



# 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)

**MINUTES – FEBRUARY 27, 2023**

**REGULAR MEETING**

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

**MEMBERS PRESENT**

Mary Tyrrell, Chairman  
Marty Newell, Vice Chairman  
Kyle Turoczi, Secretary  
Don Richards  
Earl Gillette, Alternate  
Michael McAloon, Alternate

**MEMBERS ABSENT**

Ernest Werner

**NOTED OTHERS PRESENT** – Will Agresta (Town Planner), Vince LaFontan, Robert & Racquel DiTullio, Bud Neal, Anthony Mennone, Attorney McVerry, Darren McGovern, George Logan and a member of the press

**OPENING OF MEETING**

- Call to Order – Meeting commenced at 7:00 p.m.
- Seating of Members / Alternates – Seated for the meeting were members Tyrrell, Newell, Turoczi, Richards and alternate McAloon
- Conflict of Interest Reminder (CGS §8-11 & Woodbury Town Charter Section 901)

**PUBLIC HEARINGS** - None

**NEW APPLICATIONS**

**23-IW-0003 – 262 Minortown Road / Map 25, Lot 32 / OS-60 District / Anthony Mennone (owner/applicant) / Installation of standby generator and propane tank within the regulated area**

There was no one present for the discussion, so the Chairman tabled this item.

**23-IW-0004 – Judson Avenue / Map 105, Lot 4A / OS-100 District / Flanders Nature Center & Land Trust, Inc. (owner/applicant) / Removal of invasive plants by hand and by mechanical means, small-track excavator.**

*Member Turoczi recused himself from the discussion. Member Turoczi was unseated, and Alternate Gillette was seated.*

Vince LaFontan of Flanders Nature Center & Land Trust presented the application. Mr. LaFontan reviewed a narrative he supplied along with his application. The plan for controlling and removing

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

invasives plants from the Manville Kettle was discussed. Flanders has increased mowing to twice a year and has been removing invasives by hand. There are larger invasive plants (specifically Burning Bush) in two locations which were shown on a site plan. These larger sized bushes need to be removed with the help of a "rubber track excavator." This equipment will be used to selectively pull plants out. The Chairman reminded that the permit would be good for 5 years, it could be amended and renewed if needed. A burn area was noted on the plans. It was discussed that removal of the invasives could help with allowing native plants to thrive. Once these large bushes are removed the "baby bushes" that will most certainly grow, can then easily be removed by hand.

A draft resolution was requested for the next meeting.

*Member Turoczki returned and was reseated; Alternate Gillette was unseated.*

**23-IW-0005 – 130 Tuttle Road / Map 21, Lot 27A-2 / OS-60 District / Robert J. Jr. and Racquel T. DiTullio (owner/applicant) / Proposed removal of 13 ash trees located within site wetlands.**

Mr. & Mrs. DiTullio along with Bud Neal were present for the discussion. Mr. Neal presented that they are looking to remove dead ash trees on the property that are hazardous, leaning over the street and the driveway. It was noted by the Chairman that two trees had already been recently removed, these were identified on the plan along with the thirteen additional trees that are requested to be removed. The trees will be cut (they are not taking out the stumps), pulled out and removed from the site. They will not be piled on the property. They will access what they can from the driveway and another spot was shown on the plan so that disturbance is limited to one area. This needs to be done when it is drier when the ground is firmer. They are looking at the commencement to be in May. Chairman Tyrrell indicated that a recent repair and resurfacing of the existing driveway should have had an application and suggested that this activity be included on this application.

A draft motion including the driveway detail was requested for the next meeting.

**23-IW-0003 – 262 Minortown Road / Map 25, Lot 32 / OS-60 District / Anthony Mennone (owner/applicant) / Installation of standby generator and propane tank within the regulated area**

Tony Mennone had arrived for the discussion. Mr. Mennone reviewed his plan showing a generator and tank to be located behind an existing garage. There is a pond located to the back of the property. Since he has lived there, he has not experienced any flooding that reached the house. They don't experience flooding from the pond and the brook located on the property was described as just a trickle, any flooding comes from the river. Planner Agresta noted that the application is before the Agency because it is a regulated resource, the upland review area was shown and the whole property is in the flood plain. This application is also before the Zoning Commission for a Flood Plain Permit (the Zoning Commission cannot act until the Wetlands Agency does). The base flood area is unknown. It was asked how the tank and generator will be anchored. Mr. Mennone requested guidance from the Agency as to whether they should be strapped down or on elevated pads or both. At minimum it needs to be strapped down, elevated is the preferred method but the base flood elevation is unknown. The location of the proposed tank and generator was discussed. The Zoning Commission has requested it be anchored to a pad and this will need to be certified. Both the tank and the generator are required to be elevated or anchored. The engineer has to certify that the anchoring system will handle the correct tensile strength for the flotation or buoyancy. With regards to the regulated area, the Agency needs to review fill. It does not require major excavation. Members felt it didn't seem to be a major issue as it is

close to the existing house. A drawing was submitted for the record. Generator to be 24 in. x 48 in and 24 in tall. The tank is about three ft. sq. It was confirmed that they should be elevated and anchored.

A draft motion was requested for the next meeting.

