

# Town of Woodbury

## Inland Wetlands & Watercourses Agency

281 Main Street South  
Woodbury, CT 06798

203.263.3467 ▪ [www.woodburyct.org](http://www.woodburyct.org)

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### MINUTES – OCTOBER 15, 2024

#### REGULAR MEETING

7:30 P.M. – SENIOR CENTER, 265 MAIN ST. SOUTH

#### MEMBERS PRESENT:

Earl Gillette, Alternate  
Marty Newell, Vice Chair  
Don Richards  
Mary Tyrrell, Chair  
Kyle Turoczi, Secretary

#### MEMBERS ABSENT:

Michael McAloon, Alternate  
Timothy Pabst, Alternate  
Ernest Werner

**ALSO PRESENT:** Peter Paulos, Mike Lodice (Superintendent of Parks), Steve Gleason, Curt Bergeest, Stephen Schneider, Vince LaFontan, Andrew Berecz, Nick Bennett, Bob Burke and other members of the public.

#### OPENING OF MEETING

Call to Order – Chair Tyrrell convened the meeting at 7:34 p.m.

Seating of Members / Alternates - Seated were regular members Newell, Richards, Turoczi, Tyrrell and Alternate Gillette

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

#### PENDING APPLICATIONS / DELIBERATIONS

**24-IW-0028 – 101 Tuttle Road / Map 21, Lot 68B-3 / OS-100 District / Ellen Chieffalo (owner/applicant), Michael J. Mazzucco, P.E. (agent) / Within regulated upland review area: Construction and site improvements associated with the construction and use of a two-bedroom single family dwelling with associated driveway, septic, well and stormwater management.**

Peter Paulos, Architect for the project was present for the discussion. A site walk of the property was held. Areas of the site were reviewed with Chairman Tyrrell. It was noted that there is a very large dawn redwood tree in the middle of the proposed driveway. There was discussion that perhaps relocating the driveway to avoid this tree may be a better alternative. The original plan was to keep the activities farther from the regulated area. Chairman Tyrrell described the wetland area and that the driveway was low and flat. Members viewed a rough drawing of the proposed relocation of the driveway that Mr. Paulos submitted. Relocating the driveway would put the activities a bit closer to the regulated area, however, there would be less cut and fill required. The pitch of the driveway would be less because it is longer. It was explained that there is currently an established buffer between the area and the wetlands. It was discussed that if the buffer area was maintained as shrubs and not lawn, the new plan would be acceptable. A condition of the approval to restrict the area and maintain a non-lawn buffer could be added. It was confirmed that the utilities would be underground. Mr. Paulos will confirm with the property owner that they are on board with the changes and if so, a revised plan will be submitted to the Land Use Office. If it is received timely, a draft motion could be ready for the next meeting including the revised plans and restriction to the buffer area.

**24-IW-0004-A1 – 64 Westwood Road / Map 38, Lot 54-1 / R-40 District / Town of Woodbury (applicant/owner) / Three Rivers Park – Amendment of prior approval (24-IW-0004) to alter approved Site Plan.**

Mike Lodice was present representing the Parks and Recreation department. Chairman Tyrrell discussed that Troutscapes and the Ad Hoc committee recently met on site. The site has changed and parts of the river have “self-healed.” A new plan has been submitted, which the Chairman explained to the Agency. The fallen tree will be cut into two sections and then anchored into the bank using boulders. Mr. Lodice asked for clarification of the grading involved and location. There will be some grading, however there is an area of erosion that will not be graded it will be planted. Pomperaug River Watershed Coalition will spearhead the plantings involved and Rocky Ridge will do the contracting work. Member Turoczi is in touch with Rocky Ridge and will communicate a start date to the Parks & Recreation and Land Use Departments once finalized. A draft motion was reviewed by the Agency.

**MOTION:**

To approve 24-IW-0004-A1 – 64 Westwood Road / Map 38, Lot 54-1 / R-40 District / Town of Woodbury (applicant/owner) / Three Rivers Park – Amendment of prior approval (24-IW-0004) to alter approved Site Plan.

