

# Town of Woodbury

## Inland Wetlands and Watercourses Agency

281 Main Street South  
Woodbury, CT 06798  
203.263.3467 • [www.woodburyct.org](http://www.woodburyct.org)

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### REGULAR MEETING MINUTES – OCTOBER 10, 2023

7:30 PM – SHOVE BUILDING, 281 Main St. South, Woodbury, CT 06798

#### MEMBERS PRESENT

Earl Gillette, Alternate (8:00 P.M.)  
Marty Newell, Vice Chairman  
Don Richards  
Kyle Turoczi, Secretary  
Mary Tyrrell, Chairman

#### MEMBERS ABSENT

Ernest Werner  
Michael McAloon, Alternate

**NOTED OTHERS PRESENT** – Jeff Peck, Barbara Packer, Ron Wolff, Jim Breidenbach and other interested parties.

#### OPENING OF MEETING

Call to Order – The meeting commenced at 7:35 p.m.

Seating of Members / Alternates – Seated for the meeting were Members Newell, Richards, Turoczi, Tyrrell, and Alternate Gillette.

Conflict of Interest Reminder (CGS §8-11 & Woodbury Town Charter Section 901)

#### PUBLIC HEARINGS

**23-IW-0021 – 75 Grassy Hill Road / Map 50, Lot 55-4 / OS-60 District / Jeffrey Peck (applicant/owner) / Installation of a pickle ball court measuring 1,200 sf (30 ft x 40 ft) and an accessory residential storage shed measuring 216 sf (12 ft x 18 ft x 10 ft high).**

The applicant was not present at the beginning of the meeting. Chairman Tyrrell read the legal notice, contents of the application and file for the record. Jeff Peck, property owner, arrived at 7:37 p.m. Receipts of mailing to the abutting property owners were noted as being in the file. Chairman Tyrrell noted that the Agency had been out to the site on a few occasions, so were familiar with the property. Mr. Peck noted that they use the house only on weekends and when they purchased the property did not know that there were wetlands and any restrictions due to the wetlands. He indicated that their title checked that there was no evidence of wetlands. They are looking to upgrade their backyard including adding a pickle ball court. It was noted that this court would have limited use perhaps 4-6 times per year. Mr. Peck submitted copies of 3 texts from neighbors expressing no issues with the proposal for the record. In addition, revised survey copies were submitted for the file. The wetlands and wetlands regulated areas are indicated on the plans. Chairman Tyrrell noted items that were not previously approved, but work had been done including the alteration of the existing patio, a mulch pad under the playset (a portion of which is in the regulated area), a shed with gravel base, pickle ball court, and basketball hoop. It was noted by Member Richards that the propane tank and pad are also within the regulated area. There was also a temporary gravel access driveway added, which Mr. Peck confirmed will be restored back to grass after the construction is completed. Mr. Peck indicated that the propane tank is located where the old one was (before they purchased the

*Copies of documents and meeting audio are available at the Land Use Office*

home), there is no concrete pad. Chairman Tyrrell would like to have something that says that these activities will not have an impact on the wetlands. She questioned the potential impact of the flood lights on the wetlands. Mr. Peck responded that the lights would only be used when playing in the dark. There should be something submitted to indicate:

- The depth of material removed to make the pickle ball court
- Was any material removed from the site
- How much fill material came into the site including the depth of it, type of material and where it come from
- How much asphalt will be used to create the court, including how deep will it be
- What the potential impact on the environment will be (including lighting and the installation of asphalt to the edge of the wetland)
- How erosion by the shed will be handled

The addition of asphalt created an impervious surface in the regulated area. Mr. Peck noted that the area is not a wet area, however, Chairman Tyrrell explained that soils type and structure is what makes it a wetlands. It could look dry but serve as a wetland. There should be a buffer for the wetlands. There are animals and plants that may be impacted by these changes.

