide written notification the Land Use Office upon completion of the plantings outlined on Sheet 4 of 5, dated January 4, 2018.

15. The applicant shall monitor the plantings referenced in Condition list 13, for a period of three years from the date of installation. Should it be determined that the plantings are not successful, the applicant may be required to install additional plantings at the Agency’s request.

16. The applicant shall submit a signed, dated and sealed as-built drawing for Agency review within 30 days of completion of construction. The following information shall be verified on the as-built drawings from the engineering drawings signed and sealed by Ron Wolff: Sheet 1 of 5 Site Development Plan, Grading Plan, Sedimentation Erosion Control Plan, dated January 4, 2018.

Made by Member Newell, Seconded by Member Windesheim
Vote: 5-2-0 (Alternate Clow and Member Tyrrell opposed)

Alternate Clow stated his reasoning for not being in favor of the application. He felt that the driveway to the bank parking lot could have been a one way road. One way there would have been less grading of the hill. There’s protection on the slope that they will be removing and the trees on the top of the hill will be taking the brunt of the wind load and affect the shade of the wetlands. The planting plan will take many years to establish. Essentially too much of the hill is coming down.

Chairman Tyrrell was also not in favor for the same reasons. She wished they could not take down the hill side and wished they could have figured out the parking differently. The hillside is providing a necessary buffer for the wetlands that is being impacted by a lot of construction, business noise, traffic noise that is only escalating. There has to be a point when too much is too much.

The agenda was rearranged to accommodate Alternate Clow, as he would be recusing himself and leaving for the 614 Main Street South application.

NEW APPLICATIONS: None

PRIVILEGE OF THE FLOOR: None
CONSIDERATION OF MINUTES 12/11/17 & 1/22/18:
12/11/17: Page 3, 2nd line - Eliminate Condition Item #5, which was left blank (there are just 8 motion conditions in this approval).

1/22/18: Page 1, last paragraph, 2nd line to read “…or narrow the driveway to limit the clearing by Michael Devino. He explained that the parking…”
Page 2, 1st Line to read “Can make swale narrower on upper end of the parking lot. Plan came up with two swale sections to reduce pavement between the swale and the wall from 9’ to 4’.”

MOTION:
To approve the Minutes of the December 11, 2017 and January 22, 2018 meetings, as amended.
Made by Member Newell, Seconded by Alternate Clow.
Vote: 5-0-0 in favor

CLERK’S BILL:
MOTION: To approve the clerk’s bill.
Made by Member Newell, Seconded by Member Windesheim
Vote: 5-0-0 in favor.

CORRESPONDENCE: None.

UPDATE OF PLANNING & ZONING: None

ENFORCEMENT REPORT:
Chairman Tyrrell reported what she saw at 133 Tuttle Road on the weekend, showing members photos she took with her phone. There was mud accumulation across the street. Alternate Clow reported his discussion with the Land Use Enforcement Officer. The Agency discussed that the hay bales had not been properly staked and that when they are moved, they are not immediately put back in place. It was questioned why, if they have conditions of stockpiling by a certain date (October 15th), the applicant is still working on the project now. The Agency has discussed numerous ways to resolve the problems; the issue is not being resolved.

MOTION:
To issue a Cease & Desist order (for 133 Tuttle Road, Map 021/Lot 069A)
Made by Alternate Clow, Seconded by Member Newell
Vote 5-0-0 in favor

Once the Cease & Desist letter is sent out, a Show Cause Hearing needs to be scheduled within ten days. Members will be notified of the date, time and location of the hearing.

Gabriel Rosens’ enforcement report dated February 13, 2018 was noted.

OTHER BUSINESS:

a) Appointment of Wetlands Enforcement Officer
The Agency discussed whether or not to appoint Gabriel Rosen as the Wetlands Enforcement Officer. Member Windesheim thought they should go ahead and appoint him, she liked his spreadsheet and
report. Member Newell felt they should hold off. It was noted that there were some things that were not indicated in his report regarding 133 Tuttle Road (i.e. the two large stockpiles of dirt at the top of the driveway and no notation that the hay bales should be staked). Member Werner questioned if the Enforcement Officer knew what was expected; Chairman Tyrrell read the job description for the record. It was questioned if they could have Mr. Rosen come to the Show Cause Hearing and at the end of the meeting discuss this under Executive Session.

Alternate Clow recused himself at 8:34 p.m. and Alternate Richards was then seated.

Item 3a) 18-IW-1801 / Garrett Homes, LLC (applicant) / 614 Main Street South / 7,465 sf single story retail building with associated paved parking, septic system, utility connections, stormwater management system, LED site lighting, and landscaping / Map 102 / Lot 025

A memo from the applicant’s Attorney dated February 13, 2018 was read for the record. Attorney Pearson’s letter noted that she had a conflict and would not be able to attend the February 26, 2018 meeting, requesting that the Agency open the hearing and immediately continue it to the March 12, 2018 meeting. The Agency had concerns about members of the public that may come to the meeting and felt it not fair that they come and cannot speak. It was decided that they would open the hearing and if members of the public were present, they would allow them to speak, however, they would keep the hearing open. The applicant or a representative could attend the meeting.

Alternate Richards stated that he got copies of the previous application’s denial motion, suggesting that the other members get a copy as well. He noted it’s important to remember the reasons they denied the first application, the applicant should go over each item and represent those changes on this new application. The Agency also questioned the issue with the DEEP, unrelated to this application for the building. DEEP is related to filling of the wetlands area.

ADJOURNMENT:

MOTION: To adjourn the meeting at 8:44 p.m.
Made by Member Newell

Filed subject to approval.

Respectfully Submitted,

[Signature]
Anne Firlings, Clerk