Moved by **NEWELL**, Seconded by **GILLETTE**

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

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

**NEW / MODIFIED APPLICATIONS**

**57 Clubhouse Drive / Map 48, Lot 8A / OS-60 District / Woodlake, Inc (applicant/owner) / Annual Lake Drawdown.**

Steve Gleason was present to represent Woodlake. He explained that they are trying to make the pond healthier and looking to fix things in an ecologically friendly way. A draw down was previously approved by the Agency; however, it was a bit too late in the season for it to have an effect. Nothing productive happened. The draw down would be planned for November 1 through the end of March. Mr. Gleason noted that aerator fountains have been added but more is required. It was confirmed that the draw down would be about 3-4 feet, it is a shallow pond with varying depths. No work is proposed on the dam. The water level may need to be reduced to fix the road issues, so this may be good timing. It was noted that the previous approval required an assessment be provided to the Agency, which has not been received. The Agency suggested that they reach out to Sean Hayden of the Lake Waramaug Task Force for assistance with the details for the report. The assessment should include information on what they were trying to accomplish, a list of plants species they were trying to eradicate, whether any of those plants were eliminated, whether the draw down worked or didn’t and why.

**21-IW-2128 – 39 Quanopaug Trail / Map 25, Lot 14-1 / OS-100 District / Oriya Foger (applicant/owner)**

A site walk had been held at the end of September which Chairman Tyrrell and Member Turoczi attended. Photos of the site were shared with the Agency as well as a rough drawing of the site to indicate locations of activities noted on the walk. It was noted that the entire hillside had been cut down causing this requirement for remediation. Members mentioned that although the property owner has made good efforts to resolve the issues on site, there is still the need for more vegetated growth to stabilize the hillside. More work continues to occur within regulated areas and it is unknown what the impact to the regulated area will be. The Agency consensus was to reevaluate the site again in a year and assess at that time. The approval requires monitoring and reporting by the property owner, which needs to continue.

**24-IW-0029 – 100 Grassy Hill Road / Map 50, Lot 15A-1 / OS-80 District / Curt Bergeest, Rella O'Connor (applicant/owner) / Within an Upland Review Area: Replacement of a section of culvert pipe due to storm erosion.**

Curt Bergeest was present for the discussion. He explained that after the flooding storm, his driveway was washed away and has undermined an existing pipe. They were looking to replace what is already there with the same size (18 in.) HDP pipe. The area was described as being a dangerous condition. Planner Agresta noted that what had been submitted was not adequate, it was a map and not a plan. The plan should include a cross section of the pipe, the area of disturbance, inlet and outlet locations, existing and proposed finished grades, etc. It was questioned why a different pipe size had not been considered. Mr. Bergeest noted that they consulted with an engineer, however the plans would be costly and this process would be time consuming. Mr. Bergeest expressed urgency to get approval to repair the driveway now and then look into engineering at a later date if the issue recurs. The issue being if the driveway should ice up, they could slide off into a gully. The Agency suggested that the contractor should be able to assist with details to complete the application.

**24-IW-0030 – 197 Minortown Road / Map 25, Lot 2A-2 / OS-60 District / Michelle Fusco (applicant/owner), Ryan and Pilicy(agent)**

- (1) ***Subdivision Amendment Review Report to Planning Commission:*** Amendment of Original Subdivision seeking the removal of original subdivision restriction permitting only a single driveway access shared by both lots of the original subdivision.
- (2) ***Wetlands/Watercourse Permit:*** Within a regulated upland review area proposed second, milled access drive on the property.

This item was tabled. Planner Agresta briefly explained the two items on the agenda. The applicant is looking to amend the original subdivision approval, which would require a report from the Agency to the Planning Commission and they are applying for the second driveway installation. It was noted that Land Tech has done a site inspection and a report is pending.

**24-IW-0031 – 317 Church Hill Road / Map 14, Lot 8A-4 / OS-100 District / Stephen Schneider (applicant/owner) Within an Upland Review Area: Cut and remove three (3) large trees near house using a crane, chipping brush and removing debris.**

Stephen Schneider was present for the discussion. They are new owners and are looking to remove three trees from the property. Two oak trees and an ash tree. They are in close proximity to an existing propane tank and they were advised they should come down. The trees would be eliminated using a crane, the debris and chips would be completely removed from the site. They have reviewed the septic plans at the advice of their contractor. Members expressed no concerns with any impacts of this project and requested draft motion for the next meeting.

