

Town of Woodbury

Inland Wetlands and Watercourses Agency

281 Main Street South
Woodbury, CT 06798
203.263.3467 ▪ www.woodburyct.org

MINUTES –NOVEMBER 14, 2022

REGULAR MEETING

7:00 PM – Senior/Community Center, 265 Main St. South, Woodbury, CT 06798

MEMBERS PRESENT

Earl Gillette, Alternate
Don Richards, Alternate
Kyle Turoczi
Mary Tyrrell

MEMBERS ABSENT

Wes Clow
Michael McAloon, Alternate
Ernest Werner
Marty Newell

NOTED OTHERS PRESENT – Chuck Kiessling, George Johannesen, and other interested parties

OPENING OF MEETING

- Call to Order – Meeting commenced at 7:00 p.m.
- Seating of Members / Alternates – Seated for the meeting were members Turoczi, Tyrrell, and alternates Gillette and Richards
- Conflict of Interest Reminder (CGS §8-11 & Woodbury Town Charter Section 901)

PUBLIC HEARINGS – None

NEW APPLICATIONS

- 22-IW-0029 – 485 Old Sherman Hill Road / Map 2, Lot 8 / OS-80 District
Proposed outdoor wood burning boiler to be used as primary heating source of principal house. Elmer C. Kiessling (applicant), Linda L. Leigh Revocable Trust (owner).

Chuck Kiessling was present for the discussion; he is the executor and trustee of the property. It was explained that the house was built in 1806 and the current boiler is over 35 years old. He was unaware that the installation of an outdoor wood boiler required a wetlands application. The unit had already been installed. Mr. Kiessling indicated the location of the furnace and the area where the trenching took place. The trench was about 2.5 - 3 ft. deep for the pipe. The boiler is 35 ft. from the pond, the elevation being approximately 7 ft. above the level of the pond. The unit that was installed is indoor/outdoor rated with low smoke. It was questioned where the ash will go when they need to clean it out. It will be mixed with soil and used in the hay fields and gardens; however, it is anticipated that there will be very little ash accumulation. Mr. Kiessling questioned if there was a problem storing wood or having a wood rack near the new furnace location. The Agency had no concerns with this, there would be no impact on the wetlands. The furnace structure sits on a 6 ft. x 8 ft. box filled with process material and patio blocks to lift it off the ground to allow air to move underneath. Mr. Kiessling was instructed to add the wood rack (and any additional extras that may be involved) to the application so that it could all be included in the approval.

A draft motion was requested for the next meeting.

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

PENDING APPLICATIONS / DELIBERATIONS

- **22-IW-0022 – 146 South Pomperaug Avenue / Map 102, Lot 1 / MQ District**
Proposed rear building addition and conversion of partial existing motel into new restaurant use, including new septic, enlarged parking lot and associated site improvements.
Rocky River, LLC (applicant/owner).

George Johannesen was present for the discussion. He noted that the arborvitae was swapped out to address the Agency's concerns. Members reviewed the draft motion much of the focus being on elements of the rain gardens.

MOTION:

To accept the draft motion as submitted.

Made by **TUROCZI**, Seconded by **GILLETTE**

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

Ayes Tyrrell, Turoczi, Gillette, Richards

Nays None

Abstain None

ENFORCEMENT & WETLANDS UPDATE

- **21-ENF-0001 – 93 Weekepeemee Road / Map 40 / Lot 48 / McGovern**
NV Clearing, Excavating & Grading within a Regulated Area

No new information has been submitted.

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

No one was present for the discussion. A notice of violation has been sent. Chairman Tyrrell noted that there were tracks to the top of the property and there are wetlands throughout portions of the property. Will Agresta noted the owner, Mr. Hardisty, stopped into the office but was hesitant to come to a meeting however left taking an application. It was discussed that the Agency would like to take a site walk to review the site.

The Land Use Office will try to contact Mr. Hardisty to see if he would be able to make either Sunday, November 20, 2022, at 9:00 a.m. or Sunday, November 27, 2022, at 9:00 a.m. The Agency members will be notified when the date is scheduled.

ADMINISTRATIVE

- Meeting Minutes – 10/24/22

MOTION:

To approve the meeting minutes of 10/24/22 as submitted.