*Earl Gillette arrived at the meeting at 7:59 p.m. and was seated.*

Member Newell questioned how the erosion by the shed will be addressed. The area is being washed out due to elevation changes. Member Turoczki would like a wetlands specialist to take a look at the area and give an opinion as to the impact. The court is right on the edge of the wetlands. It was noted that the initial impact of cutting in the regulated area was an impact, it had been regenerating, however, now there are additional impacts so where there was a recovery area for the wetlands, they are losing those recovery and recharging areas. Someone needs to look at the biology of the plants, soils as well as the original section of the wetlands that was cut. Should there be removal of invasives or remediation plantings. The 100 ft. buffer area is there to buffer any impact. The fence is inside the wetlands. It was noted that there are no contours on the plans. The application will need to be revised to include anything in the regulated area (in addition to the shed and pickle ball court). Anything on the plan needs to be added to the application to make it complete. Mr. Peck stated he may reconsider completing the pickleball court. If he chooses to do so, the application should be revised to include the removal of the material with details on amounts etc.

- Barbara Packer, 55 Grassy Hill Road – Ms. Packer is a next door neighbor and was unaware there were wetlands on this property and had no issues with the proposal. She questioned if wetlands change, Chairman Tyrrell noting that they are dynamic. Ms. Packer expressed that the wetlands seem extremely prohibitive, Chairman Tyrrell explained that the Wetlands Agency is set by the Federal Government. Their charge is to protect the wetlands and watercourses.

The Agency continued the hearing to the next meeting, October 23, 2023.

#### **NEW APPLICATIONS**

- None

#### **PENDING APPLICATIONS / DELIBERATIONS** (as deemed ready)

**23-IW-0026 – 64 Peter Road / Map 56, Lot 34-2 / OS-100 District - Cheryl Obar (applicant/owner) / Installation of two (2) accessory residential storage sheds measuring 80 sf each (8 ft x 10 ft) with stone pads extending two (2) feet beyond the roof of each shed.**

It was reminded that the sheds were already installed. Members had no addition concerns. A draft motion was reviewed by the Agency.

**MOTION:**

To approve 23-IW-0026 – 64 Peter Road / Map 56, Lot 34-2 / OS-100 District - Cheryl Obar (applicant/owner) / Installation of two (2) accessory residential storage sheds measuring 80 sf each (8 ft x 10 ft) with stone pads extending two (2) feet beyond the roof of each shed.

Made by TUROCZI, Seconded by RICHARDS

Vote: 5-0-0 – **Approved** – Motion Passed

Ayes	Gillette, Newell, Richards, Turoczi, Tyrrell
Nays	None
Abstain	None

**23-IW-0025 – 300 Minortown Road / Map 10, Lot 9 / OS-60 District / Raymond Hardisty and Janet Lawson (applicant/owner) / Regrading and deposition of gravel for partial driveway access reconstruction, as well as removal of fallen trees from upper sections of existing unimproved accessway.**

Ron Wolff was present for the discussion. Plans were submitted to indicate the location of the fallen trees. There were about 5 trees that were removed. Recent photos were submitted and shown to the Agency. They were taken after the recent 6 in. rainstorm. The gravel driveway has been there since about 1986 and appears to be in decent shape. It was questioned if haybales need to be added, Mr. Wolff noted there is vegetation growing. The haybales are doing their job and the vegetation will help. There has not been recent activity. No erosion was observed by Mr. Wolff going up the driveway. The crossing is extremely narrow, the culvert is deep and the slopes are steep, it will be a challenge to get to the site. The Agency had no further concerns and were pleased to have an application and to get it on the record. A draft motion was reviewed by the Agency.

**MOTION:**

To approve 23-IW-0025 – 300 Minortown Road / Map 10, Lot 9 / OS-60 District / Raymond Hardisty and Janet Lawson (applicant/owner) / Regrading and deposition of gravel for partial driveway access reconstruction, as well as removal of fallen trees from upper sections of existing unimproved accessway.

Made by NEWELL, Seconded by TUROCZI

Vote: 5-0-0 – **Approved** – Motion Passed

Ayes	Gillette, Newell, Richards, Turoczi, Tyrrell
Nays	None
Abstain	None

Chairman Tyrrell arranged the agenda to consider Privilege of the Floor to accommodate those present from the public.

