

**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**

**November 8, 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  
Don Richards

**ALTERNATES ABSENT:**

Evan Hard

**MEMBERS ABSENT:**

Ernest Werner

**Also Present:** Will Agresta, Mr. & Mrs. Soli Foger, Pierre Bennerup, Richard McClintock, Brian Baker, Evan Goldfine, Todd Woodward, Todd Romagna and Ron Wolff

**OPENING OF MEETING**

The meeting convened at 7:30 p.m. Seated for the meeting were Members Clow, Newell, Tyrrell, Turoczi and Alternates Richards. Members were reminded of the conflict-of-interest statutes and the Town Charter.

**PENDING APPLICATIONS**

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

Soli Foger, his wife and Pierre Bennerup were present for the discussion. It was noted that the Agency had walked the site this weekend. Photos were submitted by Member Clow from the site walk indicating additional areas of disturbance within the regulated area. Chairman Tyrrell noted they have an application, but do not have a plan. They need a full plan for the mitigation that needs to be followed to remediate the situation. This application is a follow up to an enforcement issue of cutting and clearing within a regulated area. Mr. Bennerup shared his credentials. Mr. Foger explained that their plan was to remove dead, dying trees and eliminate overgrown brush. He investigated different avenues to help with the situation, but it was noted difficult to access the areas as they were impenetrable. They are looking to enjoy their property. Mr. Foger stated he didn't cut healthy trees. He didn't believe that what he was doing was not being responsible. Mr. Bennerup noted there were a lot of invasive plants. When he visited the site, the land had already been cleared. The hillside is covered with woodchips between 6" and a foot deep. That will keep down a lot of the invasive vegetation that was there and the woodchips will not allow any erosion. The brook runs rather clear which indicates the soil is rather stable. It can be enhanced with native plants/shrubs to assist with further stabilization. Mr. Bennerup felt this is not an unfixable problem. He expressed that there may have been some naivete to what might need permits. Mr. Foger noted that they allowed sun in, did not remove healthy trees and cleaned up by the brook. He understands that he did things without following the proper procedures, but he is here to address it. Chairman Tyrrell noted that the original letter was sent on June 30<sup>th</sup>, but that even though they were notified, work continued. An application was not submitted until August, and they put aside the

enforcement issue. The Agency needs to have a plan for what is happening. Mr. Foger responded that their plan for plants did not have to happen all at once. Four stages of planting were shown and prioritized, the immediate one by the brook. Will Agresta noted that is a concept. A landscape architect may be needed to develop a plan. The amount of tree stumps and how many of those were dead/dying was in question. Member Clow noted that there are forestry practices that should have been followed. Member Turoczi explained that there is forested canopy over the streams in Connecticut, and that there are stumps cut right to the water's edge. There is nothing in the plan that was provided that addresses this. There needs to be some woody vegetation to assist in holding the bank in. The contractor used should have known that there was permitting required to work in those areas. Member Turoczi noted that a logger/forester should have come to the town with a management plan, to cross any stream would require a permit. The plan should also address invasives. Both a restoration plan and a management plan should be submitted. Member Newell noted that they need to move forward and come up with a plan to remedy what has happened. Mr. Foger is committed to doing that. Types of plants need to state both the genus and species. Will Agresta stated that part of the plan would include a standard planting plan legend and plant list, size, placement, etc.

**21-IW-2134 / McClintock / 234 Washington Road / Replace Deteriorated Barn with New Wood & Shallow Frost Protected Foundation / Map 039 / Lot 004**

Richard McClintock was present for the discussion. New engineered plans were noted as having been submitted. Details requested by the Agency were noted on the plans. Members reviewed the plans and had no further questions.

**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 and Evan Goldfine were present for the discussion. It was noted that the Agency had walked the site the previous day. Mr. Baker submitted revised plans for the records that include a proposed septic system (not required for this use but to plan for the potential of a change in use in the future) and parking areas. The septic is located in the area it was approved on the original subdivision plans, within the regulated area. The system would be enough for up to 25 employees that they will not put in now, but there is an area for. The building location was moved to accommodate for the septic area the building size becoming 12.5' shorter on the eastern side. Parking was altered to reflect 9' parking spaces and a 24' aisle. There is no computation in Woodbury regulations for parking spaces for a self-storage facility. They are providing more parking than what is required by other towns they researched for self-storage facilities. Per the Fire Marshal, they extended the hammerhead for emergency vehicle turnaround capability. The building does not require a sprinkler system and a fire storage tank is not needed by the Fire Marshal. Concerns about the slope/embankment were addressed. Old silt fence will remain, and new silt fencing will be added, they will be well out of the regulated area. Toe of slope will be 37' from an oak tree noted on the plans. A landscaping plan will address the slope with trees to be planted and ground cover. Grade of the slope was noted to be 2-to-1, a guardrail is at the top. Members were concerned about mature trees; these should be noted on the plans. Anything over an 8" diameter should have been added to the plans. A conservation restriction exists at the top of the slope, and they aren't doing anything within 30' of that. The retention system will hold 40,670 gallons of water. The system was explained to the Agency. Alternate Gillette stated that experts say that they should plan for a 9" storm. Addition of fire tank storage was discussed, it was deemed as not necessary for this application. No further information was required by the Agency.