**24-IW-0032 – 644 Flanders Road / Map 96, Lot 21&22 / OS-100 District / Flanders Nature Center and Land Trust (applicant/owner) / Within an Upland Review Area: Improvement of northern site access driveways via Flanders Road near animal barn, and upgrade improvements to farm trail as “accessible trail.”**

Vince LaFontan, Executive Director of Flanders Nature Center was present for the discussion. Mr. LaFontan described the application to improve safety off of Flanders Road and to improve the existing farm trail to make it an accessible trail. Plans by Civil1 were reviewed with the Agency. Mr. LaFontan noted that there would be a parking area within the regulated area along with the work associated with improving the trail to make it an accessible trail. The existing trail consists of areas of grass, a gravel road and field area. The improvement would include taking up the grass and topsoil and adding stone dust along the length of the trail. The plans include a construction sequence and equipment to be used. Member Turoczki indicated that there is an existing crushed steel pipe along the trail, they should consider replacing this as part of this application. The proposed new parking spaces would be of process materials that they get from O&G, like their other parking areas. There are ten parking spaces proposed and two additional spots (located near the bridge by the pavilion). The pipe and accessible parking requirements will be reviewed ahead of the next meeting. Members had no additional concerns. A draft motion was requested for the next meeting.

(Member Richards left the meeting at 9:15 p.m.)

**24-IW-0033 – 656 Weekepeemee Road / Map 44, Lot 11 / OS-100 District / Andrew Berez (applicant/owner) / Within an Upland Review Area and 100-Year Floodplain: Installation of an accessory above ground generator and 2 - 120 gallon propane tanks.**

Andrew Berez was present for the discussion. Mr. Berez explained the application was for two propane tanks and a generator. The line has already been installed. Photos of the area were submitted and reviewed by the Agency. The Agency did not express concerns as long as the tanks were strapped down. A draft motion was requested for the following meeting.

**ENFORCEMENT & WETLANDS UPDATE**

**24-ENF-IW04 – 544 Old Sherman Hill Road / Map 2, Lot 5 / OS-80 / Nicholas Bennett**  
**Unauthorized and non-permitted driveway installation, parking/storage area, vegetation clearing and grading, dumping of tree stumps/debris and storage of contractor materials and equipment within wetlands/watercourses upland review area.**

Nick Bennett was present for the discussion. He has removed about 15 truckloads of debris and exposed much of the existing mafia blocks. With respect to a planting plan, he indicated that the affected area is small and it was his opinion that one or two trees would suffice. There is about an 8 foot section that encroaches into the wetlands. He listed off a number of potential options for plantings, the Agency suggested planting shrubs. Once the plantings have been installed he should forward photos to the Land Use Office.

The following items were tabled:

- **24-ENF-IW02 – 83 Park Road / Map 103, Lot 36A / OS-60 District / Zachary Lessard**  
Unauthorized tree removal, timber storage, equipment/business storage, active accessways through regulated areas and land/ground disturbance within wetland/watercourse.
- **23-ENF-IW05 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett**  
Unauthorized driveway installation. NV 08/07/23 – 23-IW-0029 Denial 12/11/23 – appeal filed 01/03/24
- **23-ENF-IW06 – 13 Edward Avenue / Map 77, Lot 4-26, 27 & 2 / OS-60 / Frances M. Palomba**  
Unauthorized driveway installation. NV 08/07/23 – 23-IW-0028 Denial 12/11/23 – appeal filed 01/03/24
- **23-ENF-0002 – 197 Minortown Road / Map 25, Lot 2A-2 / OS-60 District / Michelle Fusco**  
NV 04/18/23 – Referred to Town Attorney – pending
- **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.

**ADMINISTRATIVE**

- Regular Meeting Minutes – 09/23/24

**MOTION:**

To approve the minutes of the September 23, 2024, meeting as submitted.

Moved by NEWELL, Seconded by GILLETTE

Vote: 4-0-0 – **Approved** – Motion Passed

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

- Regulation Review
  - Draft Inland Wetlands and Watercourses Regulations – Planner Agresta updated the Agency that the draft regulations have been sent to Attorney Brooks for her review.

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

- **Draft Forest Practices Regulations** – This item was tabled, Member Turoczi requesting a copy of the Town of Willington Regulations. Planner Agresta noted that he did refer to these regulations when he put together his draft.

