



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
April 12, 2021 – 7:30 p.m.

MEMBERS PRESENT:

Wes Clow
Marty Newell
Kyle Turoczi
Mary Tyrrell
Ernest Werner

ALTERNATES PRESENT:

Earl Gillette
Don Richards

ALTERNATES ABSENT:

Evan Hard

ALSO PRESENT: Maryellen Edwards (Town Planner), Dylan Willette (Land Use Enforcement Officer), Herbert Lowe, Lisa Turoczi, Justin Landry, Darren McGovern, Robert & Racquel DiTullio, Tom Mott 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-2109 / Herbert Lowe / 172 Good Hill Road / Existing 800 Square Foot Deck and 12' x 16' Shed within a Regulated Area / 050-036A-A

Herbert Lowe was present for the discussion. Mr. Lowe explained the choice of location for the shed, it is the best spot tucked in between mature trees. This is an existing structure. He dug the piers by hand and no materials were brought in or taken out. It is at the highest point of the property that he could put it and it is relatively flat. There is not a lot of flat land on the property, except where it is wet and there is a septic. He explained that it has been about a 10-year process. A map with the wetland's boundary, shed and deck were reviewed. It appears the deck is out of the regulated area. Maryellen Edwards noted that there are notes in the file that question the deck, so she had him add it to the application to clear up the record.

MOTION:

To classify the application (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) as summary.

Made by Member Tyrrell, Seconded by Member Newell

Vote: 5-0-0 in favor

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency has received an application, 21-IW-2109 submitted by Herbert Lowe for approval of an existing 800 square foot deck and a 12' x 16' shed within a regulated area at 172 Good Hill Road, Woodbury, Connecticut (050-036A-A); and

WHEREAS, the Agency has received the following material:

- a) An application dated March 15, 2021 and received March 19, 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;

NOW THEREFORE BE IT RESOLVED that the Woodbury Inland Wetlands and Watercourses Agency approves the application submitted by Herbert Lowe for an existing 800 square foot deck and a 12' x 16' shed within a regulated area at 172 Good Hill Road, Woodbury, Connecticut (050-036A-A) as described on the submitted Inland Wetlands and Watercourses Agency application form dated March 15, 2021 and received March 19, 2021.

Made by Member Newell, Seconded by Member Turoczi

Vote: 5-0-0 in favor

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 the discussion and was unseated. Alternate Richards was seated.)

Lisa Turoczi was present for the application. It was noted there was a site walk the previous day, which clarified the activities being presented. The overall plan was reviewed, and Ms. Turoczi explained several of the property enhancements including a change to the driveway and entrance, the addition of a fence, a stone wall, pea stone pervious gravel patios, and a wet meadow. There will be a vegetative buffer which will protect the river. Chairman Clow noted that invasives will be removed. The Army Corps armored the embankment, there is a lot of rip rap, native plants will be planted there as well. Alternate Richards questioned if there would be a problem with water coming off of Washington Road, Ms. Turoczi stated no, there will be no erosion from road runoff, a large buffer of plantings will be planted and will slow any water. Pachysandra will be removed. Ms. Turoczi noted that if it is not planted it will be mulched, nothing will be left open.

MOTION:

To classify the application (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) as summary.

Made by Alternate Richards, Seconded by Member Tyrrell

Vote: 5-0-0 in favor

MOTION:

WHEREAS, the Woodbury Inland Wetlands and Watercourses Agency has received an application, 21-IW-2110 submitted by Michael Lattis & Michelle Pakula (owners) and Lisa Turoczi (agent) for landscaping, invasive plant removal, creation of a wet meadow detention basin and driveway relocation activities within a regulated area at 877 Washington Road, Woodbury, Connecticut (072-001); and

WHEREAS, the Agency has received the following material:

- a) An application dated and received March 19, 2021
- b) A plan sheet titled “Septic System & Retaining Wall for Albert & Mary Stokes” dated May 21, 1976 and received March 19, 2021
- c) A plan sheet titled “Concept Plan & Road Screening”, prepared by Earthtones, LLC dated March 11, 2021 and received March 19, 2021
- d) A plan sheet titled “Planting Plan and Driveway Relocation”, prepared by Earthtones, LLC, dated March 11, 2021 and received March 19, 2021
- e) A plan sheet titled “Section Views A’– A’ and B’-B’ and Construction and Installation Notes”, prepared by Earthtones, LLC, dated March 11, 2021 and received March 19, 2021; and

WHEREAS, the Agency classified the application as Summary; and

WHEREAS, the Agency conducted a site inspection on April 11, 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 Michael Lattis & Michelle Pakula (owners) and Lisa Turoczi (agent) for landscaping, invasive plant removal, creation of a wet meadow detention basin and driveway relocation activities within a regulated area at 877 Washington Road, Woodbury, Connecticut (072-001) as described on the submitted Inland Wetlands and Watercourses Agency application form dated and received March 19, 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. 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 Tyrrell, Seconded by Alternate Richards
Vote: 5-0-0 in favor

Member Newell questioned the process of reading the draft motion and all the conditions into the record.