- Jim Breidenbach, 502 Weekepeemee Road – (This item was originally brought up at the September 26<sup>th</sup> meeting under Privilege of the floor) Mr. Breidenbach shared video footage of water running down driveways running over the road and down his driveway toward his garage. This is a continual water incident with a high volume and velocity of water. The videos were taken on July 6<sup>th</sup> and September 13<sup>th</sup>. The culvert cannot handle the water. A letter of permission had been received allowing access to the property for the Agency to walk to try and investigate the potential cause of this. Member Turoczi noted that they have to look at the wetlands and any impacts in order to address any issues.

A site walk was scheduled for Sunday, October 22, 2023 at 9:00 a.m.

**ENFORCEMENT & WETLANDS UPDATE**

**23-ENF-IW05 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett / Driveway installation via an abutting lot with millings, land grading and filling within a regulated area absent required permit.**

There was no one present for the discussion; this item was tabled.

**23-ENF-IW06 – 13 Edward Avenue / Map 77, Lot 4-26, 27 & 2 / OS-60 / Frances M. Palomba / Driveway installation with millings, land grading and filling within a regulated area absent required permit.**

There was no one present for the discussion; this item was tabled.

**23-ENF-0002 – 197 Minortown Road / Map 25, Lot 2A-2 / OS-60 District / Michelle Fusco / Unauthorized site activities (including excavation, deposition and alteration of ground coverage and contours, as well as drainage conditions) involving installation of second access driveway within a regulated area absent required permit.**

This item has been forwarded to the Town Attorney to assist with resolution.

**Chohees Trail / Map 44, Lot 18 / OS-100 District / TRP Farms, LLC / Tree Cutting, Deposition of Materials and Excavation within a regulated area.**

Chairman Tyrrell noted that the areas look stabilized, but there have been no permits. Member Newell observed recent activity, digging by the gate by the Flanders Road end where the wood is stored. The Agency discussed how to get Public Works to communicate with the Agency, several requests have been made to have Mr. Lamothe attend a meeting with no success. Chairman Tyrrell will try again to address the issue with the First Selectman.

**43 Hollow Road / Map 36, Lot 68A & Map 103, Lot 13 / R-40 & OS-80 Districts / Town of Woodbury / Tree and scrub vegetation cutting within a regulated area (Hollow Park / Pomperaug River).**

An email update from Jami Gore was received and briefly reviewed by the Agency. Ms. Gore will be at the next meeting.

**18-IW-1621 – 614 Main Street South / Map 102, Lot 25 / MQ District / Napoli Woodbury LLC / IWWA Review of Constructed Site Conditions / Bond Status – Dollar General.**

There has been no new update.

**22-ENF-0015 – Minortown Road / Map 10, Lot 9 / OS-60 District / Raymond Hardisty and Janet Lawson / Unauthorized site activity (including excavation, deposition and alteration of ground coverage and contours, as well as drainage conditions) within a regulated area.**

The application was approved at this meeting. This item can now be removed from Enforcement.

**23-ENF-IW03 – Map 62, Lot 66 / OS-80 District / Village Woods Open Space Association, Inc. / Unauthorized site activity (cutting and dumping of tree branches and debris, deposition constituting fill, blocking of stream flow and alteration of natural cover) within a protected regulated area.**

Chairman Tyrrell spoke with Mr. Disarro. He expressed issues with obtaining a contractor to remove the debris that was removed from the Open Space area. It was noted that he hand removed additional deposits that were noted at a previous meeting. He should contact the Land Use Office once it is completed.

**203 Sprain Brook Road / Map 56, Lot 6 / OS-100 / Ryan Birkenhead / Site Plan comparison review of built features from last Wetland Permit 12-IW-1215 to present.**

No one was present for this item. It was noted that the Land Use Office was contacted by the engineer to get a copy of the letter that was sent to Mr. Birkenhead.

There was brief discussion Sprain Brook and recent storm damage. Member Turoczki noted that there is a 4 ft. high soil pile earthen dam on Sprain Brook Road. It is unknown who put it there.

- 48 Old Sherman Hill Road – Mr. Miller emailed a photo of the dry well status; the hole has been dug out.
- 334 Weekepeemee Road – An update with respect to the tree stump removal was given by Chairman Tyrrell. She explained the removal was necessary and had no concerns.

**ADMINISTRATIVE**

**Regular Meeting Minutes – 9/26/2023**

To approve the minutes of the September 26, 2023, regular meeting as submitted.

