



TOWN OF WOODBURY
INLAND WETLANDS AND WATERCOURSES AGENCY
281 Main Street South
Woodbury, CT 06798
(203)263-3467 ~ www.woodburyc.org

VIRTUAL REGULAR MEETING MINUTES
February 22, 2021 – 7:30 p.m.

MEMBERS PRESENT:

Wes Clow
Marty Newell
Kyle Turoczi
Mary Tyrrell
Ernest Werner

ALTERNATES PRESENT:

Evan Hard
Don Richards

ALSO PRESENT: Maryellen Edwards, Joseph Nix, Ron Wolff, Richard Warren, Darren McGovern, and other interested members of the public.

REGULAR MEETING

The meeting was convened at 7:30 p.m. Seated for the meeting were regular members Clow, Newell, Turoczi, Tyrrell and Werner. Members were reminded of the Conflict of Interest Statutes and the Town Charter.

Chairman Clow also reminded members that they should be stating their name for the record when speaking.

PENDING APPLICATIONS

21-IW-2102 / Nix / 382 Weekepeemee Road / New Grading & French Drain to Direct Water Away from Structures / Map 042 / Lot 005

Mr. Nix was present for the application. A revised application and plans had been submitted. A foundation drain around the perimeter to a depth of approximately 4' would now be used instead of the originally planned French drain. This would be filled with crushed stone. One pipe will be used to pick up from the drains and another for the stormwater. Chairman Clow wanted it known that anything stated on their site walks are merely suggestions. Applicants will need to determine if they want to use these recommendations and are accepting any liability for the plans. Mr. Nix has discussed the changes with his excavator, is happy to move forward with the changes and will take liability that it will work. It was confirmed that this is a concrete basement floor. The area was described more like a crawl space of about 4', not a full basement. Mr. Nix confirmed that he is accepting the liability of the effectiveness of the work being done.

MOTION:

To classify the application (21-IW-2102 / Nix / 382 Weekepeemee Road / New Grading & French Drain to Direct Water Away from Structures / Map 042 / Lot 005) as summary.

Made by Member Tyrrell, Seconded by Member Newell

Vote: 5-0-0 in favor

A draft motion was reviewed by the agency.

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency has received an application, 21-IW-2102 submitted by Joseph Nix for “grading and the installation of a foundation drain within a regulated area”, at 382 Weekepeemee Road, Woodbury, Connecticut (042/005); and

WHEREAS, the Agency has received the following material:

- a) An application dated January 2, 2021 and received January 5, 2021;
- b) A set of five maps including site plan, existing plan, option #1, option #2 and French drain details dated December 29, 2020 and received January 5, 2021;
- c) A revised scope of work and site plan received January 25, 2021;
- d) A revised application dated and received February 4, 2021;
- e) A revised foundation drain drawing dated February 4, 2021;
- f) A revised site plan, option #1 dated December 29, 2020 and received February 4, 2021; and

WHEREAS, the Agency classified the application as Summary; and

WHEREAS, the Agency conducted a site inspection on January 24, 2021; and

WHEREAS, the Agency has carefully considered all the information submitted; and

WHEREAS, the Agency finds that the proposed activities will have minimal environmental impact on wetlands and watercourses, there are no significant offsite impacts, and that possible impact on wetlands and watercourses outside the area for which activities are proposed can be further mitigated by the conditions listed below and the proper use of soil erosion and sedimentation controls during construction;

NOW THEREFORE BE IT RESOLVED that the Woodbury Inland Wetlands and Watercourses Agency Approves the application submitted by Joseph Nix for “grading and the installation of a foundation drain within a regulated area” at 382 Weekepeemee Road, Woodbury, Connecticut (042/005) as described on the submitted Inland Wetlands and Watercourses Agency application form dated January 2, 2021, received January 5, 2021 and revised February 4, 2021. Subject to the following conditions:

1. The applicant shall provide the Land Use Office with 48-hour notice prior to construction and shall not commence approved work until soil erosion and sedimentation control devices have been installed and inspected.
2. The construction equipment shall not be washed out in the 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.
3. The site shall be kept clean of all loose debris, litter, and similar materials to prevent such from entering wetlands or watercourses.
4. All paths used for site access will be reestablished to original condition.
5. Stockpiles of earth materials shall be stored outside the 100’ regulated area.
6. 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.
7. Storage of any fuel/lubricants and the refueling/lubrication of any equipment are forbidden within 100 feet of the affected area(s). The Land Use Office is to 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.

