



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

REGULAR VIRTUAL MEETING MINUTES
April 26, 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), Marcela Ordonez, Darren McGovern, Peter North and other interested members of the public.

REGULAR MEETING

The meeting was convened at 7:35 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-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

Chairman Clow noted that he and Member Tyrrell had visited the site. It was agreed that cutting down of the overgrowth and invasives was normal maintenance. They discussed with Mr. Landry, who was not present at this meeting, that he should apply for the sheds and buildings under a regular application. Mr. Landry plans on keeping the two hoop structures and the box truck, however, may move them to another location. The Agency needed more information and held off on any further discussion until the applicant was present.

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

Marcela Ordonez was present for the discussion. It was noted that Dylan Willette had looked at the site. Ms. Ordonez is looking to clean up fallen trees, debris, branches, etc. The Agency was concerned about the method of removal being so close to the wetland. Use of heavy equipment (an excavator) could cause more disturbance. It was suggested that cutting the larger trees into smaller pieces and hand removal may be a better option to protect the area. Member Tyrrell explained the travel of the water along Scuppo Road. She noted this is a functioning wetland with frogs. Member Turoczi felt that the trees were a habitat and that ecologically there is a function. Alternate Gillette suggested that the Agency go to the site to be able to show the property owner where it is suitable to remove materials and where it is not.

A site walk was scheduled for Sunday, May 9, 2021 at 10:30 a.m.

MOTION:

To amend the agenda to accommodate those present and go to application 21-IW-2114 (*Ordonez / 52 Scuppo Road / Construction of a 10' x 20' Shed within a Regulated Area / Map 084 / Lot 008-8*).

Made by Member Tyrrell, Seconded by Member Newell

Vote: 5-0-0 in favor

21-IW-2114 / Ordonez / 52 Scuppo Road / Construction of a 10' x 20' Shed within a Regulated Area / Map 084 / Lot 008-8

Marcela Ordonez explained she was looking to put a shed on the property behind their house, a map indicating the location was shown. Dylan Willette described the location of the shed and shared photos he had taken at his visit. The shed will be approximately 60' from the house and about 70' to the water. The area of the shed is fairly flat. Ms. Ordonez stated no materials would be removed or added for the installation. Mr. Willette described the slope to the wetlands as minimal. Ms. Ordonez noted that the house would be constructed on site, it would be ground mount with footings above the ground. The Agency noted they would need more information regarding the footings including size, depth, how they'd be installed and how they would support the shed. (The shed location will be seen during the scheduled site walk for the jurisdictional request.)

NEW APPLICATIONS

21-IW-2113 / McGovern / 93 Weekepeemee Road / Request for Jurisdictional Ruling to Cut down and maintain died, dying, diseased, hazardous and overgrown brush. Cut stumps down to ground level. Pick up small rocks and plant grass. Maintain grass and growth by weed whacking and mowing / Map 040 / Lot 048

Member Werner recused himself from the discussion. Member Werner was unseated, Alternate Richards was seated.

Mr. McGovern was present for the discussion. Members requested access to view the site, which Mr. McGovern was amenable to.

A site walk was scheduled for Sunday, May 9, 2021 at 11:30 a.m.

Member Tyrrell requested Mr. McGovern to provide maps for the site walk.

21-IW-2114 / Ordonez / 52 Scuppo Road / Construction of a 10' x 20' Shed within a Regulated Area / Map 084 / Lot 008-8 / ED: 5/10/21

This item was addressed earlier in the meeting.

OTHER BUSINESS - None

CORRESPONDENCE – None

ENFORCEMENT & WETLANDS UPDATE

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

(No further discussion as an application was received, see above).

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

Dylan Willette updated the Agency on the status. All the equipment is out, it appeared that one stockpile remained. They are heading in the right direction. Maryellen Edwards noted that she spoke with Mr. Eimer earlier in the day, had visited the site and presented photos taken that afternoon. There are two small piles to still be removed. Agency members felt comfortable that progress is being made.

