

TOWN OF WOODBURY
Inland Wetlands and Watercourses Agency

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

REGULAR MEETING MINUTES

November 22, 2021 – 7:30 p.m.
Senior/Community Center, 265 Main St. South

MEMBERS PRESENT:

Wes Clow
Marty Newell
Kyle Turoczi
Mary Tyrrell

ALTERNATES PRESENT:

Earl Gillette
Evan Hard
Don Richards

MEMBERS ABSENT:

Ernest Werner

Also Present: Will Agresta (Town Planner), Ron Wolff, Brian Baker, Melissa Santos, Joe Santos, Cherie Dalton, and Kathy Doyle

OPENING OF MEETING

The meeting convened at 7:35 p.m. Seated for the meeting were Members Clow, Newell, Tyrrell, Turoczi and Alternates Gillette. Members were reminded of the conflict-of-interest statutes and the Town Charter.

PENDING APPLICATIONS

21-IW-2128 / Fogger / 39 Quanaopaug Trail / Remediate Loss of Vegetation During Clearing of Decayed, Dead & Fallen Trees / Map 025 / Lots 014-1 & 014A-2

Will Agresta apprised the Agency that a revised enforcement letter had been sent. Mr. Fogger has obtained a Soil Scientist and is working on finalizing a plan. The item was then tabled.

21-IW-2137 / CT Clinical Services, Inc. / 15 Woodside Circle / Construction of Fitness Building, Basketball Court and Improvements as Depicted on Proposed Site Plan / Map 056/ Lot 016-3 / David Vieau, Owner

Ron Wolff was present to represent the application. Chairman Tyrrell noted that there was a site walk of the property the previous day. The Agency walked this site as well as the area where the other building was installed. Suggestions of alternatives to put the construction and activity further from the wetlands were noted, leaving potential for more of a wetlands buffer. It was requested that they review the area to see if there might be a better plan to protect more of the wetlands and buffer areas. Mr. Wolff responded that he has discussed this with the applicant, and they are working on plans to potentially relocate more to the North but did not have revised plans for the meeting. Chairman Tyrrell noted a previous application for pond restoration. During the site walk it was observed that in some of the areas the rip rap has moved and is not protecting as well as it should. The pond viability for wildlife was also looked at. It was suggested that they might be able to somehow enhance that wetland with plantings. The septic system was noted on the plans. Mr. Wolff will work on alternatives for the next meeting. It was questioned when they might begin construction, concerns with erosion controls and winter stabilization should be considered. It was asked that the new plans delineate what is lawn area versus what is not lawn area (in

the wetlands buffer area). The Agency would like to see the lawn area used as opposed to other areas. Will Agresta requested submittal of the plans a week prior to the next meeting for review.

NEW APPLICATIONS

21-IW-2138 / Nettleton / 160 Middle Road Tpke. / Permit: Construction of Driveway and Utilities within a Regulated Area and Re-subdivision Review Recommendation (2-Lots) / Map 023 / Lot 008A-1

Will Agresta explained that they did a lot line revision previously, now they are going to re-subdivide that property. Ron Wolff was present for the discussion. Plans and maps were reviewed by the Agency. He gave a brief history of the property. About 20 acres was recently conveyed to the applicant and a lot line revision was done. They are looking to now do a two-lot re-subdivision splitting off 19.5 acres. Lot one is the existing house lot located off Middle Road Turnpike and lot two would be accessed from Ash Swamp Road. A right of way was indicated on the plans. There are some off site wetlands to the south. There is about 300' of driveway, 250' of which is located in the regulated area as well as a portion of the house site. A rip rap swale to pick up run off to be brought to an infiltration trench is proposed. The regulated area on the plans were noted, Mr. Wolff noting the wetlands off to the south. There is about 250' of activity within the regulated area. Driveway profiles were reviewed, it will be paved. The A2 survey was reviewed by the Agency. The access way remains from the original subdivision and could have been used for a road. This will accommodate three lots. A wetlands report was submitted and is in the file. It was questioned why the driveway could not be done to avoid the wetlands setbacks. It was explained that the topography is not conducive for that. It was suggested that they could do switchbacks through the center of the property to avoid wetlands. Agency members felt there could be alternatives to stay out of the wetland regulated areas. The applicant is looking to continue the existing farm road that is already there. The length of the proposed driveway is 1100 feet.

A site walk was scheduled for Sunday, December 5, 2021 at 9:00 a.m. Members to meet on the right-of-way off Ash Swamp Road.

ENFORCEMENT & WETLANDS UPDATE

These items were tabled to accommodate those present at the meeting.

