



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

VIRTUAL REGULAR MEETING MINUTES
February 8, 2021 – 7:30 p.m.

MEMBERS PRESENT:

Wes Clow
Marty Newell
Kyle Turoczi
Mary Tyrrell
Ernest Werner (*arrived & seated at 8:16 p.m.*)

ALTERNATES PRESENT:

Evan Hard
Don Richards

ALSO PRESENT: Maryellen Edwards, Ron Wolff, Ken Faroni, and other interested members of the public.

REGULAR MEETING

The meeting was convened at 7:33 p.m. Seated for the meeting were regular members Clow, Newell, Turoczi, Tyrrell and Alternate Hard. Members were reminded of the Conflict of Interest Statutes and the Town Charter.

Chairman Clow noted an email had been sent out regarding members should be announcing who they are prior to speaking for a more accurate record.

PENDING APPLICATIONS

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

The applicant was not present. Chairman Clow noted that new submittals had been received, however he did not feel comfortable making a motion on the application without discussion with the applicant about the changes that were made.

MOTION:

To table it and bring it (*21-IW-2102 / Nix / 382 Weekepeemee Road / New Grading & French Drain to Direct Water Away from Structures / Map 042 / Lot 005*) back later if he arrives.

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

NEW APPLICATIONS

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, representing the owners was present for the application. He reviewed the plans for a new house site with the Agency. The location of the property was described. The property is 16.792 acres and was part of an old two lot subdivision. At the time of the subdivision, there were no wetlands. A soil scientist was hired, Eric Davison, and there were areas of wetlands found on the property. The

owners are looking to construct a single-family house, with well, septic and driveway. A portion of the house and the driveway are located within 100' of the upland review area. The driveway profile was noted. The driveway grade follows the existing grade and the steepest point is at 9.4%. It was questioned if Southbury needs to be notified due to proximity to the town line. It was confirmed that a wetlands report is in the file. Mr. Wolff noted that they tried to match existing grade as much as possible. There is no direct wetland impact with this application. It was explained that there is no way to get to the house site without going through the regulated area. The plans were designed to keep the driveway equidistant to the two wetlands. The house site is suited because it is flat, they tried to minimize disturbance as much as they could. The topography of the site was described. Driveway drainage was discussed, there is no hard drainage proposed because the lot is so big. An area of about 150' was noted where the water is proposed to sheet flow off. Maryellen Edwards confirmed that the Agency needs to send a letter regarding the application to the Town of Southbury. The property is wooded. Members will review the wetlands report that was supplied. Alternate Richards questioned the type of wetlands, if it was a pond, a swamp or just a wet area, if it was wet all year round. Mr. Wolff responded that it was obvious that there was a wet area when they looked at it in December, so they went ahead and had the wetlands noted on the maps. Members will review the information in the report and possibly discuss the scheduling of a site walk at the next meeting.

OTHER BUSINESS

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

Ken Faroni was present. It was noted that the site walk scheduled for February 7, 2021 had been cancelled due to the snow and not really being able to see the site. After brief discussion the site walk was tentatively rescheduled to February 21, 2021 at 10:30 a.m.

Chairman Clow verified that there was still no one present for the 21-IW-2102 / 382 Weekepeemee Road application and tabled discussion until the next meeting.

CORRESPONDENCE – Maryellen Edwards noted the only correspondence received was an e-mail from Mr. McGovern (*Discussion took place under the Enforcement & Wetlands Update.*)

ENFORCEMENT & WETLANDS UPDATE

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

Mr. McGovern was not present to address the Agency's questions. Members discussed how to handle the issue when the property owner is not willing to attend a meeting to answer questions about what is being done or was already done. Ms. Edwards clarified that she went out to the site at the request of an Agency member originally in October. She viewed the northern part of the property and had a conversation about whether removing trees was technically a regulated activity. Removal of tree but not the stump does not necessarily require a permit. If soils were being disturbed, it may be something the Agency would need to discuss. She shared the photos with the Agency and that's when she discovered she should have been looking at the southern portion of the property near the wall. She was allowed back on the property in November. At that time she and the property owner discussed the same issue with the trees and the soils not being stabilized in that area and the concern that the split in the wall has the potential to have an impact. The Agency is the only one to determine if it is jurisdictional or not. Two subsequent letters were sent and at the Agency's request she called Mr. McGovern. During the call Mr. McGovern expressed that he felt he was being harassed. There was