**CORRESPONDENCE** - None

**PRIVILEGE OF THE FLOOR** – Bob Burke, 213 Church Hill Road – Mr. Burke asked if the Agency had reviewed the Solar Project Plans. He requested that the Agency send a letter to the Siting Council. Plans for the project were shared with the Agency and a letter dated October 15, 2024, was submitted. Concerns he addressed were with the increased potential for stormwater and erosion issues. He reminded the Agency of a previous issue on his property due to improper farming practices on the same parcel as the proposed solar farm. This was resolved, however, what is proposed raises the concern of additional stormwater and erosion potential and there is no mitigation proposed. He also noted topographical differences to what was submitted for the solar project and the previous subdivision application.

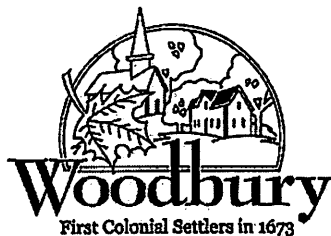
**ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 9:52 p.m.  
Made by **NEWELL** with no objections.

Respectfully Submitted,  
*Anne Firlings*  
Anne Firlings, Inland Wetlands & Watercourses Agency Clerk

RECEIVED & FILED  
IN WOODBURY, CT  
This 17<sup>th</sup> day of Oct 2024  
at 4:24 P.M.  
*Maria Mancini*  
Town Clerk



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## Inland Wetlands and Watercourses Agency

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### AMENDED – WETLANDS / WATERCOURSES PERMIT APPROVAL

#### 64 WESTWOOD ROAD, WOODBURY THREE RIVERS PARK – 24-IW-0004-A1

#### Isolated Short-Term Restoration of Riverbank due to Storm Erosion

#### Town of Woodbury (applicant/owner)

Date of Approval	October 15, 2024
Permit Expiration*	March 25, 2026**

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

\*\* Same as original 24-IW-0004

Applicant      Woodbury Parks and Recreation  
 Owner          Town of Woodbury  
 Application    24-IW-0004-A1 (amending 24-IW-0004)  
 Project        Three Rivers Park – Pomperaug River stabilization of storm eroded bank.  
 Address        64 Westwood Road, Assessor Map 38, Lot 54-1  
 Site Acreage   71.31 acres  
 Zone            R-40

WHEREAS the Town of Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received a permit modification request (24-IW-0004-A1) from the applicant/owner listed above in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury (“IWWA Regulations”) seeking Amendment of a prior Agency approved Wetlands/Watercourses Permit (24-IW-0004) modifying the “project” as described below; and

WHEREAS the project is proposed to be modified (amended) as detailed in the revised plans listed herein, essentially proposing the following:

#### Riverbank Planting – Southern Extent

- Plant approximately twenty-four (24) shrubs including five (5) different species planted in like clumps in the area of the riverbank (no re-grading) that has naturally regraded itself (southern reach of washout).
- Leave small area open for future access purposes.

#### Stabilization of Vertical Sloped Riverbank – Northern Extent

- Cut into two and relocate fallen tree, anchor to bank with imported 3-4 feet diameter boulders.
- Plant bank with native shrubs and trees; and

WHEREAS application materials received include the following:

- Bank Stabilization Design, Trout Scapes (7 Sheets), 02/24/24, revised 10/13/24;
- Proposed Modification of Approved Activity (3 Sheets), 08/22/24; and

Approved by Inland Wetlands & Watercourses Agency

Approval Date: 10/15/24

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:

- The riverbank is stabilizing but still requires modified intervention to stabilize the section of the Pomperaug River that has eroded due to a fallen tree in the river channel and related and ongoing erosion due to storm events.
- Site disturbance as modified will still be minimal, short term and is intended to be beneficial restoration; and

BE IT FURTHER RESOLVED the Agency, in accordance with §10 of the IWWA Regulations following deliberations hereby approves amendment application 24-IW-0004-A1 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 modified plans 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. Substantive changes to the scope of work resulting from other required approvals shall be subject to the prior review and acceptance (approval) by the Agency as a modification to this approval.

**B. Prior Conditions**

1. All prior conditions as set forth in 24-IW-0004 shall remain in full force and effect as if written here:
  - **Conditions During Construction**
  - **Post Construction Compliance and Permit Closure**

**MOTION**

Moved by NEWELL, Seconded by GILLETTE

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

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