

Town of Woodbury

Inland Wetlands and Watercourses Agency

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

MINUTES – MARCH 13, 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

MEMBERS ABSENT

Ernest Werner
Michael McAloon, Alternate

NOTED OTHERS PRESENT – Will Agresta (Town Planner), Travis Wood, Jeff Peck, Anthony Mennone, 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 Gillette
- Conflict of Interest Reminder (CGS §8-11 & Woodbury Town Charter Section 901)

PUBLIC HEARINGS - None

NEW APPLICATIONS

23-IW-0005 – 192 Quanopaug Trail / Map 27, Lot 8A / OS-100 District / Gregg Lundy (applicant/agent) Algonquin Archers Inc. (owner) / Installation of 18k generator on precast concrete pad for existing outdoor recreation lodge building.

As there was no one present for the application, the Agency tabled this item.

23-IW-0006 – 75 Grassy Hill Road / Map 50, Lot 55-4 / OS-80 District / Jeffrey Peck (applicant/owner), Travis Wood (agent builder) / Installation of 20 ft x 20 ft open pool pavilion within pool fence.

Travis Wood and Jeff Peck were present for the discussion. The application is for the erection of a 20 ft. x 20 ft. open pavilion using sonotubes. The pool was recently installed, and they will not be disturbing any more area than where the pool is. There will be minimal digging with the use of an excavator. A site plan was reviewed by the Agency. Mr. Peck noted that the silt fencing is still in place from when the pool was installed to protect the wetlands. It was discussed that a more accurate drawing needed to be submitted to reflect the location of the proposed pavilion more accurately within the pool fence line,

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

the location of the silt fencing should be shown as well as a distance to the wetlands. Plans should note that the pavilion is going on top of a patio. New drawings will be submitted prior to the next meeting.

In anticipation of a revised drawing being submitted, the Agency requested a draft motion for the next meeting.

PENDING APPLICATIONS / DELIBERATIONS

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

Anthony Mennone was present for the discussion. A new drawing was submitted to the Land Use Office indicating the pad for the propane tank. It was reiterated that a document needs to be provided by a professional to indicate that what they are using will work in the event of a flood. Straps will be used, and it had been presented that the equipment will be raised up and strapped down. There was brief discussion on how the equipment will be anchored.

23-IW-0002 – 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 needs, small-track excavator.

Member Turoczi recused himself from the discussion, was unseated and left the room.

The draft motion was reviewed by the Agency with no changes.

MOTION:

To approve 23-IW-0002 – 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 needs, small-track excavator.

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

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

Ayes	Tyrrell, Newell, Richards, Gillette
Nays	None
Abstain	None

Member Turoczi returned to the meeting and was reseated.

23-IW-0004 – 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 and retro approval for resurfacing asphalt driveway.

A revised application was submitted to the Land Use Office to include additional driveway resurfacing work that had been previously done. This change was read for the record. The Agency reviewed the draft motion.

MOTION:

To approve 23-IW-0004 – 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 and retro approval for resurfacing asphalt driveway.

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

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

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

23-IW-0001 – 93 Weekepeemee Road / Map 40, Lot 48 / Darren McGovern (owner) – Proposed Remediation re: 21-ENF-0001 / Table to 03/27/23 Pending Receipt of Revised Materials

This item was tabled until the next regular meeting.

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.

(This item was tabled as an application for remediation is pending).

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.

It was discussed that there has been no response or application submitted by the property owner. As requested by the Agency at the last meeting, a letter had been sent requesting an application be submitted by March 31, 2023. The Agency will wait until the end of the month before proceeding with any further enforcement action.

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.

No new information has been received. It was discussed that the woodchips had been installed. The property owner has indicated that they plan to submit plans in the Spring/April.

Chairman Tyrrell addressed several items with the Agency. A wetlands application update spreadsheet was reviewed, the Chairman indicating that some items are nearing expiration and other items that need to be addressed. Additional concerns were also noted as below:

- It was asked that Dollar General (614 Main Street South) be contacted regarding repairing of the exclusionary fencing. As the season for the creatures it is meant to protect is nearing, this item should be addressed expeditiously.
- Chohees Trail property concerns were noted. Log piles and clearing within a regulated area, the property owner should be contacted to attend a meeting.
- A property on Rail Tree Hill Road was noted to have an accumulating brush pile at the edge of a pond.
- Restoration of a house on 334 Weekepeemee Road is taking place, the concern is with the proximity to wetlands.

- It was noted that an addition that was approved by the Agency on 48 Old Sherman Hill Road has an expansion of items that were added to the property including stone walls and terraces.
- Piles of trees and rock at 130 Washington Road (Youngs at Three Rivers) had been brought up at the last meeting. The owner was given an application and it is anticipated that he will submit it shortly.
- There was discussion about how to handle Public Works permitting. In the past the Agency received an itemized list of what their planned projects were for the year, they were able to review this list before activities commenced. Public Works is not exempt from the process.

