INLAND WETLANDS AGENCY
TOWN OF WOODBRIDGE
REGULAR MEETING OF JANUARY 17, 2024

The regular meeting of the Woodbridge Inland Wetlands Agency (Agency) was commenced at 7:31 pm on Wednesday, January 17, 2024, in the Central Meeting Room of the Woodbridge Town Hall, 11 Meetinghouse Lane, Woodbridge, by Chairman Robert Blythe.

Agency members present for the meeting were: Robert Blythe, Jack Kurek, Josh Goldberg, Jean Webber (alternate) and Steven Sosensky. David Speranzini and Enréné van Tonder (alternate) was excused. Jean Webber was seated for David Speranzini. Agency Enforcement Officer (AEO) Kristine Sullivan was also present.

NEW BUSINESS

Patrick Madden: 268 Newton Road
Residential Site Development of Property

The Agency formally received the application submitted by Patrick Madden for the residential site development of property located at 268 Newton Road owned by the Estate of Deborah Madden, his wife. The application was accompanied by checks for the Town and State application fees, proof of notice of the application to the abutting property owners and site plans showing the proposed development of the property.

Project Engineer Alan Shepherd was present to discuss the application. In discussion and response to questions/comments by Agency members he noted:

• The application is to construct a single family house for Mr. Madden on the property.
• The portion of the site where the house would be located was formerly developed as a tennis court which has not been used in some time.
• Mr. Madden’s wife has passed, and Mr. Madden is looking to downsize but stay in the area.
• The house would be a one story building with a first story master bedroom.
• Minimal site grading would be required to develop the site.
• The house at its closest point would be 49’ feet from the closest wetlands, with an intervening stone wall between the house and the wetlands which would be maintained to create a barrier between the house and the wetlands.
• The property, while large in area, is limited in terms of development because of the onsite wetlands, slopes, and two front yard setbacks ~ from Newton and Sanford Roads.
• The house would be 80’ x 37’ in length and width ~ which is not a large house for Woodbridge standards.
• All of the asphalt from the tennis court would be removed to construct the house and create a lawn.
• The septic system has been approved by the Quinnpiack Valley Health District and as shown on the site plan would be located in the “front yard setback” from Sanford Road.
• The stone wall which is shown in the area where the house would be built would be removed.
• The area around the tennis court is currently shrubs and birch trees, but at one time had been grass.
- There would be an elevated porch facing the wetland and the basement will be partially above ground and partially below ground with the basement elevation at 375’ and the first floor at 384’.

- Whether or not the house can be reoriented to be pulled further away from the wetlands will be explored with the architect.

    Because the Agency could not act on the application until the Agency’s next regular meeting on February 21st, further action and discussion on the application was continued to allow time for the project engineer to see if the house could be reoriented and pulled further away from the wetlands and Agency members to visit the site if they desired to do so.

**Samantha Hicks: 26 Rimmon Road**

**Installation of 12’ x 12’ Storage Shed**

The Agency formally received the application submitted by Samantha Hicks for the installation of 12’ x 12’ storage shed on her residential property at 26 Rimmon Road. The application was accompanied by proof of notice of the application to the abutting property owners and a site plan showing the proposed location of the storage shed. Agency members discussed the location of the shed and its distance from the stream and what materials might be stored in it.

*** Sosensky moved to defer action on the application to the Agency’s duly authorized Agent.  
*** Kurek seconded  
*** In favor: Blythe, Kurek, Goldberg, Webber, and Sosensky  
*** Opposed: No One  
*** Recused: No One  
*** Abstained: No One  
Unanimous approval

**Commission on Publicly Owned Properties (CUPOP): 9 Brookwood Drive**

**Request from CUPOP for information as to whether or not 9 Brookwood Drive may be used for another purpose, including but not limited to a single family home**

Chairman Blythe reported that he had received an email from Nicole Donzello, Chairman of CUPOP, that CUPOP had asked to provide a written recommendation regarding a few town owned properties, with 9 Brookwood being one of them, for the March Board of Selectmen meeting. CUPOP wanted to know specifically whether 9 Brookwood might be able to be used for another purpose, including but not limited to a single family home. She had noted that if the answer was no, the reasoning behind that.

