



# 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 - REVISED

December 11, 2023 – 7:30 PM

Senior / Community Center

265 Main Street South, Woodbury, CT 06798

#### MEMBERS PRESENT

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

#### MEMBERS ABSENT

Michael McAloon, Alternate  
Timothy Pabst, Alternate

**NOTED OTHERS PRESENT** – Planner Agresta (Town Planner), Mark Reifenhauser, Ron Wolff, Fran Palomba, Jeff Taranovich and other interested parties.

#### OPENING OF MEETING

Call to Order – The meeting commenced at 7:34 p.m.

Seating of Members / Alternates – Seated for the meeting were Members Newell, Richards, Turoczi, Tyrrell, and Werner.

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

#### PUBLIC HEARINGS

**23-IW-0021 – 75 Grassy Hill Road / Map 50, Lot 55-4 / OS-60 District / Jeffrey Peck (applicant/owner) / Installation of a pickle ball court measuring 1,200 sf (30 ft x 40 ft) and an accessory residential storage shed measuring 216 sf (12 ft x 18 ft x 10 ft high).**

Applicant time extension received to reconvene hearing at the meeting on January 8, 2024.

#### NEW APPLICATIONS

**23-IW-0030 – 203 Sprain Brook Road / Map 56, Lot 6 / OS-100 District / Ryan Birkenhead (applicant/owner) / Retroactive Permit Application for previously installed site improvements within 100-foot upland review area absent permits: electric meter on post; landscape alterations along driveway; accessory deck structure and AC unit on concrete pad attached to existing studio building; AC unit on concrete pad serving existing garage building; area drain with 6-inch PVC drainpipe; and portion of tree house. Also newly proposed generator and 500-gallon propane storage tank with line connections.**

Mark Reifenhauer, PE was present to represent the application. Mr. Reifenhauer reminded that the Agency had a site walk for a barn application earlier this year. It was noted that this application was in response to a letter from the ZEO and they have recently amended the application to add a propane tank and generator. The site plan was reviewed by the Agency. The electric meter on post was added prior to the owner purchasing the property and has been there since 2012. There is underground service from the post to the house. With regards to the landscaping, there were deceased trees that were taken down and the landscaping was to restore the grade back to its original state. It is now completely vegetated with no erosion issues. This was shown on the plan to be between the meter and the north side of the house. A small deck was added on to the studio structure about 5-7 years ago. The deck was constructed on sonotubes with minimal disturbance dug by hand, no machines. The AC unit on the west side of the studio was installed about 3-5 years ago. The drainage pipe was something that was part of the addition to the garage in 2012. There are no signs of erosion near that pipe. The treehouse was installed in 2015, encompassing about 275 sq. ft. in the regulated area. Added to the application is a propane tank and generator. The propane tank will sit behind the woodshed on a concrete pad and the generator on a bluestone pad. It was noted that this sits extremely close to a wetlands flag. The elevation of the area was questioned. There will be minimal disturbance. There is a concern of flooding of the brook. It was estimated to be about 2-4 feet above the brook. Everything is being installed in this area due to the existing electric post and meter. Chairman Tyrrell noted that there had been other areas on the property for expansion that did not need to be located in a regulated area. It was noted that the underground electrical are not typically shown, and they had been installed several years ago. It is preferred to have the propane tank further away from the brook. Mr. Reifenhauer will talk to his client about relocating the propane tank. The generator is approximately 3 ft. x 5 ft. Member Turoczi scaled off the location of the propane tank, it is about 5-6 ft. from the brook. Elevation of the propane tank is about 2-4 ft. over the brook. It will be a 500-gallon propane tank. The location of the propane tank may also be a safety issue. It was questioned if there will be anything shielding the generator, as there is nothing shown on the plans. This should be included on the plans if this is proposed. It was questioned if they remove material for the concrete pad, where it will go. If material will be removed, it should be indicated on the plans as well as how much stone will be used to fill the area. Mr. Reifenhauer will see if his client will consider smaller tanks that may not need a pad. The Agency will wait to determine if the location and size of the tanks can be changed and the associated revised plans if that is the case.