ADMINISTRATIVE - Meeting Minutes – 02/27/23

To approve the Minutes of the February 27, 2023 meeting as written.

Made by NEWELL, Seconded by RICHARDS

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

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

CORRESPONDENCE - None

PRIVILEGE OF THE FLOOR -

ADJOURNMENT

MOTION:

To adjourn the meeting at 8:03 p.m.

Made by NEWELL with no objections.

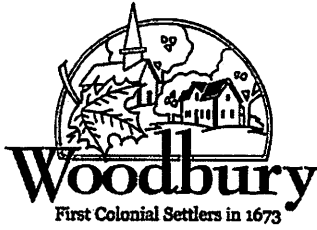
Filed Subject to Approval

Respectfully Submitted

Anne Firlings

Anne Firlings, Clerk

RECEIVED & FILED
IN WOODBURY, CT
This 15th day of Mar 2023
at 7:40 o'clock A M
Mina M. Mancini



**Town of Woodbury
Inland Wetlands and Watercourses Agency**

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**WETLANDS / WATERCOURSES PERMIT APPROVAL
JUDSON AVENUE (Assessor Map 105, Lot 4A)
Controlled Invasives Species Removal
Flanders Nature Center and Land Trust, Inc. (owner/applicant)**

Date of Approval	March 13, 2023
Permit Expiration*	March 13, 2028

*If regulated activities and conditions of approval are not completed accordingly

Applicant	Flanders Nature Center and Land Trust, Inc.
Owner	Flanders Nature Center and Land Trust, Inc.
Application	23-IW-0002
Project	Controlled removal of invasive plant species by hand and by mechanical needs using a small rubber track excavator to lift woody invasives out of the ground.
Address	Judson Avenue, Assessor Map 105, Lot 4A
Zone	R-40

WHEREAS, the Town of Woodbury Inland Wetlands and Watercourses Agency (“Agency”) has received application 23-IW-0002 as submitted by the applicant/owner listed above in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury (“Regulations”) seeking a Wetlands/Watercourses Permit (“Permit”) for the controlled removal of invasive plant species by hand and by mechanical needs using a small rubber track excavator to lift woody invasives out of the ground within a regulated area, for property consisting of approximately 6.5 acres located on the southeasterly intersection of Judson Avenue and School Street within a R-40 Zoning District, as shown on Assessor Map 105, Lot 4A; and

WHEREAS, the following mitigation measures are proposed:

- Removal of invasive plant species;
- Use of small rubber track excavator to lift larger woody invasives to minimize overall land disturbance;
- and

WHEREAS, application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Project Narrative;
- Invasive Removal Plan; and

NOW THEREFORE BE IT RESOLVED, upon careful consideration of the information received, the Agency, in accordance with §11.3 of the Regulations, hereby finds the following:

- Significant adverse off-site impacts are not anticipated;
- Site disturbance will be minimal and short term, and can be further mitigated by the conditions listed below, including proper use and maintenance of soil erosion and sedimentation controls as may be warranted and/or required;
- The Agency classifies the application as Summary (not involving a “significant impact” thus a public hearing is not required); and

BE IT FURTHER RESOLVED, the Agency, in accordance with §10 of the Regulations, following deliberations, hereby approves Application 23-IW-0002, subject to the modifications and conditions set forth below; and

BE IT FURTHER RESOLVED, the Agency hereby authorizes the publishing and filing of a Notice of Decision consistent with the requirements set forth in §11.4 of the Regulations, as well as required reporting to the Connecticut Department of Energy and Environmental Protection (“CT DEEP”) per CGS §22a-39-14; and

BE IT FURTHER RESOLVED, this approval is specific to that detailed herein and the final plans as endorsed as “approved” subject to the following modifications and conditions:

A. Prior to Commencement of any Work or Site Disturbance

1. **Final Plans** – The plans presented shall be endorsed as “approved” by the Agency / Town Planner.
2. **Other Required Approvals** – Other required approvals shall be separately obtained. No work shall be authorized to commence absent securing all required approvals.

