



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
March 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 (Town Planner), Dylan Willette (Land Use Enforcement Officer), Ron Wolff, Brian Flanagan, Kenneth Tamborra, Lisa Turoczi, Richard Warren, TJ Oneglia, Megan Raymond 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.

PENDING 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

Chairman Clow noted that the agent would be delayed in getting to the meeting, so this item was tabled until later in the meeting.

21-IW-2107 / Flanagan / 27 Minortown Road / Installation of 10' x 16' Shed within a Regulated Area / Map 023 / Lot 020

It was noted that the Enforcement Officer visited the site and photos were received as well as a report. It appears that the shed will be placed in a "high and dry" site. There were no real concerns expressed by the Agency members.

MOTION:

To classify this application (*21-IW-2107 / Flanagan / 27 Minortown Road / Installation of 10' x 16' Shed within a Regulated Area / Map 023 / Lot 020*) as summary.

Made by Member Tyrrell, Seconded by Member Newell

Vote: 5-0-0 in favor

A draft motion was reviewed by the Agency and read into the record.

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency has received an application,

21-IW-2107 submitted by Brian Flannagan for “the installation of a 10’ x 16’ prefabricated shed within a regulated area” at 27 Minortown Road, Woodbury, Connecticut (023/020); and

WHEREAS, the Agency has received the following material:

- a) An application dated March 1, 2021 and received March 2, 2021;
- b) An inspection report for the Land Use Enforcement Officer dated March 10, 2021; and

WHEREAS, the Agency classified the application as Summary; and

WHEREAS, the Land Use Enforcement Officer conducted a site inspection on March 10, 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 Brian Flannagan for “the installation of a 10’ x 16’ prefabricated shed within a regulated area” at 27 Minortown Road, Woodbury, Connecticut (023/020) as described on the submitted Inland Wetlands and Watercourses Agency application form dated March 1, 2021 and received March 2, 2021. Subject to the following conditions:

1. The applicant shall provide the Land Use Office with 48-hour notice prior to installation.
2. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses.
3. All paths used for site access will be reestablished to original condition.
4. Stockpiles of earth materials shall be stored outside the 100’ regulated area.
5. 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.
6. 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.
7. All disturbed areas and earth material stockpiles within the regulated area must be stabilized by October 15th of any year.

Made by Member Tyrrell, Seconded by Member Newell

Vote: 5-0-0 in favor

21-IW-2108 / Tamborra Pool, Path & Patio, LLC / 364 Hoop Pole Hill Road / Build 16' x 32' Inground Pool with Deck & Fence / Map 068 / Lot 010

Ken Tamborra was present for the application. There were no new concerns from the Agency.

MOTION:

To classify the application (21-IW-2108 / Tamborra Pool, Path & Patio, LLC / 364 Hoop Pole Hill Road / Build 16' x 32' Inground Pool with Deck & Fence / Map 068 / Lot 010) as summary.

Made by Member Tyrrell, Seconded by Member Turoczi

Vote: 5-0-0 in favor

A draft motion was reviewed and read into the record.

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency has received an application, 21-IW-21085 submitted by Tamborra Pool, Path & Patio (Applicant) on behalf of Milton Corbett (Owner)

for the "construction of a 16' x 32' inground swimming pool, approximately 350 square feet of decking and associated pool fencing within a regulated area" at 364 Hoop Pole Hill Road, Woodbury, Connecticut (068/010); and

WHEREAS, the Agency has received the following material:

- a) An application dated March 2, 2021 and received March 4, 2021; and

WHEREAS, the Agency classified the application as Summary; 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 Tamborra Pool, Path & Patio (Applicant) on behalf of Milton Corbett (Owner) for the "construction of a 16' x 32' Inground Swimming Pool, approximately 350 square feet of decking and associated pool fencing within a regulated area" at 364 Hoop Pole Hill Road, Woodbury, Connecticut (068/010) as described on the submitted Inland Wetlands and Watercourses Agency application form dated March 2, 2021 and received March 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. There shall be no burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like. The stumps of all significant trees shall be left in place for stabilization of the affected area(s).
3. 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.
4. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses.
5. All paths used for site access will be reestablished to original condition.
6. Stockpiles of earth materials shall be stored outside the 100' regulated area.
7. 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.
8. 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.
9. 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.
10. 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 Tyrrell