    For discussion purposes AEO Sullivan had provided Agency members with:

    - A copy of the original subdivision map done in 1952 when the parcel was created;
    - A copy of the Town GIS mapping of the property overlain with the DEEP Inland Wetland Soils;
    - A copy of the soils map of the area from the New Haven County Soil Survey done by the Federal Department of Agriculture; and
    - A copy of Section 4.1.B of the Agency’s regulations regarding development of properties that antedated the Connecticut Statutes governing Wetlands.

AEO Sullivan noted:
• The parcel had been created prior to the Wetlands Act, so the site could not be built on “as of right” (reference Section 4.4.B.(2) of the Agency’s regulations)
• Both the Town GIS mapping and the older New Haven County Soil’s map show wetland soils where the lot is ~ but no formal soil survey of the property exists.

At the conclusion of discussion it was the consensus of the Agency members that the Chairman would email CUPOP Chairman Donzello back and provide comment that given the zoning setbacks, amount and location of the wetlands shown on the wetlands overlay on the GIS mapping for the property, it appears that it would be difficult to fit a structure, well and septic system on the parcel in order to develop it for residential use. Additionally, the wetlands overlay on the GIS system may underestimate the actual amount of regulated wetlands on the property which can only be confirmed by a soil scientist’s testing of the soils on the property. Typically the Agency has found that after such examination there are more wetlands soils present than depicted on the DEEP wetlands soils overlay.

OLD BUSINESS
There was no old business on the evening’s agenda.

CORRESPONDENCE
Notice from the Stated Department of Energy and Environmental Protection was received regarding treatment of the La Tronica pond at 39 Round Hill Road.

ENFORCEMENT OFFICER’S REPORT
AEO Sullivan provided background information regarding concerns raised by Constance Bagley, owner of 20 Fox Den Way of the increase in elevation of the height of the pond that is jointly on property located at 28, 24 and 20 Fox Den Way. In her presentation she noted:
• The original concern had been raised by an email from Ms. Bagley to then First Selectman Beth Heller on December 27, 2023, which Selectman Heller had forwarded to her then Assistant Gerry Shaw, who in turn had forwarded it to AEO Sullivan.
• Because the email raised concerns about drainage work by the Regional Water Authority (RWA) the AEO Sullivan had contacted John Traina with the RWA who had agreed to do a site visit on January 2, 2024.
• At the time of the January 2, 2024, site visit it was observed that no drainage work had been done by the RWA or the Town Public Works which has two drainage easements on the RWA property that abuts both 20 and 28 Fox Den Way.
• There is a large culvert on the RWA property that directs storm drainage from Fox Den Way towards the subject pond.
• There is some outflow from the pond onto the RWA property, but not a match in volume for what was exiting the storm water culvert.
• An inspection from the cul-de-sac of Fox Den Way revealed that there was an outlet from the pond going under the driveway to 28 Fox Den Way exiting towards the Wepawaug River adjacent to Racebrook Road.
• Afterwards, the AEO obtained permission from the owner of 28 Fox Den Way, Louis Ritucci, to allow Mr. Triana and the AEO to inspect the pipe exiting the pond under the driveway to 28 Fox Den Way.
• On January 4th, Mr. Traina and the AEO went back to the site and observed water flowing out of the outlet of the pipe under the driveway and also observed that there was a concrete drainage structure in the pond adjacent to the driveway through which it appeared the pipe under the driveway was fed. The pond level at this time was 5 to 6 inches below the top of that structure.
• An examination of the structure revealed that it had two inlets, both with protective trash grates. The one on the top was assumed to be an overflow inlet, and then there was a submerged inlet below the level of the pond.
• There was an accumulation of debris on the top grate.
• Mr. Traina had waders and a rake in his truck, so he cleared the debris from the overflow grate on the top as well as the submerged side grate. It was observed that water flowing through the pipe increased as a result of the clearing of the debris.
• The AEO sent an email with pictures to Mr. Ritucci with a cc to Ms. Bagley of what had been observed and done, along with the suggestion from Mr. Traina that in lieu of waders, a plank could be used to cross the water in the pond to clean any debris that accumulated by the structure in the future.
• Following a rain event on January 10th, Ms. Bagley had submitted an online concern form to the town about the level of the pond which following the rainstorm had again risen and inundated parts of Ms. Bagley’s yard.
• That reporting form was forwarded to the AEO as well as the Public Works Department.
• In response, Adam Parsons from Public Works went to Mr. Ritucci’s driveway and observed that there was again debris on top of the concrete drainage structure. Mr. Parsons shared a picture of that with Ms. Bagley.
• The drainage device being on private property and not installed by the Town was not under the authority of the Town Public Works Department.
• The AEO reviewed the permit issued to Mr. Ritucci by the IWA for restoration of the pond in 2011 and found that the installation of the concrete drainage device had been part of the proposed pond restoration project.
• The AEO also reviewed the original site development plan for Ms. Bagley’s property and found that the site plans identified the pond elevation as being between elevations 224’ and 226’.
• The pond restoration plans identified that the elevation of the top of the drainage structure was at elevation 226’
• Neither the IWA permit nor any notes of the plans approved as part of the permit provided direction or requirements for maintenance regarding the pond, inclusive of the outlet structure.
• The AEO emailed Ms. Bagley that the matter would be brought to the IWA’s attention since the AEO did not have authority via the permit issued by the IWA to require cleaning of the drainage device.
• Chairman Blythe and the AEO had visited the drainage structure and viewed the pipe outlet prior in the day before the meeting and observed that water was flowing at a fast rate from the outlet of the pipe under the driveway.
• They also observed that the water level in the pond had inundated some trees not only on Ms. Bagley’s property but also on 24 and 28 Fox Den Way.