B. Conditions During Construction

1. Prior to commencement of any work or site disturbance, the limits of disturbance shall be clearly marked in the field to the satisfaction of the Land Use Office and the Land Use Office shall be provided a minimum of 48-hours of notice. No regulated activity shall commence until erosion and sedimentation control devices have been properly installed to the satisfaction of the Land Use Office and inspected by the Land Use Office. The applicant shall maintain and supplement the controls as needed, and the Land Use Office may require additional controls as may be deemed necessary or warranted.
2. The following shall be followed:
 - Removal shall occur during a dry period, in consultation with the Land Use Office.
 - Mechanical removal shall be limited to larger woody invasives plants, other shall be hand removed.
 - Ground disturbances shall be contained and maintained to the minimum necessary.
 - Any burning of removed invasive plants shall require appropriate prior permit from Fire Marshal, confirmation of same shall be provided to the Land Use Office by the applicant.
 - Any non-burned plants shall be properly removed and disposed of.
 - The abutting roads shall at all times kept clean and free of debris and soil tracking.
 - The machine used shall be promptly removed from the premises upon completion.
3. Construction vehicles and equipment not in use shall not be stored, and at no time shall such be washed out, within a regulated wetland/watercourse 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.

4. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses. All access paths shall be reestablished to original condition.
5. Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are forbidden within any portion of the regulated 100-foot upland review area. The Land Use Office and CT DEEP shall 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.
6. Disturbed soils shall be stabilized in a timely fashion to minimize erosion.
7. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and promptly notified as to an issues or potential deviations in completing the site work as designed and approved, so either appropriate minor field changes may be authorized by the Land Use Office or the need for new or modified permit approval can be identified.

C. Post Construction Compliance and Permit Closure

1. **Final Inspection Required** – Upon completion of the limited and controlled invasives species removal as presented and approved herein, the applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to the following:
 - The site has been cleaned of construction related equipment, materials and debris.
 - All disturbed areas have been stabilized and exhibit healthy vegetative cover.
 - All erosion controls have been appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.
2. **Post Final Inspection** – Post completion of the limited and controlled invasive species removal as presented and approved herein shall permit subsequent follow-up removal by hand only. Removed plants shall be properly disposed of. More than follow-up removal shall be subject to review and approval by the Agency.
3. **Approval Compliance / Changes** – Failure to maintain compliance with this permit and the approved final plans shall constitute a violation of the terms of this permit and the Woodbury Inland Wetlands and Watercourses Regulations. Any substantive additions or changes to the approved regulated activities shall require prior review and separate approval and permit.
4. **Expiration** – This permit approval shall expire and be null and void without further written notice per the date set forth above unless all regulated activities, including site stabilization and landscaping, are completed consistent with the approved final plans. The Agency may grant one (1) or more extensions of time to complete same, not to exceed an additional five (5) years total. Any request for extension shall be in writing to the Agency in a timely manner prior to the expiration date for which an extension is requested and shall state the reasons and circumstances for the requested extension. In considering any such request, the Agency may require a public hearing and may adjust any held bond.

MOTION

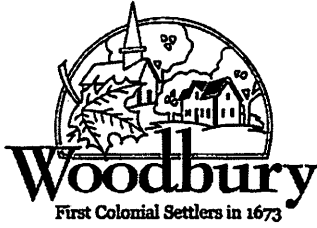
Moved by **RICHARDS**, seconded by **NEWELL**

Vote: 4-0-0 – **APPROVED** – Motion **PASSED**

Ayes Tyrrell, Newel, Richards, Gillette

Nays None

Abstain None



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**WETLANDS / WATERCOURSES PERMIT APPROVAL
130 TUTTLE ROAD**

**Tree Removal Directly Within Wetlands / Driveway Resurfacing
Robert J. Jr. and Racquel T. DiTullio (owner/applicant)**

Date of Approval	March 13, 2023
Permit Expiration*	March 13, 2028

***If regulated activities and conditions of approval are not completed accordingly**

Applicant **Robert J. Jr. and Racquel T. DiTullio**
Owner **Robert J. Jr. and Racquel T. DiTullio**
Application **23-IW-0004**
Project **Removal of 13 ash trees directly within wetlands; Resurfacing of existing asphalt driveway.**
Address **130 Tuttle Road, Assessor Map 21, Lot 27A-2**
Zone **OS-60**

WHEREAS, the Town of Woodbury Inland Wetlands and Watercourses Agency ("Agency") has received application 23-IW-0004 as submitted by the applicant/owner listed above in accordance with the Inland Wetlands and Watercourses Regulations of the Town of Woodbury ("Regulations") seeking a Wetlands/Watercourses Permit ("Permit") for the removal of 13 ash trees directly from a regulated wetland area and retroactive approval for the resurfacing of the existing residence asphalt driveway within a regulated upland review area, for property consisting of approximately 5.09 acres located at 130 Tuttle Road within an OS-60 Zoning District, as shown on Assessor Map 21, Lot 27A-2; and

WHEREAS, the following mitigation measures are proposed:

- Removal to occur during a dry period only;
- Direct access into the site wetland will be from the existing driveway using high floatation tires on a machine with a grapple used to remove the bulk of the tree trunk from the wetland area proper;
- Stumps will be left in place minimizing ground disturbance; and