Vote: 5-0-0 in favor

NEW APPLICATIONS

21-IW-2109 / Herbert Lowe / 172 Good Hill Road / Existing 800 Square Foot Deck and 12' x 16' Shed within a Regulated Area / 050-036A-A

(This item was discussed later in the meeting)

21-IW-2110 / Lisa Turoczi, Earth Tones (Applicant), Michael Lattis & Michelle Pakula (Owner) / 877 Washington Road / Landscaping, Planting, Invasive Plant Removal, Create Wet Meadow Detention Basin and Relocate Driveway within a Regulated Area / 072-001

Member Turoczi recused himself from this application. Member Turoczi was unseated, and Alternate Richards was seated.

Lisa Turoczi was present as agent for the application. The owners had begun property maintenance and she was called in to assist and discovered an excavator and work being done without permits. At this time she informed the owners to cease the activity and informed the Agency. They are now prepared with a plan. An overall original survey of the property was shown to the Agency. It was

discovered that there are town pipes that take water from across the street and dump it into the middle of this property, these pipes need to be addressed. A conceptual plan was reviewed with the Agency. They are looking to relocate and redesign the driveway which will increase the impervious surface. It is designed to slope towards a raingarden. Invasive vines and materials will be removed, keeping existing native plants and they want to replace with more native plants. From Sprain Brook to Washington Road is about 60' at most, so it is all under the regulated area. A stone wall is going to be installed which will act like a "weep wall" and deter people from going into any of the wetlands and protect the brook. A wet meadow detention basin is proposed to help handle the water from the pipe from the road. A pea stone gravel sitting area is proposed and an existing flagstone patio will be removed and turned into pea stone. Section views were shown for visual clarification of the plan. Alternate Richards questioned the height of the first floor above the river. Ms. Turoczi was not sure but explained she did not have a full topo map. She went with a "transit" and took elevations based on the road at the highest point because from the road it goes down. The well and septic were shown on another plan and are on the left of the house. Member Tyrrell questioned the location of the second pipe and where that was located on the plans. It was shown and leads out to the river. Ms. Turoczi noted that they located the pipe, and it has rocks, and vegetation. It was clarified that the pipe is not being extended, there is no need to contact the State for permitting. She is dealing with existing conditions.

A site walk was scheduled for Sunday, April 11, 2021 at 10:30 a.m., members to meet at the site.

Alternate Richards was unseated, and Member Turoczi was reseated.

21-IW-2109 / Herbert Lowe / 172 Good Hill Road / Existing 800 Square Foot Deck and 12' x 16' Shed within a Regulated Area / 050-036A-A

The applicant was not present for the meeting. Maryellen Edwards explained that the application was for an existing deck and shed that were erected without approvals. She expressed that she did not feel that the deck was within the regulated area, however, there was something in the file about the deck and she felt this would help to clarify the record. Photos of the existing shed and deck were viewed by the Agency, Member Turoczi noting that there was a lot of vegetation to Good Hill Brook. The Agency requested the applicant be at the next meeting for any questions, as well as a draft motion be prepared.

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 now present for discussion. Chairman Clow noted that there was a site walk of the property on Sunday. The consensus of members was that there were no concerns. There would be very little impact to the small wetland on the property. The driveway and the house are well away from the wetlands area. The application wording was clarified to mean that only a portion of the house was located within the review area.

MOTION:

To classify the application (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) as summary.

Made by Member Turoczi, Seconded by Member Tyrrell

Vote: 5-0-0 in favor

A draft motion was reviewed and read into the record.