**23-IW-0031 – 174 Kimberly Lane / Map 75, Lot 8A / OS-100 District / Strong Field LLC (applicant) / Robert A. MacSweeney, Trustee of The Victoria Rinaldi Family Revocable Trust (owner) / Installation of a water supply well and associated site grading and drainage within a regulated upland review area in support of the construction of a new single-family dwelling on the vacant lot.**

Ron Wolff, PE was present to represent the application. A site plan was reviewed by the Agency. They are looking at installing a well with associated grading and drainage within the regulated area for a proposed new single-family home. The location of the property was briefly discussed. Wetlands were flagged by Eric Davidson and the survey was done by Riordan Surveying. The septic system is a pump system located outside the regulated area. An underground retention system is being proposed for roof runoff. Regulated activities include the well and associated grading along the south side of the house. The footing drain will be pumped with a sump pump located in the basement of the house. They tried to keep most of the activities outside of the regulated area, "shoehorned to the north." Installation of the well is a one-time activity. Tailings are usually removed from site or used as fill. They will be added

to the stockpile area noted on the plans. It was discussed that there is minimal activity in the regulated area. A draft motion was requested for the next meeting.

**PENDING APPLICATIONS / DELIBERATIONS** (as deemed ready)

**64 Westwood Road / Map 38, Lot 54-1 / R-40 District / Town of Woodbury (applicant/owner) / Three Rivers Park – Restoration of river-bank storm erosion.**

Planner Agresta noted that there was a meeting with staff scheduled including Carol Haskins of the Pomperaug River Watershed Coalition and First Selectman Perkinson.

**21-IW-2128 – 39 Quanopaug Trail / Map 25, Lot 14-1 / OS-100 District / Oriya Foger (applicant/owner) Request for early termination of Monitoring Post Installation of Restoration and Mitigation Plan**

The property owner was unable to make the meeting and has requested the item be tabled to the second meeting in January.

**23-IW-0029 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett / Robert Taggett (owner/applicant) / Response to 23-ENF-IW05 – Proposal to allow retroactively the unauthorized driveway installation via an abutting lot with millings, land grading and filling within a regulated area.**  
(This item has been reviewed concurrently with 23-IW-0028, see below)

**23-IW-0028 – 13 Edward Avenue / Map 77, Lot 4-26, 27 & 2 / OS-60 / Frances M. Palomba / Frances M. Palomba (owner/applicant) / Response to 23-ENF-IW06 – Proposal to allow retroactively the unauthorized driveway installation with millings, land grading and filling within a regulated area.**

Fran Palomba was present for the discussion. A letter from Cody Kudi was noted for the record and photos emailed by the Enforcement Officer were also noted. Ms. Palomba noted she had made herself available for members for the past two Sundays. Ms. Palomba submitted packets of information to the Agency members. A photo with measurements was submitted. Information on asphalt millings and woodchips was also provided. Ms. Palomba noted that the millings used were not mixed with any materials (no binders or oils), they were washed and laid down cold to stay porous. It was reiterated that she needs a stable area to get grain and hay deliveries to the barn. She felt this may be a jurisdictional use as it is agriculture. Woodchips along the side of the driveway will act similar to a rain garden to purify the water. It was questioned what will hold the woodchips in place when water rushes across them. She felt there has been no impact, in six months they have not moved. It is a stabilized berm. They would also like to add some native plants to the woodchips. Ms. Palomba stated that in the Spring her son will be removing the sticks and rocks, grading and seeding. They would like to create two pastures, one on the barn side and one on the pond side to rotate the fields. It was questioned how the animals would be kept from entering the pond. The slope going into the pond was questioned, Ms. Palomba stated that the deepest part of the pond is about 10 ft. in the center. The horses in the past have gone into the pond. Member Newell explained that she would like to visit the site with the entire Agency and did not feel comfortable going with just one other person. There was discussion as to whether this had to be a public walk or not. Ms. Palomba expressed that as this is enforcement, it did not need to be a public walk. Planner Agresta noted that perhaps if this was for remediation for the violation then that may be accurate, however, she is asking to install a driveway which requires a permit. If you clean it up and take away the violation that may be the case, but the applicant is requesting more. The driveway entrance has been moved 48 ft. away from the pond. The driveway and woodchips will hold back water if the pond overflows. Ms. Palomba stated that the driveway has always been there. Millings have been used in the past on the side and behind the barn. It was noted that

there were no permits for that activity. Chairman Tyrrell would also like to see the site with the Agency. She also questioned why the application was not for adding topsoil to seed and create pasture, there is more fill being added with millings and woodchips. At this time Member Newell entered a motion.