**21-IW-2136 / Woodward / 60 Saw Pit Hill Road / Build New Post & Beam Barn to Replace Existing Barn / Map030 / Lot 012**

Todd Woodward was present for the discussion. Members walked the site the previous day. Proximity to the wetlands were noted. The foundation for the new structure was described with slab on the inside. Nothing will be removed from the site. A 6' trench will be dug around the footprint of the building. Most

material will go to the inside and used for backfilling. Stone will be used on the back edge. Same footprint will be used. The limit of construction area will be kept tight to the building. Silt fence will be installed. They want to keep all material out of the yard because it is too wet. Elevation will not be changed with the floor. 6" slab. Concerns about material coming out of the ground and where it will go. No materials will be stored near the wetlands.

**DELIBERATIONS**

**Selected Items from this Agenda – as determined by the Agency**

**21-IW-2134 / McClintock / 234 Washington Road / Replace Deteriorated Barn with New Wood & Shallow Frost Protected Foundation / Map 039 / Lot 004**

**MOTION:**

To approve (as drafted and amended Resolution for Wetlands Permit 21-IW-2134 for regulated activities related to the demolition of an existing accessory residential storage shed barn and building of a new accessory storage shed barn measuring 320 sf – 20.67 ft x 15.5 feet upon the same footprint within a regulated 100-foot upland review area and 100-year floodplain on property located at 237 Washington Road, as shown on Assessor Map 39, Lot 4 subject to conditions and revised final plans endorsement, as set forth in the draft Approval Resolution dated November 8, 2021. Applicant/Property Owner: Richard McClintock).

Made by Newell, Seconded by Richards

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

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

**21-IW-2136 / Woodward / 60 Saw Pit Hill Road / Build New Post & Beam Barn to Replace Existing Barn / Map030 / Lot 012**

**MOTION:**

To approve (as drafted and amended Resolution for Wetlands Permit 21-IW-2136 for regulated activities related to construction of a new post and beam shed barn (measuring 24 feet x 36') for accessory residential storage to replace a former shed barn upon the same footprint within a regulated 100-foot upland review area on property located at 60 Saw Pit Hill Road, as shown on Assessors Map 38, Lot 12 subject to conditions and revised final plans endorsement, as set forth in the draft Approval Resolution dated November 8, 2021. Applicant/Property Owner: William S. & Virginia M. Garms. Agent: Todd Woodward, Woodward Builders)

Made by Richards, Seconded by Clow

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

Ayes	Clow, Newell, Richards, Turoczi, Tyrrell
Nays	0
Abstain	0

**NEW APPLICATIONS:**

**20-IW-2021 / Romagna & Nesteriak / 191 Church Hill Road / Request for Modification of Permit 20-IW-2021 to Pave Entire Driveway / Map 029 / Lot 015D-1**

Todd Romagna was present for the discussion. Maps were reviewed by the Agency. This was approved by the Agency with a condition if they paved the driveway, they needed to come back to the Agency for an approval. It was noted that a base coat has already been applied. Mr. Romagna explained that the

property owners originally did not want to take on the cost of paving the entire length of driveway but have now witnessed the need to do so. Member Clow questioned the work being done without coming to the Agency prior to discuss potential alternatives. Mr. Romagna felt that if they didn't apply the base coat, the damage caused to wetlands could have been worse. It was noted that there is an infiltration trench that goes along the length of the driveway, that was what was clogging up without the pavement. At this time the infiltration trench is functioning properly. Will Agresta had visited the site and the infiltration trench was "not terrible" considering the amount of storms of recent months. The driveway had been fixed a few times and it was going to wash out. In his opinion, pavement will assist with the long-term stability. It was requested that a letter be submitted by the engineer to confirm that it is complete, and all is working/functioning correctly. The engineer should look at all the stone aprons for drainage and confirm that they are built correctly and are functioning as designed. The engineer is going to certify that the drains are clean and functioning as designed and final coat won't alter the functionality. It was requested that the Town Planner visit the site at the time of inspection. It was confirmed that the original approval had inland wetlands bond.

