

Town of Woodbury

Inland Wetlands and Watercourses Agency

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

MINUTES –NOVEMBER 28, 2022

REGULAR MEETING

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

MEMBERS PRESENT

Earl Gillette, Alternate
Michael McAloon, Alternate
Marty Newell (arrived 7:04 p.m.)
Don Richards, Alternate
Kyle Turoczi
Mary Tyrrell

MEMBERS ABSENT

Wes Clow
Ernest Werner

NOTED OTHERS PRESENT – Chuck Kiessling and John Hardisty

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

PUBLIC HEARINGS – None

NEW APPLICATIONS – None

PENDING APPLICATIONS / DELIBERATIONS

- **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. A draft motion was reviewed. A woodshed has been added to the application. Members had no additional comments or concerns.

MOTION:

To approve the draft motion as provided.

Made by **RICHARDS**, Seconded by **TUROCZI**

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

Ayes Gillette, McAloon, Richards Turoczi, Tyrrell

Nays None

Abstain None

Member Newell arrived 7:04 p.m.

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

ENFORCEMENT & WETLANDS UPDATE

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

Information from the site walk was documented and sent to the town attorney. There was no confirmation of a timeframe for the additional movement of material on the site. Alternate Gillette recalled it to be over the summer and the work being done by Mr. McGovern's brother. The Agency discussed how they wanted to proceed with the issue. Did they want an application explaining what is proposed to be accomplished or what to do to remediate the situation. They can only require what has been done on Mr. McGovern's property this area described to be the parcel area on top of the berm. Member Turoczi noted that the cutting of trees was done to eliminate shade over the vineyard and that they could plant appropriate shrubs on the slope to help with stabilization in lieu of trees, which may cause the same issues with shading of the vineyard. The Agency would like to know the intent of what the owner was trying to accomplish. An approved planting by the Agency can be in the form of shrubs which will allow stabilization to occur without the need for significant sized trees. It was noted that Mr. McGovern had stated he wanted a walking path of some sort. If Mr. McGovern is looking to develop a walking path, he should provide details of such (what type of equipment will be used, where it will go, how it will be constructed, the slope, construction sequence, an overall plan for the walk including plantings). Members discussed requirements of putting a deadline on having a plan submitted. It was decided that the first meeting of the year, January 9, 2023, the applicant should have submitted a plan with application in time for that meeting. This plan should also include a timeline of when the owner expects to accomplish items proposed in the plan. It was communicated that the owner or representative need not be at the next meeting.

- **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.

John Hardisty was present for the discussion. The Agency walked the site on November 27, 2022. Photos will be sent to the Town Planner. It was noted that the driveway apron was installed for access for the realtor to mark the property for sale. There were several uprooted trees noted on the walk of the property. There was evidence of some clearing and some dirt piles which appeared outside the regulated area. Concerns about water coming off the hill toward the brook were discussed. There needs to be stabilization so that no siltation gets into the brook. It was questioned why this came to the Agency, it was reminded by the Chairman that the driveway apron was installed within a regulated area (deposition of materials, grading, etc. within a regulated area). It was discussed that simply placing haybales on the right side of the driveway would help mitigate any siltation from getting to the brook. There was a 4-inch pipe noted on the walk, however, it could not be concluded that this was recent activity however, it could be ascertained that there has been an issue with the water on this hill. It was noted that grass had been planted at the entrance and was cleaned up and the area is flat. Member Turoczi did not see concerning disturbance on the walk. Significant engineering will be required to install a driveway in the future, the haybales will be a temporary fix. It was requested that the Land Use Enforcement Officer follow up with the landowner to stabilize the downflow with haybales before it becomes an issue in the area just outside the brook on the right side going up the driveway. Mr. Hardisty was clear on the expectations of the Agency.

ADMINISTRATIVE

- Meeting Minutes – 11/14/22

Member Newell would like it noted that she was absent from the previous meeting due to ambulance duty and was on a call that evening.

MOTION:

To approve the meeting minutes of 11/14/22 amended to note that Member Newell was absent due to being on an ambulance call.

Made by GILLETTE, Seconded by RICHARDS

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

Ayes Gillette, Richards, Tyrrell, Turoczi

Nays None

Abstain McAloon

CORRESPONDENCE – Correspondence included an update from Bob Teittinen regarding status of permit for 575 Washington Road and another update from Melissa Santos regarding the status of the remediation plantings at 185 Saw Pit Hill Road. This should be inspected now for completion, the Agency wishing to review the site in the Spring.