Made by **GILLETTE**, Seconded by **RICHARDS**

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

Ayes Tyrrell, Turoczi, Gillette, Richards

Nays None

Abstain None

CORRESPONDENCE – Correspondence included several updates from Melissa Santos regarding the status of the remediation plantings at 185 Saw Pit Hill Road. There was brief discussion about deer eating the plants. Member Turoczi noted that the plantings are small but there are a lot of them. This is a good time for planting; the snow will help them become established.

PRIVILEGE OF THE FLOOR – Chairman Tyrrell noted that the 2023 schedule and nominating committee will be on upcoming agendas.

ADJOURNMENT

MOTION:

To adjourn the meeting at 7:45 p.m.

Made by GILLETTE with no objections.

Filed Subject to Approval

Respectfully Submitted

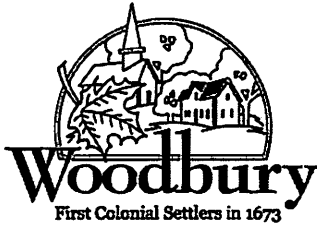
Anne Firlings

Anne Firlings, Clerk

RECEIVED & FILED
IN WOODBURY, CT

This 10th day of Nov, 2022
at 3:45 o'clock PM

Maria M. Brancaccio
Town Clerk



Town of Woodbury

Inland Wetlands and Watercourses Agency

281 Main Street South
Woodbury, CT 06798
203.263.3467 • www.woodburyct.org

WETLANDS / WATERCOURSES PERMIT APPROVAL

146 South Pomperaug Avenue

Building Additions and Add New Restaurant Use

Rocky River, LLC (owner/applicant)

Date of Approval	November 14, 2022
Permit Expiration*	November 14, 2027

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

Applicant: Rocky River, LLC
Owner: Rocky River, LLC
Application: 22-IW-0022
Project: Two building additions and conversion of partial existing motel into full-service restaurant use, including septic, enlarged parking and associated site improvements
Address: 146 South Pomperaug
Map/Lot: 102/1
District: MQ

WHEREAS, the Town of Woodbury Inland Wetlands and Watercourses Agency ("Agency") has received application 22-IW-0022 as submitted by Rocky River, LLC (applicant/owner) in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury ("Regulations") seeking a Wetlands/Watercourses Permit ("Permit") to construct two building additions and to convert a portion of the existing motel space into a full service restaurant use, including septic, enlarged parking and associated site improvements on property consisting of approximately 1.86 acres located at 146 South Pomperaug Avenue within a MQ Zoning District, as shown on Assessor Map 102, Lot 1; and

WHEREAS, the following mitigation measures are proposed:

- Collection and treatment of stormwater, including oil/water separator;
- Discharge of collected stormwater to planted rain gardens;
- Removal and replacement of entire existing subsurface septic disposal system;
- Regrading and renovation of existing drainage channel, including plantings;
- Removal of invasive plants within development area;
- Erosion and sedimentation controls; and

WHEREAS, application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Descriptive Use Narrative, Allied Engineering;
- Wetlands/Watercourses and Soil Report, Soil Science and Environmental Service Inc., 02/04/10;
- Wetland Impact Narrative, Allied Engineering;
- Stormwater Management Report, Allied Engineering, 10/10/22;
- Cover Sheet, Allied Engineering;
- C-1 – Existing Site Plan / Demolition Plan, Allied Engineering, 09/25/22, revised 10/24/22;
- C-2 – Proposed Site Development Plan, Allied Engineering, 09/25/22, revised 11/02/22;
- C-3 – Proposed Landscaping & Lighting Plan, Allied Engineering, 09/25/22, revised 11/02/22;
- C-4 – Proposed Grading & Utilities Plan, Allied Engineering, 09/25/22, revised 10/24/22;
- C-5 – Proposed Sanitary Sewage Disposal System Repair Plan, Allied Engineering, 09/25/22, revised 10/24/22;
- C-6 – Proposed Detail Sheet, Allied Engineering, 09/25/22, revised 11/02/22;
- C-7 – Proposed Pedestrian and Traffic Circulation Plan, Allied Engineering, 09/25/22, revised 11/02/22;
- A-1 – Proposed Basement Plan, Allied Engineering, 09/13/22;
- A-2 – Proposed First Floor Plan, Allied Engineering, 09/13/22, revised 11/02/22;
- A-3 – Proposed Building Elevations, Allied Engineering, 09/13/22, revised 11/02/22;
- ES-1 – Proposed Erosion and Sedimentation Control Plan, Allied Engineering, 08/18/22;
- ES-2 – Proposed Erosion and Sedimentation Control Plan, Allied Engineering, 08/18/22;