- **21-ENF-0001 / McGovern / 93 Weekepeemee Road / NV Clearing, Excavating & Grading within a Regulated Area / Map 040 / Lot 048**
- **21-ENF-0007 / Foger / 39 Quanopaug Trail / NV Clearing, Filling and Grading within a Regulated Area / Map 025 / Lot 014-1**
- **Monitoring of Tuttle Road**

DELIBERATIONS

21-IW-2135 / Marcus Ventures Inc. / 466 Main Street North / Construction of a 31,670 SF Self Storage Facility with Associated Driveway & Drainage / Map 023 / Lot 031B-3

Brian Baker was present for the discussion. It was noted that these are deliberations and only those seated should be participating in the discussion at this time. A draft motion was reviewed by the Agency. Members discussed trees that were to be incorporated into the plans. Will Agresta noted that is covered under A.1.a. of the draft permit approval. They are not on the current maps, but this is a condition of the approval. Members questioned how to be certain that certain trees remain. Procedural issues were discussed by the Agency with Will Agresta. Before moving on to deliberations, the Agency should question if there are any substantive items needed for them render a decision. He was under the impression that the Agency had what they needed to make a determination, as he had asked at the last meeting if the Agency needed anything further from the applicant and nothing new was required. At this time, they can adjust the permit approval to indicate that the Agency receive for endorsement revised final plans prior to commencement of any work. The bond will be determined by the engineer and approved by the Planner.

MOTION:

To approve *(as drafted and amended Resolution for Wetlands Permit 21-IW-2135 for regulated activities associated with the development of a new 29,690 one-story commercial self-storage facility, partially within a regulated 100-foot upland review area on property located at 466 Main Street North, as shown on Assessor Map 023, Lot 031B-3 subject to conditions and revised final plans endorsement as set forth in the draft amended and approved resolution dated November 22, 2021. Applicant: Marcus Ventures, Inc. Owner: DDS Properties LLC).*

Made by Turoczi, Seconded by Gillette

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

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

16-IW-1620 / Santos / 185 Saw Pit Hill Rd. / Time Extension of Permit 16-IW-1620 Construction of Gravel Driveway & Restoration of Previously Disturbed Areas within 50' ROW / Map 052 / Lots 35C & 35L (expires 12/11/21)

Joe and Melissa Santos were present for the discussion. The Agency reviewed the maps from the previous approval. It was confirmed this is a registered farm. Mr. Santos stated they have not touched the driveway since receiving their approval five years ago due to the cost. They would like to keep the permit open as an option. It was indicated the access has been used about two times in the last five years to maintain the location of boundary markers. Everything has grown in; nothing can travel through there. There are no changes to what was originally proposed. There were questions about the open space, the type of open space would need to be clarified to answer. An email from Mathew Gereg, dated November 22, 2021 was read for the record. Cherie Dalton of 189 Saw Pit Hill Road requested that the Agency not only consider the approval for the driveway, but requested they determine the applicant's commitment to the plantings according to the approved plan from five years ago. She wants to be sure the area is properly restored. She questioned the use of the access way and feels there will be more traffic through that area. The vegetation has grown up as stated by the applicant, however it is not attractive, and the trees have not been replanted according to the plan. The area should be reestablished. The approval should not just be for the access way, but for the commitment for the full restoration. It was confirmed that this application originated as a violation. A plan was approved, a part of it being remediation and a part of it the driveway. It was confirmed that a final planting plan was reviewed and approved by the Northwest Conservation District and a bond was received. An email from the Sean Hayden from the original file was read for the record. Mr. Santos indicated the access was never meant for the barrel racing events. They come in through their other property on North Forty Road. Member Clow volunteered to visit the site and report back to the Agency regarding the site conditions. Will Agresta informed the Agency they have up to five years to grant extensions, they have options. For example, they can grant none, they can grant 6 months, a year to see what happens. Remediation can be a different length of time from the driveway. It can be broken down. Ms. Dalton is not requesting anything be done immediately, just that there would be assurance that the wetlands be reclaimed as it was. It was confirmed that Mr. Santos would still like to build the driveway to access his property. It was discussed that the driveway could be extended five years, but that the remediation and mitigation should not be extended that long. Discussion will be tabled until the next meeting. Alternate Richards questioned if the water flow across the driveway has changed, Mr. Santos saying no.

ENFORCEMENT

21-ENF-0001 / McGovern / 93 Weekepeemee Road / NV Clearing, Excavating & Grading within a Regulated Area / Map 040 / Lot 048

This issue has been forwarded to the Town Attorney. Will Agresta confirmed that this item can come off the agenda.

