



Town of Woodbury

Inland Wetlands and Watercourses Agency

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

REGULAR MEETING MINUTES

February 12, 2024 – 7:30 PM

Senior / Community Center

265 Main Street South, Woodbury, CT 06798

MEMBERS PRESENT

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

MEMBERS ABSENT

Michael McAloon, Alternate

NOTED OTHERS PRESENT – Planner Agresta (Town Planner), Atty. Pilicy, Atty. Judd, Mark Reiffenhauser, Andrew Del Negro, Ron Wolff, Matthew Czaplicki and a member of the press.

OPENING OF MEETING

- Call to Order – The meeting commenced at 7:30 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 - None

PENDING APPLICATIONS / DELIBERATIONS (as deemed ready)

24-IW-0004 – 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.

Chair.n Tyrrell updated the Agency on the status of the efforts to coordinate with the consultants and the contractor. Troutscapes will oversee the project and Rocky Ridge will do the work. Coordination with both entities will take place and should also include Parks & Recreation. The idea is to taper the riverbank and add core fabric for plantings in the spring. Trees and root wads will be anchored to the banks. A plan should be submitted to the Agency for approval.

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.

Attorney Pilicy noted his letter of January 30, 2024. Activities that have taken place and that are proposed are outside the wetlands and within the upland review area. The activities that took place without wetlands permit approvals were reiterated with noted dates. Mark Reiffenhauser, Engineer, also spoke to the activities describing the dates the activities took place and noting no noticeable erosion or other impact concerns from his engineering perspective. The newly proposed generator and propane tank installation were discussed.

Chair. Tyrrell responded that the Agency did not have the benefit of reviewing the site prior to the items installed as they were done absent approvals. She explained they need complete and accurate information to assess the site appropriately. The Wetlands Agency recognizes that the regulated area is not a "hard no" when it comes to activities, it is an area that is set so that there can be a review of the activities. The importance of the setback areas and that they are used to protect and maintain the wetlands and their functions is important. The Agency cannot review that if they are not told before the work gets completed. The Agency's job is to make sure the work is done in a safe and effective way that does not impact the wetlands. Attorney Pilicy explained his letter was to add to the file for the record, the Chair. responding that the Agency is doing the same in obtaining the retroactive permitting to make a complete record for the property.

The proposed propane tank location was discussed. It is proposed to be approximately 5 ft. from the brook, about 4 ft. above the brook. The tank will be placed on existing grass/lawn area. Mr. Reiffenhauser explaining he did not see any erosion concerns in the area. Concerns about the propane tank's proximity to the brook were expressed as safety concerns. It was confirmed that there is nothing between the edge of the pad and the brook.

The Agency had no further questions. As the previous extension granted by the applicant was to the night of this meeting, Attorney Pilicy verbally granted an extension to the next meeting, February 26, 2024, and will submit a written request to the Land Use Office.

A draft motion was requested for the next meeting which should include or note the retroactive/after the fact permitting.

24-IW-0001 – 420 Transylvania Road / Map 62, Lot 57 / OS-80 District / Andrew Del Negro (applicant/owner) / Proposed detached accessory garage structure measuring 1,176 sf (28 ft x 42 ft) and associated driveway. Andrew DelNegro was present for the discussion. It was noted that there was a site walk the previous day. The areas were staked out appropriately so the Agency could understand the site. In addition, the Agency also walked along the road, by the newly installed septic system and galleries. A pipe for high level overflow was noted. Mr. DelNegro explained that multiple curtain drains have been installed as well to handle the water on the site.

Chair. Tyrrell wished they could have participated in the process for the home construction feeling they could have offered their guidance.

It was questioned by Member Richards whether they could do something to capture the water and carry it towards the watercourse to keep the water on site as opposed to it entering the road. Mr. DelNegro said he could do this with piping under his other driveway to the town's catch basin. Planner Agresta suggested a depression with a rain garden, not guiding the water to a storm drain.

The proposed driveway for the garage will be gravel, while the driveway to the house will be paved. The garage will not have gutters, 2 ft. trenches with gravel will be used to handle additional stormwater. It was clarified that this is 2 in. traprock as shown on the plans.

Erosion near the septic was discussed. Mr. DelNegro stated that once there is vegetation this will not be an issue. It was suggested that he use hay now to assist with stabilization, grass will eventually help the area stabilize.