AEO Sullivan reviewed the map of record for the pond restoration and the site development of 20 Fox Den Way with the Agency Members and Ms. Bagley. On the pond restoration plans the location of the concrete drainage structure was identified along with the elevation of 226’ for the top of the structure inlet. On the plans for the site development of 20 Fox Den Way the site elevations of 224’ and 226’ are identified along with the existing pond elevation in 1997 being between elevations 224’ and 226’.

Ms. Bagley discussed her belief that the Agency bears the responsibility for the wetlands and could request/direct Mr. Ritucci to clear the drain under several court cases despite that authority not being assigned under the original pond restoration permit. Agency member Sosenky concurred with Ms. Bagley’s belief. Agency members discussed who could be held responsible for the clearing of the outlet structure and what action the Agency could order absent a specific maintenance requirement in the pond restoration permit but no consensus was reached on that issue. Ms. Bagley also expressed her concern that the aeration device for the pond that had been installed by Mr. Ritucci could have stirred up the pond and pushed algae in the pond towards 20 and 24 Fox Den Way as well as debris towards the intakes of the concrete drainage structure. Agency members noted that aerators are limited in strength and act to add oxygen to pond water to aid in the health of a pond. She also noted that she was willing to fund the cost of cleaning the concrete drainage structure if permission was granted to access it.

The Chairman asked how long Ms. Bagley had lived at the site and when the flooding issue first arose. She responded she had lived on the property for twelve years and the flooding had first been experienced this past December.

The Chairman noted that December had seen over eleven inches of rainfall, with another four inches in January. He suggested that since the pond is located in parts on three properties, 20, 24 and 28 Fox Den Way, that a group could be formed by those property owners to maintain the pond.

At the conclusion of discussion, the Chairman stated that the matter would be continued for discussion until the Agency’s next regular meeting on February 21, 2024. In the interim, the Chairman and AEO will monitor the pond and pond outlet prior to and after any rain events. Ms. Bagley was amendable to contacting the owners of 24 Fox Den Way to see if they would be interested in forming a pond maintenance association of some type.

**APPROVAL OF MINUTES**

Minutes of Regular Meeting of December 20, 2024

*** Kurek moved to approve the minutes of the Agency’s regular meeting on December 20, 2024, with typographical corrections.

*** Sosenky seconded

*** In favor: Blythe, Kurek, Goldberg, Webber, and Sosenky

*** Opposed: No One

*** Recused: No One

*** Abstained: No One

Unanimous approval
SITE INSPECTIONS
No site inspections needed to be scheduled.

MEETING ADJOURNMENT

*** Kurek moved to adjourn the meeting at 9:22 pm.
*** Goldberg seconded
*** In favor:  Blythe, Kurek, Goldberg, Webber, and Sosensky
*** Opposed: No One
*** Recused: No One
*** Abstained: No One

Unanimous approval

Accordingly, the meeting was adjourned at 9:22 pm.

Respectfully submitted,

Kristine Sullivan, Acting Recording Secretary