8. Disturbed soils will be stabilized in a timely fashion to minimize erosion. Specifically, if grading operations at a site will be suspended for a period of thirty (30) days or more, the applicant will accomplish seeding or other appropriate measures to stabilize the area within seven (7) days. Also, upon completion of any grading activity, the applicant will seed/stabilize the area(s) within seven (7) days.
9. All disturbed areas and earth material stockpiles within the regulated area must be stabilized by October 15th of any year.

Made by Member Newell, Seconded by Member Turoczi
Vote: 5-0-0 in favor

21-IW-2104 / Longo / Hurds Hill Road / Perform Grading, Install Well, Construct Portion of Single-Family Home and Driveway within a Regulated Area / Map 002 / Lot 007-2

This item was tabled for later in the meeting as the representative was not present.

NEW APPLICATIONS

21-IW-2105 / Tyrrell / 399 Weekepeemee Rd. / Request for Jurisdictional Ruling to Build Barn & Driveway / Map 056 / Lot 032

Member Tyrrell recused herself from the application in order to represent herself.

Member Tyrrell was unseated, and Alternate Richards was seated.

Ms. Tyrrell explained that they are looking to build a barn on their property along with a driveway access to it. She makes jams and jellies and grows the fruit on the property. They need the barn to house their tractors and needs a space for a commercial freezer to freeze the berries once harvested. In addition they need space to store the equipment associated with the harvesting as well as the jars for the jams/jellies. The barn will be 32' x 32' and is about 75' away from the pond, the driveway is 100' away. Silt fence will be placed 25' off the barn and driveway areas to stop any silt from entering the pond area. There will not be a lot of cut or fill, the topography of the barn area was described as flat and there is a gentle down grade, not very steep, along the driveway to the barn. There is about a 2' gradient differential from the barn to the pond. It was confirmed that the driveway is not in the 100' regulated area. Chairman Clow noted that he has seen the site and it is very flat. Member Turoczi felt this could be a jurisdictional approval, it does not cross any water bodies and would be an agricultural exemption. The consensus was that this is a jurisdictional ruling. Maryellen Edwards confirmed that a motion should be made indicating that the Board is making a determination that the application meets the jurisdictional exemption and therefore does not require anything else.

MOTION:

To approve this application (21-IW-2105 / Tyrrell / 399 Weekepeemee Rd. / Request for Jurisdictional Ruling to Build Barn & Driveway / Map 056 / Lot 032) as jurisdictional.

Made by Member Newell, Seconded by Alternate Richards
Vote: 5-0-0 in favor

At this time, Alternate Richards was unseated, and Member Tyrrell was seated.

21-IW-2104 / Longo / Hurds Hill Road / Perform Grading, Install Well, Construct Portion of Single-Family Home and Driveway within a Regulated Area / Map 002 / Lot 007-2

Ron Wolff was present for the application. No new information was requested by the Agency at the last meeting. It was noted that the Health Department had approved the well and septic. This property was

approved as a part of a subdivision years ago, but at that time no wetlands were represented on the plans. The applicant hired a soil scientist and wetlands were now found on the property. Agency members were interested in seeing the site for themselves.

A site walk was scheduled for Sunday, March 7, 2021 at 10:30 a.m. Mr. Wolff will be there ahead of time, so members/those in attendance will see his truck. Ribbons will be placed near the entrance and he will have the house site staked out.