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency has received an application, 21-IW-2104 submitted by Wolff Engineering on behalf of Edward and Branda Longo to “perform grading, well installation and the construction a portion of a single-family home and driveway within a regulated area” Hurds Hill Road, Woodbury, Connecticut (007/2)

WHEREAS, the Agency has received the following material:

- a) An application dated February 2, 2021 and received February 3, 2021;
- b) A Wetlands/Watercourses Delineation Report prepared by Davison Environmental, dated September 8, 2020 and received February 3, 2021;
- c) Two Site Plans prepared by Wolff Engineering, dated February 1, 2021 and received February 3, 2021 and titled Site Plan and Subsurface Sewage Disposal Plan;
- d) A letter from the Land Use Office to the Town of Southbury regarding the proposed project, dated February 9, 2021; and

WHEREAS, the Agency classified the application as Summary; and

WHEREAS, the Agency conducted a site walk on March 21, 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 Wolff Engineering on behalf of Edward and Branda Longo to “perform grading, well installation and the construction a portion of a single-family home and driveway within a regulated area” Hurds Hill Road, Woodbury, Connecticut (007/2), as described on the submitted Inland Wetlands and Watercourses Agency application form dated February 2, 2021 and received February 3, 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. The limits of disturbance shall be clearly marked before construction.
2. There shall be no burying of any tree stumps or tree materials including but not limited to branches, wood chips and the like. The stumps of all significant trees shall be left in place for stabilization of the affected area(s).

3. 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.
4. The site shall be kept clean of all loose debris, litter and similar materials to prevent such from entering wetlands or watercourses.
5. All paths used for site access will be reestablished to original condition.
6. Stockpiles of earth materials shall be stored outside the 100' regulated area.
7. 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.
8. 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.
9. 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.
10. All disturbed areas and earth material stockpiles within the regulated area must be stabilized by October 15th of any year.

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

OTHER BUSINESS

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

Richard Warren, TJ Oneglia and Megan Raymond were present for the discussion. A site walk of the areas in question took place on Sunday. Agency members questioned when they might see a formal application on this. Ms. Raymond stated within the next couple months. O&G was looking to gain a consensus of the extent of mitigation which consists of the conservation easement around the forested area around the south of the wetlands system as well as the creation. It would be helpful to get a sense of the ratio of wetland creation out on the property. Since it is direct wetland impact, they wanted to let the Agency know this was coming and have a coordinated discussion about the mitigation procedures the Agency would like to maintain as well as open up for discussion any observations the Agency had at the site. Member Turoczi noted an area with a lot of phragmites, he doesn't want the area destroyed by the invasive species present. A plan for control and maintenance should be submitted. Consensus of the Agency was to wait for an application to discuss, they would need to see the design of the mitigation efforts compared to the wetlands removal. Mr. Warren asked if a one for one mitigation was reasonable in an application, the Agency felt they need to submit an application for what they are proposing and adjust from there. They won't design the plan but will react to the design. Mr. Oneglia felt it important for the Agency to see the site ahead of the formal submittal. The Agency will want to walk the site again in the area where the mitigation will be proposed.

CORRESPONDENCE – None

ENFORCEMENT & WETLANDS UPDATE

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

The Land Use Enforcement Officer, Dylan Willette, spoke to Mr. McGovern a few weeks ago, however it was confirmed that nothing has been received from the property owner since the last meeting. Agency members discussed that the entire slope has been cut down to the river, it can be seen from the road. It appears that a possible new road has been put in by the vineyard building. Members worried about the erosion issues in the Spring. Many members feeling that they are not getting anywhere with the property owner and the issues they see. There was discussion as to whether or not they should issue a Cease-and-Desist order.

Member Werner recused himself from the discussions, feeling he didn't really have a conflict, but had helped Mr. McGovern in getting information to the Land Use Office and in persuading him to attend a meeting for discussion.

Member Werner was unseated and Alternate Hard was seated.