A draft motion was requested for the next meeting. The Agency wants a condition that there will be no further plant removal to the North (in the area towards the wetlands). The limits of clearing/lawn area should be limited to 10 ft. around the new building for access.

24-IW-0005 – 56 Hazel Woods Drive / Map 54, Lot 25H-7 / OS-100 District / Michael D’Amico (applicant/owner) – Amending open approval 22-IW-0009 / Reduce and add portions of driveway, add walkway, and add outdoor cold water shower unit.

Ron Wolff was present to represent the owner/applicant. This is a request for permit modification for items that changed during construction. Plans were reviewed with the Agency showing the addition of an outdoor masonry shower, a portion of the walkway to the front porch and modifications and relocation of the driveway. Everything with the exception of the southerly driveway was within the previously approved regulated area of disturbance. The area of disturbance that wasn’t used in the north driveway was used in the south driveway. Photos of the areas were shown to the Agency and submitted for the record. It was confirmed that these activities have already been done, much of which was done in the already approved area of disturbance. The Agency had no further questions.

A draft motion for the next meeting was requested.

24-IW-0006 – 27 Pleasant Street / Map 105, Lot 90 / R-40 District / Charles Joshua Crolle (owner), Matthew Czaplicki, Recovery Restoration (agent) / Demo tree damaged existing accessory garage structure and rebuild in place over existing footprint.

Matthew Czaplicki of Recovery Restoration was present to represent the property owner. Members discussed the location of the house. Mr. Czaplicki explained that he had been called to remove the detached garage as it had been destroyed by a tree. In applying for the appropriate demo permits, it was determined that the structure is within 100 ft. of an existing brook on the property. They want to get the building demolished and the debris removed, in order to assess the foundation/slab. The building will be rebuilt in the same location. Planner Agresta explained the requirements for rebuilding the nonconforming structure. Chair Tyrrell described the brook and that silt fencing should be installed to protect the brook and this will also indicate the limits of construction disturbance. Members had no additional questions.

A draft motion was requested for the next meeting.

ENFORCEMENT & WETLANDS UPDATE

23-ENF-IW05 – 57 Lake Road / Map 77, Lot 3 & 7 / OS-60 / Robert Taggett / Unauthorized driveway installation.

A letter from Mr. Cook was noted in correspondence. Members reviewed the letter. This decision is currently being appealed by the property owner; no further discussion was held.

23-ENF-IW06 – 13 Edward Avenue / Map 77, Lot 4-26, 27 & 2 / OS-60 / Frances M. Palomba / Unauthorized driveway installation.

(See above note under 23-ENF-IW05, these items have been discussed concurrently).

23-ENF-0002 – 197 Minortown Road / Map 25, Lot 2A-2 / OS-60 District / Michelle Fusco

Planner Agresta updated that a scheduled meeting with the property owners had been cancelled, they were awaiting information from their engineer.

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

The Agency’s multiple requests to have the Public Works Director attend a meeting discussion have been ignored. Planner Agresta said he will speak with the First Selectman about this.

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).

This item is on hold 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.

Members wish it to be communicated that the existing exclusionary fencing issues should be resolved prior to spring to protect the species it was meant for. If the maintenance of the fencing is going to be a continual issue, the applicant should investigate alternatives to present to the Agency.

ADMINISTRATIVE

Regular Meeting Minutes – 01/22/24 – Members did not receive a copy of the minutes. This item was tabled.

Regulation Review – Members reviewed up to section 8, they should review the next few sections for the next meeting.

CORRESPONDENCE – A letter from Patrick Cook (noted under Enforcement) was noted.

PRIVILEGE OF THE FLOOR

- Member Gillette questioned the Woodlake approval, there were apparently questions about who would be doing and overseeing the draw down of the pond. Planner Agresta has since been in touch with Woodlake in these regards. Member Gillette also noted that the Radar Pond report from the 80's and current shows that the pond grew 8 acres. He found this to be inconceivable and questioned how it could be. It was discussed briefly that beavers may have something to do with it.
- Member Richards questioned the farmer's lease for Three Rivers. In previous discussions it was noted that a different crop would be more suitable for the area.

ADJOURNMENT

MOTION:

To adjourn the meeting at 8:51 p.m.

Made by **NEWELL** with no objections.

Respectfully submitted,

Anne Firlings

Anne Firlings

Inland Wetlands & Watercourses Clerk

RECEIVED & FILED
IN WOODBURY, CT
Feb 14th day of Feb 2024
3:54
Maura M. Mancini