**MOTION:**

To approve *(as drafted and amended resolution for modification of a previously approved Wetlands/Watercourses Permit (20-IW-2021 approved on September 8, 2020), consistent with Condition #13 of said previous approval, to pave with asphalt the previously approved residential dwelling driveway on property located at 191 Church Hill Road, as shown on Assessor Map 29, Lot 15D-1, subject to conditions and revised final plans endorsement as set forth in the draft Approval Modification Resolution dated November 8, 2021. Property Owner: Douglas M. and Heather D. McAllister. Agent: Todd Romagna.)*

Made by Turoczi, Seconded by Newell

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

Ayes	Newell, Richards, Turoczi, Tyrrell
Nays	0
Abstain	Clow

**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**  
Ron Wolff was present for the discussion. Mr. Wolff reviewed plans for a fitness building and basketball court. The total site is about 61.5 acres a portion of which a portion is in a conservation easement. The existing site was reviewed. Will Agresta questioned the amount of parking. They are proposing a 30' x 46' building and a basketball court. With that is 12,000 square feet of activity in a regulated area. 199 cubic yards of material is being cut and 637 cubic yards of material is being filled. Erosion control matting will be used for the 2-to-1 slope. A septic system is proposed to be outside of the regulated area. The location of the proposed activities and alternatives to move out of the regulated area were discussed. Mr. Wolff expressed that it needs to be handicapped accessible, but he will look at any alternatives.

A site walk was scheduled for Sunday, November 21, 2021, at 9:00 a.m. Members will meet on site at the gate.

**ENFORCEMENT & WETLANDS UPDATE**

The order of the agenda was rearranged to accommodate those present.

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

Mr. & Mrs. Foger were present for the discussion. It was noted that a Notice of Possible Violation had been sent in June regarding clearing, filling and grading within a regulated area. Members walked the site

the previous day and an additional issue was found at a different area of the property. Photos from the site walk were reviewed showing excavating in regulated area as well as piping to drain areas creating ponds. Member Clow expressed that he has destroyed a wetland. Mr. Foger questioned the definition of a wetland. Member Turoczi stated that they are defined by soil type. A soil scientist needs to identify wetlands. Mr. Foger thought it was just the brook and did not understand that what he was doing was not permitted. He dug out a trench so that the area did not "marsh up." This did not help, so they installed a pipe. Draining the water to small ponds so that when it gets to the brook it doesn't bring sedimentation with it. Mr. Foger explained the process of what he did and how it works. The Agency explained that there was a function and importance to the wetlands. The Agency requested Mr. Foger have a wetlands scientist come out and have a report generated. The wetland has fill on it, the stream is now piped so there is more velocity to the water which could cause erosion. The pipe would need a permit. A wetlands ecologist & soil scientist should be hired to help with the restoration. Removal of debris needs to be done by hand or a permit can be applied for to remove material with equipment. Everything within 100' of a wetland would require permitting. Will Agresta suggested that if they hire someone, they should talk to him about the property and their plans. Chairman Tyrrell stressed that they cannot do any more work until a permit is obtained. The Agency will combine both violations into one. Timeframes are involved.

Member Clow left the meeting and Alternate Gillette was seated.

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

Will Agresta updated the Agency. The letter from the town attorney was sent and confirmed signed for. Mr. McGovern has received it. They did not attend the meeting and were asked to come. The Agency had the hearing, the issue is not being refuted and there are no other claims about anything else. The next step would be the next enforcement step and sending it to the town attorney.

**MOTION:**

To affirm violation order 21-ENF-0001 / McGovern / 93 Weekepeemee Road / NV Clearing, Excavating & Grading within a Regulated Area / Map 040 / Lot 048 and refer it to the Town Attorney.

Made by Richards, Seconded by Newell

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

Ayes	Gillette, Newell, Richards, Turoczi, Tyrrell
Nays	0
Abstain	0

**Monitoring of Tuttle Road** – Grass is growing, and it looks like a section has been paved. It seems to be stable.

**OTHER BUSINESS**

Alternate Gillette questioned if there had been any response from the Berecz farm on Weekepeemee for activity without permits. He also questioned if the drainage being blocked by gravel at PC Auto was reviewed.