2023 ANNUAL MEETING SCHEDULE

MOTION:

To accept the 2023 Annual Meeting Schedule

Made by McALOON, Seconded by RICHARDS

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

Ayes Gillette, McAloon, Richards, Turoczi, Tyrrell

Nays None

Abstain None

NOMINATING COMMITTEE - Chairman Tyrrell reminded that the Nominating Committee has historically consisted of the alternates. Alternate Gillette, McAloon and Richards will be the Nominating Committee this year.

PRIVILEGE OF THE FLOOR - Member Turoczi submitted photos of a property on Main Street South (Devino) for the record that were given to him by Raymond Hardisty on their November 27, 2022, site walk.

Member Turoczi noted construction undercutting the riverbank and removal of a very large sycamore tree at (922) Main Street North. This activity is right on the river, it is affecting the embankment and will require specific engineering. A Notice of Violation has been sent to the property owner requesting their attendance at the next meeting.

Alternate Gillette questioned the status of the permitting for (877) Washington Road and how to get a response from the property owners. Emails requesting status have been sent with no response. No construction permitting has been issued at this time..

ADJOURNMENT

MOTION:

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

Made by GILLETTE with no objections.

Filed Subject to Approval

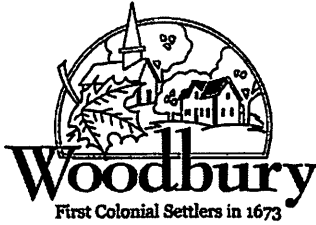
Respectfully Submitted

Anne Firlings

Anne Firlings, Clerk

RECEIVED & FILED
IN WOODBURY, CT

This 30th day of NOV 2022
at 3:50 o'clock P M
Walter Mancini
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

485 Old Sherman Hill Road

Wood Burning Outdoor Boiler

Linda L. Leigh, Trustee, the Linda L. Leigh Revocable Trust of 2022 (owner)

| | |
|---------------------------|--------------------------|
| Date of Approval | November 28, 2022 |
| Permit Expiration* | November 28, 2027 |

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

Applicant: Elmer C. Kiessling
Owner: Linda L. Leigh, Trustee, the Linda L. Leigh Revocable Trust of 2022
Application: 22-IW-0029
Project: Installation of an outdoor wood burning boiler as the primary fuel source of heating accessory to the existing single-family dwelling, as well as installation of an accessory shed roof structure for storage of wood next to the boiler
Address: 485 Old Sherman Hill Road
Map/Lot: 2/8
District: OS-80

WHEREAS, the Town of Woodbury Inland Wetlands and Watercourses Agency ("Agency") has received application 22-IW-0029 as submitted by Elmer C. Kiessling (applicant) and Linda L. Leigh, Trustee, the Linda L. Leigh Revocable Trust of 2022 (owner) in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury ("Regulations") seeking a Wetlands/Watercourses Permit ("Permit") to install an outdoor wood burning boiler as the primary fuel source of heating accessory to the existing single-family dwelling, as well as installation of an accessory shed roof structure for the storage of wood next to the boiler on property consisting of approximately 27 acres located at 485 Old Sherman Hill Road within an OS-80 Zoning District, as shown on Assessor Map 2, Lot 8; and

WHEREAS, the following mitigation measures are proposed:

- The unit is self-contained and will be placed on a gravel bed;
- Installation occurs in an area previously disturbed and maintained as lawn; and

WHEREAS, application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Sketch Location Plan;
- Manufacturer Specifications of the Boiler Unit;

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:

- No significant adverse off-site impacts are anticipated;
- Site disturbance will be minimal 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 Regulations, following deliberations, hereby approves Application 22-IW-0029 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

1. The plans presented shall be endorsed as “approved” by the Agency / Town Planner.
2. 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 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.
2. 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.
3. 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.
4. 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.

5. Disturbed soils shall be stabilized in a timely fashion to minimize erosion. Should grading operations at the site 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.
6. All disturbed areas and earth material stockpiles within regulated areas shall be stabilized by October 15th of any year.
7. 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.

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.
 - 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. **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.
4. **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

Moved by **RICHARDS**, seconded by **TUROCZI**

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

| | |
|---------|---|
| Ayes | Tyrrell, Turoczi, Gillette, Richards, McAloon |
| Nays | None |
| Abstain | None |