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

- The proposed regulated activities involve mitigation in the form of stormwater management rain gardens and other wetland related plantings, which are in part intended to provide stormwater treatment and buffers to wetland and stream resources of the site, as well as help control erosion;
- No significant adverse off-site impacts are anticipated;
- Site disturbance impacts can be further mitigated by the conditions listed below and the proper use and maintenance of soil erosion and sedimentation controls during construction, and post maintenance of stormwater management controls;
- 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 Regulations, following deliberations, hereby approves Application 22-IW-0022 as described above, subject to the 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

The following shall be completed by the applicant prior to the authorized endorsement of the final plans as “approved” and prior to commencement of any site disturbance or construction:

1. **Revision of Site Plans as “Final”** – The applicant shall submit to the satisfaction of the Town Planner a single (1) complete set of final plans, revised as follows:

- a. **Each Sheet** – Include a common revision date post the date of this approval, and an original seal and signature of the professional responsible for preparing each individual sheet.
 - b. **Cover Sheet** – Add a plan date and signature block similar to the other sheets.
 - c. **Cover Sheet and Sheet 2** – Add the following notes:
 - **22-IW-0022 – Approval Date: November 14, 2022 – Expiration Date: November 14, 2027* (*If regulated activities and conditions of approval are not completed accordingly.)**
 - **All conditions and requirements of prior approvals shall remain unaltered and in full force and effect.**
 - **All new and replacement utility connections (electric, gas, communications, water, septic) shall be installed underground.**
 - d. **Sheet C-3** – Show and label 100-foot upland review area similar as other sheets.
 - e. **Other Revisions:**
 - (1) Add a full copy of this approval to the final plans.
 - (2) Label proposed Utility Room also as a “proposed addition.”
 - (3) Label the small basin at the southeast corner of the site and provide a detail for its construction and stabilization (surface treatment).
2. **Final Site Plans for Endorsement** (*to be coordinated with Condition #A4 below*) – Following acceptance of revised final plans 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. **Final Stormwater Management Report** (*to be coordinated with Condition #A4 below*) – The applicant shall provide two (2) copies of the final Stormwater Management Report, certified by a Connecticut licensed Professional Engineer. (See Condition #A4 below.)
 4. **Coordination with Zoning Commission Approval** – Agency endorsement of the final plans and final stormwater management report shall both be coordinated with and held until post Zoning Commission approval, noting that any resulting substantive changes affecting wetland/watercourse regulated areas as determined by the Town Planner shall be subject to modified Agency review and approval.
 5. **Bond** – In accordance with Section 13 of the Woodbury Inland Wetlands and Watercourses Regulations, a Site Remediation / Soil and Erosion Control Bond, in an amount as approved by the Town Planner based on acceptance of an applicant’s Professional Engineer submitted “Cost Estimate,” shall be provide in a form and content as acceptable by the Town. The bond shall remain in full force and effect until such time as the bond is released by the Town.

6. **Other Required Approvals** – Other required approvals shall be separately obtained and a copy thereof presented to the Agency office for inclusion in the permit record file:

- **Housatonic Valley Health District / State of Connecticut Public Health Department**
- **Zoning Commission**
- **Woodbury Administrative Zoning and/or Building Permits**