no discussion of authorities, the Agency requested he attend a meeting to get a better understanding of what was happening on the property to determine how to proceed. Mr. McGovern has stated that he is not doing any work on the property, he sent a letter stating the same and that is causing his frustration. Ms. Edwards stated he was going to stabilize the soils following their discussion in November, but she is unsure if he had done so. Chairman Clow felt that it was more than just cutting a tree down, it was clear cutting and felt heavy equipment had to have been used to drag the trees up the slopes. He noticed a large swath had been removed from the north and the south. He questioned the Agency if the property owner refuses to discuss, what the next steps should be. Members wanted to know the plan, trees were cut on the slope and it is steep down to the river. It's not in a wetland there, but it has the potential for impact on the river. It was suggested that a letter be sent indicating the specific questions they have (i.e. identify have you clear cut, will you continue to clear cut, are you going to remove the stumps next, how will you protect the wetlands and river from erosion). Chairman Clow expressed that the Agency doesn't know exactly what has gone on, but they know the gradient of the slope and there is concern over the disturbance that may have been caused by removing the trees. It was suggested that applications be sent along with the letter. Ms. Edwards reminded that at the Cease and Desist level the burden of proof shifts to the Agency. When she was out there, she hadn't seen any disturbance, there had obviously been work done in the past and she has not seen any activity occurring. There was no work taking place when she was there. Some members felt that they needed to address this in a more formal way. Members would like to see the site personally, although it would be difficult to see anything with the snow. Perhaps what they see from the road makes it seem worse than it is, but that's hard to determine without the cooperation of the property owner. Chairman Clow felt that the process needed to begin with an application for what was done or what was being planned and if they didn't get anywhere with that, then they could initiate a Cease and Desist. Maryellen Edwards asked for clarification of what the Agency felt falls under the need for an application, so the property owner is clear of what exactly is being asked of him. She had conversation with the owner that if anything went over the slope it would land on what was described as a "shelf" that was below an area in question. It was suggested that both the As of Right and the regular Wetlands Applications be sent along with a cover letter stating that these are both applications for work being done and the Agency is not sure which one is appropriate because they are unsure of what was done or is being done on the property. The Agency has noted that several trees have been cut, leaving stumps and would like to know if the stumps will remain or if there are plans to remove them. Tree and material removal near the sluiceway can cause erosion the Agency needs more information. Answering the questions within the application would be helpful to the Agency. Member Turocz noted that the elevation levels would be helpful to know and noted they were not working on the GIS when he tried to look at it. Maryellen Edwards brought up the GIS along with the elevation layer. The Agency reviewed the map and the areas in question.

Member Werner arrived at the meeting at 8:15 p.m.

Member Werner questioned if everyone received the letter from Mr. McGovern and it was confirmed yes. Alternate Richards expressed concerns about springtime erosion. The Agency hopes to have things in place to avoid any potential issues.

CONSIDERATION OF MINUTES – 1/24/21 SM & 1/25/21

MOTION:

To accept the minutes (of the January 25, 2021 meeting) as submitted.

Made by Member Tyrrell, Seconded by Member Newell

Vote: 5-0-0 in favor

PRIVILEGE OF THE FLOOR – Alternate Hard questioned if the new Land Use Enforcement Officer would be attending any of their meetings. Maryellen Edwards responded he can but has been holding off until he becomes more familiar with what he is doing.

ADJOURNMENT

MOTION:

To adjourn the meeting at 8:24 p.m.

Made by Member Newell

Maryellen Edwards noted that the Special Meeting Minutes from January 24, 2021 still needed to be approved.

MOTION:

To accept these minutes, Special Meeting Minutes from 1/24.

Made by Member Turoczi, Seconded by Alternate Hard

Vote: 4-0-1 (Member Newell abstained due to absence from the meeting)

MOTION:

To adjourn the meeting at 8:26 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 10th day of Feb 2021
at 10:25 o'clock A M
Linda A. Park
Town Clerk