21-ENF-0007 / Foger / 39 Quanopaug Trail / NV Clearing, Filling and Grading within a Regulated Area / Map 025 / Lot 014-1

A revised violation letter has been sent including the additional items that were discovered at the site walk.

Monitoring of Tuttle Road

Chairman Tyrrell noted that the area appears to be getting stable.

Selected Items from this Agenda – As Determined by the Agency

Meeting Minutes - 11/7/21 & 11/8/21

MOTION:

To approve as written (*the minutes of the 11/7/21 Special Meeting*).

Made by Newell, Seconded by Gillette

Vote: 4-0-1 – **Approved** – Motion Passed

Ayes Clow, Gillette, Newell, Tyrrell

Nays None

Abstain Turoczi (he was not present)

MOTION:

To approve as submitted (*the minutes of the 11/8/21 meeting*).

Made by Turoczi, Seconded by Newell

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

Ayes Clow, Gillette, Newell, Turoczi, Tyrrell

Nays None

Abstain None

2022 Annual Meeting Schedule

Members discussed changing the time of the meetings from 7:30 to 7:00 p.m. After discussion, a compromise was made to hold the January – March and October to December meetings at 7:00 p.m. and April – September meetings at 7:30 p.m.

MOTION:

To approve the 2022 Annual Meeting Schedule as amended.

Made by Newell, Seconded by Gillette

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

Ayes Clow, Gillette, Newell, Turoczi, Tyrrell

Nays None

Abstain None

OTHER BUSINESS - Discussion Regarding Nominating Committee (*For Elections First Meeting in January*)

Chairman Tyrrell noted that the Nominating Committee is usually comprised of the alternate members.

CORRESPONDENCE - None

PRIVILEGE OF THE FLOOR

Member Newell questioned the activity occurring at the 1754 House and how much material is allowed to be taken out feeling it seemed like a gravel operation. Members questioned if the 100' regulated setback has been reviewed. It was discussed whether they can enact enforcement for the restoration of the clearing that was done on the hillside. Will Agresta stated that he will review the plans.

Kathy Doyle appreciated the Agency attempting to hold one conversation at a time, this is especially important for the meeting recordings. Ms. Doyle hopes that the Agency will review their regulations and setbacks to protect the water supply. Ms. Doyle reminded that referrals could be part of the Joint Land Use meeting discussions.

Alternate Gillette requested follow up on tree clearing he observed at 71 Lighthouse Road. A letter was being sent to the property owner and the business is being contacted.

Alternate Richards noted that with regard to reviewing the regulations, they should increase the setbacks along rivers such as the Pomperaug to 200'.

Cheri Dalton thanked the Agency for their volunteerism.

ADJOURNMENT

MOTION:

To adjourn the meeting at 9:19 p.m.

Made by Member Newell

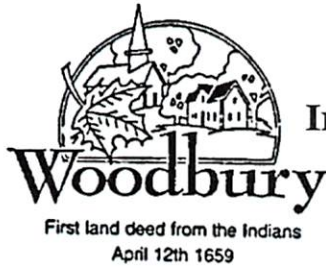
FILED SUBJECT TO APPROVAL

Respectfully Submitted,

Anne Firlings

Anne Firlings, Clerk

Inland Wetlands & Watercourses Agency



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Inland Wetlands and Watercourses Agency

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WETLAND / WATERCOURSE PERMIT APPROVAL

Date of Approval	November 22, 2021
Permit Expiration*	November 22, 2026**
*If regulated activities and conditions of approval are not completed accordingly	
**Or, as set forth in CGS §22a-42a(d)(2), the expiration date of the corresponding Zoning Commission Approval, whichever is later	

Applicant: **Marcus Ventures, Inc.**
Owner: **DDS Properties LLC**
Application: **21-IW-2135**
Project: **Construction of Self Storage Facility and Associated Site Improvements**
Address: **466 Main Street North**
Map/Lot: **023/031B-3**

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application 21-IW-2135 as submitted by Marcus Ventures, Inc (Applicant) (DDS Properties LLC – Owner) in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury (“Regulations”) seeking a Wetlands/Watercourses Permit (“Permit”) for approval of regulated activities associated with the development of a new 29,690 one-story commercial self-storage facility, partially within a regulated 100-foot upland review area, located at 466 Main Street North, as shown on Assessor Map 23, Lot 31B-3; and