**CORRESPONDENCE** – None

**PRIVILEGE OF THE FLOOR** – None

**CONSIDERATION OF MINUTES**

**MOTION:**

To approve the minutes (of the 10/25/21 Regular Meeting) as presented.

Made by Richards, Seconded by Turoczi

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

Ayes            Gillette, Newell, Richards, Turoczi, Tyrrell  
Nays            0  
Abstain        0

**ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 10:14 p.m.

Made by Member Newell

**FILED SUBJECT TO APPROVAL**

Respectfully Submitted,

*Anne Firlings*

Anne Firlings, Clerk

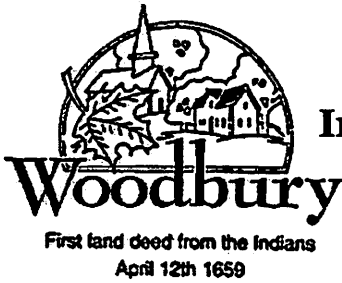
Inland Wetlands & Watercourses Agency

RECEIVED & FILED  
IN WOODBURY, CT

This 10<sup>th</sup> day of Nov 2021

at 3:50 o'clock PM

*Maria M. Mancini*  
Town Clerk



**TOWN OF WOODBURY  
Inland Wetlands and Watercourses Agency**

281 Main Street South  
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203.263-3467 ▪ [www.woodburyct.org](http://www.woodburyct.org)

**WETLAND / WATERCOURSE PERMIT APPROVAL**

<b>Date of Approval</b>	<b>November 8, 2021</b>
<b>Permit Expiration*</b>	<b>November 8, 2026</b>

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

**Applicant:** Richard D. McClintock  
**Owner:** Richard D. McClintock  
**Application:** 21-IW-2134  
**Project:** Demolish existing and build replacement shed barn over same footprint.  
**Address:** 237 Washington Road  
**Map/Lot:** 039/004

**WHEREAS**, the Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application 21-IW-2134 as submitted by Richard D. McClintock (Applicant/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 to demolish an existing accessory residential storage shed barn and build a new accessory storage shed barn (measuring 320 sf – 20.67 ft x 15.5 feet) upon the same footprint within a regulated 100-foot upland review area and 100-year floodplain on property located at 237 Washington Road, as shown on Assessor Map 39, Lot 4; and

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

- Application for Inland Wetlands Agency Permit;
- (Site Plan Map);
- S-1 – Barn Plan and Framing Elevations, Marchetti, 08/23/21, revised 11/07/21;
- S-2 – Barn Plan and Framing Elevations, Marchetti, 08/23/21, revised 11/07/21;

**NOW THEREFORE BE IT RESOLVED**, upon careful considered 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 existing elevations at and around the new accessory storage shed barn will not be raised in order to maintain the current topographic conditions of the site within the 100-year floodplain

- 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-2134 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:
  - a. Add the following note:  
***21-IW-2134 – Approval Date: November 8, 2021 – Expiration Date: November 8, 2026  
 If regulated activities and conditions of approval are not completed accordingly.***
2. In accordance with Section 13 of the Woodbury Inland Wetlands and Watercourses Regulations, a Soil and Erosion Control Bond in the amount of \$1,000 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 Flood Plain Permit**
  - **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.

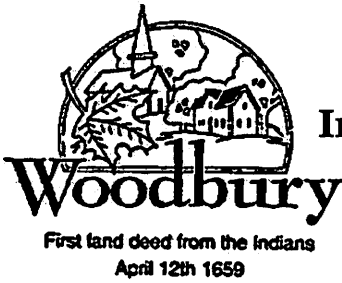
**C. Post Construction Compliance and Permit Closure**

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 Newell, seconded by Richards

Ayes	5 – Clow, Newell, Richards, Turoczi, Tyrrell
Nays	0
Abstain	0



**TOWN OF WOODBURY**  
**Inland Wetlands and Watercourses Agency**

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**WETLAND / WATERCOURSE PERMIT APPROVAL**

<b>Date of Approval</b>	<b>November 8, 2021</b>
<b>Permit Expiration*</b>	<b>November 8, 2026</b>

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

**Applicant:** William S. and Virginia M. Garms – Todd Woodward, Woodward Builders (Agent)  
**Owner:** William S. and Virginia M. Garms  
**Application:** 21-IW-2136  
**Project:** Replace former shed barn with new post and beam shed barn over same footprint.  
**Address:** 60 Saw Pit Hill Road  
**Map/Lot:** 038/012