Made by NEWELL, Seconded by GILLETTE

Vote: 5-0-0 – **Approved** – Motion Passed

Ayes	Gillette, Newell, Richards, Turoczi, Tyrrell
Nayes	None
Abstain	None

**Regulation Review** – Chairman Tyrrell expressed that the 200 ft. upland review area looks like a good idea now after the recent storm events. Members discussed the damage done at Three Rivers, Chairman Tyrrell sharing photos she had taken.

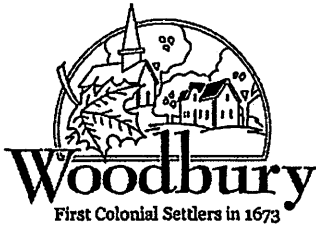
**CORRESPONDENCE** – A letter of permission for the Agency to access a property on Weekepeemee Road to investigate water issues was noted.

**PRIVILEGE OF THE FLOOR** - Member Gillette questioned what to do about residents releasing their pool water into the street. Member Turoczi noted that there are state regulations regarding this. Water should be tested prior allowing it to be dumped into street drainage or watercourses.

**ADJOURNMENT**

To adjourn the meeting at 9:07 p.m., made by Member Newell with no objections.

RECEIVED & FILED  
 IN WOODBURY, CT  
 This 10th day of Oct. 2023  
 at 3:50 o'clock PM  
*Maria M. Mancini*  
 Town Clerk



# Town of Woodbury Inland Wetlands and Watercourses Agency

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## WETLANDS / WATERCOURSES PERMIT APPROVAL

64 PETER ROAD – 23-IW-0026

Sheds

Cheryl Obar (owner/applicant)

Date of Approval	October 10, 2023
Permit Expiration*	October 10, 2025

\*If regulated activities and conditions of approval are not completed accordingly

Applicant	Cheryl Obar
Owner	Cheryl Obar
Application	23-IW-0026
Project	Installation of two (2) accessory residential storage sheds measuring 80 sf each (8 ft x 10 ft) with stone pads extending two (2) feet beyond the roof of each shed.
Address	64 Peter Road, Assessor Map 56, Lot 34-2
Site Acreage	3.15 acres
Zone	OS-100

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency ("Agency") has received application 23-IW-0026 as submitted by the applicant/owner listed above in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury ("IWWA Regulations") seeking a Wetlands/Watercourses Permit ("Permit") to implement the "project" as described above; and

WHEREAS application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Sketch Map of sheds; and

WHEREAS the sheds have already been installed (this action is for retroactive approval); and

WHEREAS the following mitigation measures are proposed:

- The sheds are located within a previously disturbed area of the property;
- No direct impacts to wetlands/watercourses are proposed or needed;

Approved by Inland Wetlands & Watercourses Agency

Approval Date: 10/10/23

Signature: [Signature]  
Town Planner

**NOW THEREFORE BE IT RESOLVED** upon careful consideration of the information received, the Agency, in accordance with §11.3 of the IWWA Regulations, hereby finds the following:

- No significant adverse off-site impacts are anticipated;
- Site construction disturbance will be temporary and short term (the sheds are already installed);
- The Agency classifies the application as Summary (not involving a “significant impact” thus a public hearing is not required); and

**BE IT FURTHER RESOLVED** the Agency, in accordance with §10 of the IWWA Regulations following deliberations hereby approves application 23-IW-0026 as described above, subject to modifications and conditions set forth below; and

**BE IT FURTHER RESOLVED** the Agency hereby authorizes the publishing and filing of a Notice of Decision consistent with the requirements set forth in §11.4 of the Regulations, as well as required reporting to the Connecticut Department of Energy and Environmental Protection (“CT DEEP”) per CGS §22a-39-14; and

**BE IT FURTHER RESOLVED** this approval is specific to that detailed herein and the final plans as endorsed as “approved” *subject to the following modifications and conditions:*

**A. Prior to Commencement of any Work or Site Disturbance**

1. **Final Plans** – The plans presented shall be endorsed as “approved” by the Agency / Town Planner.
2. **Other Required Approvals** – No work shall be authorized to commence absent securing all required approvals. Other required approvals shall be separately obtained by the applicant and copies thereof shall be provided to the Agency office for inclusion in the permit record file, including but not limited to:
  - Housatonic Valley Health District
  - Woodbury Administrative Zoning and Building Permits

Failure to obtain required administrative permits shall render this approval null and void.