WHEREAS, application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Engineering Report, Civil 1, 08/27/21;
- S-1.1 – Zoning Location Survey, Civil 1, 08/27/21, revised 11/08/21;
- C-1.1 – Site Plan, Civil 1, 08/27/21, revised 11/08/21;
- C-2.1 – Grading, Drainage & Erosion Control Plan, Civil 1, 08/27/21, revised 11/08/21;
- L-1.1 – Planting Plan, Civil 1, 08/27/21, revised 11/08/21;
- C-3.1 – Storm Drainage Profiles, Civil 1, 08/27/21, revised 11/08/21;
- C-4.1 – Details, Civil 1, 08/27/21, revised 11/08/21;
- C-4.2 – Details, Civil 1, 08/27/21, revised 11/08/21;
- C-4.3 – Details, Civil 1, 08/27/21, revised 11/08/21;
- C-5.1 – Erosion Control Narrative & Project Notes, Civil 1, 08/27/21, revised 11/08/21; and

WHEREAS, proposed regulated activities include:

- Site grading (excavation and filling) and erosions controls;
- Portion of building perimeter sidewalk;
- Portion of parking and driveway access;
- Landscaping;
- Future septic fields (current building use does not require septic disposal);

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

- The proposed regulated activities involve disturbances within an Upland Review Area only (no direct disturbance to wetlands or watercourses);
- The proposed regulated activities are anticipated to have minimal environmental impact on wetlands and watercourses, and their resource functions;
- No significant adverse off-site impacts are anticipated;
- Potential disturbance impacts can be mitigated by the conditions listed below and the proper use of soil erosion and sedimentation controls during construction;
- 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 Section 10 of the Regulations, following deliberations, hereby approves Application 21-IW-2135 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 Section 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, the Agency hereby authorizes the filing of a copy of this approval with the Zoning Commission as required pursuant to Section 11.5 of the Regulations; and

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

A. Prior to Commencement of any Work or Site Disturbance

1. Two (2) printed copies of **Final Plans** revised as follows shall be presented to the Land Use Office for endorsement by the Agency Chair (prior to endorsement, the revised Final Plans shall be submitted to the Agency for its review and confirmation approval of adequate completeness):

- a. Show all existing trees 8 inches DBH and larger located towards the rear of the proposed building (between the proposed building and the top of slope to the southeast, across the width of the lot), noting those *to remain* and those *to be removed*.
 - b. Delineate and label a *Limit of Disturbance Line*; and add notation indicating the required demarcation in the field to the satisfaction of the Town Planner of same prior to any site disturbance.
 - c. Add the following notation:
21-IW-2135 – Approval Date: November 22, 2021 – Expiration Date: November 22, 2026*
If regulated activities and conditions of approval are not completed accordingly.
(*Or, as set forth in CGS §22a-42a(d)(2), the expiration date of the corresponding Zoning Commission Approval, whichever is later).
2. In accordance with Section 13 of the Woodbury Inland Wetlands and Watercourses Regulations, a 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 submitted to the Land Use Office 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.
 3. Required approvals for the following shall be separately obtained and a copy thereof presented to the Agency office for inclusion in the permit record file:
 - **Woodbury Zoning Commission Special Permit / Site Plan Approval (*any resulting substantive changes to the regulated activities approved herein shall be subject to Agency Amendment Approval*)**
 - **Woodbury Zoning and/or Building Permits**

B. Conditions During Construction

1. Prior to commencement of construction, the limits of disturbance shall be clearly marked in the field and the Land Use Office shall be provided a minimum of 48-hours of notice. No construction shall commence until erosion and sedimentation control devices have been properly installed 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. The stumps of all significant trees shall be left in place for stabilization of the affected area(s).
3. Construction equipment shall not be washed out in a 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.

4. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses.
5. All paths used for site access shall be reestablished to original condition.
6. Stockpiles of earth materials shall be stored outside the upland 100-foot regulated area.
7. 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.
8. 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.
9. 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.
10. All disturbed areas and earth material stockpiles within regulated areas shall be stabilized by October 15th of any year.

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 Inspection** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to verification of the following:
 - All improvements shall be completed consistent with the approved final plans and any landscaping shall be stable and healthy.
 - The site shall be clean of construction related equipment, materials and debris.
 - All disturbed areas shall be stabilized and exhibit healthy vegetative cover.
 - All erosion controls shall have been appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.

3. **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.

4. **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.

5. **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 KYLE TUROCZI, seconded by EARL GILLETTE

Ayes	TYRRELL, CLOW, NEWELL, TUROCZI, GILLETTE
Nays	NONE
Abstain	NONE

RECEIVED & FILED
IN WOODBURY, CT
This 24 day of Nov 2021
at 11:45 o'clock A.M.
Judith A. Clark
Town Clerk