



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

REGULAR MEETING MINUTES
May 10, 2021 – 7:30 p.m.

MEMBERS PRESENT:

Wes Clow
Marty Newell
Kyle Turoczi
Mary Tyrrell
Ernest Werner

ALTERNATES PRESENT:

Earl Gillette
Evan Hard
Don Richards

ALSO PRESENT: Dylan Willette (Land Use Enforcement Officer), Marcela Ordonez, Darren McGovern, Michael Lattis, Michelle Pakula, Peter North, Ben North, Robert DiTullio, Racquel DiTullio, Tom Amatruda 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 Werner. Members were reminded of the Conflict-of-Interest Statutes and the Town Charter.

APPOINTMENT OF NEW CHAIRMAN

It was noted that Wes Clow is stepping down as Chairman. Mary Tyrrell, as Vice Chairman, took over the meeting. She noted that the Agency can make this formal with a motion, or she will just take over the meeting as Vice Chairman at this time.

MOTION:

For you (*Mary Tyrrell*) to become Chairman and Wes (*Clow*) to be Vice Chairman.

Made by Member Newell, Seconded by Member Werner

There was discussion. Member Tyrrell noted she checked in the Charter and read it for the Agency. “The Chairman shall not serve for more than five consecutive years as Chairman.” As she had been Chairman for five years, she did not run for Chairman in January. Member Clow took over Chairman and Member Tyrrell stepped down to Vice Chairman. She noted there has been an interruption of the five years when she has not been Chairman. She didn’t think it would be a problem to go back to Chairman. She felt that she had left the position after five years and there has been an interruption of four months when Member Clow was Chairman. Member Werner questioned if someone is interested in the Chairmanship, how they get involved. There are differences in responsibility with regards to being a Board member versus being a Chairman. He questioned if there was time spent understanding the Chairman’s role and responsibilities and what the commitments were above and beyond. Member Clow responded that due to extenuating circumstances he was unable to maintain the Chairmanship because there was extra time in preparing for meetings. It was confirmed that the discussion was about Member Tyrrell taking over Chairmanship for the remainder of the year. After that they would do as they normally do by appointing a nominating committee and electing a new chairman in January. Alternate Richards felt that they have a Vice Chairman in the event that the Chairman needs to step down. He was happy that Member Tyrrell consented to taking over the job. Member Newell agreed feeling the way the Charter was written is very open ended, if it had been stipulated that the timeframe needed to be to step down for a year, they

wouldn't be having this conversation. Member Werner wanted to be clear he was not in disagreement but was looking forward.

Vote: 5-0-0 in favor

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

Mr. Landry was not present. It was asked that he be contacted to attend the next meeting. They need to finalize the application. No second application has been received for the barn. Perhaps the barn can be removed from this application.

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 by phone. It was noted that a site walk had taken place the previous day. Members requested that removal of trees be done by hand, no machinery in the wetlands. Leaving the stumps in the ground. Large logs could be cut using a chain saw and carried out, as well as cleaning up the debris that has been deposited there. There was a question about a swale located by the driveway and questions about a drain under the driveway, Ms. Ordonez will look into the files regarding the history of this. Members discussed that you cannot condition a Jurisdictional Ruling. Ms. Ordonez was directed to withdraw her Request for Jurisdictional Ruling and include the information on her shed application. That application should be amended to include the request for cleanup of downed trees and storm debris. The Agency stated no excavator or heavy equipment should be used, the area should be cleared by hand and stumps should remain intact.

MOTION:

To amend the agenda to discuss (*application*) 21-IW-2114 / Ordonez.

Made by Member Clow, Seconded by Member Turoczi

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

It was noted that new information was submitted, the application and site plan drawing were revised. Chairman Tyrrell read the new description of work into the record. Ms. Ordonez's other application will be withdrawn. This application should be revised to add information from the jurisdictional request to remove materials by hand. A draft motion was requested for the next meeting. Alternate Gillette requested that the wetlands area be staked out, this will be included in the conditions of approval.

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 discussions. Member Werner was unseated, and Alternate Richards was seated.