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

Peter North was present for the discussion. It was noted by Maryellen Edwards that documents sent by Mr. North were received after hours, she had sent them out to the members, but was unable to get them up onto the website. A Notice of Violation had been sent. Mr. North apologized for not being able to attend the last meeting. The Agency decided to hear from Mr. North and asked that they be allowed time to review the information before the next meeting. Mr. North wished to respond to the DiTullio's comments from the previous meeting. The DiTullio's had shown photos of a pond on their property, feeling it was caused by Mr. North. He stated that when the Warner's had constructed their driveway, they removed the vegetation and due to the steep slope of the driveway, during rain events the water would come down the driveway and go across the road and flood the (now) DiTullio's driveway creating a pond. He felt it unfair they claimed he caused the ponding. He explained there was miscommunication regarding the stonewall being removed. He claimed that he did not dig a channel. He referenced a 2016 GIS map that shows the channel there. In 1996 minutes, it was decided to address the water issues with a 15" culvert used to take the water underneath the driveway because the driveway bisected the wetland, and no water could get through. The idea being to allow the natural flow of the water. A Curt Smith plan from 1996 was referenced. It shows a 15" culvert. It showed the flow of the water coming from Mr. North's property. He felt it was designed to take the water from his property. A concentrated flow of water that came from his property would go into that culvert and into the wetlands. There's no other water source on either side of the wall that would go into that. Mr. North noted that he spoke with Dave Monckton about the water silting up, Mr. Monckton told him he could remove the silt as long as he did nothing to change the natural flow of the water, so this is what he has been doing on and off for the past 10-15 years. He did not use soil from his property to build this up, it is silt and dirt directly from the channel over time. Mr. North stated there was never a "sheet flow" there. He felt the water should not be blocked especially at that point on the wall. Waterflow should be where the water flow goes. Chairman Clow noted you can see the hand dug swales guiding the water in a certain way reminding that Member Turoczi, at the last meeting, felt those should be filled in to allow the water to flow where it was. Mr. North insisted that it is the natural course of the water since he moved in (1994). He felt he didn't create anything; he was just pulling silt out. Member Turoczi did not see evidence of continual flow, when water flows naturally through a wooded area, it removes soils, and you'll see rocks and other things. It was questioned if the town had ever maintained the ditch. Regardless, there is silt getting into the wetlands and the Agency wants to preserve the area. Member Turoczi encouraged members to read the memo from Abby Conroy regarding the original engineering. The memo states that the pipe was there because the driveway was higher than the natural flow, it was put in there to carry the water from that side. The ditch in question is being maintained and it is directing flow, Member Turoczi stating it didn't appear to him that there was natural flow there prior. It was questioned if this is all moot if Public Works plans to do drainage work on Tuttle Road. Member Tyrrell remembered the original driveway application going before the Agency and the reason the pipe was required was to allow water to continue to flow through the area. She stated there was never a drainage ditch along that area. Alternate Richards noted he had visited

the area being discussed and encouraged members to view it as well. He also noted that when there are stone walls involved, they function like a filtering process, the water tends to spread out and go down into the ground. The water should come out of the pipe from under the road like a level spreader, spreading out across the property as it heads to the swamp. Photos of the area were viewed by the Agency. Member Turoczy asked Mr. North if he could fill in the ditch now that the town will be addressing drainage on the road. Mr. North stated that would be a lot of work. Dave Monckton told him he could remove the silt as long as he didn't change the course of the water. The ditch is obvious in the 2016 GIS aerial. It was disputed that this channel has always been there, and it is not shown on the 1996 drawings as a watercourse. Mr. North didn't understand why a culvert would have been used, then. Member Tyrrell explained that the culvert was added because the Wetlands Agency does not encourage damming of wetlands areas because of driveways. Mr. North questioned if the town is putting in drainage, could they not just leave it alone. Chairman Clow explained that the town work is not being done to fix this issue and they don't know if it will have any impact on this issue. Member Tyrrell will talk to Rich Lamothe to determine exactly what the town is doing. Her feeling is she doesn't like to see ditches waiting to be destabilized and silt in. Consensus of the Agency seemed to be if it was not a natural watercourse, it should be put back the way it was. The 1996 Curt Smith map was reviewed to locate a watercourse indication, which was not demonstrated. Direction of flow is noted in the pipe, but not a watercourse. Chairman Clow noted that there is a neighbor dispute involved and now they have both sides to consider. They will review the original application, the information given to them and check with Public Works to see if the drainage work will have any impact on this situation. Someone cannot create channels that were not naturally caused, and this will need to be addressed. Discussion was tabled until the next meeting.

It was noted that Member Werner had returned to the meeting at some time during the previous discussion. At this time Alternate Richards was unseated, Member Werner was seated.

CONSIDERATION OF MINUTES – 4/11/21 SM & 4/12/21

MOTION:

To accept both minutes (4/11/21 *Special Meeting* and 4/12/21 *Regular Meeting*) as submitted.

Made by Member Tyrrell, Seconded by Member Newell

Vote: 5-0-0 in favor

PRIVILEGE OF THE FLOOR

Member Tyrrell noted she had requested an update from the Town Planner regarding Dollar General. It was noted by members that there are several dead trees that need replacing.

Member Tyrrell informed the Agency that the owners of 877 Washington Road were before the ZBA for an addition to the back of the house. This was not mentioned during their application process, this would need to be approved by the Agency.

Chairman Clow stated that he had attended the Public Hearing before the Zoning Commission regarding the 1754 House. He questioned the Zoning Commission as to why the Wetlands Agency was not given the opportunity to review the plans. He feels that they have jurisdiction because drainage eventually goes to the wetlands and there's potential for impact. Chairman Clow also questioned the Agency if they should do anything about a potential restoration issue where the property owner had clear cut the property during the pavilion application process. The Agency

decided they would like to generate a letter from the Agency to the Zoning Commission regarding not being able to participate in the review process for the project.

ADJOURNMENT

MOTION:

To adjourn the meeting at 9:25 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 29th day of April 2021
at 1:03 o'clock P M

John L. Carb
Town Clerk