Mr. Willette stated he has not been on the property. It was noted that unless given permission, they legally cannot go onto the property. Ms. Edwards asked the Agency to be clear in the items they wanted outlined in the Cease-and-Desist order, as Agency Members have been the ones viewing the activity. The Board needs to let her know what the violations are. It was discussed that 1) They need information on the erosion control measures (when they will be installed, placement and what they will use. 2) They need to see a plan on how they plan to stabilize the hillside (two sections West and North). 3) They would like a plan for the debris and tree removal. If it will be continued and how it will be removed. 4) They would like a final site plan showing the Agency what the goal is. Ms. Edwards questioned the Agency on what activity he would be ceasing. There was discussion that roadway access had been graded and stones placed. There is building work being done. Members would like to investigate past approvals. It was decided that the Agency should coordinate more information including photos to document the issues with the property they have viewed.

21-ENF-0002 / Eimer / 346 Quassapaug Road / NPV Clearing, Grading, & Stockpiling of Materials within a Regulated Area / Map 077 / Lot 094B-3

Mr. Eimer was present for the discussion. Chairman Clow read the Enforcement Report for the record. Mr. Eimer stated that he gave permission to the prior owner's son to continue using the back side of his property, not knowing there was an issue. Since notice from the Enforcement Officer, he has given this individual 30 days to remove his stuff from the property. The area was described as flat and not unstable. Once the equipment is removed, it may need to be seeded. Mr. Eimer was asked to notify the Agency when everything is done. The item will remain on the report until it is finalized.

CONSIDERATION OF MINUTES – 3/8/21

MOTION:

To Accept the minutes (of the 3/8/21 meeting) as submitted.

Made by Member Tyrrell, Seconded by Member Turoczi (*Member Werner abstained*)

Vote: 4-0-0 in favor

PRIVILEGE OF THE FLOOR

Alternate Hard asked for an update regarding the status of 575 Washington Road as she has witnessed some activity in the wetlands. Ms. Edwards will review the timeline in the approval and get back to the Agency.

Member Tyrrell noted that the Nix property (382 Weekepeemee Road) has begun excavation, however, there are no soil and erosion control measures in place. She questioned if commencement notice had been received by the office. She also questioned what appears to be an additional stall being installed at 233 Weekepeemee Road. Member Tyrrell requested if it would be possible to have an application progress report for the Agency.

Members discussed going back to in-person meetings. The consensus was split, with them agreeing on the hybrid meeting with some members attending by phone and some in person.

Member Tyrrell questioned the application before the Zoning Commission regarding the 1754 House (506 Main Street South). They are making changes to parking. She has a problem with the driveway and parking changes because of drainage issues. Drainage is the same as they were proposing to go to the south and discharging to a wetland, she felt they should have come to the Wetlands Agency. She also wondered how they would correct the plantings that are within 100' of the river and how they propose to address that without wetlands input. The Agency questioned restoration of the hillside that was clear-cut. Ms. Edwards suggested the Agency put their comments in writing and submit them to the Zoning Commission. The applicant has redesigned the plan so that they are outside of the 100' regulated area, there was no reason to bring it before the Agency. Restoration was not addressed at the time of the activity. Member Tyrrell felt they should have seen it because the plan still plans to discharge into the wetland to the south. A letter will be drafted by the Agency to be submitted to the Zoning Commission. Ms. Edwards noted that it is the same 3rd Party Reviewer. Member Turoczi questioned if they would typically need to come before the Agency for the discharge. Member Tyrrell noting it would usually come to the Agency, Member Turoczi confirming for the drainage and the disturbed area within the regulated area. Chairman Clow will poll the Board for any concerns and submit it in a letter to the Planner.

ADJOURNMENT

MOTION:

To adjourn the meeting at 9:30 p.m.

Made by Member Newell

Filed subject to approval.

Respectfully Submitted,
Anne Firlings
Anne Firlings, Clerk
Inland Wetlands & Watercourses Agency

RECEIVED FOR RECORD
Mar 24 2021 at 2:45P.M.
ATTEST *Mona Mancini*
ASST