**WHEREAS**, the Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application 21-IW-2136 as submitted by William S. and Virginia M. Garms (Applicant/Owner) (Todd Woodward, Woodward Builders – Agent) 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 to construct a new post and beam shed barn (measuring 24 feet x 36 feet) for use as accessory residential storage to replace a former shed barn upon the same footprint within a regulated 100-foot upland review area on property located at 60 Saw Pit Hill Road, as shown on Assessor Map 38, Lot 12; and

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

- Application for Inland Wetlands Agency Permit;
- (Site Plan Map), 06/16/21;
- Foundation and Elevations details;
- Aerial, Parcel and Septic As-Built details;

**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-2136 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**, 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:
  - a. Add the following note:  
***21-IW-2136 – Approval Date: November 8, 2021 – Expiration Date: November 8, 2026  
 If regulated activities and conditions of approval are not completed accordingly.***
2. In accordance with Section 13 of the Woodbury Inland Wetlands and Watercourses Regulations, a Soil and Erosion Control Bond in the amount of \$1,000 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 **Zoning and/or Building Permits** shall be separately obtained.

**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**

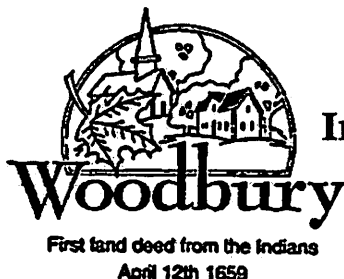
1. **As-Built Plan** – Upon completion of the approved regulated activities, an As-Built Plan detailing and certifying the completed improvements shall be provided by the applicant in a form, content and number as required by the Land Use Office to determine permit compliance and satisfactory completion 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 Richards, seconded by Clow

Ayes	5 – Clow, Newell, Richards, Turoczi & Tyrrell
Nays	0
Abstain	0



**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)

**WETLAND / WATERCOURSE PERMIT APPROVAL - MODIFICATION**

<b>Original Permit Date of Approval</b>	<b>September 8, 2020</b>
<b>Original Permit Expiration*</b>	<b>September 8, 2025</b>
<b>Date of this Modification Approval</b>	<b>November 8, 2021</b>
<b>Date of Permit Modification Expiration*</b>	<b>September 8, 2025</b>

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

**Aplicant:** Douglas M. and Heather D. McAllister  
**Owner:** Douglas M. and Heather D. McAllister  
**Application:** 20-IW-2021 - Modification  
**Project:** Pave previously approved driveway (20-IW-2021, approved 09/08/20).  
**Address:** 191 Church Hill Road  
**Map/Lot:** 029/015D-1

**WHEREAS**, the Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received an application as submitted by Douglas M. and Heather D. McAllister (Applicant/Owner) in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury (“Regulations”) for modification of a previously approved Wetlands/Watercourses Permit (“Permit”) (20-IW-2021 approved on September 8, 2020), consistent with Condition #13 of said previous approval, to pave with asphalt the previously approved residential dwelling driveway on property located at 191 Church Hill Road, as shown on Assessor Map 29, Lot 15D-1; and

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

- Application for Inland Wetlands Agency Permit;
- Letter requesting permit approval modification, Oakridge Construction LLC, 10/28/21;
- 1/1 – Improvement Location Survey, Accurate, 10/04/21, revised 10/27/21;

**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 minor disturbances to pave the already constructed driveway, constructed per the original Wetland Permit Approval. No new indirect or direct disturbance to wetlands or watercourses, or upland review area proposed);
- Improved long term maintenance and control of runoff will be provided with a paved driveway;

- 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 Modification of the previous approval of 20-IW-2021 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**, 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:
  - a. Add the following note:  
***20-IW-2021 Modification Approval Date: November 8, 2021***  
***Original and Modification Expiration Date: September 8, 2025***  
***If regulated activities and conditions of approval are not completed accordingly.***

**B. Prior Conditions** – All other prior conditions, bond and time periods set forth in the original permit approval (20-IW-2021 as approved on September 8, 2020) shall remain in full force and effect.

**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. **CT Professional Engineer Certification** – The applicant shall provide a letter from a Connecticut licensed professional engineer certifying that the drainage improvements are constructed, clean and functioning as designed; assuring also that the driveway pavement topcoat will not alter said functionality if not yet installed.
  
3. **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.
  
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 Turoczi, seconded by Newell

Ayes	4 – Newell, Richards, Turoczi, Tyrrell
Nays	0
Abstain	1 – Clow