NEW APPLICATIONS

21-IW-2111 / Landry / 241 Weekepeemee Road / Request for Jurisdictional Ruling to clean up existing ditch, cut dead shrubs, clean state culvert, construct 15 x 15 skid barn, move/alter existing tent / Map 040 / Lot 035B

(Member Turoczi re-entered the meeting and was seated, Alternate Richards was then unseated)

Justin Landry was present for the application. He explained he is the new owner of the property and is looking to clean up the property, including the junk and debris. He is looking to also construct a portable barn. They would like to have goats, rabbits and ducks. Member Tyrrell mentioned that the applicant should check with the state for any of their requirements. She also noted that they try to keep structures out of the flood plain and regulated areas. An existing ditch on the property was described as being not very deep, there was water in it currently. A map indicating the location of the proposed activities along with pictures were reviewed by the Agency. It was suggested that the application be broken down into two phases. One for the clean up and the other for the barn. It was explained that the zoning regulations require structures for animals to be 100' from property lines, they may need to rethink the proposed location. Mr. Landy should check with the Land Use Office regarding permitting for any structures he is proposing as well as his questions about refurbishing what is currently existing. Member Tyrrell and Chairman Clow stated that they would stop by the site to discuss with the property owner.

21-IW-2112 / Ordonez / 52 Scuppo Road / Request for Jurisdictional Ruling to clean up downed trees and storm debris / Map 084 / Lot 008-8

The applicant was not present. It was noted that the Land Use Enforcement Officer, Dylan Willette, visited the property. The owner would like to remove trees and storm debris. Much of this would be done by hand, possibly the use of a small excavator for the larger debris. Member Tyrrell drove by the

site and took some pictures. She explained that it is a pretty wet area. GIS maps were reviewed to assist in describing the area. There was mention of a shed, which would also need an application. This item was tabled until the applicant can be present to explain what they are looking to do. Members may drive by to get a better understanding of the area.

OTHER BUSINESS

Member Tyrrell told the Agency that she spoke with the First Selectman regarding potentially using the Shove Building for a few members that wish to meet in person and creating a hybrid meeting for some to attend in person and some to attend through GoToMeeting.

CORRESPONDENCE – None

ENFORCEMENT & WETLANDS UPDATE

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

(Member Werner recused himself and was unseated. Alternate Richards was seated)

Dylan Willette informed the Agency that he has been visiting the site and taking photos. He was given access to 42 Paper Mill Road and was able to view the back of Mr. McGovern's property. Mr. McGovern had stopped by the office to get some information and was provided another Jurisdictional Request form. Darren McGovern was present for the discussion. He explained that the work he did was described in the letters he sent. He took down hazardous trees, fallen trees and removed invasives. Cleaning up the area, cutting trees down to the stumps, and putting down seed. Mr. McGovern stated that he tried to drop off an application, but that the office had already closed for the day. Member Tyrrell stated that she also viewed the lower part of Mr. McGovern's property from an adjoining property. A big portion of the site has nothing growing on it. There is a lot of sand and gravel. It looks like the potential for erosion issues if it isn't stabilized, especially if there is a heavy rain. She didn't understand why so many trees and shrubbery needed to be removed from the hillside. Mr. McGovern stated that he wanted something that would be easier to maintain, with grass he could just use a weed wacker. Areas were described and Member Tyrrell didn't know how something would be established to grow there without topsoil or something there to hold it better. Chairman Clow noted that the entire area is regulated. He understood there was damage, but that the whole area was clear cut. The concern being erosion and siltation getting down into the river. Mr. McGovern explained that the work was all done on the inside of the sluiceway which goes around the whole property. Alternate Richards questioned the status of an application that was approved in 2008. Alternate Gillette questioned if they could have a site inspection. The Agency will await the application Mr. McGovern had prepared and will be submitting.