WHEREAS, application materials received include the following:

- Application for Inland Wetlands Agency Permit;
- Sketch Map showing approximate tree locations; and

NOW THEREFORE BE IT RESOLVED, upon careful consideration of the information received, the Agency, in accordance with §11.3 of the Regulations, hereby finds the following:

- No significant adverse off-site impacts are anticipated;
- Site disturbance will be minimal and short term;
- Site disturbance impacts can be further mitigated by the conditions listed below and the proper use and maintenance of soil erosion and sedimentation controls as may be warranted and/or required;
- The Agency classifies the application as Summary (not involving a “significant impact” thus a public hearing is not required); and

BE IT FURTHER RESOLVED, the Agency, in accordance with §10 of the Regulations, following deliberations, hereby approves Application 23-IW-0004 as described above, subject to the modifications and conditions set forth below; and

BE IT FURTHER RESOLVED, the Agency hereby authorizes the publishing and filing of a Notice of Decision consistent with the requirements set forth in §11.4 of the Regulations, as well as required reporting to the Connecticut Department of Energy and Environmental Protection (“CT DEEP”) per CGS §22a-39-14; and

BE IT FURTHER RESOLVED, this approval is specific to that detailed herein and the final plans as endorsed as “approved” subject to the following modifications and conditions:

A. Prior to Commencement of any Work or Site Disturbance

1. **Final Plans** – The plans presented shall be endorsed as “approved” by the Agency / Town Planner.
2. **Other Required Approvals** – Other required approvals shall be separately obtained.

B. Conditions During Construction

1. Resurfacing of the existing driveway is completed, no further work related to the driveway is authorized.
2. The following shall be followed in relation to the authorized tree removal activity:
 - No more or other than the thirteen (13) ash trees identified are authorized to be removed.
 - Removal shall be completed during dry conditions only in coordination with the Land Use Office.
 - Prior to any tree removal, the Land Use Office shall be provided a minimum of 48-hours of notice and “confirmation to proceed” shall be obtained from the Land Use Office.
 - The trees shall be cut close to the ground leaving the stump in place.
 - Removal from the wetland area proper shall be by a grapple attached to a machine with high floatation rubber tires designed to minimize disturbance to the ground surface and to avoid soil displacement. The grapple shall be used to grab and hold the tree trunk above the ground, avoiding scrapping and dragging with the wetland area proper.
 - The tree trunk shall be removed to an area outside of the wetland proper for further cutting or placement on a truck pending removal from the property.
3. Construction vehicles and equipment not in use shall not be stored, and at no time shall such be washed out, within a regulated wetland/watercourse 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.

4. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses. All access paths shall be reestablished to original condition.
5. Storage of any fuel/lubricants, and the refueling/lubrication of any equipment are forbidden within any portion of the regulated 100-foot upland review area. The Land Use Office and CT DEEP shall 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.
6. Disturbed soils shall be stabilized in a timely fashion to minimize erosion.
7. The Land Use Office shall be duly apprised of the status and progress of site work throughout construction, and promptly notified as to an issues or potential deviations in completing the site work as designed and approved, so either appropriate minor field changes may be authorized by the Land Use Office or the need for new or modified permit approval can be identified.

C. Post Construction Compliance and Permit Closure

1. **Final Inspection Required** – The applicant shall request the Land Use Office conduct a final inspection for determination of permit completion, subject to the following:
 - The site has been cleaned of construction related equipment, materials and debris.
 - All disturbed areas have been stabilized and exhibit healthy vegetative cover.
 - All erosion controls have been appropriately removed and disposed of following Land Use Office confirmation that the site is stabilized.
2. **Approval Compliance / Changes** – Failure to maintain compliance with this permit and the approved final plans shall constitute a violation of the terms of this permit and the Woodbury Inland Wetlands and Watercourses Regulations. Any substantive additions or changes to the approved regulated activities shall require prior review and separate approval and permit.
3. **Expiration** – This permit approval shall expire and be null and void without further written notice per the date set forth above unless all regulated activities, including site stabilization and landscaping, are completed consistent with the approved final plans. The Agency may grant one (1) or more extensions of time to complete same, not to exceed an additional five (5) years total. Any request for extension shall be in writing to the Agency in a timely manner prior to the expiration date for which an extension is requested and shall state the reasons and circumstances for the requested extension. In considering any such request, the Agency may require a public hearing and may adjust any held bond.

MOTION

Moved by **RICHARDS**, seconded by **TUROCZI**

Vote: 5-0-0 – **APPROVED** – Motion **PASSED**

Ayes Tyrrell, Newell, Turoczi, Richards, Gillette

Nays None

Abstain None