**MOTION:**

Made by NEWELL, Seconded by RICHARDS

To deny the following applications:

- **23-IW-0029 – 57 Lake Road / Map 77, Lots 3 & 7 / OS-60 District**  
Proposed request in response to enforcement matter 23-ENF-IW05 to permit retroactively the modification of an existing driveway via Lake Road, including interconnection to an abutting property at 13 Edward Avenue, with millings, land grading and filling within a regulated area, for lack of information including prevention of a collective Agency site walk investigation. Robert Taggett (owner/applicant, represented by Frances M. Palomba).
- **23-IW-0028 – 13 Edward Avenue / Map 77, Lots 4-26, 27 & 2 / OS-60 District**  
Proposed request in response to enforcement matter 23-ENF-IW06 to permit retroactively an unauthorized and unpermitted driveway installed via Edward Avenue, including interconnection to an abutting property at 57 Lake Road, with millings, land grading and filling within a regulated area, for lack of information including prevention of a collective Agency site walk investigation. Frances M. Palomba (owner/applicant).

Vote: 3-0-2 – Denied – Motion Passed

Ayes	Newell, Richards, Tyrrell
Nayes	None
Abstain	Turoczi, Werner

Discussion Prior to Vote: Member Turoczi liked that the proposed entrance was moved further away from the pond but seeing it and being on the site would answer many questions. Fill itself if it affects the waterway could be an issue. It was noted that this is believed to be a manmade pond. Member Richards indicated that the applicant stated that the driveway produces a separation as far as waterflow from one side of the wetlands to another. The Agency agrees that they need to view the site. They are not getting the information they need to decide. They have the right to deny due to lack of information or give the applicant time to provide that information, which they felt they had done several times. The timeframe for the application was questioned. It should be determined at the meeting or an extension may be required. If the application(s) are denied, it would go back to enforcement. The length of the proposed driveway was questioned, 100 ft. as stated on the application or 152 ft. Member Richards wishes to see the site with the Agency, not just from the street. The issue was discussed as to how to do this to accommodate Ms. Palomba’s personal issues with having a public meeting/walk. Ms. Palomba questioned how this is not a jurisdictional application. Fill in a regulated area, using millings is not as of right. A barn would be a jurisdictional, but not necessarily the driveway to it. Member Turoczi noted this is not clear with the courts. For the record it was clarified that “for lack of information” means the Agency needs to have a complete site walk with complete access to the properties to be able to identify what the issue is, what is happening, what is being put there.

**ENFORCEMENT & WETLANDS UPDATE**

**23-ENF-IW05 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett / Driveway installation via an abutting lot with millings, land grading and filling within a regulated area absent required permit.**  
Item tabled (*related permit application was denied at this meeting under Pending Applications/Deliberations*).

**23-ENF-IW06 – 13 Edward Avenue / Map 77, Lot 4-26, 27 & 2 / OS-60 / Frances M. Palomba / Driveway installation with millings, land grading and filling within a regulated area absent required permit.**  
Item tabled (*related permit application was denied at this meeting under Pending Applications/Deliberations*).

**23-ENF-0002 – 197 Minortown Road / Map 25, Lot 2A-2 / OS-60 District / Michelle Fusco**  
Item tabled (*item was previously referred to the Town Attorney*).

*Chairman Tyrrell noted that there were people present to speak under Privilege of the Floor.*

**MOTION:**

To amend the agenda to move up Privilege of the Floor to accommodate those present at the meeting.

Made by **RICHARDS**, Seconded by **NEWELL**

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

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

Jeff Taranovich, 274 Quassapaug Road – Mr. Taranovich submitted information to the Agency. He read a document (also submitted) informing the Agency about several violations concerning conservation land and the Town’s stormwater management system located at 280 Quassapaug Road. A second driveway was installed with drainpipes connecting to the Town’s stormwater management system. Mature trees, topsoil and a fieldstone wall were destroyed with this activity. These were replaced with a driveway, paved apron, rocks and debris, dirt lacking sediment controls, drywells, catch basins and several underground drainpipes coming from the property and interconnecting to the Town’s stormwater system. He questioned the legality of this activity. According to a permit, remediation of the area was to have been completed by November 1, 2023, but this is still in noncompliance. Mr. Taranovich felt that a licensed professional should be consulted to do the necessary work to remediate the area. The location of the property was briefly discussed. Photos of the property before and after were shown. Submittals by Mr. Taranovich were reviewed with the Agency. It was questioned if there were wetlands related to this issue, Planner Agresta noted that there is a stream course located across the street which is shown on the subdivision map. He explained the development of the issue, that the driveway was installed prior to application for a structure it leads to. The activity was completed, so the permit for the garage structure was conditionally issued. Plans for drainage were altered from the approved plan and permit. It was explained that the driveway entrance area, where the Conservation Easement is located is also within the regulated area. It was discussed that the Agency would like a wetlands violation issued and copied to the Town Attorney. It should be done to accommodate a show cause hearing for the first or second meeting of January.