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

Dylan Willette drove by the property and stated that there is no change. Nothing has moved yet. The property owner had stated that he gave 30 days for the individual to vacate the premises. He will keep them informed.

21-ENF-0004 / North / 148 Tuttle Road / NPV Grading Activities within a Regulated Area and Diversion of Water Toward the Adjacent Property Leading to Sedimentation & Silt Accumulating in an Existing Wetland / Map 021 / Lot 028-3

This issue came about from a call from the neighbor. Maryellen Edwards explained that there's been concerns over the years about drainage coming from Tuttle Road. Water comes down the opposite

side of Tuttle Road and there's a pipe that goes across the road. Mr. North has redirected the pipe and channelized it and it shoots out into the neighbor's yard. Photos of the area were viewed. It is within 100' of the regulated area and sand and silt is coming through. There have been issues with the two neighbors and it has been questioned whether the pipe was every meant to receive the drainage from Mr. North's property. Abby Conroy had reviewed the information and determined it was never intended to go through this pipe. That is between the neighbors, but there is work being done within 100' and water is being discharged into the wetlands. Rich Lamothe will do a catch basin and will cap the pipe, but the area that has been disturbed should be regraded and fixed. A notice of potential violation was sent. Mr. North was not present at the meeting, his neighbor's the DiTullio's were present as was their attorney. Mrs. DiTullio noted that when they moved in two years ago there was no berm or ditch there. The engineer who put in the driveway specifically stated where the breaks in the wall were and there were no breaks at the entrance. She clarified that there are two pipes, one goes under the road and this creates water that Mr. North doesn't want on his land. If it took the natural course of the land it would follow down the grade not near his house and not near her driveway. The other pipe was installed under her driveway for the two low-lying areas of the driveway. Abby Conroy's memo was noted. There is a solid wall that keeps being removed by Mr. North. They've asked him to stop channeling the water to their house. Water is ponding on her property and silt is going into the wetlands. He is diverting the water, not letting it take its natural course. She believes it's illegal to divert stormwater onto someone else's property and it is causing damage. Mr. North has created a berm. Mapping was reviewed to show the location of the pipe. The water was supposed to come down the road, through the pipe and then sheet flow across the property. The work Mr. Lamothe is going to do on Tuttle Road will hopefully mitigate the situation. Member Turoczi felt the ditch needs to be restored and water should be allowed to take its natural course. Member Tyrrell recalled the original approval as having the buildings be parallel to the stone walls, keeping the walls that were already in existence, as they are usually built for a reason. They can assist in slowing the water down. Leaving the walls would protect the wetlands, helping to dissipate the water. Member Tyrrell agreed that the ditch is completely man made, is completely irresponsible and should not be where it is. Agency members have viewed the area in the past during torrential rains. They will wait to hear from Mr. North and take the next steps. The enforcement process was explained. Maryellen Edwards questioned if the Agency wanted a Notice of Violation to be sent with corrective actions or a remediation plan. Members wished to view the site again. It was requested that a Notice of Violation be sent asking Mr. North to attend the next meeting with steps he would take to remediate the situation. Tom Mott, attorney representing the neighbors, noted that they have already tried to go the civil route. Irrespective of what happens with the basin, there is clearly a violation.

Maryellen Edwards reported on the status of the 575 Washington Road remediation work. She visited the site and photos were reviewed with the Agency. She noted the man-made ditch has been completed, the check dams were installed, and the entrance road plantings are scheduled for mid-May.

CONSIDERATION OF MINUTES – 3/22/21

MOTION:

To accept the minutes (*of the 3/22/21 meeting*) as written.

Made by Member Tyrrell, Seconded by Member Turoczi

Vote 3-0-1 (Member Werner abstained, he did not look at them)

PRIVILEGE OF THE FLOOR

Member Turoczi updated the Agency on the activity at 233 Weekepeemee Road. There is nothing new being added to the barn. Wood is being used for projects; as they have no garage.

Member Werner welcomed new Alternate, Earl Gillette to the Agency.

ADJOURNMENT

MOTION:

To adjourn the meeting at 9:23 p.m.

Made by Member Tyrrell

Filed subject to approval.

Respectfully Submitted,

Anne Firlings

Anne Firlings, Clerk

Inland Wetlands & Watercourses Agency

**RECEIVED & FILED
IN WOODBURY, CT**

This 14th day of April 2021
at 9:20 o'clock A M
Guido J. Cook
Town Clerk