Darren McGovern was present for the discussion by phone. Chairman Tyrrell reviewed pages of a book "Images Around Woodbury," specifically page 32. Members discussed the site walk of the property. Alternate Richards was surprised by the work that had been done some of which did not appear to be on the applicant's property. He was particularly concerned by the amount of devastation behind the major building and going down to the river. Trees were removed and brought up to the road in an attempt to clean up the property, but he was shocked with the devastation of the area. Member Clow felt it could actually be three different parcels

where work was done. He noted that the sluiceway along the river does offer a buffer, but it is open ended leaving the potential for silt to come down from the clear-cut areas. It is obvious because there were haybales placed in the outlet areas. Member Clow was of the impression that this was clear cutting, not everything removed was storm damage or dead trees and the slope has been destabilized. He was not confident that grass would be effective cover. Member Clow overheard discussion about taking down the grapes and getting rid of them and questioned whether this would be considered agriculture. Mr. McGovern stated that he planned on replacing them. Chairman Tyrrell clarified that the Agency did not see the site prior to the activity to determine the amount of storm damage. They only see that the site is now destabilized and there is no plan to restabilize. It was discussed that the hill was not cleared to increase crop production, that was not for the vineyard. Mr. McGovern stating that it was landscaping. The sluiceway is beneficial, erosion will occur above the sluiceway. Alternate Richards suggested damming the sluiceway to stop sand and silt from getting to the river. It was questioned if Mr. McGovern will survey the property. The Agency felt it important to have the area identified, marked so it is delineated. The Agency can't give permission to do work on someone else's property. Mr. McGovern was advised to look at the original files from 2008. Member Turoczi had a concern with the Southwest corner below the sluiceway, trees on the corner. There is tree canopy there, he'd like to see trees reestablished. Mr. McGovern needs to address that corner; it needs to be planted. A vegetation and maintenance plan would be appropriate. It was asked if Mr. McGovern had any photos of the property before the trees were removed, he will look to see what he has. Alternate Richards noted that he did not see any topsoil there, there is gravel and clay it will be hard to plant there without bringing in soil. Member Turoczi suggested that a landscape architect or an ecologist could assist with plantings that could grow in that situation without copious amounts of topsoil, but that there definitely needs to be something planted there.

Ernest Werner returned to the meeting. Alternate Richards was unseated, and Member Werner reseated.

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

This application was discussed earlier in the meeting.

NEW APPLICATIONS

21-IW-2115 / Michael Lattis & Michelle Pakula / 877 Washington Road / Construction of a 100 Square Foot Addition to a Single-Family Residence within a Regulated Area / Map 072 / Lot 001

Member Turoczi recused himself from the discussions. Member Turoczi was unseated, and Alternate Richards seated.

Michael Lattis and Michelle Pakula were present via the phone. Members were reminded that they have been to this site for a previously approved landscaping plan. The applicants wish to add a small bump out addition to the back of their house. The addition will be approximately 100 square feet. Members viewed plans submitted and referenced plans that had been submitted in a previous application. It is 42' from the addition to the center of the river. The house sits on a crest. It will have a crawl space foundation, about 8' down, frost walls. The property slopes down to the river. Members viewed the previous application file for elevation views. It was confirmed that the stone wall will be still be constructed, but it will be 44" closer, but overall it's 30'. The addition will be 16.5' from the stone wall. Member Clow questioned if this structure would be allowed in a flood plain if it were built today. Chairman Tyrrell noted they have denied applications for structures in a flood plain, but they need to assess the impact to the wetlands. Mr. Lattis stated he would provide a better scaled drawing. They should have the design, what will be used, the depth of the foundation any pertinent information so that they could assess any impact to the wetlands resource. More detailed building plans will be needed to evaluate the application.

MOTION:

To add to our agenda a new agenda application 21-IW-2116 / McClintock / 237 Washington Road / Replace Existing Deteriorated Barn and Add Temporary Shed / Map 039 / Lot 004

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

Member Turoczi returned to the meeting and was seated; Alternate Richards was unseated.

21-IW-2116 / McClintock / 237 Washington Road / Replace Existing Deteriorated Barn and Add Temporary Shed / Map 039 / Lot 004

The applicant was not present for the application. The scope of work was described per the application. The location is in the middle of a flood plain. It was noted that wetlands have not been delineated. Members reviewed the application and submitted drawings, but without the applicant present had many unanswered questions.

OTHER BUSINESS

18-IW-1801 / Garrett Homes LLC / 614 Main Street South / Bond Release Request / Map 102 / Lot 025
Member Clow recused himself from the discussion and was unseated. Alternate Richards was seated.

It was confirmed that there was no one present for Garret Homes, LLC so this item was tabled for later in the meeting.

Member Clow returned to the meeting and was seated; Alternate Richards being unseated.

CORRESPONDENCE – This item was not addressed.