**MOTION:**

For the Enforcement Officer to initiate an enforcement proceeding regarding unauthorized construction within a regulated area without a wetlands/watercourses permit.

Made by **RICHARDS**, Seconded by **WERNER**

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

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

Alternate Gillette questioned if this was required to be remediated. Planner Agresta noted that it was a condition of the owner’s approval for its accessory building to remediate the driveway area, as well as to remove the drainage pipes placed in the catch basin. There is a conflict as they received authorization from Public Works, however, Public Works would not have the authority to allow these pipes to go through the Conservation Easement. There were questions about where this water goes to once it enters the pipes. Mr. Taranovich explained the flow of water in the area to the Agency. It was noted that the Zoning Commission has reviewed this and has already affirmed the issuance of a Zoning Violation Cease and Desist order and has further referred the matter to the Town Attorney.

**Chohees Trail / Map 44, Lot 18 / OS-100 District / TRP Farms, LLC / Tree Cutting, Deposition of Materials and Excavation within a regulated area.**

Member Turoczi stated that he drove past the site recently. The areas are stable and grown in. He indicated that there was flagging on the property. Planner Agresta noted that there has been a full delineation done for a proposed first cut, this was reviewed.

Members discussed that they have made several attempts over several months to have the Public Works Director attend a meeting for discussion. It was asked that the next request be copied to the First Selectman.

**43 Hollow Road / Map 36, Lot 68A & Map 103, Lot 13 / R-40 & OS-80 Districts / Town of Woodbury / Tree and scrub vegetation cutting within a regulated area (Hollow Park / Pomperaug River).**

A memo from Jami Gore, Director of Parks and Recreation was received earlier in the day. They have decided that they will be waiting to order plantings until the Spring.

**18-IW-1621 – 614 Main Street South / Map 102, Lot 25 / MQ District / Napoli Woodbury LLC / IWWA Review of Constructed Site Conditions / Bond Status – Dollar General.**

It was noted that Mr. Eucalitto has received the All Habitat report and Planner be attending a meeting in January to review with the Agency.

**23-ENF-IW03 – Map 62, Lot 66 / OS-80 District / Village Woods Open Space Association, Inc. / Unauthorized site activity (cutting and dumping of tree branches and debris, deposition constituting fill, blocking of stream flow and alteration of natural cover) within a protected regulated area.**

The Land Use Enforcement Officer noted that the branches that were removed from the Conservation Area have been removed from the sides of the driveway and have been relocated to Mr. DiSarro’s property. The Agency determined that this item can be removed from the Enforcement List.

**ADMINISTRATIVE**

**Regular Meeting Minutes – 11/13/23**

**MOTION:**

To approve the minutes (of the November 13, 2023, meeting as submitted).

Made by **NEWELL**, Seconded by **RICHARDS**

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

Ayes	Newell, Richards, Turoczi, Tyrrell
Nays	None
Abstain	Werner (did not recall if he attended this meeting)

**Officers Nominating Committee (for elections of Chair, Vice Chair and Secretary on January 8, 2024)**

It was briefly discussed that the nominating committee has historically been the alternates. Alternate Gillette will be the Nominating Committee with assistance from Alternate McAloon.

**Regulation Review**

Chairman Tyrrell noted that it is a busy time of year and asked that members review the Draft Regulation Amendments presented at the previous meeting by Planner Agresta for discussion at the second meeting in January. Once these are approved, they will need to review the Timber Harvest Regulations.

**CORRESPONDENCE** - None

**PRIVILEGE OF THE FLOOR** – Member Turoczi asked for follow up with regards to submittals for the 93 Weekepeemee Road approval.

**ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 9:11 p.m.

Made by **NEWELL** with no objections.

Respectfully submitted,

Anne Firlings

Anne Firlings

Inland Wetlands & Watercourses Clerk

RECEIVED & FILED  
IN WOODBURY, CT

This 10<sup>th</sup> day of Jan 2024  
at 2:42 o'clock PM

*Maura M. Mariani*