### **PENDING APPLICATIONS / DELIBERATIONS**

#### **23-IW-0001 – 93 Weekepeemee Road / Map 40, Lot 48 / Darren McGovern (owner) – Proposed Remediation re: 21-ENF-0001**

Attorney Michael McVerry, Darren McGovern and George Logan were present for the discussion. Attorney McVerry noted that in 2021 Mr. McGovern cleared dead trees unaware that permitting was required from the Agency. The issue is currently in court. This application is to correct that issue.

George Logan professional wetlands and soil scientist addressed the Agency. He has submitted two reports for the record. One dated September 14, 2022, and a subsequent report dated December 30, 2022. His conclusion on the December 30<sup>th</sup> report regarding the particular debris pile was essentially the same as in his first report as this pile is about 79-80 ft from the wetlands. It is in the upland review area, however, there has been no impact of the regulated resources if there was an erosion event, there is the sluiceway which is an ultimate protection of the wetlands below. The area where the stone wall is located and blocked with haybales was noted. The haybales remain there and there is a long flat run before the exit down to the river. Mr. Logan noted he did not observe any erosion in May of 2022 or in October. Recommendations submitted in his first report were reviewed for the record. His primary concern would be if the tree removal activity would have an impact on the thermal regime of the river. Mr. Logan stated this is a small opening, he was of the opinion that such a small sunlit opening would not have an adverse impact. Recommendations were noted including the planting of trees, allowing the slope to naturally revegetate with seasonal monitoring, and invasives removal by mechanical methods. Approval from the neighbor would be required for some of the plantings and invasives removal. It was clarified that removing by “mechanical means” would be the use of hand tools. The resprouting process was described for the Agency. The timeframe for the recommendations was discussed. It is proposed for two years, planting in June with monitoring and a fall review and another review in June 2024. Sometimes these scrub brushy areas are good habitats, however, they should be monitored. The brush area would have negligible impact, it should be removed, but if it is going to be left there should be erosion controls around it. The haybales at the end of the sluiceway should be included in the monitoring to ensure they stay intact and maintain their usefulness. Chairman Tyrrell described an area from their site walk and questioned whether it would require any remediation. Mr. Logan stated that the area is not highly erodible and is difficult to plant anything in it. It was suggested that shrubs that can tolerate that type of soil could be planted. Bushes rather than trees could be used.

A planting and monitoring protocol/plan should be submitted spelling out the action steps for each area along with what will be monitored and when. This should include what reports will be submitted and when. The applicant will submit this information within three weeks to be available for the second meeting in March.

### **ENFORCEMENT & WETLANDS UPDATE**

**21-ENF-0001 – 93 Weekepeemee Road / Map 40 / Lot 48 / Darren McGovern / NV – Clearing, excavating, and grading, and wood pile within a regulated area absent permits.**

(See previous discussion)

**22-ENF-0015 – Minortown Road / Map 10, Lot 9 / OS-60 District / Raymond Hardisty and Janet Lawson / NV – Unauthorized site activity (including excavation, deposition and alteration of ground coverage and contours, as well as drainage conditions) within a regulated area.**

The haybale installation photos were reviewed by the Agency. The Agency discussed the lack of an application submittal and how they wanted to move forward. It was determined that another letter be set with a deadline of March 31<sup>st</sup> to apply.

**22-ENF-0019 – 922 Main Street North / Map 25, Lot 28 / OS-60 District / Amanda Soucy / NV – Unauthorized site activity and construction (including excavation, deposition and alteration of ground coverage and contours, as well as drainage conditions within a regulated area.**

It was reminded that the woodchips were in place and the plans are anticipated to come in the Spring, potentially April. The property owner was advised to apply soon so they can start the work in Spring.

### **ADMINISTRATIVE Meeting Minutes – 02/14/23**

#### **MOTION:**

To approve the minutes of the February 14, 2023, meeting as submitted.

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

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

Ayes Tyrrell, Newell, Turoczi, Richards, McAloon

Nays None

Abstain None

#### **CORRESPONDENCE** - None

#### **PRIVILEGE OF THE FLOOR**

Member Gillette had some questions about permits before the Zoning Commission as read from Voices. It was confirmed that there was not anything that affected regulated area. It was noted by the Chairman that there seemed to be tree removal towards the back of 920 Main Street South. Being new to this property, they should be made aware of the regulations.

Member Gillette reported that Youngs at Three Rivers has boulders and trees piled up along the edge of the property near Duda & Goodwin. This is in a regulated wetland area and flood plain. The Agency wanting to know what is happening on the site.

Massive log piles and tree clearing on Chohees Trail was discussed. Tree clearing along the street near the river were removed by Public Works in conjunction with the property owner. Chairman Tyrrell expressed concern with the scope of clearing that she recently observed.

As a result of their workshop on February 14, 2023, there was discussion about inviting farms to come in and have a dialogue about their operations. The Pomperaug River Watershed Coalition may have a list of farms that can be beneficial. The Agency should come up with starting points for the discussion.

**ADJOURNMENT**

**MOTION:**

To adjourn the meeting at 8:27 p.m.

Made by **NEWELL** with no objections.

**Filed Subject to Approval**

Respectfully Submitted

*Anne Firlings*

Anne Firlings, Clerk

RECEIVED & FILED  
IN WOODBURY, CT  
This 15 day of Mar 2023  
at 9:50 o'clock AM  
*Maria M. Mancini*  
Treas. Clerk