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 noted that the property owner has just a few piles of materials to remove. Most of the other equipment and materials have been removed. 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 and Ben North were present for the discussion as well as the neighbors Richard and Racquel DiTullio. Member Turoczi distributed information to members and those present regarding identifying intermittent watercourses. He noted that there is no intermittent watercourse shown on the map and Member Turoczi did not see it in the soils or the science. Unless he is a soil scientist or wetlands ecologist, he cannot be making those determinations and the Agency did not receive a wetlands report. New information was submitted for the record by Mr. North including an email exchange with Curt Smith and the DiTullios and an electronic map (the full-size map of what he had previously submitted a portion of). The email was read for the record. Member Turoczi noted there were no intermittent lines entering or existing the pipe and none on the property currently. Just a directional arrow of flow is shown. It was noted that the wall being removed is a civil issue, but the redirection of the water is what they can review. It was discussed that they will do a site walk to view the property and get a good sense of what is occurring. Mrs. DiTullio felt they were going backwards and questioned the procedures. It was explained that new information has been submitted that they need to consider before they issue a Cease and Desist or Cease and Restore. They need to review what was presented. Member Turoczi was interested in getting more information on the soil report used in the original application. Ben North stated that the house built on 130 Tuttle Road was built predominately on wetlands. The driveway goes through a portion of that wetland. Three sides of the property encircle the wetland. The road created a barrier of natural

flow into that wetland, Curt Smith seemed to have identified this in his drawing. The culvert is a channel itself that creates a flow of water. The driveway impedes the natural flow of water. Mrs. DiTullio disagreed that this is a natural flow of water. The original owners indicated to the DiTullio's that they had never seen the swale. Mr. DiTullio noted that he had spoken to Mr. North about diverting the water onto his property, Mr. North telling him he was told by someone 11 years ago he could do this. He told him he was allowed to dig a swale to divert the stormwater from that pipe to the break in the wall.

A site walk was scheduled for Sunday, May 23, 2021 at 9:00 a.m.

CONSIDERATION OF MINUTES – 4/26/21

MOTION:

To accept the minutes (of the 4/26/21 meeting) as submitted.

Made by Member Newell, Seconded by Member Turoczi

Vote 5-0-0 in favor

PRIVILEGE OF THE FLOOR

Tom Amatruda addressed the Agency over concerns he had with things happening at the state level that can take away local zoning authority. The Zoning Commission passed a resolution in opposition of "one size fits all" zoning legislation. He asked the Agency for support of this. The consensus of the Agency was to support this.

MOTION:

To support what zoning is proposing.

Made by Member Clow, Seconded by Member Turoczi

Members discussed exactly what the resolution was that they were supporting, Member Clow reading from an original zoning resolution proposal sent from Mr. Amatruda.

MOTION:

To support the resolution as set forth by the Zoning Commission.

Made by Member Clow, Seconded by Member Turoczi

Vote: 5-0-0 in favor

The Agency then discussed the approval by the Zoning Commission regarding the 1754 House without any review by their agency. The last meeting they had discussed writing a letter, members discussed points they wanted to address in a letter. This is regarding drainage going to the wetlands in the south. Member Clow noting that he had discussed this with Maryellen Edwards, and she had forwarded the review letter from Mr. Galligan which stated there was no impact to the wetlands. Member Clow did not get any details. Member Turoczi stated he is a civil engineer, but he is not qualified to delineate wetlands. The Agency should have been informed how he determined that there would be no impact. It was questioned if there would be an increase in flow, they just didn't have details. Drainage to the wetlands to the south should have been reviewed by the Agency, a civil engineer cannot delineate the wetlands and should not discuss the merits or problems with wetlands impact. Member Clow stating they never walked the whole area, there may or may not be an impact, it may be a moot point, but they should have been able to review it. Consensus was that the Agency should have been involved to determine if there was any impact. There is a potential to impact the Pomperaug River and they should review aquifer protection. Chairman Tyrrell noted they are the only agency that is federally mandated. It was also discussed that they should look into the stabilization of the clear cutting done on the property. They can do a cease-and-desist order whenever the Agency determines. The concern is the embankment along the river. They have the ability to go beyond their regulated area if there is an impact to the resource. Chairman Tyrrell will draft a letter to the Zoning Commission and send it to them.

At this time Member Clow recused himself due to potential discussions regarding a bond release request from Dollar General, other members indicating they needed to leave and the meeting was adjourned.

ADJOURNMENT

MOTION:

To adjourn the meeting at 9:44 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 12th day of May 2021
at 3:55 o'clock P M
Janice A. Carb
Terra Clerk