**B. Conditions During Construction**

1. The sheds were previously installed; no additional structures, site work or construction are proposed or approved with this permit.

**C. Post Construction Compliance and Permit Closure**

1. **Final Inspection Required** – The applicant shall request the Land Use Office to conduct a final inspection for determination of permit completion, subject to the following:
  - Verification all improvements have been completed consistent with the approved final plans.
  - Verification the site has been cleaned of construction related equipment, materials, and debris.
  - Verification drainage conditions are adequately controlled to prevent erosion. The proper and timely control and treatment of stormwater runoff shall be a condition of continued compliance.
  - Verification disturbed areas are stabilized and exhibit healthy vegetative growth and cover.

2. **Approval Compliance / Changes** – Failure to maintain compliance with this permit and the approved final plans shall constitute a violation of the terms of this permit and the Woodbury Inland Wetlands and Watercourses Regulations. Any substantive additions or changes to the approved regulated activities shall require prior review and separate approval and permit.
  
3. **Expiration** – This permit approval shall expire and be null and void without further written notice per the date set forth above unless all regulated activities, including site stabilization and landscaping, are completed consistent with the approved final plans. The Agency may grant one (1) or more extensions of time to complete same, not to exceed that as may be permitted. Any request for extension shall be in writing to the Agency in a timely manner prior to the expiration date for which an extension is requested and shall state the reasons and circumstances for the requested extension. In considering any such request, the Agency may require a public hearing and may adjust any held bond.

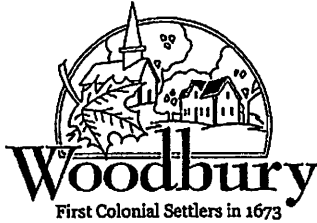
**MOTION**

Moved by TUROCZI, seconded by RICHARDS

Vote: 5-0-0 – **APPROVED** – Motion **PASSED**

Aye	Tyrrell, Turoczi, Newell, Richards, Gillette
Nay	None
Abstain	None





**Town of Woodbury  
Inland Wetlands and Watercourses Agency**

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**WETLANDS / WATERCOURSES PERMIT APPROVAL  
300 MINORTOWN ROAD – 23-IW-0025  
Access Driveway  
Raymond Hardisty and Janet Lawson (owner/applicant)**

Date of Approval	October 10, 2023
Permit Expiration*	October 10, 2025

\*If regulated activities and conditions of approval are not completed accordingly

Applicant	Raymond Hardisty and Janet Lawson
Owner	Raymond Hardisty and Janet Lawson
Application	23-IW-0025
Project	Regrading and deposition of gravel for partial driveway access reconstruction, as well as removal of fallen trees from upper sections of existing unimproved accessway.
Address	300 Minortown Road, Assessor Map 10, Lot 9
Site Acreage	31.8 acres
Zone	OS-60

**WHEREAS** the Town of Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application **23-IW-0025** as submitted by the applicant/owner listed above in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury (“IWWA Regulations”) seeking a Wetlands/Watercourses Permit (“Permit”) to implement the “project” as described above; and

**WHEREAS** application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- I.W.W.A. Site Plan, Wolff Engineering, 09/13/23;
- 1986 Aerial Photo Overlay/Property Survey, Wolff Engineering, 09/13/23; and

**WHEREAS** the driveway improvements have already been installed (this action is for retroactive approval and is in response to an enforcement order for work without a permit: 22-ENF-0015); and

**WHEREAS** the following mitigation measures are proposed:

- The driveway is located within a previously disturbed area of the site shown to include a former “wood road” on the submitted Site Plan;
- No direct impacts to wetlands/watercourses (Nonnewaug River) are proposed or needed;

**NOW THEREFORE BE IT RESOLVED** upon careful consideration of the information received, the Agency, in accordance with §11.3 of the IWWA Regulations, hereby finds the following:

- No significant adverse off-site impacts are anticipated;
- Site construction disturbance will be temporary and short term;
- The Agency classifies the application as Summary (not involving a “significant impact” thus a public hearing is not required); and

**BE IT FURTHER RESOLVED** the Agency, in accordance with §10 of the IWWA Regulations following deliberations hereby approves application 23-IW-0025 as described above, subject to modifications and conditions set forth below; and

**BE IT FURTHER RESOLVED** the Agency hereby authorizes the publishing and filing of a Notice of Decision consistent with the requirements set forth in §11.4 of the Regulations, as well as required reporting to the Connecticut Department of Energy and Environmental Protection (“CT DEEP”) per CGS §22a-39-14; and

**BE IT FURTHER RESOLVED** this approval is specific to that detailed herein and the final plans as endorsed as “approved” *subject to the following modifications and conditions:*

**A. Prior to Commencement of any Work or Site Disturbance**

1. The applicant shall submit to the satisfaction of the Town Planner a revised Site Plan, revised as follows:
  - a. A revision date, post the date of this approval, and an original seal and signature of the professional responsible for preparing the Site Plan.
  - b. Add the following notes conspicuously:
    - *23-IW-0025 – Approval Date: October 10, 2023; Expiration Date: October 10, 2025\* (\*If regulated activities and conditions of approval are not completed accordingly in such timeframe.)*
    - *Future work on the site shall be subject to a separate permit and shall require a professional soil scientist wetland/watercourse delineation, report and licensed A-2 survey mapping showing said delineation and regulated upland review areas.*
  - c. Add a full copy of this approval to the final Site Plan.
  - d. Show and note the location of all trees to be removed.
2. **Final Site Plans for Endorsement** – Following acceptance of revised final Site Plan by the Town Planner, the applicant shall provide for endorsement by the Agency/Town Planner two (2) printed sets (additional copies should the applicant desire copies as endorsed). EACH plan sheet shall be signed and sealed providing live (original signature and seal) certification thereof by the professional(s) responsible for their preparation.
3. **Other Required Approvals** – No work shall be authorized to commence absent securing all required approvals. Other required approvals shall be separately obtained by the applicant and copies thereof shall be provided to the Agency office for inclusion in the permit record file. Failure to obtain required administrative permits shall render this approval null and void.

**B. Conditions During Construction**

1. The driveway improvements were previously installed; no structures, additional site work, driveway improvement or construction are proposed or approved with this permit.

**C. Post Construction Compliance and Permit Closure**

1. **Final Inspection Required** – The applicant shall request the Land Use Office to conduct a final inspection for determination of permit completion, subject to the following:
  - Verification all improvements have been completed consistent with the approved final plans.
  - Verification the site has been cleaned of construction related equipment, materials, and debris.
  - Verification drainage conditions are adequately controlled to prevent erosion. The proper and timely control and treatment of stormwater runoff shall be a condition of continued compliance.
  - Verification disturbed areas are stabilized and exhibit healthy vegetative growth and cover.
  - Erosion controls shall be appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.
2. **Approval Compliance / Changes** – Failure to maintain compliance with this permit and the approved final plans shall constitute a violation of the terms of this permit and the Woodbury Inland Wetlands and Watercourses Regulations. Any substantive additions or changes to the approved regulated activities shall require prior review and separate approval and permit.
3. **Expiration** – This permit approval shall expire and be null and void without further written notice per the date set forth above unless all regulated activities, including site stabilization and landscaping, are completed consistent with the approved final plans. The Agency may grant one (1) or more extensions of time to complete same, not to exceed that as may be permitted. Any request for extension shall be in writing to the Agency in a timely manner prior to the expiration date for which an extension is requested and shall state the reasons and circumstances for the requested extension. In considering any such request, the Agency may require a public hearing and may adjust any held bond.

**MOTION**

Moved by NEWELL, seconded by TUROCZI

Vote: 5-0-0 – APPROVED – Motion PASSED

Aye	Tyrrell, Turoczi, Newell, Richards, Gillette
Nay	None
Abstain	None

<b>Approved by Inland Wetlands &amp; Watercourses Agency</b>	
Approval Date:	<u>10/10/23</u>
Signature:	<u>[Signature]</u> Town Planner