OTHER BUSINESS

O&G Industries, Inc. / Park Road Quarry / Pre-Application Review Phased Mining & Reclamation Plans / Map 088 / Lot 005

Richard Warren of O&G Industries, Inc. was present. Chairman Clow noted that the Agency was still interested in viewing the site especially since it was a sensitive area that includes a vernal pool. Due to the snowy conditions the site walks have been put off. The Agency decided that they would wait until the next meeting to set another site walk, this would bring them into March and hopefully by then the chances of snow cover may be lessened.

CORRESPONDENCE – A DEEP Aquatic Pesticide Permit application was included in correspondence. Members discussed the types of chemicals being used and if there was an outflow to the pond. Members will forward any questions to Maryellen Edwards who can contact the DEEP for response.

ENFORCEMENT & WETLANDS UPDATE

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

Another letter was sent to Mr. McGovern, Member Werner has been in contact with him and received photos which were forwarded to the office. Mr. McGovern was present for the discussion. Chairman Clow expressed that Agency members expressed concerns with what was happening on the property and they were looking to learn what is happening and what the goal was. Mr. McGovern stated he had sent a letter of explanation. He had hazardous trees on his property and took them down so that they wouldn't fall and hit his buildings. The property hasn't been worked on in 8 years, so he is clearing up trees, brush, etc. Disturbed soils may be from when he was dragging trees up the hill with his tractor. There was no excavating or grading. Stumps are still there. The Agency is concerned with the impact to the river below. Chairman Clow explained that the Agency has a review area of 100'. It appeared that the work going on was more than just removal of trees that blew over in a storm. Disturbance on the hillside impacting the river is their concern. Alternate Hard asked the record to reflect that they are not attacking Mr. McGovern, they are trying to protect the river, protect the resource. As noted by the Pomperaug River Watershed Coalition, this is an impaired river due to bacterial impairment caused by farming. Removing trees on the slope puts the river at more risk. She noted that the photos submitted were clearly of trees in the fall brought down by storm damage. What she is concerned with is the clear cutting that has been done. The slope is about 61.5 feet. The Agency wants to get a broad understanding of what is going on. Mr. McGovern noted that there is a sluiceway that goes around the property and is about 50' from the river. There is one opening that is about 4' wide. As a precaution, he put down haybales and winter rye. The piles of trees are a collection from three of his properties. It was explained again that the issue is with the clear cutting of the trees causing erosion which could potentially get into the river. An application is required when activity is occurring within 100' of a wetlands or watercourse. Mr. McGovern stated that there was no more work on the hillside after he received the first letter and spoke with Ms. Edwards. He has the applications and is waiting for someone to draw a site plan for him so that he can submit it together. Whether it is a jurisdictional form or wetlands application depends on the activity. Members were interested in what would be done with the stumps and would the holes be filled in. Springtime erosion is of concern as well. Mr. McGovern stated that he is flipping the roots back over into the ground and cutting them as close to the ground as he can. Members thanked Mr. McGovern for attending the meeting. It is expected that he will return with an application.

Maryellen Edwards noted that an email was sent out to Mr. Trofa regarding a drainage issue on Fawn Meadow. There has not been a response yet.

CONSIDERATION OF MINUTES – 2/8/21

Page 1 – Under Members Present should read: “Ernest Werner (arrived at 8:16 p.m.)”
(*He was not seated for the meeting*)

MOTION:

To approve the minutes (of the 2/8/21 meeting) as amended.

Made by Member Tyrrell, Seconded by Member Newell
Vote: 5-0-0 in favor

PRIVILEGE OF THE FLOOR

Chairman Clow requested the new Enforcement Officer attend some of their meetings. Members discussed that it would be good for the new officer to see how the Agency works and to get to know him.

Alternate Hard questioned if there may be a potential conflict of interest with Member Werner forwarding photos from Mr. McGovern. Member Werner noted that he assisted Mr. McGovern in getting the photos to the office, however, did not feel he had a conflict.

ADJOURNMENT

MOTION:

To adjourn the meeting at 8:34 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 24 day of Feb 2021
at 10:25 o'clock A M
Sandra J. Cault
Town Clerk