B. Conditions During Construction

1. Prior to commencement of any site work or site disturbance, the limits of disturbance shall be clearly marked in the field to the satisfaction of the Land Use Office and the Land Use Office shall be provided a minimum of 48-hours of notice. No regulated activity shall commence until erosion and sedimentation control devices have been properly installed to the satisfaction of the Land Use Office and inspected by the Land Use Office. The applicant shall maintain and supplement the controls as needed, and the Land Use Office may require additional controls as may be deemed necessary or warranted.
2. There shall be no burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like.
3. Construction vehicles and equipment not in use shall not be stored, and at no time shall such be washed out, within a regulated wetland/watercourse 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.
4. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses. All access paths shall be reestablished to original condition.
5. Construction stockpiles shall be stored outside the regulated 100-foot upland review area.
6. 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.
7. Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are forbidden within any portion of the regulated 100-foot upland review area. The Land Use Office and CT DEEP shall 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.
8. Disturbed soils shall be stabilized in a timely fashion to minimize erosion. Specifically, if grading operations at the site will be suspended for a period of thirty (30) days or more, the applicant shall seed or employ other appropriate control measures to stabilize the affected area within seven (7) days. Also, upon completion of any grading activity, the applicant shall seed/stabilize affected areas within seven (7) days.
9. All disturbed areas and earth material stockpiles within regulated areas shall be stabilized by October 15th of any year.

10. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and promptly notified as to an issues or potential deviations in completing the site work as designed and approved, so either appropriate minor field changes may be authorized by the Land Use Office or the need for new or modified permit approval can be identified.
11. During the course of construction, the applicant shall have the work monitored by a qualified professional Landscape Architect or wetland biologist to ensure the rain gardens and other wetland related work is completed consistent with the approved final plans. The monitor shall coordinate such with the Land Use Office. The Land Use Office shall also, with reasonable notice, periodically inspect the premises for compliance with this approval as deemed warranted.

C. Post Construction Compliance and Permit Closure

1. **As-Built Plan** – Upon completion of the approved regulated activities, an As-Built Plan detailing and certifying the completed improvements shall be provided by the applicant in a form, content and number as required by the Land Use Office to determine permit compliance and satisfactory completion consistent with this approval and the endorsed final plans.
2. **Final Installation Inspection** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to the following:
 - All improvements have been completed consistent with the approved final plans, and mitigation landscaping has been installed, is stable and exhibits healthy growth conditions.
 - Provision of a Professional Engineer certification that the drainage improvements have been installed in accordance with the final Site Plans and are functioning as designed.
 - Provision by the monitor (qualified landscape architect or wetland biologist overseeing the implementation of the rain garden and other wetland related plantings) a letter certifying the installations have been completed in accordance with this approval and the final plans.
 - The site has been cleaned of construction related equipment, materials and debris.
 - All disturbed areas have been stabilized and exhibit healthy vegetative cover.
 - All erosion controls have been appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.
3. **Rain Gardens and Other Wetland Related Plantings Maintenance** – The applicant shall have the rain gardens and other wetland related plantings monitored by a qualified landscape architect or wetland biologist for a minimum period of three (3) years post acceptance by the Land Use Office of the installation of said plantings. The monitor shall conduct a site inspection a minimum of twice per year (spring and fall) and shall submit an Inspection Report to the Land Use Office within ten (10) days of the site inspection, detailing at minimum the following:
 - Date, time and ambient weather conditions of site inspection.
 - Evaluation of the condition of the rain gardens and other wetland related plantings.
 - Evaluation of the adequacy of site stabilization.
 - Identification of any needed corrective measures or needed plant replacements.
 - Verification of the adequacy and timeliness of the completion of any prior identified corrective measures and plant replacements

The applicant shall implement any identified corrective measures and/or plant replacements within a timely period.

4. **Drainage Improvements** – Discharge of drainage from the new improvements shall be controlled to prevent erosion. The proper and timely maintenance of the drainage improvements shall be a condition of continued compliance.
5. **Bond Release** – Upon written request by the applicant following completion of all approved work consistent with the approved final plans and verification the site is stabilized to the satisfaction of the Land Use Office, the bond may be released by the Land Use Office. The release of bond request shall include an As-Built Plan detailing and certifying the completed improvements. The Land Use Office may refer any request for bond release to the Agency.
6. **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.
7. **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 an additional five (5) years total. 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 shall review the continued adequacy of any held bond.

MOTION

Motion by TUROCZI, seconded by GILLETTE

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

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